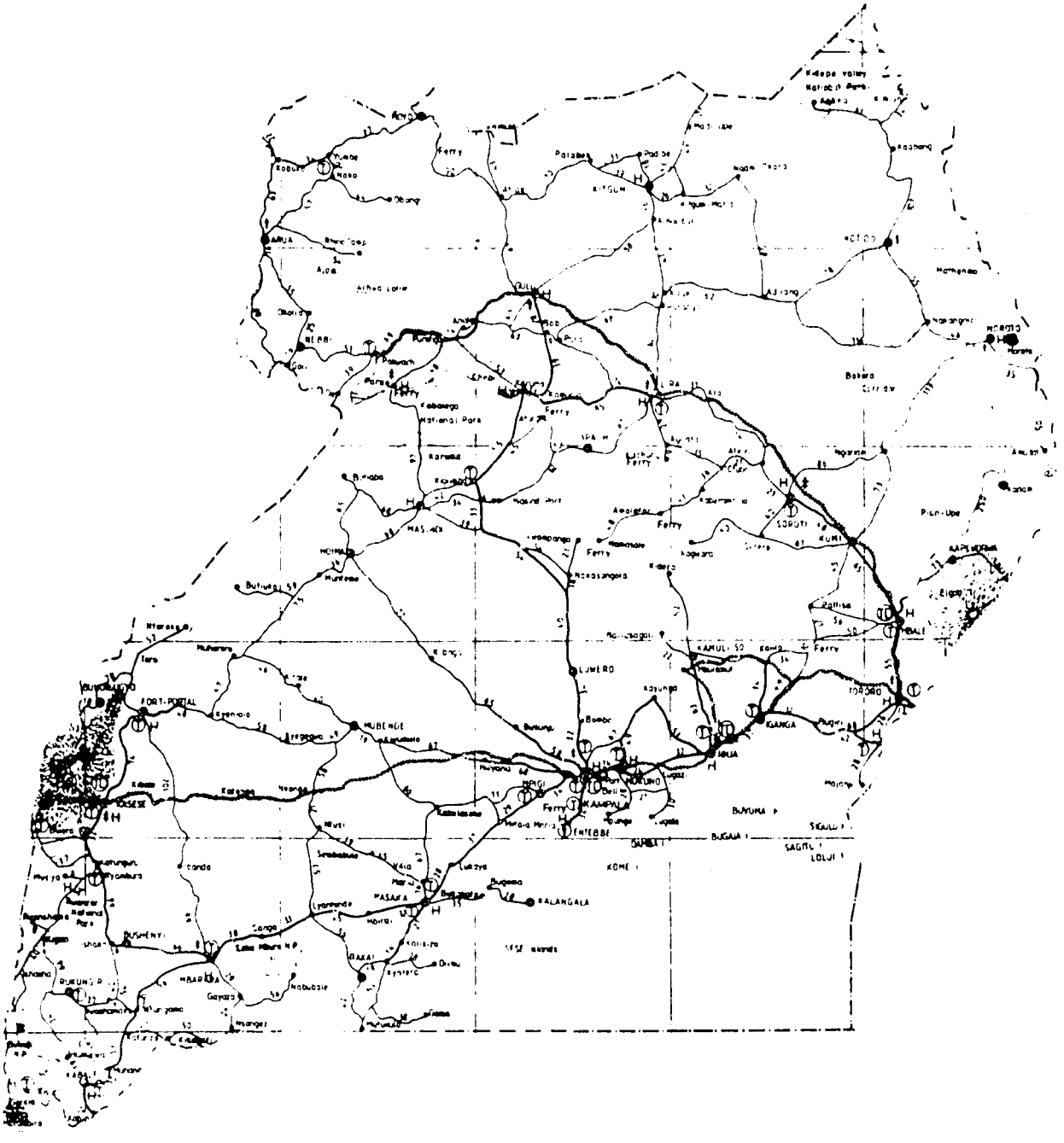
PN. ABR-001

UGANDA



PRE-ELECTION ASSESSMENT

THE AFRICAN-AMERICAN INSTITUTE

MAY 1993

UGANDA

PRE-ELECTION ASSESSMENT

THE AFRICAN-AMERICAN INSTITUTE

MAY 1993

Copyright © 1993 by: The African-American Institute

TABLE OF CONTENTS

I. SUMMARY 1

A. OVERVIEW 1

B. AREAF ASSISTANCE TO THE CONSTITUENT ASSEMBLY ELECTIONS 1

C. POLITICAL ENVIRONMENT & CONDITIONS FOR FREE AND FAIR ELECTIONS 2

II. BACKGROUND 7

A. GEOGRAPHY 7

B. ECONOMY 7

C. POLITICAL HISTORY 8
1. Transition from Colonialism to Independence 8
2. The Milton Obote Rule: (1962-1971 9
3. The Idi Amin Rule: (1971-1979) 9
4. The Tanzanian-Assisted Overthrow of Amin 9
5. The Interim Lule and Binaisa Governments 10
6. The Second Obote Rule (1980-1985) 10
7. Okello Rule (1985-1986) 10
8. President Yoweri Museveni (1986-Present) 11

D. SECURITY AND HUMAN RIGHTS 11

III. ELECTIONS UNDER THE NRM: THE RESISTANCE COUNCIL SYSTEM 13

IV. CONSTITUTIONAL COMMISSION 16

V. CONSTITUENT ASSEMBLY STATUTE 17

A. SUMMARY OF CONSTITUENT ASSEMBLY STATUTE 17
Part I Preliminary 17
Part II Establishment and Composition of Constituent Assembly and Qualifications of Delegates 17
Part III Chairman, Deputy Chairman, Officers and Staff of the Assembly 18
Part IV Conduct of Business of the Assembly 18
Part V Commission for the Constituent Assembly 18

Part VI Finance 19
Part VII General 19

B. SUMMARY OF ELECTION RULES 19
1. Designation of Electoral Areas and Registration of Voters 19
2. Nomination of Candidates 19
3. Election Campaigns 20
4. Voting and Voting Procedures 20

VI. POLITICAL ENVIRONMENT 21

A. NATIONAL RESISTANCE MOVEMENT 22

B. POLITICAL PARTIES 23
1. UGANDA PEOPLES CONGRESS (UPC) 23
2. DEMOCRATIC PARTY 24
3. DEMOCRATIC PARTY MOBILIZERS 25
4. DEMOCRATIC PARTY (Part 2) 25
5. CONSERVATIVE PARTY 28

C. NON-GOVERNMENTAL ORGANIZATIONS 29
1. HUMAN RIGHTS AND PEACE CENTER 29
2. ACTION FOR DEVELOPMENT (ACFODE) 29
3. UGANDA LAW SOCIETY 30
4. UGANDA HUMAN RIGHTS ACTIVISTS 31
5. FOUNDATION FOR HUMAN RIGHTS INITIATIVE 31
6. FIDA (Uganda Association of Women Lawyers) 32
7. CATHOLIC COMMISSION FOR JUSTICE AND PEACE 33

D. MEDIA 34

E. VIEWS FROM THE DISTRICTS 35
1. MPIGI DISTRICT (Central) 35
2. GULU DISTRICT (North) 36
3. MBALE AND SOROTI (East) 41
4. MBARARA (West) 48

VII. LEGAL AMBIGUITIES 50

A. REFERENDUM 50

B. REGISTRATION 50

C. ELECTORAL APPEALS 52

D. RETURNING OFFICERS 54

E. MEDIA ACCESS 54

F. INDEPENDENCE OF THE COMMISSION 54

G. SECRECY OF THE BALLOT 56

H. MONITORING 58

VIII. TECHNICAL PREPARATIONS 59

A. TIMETABLE 59

B. CODES AND REGULATIONS 59

C. GOVERNMENT STRUCTURE & ITS RELATIONSHIP TO ELECTION ADMINISTRATION 60

D. GOVERNMENT CAPACITY TO MOUNT FREE & FAIR ELECTIONS 61

E. CONSTITUENCY DELIMITATION 61

F. POLLING STATION OFFICIALS 62

G. ROLE OF THE ARMY, POLICE AND LOCAL DEFENSE FORCES . . 63

H. VOTING PROCESS 64

I. VOTE COUNTING AND SECURITY 65

J. COMMODITY NEEDS 66

IX. INTERNATIONAL AND DONOR SUPPORT 68

X. SUMMARY RECOMMENDATIONS OF AREAF INVOLVEMENT 69

XI. PROFILE OF THE ASSESSMENT TEAM 70

LIST OF ATTACHMENTS

1. Constituent Assembly Statute
2. Draft Constitution
3. Ministry of Constitutional Affairs, "Constituent Assembly Project"
4. Proposals on Dialogue between the Government and the Political Parties
5. Democratic Party and Foundation for African Development Materials
6. Uganda People's Congress Materials
7. Government of Uganda Correspondence re: Political Parties
8. Uganda Journalists Association Publications
9. U.S. Government Officials Trip Reports and Cables
10. Citizen Correspondence to AAI Assessment Team
11. Press Clippings
12. Draft Local Government Bill
13. The 1991 Population and Housing Census
14. List of Appointments

ACKNOWLEDGMENTS

This assessment report is based on a two week visit and field reports collected by the AAI assessment team in May/June 1993. Following the passage of the long-debated Constituent Assembly Bill in the National Resistance Council, which set the electoral process in motion, AAI dispatched the team to Uganda to determine the existing climate for providing assistance as the country moves toward greater democratization and pluralism. The AAI team expresses thanks and gratitude to President Yoweri Museveni and the government of Uganda, members of the National Resistance Council, representatives of the four primary political parties, the media, non-governmental organizations, the US Embassy, USAID/Uganda, the UNDP, and the host of eager citizens who contributed to the breadth of this report.

I. SUMMARY

A. OVERVIEW

The independence era in sub-Saharan Africa was a time of optimism and hope. Nationalist leaders promised an end to foreign rule and better lives for ordinary citizens. There was good reason for hope in those days as governments benefited from high commodity prices on the world market and undertook ambitious programs expanding education and health care resources. The overriding goal in this first phase of African independence was nothing less than the development and modernization of these materially poor new states. All too soon, the visions of progress and development were scuttled by economic set-backs and political troubles. The oil shocks of the early 1970s coupled with failing commodity prices were staggering blows to the fragile economies of the new African states. As one party regimes proliferated and moved to eliminate any effective opposition, old social divisions fueled conflicts and led to cycles of instability and increasing pressure.

Uganda, once described as the "pearl of Africa" has suffered all the elements of the crisis in Africa: economic stagnation, widespread social conflict, political instability, rampant corruption and government repression and terror. While the international notoriety of the murderous Idi Amin regime has not been matched by any successor government, the crisis continued unabated until 1986. Although not all Ugandans support the National Resistance Movement government of President Yoweri Museveni, most people agree that there has been greater security and development in the last two or three years than during any period since the very early 1960s.

The dramatic changes in present day Uganda are the result of the near cessation of hostilities in the country as the National Resistance Army succeeded in pacifying most of the former areas of conflict. Equally important as the restoration of peace have been the steps taken by the Museveni government to resuscitate the economy. There is open and spirited political discussion and debate in Uganda as the present government shepherds the process of democratization and a return to civilian rule. Despite the real accomplishments of this present government, there is still widespread distrust and cynicism, more pronounced in some regions than others. The crucial task for the National Resistance Movement government is to establish and maintain broad legitimacy as it oversees the recreation of a new political order. If there is not general acceptance of the results of this government's political initiatives, the long standing divisions in the country will remain the central political dynamic.

B. AREAF ASSISTANCE TO THE CONSTITUENT ASSEMBLY ELECTIONS

The US Embassy and the international donor community – having worked with the Government of Uganda to assess its needs and focus international requirements for assistance

- have decided that the Constituent Assembly (CA) elections are the most important test of the Government of Uganda's long-term commitment to democratization. Based on the AAI assessment team's findings detailed below, AREAF assistance to the Constituent Assembly elections is recommended.

The prevalent mood among the donors is to work with the Ugandan government; the political parties; the newly formed elections commission; NGO's, and professional groups and associations in preparation for these elections to be held in December 1993. The case has been made to accept the fact that for the purpose of the CA elections political parties will not be allowed to participate as parties outside of party pollwatchers and general citizenship and civic education.

However, it is the clear expectation in Uganda that beyond the CA elections, parties will be allowed to evolve to full participation or that this issue will be put to a national referendum. With this implicit understanding, there is a basis for moving forward with a program of involvement in this important east African country

The assessment team's preliminary recommendations for involvement include:

- **Support and organization of a broad-based, non-partisan monitoring effort**
- **Training for trainers of local or indigenous monitors**
- **Technical assistance to the elections commission**
- **Training of elections officials**
- **Party pollwatcher training**
- **Civic education**
- **International observers**
- **Commodity support**

C. POLITICAL ENVIRONMENT & CONDITIONS FOR FREE AND FAIR ELECTIONS

During the nearly two week assessment mission organized by the African-American Institute, team members visited villages and parishes in all the major regions in Uganda. The team met with the Head of State and cabinet ministers in Kampala and peasant farmers in Gulu and Soroti, and many others in between those social and geographic poles including: local government officials, leaders and supporters of political parties, NGO representatives, journalists, academics, teachers and business people.

In evaluating the political environment in Uganda, the team sought to gauge whether an enabling environment for free and fair elections in general existed, and whether conditions for the Constituent Assembly elections were promising enough that international assistance from AREAF was merited.

Non-Partisan Election

According to the Constituent Assembly Statute, candidates will stand on their own merit and will not be allowed to receive sponsorship from a political party. Political party activities in general are restricted according to a "gentlemen's agreement" reached with President Museveni in 1986. Representatives of the government consider this agreement to still be in force, but party representatives are challenging whether that is the case. As detailed below, the team established that during the interim period leading up to the Constituent Assembly elections, the role of the political parties has not been specifically defined. Clarification on this important issue is necessary. However, the current limitations placed on the parties alone will not prevent the Constituent Assembly elections from being held in a transparent and democratic manner.

The team examined whether all citizens have an equal opportunity to stand for the CA elections, and whether genuine competition among candidates will be allowed. Will voters have an opportunity to choose from a field of candidates during these elections?

The team found in general that the current situation in Uganda appears to provide the opportunity for such an election. A number of positive aspects the team found include:

1. A free press which frequently criticizes the government. The Government paper "The New Vision" probably veers from the NRM line more than Democratic Party (DP) and Uganda Peoples Congress (UPC) papers do from their respective party lines. Most of the English language newspapers carried stories about the AAI assessment team's arrival and mission. One of the party newspapers was skeptical that the team -- having been invited by President Museveni -- could be fair and objective.

2. Free speech at the Resistance Council (RC) meetings, most importantly at the RC1 level where committees are elected by direct vote, and where government policies are often challenged. Public policy is frequently debated at forums sponsored by Makerere University, and on occasions over national television.

3. A commitment on the part of the Government of Uganda to hold an election which would be judged by the outside world to be free and fair. An earnest indication of the government's interest in transparency has been its invitation to outside observers to come at the very beginning of the political process and to make observations and recommendations throughout.

COMMON THEMES

The team heard from avid Movement supporters and staunch opponents of the National Resistance Movement. The divergence of opinion was as great as one would expect; nevertheless, there were easily identifiable common themes.

Political Parties

The issue of political party activity in the upcoming constituent assembly elections and in the foreseeable future is an absolutely central concern. The government permits political parties to exist, have headquarters, hold meetings, and publish newspapers; but parties are prohibited from holding outdoor public rallies, endorsing candidates, raising funds or displaying their party emblems. The government's position is that parties will not be allowed to engage in these elections. They argue that a "holiday" is needed from party activity as it has led to division and conflict historically.

Party loyalists, in all regions of the country, insist that they have a basic human right to organize and participate peacefully in the political arena. Those who are committed to parties view the suspension of party activities as a transparent effort to stack the deck in the creation of new political institutions in the government's favor. Party functionaries and supporters felt these restrictions significantly inhibited their freedom of association. In the Gulu district in the north, for example, party supporters claimed that officials from the DA's office would not allow them to meet freely, even behind closed doors, and claimed that they were subject to routine harassment.

Political Education: "Muchaka Muchaka"

A second issue related to the upcoming elections concerns the government organized political/military/ training courses, popularly called "muchaka muchaka". Government supporters view the courses as a progressive form of civic-education, providing rudimentary training in small-arms use and an introduction to the politics of underdevelopment. The opposite view is that these are political indoctrination or re-education seminars designed to foster government support and attack political parties.

Campaign

The procedures established for the constituent assembly elections have also led to serious doubt and disagreement. Many Ugandans, especially those resident in the North, believe the government is acting unfairly in restricting the campaign activities of candidates for the constituent assembly. Campaigns will be stage-managed events where the only rallies permitted would be those organized by the election commission, and in which all candidates appear on the same platform. The short campaign period and restricted public format for debate and discussion are seen by some as unnecessarily restrictive at best and a naked government attempt to rig the election at worst.

Issues Raised

Concern was expressed about the President's ability to call a referendum on aspects of Constitution following CA action, and the number of delegates to the CA that would be influenced by the President, the military or the NRC.

Candidates

As in many political systems, certain provisions of the Constituent Assembly Statute favor those candidates who already are well known and/or who personally have substantial financial means or who have access to such means. These are:

- Limited campaign. The only legal public meetings to solicit votes will be Candidates' Meetings that will be attended by all candidates in each parish (village) and organized by the Returning Officer. Candidates are responsible for their own transportation to the meetings. Limiting candidates' direct access to the electorate in this manner, some party members argue, favors those candidates who already are well known or those who can afford to print posters, leaflets and buy time on radio and television. On the other hand, poorly funded and less well known candidates get exposure to the public through Candidates Meetings that they might otherwise be denied. In other democracies, it is the lesser known candidates who generally benefit from debates.

- Each candidate must pay a 100,000 shilling ($100) deposit. The amount is substantial, roughly equivalent to eight months' salary for a senior teacher or the price of an adult cow. While poorer candidates may be able to collect this from supporters, those with means of their own will have a clear advantage.

Uganda thus raises unique questions on democratic theory:

- Can an otherwise open and transparent non-partisan election be considered free and fair in which candidates are forbidden to appeal to party, tribal or religious loyalties?

- Are political parties indispensable to a democratic society?

- Can the government guarantee free and fair access to the political arena while parties are suspended?

- Can freedom of political association be abridged by constitutional provisions or by the will of the people expressed in a fair and transparent referendum?

These are the questions that faced the assessment team as it tried to judge the commitment of the government to hold elections in which the will of the people could be freely and fairly expressed. Parties may not be a necessary condition for the existence a political democracy, they are however extremely effective electoral institutions when they work. How can people with similar ideas and interests meet and organize politically, absent parties?

A second, related question is whether or not the NRM government will resist the opportunity to "stack the deck" so thoroughly in its own favor that it faces no real risk of defeat. All incumbent regimes have some built-in advantages; they can dominate the political arena by

staging actions and making news, they can also make use of government resources to aid them in presenting their case. There is a line however that separates expected use of incumbent advantages from "rigging." The Museveni government risks future legitimacy if in fact it steps too far over that line between now and the Constituent Assembly elections.

II. BACKGROUND

A. GEOGRAPHY

The Republic of Uganda is bordered by the Sudan to the north, Tanzania and Rwanda to the south, Kenya to the east and Zaire to the west. Uganda is a land of striking natural beauty - from the lush green shores of Lake Victoria to the snow-capped mountains running along the western border. Most of the country is a plateau about 4,000 feet above sea level. Thick forest covers parts of the south, while the north is largely savanna, with semi-arid areas scattered throughout the northeast.

Known as the "pearl of Africa", Uganda's reliable rainfall and fertile soil make it well suited for agriculture. Growth of cash crops - coffee, tea, tobacco and sugar account for slightly more than half of the GNP. Coffee accounts for more than 90 percent of Uganda's export earnings. The country's mineral wealth includes significant deposits of copper and cobalt with smaller reserves of limestone and tin. Agriculture and mining employ the vast majority of the paid labor force. Approximately nine out of ten people live in the rural areas. Population density is directly related to the rainfall pattern, with the highest concentration in areas of high rainfall.

The Baganda, Itesot, Banyakore, Basoga, Bakiga, Banyoro and Luo are the largest ethnic groups in this nation, whose population exceeds 17 million. The rate of population growth continues to be among the highest in Africa. English is the official language of Uganda, other tongues widely used are Kiswahili, Luganda, Luo, Ateso, and Runyankole/Rukiga. In his own limited and erratic way, Idi Amin, the ruthless dictator, was an innovator in language policy in Uganda. He helped to edge the country a little closer to the rest of East Africa by giving Swahili a new and politically more significant status. English is a trans-regional and trans-ethnic language in Uganda – but primarily at the level of the educated elite. At the grass-roots level, inter-ethnic communication is served better by Luganda and Swahili.

The majority of Ugandans are Christians. Approximately fifty percent of Ugandans are Roman Catholic; twenty-six percent are Protestant; thirteen percent follow traditional beliefs exclusively, and seven to ten percent are Muslims.

B. ECONOMY

In 1987, the Ugandan government embarked on a major stabilization and economic recovery program supported by the International Monetary Fund (IMF) and the World Bank. The government has implemented tax reform, has made plans to sell off parts of bloated and nonfunctional parastatals and has tightened the money supply.

Despite some early uncertainty, President Museveni has consistently moved the country toward a free market. He loosened the government's monopoly on marketing agricultural exports, legalized foreign currency exchange, loosened import-export regulations and improved incentives for private sector investment.

Despite registering a growth rate of 7.2 percent last year, the economy remains in stress conditions. The gross domestic product is only 60 percent of what it was in 1972. Compounding economic difficulties is the current collapse of the world market for coffee, a crop that is crucial to Uganda's foreign exchange earnings. Last year coffee earned $289 million for the nation's economy, this year that figure is expected to be less than $200 million.

Today, inflation is down from a high of 225 percent annually in 1987 to a present day rate in the mid twenties. Interest rates are running ahead of inflation, rekindling faith in the banking system. The economic growth rate (negative for much of the '70s and '80s) now runs at 6.6 percent annually.

Although Kampala still shows the signs of the years of terror and economic disaster, the practical benefits of peace are beginning to be more evident in downtown Kampala. Amongst the abandoned or bullet riddled buildings, new structures are being constructed and many of the old are being restored. An economic vitality is reappearing, particularly in the informal sector, where markets teem with an array of consumer goods, such as hacksaw blades, tires and electronic goods, items that were practically unattainable a year ago.

The bus parks of the city are packed with vans and passengers clamoring to travel to destinations like Gulu and Soroti, two northern cities that were virtually closed because of fighting and banditry only last year.

C. POLITICAL HISTORY

1. Transition from Colonialism to Independence

The British established the borders of what is today Uganda in the 1890s. Uganda was a protectorate as differentiated from a colony and consequently, British rule was effected through coopting existing local power structures. The British concentrated on the centuries-old kingdoms of the southern Bantu peoples, particularly the Kingdom of Buganda, from which the country took its name and which became the predominant ethnic group in a country of diverse ethnic groupings. Independence came in 1962 with a melange of diverse cultures, religions, social and political groupings. Unlike most African countries, Uganda attained independence without a single dominant political figure comparable to Nkrumah in Ghana, Kenyatta in Kenya, or Nyerere in Tanzania. Mutesa II, the King or Kabaka of the Baganda was of similar stature, but represented only one ethnic group.

2. The Milton Obote Rule: (1962-1971)

There are many who believe that at independence in 1962, Dr. Apollo Milton Obote, the leader of the Uganda People's Congress (UPC), had the opportunity to establish himself as an outstanding leader, a champion of national unity and a nationalist, had he confined himself with the rules and bounds of the independence constitution that he had sworn to defend and protect. The independence constitution was a series of compromises that pleased no single interest group. Debate and further compromise was probably more appropriate than the decisive executive and military action that Obote applied in attempting to govern.

The Uganda People's Congress (UPC), persuaded the secession-minded kingdom of Buganda to participate in the national political process. The UPC in an electoral alliance with the indirectly elected block of members from Buganda and the Kabaka Yekka Party (KY) emerged victorious in the elections.

The challenge to Obote rule occurred much earlier than was anticipated and was much more formidable than in the case of the more dominant African leaders. By 1965, through defections from the ranks of the opposition, Obote's Uganda Peoples Congress (UPC) had acquired an absolute majority and could afford to end the coalition with the traditionalist and Buganda-oriented *Kabaka Yekka* party.

Territorial disputes between traditionally rival groupings emanated. The government and the military overreacted in response. At about the same time, a strong opposition had developed within the UPC. However, it was the arbitrary arrest of cabinet ministers and respected members of the UPC that contributed to his ultimate overthrow. In 1971, when General Idi Amin Dada lead the coup that overthrew Obote, Ugandans were generally elated.

3. The Idi Amin Rule: (1971-1979)

It was a short-lived celebration. Amin had learned well from his service to Obote. Where Obote arrested and imprisoned his opposition, Amin tortured and killed his political opponents. The savagery that heretofore had only occurred in Buganda was extended to Obote's kinsmen in Acholi and Lango. The economy which had already started suffering under Obote, was further devastated by Amin's short sighted brand of populist economics. His Africanization policies led to the expulsion of highly qualified expatriate workers including many of the entrepreneurial and managerial class that was key to the economy. This policy culminated in the decision to summarily expel the Asian community which had provided the backbone of the commercial and industrial sectors.

4. The Tanzanian-Assisted Overthrow of Amin

Corruption, atrocities and cronyism became the order of the day by 1979. The entire nation had become weary and embarrassed internationally, any change was welcome. Amin launched his disastrous and ineffectual attack on Tanzania in late 1978, resulting in an ensuing

counterattack that was a source of unifying all of the disparate groups that had been plotting his overthrow. Amin fled from Uganda in April 1979.

5. The Interim Lule and Binaisa Governments

The Uganda National Liberation Front (UNLF) was the faction-ridden entity that came to power as a result of overthrow of Amin. Professor Yusuf Lule was a clean and compromise candidate for the leadership of the UNLF. Thus when Amin fell Lule was sworn in as President and a National Consultative Council NCC was formed as an interim parliament. Lule was not a member of a fighting or liberating group nor did he have much support among the groups with large and influential military constituencies. He lasted barely two months.

Lule was succeeded by former Attorney General Godfrey Binaisa as President. Binaisa also lacked real power. Most important decisions were being made by or in consultation with strong supporters of Obote within the UNLF. Ultimately, Binaisa attempted a power play to avert a coup by removing Oyite Ojok from the position of Chief of Staff of the military and appointing him ambassador. Ojok refused to go and instead on May 11, 1980, the army removed Binaisa from the presidency and a Military Commission assumed all executive power.

6. The Second Obote Rule (1980-1985)

The military with much difficulty did finally hold multi-party elections on December 10, 1980. These elections are generally considered to have been rigged. Upon Obote's assumption of power, a number of guerilla groups were formed in the central region of the country principally organized by Yoweri Museveni and Andrew Kayiira with the National Resistance Army (NRA) and the Uganda Freedom Movement (UFM). The UNLA and Obote attempted to deny these guerilla groups popular support by mounting massive retaliatory raids against civilians in their areas of operation. Hundreds of thousands of people were systematically driven from their homes and farms, their property looted and relocated into refugee camps. On July 29, 1985, Obote was again overthrown in a military coup d'etat by General Tito Okello.

7. Okello Rule (1985-1986)

Okello declared himself an interim head of state of a transitional government designed to re-establish civilian rule in 1986. He sought to unite the country's opposing political forces by creating a unified government incorporating political parties and several opposition groups. In December 1985, these efforts culminated in the signing of a peace accord with the National Resistance Army (NRA), a coalition of primarily southern and western ethnic groups, and the nation's largest armed resistance group.

8. President Yoweri Museveni (1986-Present)

On January 26, 1986, leaders of the NRA claimed control of the government and dissolved the council headed by Okello. Yoweri Kaguta Museveni became President of Uganda on January 29 1986. He formed a broad-based government in which formerly politically hostile factions were brought together under the unifying influence of the National Resistance Movement (NRM).

Museveni, who has been politically active since his student days, studied political science at the University of Dar-es-Salaam, graduating in 1970 with a Bachelor of Arts. After Idi Amin's coup in 1971, Museveni with his Front for National Salvation made up the core of one of the fighting Ugandan groups which, together with the Tanzanian People's Defence Force (TPDF), ousted Amin in April 1979. In the government that succeeded Amin, Museveni served briefly as Minister of Defence, Minister of Regional Co-operation, and Vice-Chairman of the Military Commission.

On February 6, 1981, Museveni went to the bush, and with 26 other young men, organized the National Resistance Army to oppose the Obote regime. In January 1986, the victorious NRM/NRA began the onerous stated task of rebuilding a shattered nation and setting it back on the road to development.

Politically, the movement forward has not been clear and Museveni has had several false starts and resultant setbacks. Upon taking power Museveni announced a four year timetable for drawing up a constitution and holding elections for a return to civilian democratic rule. President Museveni has continued to proclaim the necessity of democratization. In October 1989, however, he announced that he would extend his military government for another five years.

The outside world and most Ugandans were suspicious of Museveni's motivations at that time and many remain so today. Uganda, after all, has had a series of post-independence rulers who focused primarily on keeping themselves in power and Museveni's military background and takeover did not instill confidence in the prospect of his immediate return to the barracks. The ostensible reason for the expansion of his military government in 1989 was "to complete the task of building institutions that would guard democracy, rehabilitate infrastructures, put in place the means to carry out elections, and to consolidate the peace we have achieved."

D. SECURITY AND HUMAN RIGHTS

Certainly, some unrest has continued, both within Uganda and along the Uganda/Rwanda border, brought on by long-standing internal Ugandan opposition groups and Rwandese refugees opposing their government from bases in Uganda. But overall, the security situation in Uganda has stabilized. Human rights abuses, while still alleged, as most recently in an Amnesty International report, are dwindling and being subjected to public scrutiny. One sign

of an opening society is the existence of a free and lively press, which has emerged in Uganda over these last several years along with independent human rights organizations.

The Human Rights Commission (HRC), is a three year old body that meets every Wednesday to hear testimony, investigate and chronicle abuses committed by the government security forces between 1962 and 1986. Civil abuses and allegations of corruption committed during the present government are investigated by the Inspector General, an office established by the Museveni government.

Incidents of brutality such as the 1966 army murders of 413 followers of the King of Buganda, Uganda's largest ethnic group, are revealed and discussed by a six-member panel made up of jurists and other professionals who have heard the public testimonies of more than 500 witnesses so far. These hearings are videotaped and televised nationally on Monday nights and are the most popular show in the country.

III. ELECTIONS UNDER THE NRM: THE RESISTANCE COUNCIL SYSTEM[1]

To properly assess the extent to which elections under Uganda's non-party system may be democratic, it is first necessary to understand the form of limited democracy currently practiced under the country's unique Resistance Council (RC) system. The RCs were first instituted during the military campaign to unseat the Obote regime. They began as guerrilla support structures and then as an area came under the Movement's control the RCs became the local governing structure. When Museveni's National Resistance Movement assumed national power in 1986, his government applied the RC structure throughout the country. The Resistance Councils were promulgated as assuring grassroots democratic participation by the people and undercutting the need for the widely distrusted political parties to act as middle men between the populace and their elected representatives.

Under the RC system the country is divided into 39 districts each of which is the apex of a five layered pyramid whose base is the village. At the village level every Ugandan citizen 18 years or older is a voting member of an RC1. All RC1 members can vote for officers of the RC1 committee, and can stand for any of the nine positions which comprise that committee. The nine officers include a Chairman, Vice-Chairman, and Secretary, as general positions; and Secretaries for Youth, Women, Information, Mass Mobilization/Education, Security and Finance. A council is supposed to meet at least bi-monthly and its committees at least once a month.

Villages (also referred to as sub-parishes) are grouped into parishes. All of the RC1 committees in a parish – that is, the nine officers from each RC1 (village, or sub-parish) – comprise the RC2, the Parish Resistance Council. It in turn elects nine officers from among its membership (these nine relinquishing their posts in the RC1 which sent them up to the parish council), who become the RC2 committee, with the same office designations. The RC2 committees in a sub-county comprise the RC3 council. This council in turn elects a committee of nine, the RC3 committee, with the same designations. All of the RC3 committees in a county comprise the RC4 council.

The apex of the system is the RC5, the District Resistance Council. The members of this come not from the RC4 but from the RC3s – two members elected from each RC3 council sit on the RC5. A district which has 35 counties would have 70 elected RC5 council members. In addition, it would have one woman member elected by each county RC4 in the district. The RC5 Council is further enlarged by the heads of all government departments in the district who serve ex-officio with a voice but not a vote. The system is slightly altered in towns and municipalities, but the principle is the same: indirect elections up a chain, serving to "screen"

---

[1]The following section is excerpted from the USAID Country Program Strategic Plan. It has been edited and updated for this report.

persons by popular vote at the level in the system at which they are theoretically known best, that is, at the grassroots.

Finally, the RC4 also serves as the 'electorate' for the national parliament, the National Resistance Council (NRC). Each NRC member thus represents a county in terms of the traditional political units. While voters have a direct say in who represents them at the RC1 or village level they are further removed from participation at the higher level as fewer and fewer of their representatives are involved in the election process.

FUNCTIONS

At least ten distinct functions can now be discerned in practice. A central one is security and the passing up the system of information regarding the security situation. Related but distinct is the law-and-order function – the investigation into and handing over to the administration of local detainees, be they thieves or other criminals. Thus the RCs have played an important adjunct police function, in a rural setting which is still characterized by social disorganization stemming from the lengthy period of violence.

A third and again related function is dispute settlement, in lieu of the formal judicial system. Domestic disputes, previously referred to sub-parish chiefs, are more enthusiastically brought to RC1 s or RC2s, whose local knowledge and democratic character are preferred. Similarly, land disputes, cases of property damage, and other minor civil disputes are heard by the RCs. In many cases these are reportedly far more trusted than the formal judicial system, with its reliance on lawyers with Western training and motivations, and its excessive cost. This is reportedly a popular function, one that has 'democratized" the judicial process in the rural areas (even at the lowest levels of the system in urban areas).

Another function is political education. This started during the military campaign but continued after the NRM consolidated power. Most RC5s have held seminars which could be called 'political education' "Muchaka, Muchaka", attempting to explain and promote the system and train the lowest tier on what they are supposed (and supposed not) to do. Lack of funding has put most of these activities on hold. These political education sessions, however, are not universally viewed as non-partisan.

A fifth function is mobilization of self-help efforts and resources. In recorded cases, brick-making for school buildings and clinics but no doubt many other initiatives have been mounted. Many RC3s have imposed levies on their sub-counties to finance such efforts (no longer exactly voluntary "self-help' but a local tax).

Two extremely important functions are a 'watchdog' role with respect to the functioning of the implementing officers of the local government (and, indeed, of central government ministries which do not fall under the purview of the local authority), and the policy-formulation and rule-making role with respect to the substantive areas of local jurisdiction – for example, the formulation of bylaws dealing with public health, markets or

schools, or the more informal guidance of the district councils' standing committees on specific substantive areas. The "watchdog' function requires powers to discipline civil servants that the RCs do not have – in the words of one field observer, the watchdog can bark but is essentially toothless and thus cannot bite.

Finally, the RC3 committees have been involved in GPT tax assessment. They nominate a member to the assessment committees. In some areas this is claimed to have greatly improved the *perception* of equity in the assessment exercise, given that the RC3 representatives are more conversant with the local populace and its household economy than are civil servants posted from outside, who comprise the balance of these committees. However, in other areas it is claimed that the RC representatives do not have the technical knowledge to contribute anything very useful to the assessment process, and instead concentrate on making themselves popularly re-electable by forcing under-assessments. In this case, there may be a very real trade-off between fairness and democratic participation, on the one hand, and realistic resource mobilization on the other.

On the other hand, there is some evidence that "equity" concerns – indicated above to be of critical importance to the citizenry – are successfully being addressed, at least in terms of the dispute settlement and tax assessment functions. The democratization of the judicial and tax systems at local level is an important area of progress, on which increased system legitimacy can begin to grow. Consolidation of the procedures and outputs of these functions will be important.

There is a more general empowerment of the district level evident in a somewhat negative sense as well. Councils at the lowest rungs of the system have witnessed a spate of recalls of officials or entire committees, where the committee or official concerned has not met popular expectations. RC5s have demanded the ouster of District Administrators in one or two instances, although with fairly unimpressive results. Defiance of central ministerial policy and personnel is beginning to appear, as even a cursory glance at the morning newspaper will show. Where once there was subservience and a fatalistic attitude that no redress was possible, now popularly or indirectly elected bodies are making demands on the center, taking new initiatives, and testing the limits of their authority (which remain under; the recalls, for example, are statutorily permissible up to RC5 level, but not in terms of the NRC member, who has been "recalled" by RC4s in a few instances.)

IV. CONSTITUTIONAL COMMISSION

In December 1988, the National Resistance Council enacted the Uganda Constitutional Commission Statute, which called for an appointed Constitutional Commission to be formed that would draft a Constitution. The 21-member Commission began its work in earnest in 1989 and held public meetings throughout the country to gather views and discuss crucial constitutional issues. During a 10-month period members of the Commission, headed by Justice B. Odoki, traveled around Uganda in teams holding extensive meetings in which citizens were encouraged to present their views freely. Written solicitations also were sought, and the Commission received 25,670 written memoranda in response. After extending its original March 1991 deadline, the Commission presented the draft constitution to the President in December 1992.

The draft Constitution proposes that Uganda continue the present "movement" form of government – with political parties as legal but largely circumscribed entities – and that a referendum on the movement/multi-party question be held at five year intervals beginning five years after the enactment of the Constitution. The outcome of the referendum would determine which system Uganda would follow.

However, the 750-page report of the Commission, containing the proceedings of the public meetings, still had not been released when the AAI team arrived in Uganda. The team was told by members of the Commission that funds for production and distribution of the report, provided by the Danish aid agency, DANIDA, were frozen pending the outcome of investigations into alleged misappropriation of other DANIDA funds previously provided to the Commission. The team was told the report would be made public by the end of June or mid-July 1993. The DANIDA funds also are to be used to publicize the draft Constitution. The Commission has funded a translation of the draft into Runyankole and has begun work translating it into Luo and Luganda, but has not yet begun a civic education campaign.

Political party representatives and some citizens in the North alleged that the work of the Constitutional Commission had been an elaborate delay tactic on the part of the NRM. They allege that the draft constitution does not reflect what the Constitutional Commission was told in its public meetings – hence the delay in releasing its report of those proceedings. They allege that the draft had been written by NRM representatives, perhaps even before 1986, and that the Movement had waited to consolidate power before presenting it. The allegations, regardless of their merit, indicate the level of suspicion toward the government in some quarters.

V. CONSTITUENT ASSEMBLY STATUTE

In October 1992, a draft bill that called for the establishment of a Constituent Assembly, composed primarily of directly elected representatives who would debate and adopt a Constitution based on the draft, was published for consideration by the National Resistance Council. Formal debate in the Council did not begin until early 1993 and it lasted until the bill was passed into law on April 20, 1993. In the lengthy debate, a number of amendments were proposed – including a call for a referendum on political parties prior to the CA election. However, following a closed door session of the Council, chaired by President Museveni, the Council passed the bill with some minor but important amendments. The following is a summary of the provisions of the statute as passed. The NRC enacts laws, but the Minister of Justice and Constitutional Affairs decides when the laws take effect. Minister Njuba proclaimed May 31, 1993 as the effective date for the Constituent Assembly Statute.

A. SUMMARY OF CONSTITUENT ASSEMBLY STATUTE

Part I Preliminary

The CA Statute is a temporary measure that will expire on the day the new Constitution comes into force.

Part II Establishment and Composition of Constituent Assembly and Qualifications of Delegates

The Statute sets up a Constituent Assembly to debate and enact a new Constitution for Uganda. This Assembly will have about 300 members: around 230 elected directly, 39 women elected indirectly by one level of the Resistance Council system, 10 delegates for the Army, 10 delegates appointed by President Museveni, and 2 delegates for each of the four major parties plus a few worker, youth, and disabled representatives. A major feature of this CA is thus that only about 73 percent of the delegates will be directly elected. The CA starts with the text of the Draft Constitution submitted by the Constitutional Commission and is supposed to finish its work within four months of its first meetings. However, the Statute allows the Minister to extend the time period to seven months total.

Candidates must be Ugandan citizens, over 18, and must be current with all his or her taxes. Present NRC members are allowed to run for the CA. Persons holding public office (including DAs) can run, but must take a leave of absence.

All Ugandan citizens over 18 years of age are eligible to vote who reside in the constituency, work in the constituency, or come from the constituency. Voters are not allowed to register in more than one constituency.

Part III Chairman, Deputy Chairman, Officers and Staff of the Assembly

The CA has a Chairman and a Deputy Chairman. The procedure to select these two important position is that Museveni, with the advice of the Cabinet, nominates five candidates, presents those names to the first meeting of the Assembly and the Assembly, at its second meeting, gets to elect (by two-thirds) its Chairman and Deputy Chairman. Party leaders are not disqualified from serving as Chairman or Deputy Chairman.

The Commissioner for the Constituent Assembly (the Commissioner) has a dual role. First he is to organize the CA elections, and subsequently he will perform the administration for the CA once its members are elected and appointed. The Attorney General provides the services of a technical committee to help the CA prepare the text of the Constitution.

Part IV Conduct of Business of the Assembly

Decisions of the CA are whenever possible by consensus. Where the Chairman or at least fifty delegates want, a matter is put to a vote. The issue is lost if less than half the delegates vote in favor and won if more than two-thirds vote in favor. If between 50 percent and 67 percent vote in favor, the issue is considered "contentious" and will be put to a national referendum. The Chairman is to refer such a matter to the Minister of Constitutional Affairs (and the Commission) for the referendum. The only exception is if the issue is "local in character" when the matter will be settled by negotiation between the locality and the national government. The multi-partyism issue may well become a "contentious" issue. The issue of whether the traditional kings or rulers, such as the Baganda Kabaka, will have political authority will probably be considered "local in character."

The CA Statute also allows President Museveni to call a referendum before, during or after the CA. Section 18(3). The result of such a referendum is the final and conclusive decision on the issue at stake. This effectively gives Museveni a right of popular appeal if he does not like the decision of the CA.

According to Mr. Musoke Kibuuka, a Constitutional specialist in the Ministry of Justice and Constitutional Affairs, "after" means "after but before enactment." In other words, the President has no power to call a referendum after the enactment of the Constitution. At that point, the President and the NRC are bound to promulgate the Constitution within 60 days in a process that is ceremonial. Section 19. Thus, the NRC does not need to vote on the Constitution.

Part V Commission for the Constituent Assembly

A three-member Commission is set up to both run the CA election and administer the CA itself. The Commission consists of a Commissioner, one technical affairs deputy (with legal training) and one administrative deputy. All these officers are appointed by the President. The Commissioner will designate the CA Electoral Areas, supervise the election, appoint the

returning and registration officers who will run the election, and organize and conduct any referendum if necessary. The Commissioner is to be independent, and an appeal to a Chief Magistrate's Court rests with him.

Part VI Finance

All costs incurred to carry out the purposes of the Statute will be charged to the Consolidated Fund without need for further appropriation than the Statute itself.

Part VII General

The Minister of Constitutional Affairs, Mr. Njuba, is empowered to make regulations concerning this election, not the Commissioner. The Attorney General is empowered to make rules concerning access to the courts. The Minister may extend the life period of the Commission if he so chooses.

B. SUMMARY OF ELECTION RULES

1. Designation of Electoral Areas and Registration of Voters

Every county is to be an Electoral Area, electing one representative to the CA. However, those counties with more than 140,000 voters will be split into two or more electoral areas, with approximately 70,000 voters per CA delegate. According to Mr. Musoke Kibuuka, a strict interpretation will be followed and only counties above 140,000 will be split.

Over a 30-day period, Commission-appointed registration officers (who may be local chiefs) register voters in each village of each parish. Over a fourteen day period, these registration lists are open to public scrutiny, both in Kampala and in the parishes.

The Commission must also appoint Returning Officers to supervise the elections within the Electoral Area. A DA cannot be appointed a Returning Officer.

2. Nomination of Candidates

The Commissioner will declare two days to be nomination days, where the candidate must present himself or herself, a deposit of 100,000 shillings ($100), and supporting signatures. Where only one person presents himself or herself as a candidate, that person is elected. Where one of two candidates withdraws before the election, the sole remaining candidate is declared elected.

3. Election Campaigns

Elections are to be non-partisan and on the basis of personal merit. Any candidate who uses party, tribal, religious, ethnic, or sectarian references shall be disqualified by the Commissioner (with a right of appeal to a court within seven days).

The Returning Officer for each Electoral Area will conduct a series of "Candidates Meetings" at the parish level in the constituencies. At these Meetings, the candidates will speak for twenty minutes and then answer questions from voters.

Public rallies are not permitted although candidates may use other methods of campaigning such as posters or pamphlets. Radio and TV is not specifically prohibited.

4. Voting and Voting Procedures

On polling day, there will be at least one polling station within the parish. Each polling station is to be on open ground and to be open from 7 am to 5 pm. Each polling station will have a presiding officer and two assistants appointed by the returning officer for the Electoral Area. There will be four tables to process the voters through. All voters are to form a single line and to stand ten meters away from the polling table (table number three). Rule 18(3) defines "table" to include a desk, stool, etc. Indelible ink is to be used to guard against double voting. Candidates may appoint two polling agents per station to monitor the voting.

The presiding officer is to close the polling station even before the expiry of polling time if "every voter, in the line of voters, completes the voting process before the expiry of voting time." This means that a presiding officer could close up shop as soon as no voter is in immediate sight.

Illiterate voters may bring a member of their family to assist in voting or may ask the presiding officer or assistants to help.

Votes are to be counted at the polling station at the end of polling. Candidates are allowed one counting agent to ensure fairness.

The returning officer collects and verifies the votes from all of the polling stations and declares the candidate with the greatest number of votes elected.

VI. POLITICAL ENVIRONMENT

To assess the political environment, the AAI team sought meetings with as wide a variety of interested parties as possible ranging from the Head of State to peasant farmers including, national and local government officials, leaders and supporters of political parties, NGO representatives, journalists, academics, teachers, businesspeople, professionals, rural farmers and a variety of citizens from all walks of life.

The level of interest in the upcoming elections was high in all the meetings the team conducted, but the level of information regarding the specific provisions for Constituent Assembly elections varied greatly. Government and political party officials generally were very familiar with all of the details of the Statute and many educated residents of Kampala had a general knowledge of the Statute's provisions. But many citizens outside Kampala, including local RC officials, had almost no information about the elections. In some cases, it was thought that the Constituent Assembly elections were legislative elections that would remove the NRC. In those areas where the government has less support, the lack of information has fueled suspicions about the government's intentions with regard to elections.

In many of the meetings, those interviewed were concerned that the AAI team understood Uganda's past in order to understand the current environment. Depending on the source, the team was given very different interpretations of Uganda's post-colonial history.

Government officials and NRM supporters claim that since independence political parties in Uganda have been divisive, fractious forces in society that have been the primary source of civil conflict. They claim that political parties have always wanted total power for themselves and are satisfied with nothing less. Metaphorically, "they want to eat the whole cake". By contrast, they claim that the National Resistance Movement is a broad-based government that incorporates all the parties. They point to the Foreign Minister, who is the head of the Democratic Party (DP), the Minister of Finance, who heads the Conservative Party (CP) and some National Resistance Council members who are prominent figures in the Uganda Peoples Congress (UPC). They claim that the NRM government has provided a "holiday" or "breathing space" from the political parties and this has helped usher in peace and some prosperity. They claim that at no time will parties be banned and that political parties will again have full participation in Ugandan society after the parties and citizens have matured politically, a process that they claim will take another five years.

Party officials and supporters see the past in a different light. They claim little or no responsibility for past regional, ethnic and religious conflicts. They blame them on the military and claim that even those atrocities that occurred under civilian rule were due to the inability of civilian leaders to control the military. They see the National Resistance Movement as a political party that was defeated in the 1980 elections and resorted to arms to take power. They acknowledge that some government posts are occupied by leaders of other parties, but they consider all the real power to be in the hands of President Museveni's supporters who owe no allegiance to any other political party. They claim that the NRM is unfairly trying

to build support by suppressing political party rallies while using tax revenues to finance political education courses in which the parties claim the NRM campaigns for itself.

A. NATIONAL RESISTANCE MOVEMENT

President Yoweri Museveni

President Museveni believes that the political parties have no redeeming features. Their leaders are interested only in gaining and keeping power by any means they can. The best way to combat the negative influence the parties have had is through political education aimed at letting the people know the legacy of violence and division the parties have bequeathed to them. The parties are the haven for old politicians; the young are with the movement and see no need for parties.

The President is also a strong advocate of educating the entire populace in the use of firearms. Taking a page right out of the National Rifle Association's book, he seems to believe that the only way to neutralize the few with guns and prevent them from forcing their will on the majority is for the majority to know how to use weapons in order to defend themselves.

In his view, Africa is still enveloped in a colonial mentality. The end of colonialism just swept away the European rulers and African clerks and sergeants rose to replace them. His movement is aimed at granting power to the people without the need for political party middlemen. He is convinced that most Ugandans don't want political parties. He concludes that political party support in the North and East will evaporate once those areas get the economic development they need.

Although he does not think international observers are necessary since the RC elections have been free and fair, nevertheless they are welcome as a measure of his government's determination that the upcoming elections will be seen by all to be democratic and transparent.

While parties are barred from participating in the Constituency Assembly elections, they will be allowed to campaign in favor of a multi-party system if a referendum on the issue is called.

The President does not share the concern that there will be too many appointed delegates to the CA. He stated that the largest number of these appointed delegates will be women, and they could not really be considered as appointed since they would be elected by the RCs.

Government Officials

The team also met with Hon. Sam Njuba, Minister of Constitutional Affairs, Hon. Bidandi Ssali, Minister of Local Government, Hon. Tom Butime, Minister of Internal Affairs and Hon. Jotham Tumwesigye, Deputy National Political Commissar and Director of Legal Affairs,

NRM Secretariat. Mr. Tumwesigye oversees the NRM's "muchaka muchaka", political education courses. In these meetings, they all asserted that the National Resistance Movement was a broad-based government that united all Ugandans and that the Ugandan people wanted a holiday from political parties. They underlined the government's intention that the CA elections be free and fair.

B. POLITICAL PARTIES

1. UGANDA PEOPLES CONGRESS (UPC)

We met at party headquarters with Cecelia Ogwal, Assistant Secretary General, Ben Wacha of the Political and Education wing, and Don Oching of the Mobilization Unit. With President Milton Obote in exile in Zambia, the Vice Presidential post vacant and the Secretary General and Treasurer living in Zimbabwe and Kenya respectively, Ms. Ogwal is the highest ranking UPC official resident in Uganda. She pulled no punches in describing Uganda as a "military dictatorship." She recited several incidents of alleged harassment of her personally and her party's political activities. Her attempts to hold closed-door meetings with her party executive have been declared illegal. The UPC has filed two suits against the government this year for using force to break up UPC meetings in Aura and Nebe district. "The UPC is legally not banned, but practically not allowed to operate," she states. The UPC and the other parties were allowed to make no input when the Constituent Assembly bill and draft Constitution. Efforts by the UPC to organize civic education about what's in the draft Constitution have been thwarted by the government while at the same time NRM cadre training has been intensifying.

When asked what it would take for the UPC to consider CA elections free and fair Ms. Ogwal said a minimum would be:

1) Freedom for candidates to campaign and hold meetings outside the imposed structure of Candidates Forums

2) Begin negotiations now with the parties for a transfer of power to a transitional government that would oversee the 1994 elections. The transitional government would include party representatives.

Although the UPC has not made a final decision, she said that if there were no concessions it would boycott the election. The party objects to the number of appointed delegates to the CA and while she supports the idea of reserved seats for women she is opposed to having them elected by the RCs. Instead she proposes that all women in the constituency cast a second ballot for the woman district representative.

The team also met with Hon. Tiberondwa, a high profile UPC member in the National Resistance Council. Many observers consider him to be vying for the leadership of the UPC

and a potential presidential candidate. His views were more temperate than Ms. Ogwal's, but in general he supports the UPC positions outlined above.

2. DEMOCRATIC PARTY

In a meeting at Democratic Party headquarters, we met with Robert K. Kitariko, Secretary General; Zachary Okem, National Organizing Secretary; Michael Ojok Mulozi, Publicity Secretary; and Sam Drale, National Youth Secretary.

We were told that the Democratic Party (DP) voluntarily suspended activities in 1986 to cooperate with new government. This pact between DP and NRM was never written. It existed as a "Gentlemen's Agreement." Several of the DP's top leaders joined the government. The party leader Ssemwogerere serves as Foreign Minister.

Although the 1967 Constitution allows political parties, the NRM has used administrative means to suspend party activity and has turned what was originally a voluntary suspension of activities into permanent control. The DP had negotiated with NRM for three years. The negotiations ended in 1990 when NRM extended itself. The DP leaders accused the government of conducting an eight year indoctrination campaign against the multi-party system. NRM now reaching down to village level with political education courses in preparation for a referendum on the multiparty issue.

They set the following conditions for a free and fair election:

1. Election Commission must include party representatives.

2. Each candidate's representative must have right to countersign vote tally sheet in order to assure that there is no subsequent manipulation of the vote count.

3. Members of CA must have full authority to amend the draft constitution prepared by the government.

4 The parties must have equal access with the government to the media.

5. There should be both international and local observers.

The DP leaders took pains to point out that they oppose a referendum on whether Uganda ought to have a multi-party system not because they are afraid they might lose, but because they believe that freedom of association is a fundamental human right that cannot be abridged by a referendum.

Among the restrictions complained of was the prohibition against the parties raising money. There was considerable bitterness expressed over the forceful breakup by the government of a DP rally that was called in the City Square just outside their offices.

They allege that the campaigning restrictions for the CA elections are inherently unfair since they feel that the District Administrators (DAs) would limit, as they did in the 1989 RC elections, candidates to too short a time to present their case. However, if political parties could organize their own civic education courses the candidate forums would be acceptable.

Like the UPC, they find the government's charges that the parties foment violence to be spurious. Violence in the past has not been caused by the parties but by the state.

The DP strategy is to wait until CA election Statute takes effect before deciding whether to participate in the elections.

Parties have already had discussions about forming an Inter-Party monitoring group (all parties, UPC, DP, CP and UPM would be invited).

3. DEMOCRATIC PARTY MOBILIZERS

The Mobilizers are the radical activist wing of the DP. Their leader is Michael Kaggwa who is also Chairman of the company that publishes the Citizen newspaper. It was the Mobilizers who tried to organize the May 8th rally in City Square, Kampala. According to Kaggwa, the NRM declared the rally illegal. Police occupied the square, closed off routes toward the square and fired tear gas at groups trying to approach the square on foot. He claimed that in closed session of the NRC Museveni said that "If you want to see dead bodies, go to the rally." [Note: This apparently was carried in the press but no one had a copy to show the team. But we heard variations of the same quote from a number of sources.]

DP President Ssemwogerere disassociated himself from the rally and told Kaggwa to call it off, but DP Mobilizers refused. Mobilizers regard Ssemwogerere's inclusion in the government as an "unfortunate arrangement."

In spite of the restrictions on party activity the party newspapers have not been suppressed. If a referendum is called, the parties want six months to campaign to counter seven years of NRM campaign against parties. However, Kaggwa"s personal opinion is that the DP would not participate in a referendum on a basic human right.

4. DEMOCRATIC PARTY (Part 2)

We were invited to lunch for a second meeting with Democratic leaders headed by party president Paul Ssemwogerere. Also attending were Haji Al Serunjogi, NRC member (Kampala North), a Businessman and Chairman of the Uganda Muslim Supreme Council; Anthony W. Ssekwayama, Deputy National Publicity Secretary and General Manager of Munno Publications, Ltd.; Henry B. Ssewannyana, Member of the DP National Executive Committee and former MP; Irene Y. Wekiya, NRC member (Jinja) and teacher; Damian W.K. Lubega, NRC member (Lubaga-Kampala); and Joe Ssenteza, RC5 Luwero District.

Paul Ssemwogerere

Party president Ssemwogerere was quite forthcoming in talking about his often conflicting roles as party leader and government minister. He pointed out that there was precedent for this dating back to the participation of the DP and other opposition parties in the Obote government in 1980. He thought it important for losing parties to be taken into government so that politics would not become a zero sum game in which the winner takes all. He recited with pride his moderating role in the Obote II government. When he became Minister of Internal Affairs there were 2,000 political prisoners. He released 1,000 right away. He had made a contribution toward dialogue between Obote and the NRA/NRM and concluded an agreement at talks in Nairobi with President Moi's assistance.

When the NRM took over it consulted with the DP. "There was more goodwill toward Museveni than Obote", Ssemwogerere assured us. He seemed determined to respect human rights. He established an interim period for reconciliation (four years) after which a new constitution would be drafted.

He stated that the DP suffered the wrath of the UPC for cooperating with the Movement in 1986 especially in the North and East. But they have remained in government and will for the time being, although there are no guarantees about the future. The fact that DP and CP are in government now is not necessarily a permanent arrangement. As NRM program moves forward, this could change.

He advised team members that Americans involved in election assistance should be clear about what they are getting into, but that coming early in the process is good.

Following are the main points made in the meeting:

Comments on the CA Statute

- Campaign Rules. Enforcement of no party colors will give problems. What if a party supporter calls out a slogan on your behalf at a Candidates Meeting? They'll take the candidate away.

- Campaign rules. One meeting per parish. Returning Officer can arrange meeting at site that favors one candidate over another. Cadres could be organized to shout down or intimidate.

- DP has suggested a Code of Conduct that all parties including the NRM would sign. Not accepted yet.

- Out of a population of 17 million, probably about 200,000 are the political insiders/educated who move things.

Comments on a Referendum on Multi-partyism

- What if 20 percent support parties? Are they forced into the NRM structure?

- DP has proposed a system of proportional representation to answer NRM concerns about winner-take-all approach.

Irene Wekiya

- Telling people not to campaign is a way to rig the election. If people know the candidates' positions on issues and then elect them freely they should have the final say, their decisions should not be put to referendum.

- NRM Secretariat is government funded although it is a political party.

- Muchaka muchaka is biased against parties and local personalities affiliated with parties.

- The draft Constitution is not stable. Can see a situation where writing a new one is necessary in 10 years.

Haji Al Serunjogi

- As a businessman was looted under Obote II and has suffered under NRM.

- He recently attended a muchaka muchaka course. It involved vigorous military training. After that, class sessions always were against parties. He asked to lecture at a muchaka muchaka course and was denied. He wrote a letter to NRM Secretariat making the same request, but was told NRC members are not allowed to lecture because they have been using it to campaign for the CA.

- Museveni went to the bush because he lost as the leader of a political party (UPM) and now comes back as "non-partisan".

- We have only seen revised interim report of Constitutional Commission. Where is the original?

- We don't want international observers, we want international election supervisors.

Joe Ssenteza

- RCs don't have brotherly feeling with each other. There is not enough interaction among RC members from different sub-counties and counties. They don't know each other when it is time to elect RCs for the next level.

Anthony Ssekwayama

- Movement system imposed. It's monolithic, creates an aura of infallibility, only one approach.

- We accept that mistakes were made in the past, but those mistakes are not inherent to the multiparty system. In our dialogue with the NRM, we have proposed that we create a national political/civic education syllabus that is mutually agreed to. But when we try political education we are called partisans.

5. CONSERVATIVE PARTY

The AAI/IRI team met with Wilberforce Serwaniko, Administrative Secretary of the Conservative Party. The Conservative Party was started in 1980, although it is largely considered a Baganda party that is the successor of the Kabakka Yekka party. When formed as the CP it immediately suffered under the hands of the UPC. Between 1980 and 1985, six people on the party's executive were killed. Mr. Serwaniko contends that the UPC is hypocritical in its new-found support for multi-partyism as it was not possible for other parties to function between 1981 and 1985.

In 1985, the CP joined in the NRM government. The Chairman of the CP is the Minister of Finance and Economic Planning. The CP is only functioning at headquarters, and is still abiding by agreement not to operate branches. He admits that the CP and the DP have problems between party members in government and those outside. Those in think that country needs a breather. Those out have concern that since NRM has largest role in government, may have too big a role in making election laws and codes.

Mr. Serwaniko estimates that the Cabinet is 60 percent mainstream NRM, that is people without allegiance to any other party. In theory everyone in government is NRM because when one joins government they technically put party affiliation aside. But although party affiliations are put aside, people know how many in government are mainstream NRM and how many are coopted.

He said that in theory, the NRM Secretariat is the engine of reconciliation but in practice the NRC votes how money is spent and the government leans on its own views a little too much.

C. NON-GOVERNMENTAL ORGANIZATIONS

The AAI team sought meetings with Ugandan NGOs both to seek their views of the political environment and to assess their interest and capacity to play a role in the electoral process in areas such as civic education or in monitoring. In addition to the NGOs listed below, members of the team met with a group of grassroots NGOs brought together by the Uganda representative of the African Development Foundation. The NGOs included the local association for the blind, the association for the handicapped and others focused on humanitarian aid. These groups expressed emotional, anti-party sentiment. In general, lawyers play a larger role in the NGO community in Uganda than in other parts of Africa largely because of their focus on human rights and development.

1. HUMAN RIGHTS AND PEACE CENTER, Makerere University, Joe Oloka-Onyango, Law Professor

General: Oloka-Onyango's assessment of the electoral situation was "an atmosphere of relative freedom but I have serious reservations about people freely campaigning, associating, and articulating positions." He feels an area to watch is what sanctions will those who do excessive campaigning receive.

Capacity: Oloka-Onyango has been the dominant force behind the Faculty of Law's setting up a Human Rights and Peace Center. Another key person is Dean of the Faculty of Law, Fred Jukko. This Center publishes an East African Human Rights Law journal in conjunction with the Univ. of Florida's African Studies Department. The first issue is out, the second is on the way. Makerere and Florida have got an exchange relationship beginning to consolidate. The center has goals in curriculum development, human rights research, human rights publications, and internships (interesting in sending Ugandans abroad for both teaching and study). within a year, he feels that Makerere will have the capacity to conduct human rights training in Uganda.

Interest in Monitoring: For election monitoring, Oloka-Onyango recommended Fida, Law Society, Legal Aid, Activists, Initiative. All of them, in his view, "went in and out of the rural areas but had no continuing presence." Acfode was also a possibility. He could be a human rights and legal resource person, either individually or with the Human Rights Center.

2. ACTION FOR DEVELOPMENT (ACFODE), Mercy Mireabe, editor Arise

General: ACFODE has taken a written position on the Constituent Assembly bill. ACFODE takes a female-oriented position and will be glad to be tolerated in either a movement or a party government. ACFODE publishes Arise, a women's development magazine.

Capacity: ACFODE has no branch offices and coordinates all its efforts out of Kampala. Host members are from Kampala. 400 members are paid up and about 80 attend meetings. Acfode coordinates some with F/DA on projects such a will-writing. Also coordinates with the

governmental ministry on women, on projects such as publications. Also coordinates some with the National Council of Women.

Interest in Monitoring: Mercy (who is the chair of the publications committee) thought that training in publications that let women know their voting rights would be something that ACFODE would be interested in. Generally, she thought that ACFODE would be interested in women's voter education projects.

3. UGANDA LAW SOCIETY, Solomy Balungi Bossa, Chair

General: Thinks contestants should be able to campaign freely. Thinks 50/50 chance of having a referendum. Following are the main points of our meeting.

- "A great number of Ugandans are fed up with parties, but there also is a group that feel that without parties they are without a forum for expression."
- Muchaka muchaka is campaigning. If political parties could also organize such sessions it would be all right.
- "Give parties a chance to reform."
- Provision for President to call a referendum is troubling. Only the CA should call a referendum.
- Law Society had recommended that the Chairman of the Constituent Assembly be elected by the CA.
- Law Society against NRM's declaring the May 8 DP rally illegal, but have been bureaucratic delays in releasing press release.
- Sees need for civic education. Covering such topics as:
    - Human rights education
    - Orderly transition of power
    - Organization of the army under the Constitution
    - Constitutional rights
    - Independence of courts
    - Emphasize that Constitution is the supreme law that binds leaders as well.
    - Citizenship issues. (Currently children of Ugandan women by non-Ugandan men are not citizens)

Is the judiciary independent?

- Generally independent, although there have been some cases of pressure from the Executive.

- RC courts combine executive and judicial powers. RCs are the representative of the President. Don't always know the scope of powers and have overstepped their bounds at times. Corruption is a problem, but the RC courts are convenient for handling matters like theft, trespassing, customary land tenure and breach of simple contract.

Capacity: Ten-person Council of Law Society has debated the CA Statute and has formulated comments which will be made public by the publicity secretary. The Law Society is a statutory body but is quite free to speak its own mind. Every lawyer in Uganda is a member. The Law Society may have 1,000 members with 150/200 active.

Interest in Monitoring: Yes. Have discussed organizing or participating in monitoring with USAID and with EEC. Would be interested in taking the lead of an umbrella that might include Acfode, FIDA, Joint Christian Council and Muslim organizations. Thinks that civic education will be most important when the CA is actually debating the Constitution. Estimates that within a month a coalition of bodies to do monitoring could be formed. Bossa started writing a proposal but had not finished it. She said she could finish it within a week if she knew that help would be forthcoming.

4. UGANDA HUMAN RIGHTS ACTIVISTS, Ernest Lule, Research Officer

General: Lule feels that US government is making a great mistake by working with Museveni (who he claims killed 2 million persons on his way to power.) Lule was surprised that US was not supporting multiparty involvement. He recommends that US freeze all aid and assistance and give a deadline for imposition of a multiparty system. He feels that "you cannot vote on a basic human right."

Capacity: Uganda Human Rights Activists monitors human rights abuse, holds seminars, and conducts workshops. Also publishes the Activist. This group was the original human rights group. They should be invited and encouraged but not expected to do a whole lot. According to Lule, "most of our programs are suspended due to lack of funds."

Interest in Monitoring: Yes. It would fit directly into their program, although "we work not with great fanfare, but quietly."

5. FOUNDATION FOR HUMAN RIGHTS INITIATIVE
Livingston Sewenyana, Director

General: Would urban political parties, transform the NRM into a party, and push for new leadership within the parties. NRM might even win an election.

Capacity: Initiative has recently been launched with three years of funding from the British High Commission. Aims to (1) strengthen coordination among NGOs in Uganda, (2.) lobby for repeal of repressive laws, and (3} contribute to ongoing human rights education. Has three program officers: Livingston, another officer (a woman), and an American volunteer who will be leaving in July.

UHRI held a national conference in October 1992. Held a three-day workshop in April 1993 on human rights education with police, magistrates and citizens in Okono District, near Kampala, as part of a three-year project with two workshops per year. UHRI is a registered NGO and corporation.

Interest: Discussed election monitoring with N.E.D. in February 1993. Has written a proposal for a Constitutional Rights Project. Concerned with human rights issues in the Constitution. wants to educate the elected delegates on human rights issues. Project consists of: (1) Ugandan legal experts study the Constitution and present findings at an in-house workshop, (a) at a national conference for some of the CA delegates, they are educated on human rights issues, and (3) once CA is enacted, we would try some civic education.

Had conceived project without CA elections monitoring because Initiative by itself doesn't have the capacity, but if there were a coalition the Initiative would be willing to participate. Thinks Law Society (of which he is a member) is seen as non-partial in its public statements but that its members privately have a DP bias and are predominantly Baganda.

6. FIDA (Uganda Association of Women Lawyers), Ester Mayambala, Executive Committee Member, Florence Asiimwe, Program Officer

General: RC system has involved people in good government.

Capacity: FIDA's main program is a legal clinic that sees about 30 women a day four days a week (no Fridays). They also conduct educations seminars in the rural areas. They have a branch project in Mbale with a clinic. Their will-writing project (funded by USAID) takes places in Mpigi and Mukono. They wish to begin legal education in five target districts: Kabale, Mubende, Iganga, Kitgum, and the district around Fort Portal. FIDA has 70 members, 49 active. 90 percent of the membership lives in Kampala.

Interest: "We believe FIDA has a role to play in voter education. Women have a right to vote and do not need their husband's permission. And what she should be voting about believe that voting should not be on tribal lines but not going into political area." FIDA would want to work with Uganda Law Society. Mrs. Bossa is an executive member of FIDA. FIDA has discussed the idea of monitoring and education in a general meeting and received generally positive interest although some had reservations about being "political".

7. UGANDA CATHOLIC COMMISSION FOR JUSTICE AND PEACE
John Mary Walliggo, Assistant Executive Secretary

General: Good for AAI to assess views of people and to encourage local monitoring. Uganda has been let down by foreigners in the past.

The important issue is not movement or multiparty but whether you accept a new ethos for the country, a new style of campaigning, of political leadership, of competition.

Capacity: Thinks churches, including the J&P Commission and Islamic sector can help with monitoring. Churches have an infrastructure all the way to the village level. Churches are well-respected in Uganda. There is an independent human rights group in Jinja, linked with J & P Commission.

Constitutional Commission can perhaps help with civic education, not actively, but by a civic education campaign picking up where Con Commission left off. A translation of the Constitution in Ruchegi-Runyankole-Runyoro-Rutoro (one language) has been done, A Luo translation has been started, A Luganda translation will be done (with or without funding.) Four more languages would cover the country: Iteso, Alua, Lugbara, and Swahili.
Once DANIDA releases the remaining funds, the project to publicize the draft constitution may go ahead. (Walligo however will not be part of it since his work with the Commission is over.) Walligo did more than 150 radio programs in Luganda with Radio Uganda as part of the Constitutional Commission's solicitation of views.

Interest in monitoring: Definitely sign the J&P Commission on. Walligo advises that international assistance be directed to "small infrastructures and communication networks such as distribution of books and draft Constitutions and radio programs as well as assisting the (electoral) Commission to do its program well and quickly."

8. Richard Ogutu, Meeting In Burundi airport, [Scientist, fisheries, water projects], [Ogutu wouldn't identify organization or where]

Outlook on electoral assistance and elections:

1. Outsiders come and 75 percent of what they get is the government view
2. Museveni is popular and will "go through" at an election, but his party is not popular.
3. Everyone in Uganda has a party loyalty and UPC and DP are the only real contenders
4. Biggest problem for free & fair elections is lack of civic and voter education, plus illiteracy. Rural people do not know rights. They are afraid and unable to hold representatives accountable.
5. If there were a power-sharing arrangement between UPC and DP, it would be OK, but Government positions would have to be shared equitably as well. Thinks that arrangement would have popular support.

6. Constitution designed to keep current government in power. Why do we need a new Constitution? Why subject the political system to a vote every five years?
7. He believes the Constituent Assembly will be made of people already in power.
8. The draft Constitution has been printed in English newspapers, but not publicized in local languages either on radio or newspapers.

D. MEDIA

New Vision, the government newspaper, is basically balanced though it gets pressured, says the editor of its main competitor, the Monitor. Its British editor has good relations with the President and AG and can resist them. It is published daily, is seven years old and has a circulation of 28,000 but reaches many more as each copy has multiple readers.

Monitor: According to USIS, this paper is the more balanced independent newspaper. Began in July '92 and is growing. Semi-weekly. Its Friday circulation is 28,000. 27 staff, 8 reporters, 66 stringers around the country. Staff represent all political parties. According to the editor, Wafula Oguttu, few people understand the new Constitution and new laws, so he discusses one new section or regulation in each issue.

Each of the political parties has a newspaper, and the Catholic newspaper published in local languages, Munno, is widely read. The newspaper articles attached to this report give a sense for the style and freedom employed in reporting the run-up to the CA elections.

Uganda TV Service's institutional objectives are to educate, inform and entertain the public. Recently they added mobilizing and preserving the national culture. Supporting elections would come under their information and mobilization objectives. They produce panel and talk shows including some anti-government commentary, though they are government sponsored, and are on the air from 6 p.m. to midnight daily, and 3 p.m. to midnight on weekends. They are expanding relay stations in the hope of total national coverage in several years. 300,000 sets across the country reach "many thousands" who watch in groups, but no estimate on percentage of viewers is available. The Director states they put whatever the Election Commission provides on the air, but are not really set up for election coverage. They would like to sample public opinion, cover election returns, dramatize voting procedures and civic education, but would need permission, funding, and technical help to do so.

There are too many candidates to put them all on the air individually, and they are committed to equal time concepts, but they could put candidates on in groups, or cover group candidate meetings.

The Director was under the impression that no paid political advertising would be allowed, in order not to favor the more affluent candidates, but the Ministry of Constitutional Affairs confirmed that paid political advertising will be acceptable for the CA elections.

The Director indicates he would welcome civic education programs prepared by NGOs, and would welcome funding to make them professional and entertaining.

Radio Uganda: Reaches virtually the entire country, and reflects much of the same as the Uganda TV Service. Their problem, says Director David Buga, is to get good civic education material from the Election Commission. They recommend that consultants come to work with the NRM to create and put on good civic education programs. They would also be very interested in good NGO created and sponsored civic education programming.

In 1980, they set up arrangements for the Returning Officers to phone in the results but were squashed by the UDP ruling party when they began to lose. Last year, they had a reporter at each district returning center and that worked well.

E. VIEWS FROM THE DISTRICTS

1. MPIGI DISTRICT (Central) - Carrington and Whittaker.

Meeting with Charles Moberu, Vice Chairman of RC5 and Acting Chairman, General Secretary and Secretaries for Mass Mobilization, Farmers, Information (also editor of "Uganda Speaks"), Women and Youth.

- Each member has his own opinions and is free to talk about them, they say. They were certainly voluble, but they were all in accord that political parties are dangerous and should continue to be suppressed until they can learn how to behave.

- Parties intimidate people and are full of internal intrigue. They use them for religious proselytizing, pushing federalism, etc; they are disorganized, can't organize themselves, lack public platforms or programs. Parties need a code of conduct, charter, rules, platform, program, system in which participants can function productively.

- 1980 elections had UPC intimidation. DP, largest party then, was intimidated. Some polling station booths arrived a day late; some candidates were arrested or turned away. Results took 8 days to 2 weeks. No national word about delay, and when results came, people didn't believe them. Area was heavily DP, yet UPC was declared winner. Military policed the streets · radio announced that people were not to talk about the election.

- 1989-90 Queuing. This system avoids bitterness among candidates. Losers shake hands and don;t make trouble. Choice is clear, immediate, decisive, and therefore democratic. In secret ballot elections, winner takes all, losers fight back, and there's hate and distrust and winners become dictators.

- Regarding campaigning, candidates should say what they've done and what subjects interest them, but not be allowed to make hollow promises.

- They say the people support the RC system and are not very sure about the forthcoming CA election. We need communication and voter education. This is very important to prevent manipulation of the population.

- RC5 now sponsors public meetings, sending teams to areas, but lack transport to do it well. Meetings cover civil rights, role of citizens, what their representative should do for them in the CA. Mpigi District will have 10 elected reps and a woman separately elected by the RC. There will probably be about 5 candidates for each seat. The Council envisions that there will be District Election Commissioners appointed by the central Commission that will run the District campaign centered in mass meetings where each candidate speaks 20 minutes. Candidates may not mention religion, ethnicity, or party. Can speak for or against multi-parities or NRM, but not support any one. Candidates may hold press conferences (unclear whether individually or by group) and go to rallies, distribute posters. Candidates may "consult" with small groups and have peaceful personal contacts.

- District Commissioner, they believe, decides on campaign problems. Candidate can appeal to RC2 or magistrate, but don't know which one.

- Ugandans should decide for themselves what systems are best for them, not the outside world by its norms. We have experience and intelligence here to decide for ourselves. We know what's best for ourselves. We don't want parties. We must develop our parties into progressive groups and that will take time. outsiders can't make proper judgements on us...they weren't here in 1980.

- Only 4.7 percent of the population is above the poverty line. High illiteracy.

- Need for political party trainer for organization and program development, with materials.

- Re District structure: The RC5 Council should be impartial, follow rules, steer clear of parties, serve the people. The DES represents the civil service; the RC5 represents the population; and the DA represents the President.

2. GULU DISTRICT (North) - Carroll and Ford

BOBI (About seven miles south of Gulu town)

Sub-County Chief, Personnel Officer (some translating), Local Magistrate, RC 5 Chair, & about 100 people including 8 RCs from neighboring parishes. The crowd was about 90 percent men. Most were older but about 15 percent were young. It was a market day, but

no advance notice had been given. There was some initial suspicion that perhaps we were in the President's pocket or that our self-appointed interpreter, a teacher in the medical college, was an army man. When both of these were dispelled, people offered their comments more freely. The main points were as follows:

- Unanimous sentiment for having parties back (show of hands).
- Refugees and exiles should come back before elections. They will come back if security assured and multi-partyism allowed.
- Some older people said election should be like 1962.
- "Our children in detention should be released." Names given.
- Complain that they are caught between rebels and army. Both take food and both use reprisal if the other gets food.
- Want direct elections (as opposed to RC system)
- Want cattle compensation, for those eaten by the NRA. (This the most pressing issue).
- Also survivor benefits to families of civil servants killed during the fighting.
- Not free to move around, used to be free during party time.
- Children turning to crime because of lack of money.
- Museveni doesn't want to give up power.
- Europeans gave guns, should come and take them back.
- If you go to the government to complain about lack of markets for cotton or produce, they rebuke you, point a gun at you. If elections are real, have them in July (applause.)
- Constitution should provide for retired president, guarantee freedom of movement and some compensation so he will accept defeat.
- Want Obote back? (applause)
- Need freedom to campaign. NRM campaigning through cadre courses, RCs, but parties can't.
- Concern about ballot boxes. Too many in 1980, make sure there are the right number and that they are secure.
- Concern about training of RCs and civil servants in the use of the gun via muchaka muchaka courses. (are they preparing for something?)
- Presence of guns causes fear. Rebels and army should be disarmed before elections.
- (From a woman), women should compete equally against men. The special women delegates will not represent us. Look at the women in the NRC, they grow fat while we are wasting.

KOCH GOMA (About 10 miles from Gulu town, near an NRA camp)

County Chief, Sub-county chief, and about 40 people.

- When asked about CA election, people did not know what it's about.
- Disarm the NRA before election.
- Want to reconcile with government. Too much fighting.
- Want guns gone, will resolve differences with clubs if need be.

- Rebels & exiles back. Need an amnesty they can trust, maybe have Amnesty International office in Gulu.

It was clear that the people did not know what the CA elections were for or when they would be. We briefly described the process as laid out in the CA Statute and asked for their reaction.

- Against appointed delegates.
- Or if Pres. gets 10, parties also should get 10. Don't like NRA getting appointed delegates.
- Campaign period too short.
- Change the name of the NRA to Uganda Army.
- Soldiers not be candidates.
- Secret ballot preferred to queue voting, because there is fear in queue, also, people can be bribed to stand in one line and then others feel peer pressure to join that line.
- Want free campaign, "not escorted".

GULU TOWN

Andrew Adimola (a.k.a. Lord Andrew) is the Vice President of the Democratic Party and has been active in Ugandan politics since independence. Earlier in the day we had a meeting in Gulu town, but were told by participants that they could not speak freely because one of the NRM cadres had joined the conversation. Adimola arranged a meeting where participants felt they could fully express themselves. The meeting was attended by Peter Oola, a founding member of the UPC, a Catholic Monsignor from a neighboring district, a former RC5 Chairman who claims he lost his post because of his independent views (we were told he is regarded as a local hero), and some teachers at Gulu secondary schools.

Monsignor

- The election won't be free and fair. The President has no mandate, he is not elected. The Constitution is for himself.

What does it take to be free and fair?

1. Allow free expression
2. Independent judiciary
3. Access to media. At village level, people don't have access to paper, radio, TV. RC system only information network. "If you go against an RC in court you always lose." Pressure to conform.

- Acholi have not done well under Obote, Amin or Museveni, only under British.

Peter Oola

- As soon as in power, NRM revenge against North starting in Okello's village. Then loosed the Karamajong on Acholi.
- Acholi now have to change their name to get into Makerere.

Young Teacher

- No Acholi's in senior govt. Those that are in are traitors, like Bigombe. She's already moving around handing out money, campaigning, using govt resources.
- RC elections in February. Some candidates arrested the day before election. Bigombe and DA picked a candidate and forced him through. The deposed DC5 chair was there since 1986 and is considered a local hero.
- Mpige Brother of Reme Kasuli, RC5 chair pulled out of the election by the DA because he not support the movement.

Andrew Adimola

- Cabinet should have representation of all regions/ethnic groups.

RC5

- North and East accepted NRM in 1986, but within six months trouble started. Called rebels who'd surrendered to report , when they did they were killed.
- RC system isolates people, without the support of the party more vulnerable.

Andrew Adimola

- Acholi under-represented even in District Councils, parastatals, Cabinet
- Common Man Charter, which Museveni wrote under Obote became the NRM's 10 point program..

RC5

- No one is against the movement as such, but government must have support of the people. "The argument that we (Ugandans) are not mature enough for multiparty politics is degrading and false." The parties have been around for 30 years.

The group is asked what if anything can be done to improve the chances of a free and fair election for the CA.

- Free up the campaign so that individuals can hold meetings. Counties are big, lot of ground to cover.

- Provide more information to voters about the provisions of the CA Statute and basic voter education.
- Ease the heavy restrictions on freedom of assembly. There is the Internal Affairs circular to the DAs to not allow any party meetings of any kind. The threat is there in the villages (about political meetings). The army roves at night, undisciplined, intimidates.

Young teacher

- "Government will not allow freedom of expression to by-pass them." Meaning they want to know what everyone is saying, and will use that knowledge to intimidate people.
- Candidates for CA restricted to the elite because 100,000 shillings. Also use Department of Revenue to tie up your finances.
- When you become an RC you have to be the mouthpiece of the NRM.

RC5

- While he was RC5 chair, was an incident where people were gathered at a football field and beaten to intimidate. He protested and his protest was suppressed.
- Red Cross sent away from the district. Accused of being anti-movement sympathizers.
- Says DA had up a notice that no more than 5 people can gather without the DA's permission. [We checked and did not find the notice, whether it was taken down or a lie, we don't know.]
- Draft Constitution does not reflect what the Commission found. In many cases the opposite of what people told them.
- 1990 census not fair. Taken during time when people away as rebels or refugees because of the conflict.

Asked if rebels would come in if multi-party campaign accepted.

- They would because they're confident that they can beat Museveni.

After summarizing, discussion continued.

- Political party code of conduct has been signed by DP and UPC, but when Museveni discovered he couldn't divide and rule the parties, he shut them down.
- National political school, only NRM ideology can be taught.

Woman Teacher

- Fear in the school. Students and teachers can't talk freely with each other, afraid of spies. Also security. When rebels abducted students, police were present in the compound.

We asked how it was that they kept saying freedom of expression was limited and they feared reprisal and yet people had been pretty open with us.

- You're our only chance to have our case heard.
- We need you to speak on our behalf. We can't talk to each other.

Most seemed to feel that they were risking at least a tough questioning session by cadres or police after talking to us.

Minister of State Betty Bigombe

We met twice with Minister Bigombe, upon arrival and departure. When we arrived she had given us an orientation to the district and was instrumental in setting up the meetings outside Gulu town. She holds Cabinet rank and was posted in Gulu in order to oversee the pacification of rebels in the area and the launching of the Government's development programs there. She played a central role in Operation North, the Government offensive that greatly diminished the rebels' fighting capacity and is now planning the launch of the $179 million Northern Uganda Reconstruction Program that is largely funded by the World Bank ($107 million) and the Danish Government ($15 million).

She acknowledged that the parties still had support in Gulu and in the North in general. She attributed most anti-Movement sentiment to the lack of development investment due to insecurity. With regard to the issue of cattle compensation, she stated that it had been started in 1989 but was stopped because of corruption in the NRA. Nonetheless, she has put in a budget request for 1 billion shillings to restart the program.

3. MBALE AND SOROTI (East) - Clarke and Klaaren

We traveled to an area of historic UPC support and found majority sentiment among common people for multi-parties. In this area, there is some division among the UPC, and some persons desirous of a UPC without former President Milton Obote. We also found one or two strong DP candidates.

In many instances, the strongest potential candidates are waiting for the 1994 national assembly to run. The DAs of Mbale and Soroti are totally uninformed as to the electoral process and more or less of the belief that the 1980 secret ballot procedure is yet in place. There is a large amount of suspicion as to potential for rigging of this election.

We were able to document what is and is not allowed in terms of political party operations. The parties are pushing for allowing organizational meetings. The DAs will in fact ban both rallies and organization meetings.

The political education courses organized by the NRC are for the most part voluntary, and we have indicated where, when and at what time these political education courses were used as a platform for anti-party rhetoric.

All acknowledge that campaigning is occurring, more or less openly.

Ahmad K. Sengendo (home area is Mbarara), Islamic University

Process of making Constitution has been free and fair. 5-year suspension of parties given the sectarian history of the parties (split along religious lines).

Museveni has been fair to the Muslims (the Attorney General is a Muslim). "At least when you make a personal contribution, it is recognized. We want to be treated fairly." Because of divided leadership, there is no clear trend emerging among the Muslims.

Appreciates the fact that the NRM has championed the rights of women. Sees a middle group (opposed to parties) beginning to emerge, assisted by NRM (and its political education) and composed of youth and a new middle class. Thought Museveni would win a Presidential election. Sees no leadership with UPC and DP.

Sees political education appealing to peasants who wish to "de-mystify the gun" and to those civil servants who liked to cozy up to those in power. Feels the courses are useful and border on the line between education and indoctrination.

Mustara W. Muluya, Official at the Islamic Univ.

Believes Museveni has said that party campaigning will be allowed during CA elections. "We don't know whether he will change, but he has shown some honesty."

Odok Peter w'Oceng, D.A., Soroti
Augustine O. Ocem (usually deferred to the D.A.), D.E.S. Soroti
Sam Omoiling, D.A.'s office

D.A. did most of the talking. Pointed out that 1980 government dismissed 14 district commissioners before the 1980 elections because they were perceived be too impartial. Claimed D.A.s were told not to interfere with Constitutional Commissions work. "I support party politics, but people need to determine the timing." Wants to develop Uganda, to go back would be divisive. After people understand, they will be tired of party politics. Claimed rural people in Soroti did not support party politics.

In February 1993, Soroti held a political education session. D.A. provided us with a copy of the agenda to photocopy. Invited department heads, RC officials, public servants, LDF members, etc. Attendance was voluntary. Idea was to educate, e.g. to inform RC members of their "proper roles." Beyond political education, courses also to "de-mystify the gun." He

claimed he wanted to invite Cecilia Ogwal to be a teacher. Museveni did attend. Is planning other sessions for after the planting season.

D.E.S. and D.A. think that voting will be done as it was in 1980 with polling booths and secret ballots (with multiple ballot boxes with photographs of the candidates on the boxes). CA Statute has not yet made it to Soroti.

Thought that D.E.S. would be an impartial election official. These officials felt that logistical difficulties would lie ahead: "Government should wait to have everything set before making noise (about elections) because delay will not be blamed on logistics but on 'NRC telling lies.'"

Displaced People living at the "Golf Club"
We had difficulty communicating in English here.

A number of people (around 20 adults) have been displaced from Kabermaido County, Olelaii village since 1987. Now claim they cannot return because of they are Bantu. Also, they are herdsmen, cannot return because there are no cattle left to herd. They fear for their safety. An NGO is helping them.

An RC4 member (a woman who spoke well) told us that the people did not want multi--parities. Parties cause division.
She was challenged on this issue by a 14-year kid (who offered to (and did) take us to a prominent DP politician in town.)

Hon. M. Juventine Elayu, NRC member for Kalaki county of Soroti district

Said his area was still strongly UPC. Worried that youth would believe the political education of the NRM but had not done anything about it.

Thinks CA elections will be free and fair, but wants to see how Commissioner will administer the process. "NRM has brought peace but beyond that only promises to Soroti." If it comes to a referendum, multiparty will win.

F. Anguria, RC5 Secretary, DP district chairman

Political parties are not banned but we cannot campaign. People are recruiting members. Can do private talks and pass information. "Not so easy to campaign." Anguria himself will not be a candidate: "I am too old. Besides, to be a candidate, you need money and a vehicle."

"Government is brainwashing the young ones." Political education was indirect campaigning. Women, youth, chiefs, civil servants, and RC members were invited, the top people. Claimed only 10 of 87 people on RC5 went. Said content of education was "Uganda is not mature now for multiparty."

Claimed that 5 seats of the ten in Soroti would go for the DP. Gave us detailed information on specific persons and counties.

The shake-up in the RC5 in Soroti was largely a matter of embezzlement and corruption facts/allegations.

Museveni is not a bad man, has promised us that elections will be free and fair. We want secret ballot. "It will be difficult for people to put a mark with other people watching. There should be a shed. Open one is not so good." Worried that presiding officers will see the mark of the voter, even if the other voters cannot. Did not want to have a referendum: saw no need for that.

F. Otukei, potential Natl Assembly DP candidate from Usuk county, Soroti

Thinks elections will be free and fair. Is letting another candidate, C. Acaet, a person who knows more of the law, go for the CA election now. Otukei (who is better at speaking at rallies and is younger) will contest the National Assembly.

Nathan Etengu, New Vision journalist

Thinks that DP will get at most two seats in Soroti: Cuthbert Oborwour in Soroti municipality and possibly Raymond Ekadu in Kalaki. Ekadu will only win because the strong UPC candidates, are not yet willing to resign their posts and contest the election, but will for the National Assembly elections.

Claimed that multi-partyism would lose at a referendum. Why? People like deciding their own matters. Tired of fighting. Youth were politicized by NRM, but not by parties which had ignored them.

Market People in Katakwi, Trip to market day in Katakwi County

We spoke, at times with Nathan at times alone, with ordinary people at the market.

Some apparently well-off young men, 30s, declared they wanted multiparty. They were suspicious of who we were, especially Jonathan "Mzungu" Klaaren, and Colin who looked suspiciously like a Muganda. It took some time for Nathan to explain to them who we were, and once they accepted that we were not government spies, they spoke more freely.

We spoke to some youth, some middle aged people and two old gentlemen. The conclusion was the same in all instances ... multi-parities were the order of the day.

We asked some non-English speaking women and through translators they also said multi-parities yes, Museveni no.

We spoke to one educated RC4 chairman who was reticent about giving us his views but said that he had attended an NRM political education course and that based on what he had learned there about the importance of development etc. he was now rejecting the NRM government in favor of multi-parities.

We confronted Nathan with these sentiments and the fact that they contradicted what he had told us the people believed. He said that this area was a special case because of the security concerns created by the Karamojong. Suspicion of the Karamojong and resentment/suspicion of the NRM for their role in the Karomojong cattle rustling was indeed apparent. But we feel that Nathan was more or less trying to steer us a NRM line and that the people of Katakwi were representative of the sentiment in Soroti district since the security situation seemed no worse in Katakwi than elsewhere.

Sam Otai, ex-rebel commander, Uganda People's Army/Front
John, a police officer

Rebel activity ended in Soroti in late 1992. Sam Otai came out in 1991, then worked to bring others out who were now involved in the Local Defense Forces. Had taken up arms because government was just watching as Karamojong were rustling our cattle and because our people had been denied offices and positions (in police and army). "My people convinced me to finish the war, because ordinary people were dying." "I am now waiting for what government will do for me."

People here want multiparty, just they don't know how to get it. Some people think a party equals a leader. But I think Obote is a failure. Some people are challenging him for UPC leadership. [Nathan told us that Otai had challenged Cecilia Ogwal to a debate on "what has the present leadership of the UPC done for us . . .", and that she had not yet responded.] Said that most people would want to choose an alternative to Obote but can't meet to decide on a name. Thought Tiberondwa was possible (he is known in the district since he was a headmaster there), but had no clear front-runner.

Sam Otai went to the Soroti political education course in February. He thought it was compulsory. Some civil servants who refused to go, saying they were too busy were reported on to the D.A. They are concerned that something will happen to them. This episode almost caused a rift between the DA and the heads of departments. Nothing has yet happened to those who refused to go.

Otai thought it was not de-mystification but creating "thugs" with the military science. As for the political education, he pointed out four sessions where persons specifically denounced multi-partyism and said "forget the multi-partyism."

These sessions are marked on the copy of the agenda for the February meeting with stars.

As for what the people thought, he said "people kept nodding yes, yes, but they are not saying exact yes. People fear government officials, thus especially the civil servants would go along with the teaching.As for CA, people want to elect people for multiparty. "This is the research done by the rural people. They talk to one another."

The rules will not be fair. 1. What does tax have to do with being a candidate? Having paid the tax was not a requirement in 1989 or 1992. 2. Officials will propose a slate of pro-NRM candidates and will use financial influence to help them. Not the DA, but government agents will give money to the rural people. Suspects that NRM still has a secret constitution that it will put into place.

Sam Otai had been asked to speak to us at the DA's office along with two others, but felt that his speech there would be monitored. Thus he came to check our vehicle out to determine if we were genuine. He thought the DA thought that Otai would not speak freely to us in the DA's presence which is why the DA arranged the meeting in the DA's presence. As it turned out, Otai met us outside the presence of the DA.

John, the police officer, told us that one cannot hold a rally without clearance from the police. The district police commander must be approached, who must consult with the Inspector General of Police in Kampala.

A.A. Ruben Owori, Ariu Tadeo, Owori and Co. Advocates, Mbale

Mr. Owori is the lawyer for Cecilia Ogwal in a suit seeking leave to apply for a constitutional injunction against the government forbidding the government to forbid rallies. Mr. Tadeo is his junior. The ruling will be delivered Tuesday at 9:00 am and will determine whether Owori can go ahead with the suit or will need to appeal the denial of suit first. The government argues that the government is immune from suit, under Section 15 of the Government Proceedings Act.

Owori does not know what the ruling will be. His position is that the courts of Uganda are independent. "We are waiting to see if this is true."

Owori and Ogwal are presently basing their argument on the Obote 1967 Constitution (Article 18). For instance, the parties are likely to bring a suit arguing that the CA Statute is limited by the 1967 Constitution.

However, Owori said that when the Constitution enacted by the CA comes into effect, that Constitution will supersede the 1967 Constitution and will have legitimacy in his eyes. Owori gave us a copy of the complaint, Cecilia's affidavit, the government's replying affidavit, and the responding affidavit.

As for the rally issue, as Owori puts it, the problem is in definition one: what is a rally and what is a meeting. He thinks the line is that a meeting becomes a rally when it discusses

politics and policy statements. A meeting discusses organizing, "talking about the organizational structure."

Owori thinks there will be rigging: political education schools, government promises of development, printing extra ballots, tax qualification (only NRM people with access to money will be able to clear the tax), and the 1991 census (under counting in the North where there remained insecurity). "We have heard that the US will fund the electoral process. Is there anything that you can do to make the process free and fair?"

J.K.Masombe, One of UPC persons questioned for wearing UPC party colors

Says that he was questioned about charges of "managing an unlawful assembly" Cap. 106, section 55. Gives a first-hand account of the Cecilia Ogwal visit and reaction.

D.A. Mbale James Magode Ikuya, Dep. D.A. Mbale Henry Rwigyemera

The Dep. D.A. claimed that the Ninth October Movement (an UPC faction headed by Obote's son) wants to disrupt the elections. The Dep.D.A. gave us a copy of a memorandum purporting to be from Obote's son. The D.A. somewhat discounted this NOM threat, saying the only anxiety of the people about the elections was whom to elect.

The D.A. explained the new tax requirement as "elementary: someone should be of good character who is to write a Constitution." Those who worry are the big businessmen who have been dodging the tax. Tax status was not required before because of the insecurity in some parts of the country.

The D.A. explained the census under counting as true, but not significant. He was the former DA for Soroti and guessed that at most 10 percent were not counted.

DA had possession of the "strictly confidential" program of Cecilia Ogwal's visit (see attached). This is why he dispersed the meeting on the Saturday and the police dispersed an attempted mini-rally on the Monday.

The DA indicated to us on the attached program what portions of Cecilia's visit he objected to (basically both rallies and meeting with supporters). He also claimed that she had some secret meetings with NOM supporters. DA thought that Obote still controlled all factions of the UPC and was operating through a strategy of divide and rule.

His rationale for the use of his power was:

1. I am here to enforce morality and am overseen by the NRM Secretariat.
2. I have to respect current law.
3. I consult with the RCs and do what the people want.

His personal view was "I would be for evolution of political parties, based on trends within the RCs. For example, there are splits within the NRM about how to handle the economy: do we take the Asians back, do we have liberalization. These are genuine political differences. This kind of genuine democracy should be nurtured."

Documents Received:

1. Confidential anonymous memorandum supporting multi-partyism and suggesting methods of eliminating NRM rigging in the elections.
2. Copy of Ninth October Movement Memorandum.
3. Court documents relating to Cecilia Ogwal's suit:
   Plaintiff's affidavit
   Government's response
   Plaintiff's reply
4. Copy of Ogwal's confidential program, annotated by DA to show items objected to.
5. 2 copies of Program for Soroti District Political Education and Military Science Course. One copy annotated by a participant to show which courses specifically argued against multi-partyism.
6. Copy of proposed program for upcoming Soroti Political Education and Military Science Course.

4. MBARARA (West) - Clarke

Mr. S. Kaatwiire, Sec. Youth RC5, Sub County Itojo

Mr. Kaatwiire was formally a UPC man under Obote II. Said that political education enables people to know the country, and would help the people safeguard democracy in Uganda in that people no longer feared the gun. When asked if political education was voluntary Mr. Kagwiire said that it was. He also stated that when it first started people did not like it ... but now it has popular support in his district.

Mr. Kaatwiire said that Uganda and her people are not ready for multi-party politics, and that the interim government has brought them all together. He would like to see the MRN government (the interim period) extended for another 15 years. When asked why he replied ..."political education civilizes the people".

I also asked him about the role of women in political education. His reply was that women take on the same roles as women. He acknowledged that there were still some cultural biases but that on the whole "Political education has advanced the cause of women".

Mr. Justin Sablti, Chairman RC5, Mbarara District, (formerly UPC)
Mr. Robert B. Rutehenda, Chairman of RC4, Mayor of Mbarara Municipal Council, (formerly UPC)
Sam Katunda, Secretary for Defence RC4, Mbarara Municipal Council, (formerly DP)

All of the above agreed that party politics as it has come to be known in Uganda should be banned. When asked why it was that they left their former parties and were now members of the MRN they all said that their former parties practiced the politics of exclusion, and what Uganda needed was a politics of inclusion.

When asked about political education, Mr. Katunda said that political education was the one thing that brought Ugandans together. He stated that "Ugandans have no common ground" ... and "what Ugandans needed was common ground if Uganda was to remain a nation". The most sober of these notes was sounded by Mr. Sablti who said "that this was Ugandans last chance to remain a nation, the MRN was its last chance". When asked if there was anything that they would want the international community to know they elected Mr. Rutehebda as their spokesman who said that "Muchaka Muchaka was disturbing the political parties because they knew that it would be the death of them". When asked for an explanation of that statement his reply was .... "that it is easy to take advantage of the ignorant, and that political education opens the eyes of the people".

Mr. Herbert Natukunda, Member, Mbarara District Resistance Council

Mr. Natukunda spoke as a business man. He was concerned only that people are now beginning to have a stake in Uganda. He liked the fact that the MRN was adhering to the rule of law, and this seemed to be a good development in that people were now beginning to invest. He said that his three children had attended Muchaka Muchaka. I asked him why and he said that "if they are going to live in this country then they had better do it for their future".

Mr. Winnie Byanyuina, CA Candidate for Mbarara Municipality

Ms. Byanyuina was more interested in peace that party politics. Said that government has given the people an opportunity in both politics and development. She said that the government was putting people before politics and religion.

She said that "Uganda had to build institutions that people would be willing to die for." When asked why, she said the Ugandan people have not yet developed a sense of nationhood the MRN is helping the people do just that.

When asked if their was one thing that she would like to tell the international community, her reply was "That the majority will give up some small freedoms when taking into account Uganda's history."

VII. LEGAL AMBIGUITIES

A. REFERENDUM

As drafted, the Statute and election rules contain no regulations to govern a referendum, should one (or more) be called. While the Commissioner has the statutory duty to conduct and supervise the referendum (Section 22(1)(h)), it is not at all clear that the power to "organize, administer, and conduct" includes the power to make rules for the referendum. It seems that Minister of Constitutional Affairs Njuba, acting with the consent of the NRC, is probably the competent authority and will make the rules for the conduct of the referendum. Section 30(1)(b).

This means that a whole new set of rules may need to be drafted and put into place on a fairly tight time schedule, if a referendum is called. Presumably, these rules will be quite different and will allow campaigning and rallies related to the issues of the referendum.

Recommendation: As the Commission will be an independent and autonomous body, we recommend that the Commissioner be designated to make the rules regarding a referendum and to do so as soon as possible.

B. REGISTRATION

Rules 4 and 5 state that the periods for voter registration and public scrutiny of the lists shall not "exceed" thirty and fourteen days respectively.

[The Commissioner shall, by notice in the government Gazette, appoint a period not exceeding 30 consecutive days for registration of voters. Prospective voters will apply to vote in a specific Electoral Area and the registration officer will be responsible for approving these applications and registering voters at the village level. Every person that is registered will receive a certificate of registration.]

However, there is no lower limit. Theoretically, this would seem to leave it in the hands of the Commission to provide for minimal registration and scrutiny periods. Since this registration may be the basis for the entire upcoming electoral process, the maximum time period should be utilized.

Recommendation: The Commissioner designate a period of registration of thirty days under Rule 4(1) and of public scrutiny of fourteen days under Rule 5(1). Registration complaints go

not to the registration officer but to the Returning Officer. Rule 5(3).[2] It is not clear whether the Returning Officers have the discretion to deal with those themselves. Apparently, at least some of the complaints may be referred to the RC system or the Commissioner. Section 5(4).

According to Mr. Musoke Kibuuka, Parish Resistance Committee Courts will handle matters such as which parish a certain person belongs in: i.e. whether a person is resident there, works there, or originates from there. The Commissioner will handle more "technical" complaints concerning registration, such as whether the person is a Ugandan citizen (a requirement under Section 7(1)(a)).

Recommendation: The Commissioner should immediately clarify which registration complaints should be handled by the RC courts, the returning officers, and the Commissioner directly.

Can there be appeals of the Commissioner's decisions about registration? According to Mr. Musoke Kibuuka, the registration decisions of the Commissioner and of the Parish Resistance Committee Courts will be appealable to a Chief Magistrate's Court under Section 24(1). However, Rule 5(4) says that the decisions of those persons shall be "final and conclusive." Presumably, factual determinations will not be reviewed and legal determinations could be. This ambiguity should be clarified.

Recommendation: Procedures need to be drafted, approved and published. Ministry of Constitutional Affairs staff indicated that the forms in the Statute are drafts only, and will be changed and improved. The following suggestions are made to facilitate planning for voter registration.

> **1. Issue registration card to voter at time of registration.**
> Provides on-the-spot receipt and averts errors that might occur if receipts are prepared later. Avoids additional cost and saves valuable time.
>
> **2. Clarify and publicize registration criteria, citizenship and residency criteria.** According to the Statute, Ugandans over age 18 are eligible to vote in an Electoral Area if they (1) originate from the EA, (2) reside in the EA or (3) work in gainful employment in the EA. But voters can only register once and in only one EA. Clear criteria should be established and publicized as to how it will be determined if a person originates, resides or works in an EA. In addition, it is important to clearly identify the identification pieces that are acceptable for registration purposes. (passport, national identity card, birth certificate, military card, marriage certificate, lease, other)

---

[2] Part of the RC system, parish Resistance Committee courts are nine-person panels where the majority vote wins.

3. **Establish a date after which Electoral Area boundaries may not be changed.** Once electoral boundaries have been decided, adequate time allocated to establish voter registration rolls, polling stations and station identification.

4. **Safeguard against double registration.** Section 7 of the Statute allows multiple bases for registration, which makes it easier for Ugandans to register, but also increases the potential for double voting. Adequate time must be allowed for cross checking of registration lists and means must be established to verify the separate identities of voters with identical names.

5. **Use established gathering places for registration.** An effective and cost-efficient means of registering voters is to set up registration booths at local markets, religious centers and other areas of customary gatherings.

C. ELECTORAL APPEALS

This topic is a complex one but also one (as the Kenya experience demonstrates) that can have a dramatic impact on the electoral process.

There are at least three kinds of electoral appeals that are set out in the Statute: Section 24 court appeals, Rule 28 election petitions, complaints to the Commissioner.

The first two are somewhat linked: direct access to the Chief Magistrate's Court under Section 24 and electoral petitions to the same court under Rule 28. Section 24(1) provides for resort to a Chief Magistrate's Court within 7 days. Rule 28(1) provides that a losing candidate may file an election petition within the same court within 30 days.

This matter will be more conclusively determined when the Attorney General, in consultation with the Chief Justice, promulgates regulations under the power conferred onto him by Section 32. Since these regulations will encompass complaints from registration, this must be done as soon as possible.
The Attorney General must act in consultation with the Chief Justice. Section 32. The timing for this is expected by about the end of June. Constitutional Affairs will draft the initial take on these rules, before sending them to the First Parliamentary Counsel. Mr. Musoke Kibuuka expects that these rules will be relatively simple and will be about 2 or 3 pages in length.

These regulations should be carefully examined when issued. In general, Mr. Musoke Kibuuka saw Section 24(1) as a right of appeal from any decision of the Commissioner or of the returning officers. The only catch is that there is a 7-day time limit within which to file. According to Mr. Musoke Kibuuka, even third parties could sue under this section. However, Section 24(1) provisions do not apply to those candidates who have lost. Candidates who have

lost file electoral petitions under Rule 28(1). Indeed, standing for this Rule is limited to those candidates who have lost.

The third type of electoral appeal concerns complaints to the Commissioner. These could concern an entire range of topics from delimitation of boundaries, to appoint of officers, to nomination complaints, to polling day problems and so on. These decisions would presumably be appealable to a court under Section 24(1) (except for adjudication of registration complaints as described above).

A fourth type of appeal is not mentioned in the Statute: constitutional or other appeals to the regular courts. In general, Section 24(3) makes the decisions of the Chief Magistrates' Courts non-appealable, but the parties are likely to challenge this restriction. At least one party lawyer (UPC) indicated that a lawsuit challenging some aspects of the CA electoral process was likely. This would probably take the form of a constitutional reference which will be heard by judges of the High Court. A Constitutional Court in Uganda consists of three, five or seven judges of the High Court. Although there is a Supreme Court, at present it does not have the power to interpret the Constitution (the 1967 Constitution as amended by Legal Notice No. 1 of 1986 and further NRM amendments). Although the courts are seen to have some degree of independence, it seems highly unlikely that the High Court will be a major player in this electoral process, at least at the beginning.

Enforcement

The Third Schedule, entitled Election Rules, contains an outline of offenses and penalties under the Statute (Sections 29-36). It is not made clear who is responsible for determining when an offense has been committed – Commission personnel or the police – and what court – the Magistrates' Court or the RC court – has jurisdiction over which offenses.

Recommendation: The competent authority, be that the National Resistance Council, the Minister of Constitutional Affairs or the Commissioner for the Constituent Assembly, determine (or designate authority to determine) which courts have jurisdiction over which types of cases.

It should also be clarified whether Commission personnel or the police are responsible for determining when an offense has occurred. Clear guidance should be given on enforcement of the Statute. In particular, guidance on enforcing the limits on the campaigning. Overly-strict enforcement of rules regarding the campaign could be perceived as intimidation and could compromise the integrity of the election. Training of police and Commission personnel should include likely scenarios that will require a fast judgment call. Such scenarios might include:

- If a supporter of a candidate calls out a party slogan at a Candidates' Meeting, what action is taken?

- If a candidate known as a multi-party supporter complains of harassment or intimidation from NRM cadres, what action is taken?

- If a candidate holds a meeting to plan strategy and many people attend, is it a rally?

D. RETURNING OFFICERS

Rule 6(4)'s prohibition against appointing someone of public office to be a returning officer means that DAs and RC5 chairmen cannot be returning officers in their districts. DES, on the other hand, can be returning officers and probably will be. It is not clear if a DA can be appointed a returning officer in another district.

Recommendation: That the Commissioner not appoint DAs to be returning officers, even outside of their own districts.

E. MEDIA ACCESS

According to Mr. Musoke Kibuuka, the mention of radio and television as a permitted method of campaigning was taken out of the Rules as passed (Rule 13) in order not to give an advantage to those rich candidates who could afford radio and television advertising. According to the legal presumption governing in Uganda that what is not prohibited is allowed, one can still do such campaigning. While the equity argument has weight, the principle of equal access to the media seems important to uphold here.

Recommendation: The Commissioner should clarify that radio and television is a permitted method of alternative campaigning.

Section 22 does not specifically list voter education as one of the functions of the Commissioner.

Recommendation: The Commissioner should specifically be charged with the function of voter education.

F. INDEPENDENCE OF THE COMMISSION

The CA Statute states that the Commission for the Constituent Assembly shall be independent. Section 23. However, there are at least three areas of concern regarding the Commission's independence. Much will obviously depend on the Chairman of the Commission, but there are some structural areas that can be addressed through the Statute and the rules.

CA Commission and Its Officers

On June 18, President Museveni named Steven Besweri Akabwai as Commissioner of the Constituent Assembly. Joshua Kyalimpa was named as Deputy Commissioner for Administration and Vincent Musoke Kibuuka was named as Deputy Commissioner for Technical Affairs. AAI team members had extensive consultations with Mr. Musoke Kibuuka in his capacity as Principal State Attorney in the Ministry of Constitutional Affairs. The scope of the Commission's work is broad and the time available to accomplish it is short. As the Commission begins its work, AAI offers the following recommendations:

Recommendation: In accord with Section 23 of the Statute, the Commission for the Constituent Assembly should establish and maintain its independence and neutrality from inception. There are some in Uganda who feel that a Commission appointed by the Executive, would necessarily work to further the goals of the President. The independent role and powers of the Commissioner vis-a-vis the Minister of State for Constitutional Affairs are not clear. If they should disagree, the Commissioner's independence could be placed in doubt, and this could seriously affect election process and credibility. The Commission can prove these skeptics wrong if it carries out its duties objectively, and is perceived to act in a neutral manner. Toward that end, AAI makes the following specific suggestions:

1. **Maintain independent offices.** The AAI team was given the understanding that the Commission's offices would be located adjacent to the Ministry of Constitutional Affairs. AAI recognizes the lack of available office space in Kampala, but strongly recommends that the Commission find separate office space, independent of any government ministry. Also in the districts, to the extent that it is possible for Registration and Returning Officers to work from space independent of the DA's office, it would enhance the Commission's credibility.

2. **Conduct Unbiased Civic Education.** The Constituent Assembly Statute does not specifically charge the Commission with the duty of educating voters about the election, but all the government officials the AAI team met with presumed the Commission would undertake this task. The Commission must conduct a civic education campaign. The content of the civic education materials should be focussed on factual information regarding the purpose of the election and registration, campaign and voting procedures. The United Nations has budgeted to provide a consultant to assist with this effort and AAI provide assistance for a neutral, objective civic and voter education campaign.

3. **Work transparently.** Perhaps the surest method for the Commission to be perceived as objective is if its actions are open to public scrutiny. If Electoral Areas are delimited according to a clear rationale that is applied consistently, if recruitment and training of election officials is done openly, if challenges are responded to swiftly and fairly, if the vote count and announcement of results are carried out in a

transparent manner – then the Commission will have demonstrated its independence and neutrality.

Administration. Some of the concern about the independence of the Commission stems from administrative arrangements already in place. Still, there are some troubling administrative areas:

(a) The Electoral Areas to be declared by the Commission have already been mapped out by a geographer in the Ministry of Constitutional Affairs.

(b) The assumption is that the Commission will depend heavily on seconded personnel from the Ministry of Local Government, the same personnel who ran the RC system elections of 1989 and 1992.

Appointment. While the Constitutional Commission recommended a multi-person body for the independence that such a commission would offer, the CA Statute instead has a single person as the Commissioner, assisted by two deputies. This has more the feel of an administrative functionary than a policy-setting independent body. Moreover, the President appoints the Commissioner directly upon terms and conditions of employment as he shall specify. The President also appoints the two deputies.

Scope of Duties. The Commission has relatively little discretion, other than to choose the dates and time periods of the election activities. The Commissioner can determine which registration complaints he or she will hear and which will be heard by the RC court. However, the Commission does not have much other power over the rules of the electoral process. To promulgate any new election rule will take the Minister of Constitutional Affairs and the consent of the NRC. The Attorney General will write the rules for access to the courts.

Recommendation: Several steps could be taken to bolster the independence of the Commissioner. The Commissioner should be encouraged to avoid even the perception of dependence and should be encouraged to take an aggressive view of his power to supervise the electoral process.

G. SECRECY OF THE BALLOT

An area of concern is related to the potential for back tracking to determine how an individual voted. If the serial numbers are printed on both the ballot paper and the counterfoil (required by Rule 19(2)), and if the voter's identification number is placed on the counterfoil, then it is theoretically possible for someone with access to those materials and a registration list to piece together which voter voted for which candidate. Although the regulations and forms

are not yet detailed enough to determine whether this is a concern, there is nothing in the rules to preclude this possibility.

While this measure assists in accounting for ballots, it also opens the possibility of compromising the secret ballot by allowing officials to track who voted for whom after the ballot boxes have been opened.

Recommendation: If ballots are to have serial numbers on them with tear off receipts for each voter, it is not then necessary to give voters a serial numbered receipt. In order to preserve the secrecy of voting, it is imperative that the voter's ballot number not be identified on or linked in any way with the voter's registration list, registration number or any other personalized record. Perhaps a compromise would be to allow serial numbers on the ballots, record numbers to each polling station. These numbers can be verified at time of vote count, and recorded on the vote tabulation form. Dispense with numbered counterfoils on the ballots. If it is felt that voters must have a ballot receipt, let them tear off an unnumbered counterfoil, or be given an unnumbered receipt on departure. Careful civic education will be needed to avoid unwarranted accusations of vote tampering.

Recommendation: The secrecy of the ballot must be strictly maintained.

Second, there are aspects of queue voting in the present secret ballot set-up. Rule 15(3) requires that every polling station should, if possible, be located on open ground or in large premises of convenient access. Rule 18(1) requires that all voters are to form a single line and stand ten meters away from the polling table. Rule 18(3) defines "table" to include a desk, stool, etc.

Does ten meters from an open table and a line of voters constitute a secret ballot? If strictly enforced, it is unlikely that anyone could see what a voter was marking. Still, the procedure does seem to invite a certain amount of "peer pressure."

There are some cultural differences in interpreting actions aimed at "transparency," "free and fair" elections, "secret balloting," and "freedom of assembly" that could lead to misunderstandings in election monitoring. The government prefers to assure transparency by having voters mark their ballots in the open where onlookers may verify that voters don't substitute a fraudulent ballot or vote more than one, while secrecy is guaranteed by keeping the balloting table far enough away from onlookers; Sequestered booths is the practice in most democracies.

Also, most democracies guarantee voter secrecy by strictly prohibiting any means of identifying how the voter has voted; but in Uganda, the preference is to identify the voter with a ballot number to verify in the event of a recount.

Another rule may increase the queue voting aspects of the system. Rule 22(a) presently requires the presiding officer to close the polling station before the expiry of polling time if

"every voter, in the line of voters, completes the voting process before the expiry of voting time." This seems to mean that a presiding officer must close up shop as soon as no voter is in immediate sight.

H. MONITORING

There are no specific provisions for monitors in the Statute and rules other than the provision for agents of the candidates in at the polling station (Rule 18(7)) and in counting (Rule 24(3)). The candidate is required to identify the polling station agents in writing to the presiding officer. There is no provision for these counting agents to actually sign the Declaration of Results Form, or for these counting agents to be identified before polling day. Rule 25(2).

Recommendation: The verification process for the monitors should be made as simple as possible.

Recommendation: Candidates should be allowed to appoint counting agents to verify the returning officers' compilation of the results from the various polling stations.

Recommendation: Candidates' counting agents should be required to sign the Declaration of Results Form at the polling station level.

VIII. TECHNICAL PREPARATIONS

A. TIMETABLE

The electoral timetable in Uganda is extremely tight. The team was told by numerous government officials that all elections, Constituent Assembly and any referenda called during its deliberations, presidential, legislative and local must be held by January 25, 1995 – the date on which the mandate of the National Resistance Council expires. It was generally agreed by those inside and out of government that any further extension of the NRC's mandate would be extremely unpopular.

The Constituent Assembly election was originally anticipated to be held by October 1993. However, unofficial government estimates put the date around December 20, 1993, given the amount of time required for recruitment and training of Commission personnel, constituency delimitation, voter registration and campaigning, and the fact that the Commissioner of the Constituent Assembly was not named until June 18.

B. CODES AND REGULATIONS

Immediate tasks to be organized, with written procedures, include: Constituency Delimitation, or the setting of Electoral Area (EA) boundaries, so the number of delegates to be elected may become known and candidacies declared and registration procedures need to be written and publicized, followed by a month of registration, a month for list preparation, two weeks for posting, two weeks for appeals; then list finalization and distribution to polling stations; all of which will take at least five months.

The existing election Rules do not provide for absentee voting procedures. The general conclusion is that there is insufficient time to establish such for the Constituent Assembly election, but they could be devised for the 1994 elections, working through the Ministry of Foreign Affairs. As has been done in other countries, procedures should be set up which would allow Ugandans resident overseas to cast their ballots at their embassies or high commissions. It was noted that some 200,000 Ugandans live abroad and that's too large a number to leave disenfranchised. In addition, there is no voting procedure in the Statute for people who are away from their assigned polling station on election day.

Recommendation: The Commission establish a procedure for challenge or tendered ballots that would allow voters who are away from their assigned polling station on election day to vote. Such ballots would have to be monitored closely and counted or checked at the district or national level to ensure against double voting, however, some provision for those who are posted away from their constituency through work or who must travel at that time for other reasons should be provided an opportunity to vote.

The Regulations lack clarity as to what polling officials are to do if voters are still in line at the 5:00 p.m. closing time of the polls.

Recommendation: Clear instructions should be issued that the polling stations must stay open until all those in line have voted.

C. GOVERNMENT STRUCTURE & ITS RELATIONSHIP TO ELECTION ADMINISTRATION

The government has recently been reorganized; indeed, during the team's visit, the Ministry of Local Government was holding decentralization meetings with District Executive Secretaries (DESs). A current organogram, properly analyzed as to election related activities of all government offices is needed. This will take probing, as many civil servants have not readily identified their election related services; rather, they are organized to respond to orders of their superiors who receive requests from the Commissioner of the Constituent Assembly. For example, the Uganda Posts and Telecommunications Director readily responded to questions concerning optimum possible communications during the CA election, but has not thought through how the UPTC should participate.

The Ministry of Local Government has administered past elections, and the Minister of State for Constitutional Affairs has stated that he anticipates the CA Commissioner seconding civil servants for the work of the Commission.

Government Administrative Structure

There are 4 Regions, but they appear to be more geographical than administrative.

Districts. The 39 districts are the main administrative units. The District Administrator (DA) is the chief officer, who is a political appointee reporting to the President through the NRM Secretariat. The District Executive Secretary (DES) is chief civil servant appointed by the Ministry of Local Government. Under the colonial system, each district had a District Commissioner with both DA and DES duties. A draft bill is now being considered which would decentralize the process and make the DES coordinator and supervisor.

Counties. There are 160 counties. Each county will constitute at least one Electoral Area and no county shall be split among EAs.

Sub-counties (Gombolola). There are generally between five and nine per county; thus around 1,200.

Parish. There are approximately 4,500 parishes in the country. Each parish will have at least one polling station. The Commission will decide the final number of polling stations (PS). Distance to PS as well as voter population per PS is an important criterion in setting the

number of PS per parish, so most parishes will have 2-3 PS, for a potential total of some 18,000 PS nationwide.

Recommendation: The Commission needs to assure that no more than 600 voters are assigned to a polling station (PS), or up to a 1,000 maximum, as there are only 600 minutes in the voting day (7 a.m. to 5 p.m.), and one voter per minute is the accepted norm.

In municipalities, counties are subdivided into divisions instead of sub-counties. There are five divisions in Kampala, four with two EAs, and one with one EA.

D. GOVERNMENT CAPACITY TO MOUNT FREE & FAIR ELECTIONS

Authorities are clearly motivated to avoid the errors made in 1980.

Election Schedule/Calendar: Authorities have shown flexibility and understanding of calendar strictures. Officials altered the schedule to accommodate UN consultant's suggestions. The current schedule is very tight, but possible.

Staffing: At the rate of three persons per 18,000 polling stations, 54,000 poll workers will be needed; also 36,000 police and village guards, as well as thousands of candidate and non-partisan observers. Clear procedures must be set and careful coordination and training organized. This is a massive effort needing planning and maximum lead time.

The district and local operations of the Commission are also not spelled out, other than the appointment of district Registrars/Returning Officers. It is assumed that civil servants from Local Government will be made available as presiding officers and workers.

Recommendation: Returning Officers should appoint a coordinator at county and parish levels to coordinate and oversee polling stations in their jurisdictions during the voting day. The appointment of non-aligned and respected community leaders to these tasks could augment continuity, the perception of fairness, and Commission credibility.

E. CONSTITUENCY DELIMITATION

The GOU is familiar with delimiting constituencies, as this was done for previous elections including RC elections. Each county (160) has been designated as at least one Electoral Area. Administrative units were chosen as the basis for constituencies as these are recognized borders and would serve as the most acceptable basis for Electoral Areas. Some have complained that under President Museveni, five districts have been created primarily in the South and West, his base of support. In the North and East, AAI team members also heard complaints that 1990 population figures will be used in determining whether counties should be split into more

than one EA. At that time, fighting in the North and East was fierce and many civilians were away as refugees.

Local and central government officials acknowledge that the North and East are under represented in the census, but claim that this is not significant enough to impact on how constituencies are delimited. It should be stated that by using administrative units some areas of the less populated North and East will benefit. Some northern counties only have an official population of 30,000, and these will receive one seat on the CA just as a southern county of 100,000 would. (disproportionate representation)

The Constituent Assembly Statute prescribes that if a county has a population in excess of 140,000, it will be split into two Electoral Areas. Preliminary mapping and lists of numbers of eligible voters per county have been compiled by the Ministry of Constitutional Affairs, and they await Commission approval or finalization. According to that plan, Kampala will have seven EAs. Counties that had one will now have three, for a total of 227 EAs, each with a population of approximately 70,000. Some Government officials interpret the Statute to mean that by making 140,000 the upper limit for an EA, that 70,000 was the desired mean, and therefore a county with 130,000 would be split into two EAs because 65,000 is closer to 70,000 than 130,000.

However, the Statute specifically states in the Third Schedule, Part I, Section (3) that "When designating Electoral Areas, the Commissioner shall – (a) where a county has a population of one hundred and forty thousand inhabitants or more (emphasis added), designate out of that county, two or more Electoral Areas so that each Electoral Area comprises approximately seventy thousand inhabitants."

Recommendation: It is important for the Commission to determine, document and publicize its criteria for delimiting Electoral Areas. The Commission should apply the Statute literally and not split counties with populations of less than 140,000. The Commission should take all possible steps to avoid charges of favoring one region over another.

F. POLLING STATION OFFICIALS

The Statute states that each polling station will be staffed by a presiding officer and two assistants. It is estimated that there will be 18,000 polling stations and thus there will be 54,000 polling station officials that will be recruited and trained.

Recommendation: Qualifications and recruitment procedures for polling officials should be made clear, uniform and should be publicized. In addition:

> **Training.** To the extent possible, poll worker training sessions should also include local representatives of the Commission, candidates' agents, citizen monitors and police and local defense forces. Such joint training not only saves time and money, but also

eliminates rivalries, confusion, and makes each participant aware of the other's role in the process.

Voting. Procedure for the polling officials and Commission officials to vote should be established and publicized early.

Recommendation: The Commission should assign responsibility for design, production and distribution of registration forms, nomination papers and ballots as soon as possible. Other issues to be addressed include: anti-counterfeiting measures, accounting and tracking, storage, and the establishment of archives.

G. ROLE OF THE ARMY, POLICE AND LOCAL DEFENSE FORCES

The roles of the army, police and local defense forces for the Constituent Assembly elections are not specified in the Statute. AAI team members met with the a senior official in the Ministry of Internal Affairs and the Inspector General of Police. The team was assured that the army would not play an active role in maintaining order during the election. It was suggested that army vehicles may be used by the Commission, but no specific plans have been made. In Gulu district, where limited rebel activity continues, the AAI team was told that the army would continue its normal patrols during the election. Citizens in the area expressed concerns that the army would be used to intimidate voters.

The police are to have primary responsibility for maintaining order in and around polling stations and in assuring ballot and ballot box security. It is estimated that 17,000 police will be deployed on election day. It was not clear whether it was anticipated that the local defense forces would be involved in providing security for the election. In addition, neither official was certain of what the procedure would be for members of the army and the police to vote.

Recommendation: It is important that order is maintained during the election process. It is equally important that those responsible for maintaining order and providing security not overreact, thus creating an atmosphere of intimidation. It is strongly recommended that the police be solely responsibly for maintaining order and providing security, as they are perceived as being the most professional, non-partisan security force in the country. If additional personnel are required, it is recommended that special deputies for the election are appointed and trained by the police.

1. **National Resistance Army.** The role of the army and a voting procedure for soldiers should be established and made public before the registration period begins. Provision for soldiers to vote in the barracks on or before election day and that monitors are given easy access to the barracks polling sites. Given the limited transportation available in Uganda, the Commission may need to use army vehicles to transport election materials and/or Commission personnel. If this occurs, it is strongly recommended that Commission personnel alone use the vehicles with only a police

escort. If this is not possible or feasible, Commission personnel, non-partisan monitors and police should accompany any army vehicles used for the elections.

2. **Police.** It will be very important that the police play a clearly non-partisan role in the election process. To ensure this, a number of issues that need addressing include:

a. **Voting procedure.** Voting procedures for the police should be established and made public early in the process.

b. **Planning.** The Commission should work together with the Inspector General to plan for adequate coverage during the registration, campaign, voting and vote counting processes. In particular, planning should anticipate the election-day need for police from the opening of the polls through the end of the vote count and the storing of election materials.

c. **Training.** The Commission should include police representatives in training sessions for polling station officials so that both are mutually aware of the other's role. In addition, the Commission should work jointly with the Inspector General to provide clear guidance in enforcing the Statute.

3. **Local Defense Forces.** It is recommended that local defense forces play no role in the election. The forces are not as well trained as the police and are part of the RC system, which is considered partisan by some Ugandans. In addition, the RC courts will have some responsibility for adjudicating election complaints, and it would not serve the process well for local RCs to have mutual responsibilities of enforcing the Statute and adjudicating cases.

H. VOTING PROCESS

Recommendation: The current rules are generally clear and concise; however, they leave a number of questions which need resolution. For example:

Voters without identification. Procedures are needed to authenticate voters who come without their identification card or registration receipt. Wherever possible, voters should be allowed to vote.

Mobile polling stations. The Statute does not specify whether mobile polling stations will be allowed, but Internal Affairs hopes to organize a helicopter polling station to reach any inaccessible areas. It might be useful to consider mobile polling station vans. Again, careful procedures would need to designed to avoid double voting.

I. VOTE COUNTING AND SECURITY

The Statute provides that votes will be counted at the polling station immediately after the close of the polls and that no votes will be left uncounted overnight. Results for each polling station are announced at the end of the count, but the winner is declared by the returning officer, after verifying the vote totals. Candidates are allowed to have one representative each at the vote counting, but there is no provision for the representatives to countersign the tally sheet; only the presiding officer signs.

Recommendation:

- Non-partisan monitors and party pollwatchers also should be allowed to witness the count.

- Some provision for countersigning the tally sheet should be made.

- The Statute states that presiding officers will provide lanterns for the count where required. Lanterns should be provided for all polling stations.

- As part of polling officials' training, a step-by-step procedure for the vote count should be established. Such a procedure might include:

    - Presiding officer opens the ballot box.
    - Presiding officer empties the ballot box onto a table in the presence of all observers.
    - The number of ballots is counted and sorted.
    - One assistant unfolds the top ballot for all present to see, calls out the name of the candidate voted, then puts the ballot down at the end of the table
    - The second assistant notes the vote on a tally sheet or blackboard.
    - The second assistant announces tally verifying the total, and if all observers agree, the first assistant binds the pile and puts them back into the ballot box and proceeds
    - If there is not agreement, then a recount required before proceeding.
    - If there is disagreement about a nullified vote, the presiding officer decides. If the assistants or one of the candidate observers disagrees, it is set aside in a special pile for adjudication later.
    - This proceeds until all votes are counted and the ballot box is resealed with the counted ballots inside
    - The presiding officer and two witnesses should sign the tally sheet and three copies of the report of vote count, one remaining at the polling station, the two others go with the presiding officer and ballot box with police and observers to the returning officer.

- Logistics for swift delivery and communications of vote count ensures credibility and avoids fraud accusations. For elections under the RC system, DAs have acted as returning officers and have phoned in results to the center office in Kampala. Phone reports can lead to error and accusations of fraud. Each district with phone connections (approximately 30) should be provided with a fax machine to fax the actual vote count report in to center, and that only the remaining nine districts without telephone service rely on radio call service (this means installing radio call units in the 4 new district offices that do not have communications).

Information Center: All the media would like the Commission to set up an election returns and information center that will provide ongoing information. This should be separate from the Commission or VIP center, but close to it for press access to officials.

They also recommend public address systems for rallies to be provided to all districts and voter education sessions.

J. COMMODITY NEEDS

The Government of Uganda has submitted at $10 million budget for the Constituent Assembly process, and has asked the international donor community to contribute up to half of it.

Ballots. Officials in the Local Government and Constitutional Affairs Ministries, as well as the Government Printing Office, indicate that Uganda's most pressing need for outside help is in furnishing printed, numbered ballots – a different set, complete with pictures for each of 277 constituencies – within a tight time frame. There is no capacity to do this inside Uganda, either at the Government Printing Office or privately, and for security as well as technical reasons, they prefer the ballots be printed outside the country and brought in and distributed under tight security. They are counting on the British to supply the ballots and paper for other forms.

Transportation. The next most urgent commodity need, they say, is for vehicles and fuel. While there's no doubt they need them, there appears to be little inclination in the donor community to supply them.

Communications. Improved communications and ability to report vote results are the next most important item, including a complete nationwide FAX and radio-call communication system.

The Director of Uganda Posts and Telecommunications Corporation states that Radio Call (one-way relay type) are available and can be installed at the rate of 5-10 per week. Currently, among the 39 district offices, there are 30 with phones, 4 with radio call, and 5 new districts with neither.

For the election period, repeater stations and standby generators can be set up to increase continuous service, and rural party lines could temporarily be dedicated to election implementation and reporting.

UPTC could supply an improved district communications system as follows: (estimates)

30 FAX machines for district offices to transmit actual vote return forms and eliminate phone errors

6 FAX machines for CA Commission & key offices

5 Radio Call units for new district offices

IX. INTERNATIONAL AND DONOR SUPPORT

While in Uganda, the AAI team met with representatives of the UNDP and donor nations. Indications of likely assistance were as follows:

It is anticipated that the UNDP will spend about $500,000 to provide a series of consultants and support staff:

Chief technical advisor/coordinator
Senior consultant in logistics
Civic education consultant
Informatics consultant
Communications consultant
Training consultant
Miscellaneous short term consultants

The UNDP expressed a willingness, indeed a desire, that their coordinator liaise and coordinate with the projects, personnel and commodity procurement efforts of all the donor nations. They would also respond to the international community's request that the UNDP coordinate international observers. Whether this role is acceptable to all the donors is open to question.

Britain has indicated that it is likely that it will contribute the ballots and perhaps some ballot boxes. The British firm, Thomas De La Rue, which prints the Ugandan currency, would be contracted for the ballot printing.

Germany is reported to be considering $370,000 (up from $130,000) for paper, support for training poll workers and government officials, but not for vehicles. The money is not yet officially pledged.

Denmark had a one man mission in Uganda and is bringing two to three more to review and identify areas of potential support.
Italy won't decide until the "democracy issue" is resolved.

The EC expects to make a political decision June/July 1993.

X. SUMMARY RECOMMENDATIONS OF AREAF INVOLVEMENT

The AAI assessment team identified a broad range of needs for the Constituent Assembly elections. Many of the preparations for the CA elections will have a carry-over effect on the national elections in 1994. AAI recommends that AREAF assistance to the CA elections focus on those areas that promote indigenous capacity building and are most likely to have a lasting impact on the democratization process. In particular these are:

- SUPPORT AND ORGANIZATION OF A BROAD BASED AD HOC MONITORING EFFORT
- TRAINING FOR TRAINERS OF LOCAL OR INDIGENOUS MONITORS
- TECHNICAL ASSISTANCE TO THE COMMISSION FOR THE CONSTITUENT ASSEMBLY
- TRAINING OF ELECTIONS OFFICIALS
- PARTY POLLWATCHER TRAINING
- CIVIC EDUCATION
- INTERNATIONAL OBSERVERS
- COMMODITY SUPPORT

XI. PROFILE OF THE ASSESSMENT TEAM

AMBASSADOR WALTER CHARLES CARRINGTON, Esq.
Ambassador Carrington is a former Executive Vice President of the African-American Institute and a specialist on issues of governance and democratization in Africa. In 1992 he was chief aide to Congressman Mervyn Dymally, Chairman of the Sub-Committee on Africa of the U.S. House of Representatives. His recent work with the democracy movement in Africa has included, keynoting at the international conference on democracy in Sierra Leone; participating as a member of President Jimmy Carter's international observer team in the elections in Zambia; organizing a conference on democracy in Ghana; and accompanying former president Sir James Mancham on his first return to the Seychelles since his overthrow in 1977 to re-inaugurate multi-party politics. In March 1993 he led the American delegation observing presidential elections in Niger. In April, 1993 he headed the U.S. Presidential delegation to the inauguration of Niger's first democratically elected President. He is a former U.S. Ambassador to Senegal.

Mr. MICHAEL W. CARROLL
Mr. Carroll is the AAI Project Assistant for the Africa Regional Electoral Assistance Fund (AREAF). Mr. Carroll assists the Project Director, Mr. Stoney Cooks, in all aspects of project development and implementation and has been involved in AAI's projects in Madagascar, Congo, Djibouti, Ethiopia, Eritrea and Ghana. Prior to joining AAI in 1991, Mr. Carroll taught African history in Zimbabwe and, before that, was as a journalist in Chicago. Mr. Carroll holds a B.A. in Antrhopology from the University of Chicago.

Ms. ELIZABETH CHENEY
Ms. Cheney is a program officer at the International Republican Institute. She has worked with the IRI in Guinea and Kenya. Prior to joining the IRI in 1993, Ms. Cheney served in a number of U.S. Government positions in Eastern Europe including Special Assistant to the Coordinator for U.S. Assistance to the former Soviet Union in the Department of State, Project Development Officer in the U.S. Embassy/Budapest, and Special Assistant to the Assistant Administrator in the A.I.D. Bureau for Europe and Near East. Ms. Cheney holds a B.A. in Political Science from the Colorado College.

Mr. COLIN C. CLARKE, Esq.
Mr. Clarke is the Deputy Director of AAI's Trade and Investment Program and also is involved in a number of AREAF programs. He has had extensive experience in political organization and has conducted assessment missions and training sessions in Eritrea, Djibouti and Ghana. He is a University of Denver College of Law and University of Texas at Austin graduate.

Prof. MICHAEL D. FORD
Professor Ford is the Dean of Multicultural Affairs at Hampshire College in Massachusetts. Professor Ford is a political scientist specializing in East Africa and has taught courses in African Politics; Political Economy of the Developing Areas; Politics of Education and Race and Politics in American Life. Professor Ford is a former Peace Corps Volunteer in Kenya and is fluent in KiSwahili. In December 1992, he was a member of the international observer delegation to general elections in Kenya.

Mr. JONATHAN E. KLAAREN, Esq.
Mr. Klaaren teaches Constitutional law at Witwatersrand University in Johannesburg, South Africa. Mr. Klaaren was most recently law clerk to the Honorable A. Leon Higginbotham, Jr., United States Court of Appeals for the Third Circuit, Philadelphia, Pennsylvania. Prior to his clerkship, Mr. Klaaren was engaged in human rights work in Kenya, Uganda and Malawi, including co-authoring a report on the Kenyan electoral process for the Robert F. Kennedy Memorial Center for Human Rights, and working at the Legal Resources Centre in Cape Town, South Africa.

Ms. HILARY WHITTAKER
Ms. Whittaker is an election consultant and was most recently Director of the Peace Corps/Mali. Her experiences with elections and democracy are varied. In 1991 she led international teams of constitutional, election codes and voting systems experts to Mali and the Comoros Islands. As a consultatnt to the International Foundation for Electoral Systems, she has assisted the governments of Mali, Congo, and Togo in designing fair elections and absentee voting systems and directives in 1992. Ms. Whittaker has also directed development, population census, education, business, health and computerization assistance programs in Europe, Asia and Africa for USAID, Peace Corps and the American Red Cross.

ATTACHMENT 1

CONSTITUENT ASSEMBLY STATUTE

STATUTES
SUPPLEMENT No. 3 21st May, 1993.

STATUTES SUPPLEMENT

to the Uganda Gazette No. 22 Volume LXXXVI dated 21st May, 1993.
Printed by UPPC Entebbe, by Order of Government.

THE CONSTITUENT ASSEMBLY STATUTE, 1993.

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. Short title.
2. Commencement.
3. Interpretation.

PART II—ESTABLISHMENT AND COMPOSITION OF CONSTITUENT ASSEMBLY AND QUALIFICATIONS OF DELEGATES.

4. Establishment and composition of Constituent Assembly.
5. Qualifications of delegates.
6. Disqualifications of delegates.
7. Qualifications for registration as a voter or for voting.
8. Functions of Constituent Assembly.

PART III—CHAIRMAN, DEPUTY CHAIRMAN, OFFICERS AND STAFF OF THE ASSEMBLY.

9. Chairman and Deputy Chairman.
10. Qualifications for election to the office of Chairman or Deputy Chairman, etc.
11. Tenure of office of delegates.
12. Secretariat of the Assembly.

PART IV—CONDUCT OF BUSINESS OF THE ASSEMBLY.

13. Oath of allegiance.
14. Official language of Assembly.
15. Quorum.
16. Procedure of the Assembly.
17. Decisions of the Assembly.

Section.

18. Matters which may be resolved by national referendum.

19. Effective date of new Constitution.

PART V—COMMISSION FOR THE CONSTITUENT ASSEMBLY.

20. Establishment and composition of Commission for the Constituent Assembly.

21. Appointment and qualifications of Commissioner and Deputy Commissioner.

22. Functions of Commissioner.

23. Guarantee of the independence of Commissioners and Deputy Commissioner.

24. Settlement of disputes, jurisdiction, etc.

PART VI—FINANCE.

25. Expenses charged upon Consolidated Fund.

26 Allowances to be paid to delegates, Commissioners, etc.

PART VII—GENERAL.

27. Unauthorised absence of delegate from sittings.

28. Replacement of delegate in case of absence, death or incapacity, etc.

29. Powers and privileges of Assembly, etc.

30. Rules and Regulations.

31. Prohibition of non-delegates from sitting or voting in the Assembly.

32. Rules of court.

33. Repeal and savings.

SCHEDULES.

First Schedule.

Second Schedule.

Third Schedule.

THE CONSTITUENT ASSEMBLY STATUTE, 1993.

A Statute to provide for the establishment of a Constituent Assembly for the purpose of considering and enacting a new national Constitution for the Republic of Uganda; to provide for the composition and functions of the Assembly; to establish a Commission for conducting the election of the delegates to the Assembly and to serve as the Secretariat for the Assembly and for other connected or incidental matters.

DATE OF ASSENT: 14th May, 1993.

Date of commencement: See section 2.

PREAMBLE

WHEREAS under the Ten-Point Programme, the National Resistance Movement envisioned a fundamental need for the development of a new national consensus upon Uganda's constitutional arrangements as a prerequisite for the demoo-ratic process and the rule of law:

AND WHEREAS the National Resistance Council, by enacting the Uganda Constitutional Commission Statute, 1988, took concrete steps towards achieving the ideal of procuring a national Constitution freely made by all the people of Uganda.

AND WHEREAS it is deemed expedient, and in concert with the policy of involving the will of the people in the entire process of the national Constitution-making, that a truly representative Constituent Assembly be established to scrutinise, debate, finally redraft and enact the Constitution prepared and submitted to the Minister in accordance with subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988:

NOW THEREFORE, BE IT ENACTED by the President and the National Resistance Council as follows:

PART I—PRELIMINARY.

Short title.

1. This Statute may be cited as the Constituent Assembly Statute, 1993.

Commencement.

2. This Statute shall come into force on such date as the Minister may, by statutory instrument, appoint and shall remain in force until the day the new Constitution comes into force, and on that day, shall expire.

Interpretation.

3. In this Statute, unless the context otherwise requires—

"Assembly" means the Constituent Assembly established by subsection (1) of section 4;

"candidate" means a person who has been duly nominated as a candidate for election as a delegate to the Assembly;

"Chairman" means the Chairman of the Constituent Assembly and a reference to "the Chairman" in sections 15, 17 and 18, shall be construed to mean the Chairman or the Deputy Chairman, as may be presiding;

"Commission" means the Commission for the Constituent Assembly established by section 20;

"Commissioner" means the Commissioner for the Constituent Assembly appointed under subsection (2) of section 21;

"Constitution" means the Constitution adopted or to be adopted by the Assembly;

"court of competent jurisdiction" means a Chief Magistrate's Court or a court presided over by a Magistrate Grade I;

"delegate" means a person elected or appointed as a delegate to the Constituent Assembly under the provisions of subsection (2) of section 4;

"election officer" includes a registration officer, a returning officer, a deputy returning officer, a presiding officer and a polling assistant;

"Electoral Area" means an area designated as such by the Commissioner under this Statute;

"Minister" means the Minister responsible for constitutional affairs;

"parish" includes a ward.

PART II—ESTABLISHMENT AND COMPOSITION OF CONSTITUENT ASSEMBLY AND QUALIFICATIONS OF DELEGATES.

4. (1) There is hereby established a Constituent Assembly for the purpose of scrutinising, debating, enacting and promulgating a new Constitution of the Republic of Uganda. Establishment and Composition of Constituent Assembly.

(2) The Assembly shall, subject to the provisions of this Statute, consist of the following delegates—

(*a*) such number of directly elected delegates as is equivalent to the number of Electoral Areas designated by the Commissioner and elected in accordance with the rules set out in the Third Schedule to this Statute, one delegate being elected for each Electoral Area;

(*b*) the number of delegates specified in the First Schedule to this Statute, elected in relation to each body specified in that Schedule, and in the manner specified in that Schedule or prescribed under this Statute; and

(*c*) not more than ten delegates appointed by the President in accordance with the advice of the Cabinet.

(3) The Rules set out in the Third Schedule to this Statute shall have effect with regard to the election of the delegates referred to in paragraph (*a*) of subsection (2).

Qualifications of delegates.

5. A person shall be qualified to be elected or appointed as a delegate if that person—

(*a*) is a citizen of Uganda;

(*b*) has attained the age of 18 years;

(*c*) has paid all liabilities in respect of any taxes and other revenue obligations due from that person under any law for the time being in force in Uganda or has made arrangements for their payment satisfactory to the authority responsible for the collection of the taxes; or

(*d*) in the case of delegate referred to under paragraph (*b*) of subsection (1) of section 4, is a member of the body in respect of which the person seeks to be elected.

6. (1) No person shall be qualified to be elected or appointed as a delegate to the Assembly who— Disqualifications of delegates.

(*a*) is of unsound mind or is detained as a criminal lunatic;

(*b*) owes allegiance or has declared allegiance to a country other than Uganda and has not, in accordance with the law, renounced such allegiance;

(*c*) has been declared bankrupt or insolvent under any law for the time being in force in Uganda or in any other country and is an undischarged bankrupt or insolvent;

(*d*) is under sentence of death or is under a sentence of imprisonment exceeding six months imposed upon that person by any court or public tribunal for an offence involving moral turpitude;

(*e*) within a period of ten years immediately prior to the date of election or appointment as a delegate, has been convicted of an offence involving fraud, dishonesty, moral turpitude or violence or has been convicted of an offence relating to or connected with elections under any law in force in Uganda and has not been granted a pardon in relation to such conviction;

(*f*) holds office as a Commissioner, Deputy Commissioner or as an election officer, employee or agent of the Commission; or

(*g*) is, for any other reason, disqualified to be elected or appointed a delegate by any law for the time being in force.

(2) For the avoidance of doubt, it is hereby declared that a member of the National Resistance Council or a person who holds public office shall not be disqualified from being elected or appointed a delegate by reason only of membership of the National Resistance Council or of holding public office.

(3) A person holding public office who wishes to be a candidate shall apply for leave of absence at least thirty days before the commencement of the nomination day or days.

(4) Where a person holding a public office is a candidate he shall, before proceeding on leave, relinguish any vehicle or other equipment or thing in his custody belonging to his employer and shall not use any such vehicle, equipment or thing for the purposes of campaigning for his election.

(5) For the purpose of subsections (2), (3) and (4), "public office" has the same meaning as in clause (1) of Article 130 of the Constitution in force on the commencement of this Statute and includes an office in the Teaching Service and service in a statutory corporation or in a company in which the Government owns a controlling interest.

(6) Every employer to whom subsection (3) relates shall, upon receiving an application by an employee, grant to the employee leave of absence, with or without pay, to seek nomination as a candidate and to be a candidate for election as a delegate, and for such period as may be requested by the employee.

Qualifications for registration as a voter or for voting.

7. (1) Subject to subsection (2), a person shall be qualified to be registered as a voter or to vote at an election of delegates if—

(*a*) that person is a citizen of Uganda and has attained the age of eighteen years; and

(*b*) for the purposes of registering or voting for a delegate in an Electoral Area, the person—

(i) originates from the Electoral Area; or

(ii) resides in the Electoral Area; or

(iii) works in gainful employment in the Electoral Area; or

(*c*) for the purpose of registering or voting for a delegate from a body referred to in paragraph (*b*) of subsection (2) of section 4, is a member of that body.

(2) No person shall be registered as a voter or, notwithstanding that that person has been registered as a voter, to vote at an election of delegates if—

(*a*) the person is not qualified to be registered as a voter under subsection (1); or

(*b*) being a registered voter, circumstances arise which, if that person were not a registered voter, would have caused such person to be disqualified to be registered as such; or

(*c*) the person is of unsound mind or is detained as a criminal lunatic.

(3) No person shall register as a voter more than once or in more than one Electoral Area.

8. (1) The functions of the Assembly shall be— Functions of Constituent Assembly.

(*a*) to scrutinise, debate, and prepare a final draft of the constitutional text prepared and submitted to the Minister by the Uganda Constitutional Commission under the provisions of subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988; and Statute No. 5 of 1988.

(*b*) to enact and promulgate a new Constitution of the Republic of Uganda.

(2) The Assembly shall complete its functions under this Statute within a period not exceeding four months commencing from the date of its first meeting.

(3) If the Assembly does not complete its functions within the period prescribed under subsection (2), the Minister may, in consultation with the Minister responsible for finance, by statutory instrument, extend the period by an additional period of, or periods not exceeding in the aggregate, three months.

PART III—CHAIRMAN, DEPUTY CHAIRMAN, OFFICERS AND STAFF OF THE ASSEMBLY.

Chairman and Deputy Chairman.

9. (1) The Assembly shall have a Chairman and a Deputy Chairman.

(2) The President shall submit to the Assembly, at the Assembly's first meeting, a list of not more than five names of persons nominated by the President, in accordance with the advice of the Cabinet, to be candidates for the offices of Chairman and Deputy Chairman.

(3) The Chief Justice shall introduce to the delegates each person whose names appear on the list submitted by the President and circulate particulars of the qualifications and experience of each nominee.

(4) The delegates shall, after due consultations, elect a Chairman and a Deputy Chairman from the Presidential nominees.

(5) The first meeting of the Assembly shall be convened by the Commissioner.

(6) The Chairman and, in the absence of the Chairman, the Deputy Chairman, shall preside at all meetings of the Assembly but the Chief Justice shall preside over the first two sittings of the Assembly for the purpose of administering the oath of allegiance to the delegates and for the election of the Chairman and Deputy Chairman.

Qualifications for appointment or election to the office of Chairman or Deputy Chairman, etc.

10. (1) A person shall not be qualified for election to the office of Chairman or Deputy Chairman of the Assembly unless the person—

(*a*) is of high moral character, integrity and impartiality;

(*b*) has had experience in public affairs or in employment in a high public office for a period of not less than ten years; and

(*c*) is capable of attending to the duties of the office of Chairman or Deputy Chairman on a full time basis.

(2) No delegate shall be elected to the office of Chairman or Deputy Chairman of the Assembly unless the delegate obtains the votes of two-thirds of all the other delegates to the Assembly.

(3) If, at the conclusion of the vote for the election of a Chairman or Deputy Chairman, no delegate obtains the number of votes required by subsection (2), the vote shall be repeated until a Chairman or Deputy Chairman is elected.

11. A delegate shall vacate the seat in the Assembly if— Tenure of office of delegates.

(*a*) the delegate ceases to be a citizen of Uganda; or

(*b*) the delegate is absent from the sittings of the Assembly in contravention of section 27 of this Statute; or

(*c*) any relevant circumstances relating to the provisions of section 5 arise that, if the person were not a delegate, would cause that person to be disqualified for election as a delegate; or

(*d*) any of the circumstances referred to in subsection (1) of section 6 arise in relation to the delegate.

(2) The Chairman may, at any time, upon a decision of the Assembly signified by a resolution supported by the majority of delegates, invite any person to address the Assembly on any matter before the Assembly.

12. (1) The Commissioner for the Constituent Assembly appointed under subsection (2) of section 21, shall be the head of the Secretariat of the Assembly and shall be responsible for the day-to-day administration of all the affairs of the Assembly. Secretariat of the Assembly.

(2) The Attorney-General shall provide the Assembly with the services of a technical committee to prepare the draft of the constitutional text.

PART IV—CONDUCT OF BUSINESS OF THE ASSEMBLY.

Oath of allegiance.

13. Every delegate including the Chairman shall, upon taking a seat in the Assembly, take and subscribe the oath of allegiance specified in the Second Schedule and administered either by the Chief Justice under subsection (5) of section 9 or, at any other meeting, by the Commissioner and, except for the purpose of taking and subscribing the oath of allegiance, no person shall sit or vote in the Assembly before taking and subscribing such oath.

Official language of Assembly.

14. The proceedings and records of the Assembly shall be in English.

Quorum.

15. (1) The quorum of the Assembly, for the purpose of transacting any business other than adjournment, shall comprise the Chairman and not less than one-half of the total number of delegates.

(2) Any delegate, other than the Chairman, may, at any time during the proceedings of the Assembly, take objection that there are fewer delegates present at the meeting than those necessary to constitute the quorum required under subsection (1).

(3) Whenever objection is taken under subsection (2) and is upheld by the Chairman, the Assembly shall stand suspended or adjourned until such time as a quorum is realised.

Procedure of Assembly.

16. (1) Except as otherwise provided in this Statute, the proceedings of the Assembly shall be conducted in accordance with the Rules of Procedure of the National Resistance Council in force on the date of commencement of this Statute, with such modifications as the Minister may, with the prior approval of the Assembly signified by resolution supported by the majority of the total number of delegates, by statutory instrument make, and subject to such modifications, those Rules shall apply as the Rules of Procedure of the Assembly.

(2) Subject to the provisions of subsection (1), the Assembly may regulate its own procedure.

17. (1) Every decision of the Assembly shall, as far as possible be by consensus. **Decisions of Assembly.**

(2) Where on any matter consensus cannot be obtained—

(*a*) the Chairman may make a ruling that the matter be resolved by voting ;or

(*b*) if the Chairman has not made a ruling under paragraph (a) of this subsection, a delegate may propose a motion that the matter be resolved by voting.

(3) Where the Chairman has ruled that a matter be resolved by voting or where a motion proposed under paragraph (b) of subsection (2) is supported by fifty or more other delegates, the following provisions shall apply in resolving the matter—

(*a*) voting shall be by division in the lobby and the vote of each delegate voting for or against the motion shall be recorded against the name of the delegate;

(*b*) every delegate other than the Chairman shall have one vote; and

(*c*) the Chairman shall have neither an original nor a casting vote;

(*d*) the motion shall be carried if it obtains the support of not less than two-thirds of the delegates voting;

(*e*) the motion shall be lost if it is supported by less than the votes of the majority of the delegates voting; and

(*f*) the matter shall be regarded as contentious if the motion is supported by the votes of the majority of delegates voting but does not obtain the support of two-thirds of the delegates voting.

(4) A vacancy in the membership of the Assembly shall not invalidate any proceedings of the Assembly.

Matters which may be resolved by national referendum.

18. (1) Any contentious matter referred to in paragraph (f) of subsection (3) of section 17 shall, if it is a matter of national character, be referred by the Chairman to the Minister to present to the nation for resolution through a national referendum.

(2) Where a national referendum is held on any contentious matter, any question presented by the Minister for approval shall be approved if it is supported by the votes of the majority of all the persons voting in the referendum.

(3) Without prejudice to subsection (1), the President may, upon the advice of the Cabinet, at any time before, during or after the deliberations of the Assembly, direct that any issue or specified issues be resolved by a referendum.

(4) Whenever the President directs that a referendum be held under subsection (3), any decision of the Assembly on the issue or issues, presented for decision at the referendum shall be confirmed or varied by the outcome of the referendum which shall be final and conclusive.

(5) For the avoidance of doubt, it is hereby declared that no national referendum may be held on any contentious matter which is of a local character to a particular region, district or community but the matter shall be settled through negotiation or consultation between the concerned region, district or community and the Government.

Effective date for new Constitution.

19. (1) The Constitution enacted by the Assembly under this Statute shall come into effect as the Constitution of the Republic of Uganda, by law established, on such day as the President may, by statutory instrument, appoint for its promulgation.

(2) The day to be appointed by the President, under subsection (1), shall be not later than sixty days after the day on which the Assembly enacts the Constitution.

(3) The promulgation of the Constitution by the Assembly as referred to in subsection (1) shall be done in the presence of the President and the members of the National Resistance Council.

PART V—COMMISSION FOR THE CONSTITUENT ASSEMBLY.

Establishment and composition of Commission for the Constituent Assembly.

20. There is hereby established a Commission to be known as the Commission for the Constituent Assembly which shall consist of—

(*a*) a Commissioner for the Constituent Assembly; and

(*b*) two Deputy Commissioners for the Constituent Assembly to be designated as follows:

(i) a Deputy Commissioner for the Constituent Assembly responsible for Technical Affairs;

(ii) a Deputy Commissioner for the Constituent Assembly responsible for Administration.

Appointment and qualifications of Commissioner and Deputy Commissioners.

21. (1) The Commissioner and the Deputy Commissioners shall be appointed not later than fourteen days after the commencement of this Statute.

(2) The Commissioner shall be appointed by the President in accordance with the advice of the Cabinet and upon such terms and conditions as the President may, in the instrument of appointment, specify.

(3) The Deputy Commissioners shall be appointed by the President in accordance with the advice of the Minister and upon such terms and conditions as the President may, in their instruments of appointment, specify.

(4) A person shall not be appointed Commissioner or Deputy Commissioner unless that person—

(*a*) in the case of the Commissioner, is qualified for appointment to the office of Permanent Secretary;

(*b*) in the case of a Deputy Commissioner for Technical Affairs, is qualified for appointment as a judge of the High Court of Uganda; and

(*c*) in the case of a Deputy Commissioner for Administration, possesses relevant qualifications and proven ability in the field of public administration.

(5) The Commissioner and each Deputy Commissioner shall take and subscribe before the Chief Justice the oath of allegiance specified in the Second Schedule to this Statute.

Functions of Commissioner.

22. (1) The functions of the Commissioner shall be—

(*a*) to designate Constituent Assembly Electoral Areas throughout Uganda;

(*b*) to organise and supervise the election of the delegates specified in paragraph (*a*) of subsection (2) of section 4;

(*c*) to exercise general direction and supervision over the administration and management of the election of delegates and to ensure, on the part of all election officers, fairness, impartiality and compliance with the provisions of this Statute and any other law made under this Statute;

(*d*) to appoint, for the purposes of this Statute, by name or office, registration officers and returning officers;

(*e*) to issue to election officers such instructions as the Commissioner may, from time to time, deem necessary to ensure the effective execution of the provisions of this Statute;

(*f*) to carry out the day-to-day administration of the Assembly;

(*g*) to publish daily a record of the deliberations of the Assembly;

(*h*) to organise, administer and conduct any referendum required under this Statute;

(*i*) to pay such allowances, as the Minister may authorise, to election officers, and other persons assisting the Commissioner in carrying out the purposes of this Statute, as the Minister may determine;

(*j*) to employ, with the prior approval of the Minister and upon such terms as the Minister may determine, any person whose special expertise may be required for the proper discharge of the functions of the Commission under this Statute; and

(*k*) to exercise and perform such other powers and duties as are conferred or imposed upon the Commissioner by this Statute or any other law made under this Statute.

(2) For the purpose of performing the functions entrusted to the Commissioner under this Statute, the Commissioner may bring an action before any court in Uganda and may seek from the court any remedy which may be available.

(3) The functions of the Deputy Commissioners shall be to assist the Commissioner in the performance of the Commissioner's functions.

Gurantee of the independence of Commissioner and Deputy Commissioners.

23. (1) The Commissioner and Deputy Commissioners shall enjoy the same independence as a judge of the High Court and, in the performance of the functions entrusted to the Commissioner by this Statute and the Constituent Assembly Election Rules, the Commissioner shall not be subject to the direction or control of any person or authority.

(2) A Deputy Commissioner or a person appointed by the Commissioner shall in the exercise of the powers

conferred upon the Commissioner by this Statute or any other law be answerable only to the Commissioner and not to any other person or authority.

(3) The Commissioner, a Deputy Commissioner or any other person performing any functions of the Commission shall not be personally liable to civil proceedings for any act done in good faith in the performance of those functions.

Settlement of disputes, jurisdiction, etc.

24. (1) Any person who is aggrieved by a decision of the Commissioner or who has any objection or complaint against the election or appointment of any person as a delegate to the Assembly may, within seven days from the date of such decision, election or appointment, apply to a court of competent jurisdiction for such remedy as the court considers appropriate and just in the circumstances.

(2) Every court of competent jurisdiction to which an application is made under subsection (1) shall determine the application expeditiously and in summary proceedings.

(3) In every application under subsection (1), the decision of the court of competent jurisdiction shall be final and shall not be subject to any appeal.

PART VI—FINANCE.

Expenses charged upon Consolidated Fund.

25. (1) All monies required to defray all the expenses to be incurred in carrying out the purposes of this Statute, including the allowances to delegates and the Commissioner, Deputy Commissioners and the staff and employees of the Commission, are hereby charged upon and shall be issued out of the Consolidated Fund without any further appropriation than this Statute.

(2) All funds referred to in subsection (1) shall be controlled and administered by the Commissioner who, in respect of monies required for the purposes of this Statute, shall be the accouting officer in accordance with the Public Finance Act.

Cap. 149.

26. The delegates, the Commissioner, the Deputy Commissioners, the staff and employees of the Commission and the members of the technical committee, shall be paid such allowances and enjoy such benefits as the Minister may, in consultation with the Minister responsible for finance, determine.

Allowances to be paid to delegates, Commissioners, etc.

PART VII—GENERAL.

27. (1) Every delegate shall attend to the business of the Assembly on a full time basis.

Unauthorised absence of delegate from sittings.

(2) Any delegate who, without the prior permission of the Chairman or without good cause, fails to attend to the business of the Assembly for more than seven days within any one month during which the Assembly is sitting, whether the seven days are consecutive or in the aggregate, shall cease to be a delegate and shall vacate his seat.

28. (1) In the event of the absence of a delegate contrary to section 27 or due to death, mental or physical incapacity or to any other cause which may render a delegate unable to participate in the proceedings of the Assembly, the Chairman shall immediately upon the occurrence of that event inform the Minister.

Replacement of delegate in case of absence, death or incapacity, etc.

(2) On receipt of the information referred to in subsection (1), the Minister shall issue a writ to the Commissioner requiring the Commissioner to take steps, within fourteen days of the issuing of the writ, for the replacement of the delegate.

29. The National Assembly (Powers and Privileges) Act shall apply to the Assembly, its delegates and other persons and in respect of all other matters as it applies to the National Resistance Council.

Powers and privileges of Assembly, etc. Cap. 249.

30. (1) For the better carrying out of the provisions of this Statute, the Minister may, by Statutory Instrument, with the approval of the National Resistance Council signified by resolution—

Rules and Regulations.

(*a*) amend the Third Schedule; and

(*b*) make Regulations in respect of any matter which may be regulated under this Statute.

Decree No. 18 of 1976.

(2) Notwithstanding section 38 of the Interpretation Decree, 1976, rules or regulations made under subsection (1) may provide for penalties not exceeding imprisonment for five years or a fine of two hundred thousand shillings or both.

Prohibition of non-delegates from sitting or voting in the Assembly.

31. (1) No person, who is not a delegate shall sit or vote in the Assembly.

(2) Any person who, not being a delegate, sits, or votes in the Assembly, knowing or having reasonable grounds for knowing that such person is not so entitled to sit or vote commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding one month for each day such person sits or votes in the Assembly.

Rules of Court.

32. The Attorney-General, in consultation with the Chief Justice, may make court rules regulating the procedure for—

(*a*) the determination of any application made under subsection (1) of section 24; and

(*b*) the determination of any election petition filed under sub-rule (1) of rule 28 of the Constituent Assembly by Election Rules set out in the Third Schedule to this Statute.

Repeal and savings. Legal Notice No. 1 of 1986. Act No. 12 of 1967.

33. (1) Paragraph 14B of Legal Notice No. 1 of 1986 is repealed.

(2) The Constituent Assembly Act, 1967, is repealed,

(3) Nothwithstanding the expiry of this Statute, as provided in section 2, if at the time of such expiry, there are functions which, in the opinion of the Minister should continue to be discharged by the Commission or any officer of the Commission, the Commissioner, or a Deputy

Commissioner or officers of the Commission specified by the Commissioner for that purpose, may continue to perform those functions and to hold the same offices as they would have held immediately before the expiry of this Statute, for such period as the Minister may determine, as if this Statute had not expired; and all funds necessary for the discharge of those functions shall continue to be disbursed to the Commission accordingly.

SCHEDULES.

FIRST SCHEDULE. (s. 4 (2) (*b*))

DELEGATES TO BE ELECTED BY SPECIFIED BODIES

Name of Specified Body	*Number of delegates to be elected by each body*
1. One woman delegate from each district, elected, in each case, by an electoral college comprising all councillors at RC III level, within the district and all members of the Sub-County Women's Councils within the district.	
2. The National Resistance Army ...	10
3. The National Organisation of Trade Unions	2
4. The four political parties which took part in the general elections held on the 10th December, 1980, namely—	
(*a*) the Conservative Party;	
(*b*) the Democratic Party;	
(*c*) the Uganda Patriotic Movement; and	
(*d*) the Uganda Peoples Congress	8 (2 each)
5. A National Youth Council established by law	4
6. The National Union of Disabled People of Uganda	1

SECOND SCHEDULE. (ss. 13 and 21 (5))

OATH OF ALLEGIANCE TO BE TAKEN BY THE CHAIRMAN, DELEGATES, COMMISSIONERS AND DEPUTY COMMISSIONERS

I, ..., do hereby swear, in the name of Almighty God, (Solemnly affirm) that during the discharge of my responsibilities as .... I will bear true faith and allegiance to the Republic of Uganda as by law established and that I shall, at all times, well and truly serve the Republic of Uganda in the office of ..... of the Constituent Assembly as by law established. (So help me, God.)

THIRD SCHEDULE. (s. 4 (2) (*a*))

CONSTITUENT ASSEMBLY (ELECTION RULES)

ARRANGEMENT OF RULES.

PART I—RULES

Rule.

1. Title and application.

Designation of Electoral Areas and Registration of Voters

2. Designation of Electoral Areas.
3. Appointment of registration officers.
4. Registration of voters.
5. Display of register and corrections.
6. Appointment of returning officers, etc.

Nomination of Candidates

7. Declaration of nomination days.
8. Procedure for nomination of candidates.
9. Declaration of qualification and payment of nomination fee.
10. Unopposed candidate or where a candidate dies before polling day.

Electoral Campaigns

11. Elections to be non-partisan.
12. Returning officers to design and conduct programme of candidates' meetings.
13. Other permitted methods of campaigning.

Voting and Voting Procedure

14. Appointment of polling day.

15. Polling stations and voting time.

16. Appointment of presiding officers and polling assistants.

17. Withdrawal of candidates.

18. Polling procedure.

19. Ballot papers.

20. Assistance to be given to disabled voters.

21. Distribution and placing of ballot boxes.

22. Earlier closure of polling stations.

23. Adjournment of poll in case of disturbances.

24. Votes to be counted at each polling station.

25. Polling results to be announced at polling stations.

26. Declaration of winning candidate.

27. Secure storage of ballot papers and boxes.

28. Electoral petitions to be filed and determined expeditiously.

Offences

29. Prohibition of holding public meetings other than Candidates' Meetings.

30. Impersonation of a voter.

31. Obstruction of voters, causing riots, etc.

32. Bribery.

33. Offences by registration officers.

34. Offences by presiding officers or polling assistants.

35. Other offences.

36. General penalty.

PART II—FORMS

— Certificate of Registration as a Voter.

— Voter's Registration Form.

— Declaration of Qualification by person to be nominated.

— Nomination Paper.

— Ballot Paper.

— Declaration of Results.

THIRD SCHEDULE. (s. 4 (2) (*a*)).

CONSTITUENT ASSEMBLY ELECTION RULES

PART I—RULES.

Application.

1. These Rules may be cited as the Constituent Assembly Election Rules and shall apply to the election of the delegates referred to in paragraph (*a*) of subsection (2) of section 4 of the Constitutent Assembly Statute, 1993. **Title and application.**

Designation of Electoral Areas.

2. (1) For the purposes of the election of the delegates referred to in paragraph (*a*) of subsection (2) of section 4 of the Statute, the Commissioner shall, by notice in the *Gazette*, designate Electoral Areas throughout Uganda. **Designation of Electoral Areas.**

(2) The Commissioner shall, under sub-rule (1), only designate every county and every municipality as an Electoral Area.

(3) When designating Electoral Areas, the Commissioner shall—

(*a*) where a county has a population of one hundred and forty thousand inhabitants or more, designate out of that county, two or more Electoral Areas so that each Electoral Area comprises approximately seventy thousand inhabitants; and

(*b*) in the case of Jinja Municipality, designate out of that Municipality, two Electoral Areas.

(4) The five divisions of the City of Kampala, for the purpose of these Rules, shall be regarded as counties.

(5) The Commissioner shall, as far as practicable, avoid the division of any sub-county into different parts for the purpose of designating an Electoral Area.

Registration of Voters

Appointment of registration officers.

3. (1) The Commissioner shall, by notice in the *Gazette*, appoint registration officers for the purpose of compiling a voter's register for each Electoral Area.

(2) For the purposes of sub-rule (1), the Commissioner may appoint parish chiefs as registration officers within their respective areas.

(3) The Commissioner shall compile a voters' register for each Electoral Area showing all persons entitled to vote in the Electoral Area and indicating the names of voters in each parish within each Electoral Area.

Registration of voters.

4. (1) The Commissioner shall, by notice in the *Gazette*, appoint a period, not exceeding thirty consecutive days, during which registration of voters shall take place in all villages and parishes.

(2) The registration of voters shall commence in each village within each parish and shall be recorded in Form RV set out in Part II of these rules in respect of each voter.

(3) Every parish voters' register compiled by the registration officer of the parish shall, within such period as the Commissioner may determine, be delivered by the registration officer to the respective sub-county headquarters from where it shall be collected by the Commissioner for inclusion in the respective Electoral Area voters' register.

(4) Every person registered as a voter shall be issued with a certificate of registration which shall be in Form CR set out in Part II of these rules after such person's application for registration in Form RV set out in Part II is approved by the registration officer.

Display of register and corrections.

5. (1) The Commissioner shall, by notice in the *Gazette*, appoint a period, not exceeding fourteen days, during which the voter's register for each Electoral Area, prepared by the

Commissioner under sub-rule (3) of rule 3, shall be displayed for public scrutiny and during which any objections or complaints in relation to the names included in the register or in respect of any omissions from the register or in relation to any necessary corrections, may be raised or filed.

(2) Each register of voters referred to in sub-rule (3) of Rule 3 shall be displayed and be open to inspection by the public—

(*a*) at the Commission's offices in Kampala showing the names of registered voters in all Electoral Areas in Uganda; and

(*b*) at the offices of each parish or county or at any other conspicous public place within the parish or county, showing the names of registered voters within the parish or county.

(3) Every objection or complaint, raised in relation to the register of voters within any parish, shall be made to the returning officer of the respective district.

(4) The Commissioner may issue directions to returning officers regarding the type of objections or complaints which a returning officer may refer to the Commissioner and those which a returning officer may refer to the respective Parish Resistance Committee Court, and in either case, the decision of the Commissioner or of the Parish Resistance Committee Court, as the case may be, shall be final and conclusive.

Appointment of returning officers, etc.

6. (1) The Commissioner shall, in respect of each district, by name or office, appoint one returning officer.

(2) Every returning officer appointed under sub-rule (1) shall be the officer-in-charge of the election of all delegates from the Electoral Areas within the district of which such officer is appointed returning officer.

(3) Every returning officer shall, by notification to the Commissioner, appoint not more than two assistant returning officers to assist the returning officer to carry out the responsibilities of the office of returning officer.

(4) For the purposes of sub-rules (1) and (2), no person who holds a political office, within a district, shall be appointed either returning officer or assistant returning officer.

Nomination of Candidates

Declaration of nomination days.

7. (1) The Commissioner shall, by notice in the *Gazette*, declare a period of two days, to be known as nomination days, during which every person aspiring to be elected as a delegate will tender such person's declaration of qualifications and nomination paper in Forms DQ and NP to the returning officer.

(2) The Commissioner shall, in the notice referred to under sub-rule (1), specify the time during nomination days during which the nomination of all candidates shall take place, which shall be between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and shall specify the places where such nomination shall be conducted in each district.

Procedure for nomination of candidates.

8. (1) During nomination days, every returning officer or assistant returning officer shall attend at the place notified by the Commissioner, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon to receive the nomination papers of each candidate, for election as a delegate, in any Electoral Area within the district.

(2) The nomination of every candidate shall be in Form NP set out in Part II of these rules.

(3) The nomination of every candidate shall—

(*a*) be proposed by two persons registered as voters, and normally resident in the Electoral Area of the person seeking nomination;

(*b*) be supported by ten persons registered as voters, and residing, in the respective Electoral Area;

(*c*) be endorsed by the proposed candidate's own consent signified by the candidates' signature on the nomination paper; and

(*d*) be accompanied by three recent black and white passport-size photographs, of the person seeking nomination.

(4) Where, subsequent to the nomination of any candidate, any voter who proposed or supported such nomination is disqualified as a voter or dies before election day, that fact alone shall not invalidate the nomination of the candidate.

(5) No person shall propose or support more than one candidate or a candidate in an Electoral Area in which that person is not registered as a voter.

Declaration of qualification and payment of nomination fee.

9. (1) The nomination of every candidate shall not be complete or valid unless, at the time of such nomination—

(*a*) the candidate files with the returning officer a declaration of qualification signed by the candidate in Form DQ set out in Part II of these rules; and

(*b*) the candidate pays, in cash or bank draft, a fee of one hundred thousand shillings to Uganda Administration.

(2) The returning officer shall—

(*a*) issue a general receipt in respect of all fees received under paragraph (*b*) of sub-rule (1); and

(*b*) deliver all such fees to the Secretary to the Treasury to be credited to the Consolidated Fund.

(3) All nomination fees credited to the Consolidated Fund under this rule are not refundable.

(4) No person shall stand nominated as a candidate in more than one Electoral Area and where any candidate is so nominated, both nominations shall be invalid.

(5) A returning officer shall declare the nomination of any person invalid where the provisions of sub-rule (3) of rule 8 or of sub-rule (1) of rule 9 have not been complied with and a returning officer shall not accept the nomination papers of any candidate where the nomination papers are tendered to the returning officer after four o'clock in the afternoon on any of the two nomination days.

Unopposed candidate or where candidate dies before polling day.

10. (1) For any Electoral Area where, at the closure of the nomination days, only one person has been nominated as a candidate, the returning officer shall declare that candidate elected as a delegate and forward such candidate's name to the Commissioner.

(2) In any Electoral Area where no more than two candidates are nominated as candidates, and one of such candidates dies subsequent to nomination but before polling day, the Commissioner shall order a fresh nomination of additional candidates for, and set a separate polling day, in that Electoral Area.

Election Campaigns

Non-partisan elections.

11 (1) Elections for delegates shall be non-partisan and every candidate for election as a delegate within an Electoral Area, shall stand and be voted for by voters upon personal merit.

(2) Any person who uses or attempts to use any political party, tribal or religious affiliations or any other sectarian ground as a basis for such person's candidature or election as a delegate commits an offence and shall, upon the satisfaction of the Commissioner of that fact, be disqualified from standing as a candidate for election as a delegate.

(3) Any person disqualified by the Commissioner under sub-rule (2) may, within seven days from the date of the decision, appeal to a court of competent jurisdiction against the decision.

(4) No election shall take place in any Electoral Area where a person who has been duly nominated as a candidate, but has been disqualified by the Commissioner under sub-rule (2) and has filed an appeal under sub-rule (3), until the appeal has been determined by the court.

Returning officers to prepare and conduct programme of candidates' meetings.

12. (1) For each Electoral Area, the returning officer shall prepare and conduct a programme to be known as "Candidates' Meetings" so that there shall be held one Candidate's Meeting within each parish in an Electoral Area:

Provided that where it is deemed by the returning officer to be convenient, one joint Candidates' Meeting may be held for two or more parishes and more than one such meeting may be held within one parish.

(2) The object of the Candidates' Meetings Programme shall be to enable all candidates within an Electoral Area to collectively meet, address and answer questions of voters in each parish within the Electoral Area.

(3) Every returning officer shall avail to the Commissioner a copy of each Candidates' Meetings Programme, designed by the returning officer under sub-rule (1).

(4) A copy of the Candidates' Meetings Programme, for every Electoral Area, shall be made available by the returning officer before the commencement of the programme, to every nominated candidate for that Electoral Area and the returning officer shall allow all candidates reasonable time to arrange their attendance of the meetings scheduled in the programme.

(5) In each parish, the Candidates' Meeting shall be chaired by the presiding officer for that parish or by a person appointed by the returning officer for the purpose.

(6) At every Candidates' Meeting, the presiding officer shall introduce the candidates one by one and allow each candidate reasonable time, but in each case not less than twenty minutes to address the meeting on matters relating to the Constitution.

(7) After all candidates have addressed the meeting, the presiding officer shall invite questions from the voters and a candidate to whom a question is directed shall be allowed reasonable time to answer it.

(8) At a Candidates' Meeting, the presiding officer and the candidates may use the local language of the area.

(9) The costs to be incurred by each candidate for the purposes of attending any Candidates' Meetings shall be borne by the candidate.

(10) Public rallies and any form of public demonstration in support of, or against, any candidate shall not be permitted at any Candidates' Meeting and any person who organises or participates in any such rally or demonstration is guilty of an offence.

(11) For the avoidance of doubt, it is hereby declared that the operation of the Candidates' Meetings Programme shall not commence until the expiry of nomination days.

Other methods of campaigning.

13. Subject to sub-rule (2) of rule 11, any candidate may, in addition to attending the Candidates' Meetings, use other methods of campaigning such as distribution of posters and pamphlets to solicit votes from voters but no candidate shall hold any public meeting intended to solicit votes other than at a Candidates' Meeting.

Voting and Voting Procedures

Appointment of polling day.

14. (1) The Commissioner shall, by notice in the *Gazette*, appoint a day to be known as polling day.

(2) The Commissioner shall not appoint as polling day any day which allows a period of less than thirty days between nomination day and polling day.

Polling stations and voting time.

15. (1) In every parish there shall be located one polling station and the polling station may be located at the parish offices or at any other convenient public place within the parish.

(2) Where there are reasonable grounds to believe that a single polling station within a parish may be inconvenient or cause hardship to the residents or where the population of voters or the distances involved necessitates it, the returning officer may allow more than one polling station within a parish.

(3) Every polling station shall, as far as possible, be located in an open ground, or where there is no open ground, in large premises of convenient access, having an outside door for the admittance of voters, and, if possible, another door through which voters may leave after voting.

(4) At every polling station, polling time shall commence at seven o'clock in the morning and close at five o'clock in the afternoon.

Appointment of presiding officers and polling assistants.

16. (1) Every returning officer shall, at such time as may be notified to all returning officers by the Commissioner, appoint for each polling station, a presiding officer and two polling assistants.

(2) A returning officer may, at any time before polling day, revoke the appointment of a presiding officer and appoint another person to perform the duties of presiding officer.

(3) In the absence of the presiding officer from the polling station, the polling assistant who is older in age shall be the presiding officer.

Withdrawal of Candidates.

17. (1) A candidate may, at any time after nomination but prior to polling day, withdraw as a candidate by filing, in person, with the returning officer, a declaration in writing to that effect, signed by the candidate and attested to by the signatures of two voters who are qualified to vote in the Electoral Area in which the candidate was nominated.

(2) Where a candidate withdraws under sub-rule (1)—

(*a*) any votes cast for that candidate on polling day shall be void;

(*b*) where time permits, the returning officer shall print a notice of the candidate's withdrawal and distribute it to all presiding officers within the Electoral Area;

(*c*) on polling day, each presiding officer shall place, in a conspicuous place, in the polling station, a notice of the candidate's withdrawal; and

(*d*) when delivering the ballot paper to each voter, the presiding officer, shall inform the voter of the candidate's withdrawal.

(3) Where, only two candidates are nominated and one of them withdraws before polling day, the returning officer shall, without waiting for polling day, declare the remaining candidate as duly elected.

(4) Any person who, before or on polling day, with the intention of procuring the election of another candidate or out of malice or bad will, intended to create panic or confusion in the election process, announces or publishes a false statement of the withdrawal of a candidate, commits an offence.

Polling procedure.

18. (1) On polling day, all voters, intending to vote, shall form one line commencing backward from a point at least ten metres away from the table at which each voter is to place the mark of choice on the ballot paper, and voters, after casting their votes, and other persons present other than election officers, shall stand or sit at least ten metres away from that table.

(2) At every polling station there shall be positioned—

(*a*) a table where every voter shall report for identification in the voters' register and collection of a ballot paper;

(*b*) a table positioned at least four metres from the first with two pens, each pen being attached to the table with a string measuring about one metre in length, where every voter shall proceed and vote for a candidate of the voter's choice by means of a tick, a cross or a thumb print, in the space provided in the box against the picture of the candidate on the ballot paper and, after voting, fold the ballot paper four times to enable it to be deposited in the slot of the ballot box;

(*c*) a third table located at least four metres away from the second and on top of which shall rest a ballot box into which every voter shall deposit the folded ballot paper in the full view of all present; and

(*d*) a fourth table located at least four metres from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the little finger or, if the voter has no little finger, the finger nearest to the position of the little finger of the voter's left hand dipped into indelible ink to indicate that the voter has cast the ballot:

Provided that

(i) if the voter has no left hand the process shall be applied to the right hand; or

(ii) if a voter has no fingers on the left or right hand, such voter may dip the tip of any hand into indelible ink;

(iii) if the voter has no hands, the process shall be applied to any other conspicuous part of the voter's body as a polling assistant may determine.

(3) For the purposes of sub-rule (2), "table" includes a desk, a box, a chair, a stool and any other object with a hard and smooth surface that can be used as a table.

(4) No person shall vote more than once or at more than one polling station; and any person who does so commits an offence.

(5) For the purposes of ensuring that no voter casts a vote more than once, a presiding officer or a polling assistant may, before issuing a ballot paper, inspect the fingers of any voter in order to ascertain whether or not the voter has been marked with indelible ink; and the presiding officer or a polling assistant, as the case may be, may refuse to issue a ballot paper to that voter if the presiding officer or polling assistant has reasonable grounds to believe that the voter has already voted or if the voter refuses to be inspected under this sub-rule.

(6) Any person who refuses to be inspected under sub-rule (3) commits an offence.

(7) A candidate may appoint, in writing addressed to the presiding officer, at every polling station within the Electoral Area, not more than two polling agents whose duty shall be to safeguard the interests of the candidate with regard to the voting process; and polling agents appointed under this sub-rule shall report to the respective presiding officer on polling day.

(8) The presiding officer or polling assistant shall just before the commencement of polling and at reasonable intervals of time thereafter explain to the voters the procedure of voting.

Ballot papers.

19. (1) The ballot papers to be used at every election shall be in Form BP specified in Part II of these Rules.

(2) Each ballot paper shall have a counterfoil and a stub, with a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub.

(3) The ballot papers shall be bound or stiched in books containing twenty-five, fifty or one or two hundred ballots as may be suitable for supplying the polling stations proportionately to the number of voters in each station.

(4) Every returning officer shall furnish each presiding officer in the district, at least twenty-four hours before polling day, with—

(*a*) a sufficient number of ballot papers, at least enough to cover the number of voters in the parish voters' register or in the polling roll of the polling station;

(*b*) a statement showing the number of ballot papers so supplied with their serial numbers indicated in the statement; and

(*c*) the other necessary materials for the voters to mark the ballots and complete the voting process.

20. (1) Where a voter is blind or is, for any other reason including illiteracy, old age or infirmity, unable to fix the required mark of choice on the ballot paper, such voter may report at the polling station accompanied by a spouse or any other member of the voter's family, to assist the voter to fix the mark of choice on the ballot paper on the voter's behalf or may request the presiding officer or a polling assistant at the polling station to assist such voter in that behalf.

Assistance to be given to disabled voters.

(2) It shall be lawful for any member of a voter's family to assist a voter under sub-rule (1) notwithstanding the fact that the former is below the age of eighteen years.

21. (1) The Commissioner shall cause ballot boxes to be distributed to all polling stations and two or more ballot boxes shall be placed at each polling station at least twenty-four hours before the commencement of polling time.

Distribution of ballot boxes, etc.

(2) The presiding officer at each polling station shall, at the commencement of the poll and in the full view of all present, open the first ballot box, turn it upside down with the open top facing down to ensure to the satisfaction of everyone present, that the ballot box is devoid of any contents and thereafter place the ballot box at the polling table; and where more than one ballot box is used after the first is filled, the same procedure shall be followed during the placing on the polling table, of any additional ballot box.

(3) Where one ballot box gets filled with ballot papers and cannot take in any more ballot papers, the presiding officer shall seal the top of the filled ballot box with a marked sealing pad and place a second ballot box on the polling table without removing the first one from the polling table and the process may be repeated where need for an additional ballot box arises.

22. A presiding officer, may close the polling station before the expiry of polling time where—

Earlier closure of polling station.

(*a*) every voter, in the line of voters, completes the voting process before the expiry of voting time; or

(*b*) a riot breaks out at the polling station or any other event occurs which, in the judgement of the presiding officer, cannot permit the voters the free exercise of their choice of candidates or the polling to commence or to continue.

Adjournment of poll in cases of disturbances or other events.

23. (1) In the event of any polling at a polling station being interrupted by a riot or violence or any other event while there remains, in the voter's register, voters who have not completed the polling process, the presiding officer shall adjourn the polling to the next day or to any other time of the same day and shall immediately inform the returning officer of that fact.

(2) Where the polling is adjourned to the following day under sub-rule (1), polling time shall be the same as on the original polling day.

Votes to be counted at each polling station.

24. (1) Votes cast at every polling station shall be counted at that polling station immediately after the presiding officer declares the polling closed.

(2) No votes shall stay overnight uncounted and, where required, the presiding officer shall provide lanterns for the purposes of counting votes.

(3) A candidate may appoint one counting agent at each polling station for the purpose of ensuring fairness in the polls' counting process.

(4) At the commencement of the counting process, the presiding officer shall, in the presence and full view of all present, unseal each ballot box, one at a time, and empty its contents onto the polling table, and with the assistance of polling assistants proceed to count the votes putting votes polled by each candidate separately.

(5) During the counting of votes, the presiding officer shall reject as invalid any ballot paper which—

(*a*) is not stamped or perforated with the official mark; or

(*b*) is marked by a voter more than once and in such a manner that no clear voter's choice can be ascertained; or

(*c*) does not bear any voter's mark of choice:

Provided that the presiding officer's decision to reject any ballot paper shall be based upon reasons which the presiding officer shall give in the presence of polling assistants and counting agents.

Polling results to be announced at polling stations.

25. (1) At the closure of the counting process and any necessary verifications, the presiding officer shall announce to those present the votes polled by each candidate at the polling station.

(2) The presiding officer shall enter the particulars of votes polled by each candidate at the polling station against the name of the respective candidate on the Declaration of Results Form, set out as Form DR in Part II of these rules and the form shall be completed in triplicate and signed by the presiding officer in the presence of the polling assistants and the counting agents of each candidate and two copies shall be delivered by the presiding officer to the returning officer one copy remaining at the polling station.

Declaration of winning candidate.

26. (1) Every returning officer, after receiving all the polling results from all the polling stations in an Electoral Area, and after verifying the total votes polled in favour of each candidate, shall declare the candidate who obtains the greatest number of votes as the elected delegate and communicate the name of the winning candidate, together with copies of the Form DR signed at all polling stations within the Electoral Area to the Commissioner.

(2) In any Electoral Area where there is an equal number of votes in favour of two leading candidates the Commissioner shall nominate another polling day and only the two leading candidates shall remain candidates for the election.

Secure storage of ballot papers and boxes.

27. Every presiding officer shall ensure that at the conclusion of the counting process all ballot papers used at the polling station are returned into the ballot boxes which shall be sealed, and for a period of six months commencing on the date following polling day, stored in such secure place within the district as the Commissioner shall approve.

Election petitions to be filed and determined expeditiously.

28. (1) Any candidate who loses an election as a delegate may, within thirty days from polling day, file a petition in a court of competent jurisdiction and obtain such remedy as the court may consider just and appropriate.

(2) Every petition filed under sub-rule (1) shall be determined by the court expeditiously and, in any case, not later than three months from the date the petition is filed.

(3) Every decision of a court of competent jurisdiction arising from the determination of a petition under sub-rule (1), shall be final and no appeal to any other court shall lie from such decision.

Offences and Penalties

Prohibition of public meetings, etc. other than candidates' meetings.

29. Any candidate or other person, whether such person is an agent of a candidate or not, who holds a public meeting other than a Candidates' Meeting or stages any public rally or demonstration for the purpose of soliciting votes or influencing voters commits an offence and shall be liable, on conviction, to imprisonment for a period not exceeding six months or to a fine not exceeding one hundred thousand shillings or both.

Impersonation of a voter.

30. Any person who knowingly receives or applies for a ballot paper in the name of some other person, whether that person is living or dead, or in the name of a fictitious person, shall be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine not exceeding two hundred thousand shillings or both.

Obstruction of voters, causing riots, etc.

31. Any person who interferes with or obstructs any voter or cause a riot or violence, at any polling station or meeting whether or not with the intention of disrupting the election

of any candidate or affecting the prospects of the election of any candidate commits an offence and shall be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine not exceeding two hundred thousand shillings or both.

Bribery.

32. Any person who, either before or during an election, with intent, either directly or indirectly, to influence another person to vote or to refrain from voting for any candidate, directly or indirectly gives or provides or causes to be given or provided, any money or gift or other consideration (in this rule collectively referred to as a bribe) to that other person, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand shillings or both; and any person who receives a bribe shall be guilty of an offence and liable to the same maximum penalty:

Provided that where the person convicted under this rule is the person who offered the bribe, such person shall be sentenced to a term of imprisonment of not less than two years with or without a fine.

Offences by election officers, etc

33. (1) Any registration officer who wrongfully and without just cause—

(*a*) prevents or attempts to prevent the name of any person from being registered as a voter;

(*b*) registers or attempts to register as a voter a person who is not qualified to be so registered; or

(*c*) enters or attempts to enter in the register of voters the name of any person whether real or imaginary knowing that the name should not be entered in such register

commits an offence.

(2) Any person who registers as a voter more than once or in more than one Electoral Area, commits an offence and shall be liable on conviction, to imprisonment not exceeding two years or to a fine not exceeding one hundred thousand shillings or both.

(3) Any election officer who—

(*a*) neglects the duties entrusted to that election officer under these Rules; or

(*b*) by wilful act, omission or negligently, delays the commencement of voting on polling day, or by any wilful or negligent act or omission disrupts the voting process; or

(*c*) does or omits to do, any act or conspires with any other person to do or omit to do, anything which such person is, by these Rules, required to do, with the intention of according an advantage or disadvantage to any candidate,

commits an offence and shall, on conviction be liable to a term of imprisonment not exceeding three years or to a fine not exceeding three hundred thousand shilling or both.

Offences by presiding officers or polling assistants.

34. Any presiding officer or polling assistant who wrongfully and without just cause—

(*a*) prevents a registered voter from voting;

(*b*) permits a person not registered as a voter to vote; or

(*c*) tampers with the ballot cast at an election

commits an offence.

Other Offences.

35. (1) Every person who—

(*a*) forges or fraudulently defaces or fraudulently destroys any nomination paper or ballot paper or utters any such paper knowing the same to be forged; or

(*b*) without due authority supplies any ballot paper to any person; or

(*c*) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or

(*d*) not being a person entitled to be in possession of any ballot paper which has been marked with the official mark has any such ballot paper; or

(*e*) puts into any ballot box anything other than the ballot paper which that person is authorised by law to put in; or

(*f*) without due authority takes out of a polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or

(*g*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election; or

(*h*) without due authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

(*i*) manufactures, constructs, imports into Uganda, has in his possession, supplies or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Uganda, supplied or used for the purposes of any election, any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box during the polling at any election

shall be guilty of an offence.

General penalty.

36. Where no penalty is prescribed for an offence under these rules, a person convicted of such offence shall be liable to a term of imprisonment not exceeding three years or to a fine not exceeding three hundred thousand shillings or both.

PART II

FORMS

FORM RV

THE CONSTITUENT ASSEMBLY ELECTION RULES

APPLICATION FOR REGISTRATION AS A VOTER rule 4 (4).

1. PARTICULARS OF PERSON TO BE REGISTERED:

Names .....

Age ..... Sex .....

Citizenship .....

Normal place of residence .....

For how long have you lived in Uganda? .....

2. PARTICULARS OF ANCESTRY:

Father's Name .....

Mother's Name .....

Place where mother/father live/lived .....

3. PARTICULARS OF ELECTORAL AREA:

Village .....

Parish .....

Sub-County .....

Electoral Area .....

Approved/not approved for registration.

.....
Signature/Thumb Print of Applicant.

.....
Registration Officer.

Date .....

FORM CR

THE CONSTITUENT ASSEMBLY ELECTION RULES

CERTIFICATE OF REGISTRATION OF A VOTER rule 4 (4).

I certify that ..... has today been registered as a voter under Reg. No. ..... in the Register of Voters for the ..... Electoral Area in accordance with the provisions of the Constituent Assembly Statute, 1992.

.....
Registration Officer.

.....
Electoral Area.

Date .....

NOTE:—*You must produce this Certificate for identification on polling day.*

FORM DQ

THE CONSTITUENT ASSEMBLY ELECTION RULES

DECLARATION OF QUALIFICATION BY PERSON TO BE NOMINATED AS A CANDIDATE rule 9 (1) (*a*)

I, ..., do solemnly and sincerely declare that;

1. I am a citizen of Uganda;

2. I am not below the age of twenty-one years;
3. I have paid all liabilities in respect of any taxes and other revenue obligations due from me/have made satisfactory arrangements for the purpose;
4. I have neither been adjudged to be of unsound mind nor have I been detained as a criminal lunatic;
5. I do not owe allegiance to a country other than Uganda;
6. I am not an undischarged bankrupt or insolvent;
7. I am not under sentence of death;
8. Within the last ten years, I have not been convicted or imprisoned for an offence involving fraud, dishonesty, moral turpitude or violence or an offence relating to elections;
9. I am not disqualified, by any professional body, to practice my profession in Uganda; and
10. I am neither disqualified by reason of holding any office involving responsibilities for the conduct of elections nor by any law in force in Uganda.

I make this solemn declaration conscientiously believing the contents to be true to the best of my knowledge and belief.

.....
Name and Signature.

Subscribed and declared before me at .....

this ..... day of ....., 19.....

.....
Commissioner for Oaths.

FORM NP

THE CONSTITUENT ASSEMBLY ELECTION RULES rule 8 (2)

NOMINATION PAPER

We the undersigned registered voters in the ELECTORAL AREA of ..... hereby propose the following person as a candidate for election as a delegate to the Constituent Assembly and we certify that to the best of our belief he is qualified to be elected as such—

Surname	Other Names	Number in register of voters	Address	Occupation

Names and signatures of persons supporting the nomination	Number on register of voters
1.	.....
2.	.....

We the undersigned registered voters in the ELECTORAL AREA of ..... hereby support the nomination of .....

Names and signatures of persons supporting nomination of candidate	Number on register of voters
1.	.....

2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....

I, ... consent to my nomination as a candidate for election as a delegate to the Constituent Assembly.

Signature .....

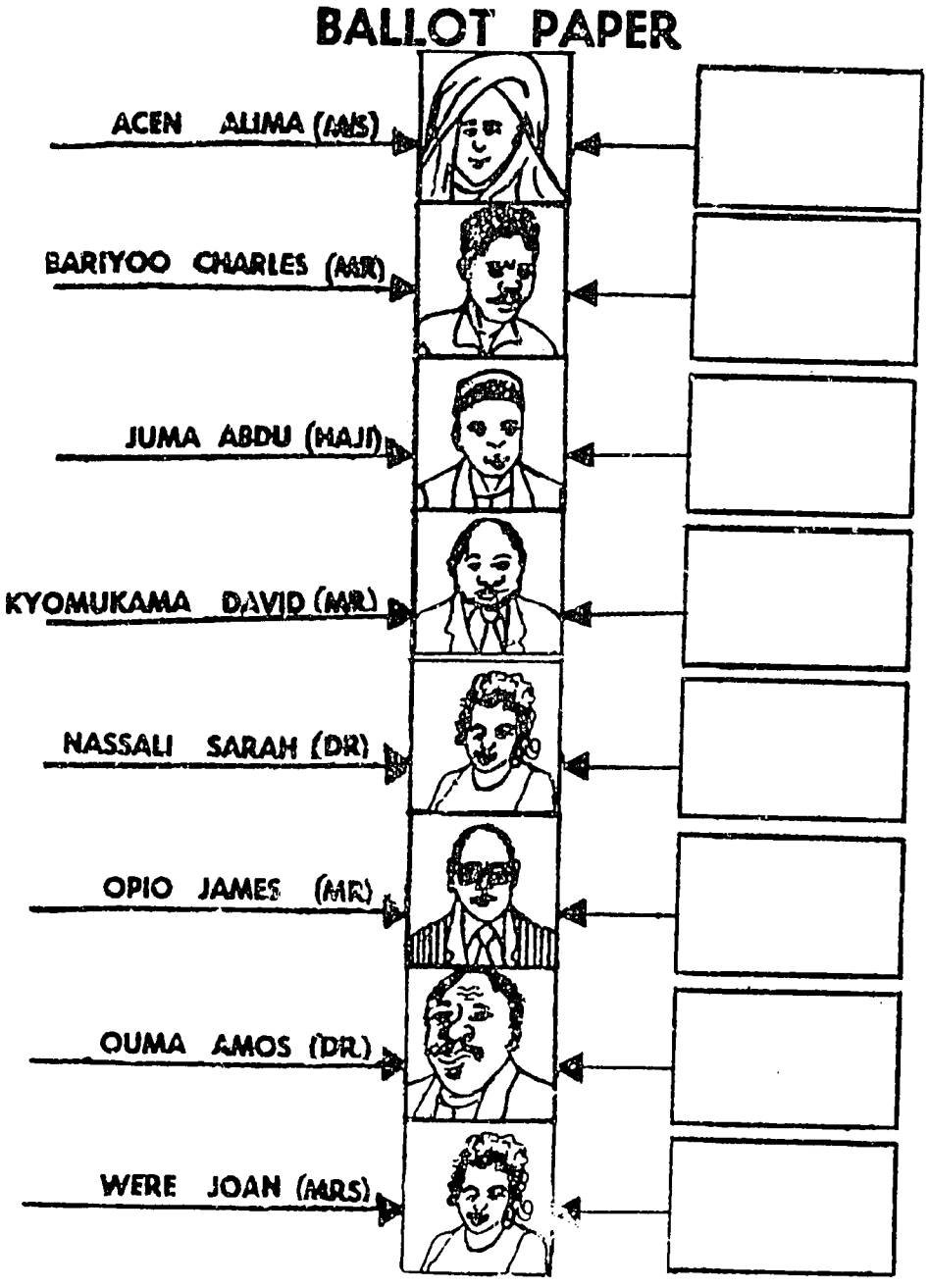
Address .....

Date .....

FORM BP.

THE CONSTITUENT ASSEMBLY ELECTION RULES rule 17 (2).

Election Area ..... Polling Station .....



FORM DR

THE CONSTITUENT ASSEMBLY ELECTION RULES

DECLARATION OF RESULTS rule 23 (2)

Electoral Area of .....

Polling Station of .....

Candidate's Name	Number of votes polled by each Candidate	Total Number of votes cast	Total Number of spoilt Ballot Papers
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....
5.	.....	.....	.....
6.	.....	.....	.....
7.	.....	.....	.....
8.	.....	.....	.....

I the undersigned certify that the above information is true and correct.

Signed .....
Presiding Officer.

Date ..... Place and time .....

ATTACHMENT 2

DRAFT CONSTITUTION

THE REPUBLIC OF UGANDA

THE DRAFT CONSTITUTION

OF THE

REPUBLIC OF UGANDA

Published as part of the Report by
UGANDA CONSTITUTIONAL COMMISSION
P.O. BOX 7206, KAMPALA.

THE DRAFT CONSTITUTION

OF THE

REPUBLIC OF UGANDA

DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

ARRANGEMENT OF CHAPTERS

THE PREAMBLE.

CHAPTER

1. THE CONSTITUTION.
2. THE REPUBLIC
3. NATIONAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE POLICY.
4. CITIZENSHIP.
5. FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS.
6. REPRESENTATION OF THE PEOPLE.
7. THE EXECUTIVE.
8. THE LEGISLATURE.
9. THE NATIONAL COUNCIL OF STATE.
10. THE JUDICIARY.
11. FINANCE.
12. THE PUBLIC SERVICE.
13. LOCAL GOVERNMENT.
14. DEFENCE AND NATIONAL SECURITY.
15. INSPECTORATE OF GOVERNMENT.
16. LEADERSHIP CODE OF CONDUCT.
17. LAND AND ENVIRONMENT.
18. GENERAL AND MISCELLANEOUS.
19. AMENDMENT OF THE CONSTITUTION.
20. TRANSITIONAL PROVISIONS.

ARRANGEMENT OF ARTICLES

Article

CHAPTER ONE

THE CONSTITUTION

1. Sovereignty of the People.

2. Supremacy of the Constitution.

3. Defence of the Constitution.

CHAPTER TWO

THE REPUBLIC

4. The Republic of Uganda.

5. Official language.

6. Non-adoption of State religion.

CHAPTER THREE

NATIONAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE POLICY

General

7. Implementation of objectives and principles.

Sovereignity of the People

8. Sovereignty of the people.

Political Objectives

9. Democratic principles.

10. National unity and stability.

11. National sovereignty, independence and territorial integrity.

Protection and Promotion of Fundamental Rights and Freedoms

12. Fundamental rights and freedoms.

Protection of Women, the Family, the Aged and the Disabled

13. Protection of the family.

14. Protection of the rights of women.

15. Protection of rights of widows.

16. Rights of the disabled.

17. Protection of the aged.

Culture of Constitutionalism and Accountabillity

18. Promotion of culture of constitutionalism.

19. Accountability of leaders to the people.

Economic Objectives

20. The right to development.

21. Role of the people in development.

22. The role of the State in development.

23. Balanced and equitable development.

24. Sovereignty over natural resources.

25. International and regional co-operation.

Social Objectives

26. General social objectives.

27. Educational objectives.

28. Health services.

29. Clean and safe water.

30. Decent housing.

31. Pensions and retirement benefits.

32. Food security and nutrition.

33. Natural disasters.

Cultural Objectives

34. Cultural objectives.

35. Preservation of Uganda's heritage.

The Environment

36. The environment.

37. Environmental awareness.

Foreign Policy Objectives

38. Foreign policy objectives.

Duties of a Citizen

39. Duties of a citizen.

CHAPTER FOUR

CITIZENSHIP

40. Citizenship of Uganda.

41. Citizenship by birth.

42. Foundlings and adopted children.

43. Citizenship by registration.

44. National Citizenship and Immigration Board.

45. Loss of citizenship by registration.

46. Prohibition of dual citizenship.

47. Duties of a citizen.

48. Powers of Parliament relating to citizenship and immigration.

49. Interpretation.

CHAPTER FIVE

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

General

50. Protection of fundamental human rights and freedoms.

51. Enjoyment of rights and freedoms.

52. Protection of right to life.

53. Protection of personal liberty.

54. Respect for human dignity and protection from inhuman treatment.

55. Protection from slavery and forced labour.

56. Protection from deprivation of property.

57. The right to privacy of person, home and other property.

58. Right to a fair hearing.

59. Protection of freedom of conscience, expression, movement, etc.

60. Protection of the family.

61. Rights of women.

62. Rights of children.

63. Rights of disabled or handicapped persons.

64. Right to culture.

65. Civic rights and activities.

66. Right to clean and healthy environment.

67. Economic rights.

68. Administrative justice.

69. Human rights and freedoms additional to other rights.

Human Rights and Freedoms During a State of Emergency

70. Effect of laws enacted for state of emergency.

71. Detention under emergency laws.

72. Derogation from particular human rights and freedoms prohibited.

73. Review by Uganda Human Rights Commission.

74. Report to Parliament.

Enforcement of Rights and Freedoms by Courts

75. Enforcement of rights and freedoms by courts.

Uganda Human Rights Commission

76. Uganda Human Rights Commission.

77. Functions of the Commission.

78. Powers of the Commission.

79. Independence of the Commission.

80. Expenses of Commission.

81. Removal of Commissioners.

82. Staff of Commission.

83. Parliament to make laws regarding functions of Commission.

CHAPTER SIX

REPRESENTATION OF THE PEOPLE

Right to Vote

84. Right to vote.

Electoral Commission

85. Electoral Commission.

86. Functions of Electoral Commission.

87. Independence of the Commission.

88. Constituencies.

89. Appeals from decisions of Commission.

90. Staff of Commission.

91. Expenses of Commission.

Provisions relating to Organisation of Elections

92. Provisions relating to organisation of elections.

93. Voting at elections and referenda.

Political Systems

94. Political movement system.

95. Organs of movement.

96. Restrictions on political parties.

97. Political parties.

98. Referendum on political systems.

General

99. Prohibiting of one-party State.

100. Parliament to enact laws on elections.

CHAPTER SEVEN

THE EXECUTIVE

The President

101. President of Uganda.

102. Executive authority of Uganda.

103. Absence of President from Uganda.

104. Presidential addresses.

105. Qualifications of President.

106. Election of President.

107. Challenging Presidential election.

108. Term of office of President.

109. Conditions of office of President.

110. Removal of President.

111. Vice President.

112. Acting in absence of the President.

113. Prerogative of mercy.

The Cabinet

114. The Cabinet.

115. Meetings of Cabinet.

116. Ministers.

117. Deputy Ministers.

118. Oaths of Ministers and Deputy Ministers.

119. Terms of Ministers and Deputy ministers.

120. Collective responsibility of Ministers.

121. Vote of censure.

122. Attendance in Parliament of Vice-President and Ministers.

123. Attorney General.

Director of Public Prosecution

124. Director of Public Prosecutions.

International Relations

125. International relations.

126. Diplomatic representation.

127. Execution of treaties etc.

War and Emergencies

128. Declaration of war.

129. Emergency powers of President.

CHAPTER EIGHT

THE LEGISLATURE

Establishment, Composition and Functions of Parliament

130. Establishment and term of Parliament.

131. Composition of Parliament.

132. Functions of Parliament.

133. Qualifications and disqualifications of members of Parliament .

134. Speaker and Deputy Speaker.

135. Tenure of office of members of Parliament.

136. Right of recall.

137. Code of Conduct to apply to members of Parliament.

138. Emoluments of members of Parliament.

139. Determination of questions of membership etc.

140. Clerk to Parliament and other staff.

Procedure of Parliament

141. Quorum of Parliament.

142. Voting in Parliament.

143. Standing committees and other committees of Parliament.

144. Mode of exercise of legislative power.

145. Restriction on retrospective legislation.

146. Restrictions with regard to certain financial matters.

147. Rules of procedure of Parliament.

Summoning and Dissolution of Parliament

148. Sessions of Parliament.

149. Dissolution of Parliament.

General

150. Immunities and privileges of Parliament.

151. Residual powers of Parliament.

CHAPTER NINE

THE NATIONAL COUNCIL OF STATE

152. Establishment of National Council of State.

153. Functions of National Council of State.

154. Procedure for resolving conflicts.

155. Emoluments of members of National Council of State.

CHAPTER TEN

THE JUDICIARY

Administration of Justice

156. Exercise of Judicial power.

157. Participation of the people in the administration of justice.

158. Independence of the Judiciary.

The Courts of Judicature

159. The Judicature.

The Supreme Court of Uganda

160. Supreme Court of Uganda.

161. Appeals to the Supreme Court.

162. Composition of the Supreme Court.

163. Administrative functions of the Chief Justice.

164. Appointment of Justices of the Supreme Court.

165. Tenure of office of Justices of the Supreme Court.

The High Court of Uganda

166. High Court of Uganda.

167. General jurisdiction of High Court.

168. Questions of interpretation of the Constitution.

169. Early hearing for constitutional and election cases.

170. Appointment of Judges of the High Court of Uganda.

171. Principal Judge.

172. Tenure of office of High Court Judges.

Judicial Service Commission

173. Judicial Service Commission.

174. Functions of the Judicial Service Commission.

175. Appointment of Judicial Officers.

Miscellaneous

176. Oaths to be taken by Judges.

177. Power to make laws for procedures of Judiciary

CHAPTER ELEVEN

FINANCE

General

178. Taxation.

179. Consolidated Fund.

180. Withdrawal from the Consolidated Fund.

181. Financial year estimates.

182. Appropriation Bill.
183. Contingencies Fund.

184. Offices the remuneration of which is charged on Consolidated Fund.

185. Power of Government to borrow or lend.

186. Public debt.

Central Bank of Uganda

187. The Central Bank.

188. Functions of the Bank.

Uganda Audit Commission

189. Uganda Audit Commission.

190. Functions of the Commission.

Accountability for Public Funds

191. Accountability.

CHAPTER TWELVE

THE PUBLIC SERVICE

192. Public Service Commission.

193. Functions of Public Service Commission.

194. Teaching Service Commission.

195. Functions of Teaching Service Commission.

196. Establishment of offices.

197. Appointment of public officers.

198. Principal Secretaries.

199. Pension.

200. Interpretation.

CHAPTER THIRTEEN

LOCAL GOVERNMENT

Objectives and Structure of Local Government

201. Local government system.

202. Districts of Uganda.

203. Boundaries of local government units.

The District Government

204. District Councils.

205. Election to District Council.

206. Revocation of mandate.

207. District Chief executive.

208. Chairman of District Council.

209. Removal of District Chief Executive or Chairman of District Council.

210. Executive Committee.

211. Functions and services of local government.

212. Vote of no confidence.

Finances of the District

213. Finances of the District.

214. Grants and other financial assistance to the districts.

215. Distribution of revenue and assistance to districts.

216. Loans and grants.

Relationship between the District and the Central Government

217. Exercise of administrative functions.

218. Delegation of functions and services to District Council.

219. Administration of districts by President.

220. Central Government Representative.

Committees of the District Council

221. District Development Committee.

222. District Finance and Accounts Committee.

223. Other Committees of District Council.

District Service Commission

224. District Service Commission.

225. Powers of the District Service Commission.

Miscellaneous

226. General provisions relating to elections.

227. Remuneration.

228. Parliament to make laws regarding local government.

229. Interpretation.

230. Transitional provisions regarding urban authorities.

CHAPTER FOURTEEN

DEFENCE AND NATIONAL SECURITY

Uganda Armed Forces

231. Uganda Armed Forces.

232. Functions of Armed Forces.

233. Commander and other officers.

234. Appointments.

235. Armed Forces Council.

236. Armed Forces Service Board.

237. Exercise of operational command by President.

238. Deployment of troops outside Uganda.

239. Laws by Parliament regarding Uganda Armed Forces.

The Police

240. Uganda Police Force.

241. Functions of Uganda Police Force.

242. Command of Uganda Police Force.

243. Police Council.

244. Functions of Police Council.

245. Police Service Board.

246. Functions of Police Service Board.

Uganda Prisons

247. Establishment of Uganda Prisons Service.

248. Commissioner and Deputy Commissioner of Prisons.

249. Prisons Service Council.

250. Prisons Service Board.

251. Functions of Prisons Service Board.

Intelligence Organisations

252. Intelligence organisations.

National Security Council

253. Establishment of National Security Council.

254. Functions of National Security Council.

General

255. Security organisations to observe human rights.

256. Powers of Parliament regarding security organisations.

CHAPTER FIFTEEN

INSPECTORATE OF GOVERNMENT

257. Establishment of Inspectorate.

258. Removal of Inspector - General and Deputy Inspectors General.

259. Functions of Inspectorate.

260. Jurisdiction of Inspectorate.

261. Independence of Inspectorate.

262. Accessibility to the people.

263. Provision for adequate resources.

264. Special powers of the Inspectorate of Government.

265. Reports.

266. Powers of Parliament regarding Inspectorate.

CHAPTER SIXTEEN

LEADERSHIP CODE OF CONDUCT

267. Establishment of Leadership Code of Conduct.

268. Enforcement of Code.

269. Disqualification for breach of Code.

270. Interpretation.

CHAPTER SEVENTEEN

LAND AND ENVIRONMENT

Land

271. General principles on ownership of land.

272. Uganda Land Commission.

273. Functions of the Uganda Land Commission.

274. District Land Committees.

275. Land tribunals.

276. Minerals.

277. Powers of Parliament relating to land.

Environment

278. Protection of the environment.

CHAPTER EIGHTEEN

GENERAL AND MISCELLANEOUS

279. Traditional leaders.

280. Administration of estates.

281. Law Reform Commission.

282. Legal proceedings.

283. Performance of functions of Commission.

284. Resignations.

285. Re - appointment and concurrent appointments.

286. Interpretation.

CHAPTER NINETEEN

AMENDMENT OF THE CONSTITUTION

287. Amendment of Constitution.

288. Amendments requiring referendum.

289. Amendments requiring approval by District Councils.

290. Amendment of other provisions of Constitution.

291. Certificate of compliance with Chapter.

CHAPTER TWENTY

TRANSITIONAL PROVISONS

292. Transitional Government.

293. Interim Electoral Commission.

294. First President.

295. Existing Supreme Court and High Court.

296. Existing offices of Judges.

297. Existing offices.

298. Appointments to certain offices.

299. Existing laws.

300. Modification of existing laws by First President.

301. Enactments not yet in force.

302. Consequential amendments to Oaths Act.

303. Existing Commissions and Committees of Inquiry.

304. Oaths deemed to have been taken.

305. Pending matters.

306. Proceedings pending before courts.

307. Official seals.

308. Prerogative of mercy.

309. Devolution of rights and liabilities.

310. Succession of property.

311. Succession to contracts.

312. International agreements, treaties and conventions.

313. Interpretation.

314. Cessation of 1967 Constitution and Legal Notice No. 1 of 1986.

SCHEDULES:

FIRST SCHEDULE	-	The Boundaries of Uganda.
SECOND SCHEDULE	-	Uganda's Ethnic Composition as at First February, 1926.
THIRD SCHEDULE	-	Oath of Allegiance and Presidential Oath.
FOURTH SCHEDULE	-	Functions and Services Exclusively Reserved to the Central Government.

The Republic of Uganda

THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA

WE THE PEOPLE OF UGANDA:

RECALLING our history which has been characterised by political and constitutional instability;

RECOGNISING our struggles against the forces of tyranny and oppression;

COMMITTED to building a better future by establishing a new socio-economic and political order through a popular and durable national Constitution based on the principles of unity, peace, equality, democracy, freedom, social justice and progress;

EXERCISING our sovereign and inalienable right to determine the form of governance for our country, and having fully participated in the constitution-making process;

NOTING that a Constituent Assembly was established to represent us and to debate the Draft Constitution prepared by the Uganda Constitutional Commission and to adopt and enact a Constitution for Uganda:

DO HEREBY, in and through this Constituent Assembly SOLEMNLY ADOPT, ENACT AND GIVE TO OURSELVES AND OUR POSTERITY, THIS CONSTITUTION OF THE REPUBLIC OF UGANDA, this ..... day of ..... in the year ....., and which Constitution shall come into force on the .....

FOR GOD AND MY COUNTRY

CHAPTER ONE

THE CONSTITUTION

Sovereignty of the people.

1. All power belongs to the people who shall exercise their sovereignty through the democratic institutions of the State in accordance with this Constitution.

Supremacy of the Constitution.

2. (1) This Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout Uganda.

(2) If any other law or any custom is inconsistent with any provision of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void.

Defence of the Constitution.

3. (1) It is prohibited for any person or group of persons to take control of the Government of Uganda except in accordance with the provisions of this Constitution.

(2) Any person who, by himself or in concert with others, by any violent or other unlawful means suspends or overthrows or abrogates this Constitution or any part of it or attempts to do any such act or aids and abets in any manner such a person, commits the offence of treason and shall be punished according to law.

(3) This Constitution shall not lose its force and effect even where its observance is interrupted by a Government established by the force of arms; and in any case, as soon as the people recover their liberty, its observance shall be re-established and all persons who have taken part in any rebellion or other activity which resulted in the interruption of the observance, shall be tried in accordance with this Constitution and other laws consistent with it.

(4) All citizens of Uganda shall have the right and duty at all times -

(a) to defend this Constitution, and in particular, to resist any person or group of persons seeking to subvert or overthrow the established constitutional order; and

(b) to do all in their power to restore this Constitution after it has been suspended, overthrown or abrogated contrary to its provisions.

(5) Any person or group of persons who resists the suspension, overthrow or abrogation of this Constitution commits no offence.

(6) Where a person referred to in clause (5) of this article is punished for any act done under that clause, the punishment shall, on restoration of this Constitution, be considered void from the time it was imposed and he shall be taken to be absolved from all liabilities arising out of the punishment.

(7) The High Court shall, on application -

(a) by or on behalf of a person who has suffered any punishment or loss to which clause (6) of this article relates; or

(b) by or on behalf of the legal successors of a person referred to in paragraph (a) of this clause,

award him or them reasonable compensation which shall be charged on the Consolidated Fund, in respect of any suffering or loss incurred as a result of the punishment.

CHAPTER TWO

THE REPUBLIC

The Republic of Uganda.

4. (1) Uganda is one unitary Sovereign State and a Republic.

(2) Uganda shall consist of the districts which existed immediately before the coming into force of this Constitution or such districts as may be established in accordance with this Constitution or any other law consistent with this Constitution.

(3) The territorial boundaries of Uganda shall be as delineated in the First Schedule to this Constitution.

(4) The capital of Uganda is Kampala.

Official language.

5. (1) The official language of Uganda is English.

(2) Nothing in this Constitution prohibits the use of any other language as a medium of instruction in schools or other educational institutions or the use of any other language for legislative, administrative or judicial purposes as may be prescribed by law.

Non-adoption of State religion.

6. The government of Uganda shall not adopt any religion as a State religion.

CHAPTER THREE

NATIONAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE POLICY

General

Implementation of objectives and principles.

7. (1) The objectives and principles in this Chapter shall guide Parliament, the Executive, the Judiciary, the National Council of State, all organs of State, all citizens, organisations and other bodies and persons in applying or interpreting this Constitution or any other law and in taking and implementing any policy decisions for the establishment and promotion of a just, free and democratic society.

(2) The President shall report to Parliament and the nation at least once a year, all steps taken to ensure the realization of the policy objectives and principles in this Chapter and the economic development of the country.

Sovereignty of the People

Sovereignty of the people.

8. (1) All authority in the State emanates from the people of Uganda; and the people shall be governed only through their will and consent.

(2) All power and authority of the Government and its organs derive from this Constitution, which in turn derives its authority from the people who consent to be governed under terms agreed on in this Constitution.

(3) The people reserve to themselves all power and authority which they do not delegate to the State and its organs.

(4) The security organs shall at all times remain subordinate and answerable to the supreme political authority.

Political Objectives

Democratic principles.

9. (1) The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance.

(2) The people shall express their will and consent on who should govern them and how they should be governed through regular, free and fair elections of their representatives.

(3) All the people of Uganda shall have access to leadership positions at all levels, subject only to this Constitution and other laws of Uganda.

(4) The State shall be guided by the principle of the decentralisation and devolution of governmental functions and powers to the people at appropriate

levels where they can best manage and direct their own affairs.

(5) The composition of Government shall be broadly representative of the national character and social diversity of the country.

(6) All political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organisations and practice.

(7) Civic organisations shall retain their autonomy in pursuit of their declared objectives.

National unity and stability.

10. (1) All organs of State and people of Uganda shall work towards the promotion of national unity, peace and stability.

(2) Every effort shall be made to integrate all the peoples of Uganda, while at the same time recognising the existence of the ethnic, religious and cultural diversity of the people.

(3) All the people of Uganda are entitled to their cultural values and practices which do not disturb the unity and cohesion of the State.

(4) Everything shall be done to promote a culture of co-operation, understanding, appreciation, tolerance and respect for each other's customs, traditions and beliefs.

(5) The State shall eliminate and discourage all laws, policies and practices which promote and encourage discrimination and prejudice on grounds of place of origin, circumstances of birth, race, ethnic origin, language, sex, religion, political opinion, creed or colour.

(6) There shall be established and nurtured institutions and procedures for resolution of conflicts fairly and peacefully.

(7) Measures shall be taken to ensure reasonable access by all citizens from all areas of Uganda and different backgrounds to all public facilities and services, including public and civil service offices.

(8) All Ugandans are free to move, settle and earn a living anywhere in Uganda.

National sovereignty, independence and territorial integrity.

11. (1) The leaders of Uganda shall at all times safeguard and strengthen the national sovereignty, independence and territorial integrity of the nation, and shall at all times act in the best interest of Uganda and its people.

(2) Everything shall be done to build-up national strength in political, economic and social spheres to avoid undue dependence on other countries and institutions.

(3) The State shall endeavour to mobilise, organise and empower the Ugandan people to build independent and indigenous foundations for the development of Uganda.

(4) The State shall take into account the sovereignty, independence and territorial integrity of Uganda when designing and implementing policies on foreign relations, international and regional co-operation and national defence.

Protection and Promotion of Fundamental Rights and Freedoms

Fundamental rights and freedoms.

12.(1) Fundamental rights and freedoms of individuals and groups are inherent and not granted by the State.

(2) All organs and institutions of Government shall regard the defence and promotion of human rights and freedoms as their primary responsibility.

(3) The State shall guarantee and respect institutions which are charged with responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively.

(4) The rights and freedoms guaranteed under this Constitution and other laws of the land shall be given full effect through the adoption of policies and development of programmes that promote rights of disadvantaged groups and communities in the Ugandan society, especially women, the elderly, children, peasants, workers, orpnans, the sick and the disabled.

(5) Human rights education and a culture of constitutionalism shall be actively promoted in all institutions and made part of the curriculum at all levels of education.

(6) All persons who complain of human rights abuses shall have easy access to legal institutions charged with the protection and enforcement of human rights and freedoms.

(7) All individuals, groups and communities shall be free to have access to all regional, continental or international institutions dealing with breaches of human rights and freedoms.

(8) The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development.

Protection of Women, the Family, the Disabled and theAged.

13. The family is the natural and basic unit of society and shall be entitled to protection by society and the State.

Protection of the family.

14. (1) The State shall recognise the significant role of women in society and provide the facilities and opportunities necessary to enhance their welfare to enable them realise their full potential and advancement.

Protection of the rights of women.

(2) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society.

15. The rights and welfare of all widows shall be protected by the State

Protection of rights of widows.

16. The State shall provide support services to enable the disabled or handicapped persons to live as independently as possible in the community, and as far as practicable, disabled and handicapped persons shall be given the opportunity to develop and manage those services for themselves.

Rights of the disabled.

17. The State shall make reasonable provision for the welfare and maintenance of the aged.

Protection of the aged.

Culture of Constitutionalism and Accountability

18. (1) All organs of the State, public bodies and citizens of Uganda have a duty to promote and protect this Constitution.

Promotion of culture of constitutionalism.

(2) No person shall assume or accede to puhlic office, except in accordance with this Constitution or any other law made under it.

(3) Any person who violates the constitutional order shall be liable to punishment at any time that the people are in a position to punish him.

(4) It shall be the duty of every citizen and institution to resist dictatorship in all its manifestations.

(5) The distribution of powers and functions as well as checks and balances provided for in this Constitution among various organs and institutions of government shall be supported through the provision of adequate resources for their effective functioning at all levels.

19. (1) All puhlic offices shall be held in trust for the people.

Accountability of leaders to the people.

(2) All persons placed in positions of leadership and responsibility shall be answerable to the people in their work and shall at all times place the interest and welfare of the people above their own.

(3) All measures shall be taken to expose, combat and eradicate corruption and abuse and misuse of power by those holding political and other public offices.

Economic Objectives

The right to development.

20. (1) The State shall take all necessary measures to provide an atmosphere that is conducive to the development of the people of Uganda.

(2) All development efforts shall be directed at ensuring the maximum social, economic and cultural well-being of the people.

(3) Necessary measures shall be taken to ensure that women have equal opportunity with men to play an active role in the development process.

(4) In order to facilitate rapid and equitable development, the State shall encourage private initiative and self-reliance.

(5) Every Ugandan shall be free to pursue any form of economic activity permitted by law for the advancement of himself and his family.

(6) The State shall endeavour to protect the health, safety and welfare of all persons in employment.

(7) The State shall promote the attainment of decent standards of living for all citizens which shall include adequate food, clothing, shelter and medical care.

Role of the people in development.

21. (1) The State shall take all necessary steps to involve the people in the formulation and implementation of development policies and programmes which affect them.

(2) Every citizen has the duty to contribute positively to the development of self, the family, the community and the country.

(3) It shall be the duty of every citizen to combat corruption and misuse or wastage of public property.

The role of the State in development.

22. (1) The State shall provide equal opportunity for all citizens to develop themselves economically.

(2) The State shall give the highest priority to the enactment of legislation establishing measures that protect and enhance the right of the people to equal economic opportunities and to remove social and cultural inequities by equitably distributing wealth.

(3) The State shall provide a peaceful, secure and stable political environment which is necessary for economic development.

(4) The State shall establish institutions, infrastructure, policies and programmes that will stimulate economic development.

(5) The State shall stimulate agricultural,industrial, technological and scientific development by adopting appropriate policies and the enactment of enabling legislation.

(6) In furtherance of social justice, the State may regulate the acquisition, ownership, use and disposition of land and other property.

(7) The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

Balanced and equitable development.

23. (1) The State shall take necessary measures to bring about balanced development of the different areas of Uganda and between the rural and urban areas.

(2) The State shall take special measures in favour of the development of the least developed areas.

(3) The State shall take affirmative action to enhance the economic status of disadvantaged groups, including women, the youth, orphans and people with disability.

(4) The State shall ensure social justice for all groups and individuals in economic matters.

Sovereignty over natural resources.

24. The State shall control important natural resources, including land, water, minerals, oil and forests on behalf of the people; and those resources shall be managed and utilised for the development and welfare of the people of Uganda.

International and regional co-operation.

25. The State shall promote international cooperation which is beneficial to the country and work for close regional economic cooperation and integration.

Social Objectives

General social objectives.

26. All Ugandans shall have equal rights, opportunities and access to education, health services, clean and safe water, decent shelter, food security and pension and retirement benefits.

Educational objectives.

27. (1) The State shall promote compulsory basic education.

(2) The State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible.

(3) Individuals, religious bodies and other non-governmental organisations shall be free to found and operate educational institutions, if they comply with the general educational policy of the country and maintain national standards.

Health services.

28. (1) The State shall take all practical measures to ensure the provision of basic medical services to the population.

(2) All persons and in particular children, shall be entitled to protection against preventable diseases.

Clean and safe water.

29. (1) Every person is entitled to clean and safe water.

(2) The State shall take all possible measures to -

(a) promote a good water management system at all levels;

(b) prevent or minimise damage and destruction to water resources resulting from pollution or other causes; and

(c) promote public awareness of the need to manage water resources in a balanced and sustainable manner, for present and future generations.

Decent housing.

30. The State shall facilitate the provision of decent and affordable housing to all citizens.

Pensions and retirement benefits.

31. The State shall make laws providing for the provision of adequate and regular payment of pensions and other forms of retirement benefits to persons to whom they apply.

Food security and nutrition.

32. The State shall -

(a) take appropriate steps to encourage people to grow and store adequate food; and

(b) encourage and promote proper nutrition through mass education and other appropriate means in order to build a healthy State.

Natural disasters.

33. The State shall institute an effective machinery for dealing with any hazard or disaster arising out of natural calamities, including floods, earthquakes, volcanic eruptions, plagues or drought or any situation resulting in general displacement of people or serious disruption of their normal life.

Cultural Objectives

Cultural objectives.

34. (1) Cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with this Constitution may be developed and incorporated in aspects of Ugandan life.

(2) The State and the citizens shall promote and preserve those cultural values which contribute to the identity of Ugandans and which are consistent with modern way of life.

(3) The State shall promote and encourage the emergence of a national culture which integrates the values and aspirations of the people of Uganda.

(4) The State shall encourage -

(a) the development, preservation and enrichment of all Ugandan languages;

(b) the development of a national language or languages that can -

(i) unite Ugandans; and

(ii) promote cooperation between Ugandans and the peoples of the countries within the region.

(5) The State shall promote a culture of science and technology.

Preservation of Uganda's heritage.

35. It shall be the duty of the State and citizens to protect, conserve and restore landscapes, sites and monuments of historic, artistic, cultural and aesthetic value.

The Environment

The environment.

36. (1) It shall be the duty of the State to ensure that all persons enjoy a clean and healthy environment.

(2) In order to attain sustainable development, environmental protection and improvement shall form an integral part of the development process.

(3) Uganda's social-economic development strategy shall aim at achieving a balance between growth, poverty alleviation and environmental protection.

(4) The people are entitled to be consulted when any policy and programme which may affect their environment is being drawn up or implemented.

(5) The utilisation of the natural resources of Uganda shall be managed in such a way as to meet the development and environmental needs of present and future generations of Ugandans.

(6) All Ugandans are entitled to accessible and readily affordable energy resources which meet their basic needs and the needs of environmental preservation.

(7) The organs of both central and local government shall create and develop parks, reserves and recreation areas so as to ensure the conservation of natural resources, including animals, plants and fish to promote the rational use of natural resources and safeguard their capacity for renewal, regeneration and stability of the ecology.

Environmental awareness.

37. Public awareness and participation in environmental protection and preservation shall be facilitated and encouraged by making information regarding the environment readily and easily available to the population and by promoting environmental education in Schools.

Foreign Policy Objectives

Foreign policy objectives.

38. (1) The foreign policy of Uganda shall be based on the principles of -

(a) promotion of the national interest of Uganda;

(b) respect for international law and treaty obligations;

(c) peaceful co-existence and non-alignment;

(d) cooperation with neighbouring countries and countries in the region on the basis of equality and mutual benefit;

(e) settlement of international disputes by peaceful means;

(f) opposition to all forms of domination, racism and other forms of oppression and exploitation.

(2) Uganda shall actively participate in international and regional organisations that stand for peace and for the well-being and progress of humanity.

Duties of a Citizen

Duties of a citizen.

39. The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations, and accordingly, it shall be the duty of every citizen -

(a) to love the country, to be loyal to it and promote its well-being;

(b) to uphold and defend this Constitution and the law;

(c) to foster national unity and live in harmony with others;

(d) to engage in gainful employment for the good of himself, the family, the common good and to contribute to national devel-

opment;

(e) to work diligently in his lawfully chosen occupation;

(f) to contribute to the well-being of the community where that citizen lives;

(g) to protect and safeguard the environment; and

(h) to promote democracy and the rule of law.

CHAPTER FOUR

CITIZENSHIP

Citizenship of Uganda.

40. Every person who on the commencement of this Constitution is a citizen of Uganda shall continue to be such a citizen.

Citizenship by birth.

41. The following persons shall be citizens of Uganda by birth -

(a) every person born in Uganda either of whose parents or grandparents is or was a member of any of the indigenous communities existing within the borders of Uganda as at the first day of February, 1926 and set out in the Second Schedule to this Constitution;

(b) every person born in Uganda either of whose parents was at the time of his birth a citizen of Uganda;

(c) every person born outside Uganda one of whose parents or grand parents was a citizen of Uganda at the time of his birth.

Foundlings and adopted children.

42. (1) A child of not more than seven years of age found in Uganda whose parents are not known shall be presumed to be a citizen of Uganda by birth.

(2) A child of not more than sixteen years of age neither of whose parents is a citizen of Uganda who is adopted by a citizen of Uganda shall, by virtue of the adoption, be a citizen of Uganda.

Citizenship by registration.

43. (1) Every person born in Uganda -

(a) none of whose parents or grandparents had diplomatic status in Uganda or was a refugee in Uganda at the time of his birth; and

(b) who has lived continuously in Uganda since ninth October, 1962, shall on application, be entitled to be registered as a citizen of Uganda.

(2) The following persons may apply to be registered as citizens of Uganda -

(a) every person married to a Ugandan citizen; except that such a person shall be required to produce proof of a legal and subsisting marriage of at least three years' standing;

(b) every person who has legally and voluntarily migrated to and has been living in Uganda for at least twenty years;

(c) every person who having lived in Uganda for at least twenty years, has not been previously convicted of an offence which carries a sentence of not less than six months imprisonment without the option of a fine.

(3) Paragraph (a) of clause (2) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Uganda under this Constitution.

(4) Where a person has been registered as a citizen of Uganda under paragraph (a) of clause (2) of this article and the marriage by virtue of which that person was registered is -

(a) annulled or otherwise declared void by a court or tribunal of competent jurisdiction; or

(b) dissolved,

that person shall, unless he or she renounces that citizenship, continue to be a citizen of Uganda.

(5) Any child of a marriage of a person registered as a citizen of Uganda under paragraph (a) of clause (2) of this article to which clause (4) of this article applies, shall continue to be a citizen of Uganda unless he renounces that citizenship.

National Citizenship and Immigration Board.

44. (1) An application for citizenship by registration or for immigration into Uganda shall be made to and considered by, a National Citizenship and Immigration Board which shall be established by Parliament.

(2) The Board shall be composed of a Chairman and not less than four other people each of whom shall be of high moral character and proven integrity, appointed by the President with the approval of the National Council of State.

(3) The functions of the Board shall be prescribed by Parliament and shall include -

(a) registration and issue of national identity cards to citizens;

(b) issue of Uganda passports and other travel documents; and

(c) granting and cancellation of citizenship by registration.

(4) The functions of the Board set out in paragraphs (a) and (b) of clause (3) shall be decentralised to the district level and the Board shall be accessible to all persons.

Loss of citizenship by registration.

45. A person may be deprived of his citizenship if acquired by registration, on any of the following grounds -

(a) voluntary acquisition of the citizenship of another country;

(b) voluntary service in the Armed Forces or security forces of a country hostile to, or at war with, Uganda;

(c) acquisition of Ugandan citizenship by fraud, deceit, bribery, or having made intentional and deliberate false statements in his application for citizenship; and

(d) espionage against Uganda.

Prohibition of dual citizenship.

46. (1) A Ugandan citizen shall not hold the citizenship of another country concurrently with his Uganda citizenship.

(2) Subject to this article, a citizen of Uganda shall cease forthwith to be a citizen of Uganda if, on attaining the age of eighteen years, he, by a voluntary act other than marriage, acquires or retains the citizenship of a country other than Uganda.

(3) A person who -

(a) becomes a citizen of Uganda by registration; and

(b) is immediately after the day upon which he becomes a citizen of Uganda also a citizen of another country,

shall cease to be a citizen of Uganda unless he has -

(i) renounced his citizenship of that other country;

(ii) taken the oath of allegiance specified in the Third Schedule to this Constitution; and

(iii) made and registered such declaration of his intentions concerning residence as may be prescribed by law; or,

(iv) obtained an extension of time for taking those steps and the extended period has not expired.

(4) A Ugandan citizen who loses his Ugandan citizenship as a result of the acquisition or possession of the citizenship of a country other than Uganda shall, on the renunciation of his citizenship of that other country, become a citizen of Uganda.

(5) Where the law of a country, other than Uganda, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Uganda who is deprived of his citizenship by virtue of that marriage shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Uganda.

Duties of a citizen.

47. (1) It shall be the duty of every citizen of Uganda -

(a) to honour and promote the prestige and good name of Uganda and respect the national anthem, flag, coat of arms and currency;

(b) to respect the rights, freedoms and legitimate interests of others and generally to refrain from doing acts detrimental to the welfare of other persons;

(c) to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment;

(d) to protect and preserve public property;

(e) to defend Uganda and to render national service when necessary;

(f) to co-operate with lawful agencies in the maintenance of law and order;

(g) to pay taxes; and

(h) to register for electoral purposes.

(2) It is the duty of all able-bodied citizens to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so; and the State shall ensure that facilities are available for such training.

Powers of Parliament relating to citizenship and immigration.

48. Parliament may, subject to this Constitution, make provision -

(a) for the acquisition of citizenship of Uganda by persons who are not eligible or who are no longer eligible to become citizens of Uganda under the provisions of this Chapter;

(b) for the deprivation of citizenship of Uganda any person who is a citizen of Uganda otherwise than by virtue of his birth;

(c) for the renunciation by any person of his citizenship of Uganda;

(d) prescribing circumstances in which non-citizens may vote;

(e) generally for regulating citizenship of Uganda and immigration into Uganda; and

(f) for according preferential treatment to citizens of any country which is a member of any international organisation of which Uganda is a member or with which Uganda is in association, on a reciprocal basis.

Interpretation.

49. (1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born

after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.

(2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution, shall be deemed to be his or her citizenship at the time of his or her death.

CHAPTER FIVE

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

General

Protection of fundamental human rights and freedoms.

50. (1) The fundamental rights and freedoms of the individual enshrined in this Chapter shall be respected, upheld and promoted by the Executive, the Legislature and the Judiciary and also by all organs and agencies of Government and by all persons in Uganda.

(2) Every person shall enjoy equal protection of the law.

(3) Men and women shall be equal under the law in all spheres of political, economic, social and cultural life.

(4) No person shall be discriminated against on grounds of sex, race, colour, ethnic origin, tribe, creed or religion, or social or economic standing or political opinion.

Enjoyment of rights and freedoms.

51. (1) Every person in Uganda shall enjoy the fundamental rights and freedoms of the individual, namely, the right to each and all of the following

(a) life, liberty, dignity, education, culture, security of the person, fair hearing and protection of the law;

(b) freedom of conscience, creed or religion, expression, the press, assembly, association and movement;

(c) protection of the privacy of the person, home, family, correspondence, communication and property;

(d) protection from slavery and forced labour;

(e) protection from deprivation of property without compensation; and

(f) other rights and freedoms enshrined in this Chapter.

(2) In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the rights and freedoms of others or the public interest.

Protection of right to life.

52. (1) No person shall be deprived of life intentionally except in execution of a sentence of a court of law in a fair trial in respect of a criminal offence under the law of Uganda of which he has been convicted.

164

(2) No law shall be made by Parliament depriving any person of the right to life except in very grave circumstances acceptable in a just and democratic society.

Protection of personal liberty.

53. (1) No person shall be deprived of personal liberty except as may be authorised by law.

(2) A person who is arrested, restricted or detained shall be informed immediately, in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a lawyer of his choice.

(3) A person who is arrested or detained -

(a) for the purpose of bringing him before a court in execution of an order of a court or

(b) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Uganda,

shall, if not earlier released, be brought to court as soon as possible but in any case not later than seventy-two hours from the time of his arrest.

(4) Where a person arrested, restricted or detained under clause (3) of this article is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(5) A person who is unlawfully arrested, restricted or detained by any other person or authority shall be entitled to compensation from that other person or authority whether it is the State or an agency of the State or other person or authority.

(6) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period he has spent in lawful custody in respect of that offence before the completion of his trial shall be taken into account in imposing the term of imprisonment.

(7) The right to an order of habeas corpus, that is, the right to an order requiring a person to be brought before a judge or court to investigate the lawfulness of restraining or the detention of a person shall be inviolable, and shall not be suspended except in the case of a state of emergency as provided by this Constitution.

Respect for human dignity and protection from inhuman treatment.

54. No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment.

Protection from slavery and forced labour.

55. (1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour except in circumstances prescribed by law and acceptable in a free and democratic society.

Protection from deprivation of property.

56. No property of any description shall be compulsorily acquired or taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied -

(a) the taking of possession or acquisition is necessary in the public interest and in the interests of defence, public safety, public order, public morality or public health; and

(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for -

(i) prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property; and

(ii) a right of access to a court of law by any person who has an interest or right over the property;

Right to privacy of person, home and other property.

57. (1) No person shall be subjected to unlawful search of the person, property or the entry by others on that person's premises.

(2) No person shall be subject to interference with the privacy of his home, correspondence, communication or other property.

(3) The enjoyment and observance of the rights under this article, shall be subject to any laws made by Parliament in the public interest to the extent acceptable in a free and democratic society.

Right to a fair hearing.

58. (1) In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an impartial court or tribunal established by law.

(2) Nothing in clause (1) of this article shall prevent the court or other adjudicating authority from excluding the press or the public from all or any proceedings before it for reasons of morality, public order or national security, as is necessary in a free and democratic society.

(3) Every person who is charged with a criminal offence shall -

(a) be presumed to be innocent until proved guilty or until that person has pleaded guilty;

(b) be informed as soon as reasonably practicable, in a language that the person understands of the nature of the offence;

(c) be given adequate time and facilities for the preparation of his defence;

(d) be permitted to appear before the court in person or, at that person's own expense, by a lawyer of his choice;

(e) in any offence which carries a death penalty, be entitled to legal representation at the expense of the State;

(f) be permitted to have without payment the assistance of an interpreter if that person cannot understand the language used at the trial;

(g) be afforded facilities to examine witnesses and to obtain the attendance of other witnesses before the court.

(4) Nothing done under the authority of any law shall be held to be inconsistent with -

(a) paragraph (a) of clause (3) of this article to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) paragraph (g) of clause (3) of this article to the extent that the law imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused are to be paid their expenses out of public funds.

(5) Except with his own consent, the trial of any person shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court makes an order for him to be removed and the trial to proceed in his absence.

(6) A person tried for any criminal offence, or any person authorised by him, shall, after the judgment in respect of that offence, be entitled to a copy of the proceedings upon payment of a fee prescribed by law.

(7) No person shall be charged with or convicted of a criminal offence which is founded on an act or omission that did not at the time it took place constitute an offence.

(8) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.

(9) A person who shows that he has been tried by competent court for a criminal offence and convicted or acquitted of that offence, shall not again be tried for the offence or for any other criminal offence of which he could have been convicted at the trial for that offence, except upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(10) No law shall be taken to be in contravention of clause (9) of this article merely because it authorizes a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force; except that any court which tries and convicts him shall, in sentencing him to any punishment, take into account any punishment imposed on him under the disciplinary law.

(11) No person shall be tried for a criminal offence if the person shows that he has been pardoned in respect of that offence.

(12) Subject to this Constitution, a person being tried for a criminal offence shall not be compelled to give evidence at the trial except in such circumstances as may be prescribed by law and acceptable in a free and democratic society.

(13) Except for contempt of court, no person shall be convicted of a criminal offence unless the offence is defined and the penalty for it prescribed by law.

Protection of freedom of conscience, expression, movement, etc.

59. (1) All persons shall have the right to -

(a) freedom of speech and expression, which shall include freedom of the press and other media;

(b) freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;

(c) freedom to practise any religion and manifest such practice;

(d) assemble peacefully; and

(e) freedom of association, which shall include freedom to form and join associations or unions, including trade unions, political and other civic organisations.

(2) Every Ugandan shall have the right -

(a) to move freely throughout Uganda and to reside and settle in any part of Uganda;

(b) to enter, leave and return to Uganda; and

(c) to a passport.

(3) The enjoyment of the rights under this article shall be subject to any laws made by Parliament in the public interest to the extent acceptable in a free and democratic society.

Protection of the family.

60. (1) Men and women of full age shall have the right to marry and to found a family and shall be entitled to equal rights in marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into with the free consent of the intending parties.

(3) It is the natural right of parents to care for and bring up their children.

(4) Children may not be separated from their families against the will of the persons entitled to bring them up, except in accordance with the law.

Rights of women.

61. (1) Women shall be accorded full and equal dignity of the person with men.

(2) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

(3) Women shall have the right to affirmative action for the purpose of redressing the imbalance created by history and traditional customs.

(4) Laws, cultures and customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.

Rights of children.

62. (1) Children shall have the right, subject to laws enacted in their best interests, to know and be cared for by their parents or those entitled by law to bring them up.

(2) Parents shall ensure that all children of primary school age are given primary education which shall be compulsory in Uganda.

(3) No child shall be deprived by any person of medical treatment, education or any other social or economic benefit by reason of religious or other beliefs.

(4) Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.

(5) For the purpose of clause (4) of this article, children shall be persons under the age of sixteen years.

(6) A juvenile offender who is kept in lawful custody or detention shall be kept separately from adult offenders.

(7) The law shall accord special protection to orphans and shall encourage the establishment of special institutions to provide for the welfare, upbringing and education of orphans.

Rights of disabled or handicapped persons.

63. (1) The right of the disabled and the handicapped to respect and human dignity shall be recognised by the State and society; and the disabled and the handicapped shall be encouraged by the State and society to realise their full mental and physical potential.

(2) Parliament shall enact laws appropriate for the protection of the disabled and handicapped persons.

Right to culture.

64. (1) Every person shall have the right to enjoy, practise, profess, maintain and promote any culture, language, tradition or creed or religion subject to the provisions of this Constitution and to the condition that the rights protected by this provision do not impinge upon the rights and freedoms of others or the national interest, especially unity.

(2) All customary practices which undermine the dignity of or are injurious to the well-being of a person are prohibited.

Civic rights and activities.

65. Every Ugandan citizen has the right to participate in the affairs of government, either directly or through representatives elected by the people in accordance with law.

Right to clean and healthy environment.

66. (1) Every Ugandan shall have the right to a clean and healthy environment.

(2) Parliament shall for the purposes of this article enact laws for the taking of necessary measures against pollution and destruction of the environment, and generally for the protection of the environment.

Economic rights.

67. (1) Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without discrimination.

(2) Every worker shall be accorded rest, and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.

Administrative justice.

68. Any person appearing before any administrative official or body has a right to be treated justly and fairly and shall have a right to appeal to a court of law in respect of any administrative decision taken against him.

Human rights and freedoms additional to other rights.

69. The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned, and which are considered to be inherent in a free and democratic society, and intended to secure the freedom and dignity of a human being.

Human Rights and Freedoms During a State of Emergency

Effect of laws enacted for state of emergency.

70. (1) An Act of Parliament shall not be taken to contravene the rights and freedoms granted in this Chapter, if that Act authorises the taking of measures that are reasonably justifiable for dealing with a state of emergency.

(2) The provisions of any enactment other than an Act of Parliament dealing with a state of emergency declared under this Constitution shall apply only to that part of Uganda where the emergency exists.

Detention under emergency laws.

71. Where a person is restricted or detained under a law made for the purpose of a state of emergency, the following provisions shall apply -

(a) he shall, within twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying the grounds upon which he is restricted or detained;

(b) the spouse, or other available next-of-kin of the person restricted or detained shall be informed of the detention or restriction within seventy-two hours after the commencement of the detention or restriction and shall be permitted access to the person at the earliest practicable opportunity;

(c) not more than thirty days after the commencement of his restriction or detention, a notification shall be published in the Gazette and in the media stating that he has been restricted or detained and giving particulars of the provisions of law under which his restriction or detention is authorised and the grounds of his restriction or detention.

72. The existence of a state of emergency shall not affect the enjoyment of the right to human dignity, life or fair trial as guaranteed by this Constitution.

Derogation from particular human rights and freedoms prohibited.

73. (1) The Uganda Human Rights Commission shall review the case of a person who is restricted or detained and to whom article 71 of this Constitution applies, not later than twenty-one days after the commencement of the restriction or detention, and after that, at intervals of not more than three months.

Review by Uganda Human Rights Commission.

(2) A person who is restricted or detained shall be afforded every possible facility -

(a) to consult a lawyer of his choice or any group of persons who shall be permitted to make representations to the Uganda Human Rights Commission for the review of his case;

(b) to appear in person or by a lawyer of his choice at the hearing or review of his case.

(3) On a review of the case, the Uganda Human Rights Commission may recommend the release of that person, or uphold the grounds of his restriction or detention.

74. (1) In every month in which there is a sitting of Parliament, the Minister responsible shall make a report to Parliament in respect of -

Report to Parliament.

(a) the number of persons restricted or detained under the state of emergency; and

(b) the action taken in compliance with the recommendations of the Uganda Human Rights Commission.

(2) The Minister responsible shall publish every month in the Gazette and in the media -

(a) the number and the names and addresses of the persons restricted or detained;

(b) the number of cases reviewed by the Uganda Human Rights Commission; and

(c) the action taken in compliance with the recommendations of the Uganda Human Rights Commission.

(3) For the avoidance of doubt, it is hereby declared that at the end of the emergency declared under this Constitution, any person in or under restriction, detention or custody as a result of the declaration of emergency shall be released immediately.

Enforcement of Rights and Freedoms by Courts

Enforcement of rights and freedoms by courts.

75. (1) Any person who claims that a fundamental right or freedom guaranteed under this Constitution has been infringed or threatened, shall be entitled to apply to a competent court for redress including compensation.

(2) Any person aggrieved by any decision of the court may appeal to the appropriate court.

(3) Any person or organisation may bring an action against the violation of another person's or group's human rights.

(4) Parliament shall make laws for the enforcement of the rights and freedoms under this Chapter.

Uganda Human Rights Commission

Uganda Human Rights Commission.

76. (1) There shall be a Commission called the Uganda Human Rights Commission.

(2) The Commission shall be composed of a Chairman and not less than three other persons appointed by the President with the approval of the National Council of State.

(3) The Chairman of the Commission shall be a Justice of the Supreme Court or a Judge of the High Court or a person qualified to hold such office.

(4) The Chairman and members of the Commission shall be persons of high moral character and proven integrity and shall serve for a period of six years and be eligible for reappointment.

Functions of the Commission.

77. (1) The Commission shall have the following functions -

(a) to investigate, at its own initiative or on a complaint made by any person or group of persons against any human rights violations;

(b) to visit jails, prisons, and places of detention or related facilities with a view to assess and inspect conditions of the inmates and make recommendations;

(c) to establish a continuing programme of research, education and information to enhance respect for human rights;

(d) to recommend to Parliament effective measures to promote human rights, including provision of compensation to victims of violations of human rights, or their families;

(e) to create and sustain within the society the awareness of the principles and objectives of this Constitution as the fundamental law of the people of Uganda;

(f) to educate and encourage the public to defend this Constitution at all times against all forms of abuse and violation;

(g) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people;

(h) to monitor the Government's compliance with international treaty obligations on human rights; and

(i) to perform such other functions as may be provided by law.

(2) The Uganda Human Rights Commission shall publish periodical reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country.

(3) In the performance of its functions the Uganda Human Rights Commission shall -

(a) adopt its operational guidelines and rules of procedure and commit persons for contempt of its orders in accordance with the Rules of Court;

(b) request the assistance of any department, bureau, office or agency in the performance of its functions;

(c) observe the rules of natural justice.

Powers of the Commission.

78. (1) The Commission shall have the powers of a court -

(a) issue summons or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;

(b) to question any person in respect of any subject matter under investigation before the Commission; and

(c) to require any person to disclose any information within his knowledge relevant to any investigation by the Commission.

(2) The Commission may -

(a) recommend to the appropriate person or authority to take such

action as appears to the Commission necessary to remedy the infringement of a human right or freedom, including the release of a person detained or the payment of compensation;

(b) bring proceedings in a court of competent jurisdiction on behalf of the person whose human right or freedom has been infringed, seeking an appropriate remedy for the infringement.

(3) The Commission shall not investigate -

(a) any matter which is pending before a court or judicial tribunal, or

(b) a matter involving the relations or dealings between the Government and any other Government or international organisation; or

(c) a matter relating to the exercise of the prerogative of mercy.

Independence of the Commission.

79. Subject to this Constitution, the Commission shall not, in the performance of its duties, be subject to the direction or control of any person or authority.

Expenses of Commission.

80. (1) The Commission shall be self-accounting and all the administrative expenses of the Commission including salaries, allowances and pensions payable to persons serving with the Commission shall be charged on the Consolidated Fund.

(2) The Chairman and other members of the Commission shall be paid such salaries and allowances as Parliament may prescribe.

Removal of Commissioners.

81. A member of the Commission may, with the approval of the National Council of State, be removed from office by the President only for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause or, for misbehaviour or misconduct.

Staff of Commission.

82. The appointment of the officers and other employees of the Commission shall be made by the Commission in consultation with the Public Service Commission.

Parliament to make laws regarding functions of Commission.

83. Parliament may make laws to regulate the performance of the functions of the Uganda Human Rights Commission and shall in particular make laws necessary for ensuring that the functions of the Commission are effectively carried out without obstruction.

CHAPTER SIX

REPRESENTATION OF THE PEOPLE

Right to Vote

84. (1) Every citizen of Uganda of eighteen years of age or above is entitled to vote and to be registered as a voter for the purpose of public elections and referenda. **Right to vote.**

(2) It is the duty of every citizen of Uganda of eighteen years of age or above to register as a voter for public elections and referenda.

(3) The State shall take all necessary steps to ensure that all citizens qualified to vote exercise their right to vote and no impediment shall be placed on the exercise of that right.

Electoral Commission.

85. (1) There shall be an Electoral Commission which shall consist of a Chairman and not less than two and not more than six other members appointed by the President with the approval of the National Council of State. **Electoral Commission.**

(2) The Chairman of the Electoral Commission shall be a Justice of the Supreme Court or a Judge of the High Court or a person qualified to be appointed a Justice of the Supreme Court or a Judge of the High Court.

(3) The members of the Commission shall be persons of high moral character and proven integrity.

(4) The members of the Commission shall hold office for seven years and their appointment shall be renewable for one more term only.

(5) If the appointment of a member of the Commission is being renewed, the renewal shall be done at least three months before the expiry of the first term.

(6) Members of the Commission shall not hold any other public office.

(7) The members of the Commission shall be paid such emoluments as Parliament may determine.

(8) If a member of the Commission is absent or dies the President shall, with the approval of the National Council of State appoint a person qualified in terms of this article to act in his place until he is able again to

resume his duties or until a new person is appointed to fill the vacancy.

(9) A member of the Commission may be removed from office by the President with the approval of the National Council of State only -

(a) for inability to perform the functions of his office arising out of physical or mental incapacity or from any other cause; or

(b) for misbehaviour or misconduct.

Functions of Electoral Commission.

86. The Electoral Commission shall have the following functions -

(a) to ensure that regular, free and fair elections are held;

(b) to organise, conduct and supervise, regular, free and fair elections and referenda;

(c) to demarcate constituencies in accordance with the provisions of this Constitution;

(d) to compile, maintain and revise the voters' register;

(e) to hear and determine elections complaints arising before polling;

(f) to formulate and implement educational and other programmes for democratising the Ugandan society;

(g) to perform such other functions as may be prescribed by law which is consistent with this Constitution.

Independence of the Commission.

87. Except as provided in this Constitution or in any other law which is consistent with this Constitution, in the performance of its functions, the Electoral Commission shall not be subject to the direction or control of any person or authority.

Constituencies.

88. (1) Subject to clause (2) of this article, Uganda shall be divided into as many constituencies for the purpose of election of members of Parliament as the Electoral Commission may prescribe; and each constituency shall be represented by one member of Parliament.

(2) In dividing Uganda into constituencies under clause (1) of this article, the Electoral Commission shall ensure that each county has at least one member of Parliament; except that no constituency shall fall within more than one county.

(3) Subject to clause (2) of this article, the boundaries of a constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For the purpose of clause (3) of this article, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population, area and boundaries of districts.

(5) The Electoral Commission shall review the division of Uganda into constituencies at intervals of not less than seven years, or within twelve months after the publication of enumeration figures after the holding of a census of the population of Uganda, whichever is the earlier, and may, as a result, alter the constituencies.

(6) Where the boundaries of a constituency established under this article are altered as a result of a review, the alteration shall come into effect upon the next dissolution of Parliament.

(7) For the purpose of this article "population quota" means the number obtained by diving the number of inhabitants of Uganda by the number of constituencies into which Uganda is divided under this article.

Appeals from decisions of Commission.

89. (1) Any person aggrieved by a decision of the Electoral Commission in respect of any of the complaints referred to in paragraph (e) of article 86 of this Constitution may appeal to the High Court for determination.

(2) A person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a boundary may appeal to a tribunal consisting of three persons appointed by the Chief Justice; and the Electoral Commission shall give effect to the decision of the tribunal.

(3) A person aggrieved by a decision of the High Court or a tribunal under this article may appeal to the Supreme Court against the decision.

Staff of Commission.

90. The appointment of officers and employees of the Electoral Commission shall be made by the Commission acting in consultation with the Public Service Commission.

Expenses of Commission.

91. (1) Parliament shall ensure that reasonably adequate resources and facilities are provided to the Commission to enable it to perform its functions effectively.

(2) The Commission shall be a self-accounting institution and shall deal directly with the Ministry responsible for finance on matters relating to its finances.

(3) The administrative expenses of the Commission including salaries, allowances and pensions payable to or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund.

Provisions Relating to Organisation of Elections.

Provisions relating to organisation of elections.

92. (1) The Electoral Commission shall ensure that elections are held at times fixed and notified in advance to the public.

(2) A general Parliamentary election shall be held -

(a) within the last sixty days of the term of Parliament;

(b) if Parliament is dissolved; or

(c) if Parliament resolves by a majority of not less than two-thirds of all members of Parliament that there should be a general election.

(3) An election held by virtue of paragraph (b) or (c) of clause (2) of this article shall be held within sixty days after the event giving rise to the election.

(4) A by-election shall be held within sixty days after the seat of a member of Parliament falls vacant.

(5) Where the seat of a member of Parliament falls vacant within six months before the term of Parliament ends, no by-election shall be held to fill the vacancy.

(6) All candidates in an election shall be guaranteed equitable access and use of the public communication media.

(7) In particular, all presidential candidates shall be given equal time and space on the state-owned media to present their programmes to the people.

(8) Subject to such reasonable limitations as may be imposed by any law which is consistent with the existence of a free and democratic society, and reasonably necessary for the maintenance of peace and order, the candidates shall have the right to campaign freely.

Voting at elections and referenda.

93. (1) At a public election or referendum, voting shall, subject to the provisions of this Constitution, be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall proceed to count, at the polling station, the ballot papers of that station and record the votes cast in favour of each candidate or question.

(3) A candidate is entitled to be present in person or through his representatives or polling agents at the polling station throughout the period

of voting, counting of the votes and ascertaining of the results of the poll.

(4) The presiding officer, the candidates or their representatives and, in the case of a referendum, the sides contesting, or their agents and the polling agents if any, shall sign a declaration stating -

(a) the polling station; and

(b) the number of votes cast in favour of each candidate or question;

and the presiding officers shall there and then announce the results of the voting at that polling station before communicating them to the returning officer.

(5) Subject to the provisions of this Constitution, an issue for determination by referendum shall be taken to be determined by a majority of the votes cast at the referendum.

Political Systems

Political movement system.

94. (1) The political movement system in this Chapter referred to as "the movement" which was in existence immediately before the coming into force of this Constitution shall continue in existence subject to the provisions of this article and of articles 95, 96 and 98 of this Constitution.

(2) The following shall apply to the movement -

(a) every Ugandan is entitled to participate in the public affairs of Uganda through the movement and no Ugandan shall be expelled from the movement;

(b) the movement shall work for the benefit of all Ugandans on the basis of equality for all Ugandans;

(c) it shall be under the control of the people of Uganda;

(d) all posts in the movement at all levels shall be accessible to every citizen of Uganda through free and fair elections;

(e) the movement shall operate on democratic principles in all aspects and shall be accountable to the people, transparent in its operation and committed to the defence of human rights and freedoms;

(f) there shall be no Constitution or set of rules for the movement other than as provided for under this Constitution or under any other law consistent with it;

(g) the movement shall conform to the provisions of this Constitution.

Organs of movement.

95. Parliament may by law create organs of the movement and define their roles.

Restrictions on political parties.

96. During any period when the movement is in existence, political parties shall not endorse, sponsor, offer a platform to, or in any way campaign for or against a candidate for any public election.

Political parties.

97. (1) Subject to the provisions of this Constitution, the right to form political parties is guaranteed.

(2) Subject to the provisions of this Constitution, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for election to any public office.

(3) Every political party shall have a national character, and membership shall not be based on ethnic, religious, district or other sectional divisions.

(4) The internal organization of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this Constitution or any other law consistent with this Constitution.

(5) An organisation shall not operate as a political party unless it is registered as such under the law for the time being in force for the purpose which is consistent with this Constitution.

(6) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers, and shall satisfy the Commission that -

(a) there are ordinarily resident, or registered as voters, in each of at least two thirds of all the districts of Uganda, not less than one hundred members or proposed members of the party;

(b) the party has branches in at least two thirds of the districts of Uganda; and

(c) the party's name, emblem, colour, motto or any other symbol has no ethnic, religious or other sectional connotation and does not give the appearance that its activities are confined only to a part of Uganda.

(7) A political party shall not have as a leader or a member of its executive, a person who is not qualified to be elected as a member of Parliament or to hold any other public office.

(8) The members of the national executive committee of a political party shall, as far as practicable be chosen from a cross-section of the people of Uganda, be consistent with clause (3) of this article and have due consideration for gender.

(9) Subject to the provisions of this Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.

(10) Subject to the provisions of this Constitution, the State shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.

(11) Political parties shall be required by law -

(a) to declare to the public their revenues and assets and the sources of those revenues and assets; and

(b) to publish to the public annually their audited accounts.

(12) Only a citizen of Uganda may make a contribution or donation to a political party registered in Uganda.

(13) A member of an organisation or interest group shall not be required to join a particular political party by virtue of his membership of the organisation or group.

(14) Subject to the provisions of this Constitution, Parliament shall by law regulate the establishment and functioning of political parties.

Referendum on political systems.

98. (1) During the fifth year after the assumption of office of the first President elected under this Constitution, a referendum shall be held to determine whether or not the movement should continue in existence or whether the system of representation through political parties should be adopted in place of the movement.

(2) Subsequent to the referendum held under clause (1) of this article, the people of Uganda shall have the right to determine by referendum held after every five years, on the question whether or not the system of representation of the people should be through the movement system, or through political parties.

(3) If the result of any referendum under this article is in favour of the continuing in existence or the adoption of the movement, the movement shall continue in existence or shall be restored as the case may be.

(4) During any period when the system of representation of the people is through political parties by virtue of a referendum under this article, articles 94, 95 and 96 of this Constitution shall not apply.

General

Prohibition of one-party State.

99. (1) Parliament shall have no power to enact a law establishing a one-party State.

(2) Any action of any person or group of persons which suppresses or seeks to suppress the lawful political activity of any person or group of persons is unlawful.

(3) Subject to the provisions of this Constitution, Parliament shall not make any law which suppresses or seeks to suppress the lawful political activity of any person or group of persons.

Parliament to enact laws on elections.

100. Parliament may, subject to the provisions of this Constitution, enact such laws as may be necessary for the purposes of this Chapter, including laws for the registration of voters, the conduct of public elections and referenda and, where necessary, making provision for voting by proxy.

CHAPTER SEVEN

THE EXECUTIVE

The President

101. (1) There shall be a President of Uganda who shall be the Head of State, Head of Government and Commander-in-Chief of the Uganda Armed Forces. **President of Uganda.**

(2) The President shall take precedence over all persons in Uganda, and in descending order, the Vice President, the Speaker of Parliament and the Chief Justice, shall take precedence over all other persons in Uganda.

(3) Before assuming the duties of his office the President shall take and subscribe the oath of allegiance and the presidential oath specified in the Third Schedule to this Constitution.

(4) While holding office, the President shall not be liable to proceedings in any court.

(5) Civil or criminal proceedings may be instituted against a person after he has ceased to be President in respect of anything done or omitted to be done in his personal capacity before or during his term of office and any period of limitation in respect of any such proceedings shall not be deemed to run during the period while he was President.

102. (1) The executive authority of Uganda is vested in the President and shall be exercised by him in accordance with this Constitution and the laws of Uganda. **Executive authority of Uganda.**

(2) The executive authority of Uganda extends to the execution and maintenance of this Constitution and all laws made under or continued in force by this Constitution.

(3) It shall be the duty of the President to abide by, uphold and safeguard this Constitution and the laws of Uganda and to promote the welfare of the citizens and the territorial integrity of Uganda.

(4) Subject to the provisions of this Constitution, the functions conferred on the President by clause (1) of this article may be exercised by him either directly or through officers subordinate to him.

(5) A statutory instrument or other instrument, issued or executed in the name of the President may be authenticated by the signature of a Minister, and the validity of any instrument so authenticated shall not be called in question on the ground that it is not made, issued or executed by the President.

Absence of President from Uganda.

103. The President shall, whenever leaving Uganda, notify the Speaker of Parliament.

Presidential addresses.

104. (1) The President shall, at the beginning of each session of Parliament and before a dissolution of Parliament, deliver to Parliament an address on the state of the nation.

(2) The President may, also, in consultation with the Speaker of Parliament, address Parliament from time to time, on any matter of national importance.

Qualifications of President.

105. A person is not qualified for election as President of Uganda unless he is -

(a) a citizen of Uganda by birth;

(b) not less than forty years of age;

(c) a person who completed a minimum formal education of advanced level standard or its equivalent; and

(d) a person qualified to be a member of Parliament.

Election of President.

106. (1) The election of the President shall be by universal adult suffrage through a secret ballot.

(2) A person shall not be a candidate in a presidential election unless

(a) he submits to the Electoral Commission on or before the day appointed as nomination day in relation to the election, a document which is signed by him, nominating him as a candidate and designating the person to be his Vice-President in the election; and

(b) he proves to the Electoral Commission that his nomination is supported by at least one thousand registered voters resident in each of at least two-thirds of all the districts of Uganda.

(3) The election of the President shall be held -

(a) where the President is in office, not less than two months before the expiration of the term of the President;

(b) in any other case, except as otherwise provided in this Constitution, within six months after the office of President becomes vacant.

(4) A person shall not be declared elected as President unless the number of votes cast in his favour at the presidential election is more than fifty percent of the total number of valid votes cast at the election.

(5) Where at a presidential election no candidate obtains the percentage of votes specified in clause (4) of this article, a second election shall be held in which the two candidates who obtained the highest number of votes shall be the only candidates, and the person who obtains the highest number of votes cast in the second election shall be declared President.

(6) The Chairman of the Electoral Commission shall, within twenty four hours after ascertaining the result of a presidential election, declare the result in writing.

(7) Any writing signed by a majority of the members of the Electoral Commission and under the seal of the Commission, and stating that a person named in it was declared elected as President of Uganda at the presidential election shall be proof that the person named is elected President.

(8) The person elected President during the term of a President shall assume office within twenty-four hours after the expiration of the term of his predecessor and in any other case, within twenty-four hours after his being declared elected as President.

(9) Subject to the provisions of this Constitution, Parliament shall by law, prescribe the procedure for the election of a President.

Challenging Presidential election.

107. (1) The High Court shall have jurisdiction to hear and determine any question as to whether or not a person has been duly elected President.

(2) Any registered voter may, subject to the provisions of this article, challenge the validity of the election of the President by presenting a petition to the High Court.

(3) The petition shall be lodged within thirty days after the declaration of the result of the election.

(4) Parliament shall by law prescribe the grounds on which a petition under this article may be made.

(5) The Chief Justice shall make Rules of Court regulating the practice and procedure for petitions to the High Court challenging the election of a President.

(6) A person aggrieved by the decision of the High Court under this article may appeal to the Supreme Court.

Term of office of President.

108. (1) A person elected President under this Constituion shall, subject to clause (3) of this article, hold office for a term of five years.

(2) A person shall not be elected under this Constitution to hold office as President of Uganda for more than two terms as prescribed by clause (1) of this article.

(3) The office of President shall become vacant -

(a) on the expiration of the period specified in clause (1) of this article; or

(b) if the incumbent dies or resigns or ceases to hold office under article 110 of this Constiution.

(4) The President may, by writing signed by him, and addressed to the Chief Justice, resign from his office as President.

(5) The resignation of the President takes effect when it is received by the Chief Justice.

(6) The Chief Justice shall, upon receiving the resignation of the President under this article, notify the Vice President, the Speaker and the Electoral Commission of the resignation.

Conditions of office of President.

109. (1) The President shall be paid a reasonable salary and allowances and afforded such other benefits as Parliament shall by law provide.

(2) Parliament shall by law make provision for the grant of reasonable retirement benefits for a President who ceases to hold office otherwise than by being removed under paragraph (a) or (b) of clause (1) of article 110 of this Constitution.

(3) The salary, allowances and other benefits granted to a President under this article shall be charged on the Consolidated Fund.

(4) The President is exempted from direct personal taxation on his official salary, allowances and other benefits.

(5) The President shall not hold any other public office other than these conferred by this Constitution or any office of profit or emolument likely to compromise the office of President.

(6) The salary, allowances and other benefits granted to the President under this article shall not be varied to his disadvantage while he holds office.

(7) The retirement benefits granted to a President under this article shall not be varied to his disadvantage during his lifetime.

Removal of President.

110. (1) The President may be removed from office in accordance with this article on any of the following grounds -

(a) abuse of office or wilful violation of the oath of allegiance and the presidential oath or any provision of this Constitution;

(b) misconduct or misbehaviour -

(i) that he has conducted himself in a manner which brings or is likely to bring the office of President into hatred, ridicule or contempt or disrepute; or

(ii) that he has dishonestly done any act or omission which is prejudicial or inimical to the economy of Uganda; or

(c) physical or mental incapacity, namely that he is incapable of performing the functions of his office by reason of physical or mental incapacity.

(2) For the purpose of removal of the President under paragraph (a) or (b) of clause (1) of this article, there shall be submitted to the Speaker of Parliament a notice in writing signed by not less than one third of all the members of Parliament-

(a) stating that they intend to move a resolution in Parliament for the removal of the President on a charge that he has wilfully abused his office or wilfully violated the oath of allegiance and the Presidential oath or any other provision of this Constitution or has been guilty of misconduct or misbehaviour in terms of paragraph (a) or (b) of clause (1) of this article;

(b) setting out the particulars of the charge supported by the necessary documents on which it is claimed that the conduct of the President be investigated for the purposes of his removal.

(3) The Speaker of Parliament, shall immediately upon receipt of the notice referred to in clause (2) of this article, cause a copy to be transmitted to the President.

(4) The Speaker shall then request the Chief Justice to constitute a tribunal comprising three Justices of the Supreme Court to investigate the allegation in the notice and to report its findings to Parliament stating whether or not there is a *prima facie* case for the removal of the President.

(5) The President is entitled to appear at the proceedings of the tribunal and to be represented there by a lawyer or other expert or person of his choice.

(6) If the tribunal determines that there is a *prima facie* case for the removal of the President under paragraph (a) or (b) of clause (1) of this article, then if Parliament passes the resolution supported by the votes of not less than two-thirds of all the members of Parliament, the President shall cease to hold office.

(7) The President is entitled to appear and be represented before Parliament during the proceeding of Parliament relating to the resolution.

(8) For the purposes of the removal of the President on ground of physical or mental incapacity under paragraph (c) of clause (1) of this article, there shall be submitted to the Speaker of Parliament a notice in writing signed by not less than one-third of all the members of Parliament -

(a)stating that they intend to move a resolution in Parliament for the removal of the President from office on grounds of physical or mental incapacity; and

(b) giving particulars of the alleged incapacity.

(9) The Speaker shall, as soon as possible upon receipt of a notice under clause (8) of this article, request the Director of Medical Services to constitute a Medical Board comprising five qualified and eminent medical specialists to examine the President in respect of the alleged incapacity and to report its findings to Parliament.

(10) The President shall be requested by the Speaker to submit himself to the Medical Board within fourteen days after the appointment of the Board.

(11) If the Medical Board determines that the President is by reason of physical or mental incapacity unable to perform the functions of his office and Parliament passes the resolution for the removal of the President supported by the votes of not less than two-thirds of all the members of Parliament, the President shall cease to hold office.

(12) The resolution for the removal of the President shall be moved in Parliament within fourteen days after the receipt by the Speaker of the report of the tribunal or the Medical Board.

Vice President.

111. (1) A person shall become Vice-President if the candidate who designated him as his Vice-President is duly elected as President in accordance with article 106 of this Constitution.

(2) The Vice-President shall -

(a) deputise for the President as and when the need arises; and

(b) carry on such other functions as may be assigned to him by the President, or as may be conferred on him by this Constitution.

(3) The qualifications prescribed for the office of President by article 105 of this Constitution apply to the office of Vice-President.

(4) The Vice-President shall, before commencing to perform the functions of Vice-President, take and subscribe the oath of allegiance and the oath of a Vice-President, as may be prescribed by Parliament.

(5) Articles 108 and 109 of this Constitution shall, subject to this Constitution, apply to the Vice-President; except that nothing in clause (2) of article 108 shall prevent a person who has been Vice-President from serving for two terms as President.

(6) The provisions of article 110 of this Constitution relating to the removal of the President apply to the office of Vice-President.

(7) Where the office of Vice-President becomes vacant the President may, with the approval of the National Council of State, appoint a person qualified under this Constitution to hold the office of Vice-President, to perform the functions of that office.

(8) A person appointed under clause (7) of this article shall, before assuming the office, take and subscribe the oath of Vice-President.

Acting in absence of the President.

112. (1) If the President dies, resigns or is removed from office under article 110 of this Constitution, the Vice-President shall assume the office of President for the unexpired term of the President with effect from the date of death, resignation or removal of the President.

(2) Where the unexpired term served by the President under clause (1) of this article is more than two years, then an election of a President shall take place within one year after the Vice-President assumes the office of President.

(3) Whenever the President is absent from Uganda or is for any other reason unable to perform the functions of the office of President, the Vice-President shall perform those functions until the President returns or is able again to perform those duties.

(4) Where the President and the Vice-President are both unable to perform the functions of the office of the President, the Speaker of Parliament shall perform those functions until the President or the Vice-President is able to perform those functions or until a new President assumes office.

(5) The Vice-President shall, before assuming the duties of the office of President under clause (1) of this article, nominate a person to the office of Vice-President, subject to the approval of the National Council of State.

(6) A person nominated under clause (5) of this article shall, before assuming the duties of the office of Vice-President take and subscribe the oaths prescribed in respect of that office under clause (4) of article 111 of this Constitution.

(7) Before assuming the duties of the office of President under clause (4) of this article, the Speaker shall take and subscribe the oaths specified in relation to that office in the Third Schedule to this Constitution.

(8) Whenever the Speaker of Parliament assumes the office of President as a result of the death, resignation or removal of the President and the Vice-President, there shall be a presidential election within six months after his assumption of that office.

Prerogative of mercy.

113. (1) The President may, on the advice of the Committee on the prerogative of mercy ·

(a) grant an offender a pardon either free or subject to lawful conditions and whether or not he has been convicted of the offence;

(b) grant to a person a respite, either indefinite or for a specified period, from the execution of punishment imposed on him for an offence;

(c) substitute a less severe form of punishment for a punishment imposed on a person for an offence; or

(d) remit the whole or part of a punishment imposed on a person or of a penalty or forfeiture otherwise due to Government on account of any offence.

(2) Where a person is sentenced to death for an offence, a written report of the case from the trial judge or judges or person presiding over the court or tribunal, together with such other information derived from the record of the case or elsewhere as may be necessary, shall be submitted to the Advisory Committee on the Prerogative of Mercy.

(3) The Advisory Committee on the Prerogative of Mercy shall consist of -

(a) the Attorney-General who shall be Chairman;

(b) three prominent citizens of Uganda appointed by the President on the advice of the National Council of State; and

(c) one member nominated by the Uganda Law Society and approved by the National Council of State.

(4) A reference in this article to a conviction or imposition of a punishment, penalty, sentence or forfeiture includes conviction or imposition of a punishment, penalty, sentence or forfeiture by a court martial or other military tribunal.

The Cabinet

The Cabinet.

114. (1) There shall be a Cabinet which shall consist of the President, the Vice-President and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State and the administration and execution of the functions of the Government.

(2) The Cabinet shall assist the President in the determination and implementation of the general policy of government and such other functions as may be conferred by this Constitution or any other law.

(3) There shall be a Secretary to the Cabinet who shall be appointed by the President.

Meetings of Cabinet.

115. (1) The Cabinet shall be summoned by the President who shall preside at all its meetings and in his absence by the Vice-President or in the absence of both of them by a Minister designated in writing by the President.

(2) The Cabinet shall regulate the procedure at its meetings.

Ministers.

116. (1) Ministers shall be appointed by the President with the approval of the National Council of State from among members of Parliament or persons qualified to be elected members of Parliament.

(2) The total number of Ministers shall not exceed twenty- one.

(3) A Minister shall have responsibility for such functions of government as the President may, from time to time assign to him.

(4) A Minister shall not hold any office of profit or emolument likely to compromise his office.

Deputy Ministers.

117. (1) The President may, with the approval of the National Council of State, appoint one or more Deputy Ministers to assist a Minister in the performance of his functions.

(2) Deputy Ministers shall be appointed from among members of Parliament or persons qualified to be elected members of Parliament, and their total number shall not exceed the total number of Ministers prescribed by article 116 of this Constitution.

(3) Clause (4) of article 116 of this Constitution applies to a Deputy Minister as it applies to a Minister.

Oaths of Ministers and Deputy Ministers.

118. A Minister or Deputy Minister shall, before assuming the duties of his office, take and subscribe the oath of allegiance and the oath of Minister or Deputy Minister as prescribed by Parliament by law.

Terms of Ministers and Deputy Ministers.

119. The office of a Minister or Deputy Minister shall become vacant if -

(a) his appointment is revoked by the President; or

(b) he is elected as Speaker or Deputy Speaker of Parliament; or

(c) he resigns from office; or

(d) he becomes disqualified to be a Member of Parliament; or

(e) he dies.

Collective responsibility of Ministers.

120. Ministers shall, individually be accountable to the President for the administration of their Ministries and collectively be responsible for any decision made by the Cabinet.

Vote of censure.

121. (1) Parliament may, by resolution supported by not less than half of all the members of Parliament, pass a vote of censure against a Minister or a Deputy Minister.

(2) Upon a vote of censure being passed against a Minister or a Deputy Minister, the President shall, unless the Minister or Deputy Minister resigns his office, take appropriate action in the matter.

(3) A notice for a censure shall be initiated by a petition to the President through the Speaker signed by not less than one third of all the members of Parliament to the effect that they are dissatisfied with the conduct or performance of the Minister or Deputy Minister in question.

(4) The President shall, upon receipt of the petition, cause a copy of it to be given to the Minister or Deputy Minister in question.

(5) The motion for the resolution of censure shall not be debated until the expiry of fourteen days after the petition was sent to the President.

(6) A Minister or the Deputy Minister in respect of whom a vote of censure is debated under clause (5) of this article is entitled during the debate to be heard in his defence.

Attendance in Parliament of Vice-President and Ministers.

122. The Vice-President or the Attorney-General or a Minister who is not a member of Parliament is entitled to participate in the proceedings of Parliament and shall be accorded all the privileges of a member of Parliament except that he is not entitled to vote or to hold any office in Parliament.

Attorney-General.

123. (1) There shall be an Attorney-General who may or may not be a Minister and who shall be appointed by the President with the prior approval of the National Council of State.

(2) The Attorney-General shall be a person who has been qualified to practise as an advocate before the High Court for not less than ten years.

(3) The Attorney-General shall be the principal legal adviser of the Government of Uganda.

(4) The functions of the Attorney-General are -

(a) to give legal advice to the Government on any subject when required;

(b) to render legal opinions on behalf of the Government;

(c) to draw and peruse agreements, contracts, treaties, conventions and documents by whatever name called, to which the Government is a party or in respect of which the Government has an interest;

(d) to represent the Government in courts or legal proceedings to which the Government is a party; and

(e) to perform such other functions as may be assigned to him by the President or, by law.

(5) The Attorney-General is entitled to attend Cabinet meetings.

Director of Public Prosecutions.

Director of Public Prosecutions.

124 (1) There shall be a Director of Public Prosecutions appointed by the President on the recommendation of the Public Service Commission and with the approval of the National Council of State.

(2) A person is not qualified to be appointed Director of Public Prosecutions unless he is qualified to be appointed a Judge of the High Court.

(3) The functions of the Director of Public Prosecutions are -

(a) to institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court-martial;

(b) with the consent of the court, to take over and continue any criminal proceedings instituted by any other person or authority; and

(c) to discontinue at any stage before judgement is delivered, any criminal proceedings to which this article relates, instituted by himself or any other person or authority; except that he shall not discontinue any proceedings commenced by another person or authority except with the consent of the court.

(4) The functions conferred on the Director of Public Prosecutions by this article may be exercised by him in person or by officers authorised by him in accordance with general or special instructions given by him.

(5) In exercising his powers under this article, the Director of Public Prosecutions shall have regard to the public interest, the interest of the administration of justice and the need to prevent abuse of legal process.

(6) In the exercise of the functions conferred on him by this article, the Director of Public Prosecutions shall not be subject to the direction or control of any person or authority; except that he shall give effect to any directions in writing on matters of general policy issued to him by the Attorney-General.

(7) The Director of Public Prosecutions may be removed from office by the President with the approval of the National Council of State only -

(a) for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause; or

(b) for misbehaviour or misconduct.

International Relations

International relations.

125. (1) The Government of Uganda shall conduct international affairs in consonance with accepted principles of international law and diplomacy consistent with the national interest of Uganda.

(2) In particular, the Government shall promote international coop-

eration which is beneficial to Uganda and work towards close regional cooperation and integration.

126. (1) The President may, with the approval of the National Council of State appoint persons to represent Uganda abroad. **Diplomatic representation.**

(2) The President may receive envoys accredited to Uganda.

127. (1) The President or a person authorised by him may make treaties, conventions, agreements or other arrangements between Uganda and any other country, or between Uganda and any international organisation or body, in respect of any matter. **Execution of treaties etc.**

(2) In exercising the powers conferred by clause (1) of this article, the President or the person authorised by him to act on his behalf shall seek the legal opinion of the Attorney-General.

(3) A treaty, convention or agreement or other arrangement made under clause (1) of this article shall be subject to ratification by Parliament.

War and Emergencies

128. (1) The President may, with the approval of Parliament given by resolution supported by not less than two-thirds of all the members of Parliament, declare that a state of war exists between Uganda and any other country. **Declaration of War.**

(2) Where it is impracticable to seek the approval of Parliament before the declaration of war under clause (1) of this article, the approval shall be sought within fourteen days after the declaration if Parliament is sitting, or if Parliament is not sitting, within thirty days after Parliament has commenced sitting.

(3) Parliament may by resolution, revoke a declaration of war made under clause (1) of this article.

129. (1) The President may, in consultation with the National Council of State, by proclamation, declare that a state of emergency exists in Uganda or any part of Uganda, if he is satisfied that circumstances exist in Uganda or in that part of Uganda - **Emergency powers of President.**

(a) in which Uganda or that part of it, is threatened by war or external aggression; or

(b) in which the security or the economic life of the country or that part, is threatened by internal insurgency or natural disaster; or

(c)which render necessary the taking of measures which are required for securing the public safety, the defence of Uganda and the maintenance of public order and supplies and services essential to the life of the community.

(2) Subject to the provisions of this article, a state of emergency declared under clause (1) of this article shall remain in existence for not more than ninety days and shall then expire.

(3) The President shall cause the proclamation declaring the state of emergency to be laid before Parliament as soon as practicable and in any case, not later than fourteen days after it was issued when Parliament is sitting, or within thirty days after it was issued, if Parliament is not sitting.

(4) A state of emergency may be extended by Parliament for a period not exceeding six months at a time.

(5) The President or Parliament shall, if satisfied that the circumstances for the declaration of the state of emergency have ceased to exist, revoke the proclamation by which the state of emergency was declared.

(6) During any period when a state of emergency declared under this article exists, the President shall submit to Parliament at such intervals or as parliament may prescribe, regular reports on actions taken by or on behalf of the President for the purposes of the emergency.

(7) Subject to the provisions of this Constitution, Parliament shall enact such laws as may be necessary for enabling effective measures to be taken for dealing with any state of emergency that may be declared under this article.

(8) Subject to any restrictions imposed by this Constitution, Parliament may, by a law enacted under clause (7) of this article, provide for the suspension of any fundamental human right or freedom during the period when a state of emergency is in force.

(9) The President shall do all in his power to deal with any state of emergency declared under this article, subject to any law enacted by Parliament under this article.

(10) Any resolution passed by Parliament for the purposes of clause (4) or (5) of this article shall be supported by the votes of not less than half of all the members of Parliament.

CHAPTER EIGHT

THE LEGISLATURE

Establishment, Composition and Functions of Parliament

Establishment and term of Parliament.

130. (1) There shall be a Parliament of Uganda the composition and functions of which shall be as prescribed by or under this Constitution.

(2) The term of Parliament shall be five years from the date of its first sitting after a general election.

(3) Where there exists a state of war or a state of emergency or such other circumstance as would prevent a normal general election from being held, Parliament may, by resolution supported by not less than two-thirds of all the members of Parliament, extend the life of Parliament for a period not exceeding twelve months.

Composition of Parliament.

131. (1) Parliament shall consist of members directly elected to represent constituencies on the basis of universal adult suffrage and by secret ballot and representatives of interest groups as set out in clause (2) of this article.

(2) The representatives of the interest groups are -

(a) ten representatives elected by the Armed Forces Council from among serving officers of the Uganda Armed Forces;

(b) fifteen women representatives elected by a democratically elected National Council of Women taking into account representation from the various districts of Uganda;

(c) five representatives elected by the national youth organisations; and

(d) three workers elected by the national workers' organisations.

(3) Parliament shall from time to time review the representatives of the interest groups and may, by Act of Parliament, approved at the second and third readings by at least two-thirds of all the members of Parliament, increase, reduce or abolish all or any of those representatives or substitute representation of other interest groups.

(4) Parliament shall, by law prescribe the procedure for the election of representatives of the interest groups as members of Parliament.

Functions of Parliament.

132. (1) Subject to the provisions of this Constitution, the legislative power of Uganda is vested in Parliament and shall be exercised in accordance with this Constitution.

(2) Subject to this Constitution, Parliament may make laws for peace, order and good government with respect to any matter.

(3) Parliament shall make laws for the well being and development of Uganda in accordance with the provisions of this Constitution.

(4) Except as provided in this Constitution, no person or body other than Parliament shall have power to make provisions having the force of law in Uganda except under authority conferred by an Act of Parliament.

(5) Parliament shall protect this Constitution and promote the democratic governance of Uganda.

(6) Parliament shall have power to remove the President in accordance with the provisions of this Constitution.

Qualifications and disqualifications of members of Parliament.

133. (1) A person is qualified to be a member of Parliament if-

(a) he is a citizen of Uganda, has attained the age of twenty five years and is a registered voter;

(b) he is resident in the constituency for which he stands as a candidate for election and has some tangible interest in that constituency and in particular, has been ordinarily resident there during the period of twelve months immediately preceding the election; and

(c) he has completed a minimum formal education of Ordinary Level standard or its equivalent;

(2) Paragraph (b) of clause (1) of this article does not apply to the election of the representatives of the interest groups mentioned in clause (2) of article 131 of this Constitution.

(3) A person is disqualified from being a member of Parliament if he

(a) ceases to be a citizen of Uganda;

(b) is of unsound mind;

(c) is convicted of an offence involving moral turpitude;

(d) is disqualified for election by a law in force in Uganda by reason of his holding or acting in an office the functions of which involve a responsibility for or in connection with, the conduct of an election or a responsibility for the compilation or revision of an electoral register;

(e) is a member of a local government council;

(f) is a public officer;

(g) is a traditional leader;

(h) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;

(i) is under sentence of death or other sentence of imprisonment exceeding six months imposed by any competent court without the option of a fine.

(4) A person shall not be taken to be disqualified to be a member of Parliament under clause (3) of this article by reason of conviction for any offence if -

(a) ten years have passed since the end of the sentence; or

(b) he has been pardoned in respect of that offence; or

(c) the conviction in question has been quashed by a higher court or tribunal.

Speaker and Deputy Speaker.

134. (1) There shall be a Speaker and a Deputy Speaker of Parliament who shall be elected by members of Parliament from among members of Parliament.

(2) A person shall not be qualified to be elected a Speaker or Deputy Speaker if he is a Minister or a Deputy Minister.

(3) No business shall be transacted in Parliament other than an election to the office of Speaker at any time when that office is vacant.

(4) The Chief Justice or a Judge designated by him shall preside at an election of a Speaker.

(5) An election to the office of Deputy Speaker shall be held at the first sitting of Parliament after that office becomes vacant.

(6) The Speaker or the Deputy Speaker shall vacate his office -

(a) if he is appointed to any other public office;

(b) if he becomes a Minister or Deputy Minister;

(c) if he resigns his office by writing signed by him addressed to the Clerk to Parliament;

(d) if he ceases to be a member of Parliament; or

(e) if he is removed by resolution of Parliament supported by not less than two-thirds of all the members of Parliament.

(7) The Speaker and Deputy Speaker shall receive such salary and allowances and, on retirement, such retiring benefits as may be prescribed by Parliament by law.

(8) The salaries, allowances and retiring benefits of the Speaker and Deputy Speaker shall be charged on the Consolidated Fund.

(9) The Speaker and Deputy Speaker shall each before assuming the duties of his office take and subscribe the oath of Speaker or Deputy Speaker as prescribed by Parliament by law.

Tenure of office of members of Parliament.

135. (1) A member of Parliament shall vacate his seat in Parliament -

(a) if he is recalled by the electorate in his constituency in accordance with this Constitution;

(b) if he resigns his office by writing signed by him and addressed to the Speaker;

(c) if such circumstances arise that if he were not a member of Parliament would cause him to be disqualified for election as a member of Parliament under article 133 of this Constitution;

(d) subject to the provisions of this Constitution, upon dissolution of Parliament;

(e) if he is expelled by Parliament after having been found guilty of contempt of Parliament by the Committee of Parliament on privileges;

(f) if he is absent from fifteen sittings of Parliament without permission in writing of the Speaker during any period when Parliament is continuously meeting, and he is unable to offer satisfactory explanation to the Parliamentary Committee on privileges for his absence;

(g) if he is found guilty by the appropriate tribunal of grave violation of the Leadership Code of Conduct and the punishment imposed is or includes the vacation of the office of a member of Parliament;

(h) if he leaves the party for which he stood as a candidate for his election to Parliament to join another party or seeks to remain in Parliament as an independent member;

(i) if he was elected a member of Parliament as an independent candidate and joins a political party.

(2) Notwithstanding paragraph (h) of clause (1) of this article, a merger of parties at the national level sanctioned by the constitutions of the parties or membership of a coalition government of which his original party forms part, shall not affect the status of any member of Parliament.

Right of recall.

136. (1) The voters of any constituency are entitled to recall their representative from membership of Parliament before the expiry of Parliament.

(2) Parliament shall by law prescribe the grounds and the procedure to be followed for the recall of a member of Parliament under this article.

(3) For the avoidance of doubt, physical incapacity and mental incapacity shall be included among the grounds under this article.

(4) This article applies with necessary modifications to persons representing interest groups as set out in article 131 of this Constitution.

(5) Without prejudice to clauses (2) and (3) of this article, to recall a member of Parliament, a petition signed by at least one-third of the registered voters of the Constituency in question shall be delivered to the Electoral Commission stating that the people of the constituency have lost confidence in the member of Parliament.

(6) If the Electoral Commission is satisfied after reasonable inquiry about the genuineness of the ground in the petition and the number of voters supporting it, the Commission shall declare the seat of the member of Parliament vacant and hold a by-election in that constituency.

Code of Conduct to apply to members of Parliament.

137. The Leadership Code of Conduct shall apply to all members of Parliament.

Emoluments of members of Parliament.

138. (1)A member of Parliament shall be paid such emoluments and shall be provided with such facilities as the appropriate Committee of Parliament may, with the approval of the President determine.

(2) A member of Parliament shall be paid such gratuity as may be determined by Parliament with the approval of the President.

(3) Subject to the Leadership Code of Conduct a member of Parliament shall not hold any office of profit or emolument likely to compromise his office.

Determination of questions of membership etc.

139. (1) The High Court shall have jurisdiction to hear and determine any question whether -

(a) a person has been validly elected a member of Parliament or the seat of a member of Parliament has become vacant; or

(b) a person has been validly elected as a Speaker of Parliament or Deputy Speaker or having been so elected, has vacated that office.

(2) A person aggrieved by the determination of the High Court under this article may appeal to the Supreme Court.

(3) Parliament shall, by law make provision with respect to -

(a) the persons eligible to apply to the High Court for determination of any question under this article;

(b) the circumstances and manner in which and the conditions upon which any such application may be made.

Clerk to Parliament and other staff.

140. There shall be a public officer designated Clerk to Parliament and such other members of staff as may be necessary for the efficient discharge of the functions of Parliament.

Procedure of Parliament

Quorum of Parliament.

141. The quorum of Parliament, apart from the person presiding, shall be one third of all the members of Parliament.

Voting in Parliament.

142. (1) Except as otherwise prescribed by this Constitution, or any law which is consistent with this Constitution, any question proposed for discussion in Parliament shall be determined by a majority of votes of the members present and voting.

(2) The person presiding in Parliament shall have neither an original nor a casting vote and if on any question before Parliament the votes are equally divided the motion shall be lost.

(3) The rules of procedure of Parliament may make provision under which a member of Parliament is prohibited from voting on a question in which he has a direct pecuniary interest and for his vote in such circumstances not to be taken into account.

(4) Except as expressly provided by this Constitution, voting in Parliament shall be according to the rules of procedure of Parliament.

Standing committees and other committees of Parliament.

143. (1) Parliament shall appoint standing committees and other committees necessary for the efficient discharge of its functions.

(2) In particular, Parliament shall have standing committees on the following subjects -

(a) procedures, discipline, privileges and welfare of members;

(b) planning, agriculture, the economy, and development;

(c) defence and security;

(d) finance and public accounts;

(e) constitutional, legal and human rights;

(f) public utilities;

(g) social services and welfare;

(h) international and regional cooperation; and

(i) local government.

(3)The following shall apply with respect to the composition of the committees of Parliament -

(a) the members of the standing committees shall be elected from among the members of Parliament at the commencement of the first session of Parliament;

(b) members of Parliament shall indicate by writing to the Speaker their preferences as to the standing committees of which they wish to be members in order of priority;

(c) the Speaker shall appoint the Chairmen of the committees in accordance with their competence and the order of preferences indicated by them;

(d) the Vice-President, a Minister or Deputy Minister is not qualified to be a member of a committee of Parliament but may be invited to take part in its proceedings.

(4) The number of members of each committee of Parliament shall be determined by Parliament.

(5) The functions of standing committees are as follows -

(a) to discuss any bill laid before Parliament and to initiate any bill within its area of competence;

(b) to assess and evaluate activities of Government and other bodies in which Government has an interest;

(c) to carry out relevant research in their respective fields;

(d) to report to Parliament on their functions.

(6) In the exercise of its functions under this article, a committee of Parliament-

(a) may call any Minister or any person holding public office and private individuals to submit memoranda or appear before the committee to give evidence;

(b) may co-opt or employ qualified persons to assist it in the discharge of its functions;

(c) shall have the powers, rights and privileges of the High Court or a Judge of the High Court at a trial for -

(i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;

(ii) compelling the production of documents; and

(iii) issuing a commission or request to examine witnesses abroad.

(7) Parliament -

(a) shall by law make such provision as may be necessary for ensuring that the functions of committees of Parliament are effectively carried out, and in particular that their orders and decisions are duly complied with or given effect;

(b) may prescribe the functions of a committee of Parliament other than a standing committee.

Mode of exercise of legislative power.

144. (1) Subject to the provisions of this Constitution, the power of Parliament to make laws shall be exercised by bills passed by Parliament and assented to by the President.

(2) A bill passed by Parliament shall, as soon as possible, be presented to the President for assent.

(3) The President shall, within thirty days after a bill is presented to him -

(a) assent to the bill; or

(b) return the bill to Parliament with a request that the bill or a particular provision of it be reconsidered by Parliament.

(4) Where the President fails to do any of the acts specified in clause (3) of this article, within the period prescribed in that clause, he shall be taken to have assented to the bill at the expiration of that period and that bill shall become law.

(5) Where the President refuses to assent to a bill passed by Parliament and the bill is passed again by Parliament by a majority of not less than two-thirds of all members of Parliament, the bill shall become law and the assent of the President shall not be required.

(6) A bill passed by Parliament and assented to by the President or which has otherwise become law under this article, shall not come into force unless published in the Gazette.

Restriction on retrospective legislation.

145. Parliament has no power to pass any law to alter the decision or judgment of any court as between the parties subject to that decision or judgment.

Restrictions with regard to certain financial matters.

146. Parliament shall not, unless the bill or the motion is introduced by or on behalf of, the President -

(a) proceed upon a bill, including an amendment to a bill, that in the opinion of the person presiding makes provision for any of the following -

(i) the imposition of taxation or the alteration of taxation otherwise than by reduction; or

(ii) the imposition of a charge on the Consolidated Fund or other public fund of Uganda or the alteration of any such charge otherwise than by reduction; or

(iii) the payment, issue or withdrawal from the Consolidated Fund or other public fund of Uganda of any moneys not charged on that fund or any increase in the amount of that payment, issue or withdrawal; or

(iv) the composition or remission of any debt due to the Government of Uganda; or

(b) proceed upon a motion, including an amendment to a motion, the effect of which in the opinion of the person presiding, would be to make provision for any of the purposes specified in paragraph (a) of this article.

Rules of procedure of Parliament.

147. (1) Subject to the provisions of this Constitution, Parliament may make rules to regulate its own procedure including the procedure of its committees.

(2) Parliament may act notwithstanding a vacancy in its membership including a vacancy not filled when Parliament first meets after dissolution of Parliament.

(3) The presence or the participation of a person not entitled to be present or to participate in the proceedings of Parliament shall not by itself, invalidate those proceedings.

(4) the rules of procedure of Parliament shall prescribe that -

(a) the Executive shall determine the order of priority in the enactment of laws by Parliament;

(b) a private member of Parliament shall have the right to move a private member's bill;

(c) the member moving the private member's bill should be afforded reasonable assistance by the department of Government whose area of operation is affected by the bill; and

(d) the office of the Attorney-General should afford the member moving the private member's bill reasonable professional assistance in the drafting of the bill.

Summoning and Dissolution of Parliament.

Sessions of Parliament.

148. (1) A session of Parliament shall be held at such place within Uganda and shall commence at such time as the Speaker may, by proclamation, appoint.

(2) The Speaker may by proclamation, prorogue Parliament.

(3) Where a new Parliament is elected, the President shall, by proclamation, appoint the date and place of the first session of Parliament to enable the Speaker and the Deputy Speaker to be elected and the date appointed shall be within thirty days after the general election.

(4) A session of Parliament shall be held at least once a year but the period between one session and the next following session shall be less than twelve months.

(5) Notwithstanding any other provision of this article, one third or more of all the members of Parliament may request a meeting of Parliament; and the Speaker shall, within twenty- one days after the receipt of the request, summon Parliament unless exceptional circumstances exist rendering it impossible so to do.

(6) Subject to article 149 of this Constitution and to the other provisions of this Constitution, a general election of members of Parliament shall be held within sixty days before the expiry of the period of five years of the term of Parliament.

(7) A session of Parliament shall commence within twenty one days after the expiration of the period referred to in clause (6) of this article.

(8) Whenever a vacancy exists in Parliament the Clerk to Parliament shall notify the Electoral Commission in writing within ten days after the vacancy occurred, and a by-election shall be held within sixty days after the vacancy occurred.

(9) Notwithstanding clause (8) of this clause, a by-election shall not be held within six months before the holding of a general election.

Dissolution of Parliament.

149. Parliament shall stand dissolved -

(a) upon the expiration of its term as prescribed by article 130 of this Constitution ; or

(b) if the life of Parliament is extended as provided for in clause (3) of article 130 of this Constitution, upon the expiration of the extended period; or

(c) where a general election has been held as a result of a resolution passed under paragraph (c) of clause (2) of article 92 of this Constitution, on the first sitting of the new Parliament elected at the general election; or

(d) in any other circumstances prescribed by this Constitution.

General

Immunities and privileges of Parliament.

150. The Speaker, the Deputy Speaker, members of Parliament and any other person participating or assisting in or acting in connection with or reporting the proceedings of Parliament or any of its committees shall be entitled to such immunities and privileges as Parliament shall by law prescribe.

Residual powers of Parliament.

151. Subject to the provisions of this Constitution, Parliament may provide for any matter which arises and for which no provision is made under this Constitution either expressly or by necessary implication.

CHAPTER NINE

THE NATIONAL COUNCIL OF STATE

Establishment of National Council of State.

152. (1) There shall be a National Council of State which shall consist of

(a) the President who shall be the Chairman;

(b) the Vice President;

(c) the Speaker and the Deputy Speaker of Parliament;

(d) ten members of the Cabinet appointed by the President;

(e) one representative from each of the districts of Uganda elected by the District Council from among members of Parliament elected from that district on the basis of universal adult suffrage; and

(f) five women representatives elected by Parliament from among women members of Parliament.

(2) The Clerk to Parliament shall act as Secretary to the National Council of State.

Functions of National Council of State.

153. (1) The functions of the National Council of State are -

(a) to act as liaison between the Executive and Parliament and to endeavour to establish and promote good working relations between them including the resolution of any conflicts that may arise between them;

(b) to counsel the President on the exercise of the executive power of the State;

(c) to discuss and advise on matters initiated by the Executive and referred to the Council;

(d) to promote good relations between central and local governments;

(e) to perform any functions in relation to appointment to or removal from any office as provided by this Constitution; and

(f) to perform such other functions as are prescribed by this Constitution or by any other law which is consistent with this Constitution.

(2) When exercising its functions under paragraph (e) of clause (1) of this article -

(a) the Council shall be presided over by the Speaker as Chairman or in his absence by the Deputy Speaker; and

(b) neither the President, Vice-President nor any other member of the Cabinet shall sit as a member but may be invited by the Speaker to attend the meeting.

(3) Subject to the provisions of this article, in the absence of the President the Vice President shall preside at the meeting of the Council.

(4) When exercising its powers under paragraph (f) of clause (1) of this article the composition of the Council shall be as prescribed by Parliament by law.

(5) A member of the National Council of State shall not assume the duties of his office unless he has taken and subscribed the oath of a member of the National Council of State as prescribed by Parliament by law.

Procedure for resolving conflicts

154. (1) Whenever the President is of the opinion that there is such a disagreement between the Executive and the Legislature as to be likely to disrupt the smooth running of the Government, he shall refer the issue over which there is disagreement to the National Council of State for advice.

(2) After deliberation over any issue referred to it under clause (1) of this article, the Council may -

(a) give advice to the President as it deems fit; or

(b) refer the issue to Parliament for discussion making suggestions as to how the matter can be resolved; and Parliament shall, by resolution advise the President as to the manner of resolving the issue.

(3) Where the disagreement continues after the steps taken under clause (2) of this article, the President shall request the Council to make the issue on which there is disagreement a national issue for resolution by referendum.

(4) If the President decides to make an issue one for a referendum under clause (3) of this article, the referendum shall be held within sixty days after the decision was communicated to the National Council of State under clause (3) unless the President and Parliament have, before the expiry of that period resolved the issue.

(5)Where a referendum is held under this article, both the President and Parliament shall be bound by the decision of the people.

(6) Where the President refuses to accept the decision of the people in the referendum, he shall resign and a presidential election shall be held within three months after the refusal.

(7) Where Parliament refuses to accept the decision of the people in the referendum, then Parliament shall stand dissolved and a general election shall be held within three months after the refusal.

(8) Where a disagreement between the Executive and the Legislature concerns the approval by Parliament of the annual budget proposals of the Government, Parliament shall, notwithstanding the disagreement, pass a vote on account for funds to issue to enable Government functions to be financed for a period not exceeding six months.

(9) Subject to the provisions of this article, the National Council of State shall regulate its own procedure.

Emoluments of members of National Council of State.

155. (1)Members of the National Council of State shall be paid such allowances as Parliament may prescribe.

(2) Any allowances payable to members of the National Council of State under clause (1) of this article shall be charged on the Consolidated Fund.

CHAPTER TEN

THE JUDICIARY

Administration of Justice

156. (1) Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people.

Exercise of Judicial power.

(2) In adjudicating cases of both a civil and a criminal nature, the courts shall, subject to the law, be guided as far as possible by the following principles -

(a) justice shall be done to all irrespective of their social or economic status;

(b) justice shall not be delayed;

(c) adequate compensation shall be awarded to victims of wrongs;

(d) reconciliation between parties shall be promoted; and

(e) substantive justice shall be administered without undue regard to technicalities.

(3) The courts shall endeavour to educate the people with a view to establishing a spirit of -

(a) voluntary and conscious observance of the law; and

(b) referring disputes to courts for adjudication.

157. (1) The people shall participate in the administration of justice and in particular through the system of trial by jury and assessors.

Participation of the people in the administration of justice.

(2) Parliament shall make law providing for participation of the people in the administration of justice by the courts.

158. (1) In the exercise of judicial power the courts shall be independent and not be subject to the control or direction of any person or authority.

Independence of the Judiciary.

(2) No person or authority shall interfere with the courts or judicial officers in the exercise of their judicial functions.

(3) All organs and agencies of the State shall accord to the courts such assistance as the courts may reasonably require to protect the independence and to ensure the effectiveness of the courts.

(4) A person exercising judicial power shall not be liable to any action or suit for any act, or omission by him in good faith in the exercise of judicial power.

(5) The administrative expenses of the Judiciary including all salaries, allowances, gratuities and pensions payable to or in respect of persons serving in the Judiciary shall be charged on the Consolidated Fund.

(6) The Judiciary shall be self-accounting and may deal directly with the Ministry responsible for finance in relation to its finances.

(7) The salary, allowances, privileges and retirement benefits and other conditions of service of a Justice of the Supreme Court or a Judge of the High Court or any other judicial officer or other person exercising judicial power shall not be varied to his disadvantage.

(8) The office of a Justice of the Supreme Court or a Judge of the High Court shall not be abolished when there is a substantive holder of that office.

The Courts of Judicature

The Judicature.

159. (1) The Judicial power of Uganda shall be exercised by the Courts of Judicature which shall consist of -

(a) the Supreme Court of Uganda;

(b) the High Court of Uganda; and

(c) such subordinate courts as Parliament may by law establish.

(2) Subject to the provisions of this Constitution, Parliament may make provision for the jurisdiction and procedure of the Courts.

The Supreme Court of Uganda

Supreme Court of Uganda.

160. The Supreme Court shall consist of -

(a) the Chief Justice;

(b) the Deputy Chief Justice; and

(c) such number of Justices of the Supreme Court not being less than five, as Parliament may by law prescribe.

Appeals to the Supreme Court.

161. (1) The Supreme Court shall be the final court of appeal and shall be a superior court of record and have all powers of such a court.

(2) An appeal shall lie to the Supreme Court from such decisions of the High Court as may be prescribed by law.

(3) The Supreme Court may, while treating its own previous decisions as normally binding, depart from a previous decision when it appears to it right to do so; and all other courts shall be bound to follow the decisions of the Supreme Court on questions of law.

Composition of the Supreme Court.

162. (1) The Supreme Court shall be duly constituted at any sitting if it consists of an uneven number not being less than three members of the Court.

(2) When hearing an appeal against a decision on a question relating to the interpretation of the Constitution, the Court shall be duly constituted if it consists of an uneven number not being less than five members of the Court.

(3) The Chief Justice shall preside at each sitting of the Supreme Court and in his absence the Deputy Chief Justice shall preside, and in the absence of both of them, the most senior member of the Court as constituted shall preside.

(4) The Chief Justice may create such divisions of the Supreme Court as he may consider necessary -

(a) consisting of such numbers of Justices of the Supreme Court as may be assigned to them by the Chief Justice;

(b) sitting at such places in Uganda as the Chief Justice may, after consultation with the Attorney-General by statutory order, determine.

Administrative functions of the Chief Justice.

163. (1) The Chief Justice -

(a) shall be the head of the judiciary and shall be responsible for the administration and supervision of all the courts in Uganda; and

(b) may issue orders and directions to the courts necessary for the proper and efficient administration of justice.

(2) Subject to clause (1) of this article, the Deputy Chief Justice shall

(a) assist the Chief Justice in the administration of the Courts; and

(b) perform such other functions as may be delegated or assigned to him by the Chief Justice.

Appointment of Justices of the Supreme Court.

164. (1) The Chief Justice and the Deputy Chief Justice shall be appointed by the President with the approval of the National Council of State.

(2) A Justice of the Supreme Court shall be appointed by the President

on the advice of the Judicial Service Commission and with the approval of the National Council of State.

(3) A person shall be qualified for appointment as -

(a) Chief Justice, if he has served as a Justice of the Supreme Court of Uganda or of a court having similar jurisdiction or has practised as an advocate before a court having unlimited jurisdiction in civil and criminal matters for a period not less than ten years;

(b) Deputy Chief Justice, if he has served as a Justice of the Supreme Court of Uganda or has served as a Judge of the High Court or a court having similar jurisdiction or has practised as an advocate before a court having unlimited jurisdiction in civil and criminal matters for not less than ten years;

(c) A Justice of the Supreme Court, if he has served as a Judge of the High Court or a Court having similar jurisdiction or has practised before a court having unlimited jurisdiction in civil and criminal matters for a period not less than ten years.

(4) Any period during which a person has practised as a public officer holding an office for which qualification as an advocate is required shall be counted in the calculation of any period of practice required under clause (3) of this article even though he does not have a practising certificate.

(5) Where the office of the Chief Justice is vacant or where the Chief Justice is for any reason unable to perform the functions of his office, then until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed the performance of those functions, those functions shall be performed by the Deputy Chief Justice.

(6) Where -

(a) the office of the Deputy Chief Justice is vacant; or

(b) the Deputy Chief Justice is acting as Chief Justice; or

(c) the Deputy Chief Justice is for any reason unable to perform the functions of his office,

then until a person has been appointed to and has assumed the functions of that office, or until the Deputy Chief Justice has assumed those functions, those functions shall be performed by a Justice of the Supreme Court designated by the President after consultation with the Chief Justice or the acting Chief Justice as the case may be.

(7) Where -

(a) the office of a Justice of the Supreme Court is vacant; or

(b) a Justice of the Supreme Court is for any reason unable to perform the functions of his office; or

(c) the Chief Justice advises the President that the state of business in the Supreme Court so requires,

the President may, acting in accordance with the advice of the Judicial Service Commission, appoint a person qualified for appointment as a Justice of the Supreme Court to act as such Justice even though he has attained the age prescribed for retirement in respect of that office.

(8) A person appointed under clause (7) of this article to act as a Justice of the Supreme Court shall continue to act for the period of his appointment, or, where no period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission, whichever is earlier.

Tenure of office of Justices of the Supreme Court.

165. (1) Subject to the provisions of this article, a person holding the office of a Justice of the Supreme Court may retire at any time after attaining the age of sixty years and shall vacate that office on attaining the age of seventy years or such other age as may be prescribed by Parliament.

(2) A Justice of the Supreme Court who has attained the age at which he is required by this article to vacate his office may continue in office for a period not exceeding three months, necessary to enable him to complete any work pending before him.

(3) A Justice of the Supreme Court may be removed from office only for inability to perform the functions of his office, arising from infirmity of body or mind or from any other cause, or for misbehaviour or misconduct and only in accordance with the provisions of this article.

(4) A Justice of the Supreme Court shall be removed by the President if the question of his removal has been referred to a tribunal appointed under clause (5) of this article and the tribunal has recommended to the President that he ought to be removed from office on any ground described in clause (3) of this article.

(5) Subject to clause (6) of this article, the question whether the removal of a Justice of the Supreme Court should be investigated shall be referred to the President by the Judicial Service Commission with advice that the President should appoint a tribunal; and the President shall then appoint a tribunal consisting of three persons who shall be Justices of the Supreme Court or persons who hold or have held office in a court of similar jurisdiction.

(6) Where a representation is made in writing to the National Council of State by any person or authority making allegations which if proved could result in the removal of the Chief Justice or the Deputy Chief Justice, the National Council of State shall refer to the President, the question whether the Chief Justice or the Deputy Chief Justice should be removed and the same consequences shall follow as prescribed in clause (5) of this article.

(7) If the question of removing the Chief Justice, Deputy Chief Justice or a Justice of the Supreme Court is referred to a tribunal under this article, the President shall suspend him from performing the functions of his office.

(8) A suspension under clause (7) of this article shall cease to have effect if the tribunal advises the President that the person suspended should not be removed.

The High Court of Uganda

High Court of Uganda.

166. (1) The High Court of Uganda shall consist of -

(a) the Principal Judge; and

(b) such other number of Judges as may be prescribed by the Judicial Service Commission, acting on the advice of the Chief Justice.

(2) The High Court shall sit in such places as the Chief Justice may appoint and in doing so, the Chief Justice shall as far as practicable ensure that the High Court is accessible to all the people.

General jurisdiction of High Court.

167. (1) The High Court shall, subject to the provisions of this Constitution, have jurisdiction in all matters, in particular civil and criminal matters and such original, appellate and other jurisdiction as may be conferred on it by this Constitution or any other law.

(2) Subject to the provisions of this Constitution and any other law, the decisions of any court lower than the High Court shall be appealable to the High Court.

Questions of interpretation of the Constitution.

168. (1) Any question as to the interpretation of this Constitution shall be determined by the High Court consisting of a bench of not less than three Judges of the High Court.

(2) A person who alleges that -

(a) an Act of Parliament or anything in or done under the authority of any law; or

(b) any act or omission of any person or authority,

is inconsistent with or in contravention of a provision of this Constitution, may petition the High Court for a declaration to that affect and for redress where appropriate.

(3) Where any question as to the interpretation of this Constitution arises in any proceedings in any court of law other than a court-martial, the court -

(a) may, if it is of the opinion that the question involves a substantial question of law; and

(b) shall, if any party to the proceedings requests it to do so,

refer the question to the High Court consisting of a bench of not less than three Judges of the High Court as required by clause (1) of this article.

(4) Where any question is referred to the High Court under this article, the High Court shall give its decision on the question and the court in which the question arises shall dispose of the case in accordance with that decision.

(5) A person dissatisfied with a decision of the High Court on a petition or reference under this article may appeal to the Supreme Court.

Early hearing for constitutional and election cases.

169. (1) Where under the provisions of this Constitution any question is referred to the High Court -

(a) as to the interpretation of this Constitution; or

(b) as to whether or not any person was validly elected to the office of President or as a member of Parliament,

the High Court shall proceed to hear and determine the question as soon as possible and may, for that purpose, suspend any other matter pending before it until the conclusion of that question.

(2) This article applies in a similar manner to the Supreme Court when hearing and determining appeals from the decisions of the High Court on questions referred in clause (1) this article.

Appointment of Judges of the High Court of Uganda.

170. (1) The Principal Judge and Judges of the High Court shall be appointed by the President acting on the advice of the Judicial Service Commission and with the approval of the National Council of State.

(2) A person shall be qualified for appointment as a Judge of the High Court if -

(a) he is, or has been a Judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court; or

(b) he has practised before a court described in paragraph (a) of this clause for a period not less than seven years.

(3) Any period during which a person has practised as a public officer holding an office for which qualification as an advocate is required shall be counted in the calculation of the period of seven years' practice required under clause (2) of this article even though he does not have a practising certificate.

Principal Judge.

171. (1)Subject to the provisions of article 163 of this Constitution, the Principal Judge shall -

(a) be the head of the High Court,and shall in that capacity assist the Chief Justice in the administration of the High Court; and

(b) perform such other functions or duties as may be delegated or assigned to him by the Chief Justice.

(2) Where -

(a) the office of Principal Judge is vacant; or

(b) the Principal Judge is for any reason unable to perform the functions of his office,

then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, those functions shall be performed by a Judge of the High Court designated by the President acting on the advice of the Chief Justice.

(3) Where -

(a) the office of a Judge of the High Court is vacant; or

(b) a High Court Judge is appointed Principal Judge; or

(c) a High Court Judge is for any reason unable to perform the functions of his office; or

(d) the Chief Justice advises the President that the state of business in the High Court so requires,

the President may, acting on the advice of the Judicial Service Commission and with approval of the National Council of State, appoint a person qualified for appointment as a Judge of the High Court to act as such Judge even though he has attained the retirement age prescribed in respect of that office.

(4) A person appointed under clause (3) of this article to act as a Judge of the High Court shall continue to act for the period of his appointment or,

if no period is specified, until his appointment is revoked by the President, acting on the advice of the Judicial Service Commission and with the approval of the National Council of State whichever is the earlier.

Tenure of office of High Court Judges.

172. (1) Subject to the provisions of this article, a Judge of the High Court may retire at any time after attaining the age of sixty years and shall vacate his office on attaining the age of sixty five years, or such other age as may be prescribed by Parliament.

(2) A person who has attained the age at which he is required by this article to vacate his office may continue in office for the period not exceeding three months necessary to enable him complete any work pending before him.

(3) Subject to clause (4) of this article, article 165 relating to the removal of Justices of the Supreme Court shall apply to Judges of the High Court.

(4) For the purpose of investigating the removal of the Principal Judge or a Judge of the High Court -

(a) the question of investigation shall be referred to the President by the Judicial Service Commission;

(b) the tribunal shall consist of three persons who are or have each held office as, a Judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from such a court.

Judicial Service Commission

Judicial Service Commission

173. (1) There shall be a Judicial Service Commission for Uganda which shall consist of -

(a) the Chief Justice, who shall be the Chairman;

(b) the Principal Judge;

(c) the Attorney-General; and

(d) not less than six other members appointed by the President with the approval of the National Council of State.

(2) The following provisions shall apply in relation to members of the Judicial Service Commission appointed by the President under paragraph (d) of clause (1) of this article -

(a) three members shall be appointed from among persons who have the qualifications prescribed in clause (2) of article 170 of this

Constituion and have been elected by the Uganda Law Society;

(b) two members shall be appointed from among members of the Public Service Commission;

(c) one member shall be a person who has excelled in the public service or private sector and is a person of high moral character and proven integrity.

(3) Subject to the provisions of this article, a person appointed by the President as a member of the Judicial Service Commission -

(a) shall vacate his office at the expiration of four years from the date of his appointment but is eligible for reappointment for one other term; and

(b) may be removed by the President with the approval of the National Council of State only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause, or for misbehaviour or misconduct.

Functions of the Judicial Service Commission.

174. (1) The functions of the Judicial Service Commission are -

(a) to advise the President in the exercise of his power to appoint persons to hold or act in any office to which this article applies which includes power to confirm appointments, to exercise disciplinary control over such persons and their removal from office;

(b) subject to the provisions of this Constitution, to review and make recommendations on the terms and conditions of service of Judges and other judicial officers;

(c) to prepare and implement programmes for the education of, and for the dissemination of information to, the public about law and the administration of justice;

(d) to receive and process people's recommendations and complaints concerning the Judiciary and the administration of justice and generally to act as a link between the people and the Judiciary; and

(e) to advise the Government on improving the administration of justice.

(2) The functions of the President and the Judicial Service Commission under this article shall be discharged in accordance with any law made by Parliament for regulating and facilitating the discharge of those functions.

(3) The offices to which this article applies are -

(a) the office of Justice of the Supreme Court or Judge of the High Court; and

(b) the office of Chief Registrar or Registrar.

175. Subject to the provisions of this Constitution, the power to appoint persons to hold or act in any judicial office other than the offices mentioned in clause (3) of article 174 of this Constitution, to confirm appointments in, and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office, shall be vested in the Judicial Service Commission.

Appointment of Judicial Officers.

Miscellaneous

176. A Justice of the Supreme Court or a Judge of the High Court shall not assume the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Oaths to be taken by Judges.

177. Parliament may make laws providing for the structures, procedures and functions of the Judiciary.

Power to make laws for procedures of Judiciary.

CHAPTER ELEVEN

FINANCE

General

Taxation.

178. (1) No tax shall be imposed except under the authority of an Act of Parliament.

(2) Where a law enacted under clause (1) of this article confers power on any person or authority to waive or vary a tax imposed by that law, the exercise of that power in favour of any person or authority shall be subject to the prior approval of Parliament by resolution.

(3) Parliament may by resolution supported by the votes of not less than two-thirds of all the members of Parliament, exempt the exercise of any power from the provisions of clause (2) of this article.

Consolidated Fund.

179. (1) There shall be a Consolidated Fund into which shall be paid -

(a) all revenues or other money raised or received for the purpose of, or on behalf of, the Government; and

(b) any other moneys raised or received in trust for or on behalf of, the Government.

(2)The revenues or other moneys referred to in clause (1) of this article shall not include revenues or other moneys;

(a) that are payable by or under an Act of Parliament, into some other fund established for a specific purpose; or

(b) that may, under an Act of Parliament, be retained by the department of Government that received them for the purposes of defraying the expenses of that department.

Withdrawal from the Consolidated Fund.

180. (1) No moneys shall be withdrawn from the Consolidated Fund except

(a) to meet expenditure charged upon the fund by this Constitution or by an Act of Parliament; or

(b) where the issue of those moneys has been authorised by an Appropriation Act, a Supplementary Appropriation Act or as provided under clause (4) of this article.

(2) No moneys shall be withdrawn from any public fund of Uganda other than the Consolidated Fund, unless the issue of those moneys has been authorised by law.

(3) No moneys shall be withdrawn from the Consolidated Fund unless such withdrawal has been approved by the Uganda Audit Commission and in the manner prescribed by Parliament.

(4) If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, with the approval of Parliament by resolution, the President may authorise the withdrawal of moneys from the Consolidated Fund for the purposes of meeting expenditure necessary to carry on the services of the Government for a period not exceeding four months from the beginning of that financial year or on the coming into operation of the Appropriation Act.

(5) The withdrawal of funds under clause (1) of this article shall not exceed the amount authorised to be withdrawn from the Consolidated Fund by the Appropriation Act for the corresponding period in the immediately preceding financial year.

Financial year estimates

181. (1) The President shall cause to be prepared and laid before Parliament in each financial year but in any case not later than the fifteenth day after the commencement of the financial year, estimates of revenues and expenditure of Uganda for the next following financial year.

(2) The head of any self- accounting department, Commission or organisation set up under this Constitution, shall cause to be submitted to the President at least two months before the end of each financial year, estimates of administrative and development expenditure and estimates of revenues of the respective department, commission or organisation for the following year.

(3) The estimates prepared under clause (2) of this article shall be laid before Parliament by the President under clause (1) of this article without revision but with any recommendations that the Government may have on them.

(4) At any time before Parliament considers the estimates of revenues and expenditure laid before it by or on the authority of the President, the Finance and Public Accounts Committee of Parliament may discuss and review the estimates and make appropriate recommendations to Parliament.

(5) Notwithstanding the provisions of clause (1) of this article, the President may cause to be prepared and laid before Parliament -

(a) fiscal and monetary programmes and plans for economic and social development covering periods exceeding one year;

(b) estimates of revenue and expenditure covering periods exceeding one year.

(6) Parliament may make laws for giving effect to the provisions of this article.

Appropriation Bill.

182. (1) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Fund by this Constitution or any Act of Parliament, shall be included in a bill to be known as an Appropriation Bill which shall be introduced into Parliament to provide for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified in the bill.

(2) If in respect of any financial year it is found -

(a) that the amount appropriated for any purpose under the Appropriation Act is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or

(b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose or for a purpose for which no amount has been appropriated by that Act,

a supplementary estimate showing the sums required or spent shall be laid down before Parliament and in the case of excess expenditure within four months after the money is spent.

(3) Where in respect of any financial year a supplementary estimate or supplementary estimates have been approved by Parliament in accordance with clause (2) of this article, a supplementary Appropriation Bill shall be introduced into Parliament in the financial year next following that financial year to which the estimates relate, providing for the appropriation of the sums so approved for the purposes specified in those estimates.

Contingencies Fund.

183. (1) Parliament may make provision for the establishment of a Contingencies Fund and for authorising the President to make advances from that fund if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists.

(2) Where any advance is made from the Contingencies Fund, a supplementary estimate shall be presented as soon as possible for the purpose of replacing the amount so advanced.

Offices the remuneration of which is charged on Consolidated Fund.

184. (1) Where any salary or allowance of the holder of any office is charged on the Consolidated Fund, it shall not be altered to his disadvantage after he has been appointed to that office

(2) Subject to the provisions of this Constitution, Parliament shall prescribe the salaries and allowances of holders of offices the salaries and allowances in respect of which are charged on the Consolidated Fund by this Constitution.

185. (1) Subject to the provisions of this Constitution, Government may borrow from any source.

Power of Government to borrow or lend.

(2) Government shall not borrow or raise a loan on behalf of itself or any other public institution or authority except as authorised by or under an Act of Parliament.

(3) An Act of Parliament made under clause (2) of this article shall provide -

(a) that the terms and conditions of the loan shall be laid before Parliament and shall not come into operation unless they have been approved by a resolution of Parliament; and

(b) that any moneys received in respect of that loan shall be paid into the Consolidated Fund and form part of that Fund or into some other public fund which is existing or is created for the purpose of the loan.

(4) The President shall, at such times as Parliament may determine, cause to be presented to Parliament such information concerning any loan as is necessary to show -

(a) the extent of the total indebtedness by way of principal and accumulated interest;

(b) the provision made for servicing or repayment of the loan.

(5) Parliament may, by resolution authorise the Government to enter into an agreement for the granting of a loan out of any public fund or public account.

(6) An agreement entered into under clause (5) of this article shall be laid before Parliament and shall not come into operation unless it has been approved by Parliament by resolution.

(7) For the purposes of this article, the expression "loan" includes any money lent or given to or by the Government on condition of return or repayment and any other form of borrowing or lending in respect of which

(a) moneys from the Consolidated Fund or any other public fund may be used for payment or repayment; or

(b) moneys from any fund by whatever name called, established for the purposes of payment or repayment whether in whole or in part and whether directly or indirectly may be used for payment or repayment.

Public debt.

186. (1) The public debt of Uganda shall be charged upon the Consolidated Fund and other public funds of Uganda.

(2) For the purposes of this article, the public debt includes the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Central Bank of Uganda.

The Central Bank.

187. (1) The Bank of Uganda shall be the Central Bank of Uganda and it shall be the only authority to issue the currency of Uganda.

(2) The authority of the Bank of Uganda shall vest in a Board which shall consist of a Governor, a Deputy Governor and not more than five other members.

(3) The following shall apply to the members of the Board -

(a) all members of the Board shall be appointed by the President with the approval of the National Council of State;

(b) the President shall with the approval of the National Council of State, appoint one of the members of the Board to be Chairman of the Board;

(c) their emoluments shall not be reduced while they continue to hold office;

(d) they shall hold office for five years but shall be eligible for re-appointment;

(e) the appointment of the Chairman may be revoked by the President with the approval of the National Council of State;

(f) any member of the Board may be removed by the President with the approval of the National Council of State only for inability to perform the functions of his office arising out of physical or mental incapacity or any other cause or for misbehaviour or misconduct.

Functions of the Bank.

188. (1) The Bank of Uganda shall -

(a) promote and maintain the stability of the value of the currency of Uganda;

(b) regulate the currency system in the interest of the economic progress of Uganda;

(c) encourage and promote economic development, and the efficient utilisation of the resources of Uganda through effective and efficient operation of a banking and credit system; and

(d) do all such other things not inconsistent with this article as may be prescribed by law.

(2) In exercising its functions the Bank of Uganda shall conform to this Constitution and implement the fiscal and monetary policies made under it but shall not be subject to direction or control of any person or authority.

(3) Subject to the provisions of this Constitution, Parliament may make laws regulating the functions of the Bank of Uganda.

Uganda Audit Commission.

Uganda Audit Commision.

189. (1) There shall be a Uganda Audit Commission which shall consist of a Chairman, a Deputy Chairman and not more than three other members all of whom shall be appointed from among persons of high moral character and proven integrity who have qualifications in accountancy or finance management and experience of -

(a) not less than seven years in the case of members other than the Chairman; and

(b) not less than ten years in the case of the Chairman.

(2) The Chairman and members of the Uganda Audit Commission shall be appointed by the President with the approval of the National Council of State and shall hold office for five years but shall be eligible for reappointment for one other term.

(3) The Chairman of the Uganda Audit Commission shall be responsible for the day to day management of the affairs of the Commission and exercise control over the staff of the Commission.

(4) The Deputy Chairman of the Uganda Audit Commission shall assist the Chairman in the performance of his functions and shall perform such functions as the Chairman may assign to him.

(5) Parliament shall, subject to the provisions of this Constitution enact laws for giving effect to this article and article 190 of this Constitution.

(6) A member of the Uganda Audit Commission may be removed by the President with the approval of the National Council of State only for inability to perform the functions of his office, arising from infirmity of body or mind or from any other cause or for misbehaviour or misconduct.

Functions of the Commission

190. (1) The functions of the Uganda Audit Commission are -

(a) to approve withdrawal of funds from the Consolidated Fund; and

(b) to audit the accounts of all Government departments and of all institutions and organisations in which the Government holds a controlling interest including the accounts of all local government units and other authorities which receive any grant from or are otherwise financed by Government.

(2) The Uganda Audit Commission shall prepare every year, a report on the audited accounts and submit it to Parliament not later than six months after the end of each financial year.

(3) The Uganda Audit Commission shall have power -

(a) to recruit its own staff and prescribe their terms and conditions of service in consultation with the Public Service Commission; and

(b) to summon witnesses and call for and examine any books, records, returns, vouchers or any other documents relating to any accounts within its jurisdiction.

(4) In exercising its functions, the Uganda Audit Commission shall not be under the direction or control of any person or authority.

(5) The expenditure of the Uganda Audit Commission shall be charged on the Consolidated Fund.

(6) Parliament shall not make any law exempting the accounts of any department, institution or organisation falling under paragraph (b) of clause (1) of this article from audit by the Uganda Audit Commission.

(7) The accounts of the Uganda Audit Commission shall be audited and reported on by an auditor appointed by Parliament.

Accountability for Public Funds

Accountability.

191. (1) The Minister and the Principal Secretary in charge of a Government ministry or department shall be jointly and severally accountable to Parliament for the management of the funds within their ministry or department.

(2) A Minister or any person holding a public office who directs an accounting officer or any other officer to apply or use public funds contrary to law or to existing instructions shall be accountable for any loss arising

from such directions and may be required to render an account or to make good the loss even if he has ceased to be a Minister or to hold public office.

(3) Parliament shall have power through its Committee responsible for financial matters to monitor all expenditure of public funds; and all departments of Government and also all other persons shall be accountable to Parliament through that Committee in respect of the expenditure of public funds.

CHAPTER TWELVE

THE PUBLIC SERVICE

Public Service Commission.

192. (1) There shall be a Public Service Commission for Uganda.

(2) The Public Service Commission shall consist of a Chairman and not less than eight members appointed by the President with the approval of the National Council of State.

(3) The President may appoint not more than two members of the Commission as Deputy Chairmen of the Commission.

(4) A person is not qualified to be appointed a member of the Public Service Commission unless he is of high moral character and proven integrity.

(5) A person is not qualified for appointment as a member of the Commission if he is -

(a) a member of Parliament; or

(b) a member of a District Council or of the Council of any other local government unit; or

(c) a member of the executive of a political party; or

(d) a public officer.

(6) A member of the Public Service Commission shall hold office for a term of four years but is eligible for re-appointment; except that of the first members appointed, four shall be appointed to hold office for three years which shall be specified in their instruments of appointment.

(7) The emoluments of the members of the Public Service Commission shall be prescribed by Parliament and shall be charged on the Consolidated Fund.

(8) The President may, in the absence of the Chairman, designate one of the Deputy Chairmen to act as Chairman and may also designate a member to act as Deputy Chairman in the absence of a Deputy Chairman.

(9) A member of the Public Service Commission may be removed from office by the President with the approval of the National Council of State only for -

(a) inability or failure to discharge the functions of his office, or

(b) misbehaviour, misconduct or conduct unbecoming of the holder of the office.

193. (1) Except as otherwise provided in this Constitution, the functions of the Public Service Commission include - **Functions of Public Service Commission.**

(a) to advise the President in performing his functions under article 197 of this Constitution;

(b) to be responsible for appointments, promotions and disciplining of persons holding office in the public service of Uganda as provided in article 197 of this Constitution;

(c) to review the terms and conditions of service, standing orders, training and qualifications of public officers and matters connected with personnel management and development of the public service and make recommendations on them to Government;

(d) to perform such other functions as may be prescribed by this Constitution or any other law;

(2) In the exercise of its functions, the Public Service Commission shall be independent and shall not be subject to the direction or control of any person or authority; except that it shall take into account government policy relating to the public service.

(3) The Commission shall make a report to Parliament in respect of each year, on the performance of its functions.

(4) Parliament shall, by law, empower the Public Service Commission to make regulations for the effective and efficient performance of its functions under this Constitution or any other law

194. (1) There shall be a Teaching Service Commission for Uganda. **Teaching Service Commission.**

(2) The Teaching Service Commission shall consist of a Chairman and not less than six other members appointed by the President with the approval of the National Council of State.

(3) The President shall appoint not more than two members of the Commission as Deputy Chairmen of the Commission.

(4) A person is not qualified to be a member of the Teaching Service Commission unless he is of high moral character and proven integrity and has substantial experience in teaching.

(5) A person is not qualified for appointment as a member of the Commission if he is -

(a) a member of Parliament ; or

(b) a member of the executive of a political party; or

(c) a member of any board or other authority responsible for the management of any school or college; or

(d) a public officer.

(6) A member of the Teaching Service Commission shall hold office for four years; except that of the first members appointed, three shall be appointed to hold office for three years which shall be specified in their instruments of appointment.

(7) The emoluments of members of the Teaching Service Commission shall be prescribed by Parliament and shall be charged on the Consolidated Fund.

(8) The President may, in the absence of the Chairman, designate one of the Deputy Chairmen to act as Chairman and may also designate a member to act as Deputy Chairman in the absence of a Deputy Chairman.

(9) A member of the Teaching Service Commission may be removed from office by the President with approval of the National Council of State only for -

(a) inability or failure to discharge the functions of his office; or

(b) misbehaviour, misconduct or conduct unbecoming of the holder of the office.

Functions of Teaching Service Commission.

195. (1) Subject to the provisions of this Constitution, the Teaching Service Commission shall -

(a) advise the President in performing, in relation to the teaching service, his functions under article 197;

(b) have power to appoint persons to hold or act in any office in the teaching service, including the power to confirm such appointments, to exercise disciplinary control over those persons and to remove them from office;

(c) review the terms and conditions of service, standing orders, training and qualifications of members of the teaching service and matters connected with their management and welfare and make recommendations on them to Government;

(d) perform such other functions as may be prescribed by this Constitution or any other law.

(2) In the exercise of its functions, the Teaching Service Commission shall be independent and shall not be subject to direction or control of any person or authority; except that it shall take into account government policy relating to education.

(3) The Teaching Service Commission may by writing delegate any of its functions to a District Service Commission or any other authority or officer.

(4) The Teaching Service Commission shall make a report to Parliament in respect of each year on the performance of its functions.

(5) Subject to the provisions of this article, Parliament shall make provision by law for regulating the functions of the Teaching Service Commission.

Establishment of offices.

196. Subject to the provisions of this Constitution and any Act of Parliament, the President may, after consultation with the respective Service Commission, or Committee or Board establish offices in the public service of the Government of Uganda.

Appointment of public officers.

197. (1) Subject to the provisions of this Constitution -

(a) the President shall, acting in accordance with the advice of the Public Service Commission, have the power to appoint persons to hold or act in any office in the public service of Uganda of the rank of Head of Department or above including the power to confirm appointments, the power to exercise disciplinary control over such persons, and to remove them from office;

(b) the power to appoint persons to hold or act in any office in the public service of Uganda other than those referred to in paragraph (a) of this clause, including the power to confirm their appointments and the power to exercise disciplinary control over such persons and to remove them from office, is vested in the Public Service Commission.

(2) A person shall not be appointed under this article to or to act in any office on the personal staff of the President without consultation with the President.

(3) Subject to the provisions of this Constitution, the President may delegate any of his powers under this article by directions in writing, to any

Service Commission, Committee or Board to any other authority or public officer as may be prescribed by Parliament and may in like manner, revoke the delegation.

Principal Secretaries.

198. (1) Subject to the provisions of this Constitution, a ministry or department of the Government of Uganda shall be under the supervision of a Principal Secretary whose office shall be a public office.

(2) A Principal Secretary shall be appointed by the President acting in accordance with the advice of the Public Service Commission.

(3) The functions of a Principal Secretary under this article include

(a) organisation and operation of the department or ministry;

(b) tendering advice to the responsible Minister in respect of the business of the department or ministry;

(c) implementation of the policies of the Government of Uganda;

(d) subject to article 191 of this Constitution, responsibility for the proper expenditure of public funds by or in connection with the department or ministry.

Pension.

199. (1) A public officer shall, on retirement, receive such reasonable pension as is commensurate with his rank, salary and length of service.

(2) The pension payable to any person shall be exempt from tax and shall be subject to periodic review to take account of changes in the value of money.

(3) The payment of pension shall be prompt and regular and easily accessible to pensioners.

Interpretation.

200. In this Chapter, unless the context otherwise requires -

"public officer" means any person holding or acting in an office in the public service;

"public service" means service in any civil capacity of the Government the emoluments for which are payable directly from the Consolidated Fund or directly out of moneys provided by Parliament.

CHAPTER THIRTEEN

LOCAL GOVERNMENT

Objectives and Structures of Local Government

201. (1) The system of local government in Uganda shall be based on the district as a unit under which there shall be such administrative units as Parliament may by law provide. **Local government system**

(2) The following principles shall apply to the local government system -

(a) the system shall be such as to ensure that functions, powers and responsibilities are devolved and transferred from the Central Government to local government units in a coordinated manner;

(b) decentralisation shall be an objective applying at all levels of local government and in particular, from higher to lower local government units;

(c) the system shall be such as to ensure the full realisation of democratic government at the local government level;

(d) there shall be established for each local government unit a sound financial base with reliable sources of revenue;

(e) appropriate measures shall be taken to enable local government units to plan, initiate and execute policies in respect of all matters affecting the people within their jurisdiction;

(f) persons in the service of local government units shall be under the effective control of the local authorities; and

(g) as far as is practicable, the local governments shall be entitled to oversee the performance of persons employed by the Central Government to provide services in their areas and to monitor the provision of Central Government services or the implementation of projects in their areas.

(3) The system of local government shall be based on democratically elected councils at every local government unit.

202. (1) Subject to the provisions of this Constitution, for the purposes of local government, Uganda shall be divided into the districts which existed immediately before the coming into force of this Constitution. **Districts of Uganda.**

(2) Subject to this Constitution, the districts referred to in clause (1) of this article shall be deemed to have been divided into the administrative

units which existed immediately before the coming into force of this Constitution.

Boundaries of local government units.

203. (1) Subject to the provisions of this Constitution, Parliament may by law -

(a) alter the boundaries of districts;

(b) create new districts;

(2) Any law or measure to alter the boundaries of a district or to create a new district shall be supported by not less than two thirds of all the members of Parliament.

(3) Parliament shall by law empower District Councils to alter the boundaries of local government units within their districts and to create new local government units within their districts.

(4) Any law or measure for the alteration of the boundaries of or the creation of districts or administrative units shall be based on the necessity for effective administration and the need to bring services closer to the people and it may take into account the means of communication, geographical features, density of population and the wishes of the people concerned.

The District Government

District Councils.

204. (1) The government of a district shall be based on a District Council which shall be the highest political authority in the district with deliberative, legislative and executive functions which shall be exercised in accordance with this Constitution.

(2) A District Council shall consist of -

(a) one person from each electoral area within the district directly elected by universal adult suffrage through a secret ballot; and

(b) two women representatives elected by each county council to represent the county.

(3) A person shall not be a member of a District Council unless he is a citizen of Uganda.

Election to District Council.

205. (1) A district shall be divided by the Electoral Commission into electoral areas which shall be demarcated in such a way that the number of inhabitants in the electoral areas are as nearly as possible equal.

(2) The number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.

(3) The demarcation of electoral areas shall ensure that each sub-county is represented at the District Council by at least one person.

(4) A District Council shall be elected every three years.

(5) Elections of District Councils shall be held so as not to coincide with elections of representatives to Parliament.

Revocation of mandate.

206. Subject to any procedure prescribed by law, the mandate of an elected member of a District Council may be revoked by the electorate on any of the following grounds -

(a) that he has since he was elected consistently behaved in a manner unbecoming of a representative of the people; or

(b) that he has abandoned or neglected his duties

District Chief Executive.

207. (1) There shall be a District Chief Executive for every district who shall be elected by members of the Council from among their number.

(2) A person shall not be declared to be elected as a District Chief Executive of a district unless at the election under clause (1) of this article, the number of votes cast in his favour is more than fifty percent of the total number of members of the Council.

(3) The District Chief Executive shall be the political head of the district and shall-

(a) preside at meetings of the Executive Committee of the district;

(b) oversee the general administration of the district;

(c) coordinate the activities of the Councils of the lower local administrative units in the district;

(d) coordinate the government functions as between the district and the Central Government.

Chairman of District Council.

208. (1) There shall be a Chairman of each District Council elected by the Council from among the members of the Council.

(2) Clause (2) of article 207 of this Constitution shall apply to the Chairman of a District Council as it applies to the District Chief Executive.

(3) The Chairman shall be the Speaker of the Council and shall, in relation to the Council perform the same functions as a Speaker of Parliament.

Removal of District Chief Executive or Chairman of District Council.

209. The District Chief Executive or the Chairman of a District Council may be removed from office by the District Council by resolution supported by the votes of not less than two-thirds of all members of the Council.

Executive Committee.

210. (1) There shall be established an Executive Committee for each District Council which shall perform the executive and administrative functions of the District Council.

(2) The Executive Committee shall consist of the District Chief Executive who shall be Chairman and such number of Secretaries as Parliament shall by law determine.

(3) Secretaries shall be persons elected by a District Council from among its members on the recommendation of the District Chief Executive.

(4) Secretaries shall be assigned responsibility, for the following subjects in any combination -

(a) finance;

(b) development;

(c) security;

(d) health;

(e) agriculture;

(f) education;

(g) social welfare;

(h) women's affairs;

(i) youth affairs; and

(j) any other subject which the District Council considers to be essential to the welfare of the district.

(5) The Executive Committee may co-opt any person to attend its meetings but a person so co-opted shall not have the right to vote at the meeting.

Functions and services of local government.

211. (1) Subject to such limitations as Parliament may prescribe, and as may be consistent with the decentralisation of local government. District

Councils may exercise and perform functions and services other than those specified in the Fourth Schedule to this Constitution as being exclusively reserved to the Central Government, and may initiate policies and implement programmes in respect of its functions and services.

(2) District Councils and the Councils of lower local government units may exercise the functions specified in the Fourth Schedule to this Constitution, only if delegated to them by the Central Government or by law made by Parliament and subject to such conditions as may be prescribed in relation to the delegation.

Vote of no confidence.

212. (1) Subject to article 209 of this Constitution, a member of the Executive Committee of a District Council shall cease to hold that office if a vote of no confidence is passed by the Council against him supported by the votes of not less than two-thirds of all the members of the Council.

(2) Where a vote of no confidence is passed against the Executive Committee supported by the votes of not less than two-thirds of all the members of the District Council, the Executive Committee shall cease to exist.

(3) For the avoidance of doubt, nothing in this article shall prevent a person being re-elected to the Executive Committee of a District Council and nothing in clause (2) of this article shall affect the office of the District Chief Executive.

Finances of the District

Finances of the District.

213. Parliament shall by law provide -

(a) for the taxes that may be levied, collected or appropriated by a District Council;

(b)for the taxes that may be collected by a District Council for or on behalf of the Central Government for payment into the Consolidated Fund;

(c) that a District Council shall pay a specified portion of any tax collected under paragraph (a) of this clause into the Consolidated Fund;

(d) that a District Council may retain for the purposes of its functions and services, a specified proportion of the revenues collected for or on behalf of the Government from the district.

Grants and other financial assistance to the districts.

214. (1) The President may, in each financial year present or cause to be presented to Parliament proposals as to the monies to be paid out of the public funds as grants-in-aid of the revenues of such District Councils or subsidies or other financial assistance to such Councils as may be specified in the proposals.

(2)The proposals made by the President under clause (1) of this article shall be made at the same time as the estimates of revenue and expenditure under article 181 of this Constitution and shall state -

(a) the sums of moneys that are to be paid to each District Council provided for in the proposals;

(b) the use to which the moneys shall be put by the District Council;

(c) whether in the view of the Government further moneys by way of grants-in-aid or subsidies or other financial assistance should be required by the District Council concerned;

(d) any special provision required to be made for assisting needy areas.

(3) The proposals of the President under this article shall form part of the Appropriation Act as provided for in article 182 of this Constitution.

Distribution of revenue and assistance to districts.

215. The National Council of State shall advise the President on -

(a) all matters concerning the distribution between the Government and the District Councils and the allocation between the District Councils of revenue out of the Consolidated Fund; and

(b) the formula for making grants-in-aid or granting subsidies or other financial assistance out of public funds to District Councils and for making special provision for needy areas.

Loans and grants.

216. Subject to the approval of the Government, a District Council may, for the carrying out of its functions and services, borrow money or accept and use any grant or assistance.

Relationship Between the District and the Central Government

Exercise of administrative functions.

217. The functions of a District Government shall be exercised in accordance with this Constitution and any other law but the exercise of those functions shall not detract from the order, peace and good government of any part of Uganda.

Delegation of functions and services to District Council.

218. The President may, with the approval of the National Council of State, delegate to a District Council any of the functions and services within the exclusive jurisdiction of the Central Government if satisfied that the function or service can be effectively carried out by the District Government.

Administration of districts by President.

219. (1) The President may, with the approval of the National Council of State, take over the administration of any district in any of the following circumstances -

24

(a) where the District Council so requests and it is in the pubic interest so to do;

(b) where a state of emergency has been declared in that district or any other part of Uganda or in Uganda generally;

(c) if circumstances have arisen which make it impossible or extremely difficult for a District Government to function.

(2) The exercise by the President of the power under this article may be done through such persons or officers as he may think fit.

(3) Unless approved by Parliament for a longer term, the exercise by the President of a power under this article shall be for a period not exceeding ninety days.

(4) Where after the exercise by the President of the power under this article, circumstances make it impossible for the District Government to resume administration of the district, and if the unexpired term of the Council exceeds twelve months, elections for a new Council shall be held within six months after the President took over the administration of the district.

Central Government Representative.

220. (1) There shall, for every district be a representative of the Central Government who shall be known as the Central Government Representative.

(2) The Central Government Representative shall be appointed by the President with the approval of the National Council of State.

(3)The Central Government Representative shall -

(a) coordinate the administration of the central government services in the district;

(b) advise the Executive Committee of the district on matters of a national nature that may affect the district or its plans and programmes and particularly on the relationship between the district and the Central Government.

Committees of the District Council

District Development Committee.

221. (1) A District Council shall have a District Development Committee which shall consist of all the heads of departments in the service of the district.

(2) The District Development Committee shall be presided over by the District Chief Executive of the district and it shall be responsible for initiating plans for development and improving of services in the district for consideration by the District Council.

District Finance and Accounts Committee.

222. (1) A District Council shall also have a District Finance and Accounts Committee which shall consist of -

(a) the Secretary in charge of finance as its chairman;

(b) such other members not exceeding ten as the District Council may determine, elected from among the members of the District Council.

(2) The District Finance and Accounts Committee may consult professionals with expert knowledge in the fields of financial management, accountancy, or other related field or employ such professionals.

(3) The District Finance and Accounts Committee shall-

(a) identify sources of revenues and plan for their collection and utilisation;

(b) advise the Executive Committee on the appropriate allocation of funds to different departments in the district or to lower councils within the district;

(c) monitor the expenditure of the revenues of the district;

(d) advise the District Council on all matters relating to the collection, allocation and utilisation of the revenues of the district;

(e) scrutinise the audited accounts of the district for purposes of making a report on them to the Council; and

(f) take measures for instilling discipline in officials and persons managing district funds.

Other Committees of District Council.

223. A District Council may create such other Committees as are necessary for the proper discharge of its functions and services.

District Service Commission.

District Service Commission.

224. (1) There shall be a District Service Commission for every district.

(2) The District Service Commission shall -

(a) consist of a chairman and four members, all of whom shall be appointed by the Executive Committee of the district on the recommendation of the District Council with the approval of the Public Service Commission;

(b) hold office for a period of four years but shall be eligible for reappointment for another term of four years.

(3) Members of a District Service Commission shall be appointed from among persons of high moral character and proven integrity.

(4) A member of the District Service Commission may be removed from office by the Executive Committee of the district with the approval of the District Council and after consultation with the Public Service Commission but he may be so removed only for -

(a) inability to perform the functions of his office arising from physical or mental incapacity or from any other cause;

(b) misbehaviour or misconduct; or

(c) conduct unbecoming of the holder of the office.

Powers of the District Service Commission.

225. Subject to the provisions of this Constitution, the power to appoint persons to hold or act in any office in the service of a district including the power to confirm appointments, to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office is vested in the District Service Commission.

Miscellaneous

General provision relating to elections.

226. The following provisions shall apply in relation to local government elections other than elections for a District Council -

(a) voting shall be by open ballot;

(b) a Council may at any time, after consultation with the Electoral Commission, by a resolution supported by not less than two-thirds of the members of the Council, decide that an election to the Council shall be by secret ballot;

(c) where a Council adopts a secret ballot under this article the secret ballot shall apply from the next general election to the Council;

(d) a Council which adopts a secret ballot under this article may, at any time, after consultation with the Electoral Commission, revert to the open ballot; and paragraph (c) of this article shall apply to the decision as it applies to the decision in relation to the secret ballot; and

(e) the electorate may exercise a right to revoke the mandate of an elected representative to the Council for the same reasons and in the same manner as provided in respect of a representative to a District Council.

Remuneration.

227. (1) Members of a District Council shall be paid such allowances as may be approved by Parliament.

(2) The District Chief Executive and Secretaries shall be paid such remuneration as may be determined by the District Council with the approval of Parliament.

(3) Members of Committees of a District Council may be paid such allowances as the District Council may approve.

(4) Members of a District Service Commission shall be paid such remuneration as may be determined by the District Council with the approval of Parliament.

Parliament to make laws regarding local government.

228. (1) Parliament shall make laws relating to local government and in particular, for the purpose of giving full effect to this Chapter.

(2) Without prejudice to the general effect of clause (1) of this article, Parliament may make laws -

(a) to give effect to the principles specified in article 201 of this Constitution;

(b) to prescribe the limits of allowances to be paid to members of the Councils;

(c) to limit the number of political offices that may be created by the local authorities;

(d) to prescribe the procedure for conducting elections to Councils;

(e) enabling Councils to make by-laws, regulations or other instruments for the administration of their areas of jurisdiction;

(f) providing that with appropriate modifications, the system of government as it operates in the district shall apply at the lower levels of local government units;

(g) prescribing the procedure by which the electorate may exercise a right to revoke the mandate of an elected member of a Council;

(h) prescribing the qualifications for election to a Council and a law made for the purposes of this paragraph shall have as one of the qualifications that the candidate shall be resident in or should have been resident for a specified period in the area of jurisdiction of the Council to which he seeks election.

Interpretation.

229. In this Chapter, a reference to a county or sub-county includes a reference to a unit provided by law to replace the county or sub-county howsoever described.

Transitional provisions regarding urban authorities.

230. (1) Subject to the provisions of this Constitution, the urban authorities in existence at the coming into force of this Constitution under the Urban Authorities Act, (Cap 27) other than the Kampala City Council, shall constitute lower local government units under the District Councils within whose districts they fall.

(2)Subject to the powers of Parliament, the laws applicable to urban authorities immediately before the commencement of this Constitution, shall continue to apply with such modifications as may be necessary to give effect to the provisions of this Chapter.

CHAPTER FOURTEEN

DEFENCE AND NATIONAL SECURITY

Uganda Armed Forces

Uganda Armed Forces.

231. (1) There shall be armed forces to be known as "the Uganda Armed Forces".

(2) The Uganda Armed Forces shall be nationalistic, professional, disciplined, productive and subordinate to the civilian authority established under this Constitution.

(3) Members of the Uganda Armed Forces shall be citizens of Uganda of good character and shall be recruited from every district of Uganda.

(4) No person shall raise an armed force except by or under the authority of an Act of Parliament

Functions of Armed Forces.

232. The functions of the Uganda Armed Forces are -

(a) to preserve and defend the sovereignty and territorial integrity of Uganda;

(b) to cooperate with the civilian authority in emergency situations and in cases of natural disasters;

(c) to foster harmony and understanding between the Armed Forces and civilians; and

(d) to engage in productive activities for the development of Uganda.

Commander and other officers.

233. (1) There shall be the office of the Commander of the Armed Forces.

(2) There shall be such other offices in the Uganda Armed Forces as Parliament may create by law.

Appointments.

234. (1) The President shall, with the approval of the National Council of State, appoint the Commander of the Armed Forces.

(2) The President may, with the approval of the National Council of State for good cause shown or in the public interest, remove from office the Commander of the Armed Forces.

(3) Subject to the provisions of this Constitution and any laws made by Parliament, the President shall be responsible for the recruitment, appointment, promotion, discipline and removal of all members of the Uganda Armed Forces.

(4) The President may, by writing, delegate any of his powers under this article to the Armed Forces Service Board or to any officer in the Uganda Armed Forces subject to any conditions specified by him in relation to the delegation and subject to any laws made by Parliament.

Armed Forces Council.

235. (1) There shall be an Armed Forces Council comprising -

(a) the President as Chairman;

(b) the Minister responsible for defence;

(c) the Secretary for Defence;

(d) the Commander of the Armed Forces; and

(e) such other members including not less than five members of the Uganda Armed Forces as Parliament shall by law determine.

(2) The Armed Forces Council shall advise the President on matters relating to the establishment, command, control and administration of the Uganda Armed Forces, and shall perform such other functions as are prescribed by this Constitution or any other law.

Armed Forces Service Board.

236. (1) There shall be an Armed Forces Service Board comprising -

(a) the Commander of the Armed Forces as Chairman;

(b) two representatives of the Public Service Commission;

(c) two representatives of the Armed Forces Council elected by the Council; and

(d) not less than three members of the Uganda Armed Forces as Parliament shall by law establish.

(2) The Armed Forces Service Board shall advise the President on the recruitment, appointments, promotion, discipline, removal and retirement of members of the Uganda Armed Forces.

Exercise of operational command by President

237. In exercising the operational command of the Uganda Armed Forces, the President shall, whenever practicable, consult the National Security Council.

Deployment of troops outside Uganda.

238. The President shall not deploy troops outside Uganda except with the approval of Parliament.

Laws by Parliament regarding Uganda Armed Forces.

239. Parliament shall make laws regulating the Uganda Armed Forces and, in particular, the manner of the recruitment and appointment of the members of the Armed Forces and the delegation of the powers of the President in relation to their appointment, promotion, discipline and removal and their terms and conditions of service.

The Police

Uganda Police Force.

240. (1) There shall be a Police Force to be known as "the Uganda Police Force" and such other police forces in Uganda as Parliament may by law prescribe.

(2) Subject to the provisions of this Constitution, every police force in Uganda shall be organised and administered in such a manner and shall have such functions as Parliament may by law prescribe.

(3) The Uganda Police Force shall be nationalistic, professional, disciplined, competent and productive; and its members shall be citizens of Uganda of good character recruited from every district of Uganda.

Functions of Uganda Police Force.

241. The functions of the Uganda Police Force are -

(a) to preserve law and order;

(b) to prevent and detect crime;

(c) to cooperate with the civilian authority established under the Constitution and with the population generally; and

(d) to perform such other functions as shall be determined by Parliament.

Command of Uganda Police Force.

242. (1) There shall be an Inspector-General of Police and a Deputy Inspector-General of Police.

(2) The Inspector-General and the Deputy Inspector-General of Police shall be appointed by the President after consultation with the Police Council and with the approval of the National Council of State.

(3) The Uganda Police Force shall be under the command of the Inspector-General of Police.

(4) In the performance of his functions, the Inspector-General of Police shall not be subject to the direction or control of any person or authority.

(5) The President may, after consultation with the National Security Council, give to the Inspector-General of Police directions in writing on matters of general policy with regard to the maintenance of security and public safety, public order and the Inspector-General shall give effect or cause effect to be given to such directions.

(6) The Inspector-General or the Deputy Inspector-General may be removed from office by the President for good cause shown or in the public interest with the approval of the National Council of State.

(7) The Deputy Inspector-General of Police shall assist the Inspector General in the performance of his functions.

243. There shall be a Police Council comprising - **Police Council.**

(a) the Minister responsible for internal affairs as Chairman;

(b) the Attorney General;

(c) the Inspector-General of Police; and

(d) such other members including at least three members of the Uganda Police Force as Parliament shall by law determine.

244. (1) The functions of the Police Council are - **Functions of Police Council.**

(a) to advise the President on matters concerning the appointment of the Inspector-General of Police and the Deputy Inspector-General;

(b) to hear appeals from the Police Service Board; and

(c) to perform such other functions as Parliament may by law, determine.

(2) In the exercise of its functions, the Police Council shall be answerable to the Parliamentary Committee on defence and national security.

245. There shall be a Police Service Board comprising - **Police Service Board.**

(a) the Inspector-General of Police as Chairman;

(b) the Deputy Inspector-General of Police;

(c) a representative of the Public Service Commission; and

(d) two prominent citizens appointed by the President on the advice of the Police Council.

246. The functions of the Police Service Board are - **Functions of Police Service Board.**

(a) to effect recruitment of persons into the Uganda Police Force including power to confirm, promote, and discipline members of the Police Force;

(b) to review the terms and conditions of service, standing orders, training and qualifications of police officers and matters connected with the personnel management in the Uganda Police Force and to make recommendations on them to the Government; and

(c) to carry out in relation to the Uganda Police Force any other functions exercisable by the Public Service Commission in relation to the public service generally.

Uganda Prisons

Establishment of Uganda Prisons Service.

247. (1) There shall be a Prisons Service known as "the Uganda Prisons Service".

(2) The Uganda Prisons Service shall be nationalistic, professional, disciplined, competent and productive and its members shall be citizens of Uganda of good character recruited from every district of Uganda.

Commissioner and Deputy Commissioner of Prisons.

248. (1) There shall be a Commissioner of Prisons and Deputy Commissioner of Prisons appointed by the President after consultation with the Prisons Service Council and with the approval of the National Council of State.

(2)The Commissioner or the Deputy Commissioner of Prisons may be removed by the President for good cause shown or in the public interest with the approval of the National Council of State.

Prisons Service Council.

249. (1) There shall be a Prison Service Council comprising -

(a) the Minister responsible for internal affairs as Chairman;

(b) the Attorney General;

(c) the Commissioner of Prisons; and

(d) not more than three other members appointed by the President after consultation with the Prisons Service Council and with the approval of the National Council of State.

(2) The functions of the Prisons Service Council are -

(a) to advise the President on matters concerning the appointment of the Commissioner and Deputy Commissioner of Prisons;

(b) to hear appeals from the Prisons Service Board; and

(c) to perform such other functions as Parliament may by law determine.

Prisons Service Board.

250. There shall be a Prisons Service Board comprising -

(a) the Commissioner of Prisons as Chairman;

(b) the Deputy Commissioner of Prisons;

(c) a member of the Public Service Commission; and

(d) two prominent citizens appointed by the President on the advice of the Prisons Service Council.

Functions of Prisons Service Board.

251. The functions of the Prisons Service Board are -

(a) to effect recruitment of persons into the Uganda Prisons Service including power to confirm, promote and discipline members of the Prisons Service;

(b) to revise the terms and conditions of service, standing orders, training and qualifications of prisons officers and matters connected with personnel management within the Uganda Prisons Service and to make recommendations on them to the Government; and

(c) to carry out in relation to the Prisons Service any other functions exercisable by the Public Service Commission in relation to the public service generally.

Intelligence Organisations

Intelligence organisations.

252. (1) Parliament may by law establish intelligence organisations and may prescribe their composition, functions and procedures.

(2) No intelligence organisation shall be established by the Government except by or under an Act of Parliament.

National Security Council.

Establishment of National Security Council.

253. There shall be a National Security Council which shall consist of -

(a)the President as Chairman;

(b)the Vice-President, who shall preside in the absence of the President;

(c) the Minister responsible for internal affairs;

(d) the Minister responsible for defence;

(e) the Minister responsible for foreign affairs;

(f) the Commander of the Armed Forces;

(g) the Inspector-General of Police;

(h) the Commissioner of Prisons; and

(i) the head of intelligence organisations established under article 252 of this Constitution.

Functions of National Security Council.

254. The functions of the National Security Council are -

(a) to promote national stability and the security of Uganda;

(b) to inform and advise the President on matters relating to national security;

(c) to foster co-operation and enhance coordination between the Uganda Armed Forces, the Uganda Police Force, the Uganda Prisons Service and the intelligence organisations; and

(d) to consider and devise means of defusing threats to national security within Uganda.

General

Security organisations to observe human rights.

255. It shall be the duty of the Uganda Armed Forces and any other armed force established in Uganda, the Uganda Police Force and any other police force, the Uganda Prisons Service, all intelligence organisations and the National Security Council to observe and respect human rights and freedoms, in the performance of their functions.

Powers of Parliament regarding security organisations.

256. Parliament shall make laws for the purposes of giving effect to this Chapter and in particular -

(a)for the organisation and administration of the Uganda Police Force; and

(b)for the organisation, administration and functions of the Uganda Prisons Service.

CHAPTER FIFTEEN

INSPECTORATE OF GOVERNMENT

Establishment of Inspectorate.

257. (1) There shall be an Inspectorate of Government consisting of the Inspector-General of Government and such number of Deputy Inspectors-General not being less than two, as Parliament may by law prescribe.

(2) At least one of the persons referred to in clause (1) of this article shall be a person qualified to be appointed a Judge of the High Court.

(3) The Inspector-General of Government and the Deputy Inspectors-General shall be appointed by President with the approval of the National Council of State and shall not, while holding office, hold any other office of emolument in the public service.

(4) A person shall not be eligible for appointment as Inspector-General of Government or Deputy Inspector-General of Government unless he -

(a) is a person of high moral character and proven integrity; and

(b) possesses considerable experience and demonstrated competence and calibre in the conduct of public affairs.

(5) The Inspector-General of Government and Deputy Inspectors-General shall hold office for a term of four years but shall be eligible for re-appointment.

(6) The remuneration and other conditions of service of members of the Inspectorate of Government shall be prescribed by Parliament and the salaries and allowances of members of the Inspectorate shall be charged on the Consolidated Fund.

Removal of Inspector and Deputy Inspectors-General.

258. The Inspector-General or a Deputy Inspector-General may be removed from office by the President with the approval of the National Council of State only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause or for misbehaviour or misconduct.

Functions of Inspectorate.

259. (1) The functions of the Inspectorate of Government shall be prescribed by Parliament and shall include the following -

(a) to promote and foster strict adherence to the rule of law and principles of natural justice in administration;

(b) to eliminate and foster the elimination of corruption, abuse of authority and public office;

(c) to foster improvement of the work of governmental bodies and the elimination of unfairness and discrimination by them;

(d) subject to the provisions of this Constitution, to supervise the enforcement of the Leadership Code of Conduct;

(e) to investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies, taken, made, given or done in exercise of administrative functions.

(2) The Inspectorate of Government may investigate any matter referred to in paragraph (e) of clause (1) of this article, on its own initiative or upon complaint made to it by any member of the public whether or not that person has personally suffered any injustice by reason of that matter.

Jurisdiction of Inspectorate.

260. The jurisdiction of the Inspectorate of Government shall cover officers or leaders whether employed in the public service or not, and also such institutions, organisations or enterprises as Parliament may prescribe by law.

Independence of Inspectorate.

261. The Inspectorate of Government shall be independent in the performance of its functions and shall not be subject to the direction or control of any person or authority and shall only be responsible to Parliament.

Accessibility to the people.

262. (1) The Inspectorate of Government may establish branches at district and other administrative levels as it considers fit for the better performance of its functions.

(2) The Inspectorate of Government may sit and hear any matter within its jurisdiction at any place in Uganda.

(3) The Inspectorate of Government shall stimulate public awareness about the values of constitutionalism in general and the activities of its office in particular through any media and other means it considers appropriate.

Provision for adequate resources.

263. (1) The Inspectorate of Government shall have an independent budget appropriated by Parliament, and controlled by the Inspectorate.

(2) It shall be the duty of all concerned to facilitate the employment by the Inspectorate of Government of such adequate and qualified staff as are needed to enable the Inspectorate to discharge its functions effectively and efficiently.

Special powers of the Inspectorate of Government.

264. (1) The Inspectorate of Government shall have power to hear and determine cases involving corruption, abuse of authority or public office and to make any order according to law.

(2) The Inspectorate of Government shall, in the exercise of its functions have the powers of the High Court -

(a) to summon witnesses to appear before it and to compel them to give evidence on oath or to produce documents relevant to any proceedings before it;

(b) to issue a commission or request to examine witnesses abroad; and

(c) to enforce any lawful order made by the Inspectorate of Government.

(3) Any person who gives evidence at any proceeding of the Inspectorate has the same rights, privileges and duties and liabilities as a witness in proceedings before the High Court.

(4) An appeal against any decision of the Inspectorate of Government shall lie to the Supreme Court.

(5) The procedure for any proceedings of the Inspectorate of Government under this article and for any appeal from any decision in those proceedings shall be prescribed by Parliament by law.

(6) Subject to the provisions of any law, the Inspectorate of Government shall have power to enter and inspect the premises of any department of Government or of any authority, to call for, examine and where necessary, retain any document kept on those premises and there to carry out any investigation for the purpose of its functions.

(7) For the avoidance of doubt the Inspectorate of Government shall, when enforcing the Leadership Code of Conduct, have all the powers conferred on it by this Chapter in addition to any other powers conferred by law.

(8) Subject to this Constitution, Parliament shall enact any law necessary for enabling the Inspectorate of Government to discharge its functions effectively and efficiently and in particular to ensure that the discharge of those functions is not frustrated by any person or authority.

Reports.

265. (1) The Inspectorate of Government shall submit to Parliament at least once in every six months, a report on the performance of its functions, making such recommendations as it considers necessary and containing such information as Parliament may require.

(2) A copy of the report referred to in clause (1) of this article shall be forwarded by the Inspectorate of Government to the President; and where

any matter contained in the report relates to the administration of any local authority, an extract of the portion of the report on the matter shall be forwarded to that local authority.

(3) The Speaker of Parliament shall lay before Parliament the report submitted under clause (1) of this article within thirty days after it has been submitted if Parliament is then in session, or, if Parliament is not in session, within thirty days after the commencement of its next following session.

Powers of Parliament regarding Inspectorate.

266. (1) Parliament shall subject to the provisions of this Constitution, make laws to give effect to the provisions of this Chapter.

(2) Laws made for the purpose of this Chapter may in particular provide -

(a) for regulating the procedure for the making of complaints and requests to the Inspectorate of Government and for the exercise of its functions;

(b) for conferring such powers on it and imposing such duties on persons concerned as are necessary to facilitate it in the performance of its functions; and

(c) for ensuring accessibility to the services of the Inspectorate by the general public and decentralising the exercise of those functions and where necessary, for enabling the delegation by the Inspectorate of any of those functions to other authorities or persons at district or lower local government levels.

CHAPTER SIXTEEN

LEADERSHIP CODE OF CONDUCT

Establishment of Leadership Code.

267.(1) Parliament shall by law establish a Leadership Code of Conduct for persons holding such offices as may be specified by Parliament whether or not any such office is in the public service.

(2) The Leadership Code of Conduct shall -

(a) specify the categories of offices to which the Code applies;

(b) require specified officers to declare their incomes, assets and liabilities from time to time;

(c) prohibit conduct likely to compromise the honesty, impartiality and integrity of specified officers or to lead to corruption in public affairs, or which is detrimental to the public good or welfare;

(d) prescribe the penalties to be imposed for breach of the Code;

(e) prescribe powers, procedures and practices for ensuring the effective enforcement of the Code; and

(f) make any other provision as may be necessary for ensuring the promotion and maintenance of honesty, probity, impartiality and integrity in public affairs and the protection of public funds and other public property.

Enforcement of Code.

268. (1) The Leadership Code of Conduct shall be enforced by the Inspectorate of Government or such other authority as Parliament may by law prescribe.

(2) The authority empowered by law to enforce the Code of Conduct shall, in relation to the enforcement have the same powers as the High Court for enforcing its orders.

Disqualification for breach of Code.

269. Parliament may by law provide that a person who has been dismissed or removed from office by reason of breach of the Code of Conduct shall be disqualified from holding any other office whether appointive or elective and either generally or for a prescribed period.

Interpretation.

270. In this Chapter, unless the context otherwise requiries, "specified officer" means the holder of an office to which the Leadership Code of Conduct applies.

CHAPTER SEVENTEEN

LAND AND ENVIRONMENT

Land

General principles on ownership of land.

271. (1) All land in Uganda belongs to the people and its use shall be regulated by the Uganda Land Commission for the benefit of the people.

(2) In regulating and managing the utilisation of land, the following principles shall apply -

(a) persons lawfully occupying and utilising land shall -

(i) be guaranteed security of tenure;

(ii) be enabled to register their interests and acquire certificates of title in accordance with the law;

(b) there shall be maximum utilisation of land while ensuring equitable distribution of land among the people;

(c) the division of land into uneconomic units shall be avoided.

(3) Government may own land for public purposes.

(4) Subject to clause (5) of this article, all land tenure systems in existence immediately before the coming into force of this Constitution may continue in existence.

(5) Parliament shall make laws to give effect to the principles in this article and may, by such laws, regulate estates and interests in and the transfer of land.

Uganda Land Commission.

272. (1) There shall be a land commission to be known as "the Uganda Land Commission".

(2) The Uganda Land Commission shall consist of a Chairman and not less than four members appointed by the President with the approval of the National Council of State.

(3) A person shall not be qualified to be a member of the Uganda Land Commission if he is a member of Parliament or a member of a District Council or the council of any other local government unit.

(4) The members of the Uganda Land Commission shall hold office for a period of five years subject to renewal.

(5) A member of the Uganda Land Commission may be removed from office by the President with the approval of the National Council of State only for inability to perform his functions or for misbehaviour or misconduct.

(6) In the performance of its functions, the Uganda Land Commission shall be independent and shall not be subject to the direction or control of any person or authority but shall take into account Government policy on land.

(7) The Uganda Land Commission shall be self-accounting and the salaries and allowances of its members shall be charged on the Consolidated Fund.

Functions of the Uganda Land Commission.

273. The functions of the Uganda Land Commission are -

(a) to allocate land which is not occupied or owned by any person or authority;

(b) to regulate the use of land in Uganda in accordance with this Constitution and any other law;

(c) to make recommendations to Government on the land tenure system, land use, and the system of land registration;

(d) to advise the Government and local authorities on the carrying out of a planned and co-ordinate development of particular areas; and

(e) to perform such other functions as Parliament may, by law prescribe.

District Land Committees.

274. (1) There shall be a District Land Committee for each district which shall, in the district, perform the functions of the Uganda Land Commission specified in article 273 of this Constitution and such other functions as Parliament may by law prescribe.

(2) The Uganda Land Commission shall coordinate the activities of the District Land Committees.

Land tribunals.

275. (1) Parliament may by law provide for the establishment of land tribunals.

(2) The jurisdiction of a land tribunal may include -

(a) the determination of disputes relating to the grant, lease, transfer or repossession of land by the Uganda Land Commission or other authority with responsibility relating to land; and

(b) the determination of any disputes relating to the amount of compensation to be paid for land compulsorily acquired.

(3) The Chairman of a land tribunal established under this article shall be appointed on the advice of the Chief Justice or other person designated by the Chief Justice.

(4) A member of a land tribunal shall hold office on such terms and conditions determined under a law made under this article.

(5) A law made under this article may prescribe the practice and procedure for land tribunals and shall provide for a right of appeal from a decision of a land tribunal to a court of law.

Minerals.

276. (1) The entire property in and control of all minerals and mineral ores in, or upon any land or waters in any land shall be vested in the Government of Uganda.

(2) For the purposes of this article, "mineral" does not include clay, murram, sand or any stone commonly used for building or similar purposes.

Powers of Parliament relating to land.

277. Parliament may, subject to the provisions of this Constitution, make laws providing for -

(a) the land tenure system in Uganda;

(b) the composition of District Land Committees;

(c) the powers, procedures, and terms of service of members of the Uganda Land Commission and District Land Committees;

(d) the regulation of the size of land granted to any person or authority by the Uganda Land Commission and the conditions under which land is held;

(e) the control, possession and transfer of land by non-citizens;

(f) the imposition of taxation on land;

(g) any other matter connected with or touching on land.

Environment

Protection of the environment.

278. (1) Parliament shall, by law provide for measures intended to protect and preserve the environment from abuse and degradation and to manage the environment for sustainable development, including provision for -

(a) protecting game parks and game reserves, forest reserves, historical sites and other objects of social and cultural significance;

(b) taking all possible measures to prevent or minimise soil erosion;

(c) preventing the importation of any harmful or dangerous plant or animal or thing;

(d) regulating the importation of chemical, insecticide, pesticide or any substance that may be harmful to the environment;

(e) prohibiting the dumping of any nuclear or toxic waste on the soil or territory of Uganda;

(f) regulating the dumping of refuse and the location of any factory, plant or dwelling house;

(g) regulating physical planning;

(h) preventing or minimising the effect of any pollution, contamination or unwholesome interference with the air or water;

(i) regulating the biophysical state of any area in Uganda and promoting a sound ecological balance; and

(j) promoting environmental awareness through environmental education in the school curricula and other appropriate means of mass sensitisation; and establishment of appropriate institutional framework and national programmes for the protection of the environment.

CHAPTER EIGHTEEN

GENERAL AND MISCELLANEOUS

Traditional leaders.

279. (1) Subject to the provisions of this Constitution, the institution of traditional leader may exist according to the culture, customs, traditions, wishes and aspirations of the people to whom it applies.

(2) The following provisions shall apply in relation to traditional leaders -

(a) the cost of maintaining and upkeeping a traditional leader and his office shall not be the responsibility of the Government;

(b) no person shall be compelled to pay allegiance to or to contribute to the cost of maintaining or upkeeping a traditional leader;

(c) a person shall not, while remaining a traditional leader, join or participate in politics or influence or allow his office to be used to influence the course of politics;

(d) subject to the provisions of this Constitution, the qualifications for election, appointment or succession and the removal of a traditional leader and the abolition of the institution of a traditional leader shall be regulated by the customs, practices and usages of the community concerned;

(e) any custom, practice or usage or tradition relating to a traditional leader which detracts from the rights of any person as guaranteed by this Constitution shall cease to apply.

(3) Parliament shall make laws for giving effect to the provisions of this article.

(4) For the purposes of this article,"traditional leader" means a cultural leader who derives allegiance from the fact of his birth or descent in accordance with the customs, traditions, usages and the consent of the community which he leads.

Administration of estates.

280. Parliament shall -

(a) by law establish an efficient, fair and expeditious machinery for the administration and management of the estates of deceased persons; and

(b) under the law referred to in paragraph (a) of this article, ensure that the services of the department or organisation established by the law for the purpose are decentralised and accessible to all persons who may reasonably require those services and that the interests of all beneficiaries are adequately protected.

Law Reform Commission.

281. (1) There shall be a Law Reform Commission for Uganda which shall consist of a Chairman and six other members appointed by the President with the approval of the National Council of State.

(2) The Chairman and two of the members of the Commission shall each be appointed from among persons who have held or are qualified to hold office as a Judge of the High Court or a Justice of the Supreme Court and shall serve on a full-time basis.

(3) Two of the members of the Commission other than those mentioned in clause (2) of this article shall be appointed from among persons who are not lawyers but who have distinguished themselves in disciplines relevant to the functions of the Commission.

(4) A member of the Commission shall vacate his office at the expiration of four years from the date of his appointment but shall be eligible for re-appointment.

(5) A member of the Commission may be removed by the President with the approval of the National Council of State only for inability to discharge the functions of his office arising from infirmity of body or mind or any other cause, or for misbehaviour or misconduct.

(6) It shall be the duty of the Commission to study and keep under constant review the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernisation and reform with particular emphasis on -

(a) bringing the laws into conformity with this Constitution;

(b) the elimination of anomalies in the law, the repeal of obsolete and unnecessary laws and the simplification and translation into Ugandan languages of the law;

(c) the reflection in the laws of Uganda of the customs, values and norms of the society in Uganda as well as concepts consistent with all international conventions and other instruments on human rights and freedoms to which Uganda is a party;

(d) the development of new areas in the law by making the laws responsive to the changing needs of the Ugandan society;

(e) the adoption of new or more effective methods or both, for the administration of the law and the dispensation of justice; and

(f) the integration and unification of the laws of Uganda.

(7) Parliament shall by law prescribe the procedure for implementation of the functions of the Commission.

Legal proceedings.

282. (1) Where a person has a claim against the Government, that claim may be enforced as a right by proceedings taken against the Government for that purpose.

(2) Civil proceedings by or against the Government shall be instituted by or against the Attorney-General and all documents required to be served on the Government for the purpose of or in connection with those proceedings shall be served on the Attorney-General.

(3) Subject to clause (1) of this article, Parliament may by law make provision for proceedings against the Government.

(4) In the title of any criminal proceedings the prosecution shall be designated by the word "Uganda".

Performance of functions of Commissions.

283.(1) Any Commission established by this Constitution may, subject to the provisions of this Constitution, regulate its own procedure or confer powers or impose duties on any officer or authority of the Government for the purposes of discharging its functions.

(2) Subject to the provisions of this Constitution, any decision of any Commission, established by this Constitution shall require the concurrence of a majority of all its members; and it may act notwithstanding the absence of any member or any vacancy in the office of a member.

(3) In this article "Commission" includes a council and a committee.

Resignations.

284.(1) Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing signed by him addressed to the person or authority by whom he was appointed or elected; except that in the case of the Speaker or Deputy Speaker of Parliament his resignation from that office shall be addressed to the Clerk to Parliament, and in the case of a member of Parliament his resignation shall be addressed to the Speaker.

(2) The resignation of a person from any office established by this Constitution shall take effect in accordance with the terms on which he was appointed or, if there are no such terms, when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

(3) Any reference in this article to an office does not include a reference to the office of the President or the Vice President.

(4) For the purposes of clause (1) of this article, "office" includes -

(a) the Speaker and Deputy Speaker of Parliament;

(b) a Minister or a Deputy Minister;

(c) the Attorney-General;

(d) a member of Parliament;

(e) a member of any Commission, Council or Committee established by this Constitution;

(f) a public office.

Re-appointments and concurrent appointments.

285. (1)Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution on any person to make any appointment to any office, he may appoint a person to that office even while some other person holds the office, when that other person is on leave of absence pending the relinquishment of the office.

(3) Where two or more persons hold the same office by reason of an appointment made by virtue of clause (2) of this article, then, for the purposes of any function conferred on the holder of that office, the person last appointed shall be taken to be the sole holder of that office.

(4) Any reference in this article to an office does not include a reference to the office of the President or the Vice-President.

Interpretation.

286. (1) In this Constitution, unless the context otherwise requires -

"Act of Parliament" means a law made by Parliament;

"article" means an article of this Constitution;

"court" means a court of judicature established by or under the authority of this Constitution;

"district" means a district referred to in article 202;

"District Council" means the District Council established by article 204;

"financial year" means the period of twelve months ending on the thirtieth day of June in any year or such other day as Parliament by law may prescribe;

"functions" includes powers and duties.

"Gazette" means the Uganda Gazette and includes any supplement of that Gazette;

"Government" means the Government of Uganda;

"High Court" means the High Court of Uganda;

"judgement" includes a decision, an order or decree of the court;

"judicial power" means the power to dispense justice among persons and between persons and the State under the laws of Uganda;

"Leadership Code of Conduct" means the Leadership Code of Conduct established under Chapter sixteen of this Constitution;

"Minister" means a Minister of the Government;

"Oath of allegiance" means an oath of allegiance prescribed by law;

"Parliament" means the Parliament of Uganda;

"President" means the President of Uganda;

"public office" means an office in the public service;

"public officer" means a person holding or acting in any public office;

"session" means a series of meetings of Parliament within a period of twelve months;

"sitting" includes a period during which Parliament is continuously sitting without adjournment and a period during which it is in Committee;

"Speaker" means the Speaker of Parliament and "Deputy Speaker" shall be construed accordingly;

"Supreme Court" means the Supreme Court of Uganda;

"Teaching Service' means any part of the public service established as the Teaching Service by Parliament by law;

"Uganda" means the Republic of Uganda.

(2) In this Constitution -

(a) "public service" means service in any civil capacity of the Government, any District Government or other local authority;

(b) unless the context otherwise requires, a reference to an office in the public service includes -

(i) a reference to the office of a Justice of the Supreme Court, or a Judge of the High Court and the office of a member of any other court of law established by or under the authority of this Constitution, other than a court-martial, being an office the emoluments of which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament; and

(ii) a reference to the office of a member of the Uganda Police Force, the Uganda Prisons Service and the Teaching Service;

(c) a reference to an office in the public service does not include a reference to the office of the President, the Vice-President, the Speaker or Deputy Speaker of Parliament, a Minister or a Deputy Minister, the Attorney General, a member of Parliament or a member of any Commission, Council or Committee established by this Constitution.

(3) In this Constitution unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes a reference to any person for the time being lawfully acting in or performing the functions of that office.

(4) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Government.

(5) The power to remove a public officer from his office includes the power to require or permit that officer to retire from public service; except that nothing in this clause confers on any person or authority power to require the retirement of a person holding a public office for which the method of retirement or removal is specifically provided for by this Constitution;

(6) Any provision in this Constitution that vests in any person or authority power to remove a public officer from his office shall not prejudice the power of any person or authority to abolish any office or any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified in that law.

(7) Where power is vested by this Constitution in any person or authority to appoint any person or to act in or perform the functions of any office if the holder of the office is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was able to perform these functions.

(8) Where any power is conferred by this Constitution to make any statutory instrument or rule, or pass any resolution, or give any direction, the power shall be construed as including the power, exercisable in like manner to amend or revoke any such statutory instrument, rule, resolution or direction.

(9) In this Constitution, references to the alteration of any of the provisions of this Constitution or any Act of Parliament include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or a repeal of that provision and the making of a different provision in place of that provision.

(10) In this Constitution and in any other law -

(a) words importing male persons include female persons and corporations;

(b) words in the singular include the plural, and words in the plural include the singular;

(c) words directing or empowering a public officer to do any act or thing, or otherwise applying to him by the designation of his office, include his successors in office and all his deputies and all other assistants.

CHAPTER NINETEEN

AMENDMENT OF THE CONSTITUTION

Amendment of Constitution.

287. (1) Subject to the provisions of this Constitution, Parliament may amend by way of addition, variation or repeal, any provision of this Constitution in accordance with the procedure laid down in this Chapter.

(2) This Constitution shall not be amended except by an Act of Parliament -

(a) the sole purpose of which is to amend this Constitution; and

(b) the Act has been passed in accordance with this Chapter.

Amendments requiring referendum.

288. (1) The provisions of this Constitution specified in clause (2) of this article shall not be amended unless the question as to whether they should be amended has been referred to a decision of the people in a referendum and the amendment has been approved at the referendum.

(2) The provisions referred to in clause (1) of this article are as follows

(a) article 2 - Supremacy of the Constitution;

(b) article 98 - Referendum on political systems;

(c) article 99 - Prohibition of one-party state.

Amendments requiring approval by District Councils

289. (1) A bill for an Act of Parliament seeking to amend any of the provisions specified in clause (2) of this article shall not -

(a) be taken as passed by Parliament unless it is supported at the second and third readings by not less than two-thirds of all the members of Parliament; and

(b) have the effect of amending this Constitution unless ratified by the District Councils of not less than two-thirds of all the districts of Uganda.

(2) The provisions referred to in clause (1) of this article are as follows

(a) Chapter One - The Constitution, whole Chapter other than article 2;

(b) Chapter Two - Republic of Uganda, article 4, and First Schedule;

(c) Chapter Five - Human Rights, whole Chapter;

(d) Chapter Six - Representation of the People, articles 84,85 and 87;

(e) Chapter Seven - The Executive articles 102, 106, 108, 110, 128 and 129;

(f) Chapter Nine - The National Council of State, whole Chapter;

(g) Chapter Eleven - Finance, article 178 - Taxation;

(h) Chapter Thirteen - Local Government, article 201, Local Government System;

(i) Chapter Fourteen - Defence and National Security, clause (4) of article 231 (no person to raise an armed force except by or under an Act of Parliament); and

(j) Chapter Nineteen - Amendment of the Constitution, the whole Chapter.

Amendment of other provisions of Constitution.

290. A bill for an Act of Parliament to amend any provision of the Constitution other than those referred to in articles 288 and 289 of this Constitution shall not be taken as passed unless it is supported at second and third readings by the votes of not less than two-thirds of all the members of Parliament.

Certificate of compliance with Chapter.

291. A bill for the amendment of the Constitution which has been passed in accordance with this Chapter shall be assented to by the President only if

(a) it is accompanied by a certificate of the Speaker of Parliament that the provisions of this Chapter have been complied with in relation to it; and

(b) in the case of a bill to amend a provision to which article 288 or 289 of this Constitution applies, a certificate of the Electoral Commission that the amendment has been approved at a referendum or, as the case may be, ratified by the District Councils in accordance with this Chapter.

CHAPTER TWENTY

TRANSITIONAL PROVISIONS

292. (1) Notwithstanding anything in this Constitution, the government of the National Resistance Movement existing immediately before the coming into force of this Constitution, in this Chapter referred to as "the NRM Government" shall - **Transitional Government.**

(a) continue in office until a new government is elected in accordance with this Constitution, but not later than the twenty fifth day of January, 1995; and

(b) as far as possible, exercise its functions in such manner and with such modifications as are necessary to bring them into conformity with the provisions of this Constitution.

(2) The NRM Government may exercise the functions of any authority under this Constitution only for the purpose of ensuring that this Constitution is brought fully into force.

293.(1) The NRM Government shall, by law establish an Interim Electoral Commission whose composition, appointment, functions and powers shall, as far as possible, conform to the provisions of articles 85 and 86 of this Constitution. **Interim Electrol Commission.**

(2) The Interim Electoral Commission shall, until other provision is made under this Constitution be responsible for organising all elections to offices provided for in this Constitution.

(3) The NRM Government shall until provision is otherwise made by Parliament under this Constitution, make laws for elections and for other matters connected with elections to any office under this Constitution.

294. For the avoidance of doubt, a person who is elected President under this Constitution shall assume office in accordance with the provisions of article 106 of this Constitution. **First President.**

295. (1) The Supreme Court and the High Court in existence immediately before the coming into force of this Constitution shall be deemed to have been established under this Constitution and shall perform the functions of the Supreme Court and the High Court as specified in Chapter ten of this Constitution. **Existing Supreme Court and High Court.**

(2) All proceedings pending before the Supreme Court or the High Court immediately before the coming into force of this Constitution may be proceeded with and completed in that Court notwithstanding anything in this Constitution.

Existing Offices of Judges.

296. (1) A Justice of the Supreme Court or a Judge of the High Court holding office immediately before the coming into force of this Constitution shall continue to hold office as if appointed to that office under this Constitution.

(2) Any person to whom this article applies shall, on the coming into force of this Constitution be deemed to have taken and subscribed the oath of allegiance and the judicial oath as prescribed by this Constitution or any other law.

Existing offices.

297. (1) Subject to the provisions of this article, every person who immediately before the commencement of this Constitution held or was acting in any office established by or by virtue of the Constitution then in force, so far as is consistent with the provisions of this Constitution, shall be deemed to have been appointed as from the commencement of this Constitution to hold or to act in the equivalent office under this Constitution.

(2) A person who before the commencement of this Constitution would have been required under the Constitution then in force or any existing law to vacate his office at the expiration of any period or on the attainment of any age, shall vacate his office at the expiration of that period or on the attainment of that age.

(3) The provisions of this article shall not prejudice any powers conferred by or under this Constitution or any other law on any person or authority to make provision for the abolition of office, or for the removal from office of persons holding or acting in any office and for requiring persons to retire from office.

(4) In determining, for the purpose of any law relating to retirement benefits or otherwise the length of service of a public officer to whom clause (1) of this article applies, service as a public officer under the Government in existence immediately before the commencement of this Constitution shall be deemed to be continuous with service as a public officer which begins immediately on such commencement.

(5) Except as otherwise provided in this Constitution, the terms and conditions of service of a person to whom this article applies shall not be less favourable than those applicable to him immediately before the commencement of this Constitution.

(6) For the avoidance of doubt, it is hereby declared that any office established before the coming into force of this Constitution which is inconsistent with any provision of this Constitution is, on the coming into force of this Constitution, abolished.

Appointments to certain offices.

298. The first appointments to the following offices shall be made within six months after the assumption of office of the President elected in accordance with the provisions of this Constitution -

(a) the Chairman and members of Uganda Human Rights Commission;

(b) the Chairman and members of the Electoral Commission;

(c) the Chairman and members of the Law Reform Commission;

(d) the Chairman and members of the Uganda Audit Commission;

(e) the Inspector General of Government and Deputy Inspectors-General;

(f) appointed members of the Police Council and Police Service Board;

(g) appointed members of the Prisons Council and Prisons Service Board; and

(h) appointed or nominated members of the Judicial Service Commission.

Existing laws.

299. (1) Subject to the provisions of this article, the operation of the existing law after the commencement of this Constitution shall not be affected by that commencement but the existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.

(2) For the purposes of this article, the expression "existing law" means the written and unwritten law of Uganda or any part of it as existed immediately before the coming into force of this Constitution, including any Act of Parliament or statutory instrument enacted or made before that date which is to come into force on or after that date.

Modification of existing law by first President.

300. The First President elected under this Constitution may, within twelve months after assuming office as President, by statutory instrument, make such provision as may appear necessary for repealing, modifying, adding to or adapting any law for bringing it into conformity with this Constitution or otherwise for giving effect to this Constitution.

Enactments not yet in force.

301. Where immediately before the coming into force of this Constitution any existing law had not been brought into force or was to come into force, on a date subsequent to the coming into force of this Constitution, that law may be brought into force in accordance with its terms or shall come into force on such subsequent date as the case may be.

Consequential amendments to the Oaths Act Cap 52.

302. The Oaths Act shall have effect subject to the provisions of this Constitution.

Existing Commissions and Committees of Inquiry.

303. Notwithstanding anything in this Constitution to the contrary, any Commission or Committee of Inquiry in existence immediately before the coming into force of this Constitution, may continue in existence until the submission of its report unless otherwise dissolved in accordance with the law.

Oaths deemed to have been taken.

304. Notwithstanding any provision of this Constitution, every person who immediately before the commencement of this Constitution held or was acting in any office established under or by virtue of the Constitution then in force and who holds or is acting in an equivalent office under this Constitution, shall be deemed to have taken and subscribed any necessary oath under this Constitution in accordance with this Constitution.

Pending matters.

305. (1) Where any matter or thing has been commenced before the coming into force of this Constitution by any person or authority having power to do so under the existing law, that matter or thing may be carried on and completed by the person or authority having power to do so on or after the commencement and, unless the President in any case otherwise directs, it shall not be necessary for the latter person or authority to commence that matter or thing afresh.

(2) This article shall have effect subject to the provisions of this Constitution and to any law made by Parliament.

Proceedings pending before courts.

306. Legal proceedings pending immediately before the commencement of this Constitution before any court, including civil proceedings against the Government shall not be affected by the commencement of this Constitution.

Official seals.

307. The Public Seal, the seals of the courts of judicature as well as any prescribed forms in use under the existing law in force immediately before the coming into force of this Constitution shall continue to be used until provision is otherwise made for them according to law.

Prerogative of mercy.

308. The prerogative of mercy of the President under article 113 of this Constitution may be exercised in respect of any criminal offences committed before the coming into force of this Constitution as it may in respect of a criminal offence committed after the coming into force of this Constitution.

Devolution of rights and liabilities.

309. Subject to the provisions of article 310 -

(a) any right, prerogative, power, privilege, or function which under the existing law vested in the President shall vest in the President or other person or authority as is specified under this Constitution;

(b) any right, power, privilege, obligation, liability, duty or function vested in or subsisting against the Government by or under an existing law shall continue to so vest or subsist.

Succession of property.

310. (1) All property, whether movable or immovable, and all assets which immediately before the commencement of this Constitution were vested in any authority or person for the purposes of or in right of the Government or in the Government shall, on the commencement of this Constitution, vest in the Government, subject to the provisions of Chapter Seventeen of this Constitution.

(2) Any property which was immediately before the commencement of this Constitution liable to escheat or to be forfeited to any person or authority in right of the Government shall, on such commencement be liable to escheat or to be forfeited to the Government.

Succession to contracts.

311. Where there is subsisting, immediately before the commencement of this Constitution, a contract which has been entered into by or on behalf of the Government, then on and after that commencement all rights, liabilities and obligations of the Government under the contract shall be vested in the Government and the contract shall otherwise continue to be of full force and effect.

International agreements, treaties and conventions.

312. Where -

(a) any treaty, agreement or convention with any country or international organization was made or affirmed by Uganda or the Government on or after the ninth day of October, 1962, and was still in force immediately before the coming into force of this Constitution; or

(b) Uganda or the Government was otherwise a party immediately before the coming into force of this Constitution to any such treaty, agreement or convention,

the treaty, agreement or convention shall not be affected by the coming into force of this Constitution and Uganda or the Government, as the case may be, shall continue to be a party to it.

Interpretation.

313. In this Chapter -

"the existing law" has the meaning assigned to it in article 299 of this Constitution; and

"NRM Government" has the meaning assigned to it in article 292 of this Constitution.

Cessation of 1967 Constitution and Legal Notice No.1 of 1986.

314. Subject to article 292 of this Constitution, the Constitution of Uganda of 1967 and Legal Notice No. 1 of 1986 as amended shall cease to have effect upon the assumption of office of the First President elected under this Constitution.

SCHEDULES

FIRST SCHEDULE

Article 4 (3)

THE BOUNDARIES OF UGANDA.

Commencing at the highest point of Mt. Sabinio; thence in a north-easterly direction to the southern extremity of the Mdagana ridge marked by Boundary Pillar 1; thence along the watershed of Mdagana to its highest point, marked by BP 2; thence in a north-westerly direction in a straight line to the summit of the knoll Chieshire, marked by BP 3; thence in a straight line in a north-easterly direction to the confluence of the Rivers Nyarugando and Nkanka (Kanga); thence following the thalweg of the River Nyarugando to its source; thence in a straight line in a north-westerly direction to the highest point of the hill Giskio, marked by BP 4; thence following the watershed between the hill Giskio, and the hill Lubona and its continuation as far as a point, marked by BP 5, about 400 metres north-west of the summit of the hill Lubona; thence along the crest of the spur running in a north-westerly direction to River Sinda (Lulangala); thence along the crest of the opposite spur, as shown on the map, to the summit of the hill Kirambo, marked by BP 6; thence in a curved line, as shown on the map, along the crest of a spur running from Kirambo in a north-easterly and northerly direction to the northernmost elbow of the River Kaku or Rutshuru; thence in a straight line across this river to the mouth of the stream Kasumo (Sumo); thence along the thalweg of this stream to its source; thence in a straight line to the lowest point, marked by BP 7 of the col north-east of the above-mentioned elbow of the River Kaku or Rutshuru; thence in a straight line to the confluence of the Rivers Kyarakibi and Murungu; thence following the thalweg of the River Murungu down-stream to its junction with the thalweg of the River Chonga; thence in a straight line to the summit of a hill(Muko), marked by BP 8, about 700 metres north-north-east of this junction; thence in a straight line in a northerly direction to the summit of the hill Chikomo (Deko South) or Katwakare, marked by BP 9; thence in a straight line to the summit of the hill Deko North; thence in a straight line to the summit of a hill (Nteko) about 3 km north by west of Deko North; thence in a straight line to the point, marked by BP 10, where the Kayonsa road crosses the River Ivi; thence in a straight line to a point marked by BP 11, about 1 km to the north of BP 10, on a prominent spur of the Nkabwa-Salambo range; thence following the crest of this spur to the summit of the hill Salambo; thence along the watershed of the Nkabwa-Salambo range to the summit of the hill Nkabwa, marked by BP 12.

From the summit of Nkabwa hill, the boundary runs in an easterly direction to the summit of the hill Kyeshero, marked by BP 12A; thence in the same straight line to the point known as Kakoraza, marked by BP 13; thence in the same straight line eastwards to the River Munyaga; thence along the thalweg of this river, downstream, to its junction with the thalweg of the River Ishasha; thence along the thalweg of the River Ishasha, downstream, to its mouth in Lake Edward; thence in a straight line in a northerly direction across Lake Edward to a point marked by BP 1 at the mouth of the River Lubilia-Chako; thence along the thalweg of this river to a point marked by BP 2; thence along the thalweg of this river to a point marked by BP 3; thence along the thalweg of this river to a point marked by BP 4; thence along the thalweg of this river to the point where it separates into the rivers Lubilia and Chako as marked by BP 5; thence along the thalweg of the River Chako to a point marked by BP 6; thence continuing along the thalweg of the River Chako, upstream, to its source at a point marked by BP 7; thence in a straight line to the highest point of the Ruwenzori Range, the summit o. Margharita Peak; thence in a straight line to the source of the River Lami, situated about 5.4 km north-west of the Peak Kalengili and about 20 km south-west of the hill-top Karangora; thence along the thalweg of the River Lamia, downstream, to its junction with the thalweg of River Semliki; thence along the thalweg of the River Semliki, downstream, to its mouth in Lake Albert; thence across Lake Albert in a succession of straight lines passing through the points situated mid-way between the shores of the

lake on parallels of 01° 31', 01° 45' and 02° 00' north latitude, to a point mid-way between the shores of the lake on the parallel of 02° 07' north latitude.

From this point the boundary runs in a northerly direction along the meridian for a distance of approximately 4.5 km north of the point on the parallel of 02° 07' north latitude; thence in a straight line to a point marked by BP 1 on the shore of Lake Albert and on the prolongation of a straight line from the hill Kagudi (Uduka) to the knoll Marombe on the escarpment overlooking Lake albert about 1.7 km south-east by east of the hill Kagudi, and is about 100 metres from the lakeshore on the said straight line; thence in a straight line to BP 2 on the hill Marombe, about 2 km from the lakeshore; thence in a straight line to BP 3, on the summit of the hill Kagudi (Uduka); thence in a straight line to BP 4 on the neck of the hill Ngumuda Biet (Otal), which is about 1.04 km from the hill Kagudi; thence in a straight line to BP 5 on the hill Biet (Otal), at a distance of 3.04 km from the hill Kagudi; thence in a straight line to BP 6 on the hill Virkidi on a straight line from the hill Kagudi to the hill Biet at a distance of about 4.8 km from Kagudi; thence in a straight line to BP 7 at the intersection of a straight line from the hill Kagudi to the hill Biet and a straight line from the hill Milia to the junction of the Rivers Nashiodo and Alala, close to the River Otal on its left bank and is known as Utal; thence in a northerly direction along the meridian of BP 7 on a straight line from the hill Milia to the junction of the Rivers Nashiodo and Alala to BP 8 about 4 km from the junction of the said rivers on the hill Wellingondo; thence along the meridian to BP 9 on the hill Nyatabu (Niatabu), about 2.48 km from the junction of the said rivers; thence along the meridian to BP 10 on the hill Nyatabu II (Nitabu) about 1.2 km from the junction of the said rivers in one of the villages known as Parombo; thence along the meridian to BP 11 on the right bank of the river Nashiodo (Achodo) at its junction with the River Alala; thence along the thalweg of the river upstream to its source to BP 12 on the summit of the hill Keresi; thence along a curved line following the watershed of the river Sido basin to BP 13 on the summit of the hill Aminzi; thence in a straight line to BP 14 on the summit of the hill Kiti in a straight line from the hill Aminzi to Monda (Omunda) Rock at a distance of about 2 km from Aminzi; thence in a straight line to BP 15 on the east immediately below the summit of the rock Monda; thence in a straight line to BP 16 on the right bank of the River Niabola (Nyibola) about 15 feet above its junction with the rivers Nyarwodo (Narodo) and Niabola (Nyibola); thence along the thalweg of the river Niabola (Nyabola) to BP 17 upon the summit of the hill Agu; thence along a curved line following the watershed of the river Aioda (Ayuda) basin on BP 18 on the summit of the hill Asina about 3.44 km south-west by south from the hill Agu; thence along the watershed to BP 19 on the summit of the hill Sisi; thence along the curved line following the watershed of the river Leda to BP 20 on the summit of the hill Ajigu; at a distance of about 2.56 km north-west by west of the hill Sisi; thence along a curved line following the watershed of the river Leda basin to BP 21, at a point 2.16 km west of BP 20; thence along a curved line following the watershed to BP 22 on the knoll Okiyo situated about 4.2 km south-east by east of the summit of the hill Cho; thence along a curved line to BP 23 on a small group of rocks (Matijo) upon the watershed between the river Niagak basin and that tributary which joins the Niagak just below the confluence of the rivers Niagaka and Amoda and is about 2 km south-east by east of the hill Cho; thence along a curved line to BP 24 on a small knoll on the above described watershed at a distance of about 200 metres from the confluence of the rivers Niagak and Amoda; thence in a straight line to BP 25 on the right bank of the river Amoda (Ammodar), immediately above its confluence with the river Nyalidha, at a point about 1,600 metres south west of the summit of the hill Akar; thence along the thalweg of the river Nyalidha to BP 26 upon the Nile-Congo watershed about 6.2 km west-south-west of the summit of the hill Akar and about 5.6 km south-south-east of the hill Utzi, close to the source of the river Omithameri.

From this point the boundary follows the Nile-Congo watershed in a northerly direction to a point about 0.3 km south of the source of the river Kaia (Kaya) the tri-junction of the Uganda/Zaire/Sudan International Boundaries; thence in a straight line to the source of the river Kaia (Kaya); thence along the thalweg of the river Kaia (Kaya) downstream to its confluence with the unnamed river which runs immediately south of Chei and

Lodwa rocks, and then runs in a northerly direction; thence in an easterly direction in a straight line to a point on the western summit of the hill Kirwa, marked by a surface beacon; thence in a south-easterly direction in a straight line to the confluence of the rivers Adjika and Khor Nyaura (Nyawa); thence in a north-easterly direction in a straight line to a point on the top of J. Jalei, marked by a surface beacon; thence in an easterly direction to the source of the river Khor Kayo (Kayu), approximately 3/4 miles from J. Jalei; thence following the thalweg of the Khor Kayo to a point on the thalweg directly opposite the westernmost point of the foothills of the escarpment running north-west from Jebel Elengua; thence in a straight line to the westernmost point of the foothills; thence following the bottom of the foothills of this escarpment in a south-easterly, or such a line as shall exclude the riverain people below Nimule; thence following due east to the intersection the thalweg of the river Bahr el Jebel (White Nile) with the thalweg of the river Unyama; thence along the thalweg of the river Unyama, upstream, to a point on the thalweg along the latitude of Jebel Ebijo; thence following due east to the summit of Jebel Ebijo; thence following in the direction of Jebel Kakomera to the thalweg of the river Achwa; thence following the thalweg of the river Achwa, downstream, to the intersection of the thalweg and a straight line towards the village Lokai to the northernmost point of the bottom of Jebel Marokho; thence following the summit of Jebel Agu; thence following the summit of Jebel Ilala (Lwomwaka); thence in a straight line in a north-easterly direction to the hill (Jebel) Modole; thence following a straight line in a south-easterly direction to the most south-easterly foothills of Jebel Terenteinia; thence in a straight line in a south-easterly direction to a point on the summit of the hill (Jebel) Lonyili marked by a triangulation mark 9.Y.2; thence on bearing 44° 45' and for a distance of 58,506 feet approximately to triangulation mark 9.Y.9, thence on bearing 44° 45' and for a distance of 17,831 feet approximately to a triangulation mark 9.Y.8; thence on bearing 44° 45' and for a distance of 26,945 feet to a triangulation mark 9.Y.6; thence on bearing 44° 45' and for a distance of 17,854 feet to a triangulation mark 9.Y.5; thence on bearing 44° 45' and for a distance of 7,320 feet to a triangulation mark 9.Y.4; thence on bearing 44° 45' for a distance of 6,420 feet to a triangulation mark 9.Y.3; thence on bearing 44° 45' and for a distance of 20,306 feet to a triangulation mark 9.Y.1 on the summit of the hill (Jebel) Urungo; thence on bearing 44° 45' to a point north of Mount Zulia at a distance of 31.5 miles approximately from 9.Y.1 and which is to the tri-junction of the Uganda/Sudan/Kenya International Boundaries. From this point the boundary is defined by a series Boundary Pillars joined by straight lines as follows; on an approximate bearing of 127° for an approximate distance of 21,500 ft. to Pillar UK 180; thence on a bearing of 132° 41' for a distance of 4,444ft. to Pillar UK 179;

15 180° 05'	5,313ft.	173;
193° 47'	3,942ft.	172;
252° 36'	11,338ft.	171;
175° 13'	6,533ft.	170;
108° 18'	7,280ft.	169;
136° 07'	12,882ft.	168;
118° 30'	12,368ft.	167;
184° 26'	1,847ft.	166;
193° 32'	8,426ft.	165;
195° 43'	12,045ft.	164;
208° 42'	606ft.	163;
225° 39'	1,958ft.	162;
244° 44'	4,290ft.	161;
244° 37'	5,256ft.	160;
186° 44'	7,960ft.	159;
185° 09'	797ft.	158;

141° 19'	224ft.	157;
105° 28'	1,390ft.	156;
62° 15'	6,590ft.	155;
79° 18'	6,628ft.	154;
79° 24'	562ft.	153;
98° 30'	7,857ft.	152;
86° 30'	6,719ft.	151;
19° 35'	2,151ft.	150;
54° 05'	1,326ft.	149;
52° 46'	1,387ft.	148;
84° 15'	7,907ft.	147;
88° 38'	2,969ft.	146;
93° 11'	3,880ft.	145;
162° 13'	10,907ft.	144;
169° 22'	1,233ft.	143;
180° 05'	6,988ft.	142;
276° 03'	4,216ft.	141;
269° 35'	12,526ft.	140;
220° 56'	4,826ft.	139;
213° 23'	4,857ft.	138;
244° 58'	2,355ft.	137;
262° 40'	1,631ft.	136;
176° 51'	2,685ft.	135;
71° 53'	2,157ft.	134;
141° 01'	1,898ft.	133;
73° 20'	2,900ft.	132;
95° 51'	1,882ft.	131;
107° 02'	5,231ft.	130;
193° 16'	1,233ft.	129;
164° 54'	3,325ft.	128;
249° 32'	2,213ft.	127;
248° 20'	5,751ft.	126;
257° 52'	1,900ft.	125;
131° 49'	3,476ft.	124;
72° 43'	4,611ft.	123;
81° 33'	1,335ft.	122;
69° 56'	6,268ft.	121;
68° 27'	4,067ft.	120;
68° 08'	2,676ft.	119;
108° 26	1,514ft.	118;
120° 39'	591ft.	117;
174° 30'	1,137ft.	116;
177° 54'	1,945ft.	115;
73° 00'	766ft.	114;
29° 30'	2,694ft.	113;

79° 44'	907ft.	112;
66° 16'	1,937ft.	111;
79° 55'	2,194ft.	110;
145° 27'	8,509ft.	109;
156° 21'	6,769ft.	108;
135° 26'	8,205ft.	107;
125° 22'	6,438ft.	106;
129° 06'	5,399ft.	105;
187° 04'	4,979ft.	104;
190° 48'	3,490ft.	103;
206° 19'	1,348ft.	102;
90° 43'	989ft.	101;
19° 19'	13,4[illegible]ft.	100;
43° 44'	3,[illegible]13ft.	99;
72° 50'	4,525ft.	98;
77° 44'	6,713ft.	97;
91° 40'	5,820ft.	96;
119° 12'	3,050ft.	95;
137° 48'	9,847ft.	94;
138° 59'	2,497ft.	93;
166° 14'	4,695ft.	92;
208° 52'	5,792ft.	91;
109° 54'	13,971ft.	90;
130° 36'	3,998ft.	89;
189° 05'	11,610ft.	88;
190° 53'	9,774ft.	87;
173° 59'	11,720ft.	86;
185° 18'	3,718ft.	85;
185° 17'	8,946ft.	84;
185° 17'	9,408ft.	83;
214° 56'	3,320ft.	82;
223° 42'	6,391ft.	81;
234° 33'	4,606ft.	80;
264° 01'	9,781ft.	79;
305° 56'	2,607ft.	78B;
254° 05'	658ft.	78A;
166° 43'	3,498ft.	78;
135° 44'	7,662ft.	77;
147° 08'	7,410ft.	76;
171° 43'	6,334ft.	75;
212° 11'	6,726ft.	74;
249° 27'	3,158ft.	73;
181° 55'	13,506ft.	72;
170° 05'	2,587ft.	71;
129° 00'	5,641ft.	70;

137° 01'	8,709ft.	69;
165° 27'	13,939ft.	68;
159° 01'	9,269ft.	67;
174° 59'	14,818ft.	66;
179° 35'	5,101ft.	65;
172° 44'	9,833ft.	64;
178° 53'	6,324ft.	63;
148° 52'	3,609ft.	62;
98° 07'	3,818ft.	61;
124° 01'	5,022ft.	60;
122° 27'	284ft.	59;
147° 13'	4,281ft.	58;
157° 07'	5,115ft.	57;
66° 06'	6,710ft.	56;
107° 46'	9,418ft.	55;
117° 32'	4,055ft.	54;
151° 38'	10,044ft.	53;
131° 09'	6,896ft.	52;
171° 33'	7,589ft.	51;
185° 03'	3,500ft.	50;
181° 55'	6,136ft.	49;
177° 35'	11,141ft.	48;
156° 20'	4,169ft.	47;
142° 05'	3,944ft.	46;
175° 32'	7,091ft.	45;
170° 00'	21,063ft.	44;
112° 40'	13,232ft.	43;
119° 36'	3,082ft.	42;
160° 39'	14,972ft.	41;
105° 33'	5,819ft.	40;
87° 07'	6,099ft.	39;
98° 58'	2,741ft.	38;
32° 32'	6,258ft.	37;
120° 25'	2,826ft.	36;
157° 06'	3,252ft.	35;
113° 29'	3,665ft.	34;
106° 38'	2,097ft.	33;
109° 05'	1,927ft.	32;
119° 28'	2,032ft.	31;
154° 27'	4,336ft.	30;
156° 57'	7,396ft.	29;
74° 05'	4,234ft.	28;
140° 39'	3,143ft.	27;
159° 12'	1,522ft.	26;
159° 02'	1,137ft.	25;

162° 28'	6,582ft.	24;
164° 56'	11,085ft.	23;
173° 19'	6,900ft.	22;
181° 26'	2,542ft.	21;
191° 10'	3,580ft.	20;
190° 36'	12,898ft.	19;
133° 27'	7,521ft.	18;
161° 49'	6,006ft.	17;
162° 32'	4,634ft.	16;
136° 59'	17,307ft.	15;
157° 19'	6,478ft.	14;
145° 56'	9,097ft.	13;
128° 23'	7,482ft.	12;
79° 21'	3,788ft.	11;
6° 50'	6,123ft.	10;
75° 11'	5,044ft.	9;
144° 31'	2,289ft.	8;
169° 05'	14,429ft.	7;
165° 40'	12,000ft.	6;
92° 56'	7,352ft.	5;
160° 24'	1,785ft.	4;
167° 20'	4,482ft.	3;
158° 00'	10,395ft.	2;
86° 07'	2,112ft.	1;

situated on the east bank of the River Kanamuton at Map Reference YT 1773 (Sheet NA-36-8); thence following a straight line up the centre to the top of the pass known as Karamuroi (Suk) or Karithakol (Karamojong); thence southerly following a straight line to the hillock called Lokula; thence south-easterly following a straight line to a beacon at the highest point of the ridge known as Kariemakaris; thence continuing following a straight line, still southerly, to the foot of the western spur of the hill known as Aoruma, and following the foot of that spur to a beacon; thence in a generally southerly direction following straight lines to the westernmost end of the small hillock known as Lewi Lewi, to the hillock known as Sumemerr (known to the Suk as Sumaremar) to the hillock Morumeri, to the hill known as Kauluk, across the Kanyangareng River to Nongalitaba Hill, across the Kunyao River to the small hillock known as Lokwamor, to the hillock known as Kokas, to Korkurao Hill; thence to Sagat Hill and along the highest points of the rocky ridge (forming a continuation of Mount Riwa and known collectively by the Karamojong as Kogipie) known severally as Sagat (Karamojong) or Kogipie(Suk), Moruebu and Karenyang; thence to the summit of the hill Muregogoi: thence following a straight line to the source of the River Maragat; thence by the centre of the River Maragat to its confluence with the river Maron; thence south-westerly by the foot of the north-western slopes of Kassauria Hill to the western extremity of that hill; thence following a straight line south-easterly to the north-eastern extremity of Mount Riwa; thence following the foot of the eastern portion of Mount Riwa to the source of the Kanyerus River (marked by a large tree); thence south-easterly following a line of cairns, approximately in a straight line to the confluence of the River Bukwa (Kibukwa) with the River Suam (Swam); thence following the thalweg of the River Suam, upstream, to the point where the more north-westerly of the two streams forming the River Suam (Swam) or Turkwell emerges from the crator of Mount Elgon; thence following a straight line south-westerly to the highest point of Mount Elgon (Sudek).

From this point, the boundary continues following a straight line in a north-westerly direction to the Wagagai summit of Mount Elgon; thence following a straight line, south-westerly, to the source of the River Malaba (also known as the Lwakaka or Lwagaga); thence following the thalweg of the River Malaba to its intersection with the eastern side of the Majanji-Busia-Tororo road at Map Reference XR 2765 (Sheet NA-36-15); thence in a south-westerly direction following a line on the east side of and 100 feet distant from and parallel to the centre line of the said road to its intersection with the River Okame at Map Reference XR 2458 (Sheet NA-36-15); thence upstream following the thalweg of the River Okame to its confluence with the River Alupe; thence upstream following the thalweg of the River Alupe to a point at Map Reference XR 2453 (Sheet NA-36-15) marked by a boundary cairn; thence following successively in a south-westerly direction, a number of boundary cairns at distances from each other of 550 feet, 1226 feet, 959 feet, 976 feet, 1007 feet, 580 feet, 1512 feet, 463 feet, 2364 feet (on the northern side of the main Busia-Mumias road) and 1436 feet at the source of the River Sango at Map Reference XR 2251 (Sheet NA-36-15); thence downstream following the thalweg of the River Sango to its confluence with the River Sio; thence following the thalweg of the River Sio to its mouth in Lake Victoria.

From this point, the boundary continues following a straight line south-westerly to the most northerly point of Sumba Island; thence by the western and south-western shores of that island to its most southerly point; thence following a straight line south-easterly to the most westerly point of Mageta Island; thence following a straight line, still southerly, to the most western point of Kiringiti Island; thence following a straight line southerly to the most westerly point of Ilemba Island; thence following a straight line southerly to the westernmost point of Pyramid Island; thence following a straight line due south to a point on latitude 01°00'S.

From this point the boundary continues following the 01°00'S parallel to the western shore of Lake Victoria; thence following the boundary pillars already erected along the 01°00'S as far as the second crossing of this line by the River Kagera, between boundary pillars Nos. 27 and 26; thence following the thalweg of the River Kagera, upstream, to its confluence with the River Kakitumba; thence following the thalweg of the River Kakitumba, upstream, to its confluence with the River Chizinga; hence following the River Chizinga, upstream, to the source of its south-western branch marked by BP 38, and continuing along the thalweg in a south-westerly direction to BP 37 on the saddle between the hills Mavari and Kitoff; thence north-westerly in a straight line to a direction pillar on a knoll at the foot of the easterly spur of Kitoff; thence in a straight line along the easterly spur of Kitoff to a direction pillar; thence in a straight line to a direction pillar on the south-easterly spur of Kitoff; thence in a straight line to BP 36 on the prominent southerly spur of Kitoff; thence continuing around the slopes of the hill Kitoff marked by direction pillars to BP 35 and by direction pillars along the westerly spur of Kitoff and in a series of straight lines to BP 34; thence continuing to BPs 33 and 32 along the eastern slopes of the Mashuri range marked at each change of direction by a direction pillar as far as BP 31 on a conspicuous small hill; thence in a straight line in a south-easterly direction to another conspicuous small hill marked by a direction pillar; thence in a straight line across the River Muvumba to the southern summit of the hill Ndega (Mbega) marked by BP 30; thence in a straight line to a direction pillar in the valley between the hills Ndega and Kivisa; thence in a straight line to a direction pillar on the northern spur of the hill Kivisa; thence along the spur of this hill to its summit marked by BP 29; thence continuing along a very conspicuous water parting to the top of the hill Magumbizi marked by BP 28; thence along a line marked by direction pillars following the long easterly spur of the hill Nebishagara to its summit marked by BP 27; thence along the crest of the conspicuous western spur to a direction pillar; thence in a straight line to a direction pillar on a conspicuous knoll in the valley; thence along the crest of a spur leading south-west and south to the summit of the hill Kitanga marked by a direction pillar; thence in a straight line to the summit of the conspicuous small hill Nyakara marked by a direction pillar; thence in a straight line marked by a direction pillar in the valley to BP 26 on the northern crest of the hill Kavimbiri; thence along the crest in a southerly direction to the top of Kavimbiri marked by BP 25; thence along the crest of this hill in a north-westerly direction, marked

by direction pillars to BP 24; thence down the crest of a prominent spur to BP 23 at its foot, as more particularly delineated on Uganda 1/50,000 sheet 94/3 (Series Y 732). The boundary then crosses the Kamuganguzi or Murinda swamp and follows the thalweg of the Kiruruma swamp to a direction pillar at the edge of that swamp and thence to BP 22 on a conspicuous knoll; thence in a west-south-westerly direction marked by direction pillars along the spur of the hill Kisivo to its summit marked by BP 21; thence in a straight line to BP 20 in the valley east of the hill Sanja; thence in a straight line to the top of the hill sanja marked by BP 19; thence in a straight line to the top of the hill Akasiru marked by a direction pillar; thence in a straight line to BP 18 which is situated 4 km north-west of the summit of the hill Gwassa; thence in a straight line to the source of the River Kiruruma marked by BP 17; thence following the thalweg of the River Kiruruma (Vigaga) downstream to BP 16 at its confluence with the River Mugera (Narugwambu); thence in straight line due west marked by a direction pillar to BP 15; thence along the crest of the Vugamba range by direction pillar to BP 14 on the hill Maberemere; thence by direction pillars to BP 13 on the most northerly point of the range; thence by direction pillars to the hill Kanyaminyenya marked by BP 12; thence continuing along the crest of the Vugamba range to its southern summit marked by BP 11; thence in a straight line to BP 10 on the top of the hill Lugendabare; thence in a straight line to BP 9 on the hill Namujera; thence in a curved line marked by BPs 8, 7, 6, 5 and 4 to the summit of the hill Musonga (East) marked by BP 3 as more particularly delineated on Uganda 1/50,000 sheet 93/4 (Series Y 732). The boundary continues along the crest of this hill in a south-westerly direction marked by a direction pillar to BP 2 situated between the hills Nyarubebsa and Musongo and on the track leading southwards; thence to the summit of the hill Nyarubebsa marked by a direction pillar; thence in a south-westerly direction along the spur referred to as the Mulemule-Musongo spur to the highest point of Muhavura; thence along the watershed from the highest point of Muhavura to the highest point of Mgahinga; thence in a westerly direction to BP 1 on the north-south track running between Mgahinga and Sabinio; thence along the watershed to the highest point of Mount Sabinio the point of commencement.

SECOND SCHEDULE

Article 41 (a)

UGANDA'S ETHNIC COMPOSITION AS AT 1ST FEBRUARY, 1926

Groups

1. Acholi
2. Alur
3. Baamba
4. Baganda
5. Bagisu
6. Bagwe
7. Bagwere
8. Bahehe
9. Bahororo
10. Bakenyi
11. Bakiga
12. Bakonjo
13. Banyankole
14. Banyarwanda
15. Banyole
16. Banyoro
17. Basamia
18. Basoga
19. Batoro
20. Batuku
21. Batwa
22. Chope
23. Dodoth
24. Ik (Teuso)
25. Iteso
26. Jie
27. Jonam
28. Jopadhola
29. Kebu (Okebu)
30. Kuku
31. Kakwa
32. Karamojong
33. Kumam
34. Labwor
35. Langi
36. Lendu
37.. Lugbara
38. Madi
39. Mvuba
40 Mening
41. Nangai-Napore
42. Nubi
43. Nyakwai
44. Oropom
45. Sebei
46. Se (Tepeth)
47. Suk
48. Vonoma

THIRD SCHEDULE

Article 101 (3)

OATH OF ALLEGIANCE

I..... swear/solemnly affirm that I will be faithful and bear true allegiance to the sovereign state of Uganda and that I will preserve, protect and defend the Constitution. [So help me God.]

To be sworn before the Chief Justice or other Justice of the Supreme Court or Judge of the High Court.

PRESIDENTIAL OATH

I..... swear in the name of the Almighty God/solemnly affirm/that I shall faithfully exercise the functions of the President of Uganda and shall uphold, preserve, protect, and defend the Constitution and observe the laws of Uganda and that I shall promote the welfare of the people of Uganda [So help me God.]

To be sworn before the Chief Justice or other Justice of the Supreme Court or Judge of the High Court.

FOURTH SCHEDULE

Article 211

FUNCTIONS AND SERVICES EXCLUSIVELY RESERVED TO THE CENTRAL GOVERNMENT

1. Arms, ammunition and explosives.

2. Defence, security, maintenance of law and order.

3. Banks, banking, promissory notes, currency and exchange control.

4. Taxation of incomes, profits and such taxation as arises by way of implementation of the services on the exclusive list.

5. Citizenship, immigration, emigration, deportation, extradition and passports.

6. Copyrights, patents and trademarks and all forms of intellectual property; incorporation and regulation of business organisations.

7. Land, Mines, Mineral, and Water resources and the environment.

8. National Parks, as may be prescribed by Parliament.

9. Public Holidays.

10. National monuments, antiquities, archives and public records, as Parliament may determine.

11. Foreign relations and external trade including the control of prices and customs and duties as Parliament may deem appropriate.

12. Making national plans for the provision of all services, including those to be run by the Local Governments.

13. Any matter incidental to the services mentioned in this Schedule.

ATTACHMENT 3

MINISTRY OF CONSTITUTIONAL AFFAIRS
"CONSTITUENT ASSEMBLY PROJECT"

THE CONSTITUENT ASSEMBLY PROJECT

1 Objectives of Project

There are two broad objectives of the Constituent Assembly Project. These are -

(a) To organise and conduct democratic and free and fair elections of the delegates to the Constituent Assembly;

(b) To operate and manage the Assembly once delegates are elected. The total number of delegates will number about 300 and the Assembly is to sit for a period not exceeding seven months.

2 Technical Description:

(a) Technical Diamensions

Both the processes of the election of the delegates to the Assembly and the operation of the Assembly involve several highly technical aspects. These elections of the delegates itself measures up to a national general election. The infrastructure to be put in place also aims at servicing the general election to be held subsequent to coming into force of the new Constitution, in 1994.

The more pertnent technical aspects of the programme include

- Proper and detailed planning of the entire electoral and Assembly processes with specific and co-ordinated deadlines to ensure proper implementation
- demarcation of Electoral Areas in accordance with the provisio of the Constituent Assembly Statute, 1993 (to be published in the Gazettee within a week's time)
- Registration of voters throughout the country and preparation of a national voters' register
- designing and implementing a nationwide civic education programme aimed at voter education

- designing and implementing a training programme for the election officers throughout the country

- establishing, for proper electoral co-ordination, an adequate communication linkage between Kampala and the districts or specific regions

- procuring and distributing, on time, election material and ensuring their safety

- providing sufficient necessary documentation and relevant information to the delegates in order to facilitate informed debate and decisions in relation to constitutional issues. Considerable constitution research involving a comperative dimension in terms of constitutional research will have to be carried out.

- proper and accurate recording of the deliberations of the Assembly and publishing, on a daily basis, a journal of the deliberations of the Assembly

- drafting the final constitutional text and publishing the final constitutional text once the Assembly enacts and promulgates the new constitution.

(b) Technical Consultants and Advisors

The UNDP has indicated willingness to provide for the purposes of the project, for a duration of six months (during the first part of the project) six technical consultants, namely -

- a chief technical advisor
- a senior consultant in logistics
- a consultant in civic education
- a consultant in informatics
- a consultant in training
- a consultant in communication

In addition UNDP will provide five national consultants in, logistics, civic education, training and in informaties to

work closely with the foreign consultants in the respective areas of the project. Both foreign and national consultants together with their logistical requirements will be funded by UNDP at an estimated total cost of US $ 536,000.

3 Feasibility Study

- the Constituent Assembly Statute 1993 (now awaiting Presidential assent and hopefully to be published in the official Gazette of Friday 21st May, 1993.)
- the UNDP report on Needs Assessment on the Election of the Constituent Assembly
- the UNDP Project Document on Constituent Assembly Elections

would suffice in the absence of a formal feasibility study.

4 Financing

The total cost of the Project, except for the UNDP sub Project involving technical consultancy as mentioned above is approximately Uganda Shillings 10,260,717,600= as a preliminary estimate.

- The principal source of funding is the Government of Uganda. The Constituent Assembly Statute provides that all funds requiged for the programme are a direct charge on the Consolidated Fund
- The Government of Uganda has already approached representatives of some possible donors and the preliminary response has indicated willingness by the donors to assist substantially (up to 50% of the total cost) and that is only if the Government of Uganda provides the balance.
- A very crucial aspect of the funding of this project lies in the fact that funds have to be made available at once in order for the various co-ordinated project acitivities to run concurrently.

5 Plan of Operation

A preliminary plan of operation is indicated below. However, it should be noted that the preliminary plan is subject to review and redraw by the Commission for Constituent Assembly once appointed-

ACTIVITY	PERIOD OF TIME						
	May/June	July	Aug	Sept	Oct	Nov	Dec/Jan
Publication of Statute and Appointment of Commissioner/ Deputy Commissioners	XXX						
Demarcation of Electoral Areas, Appointment of Returning Officers and training of registration officers		XXX					
Commencement of Civil education and registration compilation of registers at Parish level		XXX	XXX				
Compilation of Electoral Area and National Register				XXX			
Display of Register, appointment of Presiding Officers e.t.c. and their training					XX		
Nomination of Candidates						XX	
Preparation of Ballot Papers						XX	
Candidates Meetings						.XX	XX
Distribution of Polling Kits							XX
Polling Day							XXX

From January - July, 1994 - Debate of Draft Constitution

- Enactment and Promulgation of New Constitution

Total Duration of Programme - 14 months (Both components)

EXPLANATORY NOTES TO SUPPLIMENTARY ESTIMATES ON THE

1993/94 FINANCIAL YEAR TO MEET THE COST OF THE CONSTITUENT ASSEMBLY

A. Secretariat Staff Allowances:-

These include Honoraria, Safari day/Lunch, Subsistence, Consolidated monthly Housing, and Consolidated monthly Mileage/Transport allowances. These have been proposed after taking into consideration the level of allowances which had, hitherto, been drawn by the Uganda Constitutional Commissioners, the recently revised allowances in the Civil Service and members of the executive plus the status/importance of this Commission not withstanding its responsibilities. We think that the levels proposed are fair and reflect the current economic conditions in the Country.

We envisage the Secretariat to cater for the Chairman, his two deputies, 17(seventeen) officers, 10(ten) Secretarial staff, 10(ten) Clerical staff and 5(five) group employees. Services of 4(four) experts will also be sought for a period of only four(4) months.

B. Operation & Maintenance of Vehicles:-

The Secretariat will need about 6(six) Vehicles: one for the chairman, the two deputies and three for the pool. These may be needed for perhaps a full financial year.

Another 20(twenty) Vehicles (Stout-Pick ups) will be required to assist in organising the Constituent Assembly elections for a period of at least two(2) months. All these vehicles have got to be catered for as far as fuel, Tyres/Tubes, Batteries, Servicing and major repairs, are concerned. You may appreciate the expenses involved inlight of the extent of travelling up-country and the state of disrepair in which some up-country roads are.

C. Office Expenses:-

These mainly comprise of Stationery items, welfare and entertainment, maintenance and repair of office equipment plus their spares. Communication expenses like postal, Telegraphic/Fax and Telephone charges, also, fall under this item. Due to the nature of the Secretariats' work, all types of stationery will be required in very big quantities to enable the Secretariat supply all the necessary materials to the Constituent Assembly delegates.

D. Advertising and Public Relations:-

The Secretariat will have to carry out a public Relations exercise by organising some programmes over the Radio and T.V for purposes of sensetising the public about the elections. At the same time running advertisements in Newspapers and over the T.V; will further help to prepare the public for the elections.

E. Printing Expenses:-

This item involves printing materials to be used by the delegates plus recording the proceedings of the Assembly. This exercise is expected to last about 6(six) months, sitting for perhaps 26(twenty six) days per month and providing 350(three hundred fifty) copies on a daily basis.

There is, also, the element of printing about 20,000(twenty thousand only) copies of the final Constitution which should be availed to the public as a matter of urgency.

F. Hiring Charges:-

The International Conference Centre main Hall will be hired for about 2(two) months for use of the delegates to the Constituent Assembly. It is, also, envisaged that deliberations may take or run for 26(twenty six) days each month. At the same time, this item will also cater for the pre-registation, publicity and other advertisement charges to be incurred throughout the Country before the Assembly comes into session.

G. Training at District Headquarters:-

It is extremely important to carry out a two days' training exercise of Registration/Polling officers so that they get acquainted with the exercise of how to handle the elections. It is anticipated that about 5,000(five thousand) parishes throughout the Country will provide 4(four) people for training and we shall provide them with a lunch allowance of shs.2,000/= (shillings two thousand only)per day for 2(two)days. At the end of the exercise, transport allowance of shs.5,000/= (shillings five thousand only) on average, is to be provided to each participant to and fro.

296

Each District will also select about 12(twelve) people each to assist in the overall exercise of preparing for the elections and these will be provided with a lunch allowance of shs.4,000/= (shillings four thousand only) per day for 2(two) days.

H. Election Officials:-

These officials comprise of Returning officers, Assistant Returning officers, Presiding officers and Polling assistants. Each category of officers has got different number of days to be involved in the exercise.

However, we envisage that the allowance shown against each category is fair considering the amount of responsibilities and time involved in the whole exercise.

I. Travelling and Transport Inland:-

In the process of preparing for the Constituent Assembly elections, the Commissioner and his two deputies plus a number of the Secretariat staff, will have to do some travelling up-country and we envisage that 15(fifteen) days per month for a period of 6(six) months will suffice. The rates of subsistence allowances to be drawn by each category of officers is based on the current rates being drawn by similar Commissions like the Uganda Constitutional Commission and the current prevailing economic conditions. We have also, been guided by the recent circular from Ministry of Public Service revising all categories of allowances to Civil Servants and members of the executive.

J. Candidates' Meetings:-

Returning officers are supposed to convene meetings of prosepective candidates at various times and places. We anticipate that these meetings may run for a period of 30(thirty) days. In this case, we have to provide for the officials involved in terms of Safari-day allowance and fuel since at least each District Administrater has a vehicle at his/her disposal.

K. Ballot Papers:-

We estimate that there are 7,000,000(seven million only) prospective Voters for whom we have to print ballot papers indicating each candidate's picture. These ballot papers have got to be printed outside the Country and be airlifted for Security purposes. Hence, you may appreciate the astronomical costs involved.

L. Printing Voters Registers, Registration Forms and Certificates:

At the same time, we have got to print Registration forms and Certificates in the same qualities as the ballot papers. Voters' registers for each parish need, also, to be printed and the figures shown on each of the above are very conservative though they may be taken as a guide/estimate.

M. Voters' Rolls and Electoral Stain:-

Voters' Rolls for each of the 5,000(five thousand only) parishes should be prepared to be ready for the use of election officials.

Since most voters deep in the villages do not know how to write, electoral stain has got to be provided for purposes of endorsement and identification. The figures shown against these two items are also conservative and very much of estimates.

N. Hired Transport(Distribution of ballot Boxes, Papers and other Materials)

Prior to the Elections' date, ballot boxes, Papers and other election materials will have to be distributed to the various centres. We envisage to use hired transport since it is a one time exercise. If we are to distribute about 30,000(thirty thousand only) ballot boxes to various centres, you can imagine the task and the expenses involved in terms of hired transport.

O. Communication System-:-

A central communication system linked to district Headquarters is necessary to monitor any problems at polling centres throughout the Country. The system may, also, be used to transimit election results to Headquarters (Kampala). Since the system is to cover the whole Country, you can appreciate the price tug attached to this system and its accessories.

P. Transport & Travelling (Abroad):-

The Commissioner or his deputy may wish to travel abroad in order to purchase some materials physically and use the same opportunity to learn the experience of other countries in organising such elections.

275

The amount indicated on this item is modest considering that it involves purchase of foreign exchange at the open-market rates.

Q. Training Abroad:-

Some specialised training to certain officers may be necessary to enable them gain some specialised knowledge about organising the elections. This may involve two or three officers for a period of roughly three weeks. Again, here, foreign exchange will have to be purchased on the open market for the purpose.

R. Research (Local):-

Research is necessary to gain some insight about the population density, communication problems, demarcation of constituencies, and other problems related with the elections. This covers a wide range of areas and therefore the figure indicated against this item is conservative and estimated.

S. Allowances to Chairman/Deputy Chairman and delegates of the Constituent Assembly

Since the Chairman and his deputy has a special role to play in the assembly, we propose that they both draw monthly Honoraria and consolidated mileage allowance for about 7(seven) months. The rates indicated reflect the economic conditions prevailing in the country at the moment.

Since all delegates will be taken to hail from up-country and it is not feasible to provide them with accomodation; it is proposed that each delegate draws subsistence allowance per day for a period of 7(seven) months.

Sitting allowance is also, drawn per sitting for a period of 7(seven) months.

Transport allowance is to assist the delegates move in and around Kampala since public transport is not feasible.

At the end of the whole exercise, we envisage to refund transport expenses by public means rates to and fro; for all the delegates. The delegate may go into recess to go back to their respective constituencies for consultations and hence the 4(four) times indicated under this same item. The transport expenses involved are taken as averages.

As regards the rates of subsistence and sitting allowances, we have been guided by the recent circular from Ministry of Public Service, revising all categories of allowances to civil servants and members of the executive. We feel that the rates are fair considering the responsibility and status of the delegates.

T. Ballot Boxes:-

All in all we anticipate to use between 18,000 - 20,000 ballot boxes. 3,00 (three thousand only) of the boxes can easily be mobilised internally. These are part of the boxes which were used during the 1980 general elections. We hope to refurbish these and use them again.

We envisage to place an order to 16,000 - 17,000 from local firms at an average cost of about US$.95.00 (ninety five only) each or the equivalent in local currency; after an award by the Central Tender Board.

U. Purchase of Office Equipments and Furniture:-

These include Typewriters, Filing Cabinets, Office Desks/Chairs, Shelves, Computers, Photocopiers, Duplicating Machines, Fax Machines, Safe, etc.. You may appreciate the amounts involved here if you imagine the various up-country stations which need to be equipped with some of the mentioned items.

V. Purchase of Vehicles:-

We hope to purchase 14 (fourteen) Pick-ups for use in organising and during the election exercise. At the same time, we feel that about 4,000 (four thousand) bicycles will be needed up-country to assist in a similar manner.

We, also, envisage that some areas need the services from canoes, boats with outboard engines; for which we shall pay rental charges at the estimated figure indicated on that item.

DRAFT ESTIMATES OF RECURRENT EXPENDITURE FOR THE CONSTITUENT ASSEMBLY 1993/94 FINANCIAL YEAR.

A. OPERATIONAL COSTS:

1. Office Expenses

a) Stationery Items	=	200,000,000=
b) Spares	=	6,000,000=
2. Maintenance and Repair of Office Equipment	=	50,000,000=
3. Postal, Telegraphic/Fax, Telephone & Other Rates	=	20,000,000=
4. Recreation, Welfare and Entertainment	=	10,000,000=
5. Civic, Education and Advertising	=	120,000,000=
SUB-TOTAL:		406,000,000=

6. Maintenance of Vehicles

a) Fuel		
- shs.950= x 6 vehicles x 300 days x 50 lts	=	85,500,000=
b) Tyres/Tubes		
- shs.250,000= x 6 vehicles x 8 tyres	=	12,000,000=
c) Batteries		
- shs.100,000= x 6 vehicles x 9 months	=	5,400,000=
d) Service & Repair		
- shs.3,000,000= x 6 vehicles x 9 months	=	162,000,000=
e) Fuel & Servicing 20 vehicles		
- shs.4,000,000= x 20 vehicles x 4 months	=	320,000,000=
SUB-TOTAL:		584,900,000=

7. Printing Expenses

a) Recording the Proceedings & Printing of Records		
- shs.1,500= daily x 350 copies x 26 days x 6 months	=	81,900,000=
b) Printing 20,000 copies of the final Constitution		
- shs.3,000= each x 20,000 copeis	=	60,000,000=
SUB-TOTAL:		141,900,000=

..../2

8. Hiring Charges

a) Committee Rooms/Conference Centre

- shs.265,650= x 52 days x 2 = 27,627,600=

b) Canoes, Boats, Outboard Engines

(Rental Charges) = 18,000,000=

SUB-TOTAL: 45,627,600=

9. Training at the District Headquarters/Sub-County Headquarters

Two days training of Registration/Polling Officers

i) Lunch Allowance

- 5,000 Parishes x 4 people x shs.2,000= x 4 = 160,000,000=

ii) Transport Allowance

- 5,000 Parishes x 4 people x shs.1,000= x 4 = 80,000,000=

iii) Lunch Allowance

- 39 Districts x 20 people x shs.3,000= x 4 = 9,360,000=

iv) Transport Allowance

20 people x shs.3,000= x 4 = 240,000=

v) Safari day/Transport Allowance for Trainers at Sub-county level

- shs.10,000= x 2 days x 900 people = 18,000,000=

SUB-TOTAL: 267,600,000=

B. SECRETARIAT STAFF:

1. Honoraria

a) i) Commissioner

- shs.350,000= x 12 months x 1 person = 4,200,000=

ii) Two Deputies

- shs.300,000= x 12 months x 2 people = 7,200,000=

iii) 17 Officers

- shs.150,000= x 12 months x 17 people = 30,600,000=

b) Secretariat Staff/Computer Operators

- shs.100,000= x 12 months x 10 people = 12,000,000=

..../3

c) i) 10 Clerical Officers
- shs.75,000= x 12 months x 10 people = 9,000,000=

ii) 5 Group Employees
- shs.50,000= x 12 months x 5 people = 3,000,000=

d) 20 Drivers
- shs.50,000= x 12 months x 20 people = 12,000,000=

SUB-TOTAL: 78,000,000=

2. Safari-day/Lunch Allowance

a) i) Commissioner
- shs.12,000= x 15 days x 6 months x 1 person = 1,080,000=

ii) 2 Deputies
- shs.10,000= x 15 days x 6 months x 2 people = 1,800,000=

iii) 17 Officers
- shs.8,000= x 15 days x 6 months x 17 people = 12,240,000=

b) 10 Secretariat Staff
- shs.4,500= x 26 days x 12 months x 10 people = 14,040,000=

c) i) 10 Clerical Staff
- shs.3,000= x 26 days x 12 months x 10 people = 9,360,000=

ii) 5 Group Employees
- shs.2,000= x 15 days x 6 months x 5 people = 900,000=

iii) 20 Drivers
- shs.2,000= x 15 days x 6 months x 20 people = 3,600,000=

SUB-TOTAL: 43,020,000=

3. Consolidated Monthly Mileage Allowance/Transport Allowance

a) 17 Officers
- shs. 200,000= 12 months x 17 people = 40,800,000=

b) 10 Secretariat Staff
- shs.80,000= x 12 months x 10 people = 9,600,000=

c) i) 10 Clerical Staff
- shs.50,000= x 6 months x 10 people = 3,000,000=

ii) 25 Group Employees
- shs.30,000= x 6 months x 25 people = 4,500,000=

SUB-TOTAL: 57,900,000=

..../4

4. Consolidated Monthly Housing Allowance

a) i) Commissioner

- shs.600,000= x 12 months x 1 person = 7,200,000=

ii) 2 Deputies

- shs.500,000= x 12 months x 2 people = 12,000,000=

iii) 17 Officers

- shs.250,000= x 12 months x 17 people = 51,000,000=

b) 10 Secretariat Staff

- shs.100,000= x 12 months x 10 people = 12,000,000=

c) i) 10 Clerical Staff

- shs.75,000= x 12 months x 10 people = 9,000,000=

ii) 25 Group Employees

- shs.50,000= x 12 months x 25 people = 15,000,000=

SUB-TOTAL: 106,200,000=

5. Experts

Honoraria

4 Committee Experts

- shs.350,00= x 6 months x 4 people = 8,400,000=

Lunch Allowance

- shs.10,000= x 26 days x 6 months x 4 people = 6,240,000=

SUB-TOTAL: 14,640,000=

C. ELECTION OF CONSTITUENT ASSEMBLY DELEGATES:

1. Registration Officers

- shs.3,000= x 3 people x 14 days x 5,000 Parishes = 630,000,000=

2. Election Officials

i) Returning Officers - one per District

- shs.50,000= x 4 days x 39 people = 7,800,000=

ii) Assistant Returning Officers - two each

- shs.30,000= x 4 days x 78 people = 9,360,000=

iii) Presiding Officers - one each Parish

- shs.15,000= x 9,000 Polling Station x 2 days = 270,000,000=

iv) Polling Assistants - two each Parish

- shs.6,000= x 1 day x 18,000 people = 108,000,000=

SUB-TOTAL: 1,025,160,000=

..../5

3. Secretariat Officials (Travelling and Transport Inland)

i) Commissioner

- shs.35,000= x 15 days x 6 months x 1 person = 3,150,000=

ii) 2 Deputies

- shs.30,000= x 15 days x 6 months x 2 people = 5,400,000=

iii) 17 Officers

8 Officers

- shs.30,000= x 15 days x 6 months x 8 people = 21,600,000=

12 Drivers

- shs.20,000= x 15 days x 6 months x 12 people = 21,600,000=

SUB-TOTAL: 51,750,000=

3. Candidates' Meetings

Returning Officers

i) Safari Day Allowance

- shs.6,000= x 39 Districts x 30 days x 3 = 21,060,000=

ii) Fuel Allowance

- 40 litres x 39 Districts x 30 days x shs.950= = 44,460,000=

SUB-TOTAL: 65,520,000=

4. Ballot Papers

8 million of them including Airlifting = 1,000,000,000=

5. Voters Rolls (5,000) Parishes) = 12,000,000=

6. Electoral Stain (4,000 Gallons) = 15,000,000=

7. Distribution of Ballot Boxes - Ballot Papers and other Materials (Hired Transport) = 200,000,000=

8. Printing the Voters Register(s) = 380,000,000=

9. Printing Registration forms and Certificates

- 8,000,000 x 15 x 2 = 240,000,000=

10. Transport and Travelling (Abroad) = 25,000,000=

11. Training (Abroad) = 10,000,000=

SUB-TOTAL: 1,882,000,000=

..../6

D.1. CHAIRMAN (CONSTITUENT ASSEMBLY)

a) Honoraria

- shs.350,000= x 7 months x 1 person = 2,450,000=

b) Consolidated Mileage Allowance

- shs.300,000= x 7 months x 1 person = 2,100,000=

2. DEPUTY-CHAIRMAN (CONSTITUENT ASSEMBLY)

a) Honoraria

- shs.300,000= x 7 months x 1 person = 2,100,000=

b) Consolidated Mileage Allowance

- shs.300,000= x 7 months x 1 person = 2,100,000=

SUB-TOTAL: 8,750,000=

E. DELEGATES

1. Subsistence Allowance

- 300 delegates x shs.30,000= x 30 days x 7 months = 1,890,000,000=

2. Sitting Allowance

- 300 delegates x shs.6,000= x 26 days x 7 months = 327,600,000=

3. Transport Allowance

- 300 delegates x shs.5,000= x 26 days x 7 months = 273,000,000=

4. Refund of Transport Expenses to and fro

- 300 delegates x shs.4,000= x 4 times = 4,800,000=

F. RESEARCH (LOCAL) = 80,000,000=

SUB-TOTAL: 2,575,400,000=

DRAFT ESTIMATES OF DEVELOPMENT EXPENDITURE OF CONSTITUENT ASSEMBLY 1993/94 FINANCIAL YEAR.

1. Ballot Boxes

i) Refurbishing:

- shs.65,000= x 3,000 = 195,000,000=

ii) Purchase:

- shs.120,175= x 17,000= (each at US$.70=) = 1,505,350,000=

2. Purchase of Vehicles

a) Stout Pick-ups (14 of them)

- 14 vehicles x shs.24,000,000= = 336,000,000=

b) Bicycles

- 4,000 Bicycles x shs.80,000= = 320,000,000=

3. Office Equipments = 50,000,000=

4. Communication System to cover the Country = 500,000,000=

SUB-TOTAL: 3,443,975,000=

G R A N D T O T A L : 10,260,717,600=

REMARKS BY MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS AT A MEETING OF POSSIBLE DONORS FOR CONSTITUENT ASSEMBLY PROGRAMME

I would like to welcome you again to this meeting. I had promised to invite you earlier but that was not to be because of the visit of the Holy Father the Pope and later the long debate of the Constituent Assembly Bill in the NRC which lasted eight weeks after two months of X-mas vocation. Those perhaps were very unwelcome but quite useful delays which enabled our people, especially those up-country to formalize themselves with this not so common a piece of legislation.

At our first meeting last year, an erronious impression was created to the effect that the government of Uganda did not intend to make any contribution towards the funding of the election and sustainance of the Constituent Assembly. I want to state categorically that that impression is wrong. I wish to offer very sincere apologies if I did create such an impression at that meeting or at any other forum.

The Government of Uganda is fully consious of the need to restore democracy and is fully determined to do at all cost. The Movement is aware that it was because that total commitment to bear the full burden to restore democracy that it waged the bush war in the first place. Whatever assistance Uganda receives from donor agencies and countries is a relief and most welcome. But the people must be made aware that after all it is their democratic right which is being restored and not that of someone else. It, therefore, follows that the people must pay for the democratic process.

On the part of government, I repeat, we are committed to a true democracy through free and fair elections based on adult suffrage one man one vote. Accordingly, the law has been made setting up a Constituent Assembly with an overwhelming number of delegates directly elected. There is provision, however, for addressing the gender issue. Every district will be represented by one woman elected by a district college consisting of Councillors at RC III together with members of the sub-county women's council now

set up throughout the country. This provision does not by any means bar women from competing along side men for the national constituent throughout the country.

There are other groups that would be represented in the Constituent Assembly.

These are other groups that would be represented in the Constituent Assembly.

N R A	10
Disabled	1
Youth	4
Workers	2
Political paries	8

The President, with advice of Cabinet, would appoint 10 people to the Constituent Assembly. The Chairman and his Deputy would be elected by the delegates from a list of five (5) nominees submitted to the Constituent Assembly by the President upon the advice of the Cabinet.

The law provides for rules to govern the registration, nomination and voting at the poll for the delegates. I trust that you will find these provisions satisfactory and acceptable as they seek to put in place a transparent system which would lead to a democratically elected and managed assembly.

Your Excellencies let me now turn to the funding. Government welcomes any form of assistance, technical, logistical and financial. Already the UNDP has indicated its willingness to provide for technical assistance. This would involve the provision of several high ranking officials their allowances, logistics and maintenace. Government is grateful to this offer of assistance and it is studying it for the details and will communicate with the donor soon after this meeting. UNDP has also indicated its willingness to co-ordinate this Project on behalf of the donors.

UNDP experts visited this country and reviewed our financial budget. I understand copies of that report were circulated to all concerned diplomatic missions here. The team pointed out a few areas that required revisiting. Here I would like to mention two. It was pointed out that the cost were very high or expensively costed. Secondly that there were too many polling stations and therefore too many ballot boxes.

As I originally pointed out, these were rough estimates the costing has now been re-examined in light of the present prices. There was a recommendation that the price would go down if international binding was used. We agree. However, the time factor is important to consider. The number of polling stations have been reduced to between 6,000 - 8,000 from 25,000 which was the original figure giving rise to the need for 50,000 ballot boxes. However, the figure that was recommended by the Experts of 14,000 - 16,000 boxes cannot be acceptable because it was based on a pure mathamatical formula by dividing the estimated voting population of 8,000,000 by the optimum number of voters per polling station of 600. This cannot be correct because there exists other built in factors in setting up a voting area including the georgraphical fact, political, natural boundaries, distances and population densities etc. and not merely population.

I would like to point out that we have used the administrative unit known as a parish. By using the UNDP formula there are 4800 such units and, therefore, each one takes 600 voters. The reality on the ground is otherwise. Take for example some parishes like Busitema in Tororo district, it had 7034 voters during 1980 general elections. One parish in Iganga District, as many as 4646 voters. And while some parishes in the North though sparcily populated people had to walk very long distances e.g. 10-35 miles in order to vote. This situation definately discourages many people especially the physically fibble, the aged and sickly. At the very least, it encourages voter apathy. These parishes have to have more than one polling station inspite of the low level ofvoter population.

Our views on these point is further enforced by the Ghana experience. While that country is rouughly the same size as Uganda and that the voters are roughly 8,000,000 as in Uganda, they had 18,000 polling stations. We have to go to the ground to ascertain this figure.

Lastly, on this point of ballot boxes the UNDP consultants recommended the possibility of borrowing from another country e.g. Kenya. While this would promote friendly relationships, it has other dimensions. First of all it is not clear when the Kenya ballot boxes would be free for our possible use. Secondly, Uganda would be going for Presidential elections in 1994. We cannot borrow all the time from neighbours. We would only be prudent if we obtained our own ballot boxes. Thirdly, we have some boxes around originally thought to be about 10,000 but now ascertained to be 3,000 that could be refurbrished and used to re-enforce our position. Finally we feel that borrowing ballot boxes is likely to infringe or our national sovereignty - we therefore wish to firmly decline this proposal.

We instead have plans to fabricate locally made ballot boxes and re-fabricate the existing ones locally at a far reduced cost and keep our own stock. However, if any donor wishes to donate an entirely new stock, we shall examine the offer and the logistics involved.

ATTACHMENT 4

PROPOSALS ON DIALOGUE BETWEEN THE GOVERNMENT AND THE POLITICAL PARTIES

PROPOSALS ON DIALOGUE BETWEEN THE GOVERNMENT

AND

THE POLITICAL PARTIES

Joint Statement By The Democratic Party (D.P.)
And
The Uganda Peoples Congress (U.P.C.)

Issued at a joint Press Conference at Speke Hotel at Kampala, on Thursday the 20th August, 1992.

____oOo____

3/12

KAMPALA - 20TH AUGUST, 1992.

PROPOSALS ON DIALOGUE BETWEEN THE GOVERNMENT

AND

THE POLITICAL PARTIES

Joint Statement By The Democratic Party (D.P.)
And
The Uganda Peoples Congress (U.P.C.)

ROBERT K. KITARIKO.
SECRETARY GENERAL,
D.P. HEADQUARTERS,
KAMPALA,
UGANDA

CECILIA OGWAL (MRS.)
ASSISTANT SECRETARY GENERAL,
U.P.C. ~~HEADQUARTERS~~,
KAMPALA,
UGANDA.

Issued at a joint Press Conference at Speke Hotel at Kampala, on Thursday the 20th August, 1992.

---oOo---

314

A JOINT STATEMENT BY THE DEMOCRATIC PARTY AND THE UGANDA PEOPLES CONGRESS.

1. There are times, in the history of nations, when a country has to face serious internal crisis. Uganda has had more than its fair share of that experience. Regrettably, Uganda leadership in the past opted for confrontation, force and violence to solve the crisis. The results have been turmoil, economic decay and general human suffering. To-day Uganda is faced with another looming crisis, on the mode of governance of this country.

   In this joint statement, the Democratic Party and the Uganda Peoples Congress seek to appeal to President Museveni, Members of the N.R.C., all Ugandans and the international community as a whole to recognise the looming crisis and to avert it through peaceful means and refraining from resorting to the discredited methods.

2. The crisis was introduced on 3rd August 1992 when President Museveni convened the National Executive Committee (N.E.C.) of his National Resistance Movement (N.R.M.) to deliberate on his proposals to clump down on the political Parties. In the meeting which he chaired he tabled the following four options for achieving his goal:-

   " (a) Legislation suspending political Party activities until the people of Uganda decide one way or the other at the end of the on-going Constitutional making exercise. This would in essence mean the transformation of the current suspension into law.

   (b) Alternatively, if N.E.C. should decide that Legislation banning political Party activities is not necessary, it should advise the President to invoke the detention law against those elements who are openly violating the ban on political Party activities.

(c) The third alternative would be to ban the POLITICAL PARTIES that have refused and continue to refuse to respect the suspension order.

(d) Using administrative machinery; e.g. the Police by denying a licence to assemble."

3. Any right thinking person must be wondering what prompted President Museveni to make this move at this point in time! In the view of the Democratic Party and the Uganda Peoples Congress the move is no less than autocratic tendencies that surface all too often in the third world countries when an incumbent leader fears that he can no longer rely on democratic machinery to remain in power. It will be recalled that on assumption of power in 1986, the N.R.M. unilaterally "suspended" political Party activities for the duration of the four year interim government, which period was subsequently unilaterally extended by another five years.

During all this period the N.R.M. has used all resources at its disposal to decampaign political Parties, often in the most unfair and unethical methods using its host of cadres, District Administrators, Directors and its top leadership. Despite the provocations the political Parties kept a low profile throughout.

4. In the recent past leaders and members of political Parties have at appropriate fora expressed their views and opinions on Constitutional issues with a view to contribute positively to the on-going Constitution making process which is in its critical stage. If President Museveni's move is a reaction to this, with the intention to exclude political Parties from participation in the Constitution making process, then it is a move made in bad faith and does not augur well for the future of this nation. The thinly disguised attempt by the N.R.M. to monopolise the public audience and to mislead the population to the view that only N.R.M. ideas are right and good for the country, must be seen for what it is. There can be no doubt that the attempt to precipitate a crisis in the relations between political Parties and the government is a

.../3

deliberate maneouvre to pre-empt and misdirect the adoption stage of the Constitution making process. A lot of time and resources have been put into this process. Everyone in Uganda is eagerly awaiting the publication of the Constitutional Commission's report by December 1992. For our part, we are committed to the process which is nearing completion.

We urge government to do everything possible to facilitate the exercise and to desist from introducing controversial measures that could easily undermine the process and derail the country from the proper course of transition to true democracy.

5. The right for political Parties to exist is enshrined in the Constitution of Uganda as well as in the Universal Declaration of Human Rights and International Convention to which Uganda is committed. The basic freedoms of every Ugandan to belong to lawful association, to assemble without hindrance, to have a free mind and to express legitimate opinion are inalienable. Any attempt to deny the people these rights and freedoms therefore is totally unacceptable.

6. The following resolutions were made by the N.R.C. sitting in closed session as a political organ of the N.R.M. and under the chairmanship of President Museveni on the 11th August, 1992:-

" (i) All political Party activities shall remain suspended except maintainance of political Party National Headquarters until the completion of the on-going Constitutional Process.

(ii) That government presents a Bill to the National Resistance Council (N.R.C.) as soon as possible with a view to giving legal effect to paragraph (i) above.

(iii) That in the spirit of unity and national reconciliation, the N.R.M. leadership continues having dialogue with the various political Parties."

We observe in the first instance that these resolutions are inconsistent within themselves. While resolution No. (iii) would appear to be reasonable and appropriately calling upon the N.R.M. leadership to take a reconciliatory line with various political Parties, the other two resolutions contradict that position. We see no reason why government should begin to enact a law maintaining the suspension of activities of political Parties before results of dialogue and consultations with political Parties are known. We reject the unilateral attempt to enact a law about which the political Parties have not been consulted.

The fact that these resolutions have been made in closed session is an eye-opener to the entire population of Uganda. Why, it should be asked, should matters of such vital importance to the interests of the whole nation and matters whose importance is of universal interest. be resolved behind closed doors?

This is the crux of the matter to which persons who sit in the organs of the National Resistance Movement must be answerable. How do you legislate for the nation behind closed doors? What is the authenticity and legality of the results?

The idea that only National Headquarters administration should remain while other functions are suspended defeats the very essence of political Party existence and its organisation. It is very well known that the membership of the Democratic Party and the Uganda Peoples Congress are to be found all over Uganda. It is irrational to expect that a political Party should continue to exist without close communication with its membership. Denial of communication and contact between members of political Parties is a gross violation of peoples' rights and freedoms. We urge the government of Uganda to desist from engaging in any means that violates these rights and freedoms.

.../5

7. In order to facilitate dialogue between the government of Uganda and the political Parties, we wish to make the following proposals:-

7.1 Dialogue must precede enactment of the proposed law. Therefore, measures to enact a law limiting the activities of the political Parties be suspended until full consultations between the government and the political Parties are completed.

7.2 All political Parties and the National Resistance Movement should be freely and fully involved in the process of consultations to reach consensus on strengthening Democracy in Uganda.

7.3 An Inter-Party forum in which all political Parties and N.R.M. are equally represented be formed forthwith.

7.4 This forum expedites all ways and means of reaching full understanding on the operations and activities of political Parties such that the necessity for legislation will be obviated.

7.5 This Inter-Party forum shall outline the various stages and measures that should be followed to expedite the adoption process and the promulgation of the new Constitution and shall work out a political programme laeding to the General Elections.

7.6 In pursuance of resolution No. (iii) of the N.R.C. resolutions of 11th August 1992, we call upon the government, in the spirit of unity and national reconciliation, to facilitate the convening of a meeting of representatives of political Parties and N.R.M., who will constitute the proposed Inter-Party forum.

8. As we invite President Museveni to have a dialogue with us, we also appeal to our supporters throughout the country to remain calm and resolute. We appeal to the international community both here and abroad to understand us and to avoid applying double standards. The current

debate touches on the very foundations of the protection of fundamental human rights and freedoms of an individual.

Finally, we appeal to other political Parties, associations and interest groups to join in this peaceful crusade for freedom because the country is at crossroads.

ROBERT K. KITARIKO,
SECRETARY GENERAL,
D.P. HEADQUARTERS,
KAMPALA,
UGANDA.

CECILIA OGWAL (MRS.)
ASSISTANT SECRETARY GENERAL,
U.P.C. HEADQUARTERS,
KAMPALA,
UGANDA.

ATTACHMENT 5

PUBLICATIONS OF THE DEMOCRATIC PARTY

AND

FOUNDATION FOR AFRICAN DEVELOPMENT

DEMOCRATIC PARTY HEADQUARTERS
(Truth and Justice)

P.O. Box 7098,
KAMPALA - UGANDA.
2nd November, 1992

PRESS RELEASE

RE: CONSTITUENT ASSEMBLY

Following a marathon deliberations that spanned over two weeks, the National Executive Committee of the Democratic Party resolved among other resolutions to reject some provisions of the Bill on the Constituent Assembly as proposed. The National Executive Committee objected to too much power being given to the President in nominating special interest groups, denying political parties to freely participate in the debates leading to the elections and the Presidential power to appoint the Chairman which, suspectedly, will open the way to the manipulation of the deliberations and decisions of the Assembly. The Committee also resolved to strengthen the Party's organisational structures at grass-roots throughout the country in preparation for future elections.

The National Executive Committee maintained that people are sovereign and that the power to govern emanates directly from them. Therefore, all sovereign power of Uganda resides in the people themselves, and no person or group of persons may arrogate to himself, herself or themselves the exercise of this power unless otherwise mandated democratically by the people themselves.

The rationale for setting up a Constituent Assembly is in the view of the Party, an acknowledgement of the universal principle that every civilized country has a Constitution that is previously thoroughly discussed, approved and promulgated by a Constituent Assembly that was freely elected and delegated by the people themselves. Such election must be organised on the basis of the universal adult suffrage by an independent and representative Electoral Commission arranged to avoid manipulation of the electoral exercises by the Executive arm of Government. A Constitution would be of little value if it did not include a Bill of Rights that guarantees the fundamental basic human rights of its people.

The National Executive Committee pointed out that the inclusion of interest groups in the composition of the Constituent Assembly is undemocratic, arbitrary and has not been rationalised in scope and purpose. Serious scrutiny of the rules of procedure reveals that the votes of the interest groups are crucial

../2

and are a deciding factor in achieving a two-third majority on contentious matters and also in reaching a quorum. By the fact that majority of the interest groups will be appointed by the President and bearing in mind the President's outspoken dislike for political pluralism, there is great danger that those interest groups will naturally opt to support the President's viewpoint.

As for the army, the National Executive Committee firmly adhered to the principle that it should be trans-regime, outside politics and ready to serve any government duly elected by the people from time to time. The sovereignty of the people must be entrusted in the hands of the people's representatives and NOT in any other institution in the land, however important. In the circumstances, the special interest groups should be scrapped from the Constituent Assembly in favour of directly elected delegates of the people.

Since members of the Constituent Assembly are elected delegates of the people, they themselves should elect among themselves their Chairman. This is to ensure the independence of the Chair who will guide the Assembly in reaching consensus that reflects the feelings of the people on the Constitutional debates. The election should be conducted by the Chief Justice who will immediately administer the oath of office to all members and should thereafter leave the conduct of business in the hands of the Chairman.

The clauses in the Bill which seek to discriminate a leader or a member of the Executive Committee of a political party from being elected Chairman of the Constituent Assembly are obnoxious, punitive and unconstitutional, hence it must be deleted. This also implies that any restriction on the activities of political parties must also go.

The Electoral Commission (proposed Commissioners) must also be independent of the Executive and members should be appointed in consultation with political parties. Similarly, the Electoral Commission should not be the Secretariat to the Constituent Assembly. A different body composed of experienced civil servants should serve as the Secretariat of the Constituent Assembly.

Full participation of the political parties in the elections to the Constituent Assembly must be recognised as a right. The right to form political parties is guaranteed by the Constitution. Political parties are free and necessary to participate in shaping the political will of the people, to disseminate information

Do not confuse Discussion with C/A - elections

on political ideas on social and economic programmes of national character and to sponsor candidates for elections to public offices. The National Executive Committee rejected the clause in the Bill which forces political parties to campaign on a non-partisan basis, and also strongly objected to candidates being paraded before the electorate in the way "Miss World contest" is portrayed as most backward and insulting to the people of Uganda.

It must not be forgotten that political parties were barred from seeking views of their supporters when the Constitutional Commission was gathering views from wanainchi. This time parties should not again be barred from ventilating their views on issues which will be contained in the Draft Constitution. For over seven years, the President, Ministers, DAs, Cadres and their surrogates have relentlessly campaigned against political parties. It is timely and appropriate that the political parties must have the right to counter the accusations against them. Non-partisan campaign is a violation of the Constitution, namely, freedom of speech, association and of choice. Non-partisan campaign is a deceptive cover-up by the NRM to portray itself as a mass movement that embraces everyone, while every Ugandan knows that it is a distinct and fully-flegged political party by all measurements.

President Museveni went to the bush to fight because the elections were rigged in 1980, now the same man is fiddling with fear of pluralism and would do everything to rig the Constituent Assembly elections and thereby influence the outcome of the New Constitution. He must not be allowed to do so. Remember that not long ago President Museveni shocked Ugandans when he said that all along he knew that NRM would rule Uganda for a maximum of nine years, hence he blantantly decieved Ugandans in Proclamation No. 1 of 1986 that his interim period was to last four years, ending in January 1990. Would anyone he surprised if tomorrow he says that all along the NRM was a political party! Ugandans should wake up before it becomes too late and get out of their political naivety.

The National Executive Committee found no rationale for imposing a fee of Shs 100,000/= on a Candidate on nomination. Apart from being excessive on account of the current liquidity squeeze, the members are charged with the promulgation of the New Constitution, a service that deserves praise but not punishment. Since elections to the NRC require no fees, one wonders why it is an issue this time if it is not intended to defrancise some poor section of our society? The provision should be deleted from the Bill to avoid discrimination.

../4

For the Democratic Party, the broad-based government experiment ceased to exist with the ending of the interim period in January 1990. The President himself said so at Kololo airstrip on the occasion of one of the annual anniversaries of the NRM/NRA take over of government. He repeated the same at the Global Coalition meeting in Kampala when he stressed that when the NRM came to power it co-opted other political parties in the government but that NRM was in charge and that these political parties were colonial remnants and boot-lickers whom he would get rid of in the course of time.

No one should, therefore, be deceived that there is a broad-based decision making machinery in force now as is being propagated by government to the outside world and internally. This myth must be exploded and the way to do it is to give freedom to political parties to campaign openly, sharing the use of the media, radio and television equally with government.

Mass Media

The proposal that contentious, local and national issues must be referred back to government for resolution renders the Constituent Assembly redundant. It reminds us of the KY/UPC deal whose fatalistic repercussions are still being felt in the political veins of Ufandans. All issues which are in the Draft Constitution must be handled and resolved by the Constituent Assembly. Referendum can have meaning when applied to general issues that do not touch on those isses affecting basic fundamental human rights. These are God-given rights that are not subject to questioning.

Local issues

Referendum

Finally the National Executive Committee resolved that the President should have no role in fixing the date on which the New Constitution becomes effective. The Constituent Assembly should do so as the climax of its work and not leave it to the President who may deliberately use delaying tactics as has been abundantly proved in the Constitutional making processes.

Date reflecting on transition

It should be recalled that one of the reasons for extending the NRM interim period was to provide for the Constitutional making processes. As the Draft Constitution is to be out by December this year, it is hoped that Government has provided sufficient financial and other resources so that the Constituent Assembly debates and other logistics leading to the 1994 general elections are in place and not subject to further postponements.

Funds for process

R.K. Katariko
SECRETARY GENERAL

with compliments of Sir R Kiwanuka

FOUNDATION FOR AFRICAN DEVELOPMENT

DEMOCRACY AND DEVELOPMENT

"TOPIC"

FREE AND FAIR ELECTIONS: ELECTORAL LAW/SYSTEM

held at
POPE PAUL VI MEMORIAL COMMUNITY CENTRE
LUBAGA

on

THURSDAY 22ND - FRIDAY, 23RD APRIL, 1993

PAPER ON

"IMPORTANT ISSUES IN FREE AND FAIR ELECTIONS"

by

Mr. Pancras Kaboha,
Senior Lecturer,
Department of Philosophy,
MAKERERE UNIVERSITY.

IMPORTANT ISSUES IN FREE AND FAIR ELECTIONS

A Paper for a Conference on the Theme: "DEMOCRACY AND DEVELOPMENT".

Parts of the Process of an Election: A normal election usually falls into the following parts:-

(i) The appointment of an electoral commission.
(ii) The drawing up of constituency boundaries.
(iii) The Registration process for voters.
(iv) The appointment and training of returning officers, presiding officers and polling assistants.
(v) The security printing and manufacture of polling materials.
(vi) The campaign.
(vii) The polling itself.
(viii) Processing of the results which involves all stages from the counting till the announcing of results.
(ix) The final verdict involving the opinion of neutral observers.

THE ELECTORAL COMMISSION: The first stage of the electoral commission is extremely important especially in a multi-party election. It is easy for the electoral commission to be biased once the appointing power is vested in the government of the day. An electoral law acceptable to all parties, therefore, must exist. If a party feels the electoral law is not fair especially in the clauses setting up an electoral commission then that party should not take part in that election. The electoral commission is very powerful since it is responsible for the whole electoral process from the drawing up of constituency boundaries to the declaration of the results. In my view if a multi-party system obtains, members of different political parties should be equally represented in an electoral commission and high court judges (known for their neutrality and integrity) acceptable to a majority

of parties should be appointed as chairman and secretary of the electoral commission. If the foregoing is included in an electoral law then the parties should feel that there is a chance for justice in the system. A biased electoral commission can tamper with the electoral process at every stage and thus ruin the fairness the whole process. It is not necessary for me to point out to Ugandans examples from the Kikira and other commissions, I am sure it is sufficient to say that experience has taught us that a politically representative commission IS necessary and a pretence by any politician or one political group that they have appointed a "neutral" commission is not acceptable. Therefore, insistence that the above provision be written into the electoral law is important to ensure a fair election. Considering the influence of observers in the decision regarding the free and fairness of elections in Africa (and elsewhere in the third world) it would be a good idea if an internationally known judge could sit in either as an observer or a member with a casting vote in the commission and it would also help if such observers were from other continents with no personal interest in African politics.

If the clauses of the electoral law governing the composition of the commission are acceptable and fair, the power to draw up constituency boundaries can be safely vested in the commission, but the guidelines for the drawing up of these boundaries should come from either an existing elected parliament or from a consultative committee composed of registered political parties. Such guidelines can be part of the electoral law which should state (or define) what is a constituency, who qualifies to vote or to be a returning officer, a member of the commission or a polling assistant. Whenever the law is silent, an elected parliament (e.g. the constituent assembly) or an interparty consulting committee should resolve the issue.

CONSTITUENCY BOUNDARIES: The issue of constituency boundaries hides a number of problems. It involves the question of whether we are to decide constituency units according to population or area. The NRM government decided to use existing counties as a constituency as well as district urban centres according to size. As a rough method this was fair but had some anomalies as we witnessed constituencies of less than fifty thousand people side by side with those of one hundred and fifty thousand, as well as some newly created counties in some districts which later on broke up into still smaller districts. When elections are approaching, neutral bodies are required to decide on criteria for the determination of constituencies or else political means can be used to determine them. If such a blanket division as the county is accepted as the determining factor, then many new counties can appear in areas where the ruling party or group has most support. The technique of manipulating elections using constituency boundaries is not new, in fact a word "gerrymandering" exists in the English language meaning exactly that. Constituency boundaries in 1980 "meandered" all over the place showing scant respect for existing political units such as counties, some constituencies such as "Kabarole Central" took bits and pieces from three counties whereas the central county of Kabarole (Burahya) had the necessary population to qualify for constituency status. The author of this article was the member of parliament for that constituency which was eighty miles (by road) from one corner to the other, difficult not only to cover but to represent. Such a constituency was the work of a politically biased electoral commission and points to some of the difficulties that can arise if the only motivation of an electoral commission is to "help" one group win an election.

Constituencies should be units which in one way or another are already politically integrated. If a geographical

unit on the map is purely demarcated following guidelines such as those of the Berlin Conference which divided Africa, this is worse than a county which is not a bad unit so long as a minimum population and a maximum population for such a county as well as the area can be agreed, and the NRM's idea of making urban areas constituencies is a good idea so long as that urban centre satisfies the population requirement. Guidelines should also be worked out in regard to population requirement concerning urban and rural areas. We have rural areas where fifty thousand people are spread over an area of one hundred square miles such as in the North and horth-east of Uganda and others like Kampala where the same area harbours more than ten times that number. If we relied purely on population that rural area would get one constituency while Kampala got ten. In view of such discrepancies regarding population and area certain modalities will have to be worked out and agreed as proper guidelines before constituencies can be fixed.

REGISTRATION: The registration of voters is often seen as something straightforward and easy. First of all the electoral law is supposed to declare who is eligible to vote. In Uganda eligibiltiy for voting has been limitted to the citizen and to adults above the age of eighteen. In the 1961/62 electoral law the eligible adult was a person aged twenty-one years and above, the reduction to eighteen years was brought about in 1980 mainly through the presence of the Uganda Partiotic Movement most of whose supporters were the youth. Since the NRM is a product of the UPM and since the same NRM lays a lot of emphasis on politically converting the youth to its ideas (they being an easier target group) I am sure we shall see an electoral law consolidating the age of eighteen as the minimum voting age unless the other parties fight it. In this author's opinion the age of

eighteen is still too young for mature political opinion and the age of twenty one is more reasonable.

The problem of citizenship is not as easily solved in a semi-literate society such as Uganda's. We have people who live on our boarder and pay tax, in two countries in order to cultivate or trade on both sides of the boarder. Boarder tribes like Samia, Kakwa and Banyarwanda cannot be easily identified as not belonging to one country or the other and can therefore be used by a powerful group to provide illegal votes for their candidates. A system of proper identity, a stricter immigration law and better organised and policed boarders are needed to lessen these anomalies. At the same time it is necessary to write stricter sanctions into the electoral law as preventive measure against non-citizens being involved in the politics of Uganda.

The registration exercise itself should be carried by neutral people in the presence of party agents so that there is no deliberate discrimination against any group known for its party or any other affiliations. the registration exercise is at times best carried out by junior civil servants or students on vacation who tend to be neutral, in the 1980 we saw UPC parish chairmen employed as registration officers, polling assistants and presiding officers. These days we have NRM political mobilisers and others. Such people should not be allowed to "help" in any way in the registration and polling exercise in a multiparty election where the NRM will be partisan (as it already is) or else such an electoral exercise will be biased.

Registration should be given a period of at least six months so that people who are left out can have sufficient time to appeal. On appearance of the first registers there are always omissions and mistakes, this is the time when such anomalies can be corrected and this should at least be three months before the election. Such a time gap

gives the registrars sufficient time to correct the anomalies for the final register to come out. In Uganda to-day the period may need to be even eight months because printing, communication and feedback is so slow. This kind of time frame needs to be kept in mind when an election is being planned. If for example an election is being planned for December, 1994, an electoral comission has to be appointed in January of that year. I say this because with all the discussions and disputes likely to arise a fair constituency boundary map would not be available before the end of March. If by that time stationery for registration is ready then during April registration assistants would have to be trained and stationery distributed. The registration exercise's six months would last from May to early November, a month when nomination would take place in readiness for election in December. What may help in Uganda's case if we have the electoral register of the constituent assembly election of 1993 it can be used with a few additions in 1994. It is, therefore, very important for political parties which hope to take part in the 1994 election to encourage their supporters to register in force for the constituent assembly election because in the next year the older register may be used giving chance only to those people who had just become eighteen or those who can prove they were not in Uganda or in hospital. This may be done because the registration exercise is very expensive and will be done this year with money donated from outside the country. This can easily be anticipated to-day and the government of the day will use addinistrators as political mobilisers to encourage known supporters to register. A 1994 election will be fair only if nealry all eligible voters, register and registration as far as I can see will be in 1993.

NOMINATION OF CANDIDATES: Registration is not just of voters, there is a separate registration exercise which is for candidates popularly known as nomination which takes place just before the election. There are pre-qualification requirements which can disqualify an aspiring candidate which in a fair and free election should be determined in such a way that they are fair to all parties and candidates. Normally people are disqualified if they are criminals, tax dodgers or not sufficiently qualified. However, we know that political groups (especially ruling ones) will often try to introduce pre-qualification conditions which favour one group against the others. It is essential that the electoral law looks into this issue and an interparty committee be instituted as a consultative body over such matters. This committee will be absolutely essential if parties are not represented on the electoral commission. Since a new electoral law may be set up before party activities are legalised these matters must be considered. This is one argument why party activities all over the country should be legalised immediately if fair and free elections are to be held. Another reason is that the NRM has already began its campaign using state machinery. We shall consider this later when we consider the political campaign.

Inter party Committee

Nomination has always been limited to a few hours of one day. Considering our past experience, especially in the 1980 election when candidates were held at military barracks till the nomination was over or others were blocked or kidnapped or just delayed by returning officers (here we can quote cases in Moyo, Apac, and Kasese) resulting in the UPC getting seventeen "free" seats, we have good reason to suggest that the new electoral law should

extend the nomination period to at least one month so that there would be time for an unfairly excluded candidate to go to court. Such a proviso would help in ensuring that illegal "interference" with an aspiring candidate would not result in his exclusion from nomination. What happened in Uganda in 1980 was repeated in December 1992 in Kenya and as many candidates of Kanu were declared "elected unopposed" and observers still said the elections were fair, after all they (observers) had not arrived by nomination time so they did not observe the cheating as they did not in Uganda.

1 month period for nomination

ELECTION OFFICIALS: The recruitment and training of election officials is an important matter in a country where presiding officers and polling assistants were parish chairmen and secreatries of one political party (UPC) in the last genuine (general) elections (1980) and where fourteen district commissioners were dismissed because the gevernment then in power thought they could not trust them as returning officers because they appeared to be "neutral" or could not be coerced into "cheating" for the group in power. It is necessary to insist that returning officers should not be "political" officers such as district administrators but neutral civil servants preferably magistrates. Magistrates would not only understand the law, but would also be less ameanable to the kind of influence which district administrators have over executive secretaries in districts.

1980 clerks

No DAs should be magistrates

It is also necessary to insist that polling assistants and presiding officers should not be picked at "random" from villages by political mobilisers but should be neutral civil servants such as school teachers, agricultural assistants, health assistants, clerks and others of that nature who are less ameanable to political influence and whose jobs do not depend on pleasing the powers that be which is the main weakness which afflicts such people as chiefs.

Local level

The training of presiding officers and polling assistants must be carried by fellow civil servants such as executive secretaries, magistrates and state attorneys and not by district administrators, political mobilisers and political commissars from the NRM secretariat. The "training" must not consist of anything else except the electoral law and the technical details and mechanics of the election itself. This training must in no way resemble the politicisation courses going on now in the so called "political schools" either in purpose or content. So called NRM "cadres" should be considered partisan and should not be allowed to become officials in the election, their position can be similar to that of party agents.

Finally in our consideration of election officials district administrators should be excluded (as well as their political mobilisers) from any official position in a free and fair election. Though political administrators have been useful as returning officers and main conductors of NRM elections they are obviously partisan and must be considered UPM/NRM personnel unacceptable as officials or participants in a multi-party election. Their role should be that of party agents or observers. Considering the influential role of D.A.s in the district currently, if a multi-party election was to be free and fair, the D.A.s should be abolished. I say this because their role has been mainly that of political campaigners for the NRM which would be considered as a party in a multi-party election and it would not be fair for the state and tax payer to pay for political party campaignings. By the same argument the NRM secretariat will be considered a political party headquarters and should thus be regarded as the secretariat for the UPM/NRM. When the process for a multi-party election starts the NRM secretariat should move into private offices and conduct

their party business from there and thus neither interfere with state property nor state funds. This, in my opinion, should take place as soon as possible since the NRM election campaign has already started while the leadership of the different political parties seems to have lost the momentum they had gained while they were acting together. An active interparty working group is needed now more than ever, and I shall mention the vital part of their agenda when I discuss campaigns.

SECURITY OF ELECTORAL MATERIALS: During the time when arrangements for a general election when there is universal adult sufferage a massive number of electoral materials are printed or manufactured. This involves registers, cards, voting papers and boxes and other items. The greatness of their number gives a chance to "officials" who are partisan and inclined to organised cheating to exploit the uncounted profusion of materials to lay aside some of it and use extra boxes stuffed with ballot papers (as was the case in Kenya and Ghana last year) and other means to influence results. One requirement for security printing should be that the exact number of whatever is to be printed must be specified and ordered by the electoral commission while keeping party representatives, the government and security organs well informed. When these materials arrive they should be counted and stored and the seals of all interested parties applied. Whenever they are to be opened up and used all these parties should be present and all store records and delivery note counter-signed. Security should accompany all their movement and storage, and after use a proper accounting of all used and unused materials made and counter-signed by all interested parties. Each party taking part in an election should have an attentive and efficient security system involved in this exercise.

THE CAMPAIGN: For any political campaign to be fair parties must have an equal period of time for campaigning and facing the electorate. No political campaign is ever wholly "clean" and the only arbitrators are the law and the courts if the campaign gets too "dirty". In Uganda I am afraid this campaign has already began and, already it is getting dirty! The political parties have already been labelled the cause of all of Uganda's ills, the "history" of Uganda taught in "political schools" includes information that the problems of Uganda stem mainly from political parties and one way of solving these problems is to indefinitely suspend political party activities. This continuous indefinite suspension of the political activities of other parties while the NRM (which is a political party using the state) continues to campaign against them and consolidating itself is one of the dirtiest political "tricks" it has been my unfortunate fate to witness in my own country. One can only conclude that the NRM faced with a donor community which insists on multi-party democracy allows some party activity "at the headquarters" (as if the people were at the headquarters) and "kills" the parties slowly through "education", campaign, and induced inactivity. One can here recall the laughable recommendation made to the constitutional commission and repeated faithfully that the parties be suspended for another five years. I ask you, what will be left of the parties after another five years of inactivity? I do not hesitate to reply "nothing"! Unable to ban the parties and declare a one party system (the so called "no-party" movement) because we need the money from the west, the NRM has resorted to killing the parties slowly. There is now talk of a referendum on political parties or political parties to be discussed as an item in the constituent assembly* and association was not a basic human right. I have watched with growing

if political system

consternation and wonder as the current leadership of political parties have compromised, meandered on quietly endorsed the NRM on this issue through the sin of omission. Party leaderships have failed to galvanise their parties into action over this foundamental human right which allows them to exist! Uganda is a signatory to the United Nations Charter on human rights, why should anyone compromise unless he takes the ignorance of Ugandans or the stupidity of the elite for granted.

Since the "slowness" of the party leadership (all parties included) has allowed this situation to develop the parties are now fighting for survival. The debate here is hardly whether there will be a fair election but whether there will ba a multi-party election at all. The parties now face a chance of being banned or abolished by erasing them from the constitution. I would never bother to write a paper about a fair and free election in a one party dictatorship, there is never a free and fair election in a set up like that, whoever the "boss" wants is always the winner! Elections in one party conglomerates do not deserve the name, "nominations" is a more appropriate term.

The campaign we are, therefore, talking about is the one in a multi-party election but this has been overtaken by the campaign for the parties to survive! This campaign for survival is not being taken seriously enough by party leaderships in this country some of whom need to resign from the government where they are helping the NRM to "window-dress" their so called "broadbasedness" whose very narrow base is showing. The campaign for survival has to be well led and co-ordinated with the leadership of all political parties coming together. An interparty working group is needed with an agenda to campaign for the following:

(i) The recognition of the existence of political parties as the basic human right of freedom of political assembly and expression,

(ii) The lifting of the ban on political party activities all over the country,

(iii) The privatisation of the NRM Secretariat and the stoppage of state funds for that political party,

(iv) The discontinuation of "political schools" and political education supported and run by the state, on the taxpayer's funds,

(v) The demobilisation of the D.A.'s and political mobilisers and cadres and the declaration that these are party functionaries of the UPM/NRM party (or whatever name that party may choose.),

(vi) Co-operation and co-ordination in the NRC and constituent assembly,

(vii) Declaration of freedom for party political campaign during the constituent assembly election.

If an interparty committee with the above agenda is not formed and given all logistical and political support by the existing political parties, we can all forget about multi-party politics in 1994 and a free and fair election involving more than one "movement". The campaign by multi-parties in an election will only take place if in the first instance they win the larger campaign for survival. It is futile to try and hold rallies only to be prevented by police while ignoring the larger battle of having party activities legalised. Should proper campaign be legalised then it is time to consider such issues as security not stopping political rallies, the free sharing of state media, the freedom of the press, the non-interference and neutrality of state organs and security forces. All these aspects are important for a free and fair campaign and it is in consideration of the need for the neutrality of state organs that it is essential to "privatise" the NRM Secretariat. Some party leaders may be under the delusion that the pressure from the donor community alone will be enough to help their parties survive. However, the donor community will do nothing to help in a matter enshrined in the national constitution or

declared through a referendum, the only thing that such party leaders can hope for is a "donation" of a ministry by the victorious NRM and for party functionaries to go through him for favours till he is dropped. Parties have to be active in the fight for their survival before the donor community can pay sufficient notice to cut funds. As it is the British (who are always the weakest in these matters) are already hypocritically stating that there might be something for Uganda in this "no party" democracy when they know very well it is not democracy but might serve their interests and they would try to persuade the Americans as they did over the Luwero massacres.

THE POLLING: The fairness of the polling depends on whether the registration and the selection and training of the polling assistants and presiding officers was fair. The fairness of these two latter partly depends on the justice of the electoral law and the participation of contending parties in the decisions of the electoral commission. For the polling to be fair, therefore, the above conditions must be carefully fought for by the contending parties.

Among the conditions the contesting parties must fight and provide for are representation at every polling booth by agents, non-separation of agents from the ballot boxes once the votes are cast, quick counting of the votes as soon as the polling is over in the presence of agents (however I will deal with this last point in the processing of the results) and no electioneering or undue influencing of voters on election day. The above conditions plus a few others (regarding simplicity of ballot papers etc...) will help towards a fair balloting but for a free balloting these must be neutral security (preferably the police), presiding officers should co-operate with party agents in matters like entering polling booths to "help" voters who do not understand the system, clear regulations (interpreting the electoral law) must be published and circulated to the

entire population so that there is no abuse of law or authority on that day. Delivery of election materials must be so organised that it must get to every polling station early, preferably by seven O'clock in the morning so that polling can start by eight O'clock. Where this is impossible sub-stations and transport must be provided to facilitate this and where sufficient security exists they can arrive on the day before to all stations and are guarded overnight at parish headquarters. Arrangements can be made so that party agents can examine the voting materials as they arrive and again in the morning before polling starts in the presence of the presiding officer. Ballot papers for every polling station can be carefully numbered, marked and recorded when used so that if any are "stuffed" into the box (or the box substituted) they can be sorted out during the counting if the number of votes exceeds the recorded number of actual voters.

PROCESSING OF RESULTS: The counting of the ballots should be at the polling station in the presence of the polling assistants, presiding officers and party agents as well as security. Party agents must countersign the results if they accept them and not if they do not agree with the totals counted. Party agents, security, presiding officers and returning officers should all remain with a copy of the signed declaration of results for each polling station. The immediate counting has the advantage of this signed declaration of results by all witnesses and should be insisted on even if the polling ends late at night. Kenyan and Ghanaian election results were disputed last year partly because of the tampering that can take place when election materials arrive late and voting ends late at night (without counting) or continues into the next day with election results pouring in from other centres and biasing voters and officials alike. Parties should insist that the electoral commission discuss and solve all foreseeable logistical problems and find finance and materials (as well as men) to solve them before the actual elections take place.

This is important because the tendency in many third world countries has been the exploitation of logistical failure by state organs to favour the ruling party.

Counted votes should then be placed back in the boxes and the boxes resealed and all transported together with security to returning officers at county and district headquarters. Final collation of results should be made before the candidates who should also receive their own copies from their agents for purposes of counter-checking. The district returning officer should then make his provisional declaration of results to the candidates in the presence of the county assistant returning officers, security and legal officers and send a copy of his announcement by radio (or telephone) as well as a signed and witnessed copy to the electoral commission. All candidates should recieve signed declarations of this statement of election results as should the legal, administrative and security officers of the district.

Members of the electoral commission should all be at their headquarters on polling day, and they should not leave headquarters from the moment polling results start coming in. They should, by law, sit and remain under the observation of security party officials, and (where they exist) international observers to transact transparent and accountable business. Many Ugandans have bitter memories of election day 1980 when panicky statements from Paulo Muwanga drew the reproof of the head of the Commonwealth Observer Team* and led to the incaceration and flight of the secretary of the electoral commission Mr. Ssekono. Any kind of interference with the electoral

---

* Report of the Commonwealth Observer Team: Uganda, 1980 Elections.

commission should be witnessed by all interested parties and appropriate action taken on the spot. The psychology surrounding declaration of results in Africa is like that of a war situation where loss and victory mean more or less life or death! Reason tends to get forgotten, law is often overlooked and acceptance of loss almost impossible especially in countries where political change has for a long time been effected by force of arms. Declaration of election results in an atmosphere of that nature calls for special conditions to safeguard the commission officials. Neutral security, neutral observers and a watching world to which those in power are answerable would go some way towards providing that security.

OBSERVERS: The foregoing brings us to the problem of observers. Commonwealth observers declared the 1980 fraudulent election free and fair. They were present in Ghana and Kenya last year and declared themselves satisfied yet in both Kenya and Ghana people feel the way Ugandans felt in 1980! So what is the solution?

First of all if a country is to have observers they should observe the entire electoral process not just the polling which is only the tail end of the problem. Parties which are interested in a free and fair election should insist that an observer or two should sit with the electoral commission after observing how it was set up. Observers should then come in gradually during registration and start consulting with the interparty committee about problems during the exercise. The electoral law can be subject to international arbitration if there is a serious dispute. Nomination should be carefully observed so that if there is any unfair decalration of seats taken the observers do not arrive too late to stop it as in the case of Uganda 1980 and Kenya 1992. To send a team of one hundred observers (as was the case in Kenya)

would leave Uganda with three observers per district (if they are properly sorted out) less than one per constituency! The commonwealth secretariat in London is dominated by Britain which is always eager to declare elections "free and fair" so long as its interests are apparently secure. It is time to try an alternative, apart from the teams of journalists who daclare themselves "observers" and enjoy their allowances remaining in the urban areas, we need a team from one neutral body like the United Nations which can guarantee at least two observers with transport for each constituency. These can move all over the constituency during the election and even attend a number of counting sessions and hear the complaints at every stage. They can then all foregather at district and county headquarters for final collating and announcements. Journalists can then consult these observers instead of getting their opinion from "diplomats on the spot" and the world can then believe their final report. Unless all the above (and more) is attended to with seriousness and commitment you cannot have a free and fair election.

PANCRAS KABOHA,
MAKERERE UNIVERSITY,
1993.

FOUNDATION FOR AFRICAN DEVELOPMENT

DEMOCRACY AND DEVELOPMENT

"CONSTITUTIONALISM IN UGANDA
THE WAY FORWARD"

at

POPE PAUL VI MEMORIAL COMMUNITY CENTRE - LUBAGA

on

Thursday 18th - Friday, 19TH March, 1993

PAPER ON

IMPORTANT ISSUES IN THE NEW CONSTITUTIONAL PROPOSALS"

BY

Mr. Wasswa Lule,
Former Inspector General of Government.

The Constitution

The Constitution of the United States was ratified in 1788, allowing for amendments that would clarify issues not clearly enumerated in the Constitution. The first 10 amendments were added to the Constitution in 1791, amendments which guaranteed certain individual liberties that became known as the Bill of Rights. In 200 years more than 800 books have been written about the The United States Bill of Rights. The United States Constitution has stood the test of time primarily because it took into account the aspirations of the American people and endeavoured to guarantee the rights of man without superfluous qualification.

The United States had a strong Constitution that was expressly designed to "secure the blessings of Liberty" for it's citizens. The first 10 amendments were required when it was realised that their were no explicitly stated guarantees of individual rights. Americans feared the tyranny of an intrusive national government that would usurp individual liberty. Charles Warren noted that "The principal objective of a Constitution is to establish a government, its second objective, equally important, must be to protect the people against the government."

In the words of Alexander Hamilton, "the vigour of Government is essential to the security of liberty; that in the contemplation of a sound and well-informed judgement, their interest can never be separated; and that a dangerous ambition more often lurkes behind the specious mask of zeal for the rights of the people, than under the forbidding appearance of zeal for firmness and efficiency of government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter; and that of those men who have overturned the liberties of republics the greatest number have begun their career, by paying an obsequious court to the people; commencing Demagogues, and ending Tyrants."

Constitution engineering

The first post independence constitution was conceived in Lancaster House in the upmarket portion of Bayswater, London, adjacent to the northern perimeter of Hyde Park, an area characterised by a transient population holed up in dinghy bed and breakfast establishments. Similar to the predominant population of Bayswater, the 1962 constitution was transient.

Constitution fixing first landed on the Ugandan scene with the 1966 pigeon hole constitution of then President Milton Obote which was conceived on the barrel of a gun to abolish the monarchies. One year later saw the 1967 constitution following the massacres in Nakulabye and Kisubi, introducing detention without trial and emergency provisions in a bid to bottle up internal dissent. The last 25 years of Uganda's history have been bedevilled by blood baths from Nakulabye to Mukura that have seen the demise of hundreds of thousands of people, and the relegation of the nations principal legal charter to the image of the biblical house built on a foundation of sand.

The Ugandan variation of musical chairs is the cyclical undebated motions of no confidence in the ruling establishments in the prelude to a change in leadership following

a shoot out to the throne, and the acceptance of the people of Uganda that this draft document is the outcome of their input will be instrumental if it is to stand the test of time. After 30 years of post-independence upheavals and 3 duff constitutions, constitution engineering should have been honed into a fine art. It is not to be in this god forsaken country with it's Legion of the damned.

The contradictions

The NRM 10-Point-Programme clearly stipulates on page 7 that "for democracy to be meaningful and not a mockery, it must contain three elements: Parliamentary democracy, popular democracy and a decent level of living for all Ugandans." We certainly do not have a decent level of living for all Ugandans and the economy is in shambles after 7 years of rule, neither do we have parliamentary democracy as the parliament is dominated by unelected members.

The premises are questionable and form the basis of doctrinaire justification. Inviolable elements of democracy that eschew bad governance include a freely elected leadership, participatory grass roots democracy, and the respect for fundamental human rights such as free thought, expression, association, the rule of law and Due process guarantees, along with the respect for life and property.

After 4 years of nationwide debate, and 7 years going on 9 into a National Resistance Movement (NRM) administration that have been characterised by constitution dampening, a draft constitution has been presented to Uganda's Lt. General President Yoweri Kaguta Museveni for final debate and promulgation.

Amendments to previous Constitutions that rendered them particularly unsavoury are enshrined in the Public Order & Security Act 1967 (Detention Act), which empowers the president to detain anybody without trial on his singular decision, a detention which cannot be challenged in a court of law, assuming judicial powers under conditions where habeas corpus is not available to the accused.

Even more unsavoury than the Detention Act is the Constitution (Amendment) Statute 1988 (Insurgency Act) which allows suspension of the Bill of Rights, and Due Process of law in insurgency areas. The Magistrates Courts (Criminal Procedure) (Special Provisions) Statute 1989 also suspends some elements of the Bill of Rights, and demeans the civil liberties of sections of the population.

It is with the unpalatable background nature of the way laws have been adopted and applied in Uganda that specific safeguards are required to ensure the civil liberties of the individual.

The 1992 draft constitution has been tailored to mirror the ruling NRM system of administration, incorporating the material shortcomings of previous amendments, with a presidentially dominated upper house, the National Council of State (NCS), which is in all but name the National Executive Council (NEC), pervading the political scene behind closed doors. Detention without trial, unilateral presidential declarations of states of emergency, the transfer of the burden of proof to accused, are all indelible thumbprints of the NRM administration. Amendments to the constitution are also stiffest in the areas where the NRM leadership has expressed an interest, namely, the Republic,

state of emergency and detention without trial, the death penalty, the shifting of the burden of proof to the accused, and the NCS.

Chapter one: The Constitution:

This chapter stipulates that the constitution is designed to be supreme over other laws, and that suspension or abrogation of the constitution is a treasonable offence, and the defence of the constitution by whatever means is deemed to be legal.

Article 4 stipulates that all citizens of Uganda have the right and duty at all times to defend this Constitution. In circumstances where the constitution is outmoded by developments parliamentarians would be coerced into defending it as opposed to calling for change.

Chapter two: The Republic:

Uganda is to be a Republic, with the capital Kampala. English is maintained as the official language, and there is to be no State religion.

Chapter 3: National Objectives and Directive principles of state policy:

This chapter enumerates the guiding principles of the constitution which are to direct state policy, which are deemed to guide parliament, the executive, judiciary, and the National Council of State, and subordinates the security organs to the presidency, an office conveniently referred to here as the supreme political authority.

Section 8 (1) asserts that all authority in the State emanates from the people of Uganda, and the people shall be governed only through their will and consent. This is contradicted later by the formation of a National Council of State which dilutes the powers of parliament and the representation of the people. Other articles in the chapter ramble on about other objectives.

Chapter 4: Citizenship:

Deals with citizenship, and allows for every person born in Uganda, none of whose parents or grandparents had diplomatic status in Uganda or was a refugee in Uganda at the time of his birth, and who has lived continuously in Uganda since 9th October, 1962, Independence Day, to be entitled on application, to be registered as a citizen of Uganda by the National Citizenship and Immigration Board. Immigrants of 20 years who have not been convicted of offences which carry sentences of more than 6 months may also be registered as citizens on application. Dual citizenship is prohibited under the draft, and parliament is given powers to make provisions for non-citizens to vote under Section 48 (d). The opening up of citizenship to immigrants in the background of nationality question marks surrounding the leadership is likely to be a controversial affair. The draft constitution has over looked the issues of ethnic promotion in an ethnically diverse nation, and preferred instead to reach across the borders to resolve the population issues of neighbouring countries.

348

Section 83 (1) specifically stipulates that "Every person born in Uganda-

(a) none of whose parents or grandparents had diplomatic status in Uganda or was a refugee in Uganda at the time of his birth: and

(b) who has lived in Uganda since 9th October, 1962.

shall on application be entitled to be registered as a citizen of Uganda."

In addition in Section 43 (2) (b), the following persons may apply to be registered as citizens of Uganda; "every person who has legally and voluntarily migrated to and has been living in Uganda for at least 20 years.

Chapter 5: the Bill of Rights:

Chapter 5 spells out equal protection before the law, equality of sexes, protection against discrimination. It enumerates fundamental rights and freedoms as the right to life, liberty, dignity, education, culture,security of person, and due process; Freedom of conscience, creed or religion, expression, the press, assembly, association and movement; protection of the privacy of the person, home, family, correspondence, communication and property; protection from slavery and forced labour; and protection from the deprivation of property without compensation.

Section 52 (1) stipulates that "No law shall be made by Parliament depriving any person of the right to life except in very grave circumstances acceptable in a just and democratic society".

The right to life is subjected to the qualification of execution of a sentence of a court of law in very grave circumstances which are not enumerated leaving room for the death sentence, but qualified with "what is acceptable in a modern and democratic society", a vague and meaningless phrase which in a de facto sense negates the article.

The right to personal liberty is equally diluted. Section 53 (3) allows for detention without trial. The right to habeas corpus is equally suspended in section 53 (7) which specifically states that "The right to an order of habeas corpus, that is the right to an order requiring a person to be brought before a judge or court to investigate the lawfulness of restraining or the detention of a person shall be inviolable, and shall not be suspended except in the case of a state of emergency as provided by this constitution."

This section not only legitimises the culture of 'lodgers', but also allows for secret incarcerations, giving the presidency extrajudicial powers, demeaning the concept of judicial independence along with the notion of transparent governance and accountability. It gives constitutional legitimacy to the human rights shortcomings that have beleaguered successive administrations in the post-independence history of Uganda. the secret executions carried out recently are a point to note. Inhuman as executions may be, the denial of relatives to be informed of the fate of their loved ones coupled with the secrecy ensured that every family with a relative on death row shared the trauma of not knowing whether their own had perished in such a gruesome way. Society as a whole was dehumanised as we continue to ponder whether we can afford to continue to accommodate the likes of the legendary Count Dracula managing our national blood bank.

and degrading treatment are prohibited, along with forced labour except in cases prescribed by law. With the psycological trauma surrounding the executions narrated above, along with a naive administration that attempts to define torture as act that can only be executed with sophisticated gadgetry, demeaning the reality psychological torture and physical torture with crude gadgetry such as blunt clubs articles related to torture are for all intents and purposes meaningless. Moreover the disciplined (armed) forced may be subjected to double jeopardy under Section 58.

Section 58 deals with Due Process Due process is what guarantees procedural fairness to accused and includes such provisions as a fair and speedy trial before an independent and impartial tribunal, the presumption of innocence, the right to be informed promptly of the nature of any offence allegedly committed, the right to a defence and representation etc. In Section 58 (4) Due process is diluted with the statutory shifting the burden of proof, in contradiction with the presumption of innocence.

Section 58 (4) stipulates that "Nothing done under the authority of any law shall be held to be inconsistent with:

(a) paragraph (a) of clause (3) [the presumption of innocence] of this article to the extent that the law in question imposes upon any person charged with a criminal offence the burden of providing the facts:

(g) paragraph (g) clause (3) [the onus of the state to provide facilities to examine witnesses] of this article to the extent that the law impose conditions that must be satisfied if witnesses called to testify on behalf of the accused are to be paid their expenses out of public funds."

Preponderance of slight of hand tricks in the draft charter of the future where the state in one article purports to guarantee a basic right, but the following article denies beyond recognition is an outstanding feature of the draft constitution. in effect right is not guaranteed, and the articles that purport to guarantee the right are there for the convenience of constitutional framers to sell the document to a naive and the outside world. Its a farcical comedy of outright dishonesty.

Rights stipulated under Section 59 include free speech and expression, thought conscience and religion, assembly, association, the freedom of movement; but again with consistency the rights are negated by a singular article in Section 59 (30 which stipulates that "The enjoyment of these rights under this article shall be subject to any law made by parliament in the public interest to the extent acceptable in a free and democratic society.", a phrase which in effect renders the articles empty platitudes, and opens the door to the derogation of fundamental rights.

Rights stipulated include protection of the family, equal rights for women, rights of the disabled, right to culture, a clean health and environment. Economic rights include safe and sanitary working conditions.

Section 5 stipulates that "An Act of Parliament shall not be taken to contravene the rights and freedoms granted in this chapter, if that Act authorises the taking of measures that are reasonably justifiable for dealing with a state of emergency." The President can declare a state of Emergency in any part of the country under Section 129 of the draft

constitution. Section 129 (8) specifically states that "Subject to any restrictions imposed by this constitution, Parliament may, by a law, enacted under clause (7) of this article provide for the suspension of any fundamental human right or freedom during the period when a state of emergency is in force.", in effect regularising the excesses we have experienced in Luwero, Mukura, Operation North, and Bucoro.

Detention without trial in emergency areas is specifically allowed for during an emergency, without qualification, an emergency that can unilaterally be declared by the presidency, and in the absence of straight jacket parameters, is open to misuse in circumstances where the Bill of Rights is specifically lifted, turning the Ugandan clock back some 25 years. . Detainees would be furnished with a written statement stipulating the grounds of detention, the next of kin notified within 72 hours, and public gazetting within 30 days. A Uganda Human Rights Commission would be charged with reviewing the cases of detainees within 20 days of detention, and thereafter in intervals of 3 months. The Commission would have no powers to order the release of detainees, and can only recommend release. At the end of an emergency, any person so detained shall be released immediately. Infringements on fundamental rights can be referred to courts for redress and compensation.

Presidential declarations of a State of Emergency are not subject to ratification within strict time parameters by a parliament rendered impotent, and guidelines for reasonable basis are not enumerated, leaving room for history repeating itself as governments extend their lives.

Section 76 of the draft makes provision for a Uganda Human Rights Commission, chaired by a Supreme Court or High Court judge, appointed by the President, to investigate human rights complaints, visit places of incarceration, recommend to parliament measures to promote human rights, and to monitor governments compliance with international treaty obligations on human rights. The Human Rights Commission has reporting powers periodically, and annually to parliament. Matters which are sub judiciae are to be outside it's purview, as are matters relating to the Presidential perogative of mercy. Members of the Commission may be removed by the President with the approval of the National Council of State, rendering them puppets of the Presidency.

The Human Rights Commission proposed is a paper tiger similar to the current institution of the Ombudsman and the current Commission, which were designed to be offshoots of the Presidency, and a means of effecting discrimination, and the absence of security of tenure in being subjected to the shims and fancy of the Presidency rendering them white elephants. There is no provision ensuring mandatory compliance with it's findings, leaving the excesses of the presidency unchecked, and in the absence of political will, as is the status quo, is to continue as a dinosaur.

Chapter six: Representation of the people:

The right to vote is guaranteed for all above 18 years of age. An Electoral Commission shall have consist of a chairman and up to 6 members appointed by the President with the approval of the National Council of State. The Chairman of the Commission shall be a Supreme or High Court judge, or person with similar qualifications. Members of the

Commission may be removed by the President on the approval of the National Council of State. The Commission shall have the powers to organise elections, demarcate constituencies, and maintain an electoral roll, hear, and determine, election complaints, with appeals to the high court.

Separate parliamentary and Presidential elections are provided for, with parliamentary elections to be held within the last 60 days of the term of the presidency, or when it's parliamentary life ceases.

Under Section 94 the political 'Movement' System, or One Party State, is prescribed to continue in existence for 5 years, following which a referendum at 5 year intervals shall be held to determine the resumption of plural politics. Parliament may by law create organs of the Movement. Political parties are allowed to remain in existence, though they may not endorse, sponsor, offer a platform to, or campaign in elections. Parties are also prohibited from raising funds from non-citizens., and parliament is to statutorily regulate the activities of parties.

Plural party politics is ostensibly left to a national referendum in an environment where a single political organisation, the NRM, has had a 7 year head start on potential rivals at national expense. Political parties, though not banned, are denied the right to solicit for international support or politic, a sort of cabbage existence in mummified form, to be rendered a figment of yesterdays imagination by 1999, similar to acceding to the right to life but subjecting some to a right to life on a life that is dependant upon a life support machine.

Swings in favour of a One Party State in the constitution do not hold water considering the option of a constitutional coalition negating the need for diluting the substance of the provisions in the Bill of Rights pertaining to free conscious, association, and assembly. In addition to the stiff Band Aid on constructive criticism. Parliament is also to regulate the establishment and functioning of political parties.

The material contradiction is the assertion by the constitutional Commission that the populace specifically opted against a single party state. That parliament can create organs of the Single Party is in effect a means to run a singular political system to the advantage of the incumbent at national expense whilst political organisations are demurred.

The void of a strong and viable opposition destroys one of the basic checks against the potential excesses of the executive, and in a de jure sense introduces autocracy.

A leaf should be taken from the American framer, Alexander Hamilton, who noted in the Federalist Papers No1 that, "it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views: Candour will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable: the honest errors of minds led astray from preconceived jealousies and fears. So numerous indeed and so powerful are the causes, which serve to give a false bias to the judgement, that we , upon many occasions, see wise and good men on the wrong as well as on the right side of questions,

of the first magnitude to society. This circumstance, if duly attended, to will furnish a lesson of moderation to those, who are ever so much persuaded of their being in the right, in any controversy."

Chapter seven: The Executive:

The draft constitution provides for a strong presidency which makes all appointments and removals from office, on approval of the NCS, including ministers, the heads of the Human Rights Commission, the Inspectorate of Government, the Director of Public Prosecutions, the Electoral Commission, the Chief Justice and judges, members of the Judicial Service Commission, Permanent Secretaries, Ambassadors, the Audit Commission, and the defence establishments

An Executive President of Uganda shall be the head of state, head of government, and Commander-in-Chief of the armed forces, who will be above the law, civil and criminal proceedings being brought after he leaves office solely for actions effected in a '**personal capacity**'. Election to the presidency shall be by universal suffrage, and a President must have been elected by at least 50% of the voters. In the case of one candidate failing to acquire the necessary percentage, a two horse race between the 2 top contenders shall decide the result. The presidential term of office is 5 years, and an individual is restricted to 2 terms.

A President can only be impeached for abuse of office, or violation of the oath of allegiance, physical or mental incapacity, for having carried out an act inimical to the economy. Notice to the speaker of parliament is required in writing, supported by at least two thirds of parliamentarians. The President would then be notified, and the Chief Justice would formulate a 3 man tribunal to investigate and recommend a prima facie case to parliament. Parliament would then be restricted to ratifying the findings of the tribunal by a two thirds majority. Impeachment arising from the physical and mental incapacity is subject to the findings of a Medical Board. The presidency is also subject to litigation after he vacates office, but only for actions undertaken in a personal capacity, rendering him, in a de jure sense, above the law. Impeachment is a figment of imagination, being subjected to judicial review in such circumstances where the presidency is above the law, and any tribunal so appointed is aware of the same will only sit to formalise a conclusion, and pocket unearned allowances.

A Vice-President would act in the absence of the President, and automatically assume office on his untimely demise for the unexpired portion of the term of office. The Speaker of parliament is third in pecking order, in the event of both the President and Vice-President being unable to perform their functions, followed by the Chief Justice. The total number of ministers is restricted to 21, to be appointed by the President on the approval of the National Council of State, who need not be elected members of parliament, but are entitled to attend parliament.

A ministerial Attorney General is also by presidential appointment on approval of the National Council of State. A Director of Public Prosecutions is also appointed in the same way with the additional proviso of a recommendation from the Public Service Com-

mission. The DPP may be removed from office by the President on_the approval of the National Council of State.

Chapter eight: Legislature:

Parliament shall have a 5 year term, and may extend it's life during states of emergency or during a state of war, for periods of 12 months, by a resolution of at least two thirds of the parliament. In addition to directly elected representatives, 10 Army Council representatives are provided for, 15 women representatives elected from a public body (parastatal) National Council of Women, 5 representatives from a public body (parastatal) youth organisation, and 3 workers. Parliament may increase the number of interest groups at will on a two thirds majority, and parliament may by law prescribe the procedure of election in interest groups. The Speaker and Deputy Speaker are to be elected by parliamentarians amongst their members, excluding ministers. The presidency can decline to assent to a bill passed by parliament, returning the same to parliament for reconsideration. If the Bill is passed a second time it automatically becomes law.

Section 130 (3) specifically gives parliament the right to extend its life in 12 month intervals, negating the need for suspending the constitution as in the 1960's, and the arguments in the run up to the 1989 extension of the current administration, formalising the actions into a constitutional right.

Section 134 (1) enumerates the posts of Speaker and deputy Speaker of parliament. Whilst in the following clause ministers and their deputies are disqualified from election as Speaker and Deputy Speaker, The President and his running mate are not specifically precluded from holding the offices.

By leaving room for the legislature to be headed by the executive, 2 of the principal pillars of state are fused, eroding a vital check to balance the executive. Power separation normally means the supremacy of parliament, the representatives of the electorate, and the independence of the Judiciary. The inclusion of unelected members in parliament further weakens it's representative capacity with the inclusion of 10 army members, and 15 members of a public body Women organisation formed for the purpose, and the 5 youth representatives, and with up to 21 unelected cabinet ministers, a prospective 51 unelected members, a possible 20% of parliament. Parliament may also increase the number of interest groups without limitation.

Chapter nine: National Council of State:

There shall be a National Council Of State which, except in deliberations relating to appointments to public offices prescribed in the constitution, shall be chaired by the President, composed of the Vice-President, the Speaker of parliament, 10 members of cabinet, a representative from each of the districts, and 5 women representatives.

Section 154 99)stipulates that "Subject to the provisions of this article, the NCS shall regulate its own procedure." In the absence of specifically stipulating the working methods of the NCS, the NCS is expected to mirror the current NEC, which is dominated

by the President in absence of transparency, with a blocking vote of hand picked members, and nagging disagreements between the executive and legislature resolved by referendum. 10 cabinet members, the President and Vice-President are enough to ensure a convenient stalemate on consensus procedures. Reference of persistent disagreements to a referendum render the provision unworkable, particularly considering the economic shortcomings of the nation. The chairing of the upper house by the President will dilute the independence of the NCS and efficacy of the legislature, a President who has an overbearing influence on the frame work of NCS working procedures. The formation of an independent consultative body as a second sieve is adequate for a second opinion, but would be independence of the NCS is subjected to enumeration of the procedures, transparency, and the inclusion of presidential proteges, along with the presidency, and the independence of the last pillar of the state.

In addition to being chaired by the Presidency in dilution of independence of this organ, the powers of parliament are eroded when it comes to exercising the important role as a check against the excesses of the executive. Section 154 (1) stipulates that "When the president is of the opinion that there is such a disagreement between the Executive and legislature as to be likely to disrupt the smooth running of the government, he shall refer the issue over which there is disagreement to the NCS for advice."

Section 154 (30 goes on to stipulate that "Where the disagreement continues after the steps taken under clause (2) of this article the president shall request the Council to make the issue on which there is disagreement a national issue for resolution by referendum."

It is notably the presidential opinion that is overriding at a time when parliament may have concerns about possible excesses by the presidency. Notably when there is a stalemate, the Council is required to refer the issue to a referendum, one of several situations where a referendum is proscribed in a country that cannot balance it's budget to the tune of 70%, forcing financial shortfalls to decree the continuity of autocracy.

Chapter ten: Judiciary:

The Chief Justice and Deputy Chief Justice are to be appointed by the President on approval of the National Council of State. Justices of the Supreme Court to be appointed by the President on the advice of the Judicial Service Commission, and approval by the National Council of State A Justice of the Supreme Court can be removed by the President, in accordance with the advice of the Judicial Service Commission. The composition of the Judicial Service Commission shall be the Chief Justice, The Principal Judge, and not less than 6 other members appointed by the President on the approval of the National Council of State, a stranglehold on the Judicial Service Commission that ensures the absolute dominance of the pillars of state, dealing a death blow to equitable justice.

Chapters eleven to thirteen:

The following chapters deal with finance,- the public service, and local government. Decentralised Local Governments are to be based on districts, run by District Councils with deliberative, legislative and executive functions. District Council are to consist of one person from each electoral area elected directly, plus 2 women representatives. A District Chief Executive, elected by the Council, is to be the political head of the district and a chairman of the District Council, is to act as Speaker of the Council. Both are to be elected by the Council. The Council will elect Secretaries to head finance, development, security, health, agriculture, education, social welfare, women affairs, and youth affairs.

Chapter fourteen: Defence:

The traditional army, police and prisons are to remain answerable to the presidency. Promotions in the higher echelons of the army are not subjected to parliamentary review and approval, leaving room for the creation of ethnically based personal armies. The inclusion of compulsory military training for all able bodied citizens would render the country to eventually be governed under military laws, and members of the armed forces are not protected against double jeopardy.

Chapter fifteen: The Inspectorate of Government:

With heads appointed by the President, on approval by the National Council of State, who may be so removed in absence of security of tenure, is to investigate corruption and abuse of office in addition to enforcing the leadership code which is stipulated in the following chapter. The track record of the current institution is a reflection of its efficacy in the future.

Chapter sixteen: Leadership Code:

A leadership code of conduct is stipulated, but with the abject failure to enforce the current code that was enacted by the NRM, it is questionable whether this article may be adhered to in a single party system of government.

Chapter seventeen: Land:

Land is to be regulated by the Uganda Land Commission, giving the impression that squatter peasants can legally acquire the property of head title holders without compensation. S271(20) stipulates that all persons legally occupying and utilising land shall be guaranteed security of tenure, and will be enabled to register their interests and acquire certificates of title, in contradiction of the right to own property, and nationalisation subject to fair and timely compensation, a constitutional dichotomy in it's own right, in yet another article out of a string of many that goes against the grain of fundamental rights.

Chapter eighteen: General and miscellaneous provisions:

S 279 recognises the institutions of traditional leaders, but absolves the state from any responsibility towards their maintenance, and the institutions are barred from engaging in politics, the length and breadth of which is undefined.

Traditional cultural systems whilst purportedly allowed for, are negated by a Republican Constitutional proposal, denied constitutional recognition, and are subjected to parliamentary dissolution in abject contradiction of the inalienable right to free conscience and association.

Chapter nineteen: Amendments:

Article (98), which stipulates that a referendum should determine the resumption of party politics, cannot be amended without the approval of a national referendum, and the following provisions may not be amended unless they are supported at the 2nd and 3rd readings in parliament by a two thirds majority of all the members of parliament, and shall not have the effect of amendment unless ratified by the District Councils of not less than two thirds of the districts of Uganda; these include the article stipulating Uganda as a Republic; the Bill of Rights; the method of election of the Presidency, along with the five year term; the declaration of war and State of Emergency; all articles relating to the National Council of State; and the chapter relating to amendment of the constitution.

In further mirroring of the wishes of the ruling party, the constitution is prohibitive when it comes to amending the articles in which the ruling party has expressed an interest in it's unconstrained campaigns over the years.

Chapter twenty: Transitional provisions:

The NRM government is to remain in office until a new government is elected not later than 25th January, 1995, when Uganda reverts to a One Party State.

Other anomalies

The commissioners to the constitutional Commission are destined to retain their vehicles in some form of cost sharing exercise as a piece of silver for a job well done. The constitution that has been presented does not address the traditional shortcomings in the Ugandan society.

The major causes of unrest in Uganda's post-independence era are undoubtedly corruption, human rights abuses, a democracy void, executive disrespect for the laws and constitutions, the dampening of property rights, the monopolistic bear hugging of power, and the militarisation of politics. The absence of a viable political system has been simplistically plugged with the proposal of a One Party State, whilst at the same time asserting that the submissions of respondents specifically preclude a One Party State.

Methodology

The manner in which the opinion gathering exercise was carried out leaves a lot to be desired. Organised around the local government Resistance Council (RCs), it ensured that the majority of submissions were from RCs officials. Whilst it may be argued that RCs officials are elected by the people, their accountability to the masses is eroded by the provisions in Section 10 of the Resistance Councils and Committees Statute, 1987, which stipulates that "the minister may, on recommendation by a District Administrator suspend a Resistance Council on any of the following grounds".

The RC is rendered a satellite of the government with their independence diluted by an overbearing executive, and they cease to represent the grass roots as they are protegés of the executive.

That the memoranda submitted by RCs' may not reflect the wishes of the public is material enough flaw. However, the conclusion of a One Party state is unlikely to reflect the skewed submissions of the RCs', and is the clearest indication of flawed constitutional engineering.

The Constituent Assembly

The Constituent Assembly Bill to discuss the Constituent Assembly is currently before a parliament which is not representative of the people, nor engenders the confidence of the electorate. Whilst all attempts will be made by the NRM to ensure a smooth transition to the Constituent Assembly, with meaty concessions in the Constituent Assembly Bill, such as foregoing the presidential election of the chairman of the assembly and the representation of women and youth, issues affecting the voting mechanism may be pushed through unaltered.

Failure at the parliamentary hurdle to create a conducive environment for discussing the draft leaves the constitution making process to the Assembly which too is a mine field of pitfalls. Composed of a blocking vote of 50 hand picked members, it will be a herculian task for an amendment to be effected in this body if it's constitution remains in the form stipulated the the Bill.

There has been a debate as to whether the National Resistance Council, parliament, should form the Constituent Assembly either in it's present form, or in an expanded forum that takes into account the interests of selected pressure groups.

With a majority of members that are not answerable to the electorate, in a parliament that is suddenly coming to life primarily because their life span has been shortened, this is certainly not the way forward. The engineering exercise has been seriously flawed to date and to redeem the situation and render the final outcome palatable to the people of Uganda, recovering from the initial tumble at the first hurdle , it is imperative that the representation in the Assembly is restricted to representatives of the people, specifically excluding public sector (Parastatal) representation from youths, women and other public sector groups specified in the Constituent Assembly bill.

The preamble to the Bill refers to the 10-Point-Programme, a 37 page booklet that has been gathering dust on bookshelves over the years. 180 delegates are to be elected from electoral areas, 42 selected by interest groups, and 15 by the president.

355

Every county is to be designated an electoral area to elect a delegate to represent every 80,000 head of population. However, areas with substantially smaller population are not to be amalgamated to achieve some form of proportional representation.

Canvassing is to be conducted under the supervision of returning officers who are agents of the government, and are limited to one candidates meeting in each parish. The presiding officer shall determine the duration of each candidates address to electors, and control the voters questions to candidates. Privately conducted public rallies are prohibited, along with any form of public demonstration, and are all liable to a maximum penalty of 6 months imprisonment.

The arbitrary control of campaigning by agents of the ruling Party is a formula to give them favourable consideration when it comes to air time. It contravenes the current Bill of rights which allows for free association and expression. The Bill appears to be preoccupied with giving a monopoly to one class of candidates as opposed to addressing the potential shortcomings in campaigns, such as rent-a-mob and other unsavoury goings on that are likely to erupt.

The distribution of posters and pamphlets, along with the use of state controlled electronic media are not prohibited, though it is not stipulated how air time shall be allocated, if at all.

Polling shall be in ballot boxes, and candidates may appoint polling agents to oversee their interests, and the results of the count are to be announced at the polling station where the count will be conducted. The security of ballot boxes is to be left to the discretion of presiding officers for 6 months following the elections which will be open to manipulation.

There is some ambiguity about the qualifications to be elected in that delegates who are 'ordinarily resident in an electoral area, and members of specified interest groups, appear not to be required to fulfil the requirements of citizenship under S5 of the Bill.

That non-citizens are barred from registering as voters, or voting for delegates representing special interest groups, is likely to trigger a witch hunt for non-citizens who have over the years settled in Uganda having been forced into exile from neighbouring countries.

That the Chairman of the Assembly is to be appointed by the President is perhaps the singular clause that has attracted accusations of foul play. It is unclear why his deputy is to be appointed by the assembly, particularly as they both have no duties to perform prior to the convening of the first sitting, and the Chief justice is to preside over the initial meeting to administer oaths.

The rules of procedure of the NRC are to be adopted by the Assembly and decisions are to be what is referred to as 'consensus', which renders the Chairman all powerful in that he can pass a decision singly. The rules are, in addition, subject to alteration by the minister of Constitutional Affairs at will.

As we speak now parliament is due for a 'closed' session, in camera, sometime today. Transparent governance has eluded the people of Uganda to date. the last time the executive wanted to extend their tenure in office, parliamentarians were offered pick ups to smoothen the way for the proposal through the legislature. It is not the correctness

of the proposal that is under scrutiny, but the inducements and behind the scenes stands by parliamentarians which the electorate are not aware of.

A head count is at the discretion of the Chairman or on the insistence of a delegate supported by at least 50 others, but requiring the support of a two thirds majority, an impossible task if one assumes the 50 presidential candidates are nominated to vote en bloc. Matters of 'national character' may be subjected to a national referendum. The interpretation of 'national character' is left to the Chairman of the Assembly and the Minister of Constitutional Affairs. The proposed rules of conduct of a referendum are not stipulated in the Bill.

The effective date of the constitution is to be, as the president may by statutory instrument, appoint for its proclamation without time limit. It is not clear whether in similar fashion to the NRC, proceedings are to be conducted in camera, denying transparent accountability to the people of Uganda.

A Commissioner and his deputy are to be appointed by the president, and their independence, though stipulated in words in the Bill as equating to that of a judge, are in the absence of definition of the institutional framework to ensure the same. The Commissioner is to oversee the election of delegates and to publish the deliberations of the Assembly. The Attorney General, who sits in cabinet on the executive, may make court rules regulating the procedure that determines applications of aggrieved persons concerning perceived shortcomings by electoral Commissioners.

The Constituent Assembly Bill, 1992, shall require a constitution amendment suspending parts of the Bill of Rights which currently allow for free association and assembly, which the Bill purports to suspend.

Special interest groups have also come under scrutiny. Amongst the political parties listed to have a representation of 2 delegates is the Uganda Patriotic Movement (UPM) about which there are conflicting views as to whether it still exists. UPM Vice Chairman, Jeremiah Opira in an interview in the independent Ugandan Weekly, *The Monitor*, contends that the party is alive and well. In the semi-government weekly, *The Weekly Topic*, ex-UPM Secretary General and incumbent Minister of Local Government, Jaberi Bidandi Ssali contends the party is dead and that should Ugandans elect for plural politics the ruling National Resistance Movement (NRM) would transform itself into a party.

The National Resistance Council (NRC), parliament, is to field 10 delegates. It is not enumerated how they will be elected, but of the 262 members of parliament, up to 70 are not elected and are nominated by the president. They include 38 'historicals' who are nominees from the guerrilla organisation that brought the NRM to power in 1986; 20 army representatives; 10 presidential appointees; the National Political Commissar who heads the government funded NRM Secretariat, and the Director of Legal Affairs of the Secretariat, almost 30 per cent of parliament.

The Assembly is to discuss a draft constitution which by its very nature is to define the organs of government, and how they relate to the people of Uganda. In this respect, parliament ceases to exist, particularly in the light of the fact that it has been declared by the Minister of Constitutional Affairs, that parliament shall not be conducting

business in parallel with the Assembly, promulgating laws in possible contradiction of the deliberations of the Assembly, and without a constituency to report to on conclusion of deliberations.

To oppose that block vote of the hand picked team requires the support of an uphill 68 per cent of the support of the balance of the elected members, and it goes without saying that the president will elect his men and pass a Constituent Assembly Statute of his liking. A National Women's Council, to be established by law, is to field 8 delegates on the argument that women are the majority in the country, a position, if correct, which would put them in a position to elect an Assembly of women. It is not stipulated how the 8 delegates are to be selected, but it has been the practise in Uganda for Presidents to appoint the heads of public bodies.

A National Youth Council, also to be established by law, is to field 4 delegates. The Youth Council Bill, recently published, confirms the suspicions of fixing in that parrot trained toddlers between the age of 13 and 26, the unemployed, are to be paid by the government, ensuring their unwavering allegiance.

The National Resistance Army (NRA), which is headed by none other than Lt. General Museveni, who is also Commander-in-Chief of the army, Minister of Defence, Head of the Army High Command and Army Council, Chairman of the presidential Economic Committee (PEC), the National Executive Committee (NEC), head of government business in the cabinet, Chairman of the NRM (speaker of parliament), and Chief Executive of Uganda. An unwieldily cacophony of government organs all of which are manned by presidential nominees.

It is not inconceivable that the government presented an unacceptable Bill to give it ample room for bargaining.

Referendum

It has been suggested in some quarters that the question of plural politics should be subjected to a national referendum to decide the issue. It is an untenable alternative under the circumstances with one party having had a 7 year head start, to get a level playing field it would have to be gagged for an equivalent period of time whilst the other parties have equal time to put their message across.

Election Observers

In Uganda we do not want election observers when it comes to elections in 1994. The 1980 elections were materially flawed to the extent that the head of the military commission Paulo Muwanga resorted to announcing election results without reference to ballot papers. The Commonwealth observer Group went ahead to ratify Muwanga's results.

In neighbouring Kenya observers stayed at the Inter-Continental Hotel and were not in a position to observe anomalies that may have taken place during the election process. they could well have stayed in London and faxed their standard wording prior to the election than spend enormous sums in overpriced hotels, belching on lavish meals and

a hefty per diem allowance. if their mandate is to underwrite the anomalies of incumbents. then it is preferred that they stay at home. It is better for Ugandans to sort out their problems in the good old fashioned way until water finds it's own level.

In the build up to the 1994 elections. Ugandans are likely to draw from the experiences of other emerging democracies. In Senegal. president Abdou Diouf has just managed to secure a third term in the background to charges of election malpractices as civil unrest grows. In neighbouring Kenya. the elections in December. 1992, were fraught with malpractices. and international observers proceeded to underwrite the outcome asserting it represented fairly the state of affairs. Barely one month later. there are increasing signs of internal discontent with the rift valley region continuing to appear like a slaughter house, and 5 train crashes in quick succession smack of a challenge to Kenya's higher echelon Kalengin dominated military. The sibling Kenyan opposition parties did not reckon on international observers rationalising an exercise that was materially wanting. A flash back to 1980 Uganda would have put them in perspective.

In the 1980 elections strongman Paulo Muwanga, in the face of a massive election rout simply bestrode the rostrum and announced results without reference to ballot papers. Commonwealth election observers initially declined to endorse the results but on return to London were persuaded by then Commonwealth Secretary General. S. Ramphal, of the deciding factors in an election that go beyond the ballot box. From 1980 to date, Uganda has plodded on in a sea of bloodshed.

The framers of the constitution have concluded that 2 terms of five years is the maximum presidential life without generating the inevitable tensions that would force an administration to revert to repressive methods to retain the continued integrity of the nation. After 7 years of NRM rule. Uganda is currently experiencing signs of fraying at the seams with university professors being blown up for no discernible reason. and rioting prisoners being shot in cold blood with live bullets as a first resort as their rumblings are reinforced by the arbitrary incarcerations of selected military officers on without charge.

If the premise that underlies the constitution is to be given serious consideration, along with the rest of the charter, then the current administration would require a maximum one year beyond the 1994 election date to outlive it's useful life, which would be ample time to organise elections and prepare the stage for other players.

The constitution making exercise has been a seriously flawed exercise in constitution engineering that goes beyond what some have suggested. that there is still an opportunity to clean up in the constituent assembly, an assembly the constitution of which, and the procedures of work, are still subject to the deliberations of a body that is not representative of the people. Responsible public officials should avoid defecating in public in the fashion of toddlers simply because others will clean up after them. it is unhygienic, and requires an extra service that is an overhead on national resources. To clean up will require a Constituent Assembly that is composed of 100% of the delegates that are directly elected. transparency and accountability that is not characteristic of the present mode of governance. In the absence of clean hands. we may be faced with a situation where we need to elect between the Molotov. Savimbi. and Bismarck alternatives..

ATTACHMENT 6

PUBLICATIONS OF THE UGANDA PEOPLE'S CONGRESS

Uganda Peoples Congress

Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

Office of the Secretary General

7th May, 1993

H.E. Lt. Gen. Y.K. Museveni
The President of Uganda
State House
Entebbe,
UGANDA

Your Excellency,

Re: THE CONSTITUENT ASSEMBLY AND THE TRANSITION PROCESS

It is our historic duty, as the leading political party to address you on behalf of the people of Uganda, on certain key issues relating to the Constituent Assembly and the process of transition to democratic rule in our country. These issues emanate partly from the amendments to the Constituent Assembly Bill (1993) and also the need to ensure that the consequent process of change leading to democratic governance will be free, fair and peaceful.

We deem it vital at this stage that necessary consultations must take place between your government and the Political Parties to facilitate a smooth transition to democratic governance.

You will recall that in August 1992, we together with the Democratic Party made proposals on dialogue between the Government and the Political Parties. The opportunity was missed at that time to establish a form that could by now have developed a consensus on all issues in the effort to establish democratic patterns of work, acceptable to Political Parties and your government.

In view of the demanding tasks ahead of us, and the impending Constitutional crisis, the government will be better advised to-day to heed the call of the Political Parties, in favour of peaceful methods of work and relations, rather than the current intransigence on the part of government.

We now call upon you as the Head of State to rise above personal and transient interests in favour of positive and responsible statesmanship.

We make the observations and recommendations below fully knowing that Uganda is now at crossroads. The present Constitutional process has been totally constructed by high handed government amendments to the Constituent Assembly Bill (1993) hence the future of Constitutionalism in Uganda is obscured. We therefore demand that in the national interests for democracy, lasting peace and prosperity, [illegible] priority to the following observations and recommendations.

364

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda • Telephone:57373

THE MANDATE OF THE CONSTITUENT ASSEMBLY

We observe that the attitude and spirit of the government towards the Constituent Assembly, as revealed in the Government's amendments to the Constituent Assembly Bill is that the Assembly must of necessity uphold the Report of the Uganda Constitutional Commission in its entirety.

The amendment proposal to Clause 18, tabled by the Minister, reads in the first instance as follows:

"(4) without prejudice to sub-section (1) whenever any decision of the Assembly on any matter of a national cracker, is at variance, in a substantial way, with the views of proposals, contained in the Report of the Uganda Constitutional Commission, on the matter the Chairman shall, immediately, in writing notify the Minister of that fact.

(5) Upon receiving the notification under sub-section (1) the Minister may, and after carrying out such consultations as may be appropriate, refer the matter to a national referendum.

(6) Whenever the Minister refers any matter to a national referendum under sub-section (5), the decision of the Assembly on that matter shall be confirmed or varied by the decision derived from the result of the referendum.

(7) The decision of the Minister to refer any matter to a national referendum under sub-section (5) shall be final and conclusive and shall not be questioned in any court."

The spirit of this amendment undermines the mandate of the Constituent Assembly. Whereas the people of Uganda have focussed their hope on the fact that a freely elected and fairly constituted Constituent Assembly will be the legitimate body to determine the future Constitution of Uganda, the Government , on the other hand, would want the Constituent Assembly to be more of and/or a mere rubber stamp. We want to stress that this is a fundamental point of conflict between the hope of the people of Uganda and the attitude of the government.

This variance between the hope of the people and the attitude of your government precipitates a crisis of confidence in the whole process of Constitution making. This crisis leaves the process of transition to democracy in jeopardy.

Secondly, when the above amendment was attacked in the Press the Minister hurriedly sneaked in the following alternative in its place:

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda • Telephone: 57373

"(4) without prejudice to sub-section (1), the President may, upon advice of the Cabinet, at any time before, during or after the deliberations of the Assembly, direct that any issue or specified issues be resolved by a referendum.

"(5) Whenever the president directs that a referendum be held under sub-section (4) any decision of the Assembly on the issue or issues, presented for decision at the referendum, shall be confirmed or varied by the outcome of the referendum which shall be final and conclusive."

This alternative is not different from the first proposal; it only confounds that situation by diverting all authority and power from the Constituent Assembly and vesting them in the hands of the President alone. Worse still , the President is authorized by the amendment, to determine constitutional issues "any time, before , during or after the deliberations of the Constituent Assembly".

This makes the Constituent Assembly elections a worthless exercise and a mockery of the democratic processes.

There can be no doubt that a Constituent Assembly that is freely and fairly elected must have a mandate for the entire population of Uganda to finally determine all the constitutional issues. We strongly object to any attempt to reduce that mandate and render the Assembly to be a rubber stamp for the whims and wishes of the government and the President.

- THE MANDATE N.R.C.

In passing the above amendment the National Resistance Council (NRC) of the NRA/NRM has demonstrated its total incapacity and incompetence to represent the democratic will of the people of Uganda. This highlights even further the question of the relationships between the current NRC and the Constituent Assembly which will be directly elected on a Universal franchise.

The Constituent Assembly Bill (1993) while providing for the present members of the NRC to contest elections for the Constituent assembly assumes that the NRC shall remain in place as the legislative Assembly. We observe that this creates an environment of potential conflict between the NRC and the Constituent Assembly, especially as some members of the NRC may be also members of the Constituent Assembly. Occasion may indeed arise when the work of the Constituent Assembly could be impeded and its decision making process compromised by the concurrent existence of the NRC. The NRC will be a tantalising avenue through which the government may easily interfere with or obstruct the deliberations of the Constituent Assembly, whose mandate must be wider and its role overriding any other organ on the state.

You yourself confirmed that the NRC is not competent to debate the Constitution because it is not a directly elected legislature and being composed in a manner that never involved the majority of the people of Uganda, undermines its credibility as a legislative body.

Furthermore, its independence from the Executive has been constantly shown to be lacking as it serves as the political organ of the NRA/NRM under your Chairmanship. The NRC methods of work are at variance with the normal democratic and parliamentary processes and procedures. It must not therefore, at anytime, be involved in the Constitutional making process.

We demand that the NRC must be dissolved before the Constituent Assembly is elected.

In place of the NRC, we propose that the elected Constituent Assembly discharge the legislative responsibilities in the transition period. This will remove any potential conflict between the NRC and the CA, and also reduce the cost of maintaining two assemblies.

PARTICIPATION OF POLITICAL PARTIES IN THE TRANSITION GOVERNMENT

As the nation gets closer to critical stages in the process of Constitutional making and transition to democratic governance, it is imperative that a new structure of Government be established to cater for the interests of all political forces and provide a level ground for free and fair electoral processes. All evidence so far available indicates that the present structures of the NRA/NRM government are not capable for providing assurance for fair play.

Recent statements by the Inspector General of Police and the Regional Police Commander of Kampala Region testify to the lack of independence of the Uganda Police Forces in the administration of law and order. The arbitrary use of the Uganda Police by the administration in Bundibugyo , Arua and Mbale to break up peaceful meetings and brutalise the participants are living illustrations of not only the lack of independence of the Uganda Police Forces, but also the malicious inclinations of the NRA/NRM to violate democratic rights and freedoms of Ugandans.

The role of the District Administrators and their hosts of cadres and local defence forces (LDFs) in local Administration has already proved to be a major factor in the violations of the peoples' rights and freedoms.

The recent resolutions passed by members of the District Resistance Councils (DRCs) barring freedoms of movement and assembly of leading national politicians is adequate testimony of the gross bias of the local government system against free and fair practice in the current politics of Uganda.

For almost eight years now, the NRA/NRM administration has engaged itself in monolithic campaign against free association and the political Parties. The so called political education programmes mounted by the NRM Secretariat and the District Administrators at gross public expense leave no doubt that the NRA/NRM propaganda machinery cannot tolerate alternative political opinion. Such background is not certainly conducive to a free and fair environment necessary for peaceful transition to democracy.

The tight control over the media, especially radio and television leaves no access for political parties to the national mass-communications net-work. This is so inspite of the fact that the net-work is maintained and operated at public expense to which all of us contribute as tax-payers.

These very clear anomalies cannot be rectified unless provision is made for the political Parties to participate and be unequivocally represented in a new transitional government.

This matter therefore requires urgent negotiation and understanding between the Political Parties in Uganda and the NRA/M administration.

OTHER ASPECTS OF THE CONSTITUENT ASSEMBLY LAW

The drafting of the Constituent Assembly Bill, especially with regard to the composition of the Constituent Assembly and the rules to be used in the electoral process reveal a lot of highhandedness and an attempt to obstruct the proper course of democracy. While providing for universal adult suffrage, clause are incorporated which, by introducing special blocks, undermine the universal and desired representative character of the Assembly.

Ugandans have questioned the desirability of personal appointments of the President and of the Army. We are particularly concerned about the indirect method that has been proposed for determining the women representatives.

While we support that the women of Uganda should be adequately represented in the Constituent Assembly, we object to the use of electoral colleges to determine women representation. Electoral colleges have, in the history of Uganda, been used to manipulate representation and undermine democracy, as was the case in Buganda in 1962.

We propose that the women representatives for each District must be directly elected by the woman voters in that District.

It is the wish of the people of Uganda that the Chairman and Vice Chairman of the Constituent Assembly should be elected by the Assembly from the elected representative delegates of the Assembly. We therefore object to the provision that the president shall nominate candidates for the Chairmanship of the Assembly. This interference is uncalled for if the Assembly is to operate independently of the administration.

It beats logic for one to expect that a national electoral exercise can be entrusted to the hands of just one man as is currently being provided for in the Bill that the President shall appoint a one-man Electoral Commission to oversee, supervise, conduct and manage the electoral process of the Constituent Assembly. This is definitely a gross underestimation of the enormity and seriousness of the exercise.

We strongly propose that for a free , fair and smooth electoral process, a fully fledged Electoral Commission should be put in place after full consultation with all the Political Parties in the country.

The rules governing the elections to the Constituent Assembly as contained in the 3rd Schedule of the Bill undermine universally accepted principles. In particular we refer to those rules which highlight the desire of the government to exclude Political Parties from participating in these elections.

We submit that this insistence of the government in making elections non-partisan contradicts the claim that the elections will be democratic. We want to point out to you, Mr. President, that Political Parties in Uganda and elsewhere remain the only viable free institutions that guarantee the democratic expression of the people. Let there be no pretence that you can shut out the political parties and continue to claim that you are engaged in the process of transition from militarism to democracy.

We find it totally unacceptable that a law should now be found necessary to prescribe that it is illegal for Uganda to say that he/she belongs to a political party, tribal or religious affiliations as stated in rule number 11(2) of the Constituent Assembly Bill. Worse still, it is objectionable that a fine should be provided for, against a person in Uganda on account of the fact that he belongs to a Political Party.

We call upon you to review your position and not to assent to the passage for these rules into law even though the NRC has succumbed into passing them.

In any case, these rules contravene the spirit and purpose of the Constitutional provisions on safe guarding basic rights and freedoms of the people of Uganda. As stated in chapter 111 Article 18(1) of the Constitution of the Republic of Uganda.

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda • Telephone:57373

"Except with his/her own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association; that is to say, his/her right to assemble freely and associate with other persons and in particular form or belong to trade unions or other associations of the protection of his/her interests."

In the context of these Constitutional provisions, it must be said that the campaign of your government against the Political Parties over the last seven or so years was in breach of the Constitution which you pledged and swore to defend and uphold. We as leaders of Political Parties in Uganda are now resolved that we shall defend the Constitutional rights of the people of Uganda.

You will also recall that the government of Uganda is committed to the International Charters of the OAU and the UNO which provide for the safeguarding of the same rights and freedoms.

We call upon your government to honour its commitments and obligation towards these provisions and not to include contrary laws as is now the case in the Constituent Assembly Bill. In this regard we also make an appeal to all the people and organisations of good-will in Uganda and abroad to discourage this dangerous totalitarian trend in the politic of the NRA/M administration.

To date, the NRA/M administration has blown a lot of hot air over the issue of a referendum to determine the status of Political Parties in Uganda. Recently, Your Excellency drove the issue to a most ridiculous extent, while addressing cadres in Makerere University and in Bushenyi that irrespective of the decision of the Constituent Assembly, you would still proceed to subject the issue of Political Parties to a referendum.

Your statements in Makerere and Bushenyi have now been transformed into law through an amendment which has already been cited above. We have said it before, we are saying it again now, and we shall continue to insist that it is unthinkable, unfounded and unconstitutional to subject the rights and freedoms of an individual to a referendum. The only time when the rights and freedoms of an individual can be withdrawn from the individual is by his consent.

Compulsory unification of opinion can only achieve the unanimity of a graveyard.

While there is no guarantee that the people of Uganda will vote against the existence of Political Parties, we remain opposed to putting these matter before a referendum as a matter of principle. You have no right to ask the people of Uganda to participate in destroying their own fundamental rights and freedoms.

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda • Telephone: 57373

Your despicable threats to cause political leaders to disappear like fog" present a real danger to the lives and the processes of peaceful change in Uganda.

We once again call upon you to rise and measure up to the noble challenge and responsibility of a Head of State and steer Uganda to sustainable democratic governance.

THE SUMMARY OF OUR RECOMMENDATIONS

The NRC be dissolved before the Constituent Assembly is elected and the elected Constituent Assembly becomes the legislature for the transitional period.

A transitional government be negotiated between your government and the political parties.

The entrenched dictatorial clauses to the Constituent Assembly Bill be revoked before it is assented to by you.

The threats to the political leaders be stopped and a conducive environment for full and effective participation of all political parties in the campaign and elections of the Constituent Assembly be created.

As soon as possible an Inter-party conference be convened to agree on a complete programme of activities for the transitional period.

The use of the national media i.e. radio, government newspapers and television be open to all political parties.

The Constitutional provisions on freedom of association, assembly and expression be honoured by all government agencies.

The oppressive offices of the District Administrators be abolished and responsibility for District Administrations be left in the hands of the professional District Executive Secretaries.

Government stops the exorbitant expenditure of public funds on the NRM Secretariat and its host of political cadres who are terrorising the people in the rural areas.

Cecilia Ogwal (Mrs.)
Assistant Secretary General

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

5th August, 1992.

PRESS STATEMENT ON POLITICAL PARTY ACTIVITIES.

The Uganda Peoples Congress has reliably learned that the National Executive Committee (NEC) of the NRM yesterday deliberated upon and passed a series of resolutions to be refered to the NRC giving the government power to ban Political Parties in Uganda.

The purpose of this statement is to inform the people who believe in and are committed to democratic rule in Uganda and within the international Community about this dangerous development and to place on record the UPC stand on this matter.

The rights and freedoms of the individual in Uganda are still guaranteed by the provisions of the Constitution. The right to freely associate with one another and hence to form or belong to any political Party or organisation is such a right. These rights and freedoms of the individual guranteed by the Constitution are so inalienable, that is to say, so intrinsically personal that no other individual has the power to remove, suspend or ban them on behalf of the individual.

So long as these rights and freedoms remain guranteed in the Constitution, any administration or government is not free to promote the rights and freedoms of its supporters while, at the same time, suppressing the rights and freedoms of other persons.

The future of the country is at the moment at a very delicate balance. The UPC believes that there cannot be any hope for peace, stability and development in an atmosphere of outright dictatorship. The NEC set of resolutions are a confirmation of such dictatorship in Uganda.

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

The National Resistance Council will have committed a historic blunder which every member will regret if it succumbs to these set of resolutions.

No Parliament of Uganda has ever been used to infringe on the rights and freedoms of the individual. No Parliament of Uganda has ever been used to ban political Parties. No Representative Assembly of any sort should allow itself to be used to deny the people of Uganda their human rights and basic freedoms.

In the event that the NEC resolutions are approved by the NRC and Political Parties are banned, we pledge to the people of Uganda that the UPC will use every legal and political means within its power to challenge that position because it will have removed the sovereign rights of the citizens of this nation to freely enjoy their independence. No government in the world has a right to deny the people their basic freedom and expect to be obeyed.

The UPC calls upon the NRM government to get its priorities right. This country is at the moment going through innumerable miseries and instead of tackling these, the government has since 1986, engaged itself in a ruthless and pointless campaign against political Parties. The UPC calls upon President Yoweri Museveni to disengage from this campaign and move towards democratic methods of solving issues.

We re-iterate our call upon the government to lift the ban on political Parties' activities and to facilitate the holding of a National Convention of all political Parties.

Finally, we call upon all the people of Uganda, political Leaders and all persons committed to democracy to relentlessly fight this attempt towards dumping the nation to a permanent dictatorship.

Cecilia Ogwal (Mrs.)
ASSISTANT SECRETARY GENERAL.

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

OPEN LETTER TO: 30th January 1989.

H.E. LT. GENERAL Y.K. MUSEVENI
PRESIDENT OF UGANDA
OFFICE OF THE PRESIDENT
KAMPALA.

Your Excellency

RE: ELECTIONS IN UGANDA:

1. We are duty bound to write this open letter to you stating the position of our Party, The Uganda Peoples Congress on the question of elections in Uganda. The recent pronouncement which you made at Kyambogo directing that elections to the National Assembly, as well as to the District and Local Councils, take place in February 1989, has caused consternation throughout Uganda.

2. Once again the eyes of the world are focused on Uganda, wondering whether there is any hope for returning to a peaceful and democratic course of resolving political issues in our strife-torn motherland. The citizens of Uganda too, are wondering whether the spontaneous elections which you have proclaimed and your chosen methods of conducting these elections, is a basis for the much sought for stable and democratic government which can pull us out of the chaotic political, economic and security situation now prevailing in the country.

..../2

Open Letter:

3. We put it to Your Excellency that the credibility of any government, and political system, cnsists in being honest to the people. Any attempt by any Administration to submerge its intentions in a tissue of dishonest measures, in order to hoodwink the citizens into keeping it in power, can only yield shortlived satisfaction to the individual concerned.

4. The UPC has always been in the forefront in the struggle for democracy, national unity and the welfare of the citizens of Uganda. Our commitment today to that struggle is strengthened by the fact that we have the unflinching support of the majority of the masses of the citizens of Uganda.

5. In this connection let us state the following:

(a) When the National Resistance Army (NRA) siezed power in January 1986, it promised to stay in power for four years, during which the government would organise General Elections leading to the establishment of a Constitutional Government. The pronouncement on elections which you made at Kyambogo would have been expected to set in motion a machinery for General Elections which should be held before the expiry of your term of office and in accordance with the known electoral Laws and with the necessary Constitutional safeguards.

..../3

Open Letter:

It would appear that the exercise which you have declared and which should be considered an internal re-organisation of the NRM, is being deliberately potrayed as "The General Elections" to legalise the NRM leadership.

(b) The UPC would not like to be party to throwing overboard the established cardinal principle of "one-man-one-vote" in a process of 'universal adult sufferage' in our electoral process. The UPC maintains that for National Elections every Ugandan citizen must be given the opportunity to express his/her political prefferences in a truely democratic process established under our electoral Laws and the Constitution.

(c) We cannot support an electoral method that denies Ugandans a chance to show their prefferences for alternative policy formulations. This is particularly important now that there is no clear economic direction, poverty has intensified everywhere, social services are in total ruins and large parts of Uganda are in the grip of frightful insecurity.

6. In view of the above consideration the members of The Uganda Peoples Congress have decided that they will not participate in the spontaneous electoral exercise in February 1989. We believe that because of the timing and methods of this exercise, the results will fall short of establishing the necessary democratic forum.

I convey these views of the Party.

FOR GOD AND MY COUNTRY.

CECILIA OGWAL (MRS.)
ASSISTANT SECRETARY GENERAL:

Uganda Peoples Congress

Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone:57373

5th June 1991

The Hon. Minister,
Ministry of Constitutional Affairs,
Office of the President,
Kampala.

2

Dear Sir,

RE: PARTICIPATION IN THE CONSTITUTION MAKING PROCESS.

This is to acknowledge receipt of a letter from your Ministry Ref. No. UCC/37/B dated 22nd May 1991 and signed by Prof. Dan Mudoola, Vice Chairman of the Uganda Constitutional Commission. The letter was copied to you.

We note that this is the first occassion that the National Resistance Movement (NRM) Government has decided to invite us and seek "... the views of the Political Leaders on Constitutional issues and the Constitution making process on the proposed New Constitution of Uganda," as the letter puts it.

In view of the importance that the Uganda Peoples Congress (UPC) attaches to the sanctity of the National Constitution of the Republic of Uganda and to the role of Political Parties in the politics of our country, we would like to make and bring to your attention the following observations:-

(1) The current process of Constitution making has been shrouded in political bad faith. The selection of the members of the Constitutional Commission was done without any regard to alternative political views of the people of Uganda. Most of the Commissioners are avid sympathisers of NRM and have made the process of making a National Constitution look like ideas are being gathered for the making of an NRM Constitution.

Taking advantage of the fact that "The Uganda Constitutional Commission Statute does not spell out the steps to be taken in discussing and approving the New Constitution," as pointed out in the Commission's 'Guidelines on Constitutional Issues, March 1991'; members of the Commission have made statements and produced literature that are meant to persuade the public to endorse NRM ideas.

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

Accordingly, the Constitutional Commission:-

(a) is constrained to operate primarily through the organs of the NRM - that is the Resistance Councils (RCs) - in the parts of the country where these exist.

(b) has become an organ of the NRM; yet the NRM is only one of a number of political organisations in the country.

(2) Legal Notice No. 1 of 1986 as amended by Statute No. 1 of 1989 provides in part that "The National Resistance Council and the National Resistance Army Council shall participate in the discussion, adoption and promulgation of the Constitution."

Both the NRC and the NRAC are but organs of the NRM. To prescribe that these two organs of one political organisation shall participate in the discussion, adoption and promulgation of the Constitution, to the exclusion of other Political Parties, is totally unacceptable to us.

(3) Certain statements by the leadership of the NRM leave us with no doubt that the Government has already made up its mind about the most vital aspects of the Constitution. President Museveni has made pronouncements which clearly show that he is totally committed to an uncompromising position on crucial and fundamental issues determinant to the final out-come of the Constitution.

President Museveni has categorically stated that the type of Democracy he believes in is a "No-Party Democracy" which he terms "mass-participation". He re-enforced and reiterated this position recently while closing the Africa Leadership Forum in Kampala when he challenged the declaration adopted by the Forum on the need for plural political structures and the separation of Political Parties from state organs. Characteristically, President Museveni stated that "... the State MUST control politics".

In his travels abroad, President Museveni has also castigated Political Parties as being religious and tribal groupings.

(4) Judging from their published Guidelines, the Constitutional Commission has fallen prey to the cheap talk of the NRM propagandists on the role and history of Political Parties in this country. They have hatched up arguments to promote no-partism and throw mud on Political Parties.

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

To the UPC the position is very clear. The people who wish to introduce 'smoke-screen' democracy in Uganda are basically scared stiff of the democratic powers of the people of Uganda. To them, it is not the people who matter but the fact that political pluralism would mean danger to their continued rule.

(5) Given the sort of powers that are presently bestowed unto President Museveni - who is also the Chairman of NRM, NRA High Command, NRC as well as the NRAC - there is no guarantee at all that the present Constitutional Commission will or can act independently on fundamental questions of basic Constitutional freedoms of conscience, expression and association.

(6) The continued unilateral suspension of Political Party activities by the NRM Government - at a time of Constitution making - is a clear manifestation of the determination of the NRM Government to keep the other Political Parties out of the Constitution making process, and thus impose its own Constitution upon the people of Uganda.

What guarantee is there to assure us that our contribution to the proposed seminar would be either incorporated or would be of any use to the Constitutional Commission?

(7) In order, therefore, to cater for meaningful participation of all the Political Parties - on an equal footing - in the Constitution making process, we propose the following measures be adopted and effected:-

(i) The current suspension of Political Party activities, arbitrarily imposed by the NRM Government be lifted and conditions be made conducive for all Parties to freely consult and discuss pertinent issues with their members in all parts of the country.

(ii) The present Constitutional Commission be expanded to cater for Political Parties' representation.

(iii) The Uganda Peoples Congress (UPC) does not recognise or accept that the NRC and NRAC are the legitimate and impartial organs to deliberate, adopt and promulgate a National Constitution for the people of Uganda.

The UPC shall ONLY recognise and accept a Constitution deliberated upon, adopted and promulgated by a Constituent Assembly:-

Uganda Peoples Congress
Uganda House, P.O. Box 1951, Kampala, Uganda · Telephone: 57373

(a) composed of representatives who have been freely elected from all parts of Uganda.

(b) whose election would have been conducted in accordance with the universally accepted principles of universal adult sufferage, and

(c) whose election all Political Parties would have been allowed to freely participate in.

This will be the only National organ that can claim the legitimate mandate to deliberate, adopt and promulgate a New Constitution for the people of Uganda.

When these proposals are accepted and effected, the Uganda Peoples Congress (UPC) will find no difficulty in attending the forthcoming Seminar.

Yours Sincerely,

Cecilia Ogwal (Mrs.)
ASSISTANT SECRETARY GENERAL.

cc 1. The Chairman,
Uganda Constitutional Commission.

2. The leaders of,
All Political Parties in Uganda.

ATTACHMENT 7

GOVERNMENT OF UGANDA CORRESPONDENCE RE: POLITICAL PARTIES

(TRUE COPY)

Office of the Minister of State
For Internal Affairs
P.O. Box 7191
Kampala, Uganda

Ref: S. 3326

12th March 1993

The Inspector General of Police
Police Headquarters
KAMPALA

GOVERNMENT POLICY ON POLITICAL PARTY MEETINGS OR SEMINARS

This is in response to letter Ref: SF4/12/6(66) dated 4th March 1993, addressed to me by the Director/Special Branch, and copied to you and the Director/CID, in connection with the above subject.

The following are the guidelines:-

1. Political Party activities were suspended so as to consolidate the peace ushered in by the NRM Government. This period should be looked at as a holiday during which people should rest from the past events in the country and give the NRM Government a chance to re-organise the country, in accordance with the 10-point programme.

2. Political Parties were not banned as such, ie., they were not de-registered. Their offices have since remained open for usual routine party business, including holding meetings therein. However, party supporters may not fly flags, put on party colours bearing portraits of party leader, or display colours on cars/vehicles etc,etc...

3. Public Political Party meetings eg., those which are normally held at the City Square and other Booma Grounds elsewhere are suspended. There are the kind of meetings which would end up in excitement and arouse bitter memories resulting into chaos.

4. All High Profile meetings, whether indoors or in the open are equally suspended. Any such meeting requires the permission of the Area DPC in consultation with the D.A.

In conclusion therefore, while Government has not banned Political Parties there is nevertheless, a need to limit Political Party activities in the interest of the country, and the above should in a way act as guidelines for all DPCs in countering Political Party activities when the situation so demands.

signed
Tom R. Butime
MINISTER OF STATE FOR INTERNAL AFFAIRS

cc H.E The VP/Minister of Internal Affairs

" 1st Deputy Prime Minister/NPC

" Minister of State for Defence

" The Director of Special Branch

" The Director of CID

National Resistance Movement
SECRETARIAT

Office of the National Political Commissar
P. O. Box 7002
KAMPALA-UGANDA,

Tel: 235777

Your ref;.....

Our ref: NPC/71

DSO
Pse note
GAO

4th March, 1993.

Mr. John Atia Otim,
District Administrator,
Lira District,
P.O. BOX 1,
LIRA.

RE: CURRENT POLITICAL PARTY ACTIVITY IN LIRA DISTRICT

I acknowledge receipt of your letter Ref: DA/CADM/36/3 dated 20th February, 1993 informing me of the current Political Party Activity in your district.

Thank you for the report and please keep me informed.

Kategaya

E. KATEGAYA
IST DEPUTY PRIME MINISTER/NPC

Noted.
GAO

TELEGRAMS.....

TELEPHONE.....

ANY CORRESPONDENCE ON THIS SUBJECT PLEASE QUOTE NO. SCW.3/SDA

THE REPUBLIC OF UGANDA

OFFICE OF THE DISTRICT ADMINISTRATOR.
MBALE DISTRICT.
P.O. BOX 1937.
MBALE, UGANDA.

2nd March 1993

The District Police Commander,
Central Police Station,
M B A L E.

"UPC" MEETING SCHEDULED FOR 6TH MARCH IN MBALE DISTRICT

I wish to draw your attention to the above mentioned/intended "UPC" meeting.

At the same time, I wish to draw your attention to the herewith attached circular letter dated 28th October 1992 about NGM/NCA intentions by deposed President Milton Obote's Son - E.O. Engena. You are probably aware that Milton Obote himself is the Chairman NGM/NCA at the same time he is still leader of UPC. The so-called UPC Presidential Commission which intends to come and meet in Mbale on 6/3/1993 was personally set up by Obote himself and as such it is directly answerable to him.

Suffice to mention, we have continued to zero-in on all NGM/NCA intentions, machinations and activities in the District and so they cannot be allowed a chance to destablize the area.

Having stated the above, I wish to call on you to resolutely ensure that no NGM/NCA meeting under any guise of UPC takes place anywhere in Mbale District on 6/3/1993.

By copy of this letter Alhaji Wasike the Interim UPC Chairman for Mbale District is hereby informed of our resolute stand on the matter.

(Henry Rwigyemera)
DEPUTY DISTRICT ADMINISTRATOR

DEPUTY DISTRICT ADMINISTRATOR
MBALE

c.c. Alhaji R.Z. Wasike, UPC Interim Chairman Mbale
-do- NRA 3rd Division Commander
" Regional Police Commander Mbale
" District Internal Security Officer Mbale

CONFIDENTIAL

DA/CADM/36/3

DISTRICT ADMINISTRATOR'S OFFICE,
P.O. BOX 1,
LIRA.

20th Febuary 1993.

The 1st Deputy Prime Minister and
National Political Commissar,
N.R.M. Secretariat,
P.O. Box 7006,
KAMPALA.

RE: CURRENT POLITICAL PARTY ACTIVITIES IN LIRA DISTRICT:-

On 12th and 13th Febuary, 1993, my office, Office of the chhirman DRC and the CMs of Otuke and Dokolo counties jointly organised a seminar to discusse the Constituent Assembly Bill. Political Party Secretariats were invited in good faith to participate, Uganda Peoples' Congress (UPC) and Democratic Party(DP) responded.

Unfortunately the seminar was misconceived to mean discussion on party activities by interest groups especially UPC Secretariat.

The Misconception was compounded by apparent alliance between UPC Secretariat and the CMs who participated in the initiation (Hon. Levi Okodi and Hon. Omara Atubo).

Soon after the seminar signs that political party activities are revived in the District began to surface. Persons closely associated with this has been identified.
My office together with the District Security Office (DSO) has summoned the people identified and clearly cautioned and told about the government's stand.
Some of the people cautioned have started showing signs of having been misled.

We have learnt that Mrs. Cecelia Ogwal in one of her hidden addresses told her gathering that there is no law suspending political party activities and that if one is arrested one cannot be charged in any court of law.

The purpose of this letter is first to brief you about the current affairs and secondly to request for further guidance in this regard.

JOHN ATIA OTIM.
DISTRICT ADMINISTRATOR/LIRA.
DISTRICT ADMINISTRATOR
LIRA.

c.c. H.E. The President,
State House
ENTEBBE. (for information)

" Rt. Hon. Prime Minister,
Post Office Building,
KAMPALA. (for information)

" Hon. Minister of State,
Office of the Prime Minister.

P.O.BOX I NEBBI.
8/4/1993.

THE RC IV CHAIRMAN,
ALL THE RC III CHAIRMEN,
NEBBI DISTRICT.

Re 3 Simon Nic .....Division.

REF: CURRENT GOVERNMENT POLICY ON POLITICAL PARTY MEETING/S SEMINARES:

This letter serves to inform you about the current government position on political party activities in the Country as per a letter written by the Minister of State for Internal Affairs to Inspector General of Police, Kampala, reference S.3326 dated the 12/3/93 and copeid to all DA's for downward dissemination to all RCS 5 -I and the general public for information, implementation and observance.

The Government's position on Political Party grass-roots activities run along the following guideling;

I- Political Party Activitie were suspended so as to consolidate the peace ushered in by the NRM Govrnment this period should be looked at as a holiday during which people should rest from the past events in the Country and give the NRM Govrnment a chance to re-organise the Country, in accordance with the 10-point programme.

2- Political Parties were not banned as such, i.e., they were not de-registered. Their Offices have since remained open for usual routine party bussiness, including holding meetings therein However party supporters may not fly flags, put on party colours bearing portraits of party leaders, or display colours on cars/vehicles,etc

3- Public Political Party meetings e.g., those which are normally held at the City Square and other Boma Grounds elsewhere are suspended. There the kind of meetings which would end up in excitement and arouse bitter memories resulting into chaos.

4- All high profile meeting, whether Indoors or in the open are eqally suspended. Any meeting requires the permission of the Area DPC in consultation with the DA.

/2.....

5. In conclution, therefore, while Government has not banned Political Parties there is nevertheless, a need to limit Political Party activities in the interest of the Country, and the above should in a way act as guideline for all DPCs in countering Political Party activities when the situation so demands.

We appeal to you therefore, to observe these guidelines and to enforce them in the interest of peace, unity and tranquility in the Country untill such as time as the NRM has finalised all legislations ending up with the Bill on Political Parties.

Yours in Solidarity,

(DIAZ DRAKEI FESTO)
AG.DA/ NEBBI- DISTRICT.

CC: NPC/S KAMPALA.
CC: MINISTER OF STATE FOR PRESIDENTIAL AFFAIRS/ KAMPALA.
CC: RC V CHAIRMAN/DES/DISO/DPC/CC.S/NEBBI.

We appeal to you therefore, to observe these guidelines and to enforce them in the interest of peace, unity and tranquility in the Country untill such as time as the NRM has finalised all legislations ending up with the Bill on Political Parties.

Yours in Solidarity,

(DIAZ DRAKEI FESTO)
AG.DA/ NEBBI- DISTRICT.

CC: NPC/S KAMPALA.
CC: MINISTER OF STATE FOR PRESIDENTIAL AFFAIRS/ KAMPALA.
CC: RC V CHAIRMAN/DES/DISO/DPC/CC.S/NEBBI.

ADMINISTRATOR'S OFFICE NEBBI

DISTRICT ADMINISTRATOR'S OFFICE NEBBI

CHAIRMAN'S INTRODUCTORY SPEECH ON THE OCCASION OF THE AMERICAN ELECTION OBSERVERS' VISIT TO KITEEZI ON 30TH MAY 1993

Our Guests: Mr. Walter Carrington and your distinguished delegation;
My fellow residents of Bumbu Kiteezi: Ladies and Gentlemen.

Allow me on behalf of the congregation to welcome you most warmly to this meeting in this semi-urban locality; and indeed to this country as a whole.

In a special way, I wish to express profound gratitude to this delegation from The African-American Institute in Washington DC, U.S.A; for having accepted to include our locality on your programme of collecting grassroot political views on the prospects of elections in Uganda. We feel greatly honoured; and I thank you very much.

This area is typically semi-urban, given its short distance from the capital as well as the occupations of the residents being both urban-oriented and rural-based. This is so because while many of us are engagedfully in agriculture, animal farming and poultry, quite a large percentage is comprised of government and institutional employees in the capital; and at the same time try their hands at rural income - generating activities. So the reverse is also true that we are equally semi-rural and are therefore abreast of what goes on in the political leadership of this nation.

It would be impossible to talk about "political opinion" in this country without revisiting our political history since independence. As you must have gathered already, this country has been administered by two multi-party-based-governments and two major military regimes in the past; the latter having overthrown the elected governments respectively.

Incidentally, the masses greeted both take-overs with jubilation since the supposedly-elected government on a party ticket had turned oppressive. Yet ironically, the same masses were soon to face the full force of direct and even worse inhuman governance by the military, forcing thousands more to go into exil while hundreds of thousands of Ugandans were added to the list of the murdered.

The glaring similarity between the past governments of both categories was that they were all dictatorial and both turned the uncontrolled gun against the people to suppress their fundamental freedoms of speech, association and choice as well as the right to live happily and prosperously. Along with these went the prospects of a sound economy which continued to degenerate steadily to pathetic levels with total infrastructural decay, so to speak.

When the National Resistance Movement took the reigns in 1986, the ensuing situation was unprecedented in post-colonial Uganda in terms of security of person since state-inspired genocide at the hands of a purely administration-supportive army had been replaced with a development-oriented force which regards indigenous human-resource as vital to national development.

The involvement of the grassroot masses in the running of the affairs of their country from village Councils through County and District Councils to the National Resistance Council (Parliament) has also given impetus to the masses to discard their indifference; and engage in self-reliant economic and political activities.

To the minority of party - politicians who held and/or were closely connected with the reigns of power in the past, this situation is very unfavourable because it deprives them of the instruments of oppression to exploit the people and the economy to their selfish advantage. Those politicians who did not get a chance to govern while they were on the opposition at the time are now merely agitating for their assumption to power under cover of "political pluralism"to reap for themselves the benefits of ruling (or is it misrule?) but not necessarily to steer this nation forward.

On the other hand, the masses are only clamouring for the mending of several loopholes in the revolutionary Movement System of governance which among others would enable them authoritatively and through an established constitutional code to take to task and discipline all government and elected leaders on matters of administrative and political incompetence, negligence and/or malpractices in order to perfect the system as the most ideal for Uganda. Its strongest point is "unity" especially since the people elect their leaders at the grassroot level. This power to elect must therefore equally apply in demanding for accountability and record of representation with "an option to recall".

For that matter without necessarily being personal but rather broad in outlook, it is difficult to talk about this hard-won political relief without mentioning its Architect, Yoweri Museveni who, as the President of this country, lives what he preaches unlike many high-ranking government and Movement Officials who "preach water and themselves drink wine". This is the more reason why the principles of the system must be strengthened in practice to become unshakeable even without Museveni as an idividual because it has been founded at the grassroot as an all-encompassing political institution.

On the contrary, political parties in this country were not founded on class-institutions but rather on an ethnic and religious background which only helped to widen sectarian tendencies rather than unite the people. Political opposition as an element of unity-in-diversity towards a common goal of socio-economic development therefore eluded this country's political governance in the past post-independence governments. Instead and unfortunately what became the order-of-the-day was political enmity which sought to destroy the other.

It follows therefore that there is yet an other school of thought which while it envisages every good in embracing "unitary governance", it argues that multi-partyism with political parties based on class-institutions would be the best bet in the long-run because it would supposedly eliminate the concept of having the Armed Forces as a factor to contend with in the running of government. This would of course, call for the establishment of completely new political parties basing on the new wave of political awareness (thanks to the efforts of the NRM). They contend that previous leaders were themselves bad and therefore mismanaged and destroyed the system of multi-partyism. After all there had been glaring indications of unfair play and rigging the elections.

However if one has to be (down-to-earth) realistic, the evolution of such new and purely nationalistic political parties as a permanent feature of Uganda's political system will require a continuously concerted preparatory effort for the next decade or so. This indeed is talking about "tomorrow" for the youth of today. It is a workable political option one cannot overlook or underestimate if properly and appropriately promulgated granted that the concept of political tolerance as a proponent of unity-in-diversity sinks deep down the political thinking of Ugandans. Today, this concept is still a myth.

In this case and in view of the forthcoming two-fold elections, if this country has to maintain its current positive course of recovery, the impact of a unitary mode of governance cannot be overemphasized as the best and tested political machinery this far, provided that all undemocratic loopholes are plugged such as election of NRC members (Parliamentarians) to revert to the grassroot level and the Chairman of the NRC (Speaker) to be elected by the House.

The plugging of all such loopholes would in the final analysis distinguish the Legislature as the highest "Authority" in the Nation in its true and practical form; and provided the masses it represents have direct authority to question incompetence, this Legislative Assembly should be well-placed to press for proper implementation of socio-economic development policies and to lessen corruption and other malpractices which today are a major cause of loss of revenue and direct stealing of borrowed funds.

Indeed this is one glaring area in the NRM governance which is cause for great concern: There is too much stealing of government funds by some Economic Managers. The Legislature seems to be too weak to chart out its stoppage let alone reports of some of its Members having compromised their effectiveness through either involvement or seeking favours from some thieving Economic Managers. Otherwise the NRM's record of economic achievements would have been even much better today.

When hereafter you hear from the rest of the people here what their views are, I am confident that with all the information you have gathered already, you will formulate a "truly unique perspective" of our equally as unique situation; and determine the correct dose of assistance the African Regional Electoral Assistance Fund can extend to Uganda to render the relevant election(s) logistically unwanting so as to project freedom of choice as well as fairness in voting and counting in the most strict terms.

If the Western World with good reason regards Uganda as "a developing nation" that is still lagging centuries behind them, it is only logical to term it "preposterous" the notion that a political system found workable and suitable for the developed nations would automatically suit Uganda's present situation. After all, it is not as if it has not been tried twice in the last thirty years with disasterous results whereby the West itself wrote the country off as " a danger - zone", going as far as cutting off economic assistance!!

Our turbulent history must therefore be the subject of our political meditation today in order to have the correct vision of tomorrow. Adopting foreign political ideologies - where everything else is not equal in our situation - is at the root of our turbulent history.

Ipso facto, what we need now is a system that is ideal "and development - oriented for Uganda" but not necessarily what has worked elsewhere where social classification and economic structure are at a variance with ours. "Shoes must be made to fit the feet but not the other way round"

May I now request you to introduce the delegation to the people and then address them on your mission before they can give their views and opinion.

Ambassador Carrington, Ladies and Gentlemen I am grateful for your attention.

ATTACHMENT 8

PUBLICATIONS OF THE UGANDA JOURNALISTS ASSOCIATION

FOUNDATION FOR HUMAN RIGHTS INITIATIVE
16/1/92
11027

Constituent Assembly Bill

Prescription for A National Catastrophy

Observations and Comments by

James K. Nsimakaje

The President of the Uganda Journalist's Association

October 29, 1992.

A close examination of the draft Bill for the Constituent Assembly Statute clearly reveals that if not carefully studied and improved upon, this statute, may in its present form prove to be among the worst ever passed by the Uganda legislature and may well be a recipe for a national calamity.

Briefly, this statute has four main aims:

1. *To provide for the establishment of a Constituent Assembly for the purpose of considering, scrutinizing debating, enacting and promulgating a new national Constitution. (sec. 4 Sub-section 1)*
2. *To provide for the composition and functions of the Assembly.*
3. *To establish a Commission for conducting the election of delegates to the Assembly and*
4. *To create a Secretariat which will serve the Constituent Assembly*

These are noble tasks which are 13 years over due. Some of us suggested the need for the formula of a constituent Assembly as far back as June/July 1979. It is rather surprising that some of the people who in 1979/80 were most vehemently opposed to this idea and preferred to rush into multi-party elections, are today some of the most ardent supporters of the concept of a Constituent Assembly.

In its present form, the draft Bill radiates some very major bottlenecks as it tends to gloss over some highly contentious issues in a wise-by-half-manner. It precludes and pre-empts a genuine examination of some of the most serious matters of our day. Consider the way the most important issues are being handled: The question of as to whether Uganda should have a multi-party or a non-party system and whether Uganda should have a Federal system, which would also recognize the role of traditional rulers or simply a decentralized Unitary form of government. These issues are bound to be glossed over.

On the question of the multi party system, the authors of the Bill seem to bank on the manipulation of numbers to get around the honest debate and resolution of this issue by the Constituent Assembly. It aims at ensuring that the delegates will be so divided on this issue, that neither a consensus nor a two thirds majority will be attainable. In which case, the Chairman of the Constituent Assembly, and mark you not the delegates, will refer or subject this fundamental right to a national referendum. Momentarily, we will see how the manipulation of numbers is being relied upon to achieve premeditated results.

The question of the role of traditional rulers is deliberately not being linked to the question of whether Uganda should have a Federal or a Unitary Government. This link would presumably elevate the issue to assume a "national character" and thus guarantee it the opportunity to be subjected to a national referendum.

But sect. 18.3 of the draft Bill is very clear "No national referendum may be held on any contentious matter which is of a 'Local Character' specific to a particular region, district or community - but the matter shall be settled through negotiations or consultations between the concerned region, district or community and the government."

This section, therefore, totally dashes the hopes of those who thought that the long standing issue of the "Kingdoms" will either be solved by the Constituent Assembly or by a national referendum. It is being proposed that this highly contentious issue be resolved through negotiations with government. But why have successive governments not had the courage to resolve this issue up to now?. It is in this manner that some issues are being strategically pushed towards a national referendum while others are conveniently denied the opportunity to be subjected to a referendum. What double standards!

There are many other imponderables. The composition, the mandate and the functions of the Constituent Assembly are themselves contentious issues. The manner in which the Chairman of the Constituent Assembly is being appointed is also contentious. Why should one man-the President-appoint a person to chair an Assembly popularly and democratically elected by all the people of Uganda by universal surfarage. Why should he stand above the representatives of the people?

It is certainly more democratic to have the elected delegates to elect, on the basis of absolute majority, one of their member to the important post of Chairman of the Assembly .
- This position is very important because the Chairman is the only man with the power to call for a national referendum.

After our experience and disappointment with the appointment and performance of the Inspector General of Government, the country is weary and concerned about the effectiveness and impartiality of Presidential appointees. They naturally tend to pay total allegiance to their creator.

The Bill confers a lot of powers on another person -the Commissioner of the Constituent Assembly *(sec. 20)*.
The Commissioner who is also appointed by the President, heads the Secretariat of the Constituent Assembly is responsible for the day to day affairs of the Assembly and his terms and conditions of service are only specified by the Presidential Instrument of appointment *(sec. 21.12)*
The Commissioner is responsible for the important exercise of designating the constituent Assembly Electoral Areas throughout Uganda. Ultimately these Areas are most likely to form the final electoral constituencies for the *1994 General Elections.*

- he organises and supervises the elections of the delegates to the Constituent Assembly.

- he exercises general direction and supervision over the administration and management of the elections and in the same regard is expected to ensure the fairness, impartiality and compliance of Election Officer's with the provisions of the statute.

- he appoints all the key election officers including the registration Officers who are going to compile the all strategic Voters Register and he appoints the Returning Officers
- whose title clearly spells out their important function.
- The commissioner is responsible for publishing the daily record of The Assembly, and above all
- he organises, administers and conducts any referendum required under the statute.

Why should this very powerful and critical man in the whole electoral process be appointed by an incumbent President who is obviously so interested in the out come of the work of the Constituent Assembly?
There is a sense in which those who will vote on this statute are holding our destiny in their hands. They are being urged to ensure that the Commissioner is elected by the Constituent Assembly after consultations with all the major forces concerned.

The Independence of the Commissioner and his 2 deputies (who are by the way, unlike him, directly elected by the Constituent Assembly) plus their staff and assistants seem to be safeguarded by section 23 of the draft Bill. It stipulates that the Commissioner and his 2 deputies shall enjoy the same independence as the Judge of the High Court and in the performance of the functions entrusted to them shall not be subject to the direction or control of any person or authority. These safeguards however, seem to be undermined and contradicted by the enormous powers indirectly confered upon the Minister of Constitutional Affairs, who has to approve the employment and determine the terms of service of the staff and assistants of the Commissioners. Let us be serious; If the Commissioners are going to be free and to enjoy their independence, the delegates to the Constituent Assembly be the ones to determine the employment & terms of service of the staff of the Commission and not any government Minister- in this case a historical and possibly life member of the NRM is the one on whom the onus to determine these important matters may lay.

It is being proposed by the draft Bill that all monies required to defray all the expenses to be incurred in carrying out the purpose of the statute - including salaries, allowances of the Commissioners and their staff and employees, be charged upon and issued out of the consolidated fund without any further appropriation but this in itself seems to be contradicted by section 26 which gives the Minister overwhelming powers.

It states: "The Commissioner shall control and administer the funds and shall be the accounting officer. The Delegates, the Commissioners, the Dep. Commissioners, the staff and the Technical Committee shall be paid such allowances and enjoy much benefits as The Minister may in consultation with the Minister of Finance determine."

This certainly threatens to compromise the position of the Constituent Assembly, the Commissioners and the members of the Technical Committee and the staff of the secretariat. Such control may end up undermining the independence of all these officers. Is this modus operandi not subjecting them to a higher authority and - thus contracting *Sec. 23* - which says the Commissioner and his staff shall not be subject to direction or control of any person or authority!

In another attempt designed to allow the government to exercise indirect or direct influence on the work of the Constituent Assembly, ***section 12(2)*** stipulates that it is the Attorney General who will appoint the crucial "Technical Committee" which will be responsible for actually drawing the semi-

final draft of the constitution.

It would be more desirable if the drafting work was carried out by a sub-committee of the Constitu ent Assembly mainly consisting of some of the lawyers who will be elected as delegates) and assisted by a number of prominent lawyers and legal scholars in the country. The names of such prominent lawyers would have to be submitted by the Committee for the approval of the Assembly on the basis of an absolute majority vote.

The banning of the identification of candidates by party affiliation and making it a crime for anyone to be associated with any political party, is an unconstitutional and illegal denial of basic rights and freedoms. It is tantamount to an indirect banning of political parties and it bodes ill for democracy, as does the prohibition of free assembly and the limitation of electoral meetings to a virtually stage managed campaign meeting organized by The Electoral Commission. It should be left open as to whether a candidate wants to present himself on the strength of his party card or on the basis of personal merit or both.

Why should the statute seek to permit (only) the political parties which participated in the 1980 elections, to the exclusion of the political forces which have emerged in the past 12 years? Why should the 4 political parties which presumably represent millions of Ugandans be represented by only 8 delegates while the NRA, which represents only 90,000 soldiers with 40,000 being retrenched/demobilized before the Constituent Assembly comes into effect, be represented by 10 delegates? Equivallent to 800,000 Votes by the wanainch

If his intentions are democratic and pro-people why should the President be allowed to appoint 15 delegates, Chairman High Command, Chairman NRM plus 10 NRA, plus 10 NRC etc. Why does he feel so insecure that he has to rely on a big margin of a block vote in order to have his way. If his desires are democratic, universal and free of selfish interest and coincide with the wishes of the people, they should eventually be supported by the majority of the delegates who will be directly elected by the people.

Important matters such as the method of electing/nominating the 42 representatives of the so-called Special Interest groups, should not be left for the future but should be thrashed out in the proposed Bill. We must ensure that these creations of the President are justified by the need to balance representation and are not simply manipulated to tilt the balance of forces at the risk of democracy itself.

The Arithmetic of the Bill.

.....

Another grave matter concerns the procedure of bringing the constitution into force. It is clear that the National Constituent Assembly, despite the apparent powers to enact and promulgate the new Constitution, the Bill does not allow it to release the constitution to the nation or to determine the date on which it would come into effect.

Section 19 makes it clear that the Constitution enacted by the Assembly..... shall come into effect as the Constitution of the Republic, on such a day as the President may appoint for its proclamation.

There is no guarantee that the incumbent executive will support all the provisions of the enacted National Constitution. In fact, some of its provisions may not be in his favour, and he may seek to procrastinate its coming into force or simply suffocate it with all sorts of delaying tactics. The appointment of the date for the coming into effect of the new constitution should be part of the enactment process which is the responsibility of the Constituent Assembly.

Why should the President have the power to hold the nation at ransom over the question of bringing into effect a National Constitution enacted by a peoples' popular Constituent Assembly? It would be more desirable for the delegates to the Constituent Assembly to determine the date of its proclamation.

ON SPECIAL DELEGATES TO THE CONSTITUENT ASSEMBLY IN UGANDA

by C. KAGENDA ATWOKI

A paper presented at the Workshop organised by the Uganda Journalists Association, in the prepared Constituency Assembly Bill, 1992.

29.10.1992

"The Constituent Assembly Bill, 1992", is certainly the most important legislative proposal that has ever been made by the government of Uganda since the National Resistance Army seized state power and put in place the NRA/M regime in January 1986. The importance of the proposed Bill arises from the sanctity of the subject matter for which the law is being enacted The introductory statement makes it clear that the Constituent Assembly is being established " for the purpose of considering and enacting a new National Constitution for the Republic of Uganda."

There are not many ocassion that peoples and nations have to "consider" and "enact", new "national" Constitutions in history. There are rare ocassions, and when such an ocassion arises, people should not miss the singularity and significance of the ocassion. That is why no stone should be left unturned to ensure that nothing unbecoming is allowed to misdirect our attention and subvert the process.

There can be no doubt that every single citizen of Uganda today, and even unborn, has a fundamental interest in every the provision, every article, every comma and full-stop of the Bill that established the Assembly whose membership will "scrutinise, debate, finally redraft and enact" the future Constitution of Uganda. It is clear from the wording of the proposed law that Uganda will mercifully remain a Republic, but all Ugandans must

"national" rather than sectional, and that it will apply equally to every citizen and every part of Uganda.
It is in this context that the question of "special delegates" to the Constituent Assembly should be examined. Who should and who should not be considered to constitute a "special interest" group, and how should such "special interest" be weighted in relation to national interest. Who has the right to define special interests and in what way do these "special groups" compliment or even contradict the national interests of every citizen of Uganda. Is it not possible that in the effort to create and cater for special categories of people that the inelianable rights of the citizens will be compromised?

In the light of these considerations, major objections arise with regard to whether any particular citizen should claim or be accorded "special" status of representation in the Constituent Assembly.

The Constituent Assembly Bill, 1992, proposes three types of delegate representation. These are contained in Clause 4(2), (a) (b) (c) in the following words:
(Read pages of Bill)

" (a) not more than one hundred and eighty delegates elected from the Electoral Areas, one from each Electoral Area, in accordance with the Rules set out in the Third Schedule to this Statute;

(b) forty-two delegates elected by the bodies specified in the first column of the First Schedule to this Statute, each body electing the number of delegates specified in relation to it in the second column of that Schedule; and

(c) not more that fifteen delegates appointed by the President in accordance with the advice of the Cabinet.

It is clear that category (a) of the membership of the Assembly are the direct elected representatives of the entire population of Uganda. Although there are major objections to specific rules in the third schedule to the Bill with regard to qualifications, campagning and the process of electing these members it must be said that the method of one-person-one-vote which has been demanded by Ugandans is the best mode of choosing representative delegates. In this way, every adult citizen whether man or woman, whether soldier or doctor, will be represented every adult will also have the opportunity to contest elections to be returned as a delegate to the Constituent Assembly.

On the other hand delegates in category (b) and (c) are not representatives of the people as a whole. Here an attempt has been made by the government to create "special constituencies" in order to bias the composition of the Assembly. The question therefore arises on what role is expected to be played by these special delegates, and on what merit is preferential representation commendable.

If the President of Uganda, for example, is a citizen of Uganda, he hasthe right to register as a voter, and to stand as a candidate for the Constituent Assembly. Is it not commendable that he should be represented in this direct manner? Why must the President therefore have the right to nominate another set of "not more than fifteen delegates" to the Assembly? Category (c) delegates are clearly uncalled for, since the President does not have greater interest in the Constitution of Uganda than any other

citizen. It would certainly be much more honourable for President Museveni to dissociate himself from the category (c) representation.

While category (c) representation is easily disposable as having no democratic merit whatsoever, some people may need convincing on the merits and demerits of category (b) delegates who are supposed to be "elected by bodies specified" by the Government of Uganda. These bodies are:

(1) National Women's Council to be established by law 8
(2) A National Youths Council to be established by law 4
(3) The National Resistance Army 10
(4) The National Resistance Council 10
(5) The National Organisation of Trade Unions 2
(6) The four political Parties which took part in the General Elections held on 10/11 December 1980 (two each) 8

In the first instance the list of the specified bodies raises some fundamental questions. For example, there are currently five or six political Parties in Uganda, including the Nationalist Liberal Party which was formed in 1983, and the National Resistance Movement. Why are these Parties being excluded from the list of specified bodies? On what basis are the four political Parties being allocated 2 delegates each to the Assembly and yet the NRA is allocated 10 delegates and one organ of the NRM, i.e. the NRC, is allocated 10 delegates. Is it fair that the Democratic Party and the Uganda Peoples Congress be allocated 2 candidates each while the yet to be formed "National Women's Council" has been allocated 8 delegates?

These questions highlight the arbitrary nature of the decisions to provide for "special delegates" to the Constituent Assembly. If

given priority in representation then there is no basis for excluding "old-age pensioners", the House of the Bishops of the various Church Organisations, The Law Society, The Uganda Teachers' Association, the Discharged Prisoners' Aid Society and other important Associations.

Take the two organisations which the government intends to establish by law so that they may send delegates: A National Youths Council and A Women's Council. Ma ny people have asked the question "Who is a Youth?" Under the electoral Laws of Uganda every citizen above the age of 18 years is an adult and has the right to vote. Only under age children below 18 years may not vote. But they can campaign for adults of their liking.

There is no doubt therefore that all people aged 18 years and above will be represented by category (a) delegates for whom they will vote in the universal adult franchise. Who then will be the members of the novel "National Youths Council" to elect their 4 delegates? Which part of Uganda will these 4 delegates represent and what will be their status in the Assembly vis a vis the direct representatives of the people?

The questions apply with greater weight with reference with the specified "National Women's Council" to be formed by the Government. No one in Uganda can deny the role of Women in our politics. They control the majority of the votes since all adult women are free to register as voters and as candidates on equal terms as men. Who then are the women who will constitute the "National Women's Council" which the government will soon establish by law? And why should women be represented by only 8 delegates when they have the capacity to command a national constituency. In any case is it to be assumed

that the Government's "National Youth Council" is to be for men only?

It is also apparent that since there is provision for universal adult sufferage, there is absolutely no ground to believe that any Ugandan above the age of 18 years will not be adequately represented in the Constituent Assembly. Category (b) representation is therefore uncalled for. These arbitrary provisions should therefore be removed from the Bill.

ATTACHMENT 9

U.S. GOVERNMENT OFFICIALS' TRIP REPORTS AND CABLES

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
USAID/KAMPALA:
Agency for International Development
Washington D.C. 20521 - 2190.
UGANDA ADDRESS:
USAID Mission to Uganda
P. O. Box 7007, Kampala, Uganda

MEMORANDUM

DATE: APRIL 14, 1993

TO: AMBASSADOR CARSON

FROM: NORMAN L. OLSEN, C/PPD
GRACE JASSIE, POL

SUBJECT: ELECTORAL ATTITUDES ASSESSMENT: KABALE, KISORO, KASESE, AND FORT PORTAL

INTRODUCTION

The Electoral Attitudes Assessment team, composed of Norman L. Olsen and Grace Jassie, visited four districts : Kabale, Kisoro, Kasese, and Fort Portal during the week of April 4 to April 9. During that time we contacted approximately 200 people ranging from the District Administrators to several cow herders. While the authors conducted the majority of the Interviews, we were significantly assisted by Elizabeth Olsen and Aloysius Igga who also made numerous contacts that provided a valuable filling in of gaps with certain segments of the population whom we were not able to reach. What follows is an assessment of those contacts.

The assessment is divided into three parts: conclusions, inferences, and speculations. Part one contains conclusions that we are confident conform to the information we obtained. Part two contains inferences we believe are reasonable from the data. Part three contains speculations and represents possibilities which need further investigation.

We do not claim that we have captured reality but we do believe we have captured what the respondents believe to be reality. We also believe we have collected a sufficiently wide range of opinion that our conclusions are representative of views in the four districts.

Plot 42 Nakasero Road, Kampala Telephone (256-041) 235879, 242896, 241521, 244087 Fax (256-041) 233417, 233308.

CONCLUSIONS

Listed below are the conclusions we reached as a result of this part of the assessment.

1. At this time Ugandans are primarily concerned with development issues such as education, health, housing and trade.

2. There is a great deal of interest in the planned elections, the proposed constituent assembly bill, and the draft constitution. No male respondent and very few of the females were without opinions.

3. The NRC was not considered a legitimate instrument to debate and ratify the draft constitution. Indeed it appears that the mandate of the NRC is close to running out. At this time only one CM in the four districts is viewed favorably by his constituents. The common complaint about CMs is that they are not delivering on development, i.e. the roads are not being repaired, the schools built etc. The CMs are also viewed by their constituents as not getting back to their districts often enough.

4. President Museveni is very popular for 4 main reasons. First, he has brought stability. Significantly many respondents are now calling it peace. In a survey using similar methodology 18 months ago most respondents said stability had arrived but not yet peace. Now many say peace. Definitions of the two terms are vague but the electorate definitely sees the general situation in Uganda as having improved significantly during the past 12 to 24 months. Second, Museveni is widely praised for not abusing his position and specifically for not taking revenge against his opponents. He is widely regarded as being unique in Ugandan history in this respect. Third, Museveni is praised for his quiet policy of reconciliation with the various guerilla movements. Several people mentioned this as a sign of truly skilled and principled leadership. In contrast the international human rights groups such as Amnesty International were criticized as being more concerned with publicity than accurately reporting the situation. Fourth, in 3 of the 4 districts Museveni is highly praised for getting the roads repaired.

5. Neither the government nor the NRM is especially popular. Both get about the same amount of grumbling that one normally hears about most US administrations. Complaints center on non-delivery of development. Museveni gets credit for delivering on roads, some local leaders get credit for delivering on specific local projects, while the government gets lots of criticism for not doing more in education and health.

6. The RC system was often mentioned positively as a link between the people and the government. The RC1s were widely praised for their role in resolving local disputes. Interestingly the same people who praised the RC system were frequently unable to name their NRC representative.

7. By a ratio of about 4 to 1 the people in these districts want to continue the movement or non partisan system for elections. Specifically they remember the violence of the past, blame much of it on the political parties, and are fearful that a return of the old parties will also bring a return of the violence. At some point most respondents believe party politics should be reintroduced but not now. The general elections scheduled for 1994 seemed too early for most people; 1999 is viewed as a better date.

Several respondents, a distinct minority, stated that one could not have a true democracy without allowing for parties. This view did not seem to be a function of education; the most elegant supporter of the right of parties to campaign, a day laborer-carpenter, said that no individual could have an equal opportunity to get elected without being able to organize his own rallies because the government controls the radio and TV. In the carpenter's view, to effectively organize rallies one needs one's own organization.

Most respondents spoke of the need for greater maturity before political parties are allowed to contest elections. Maturity was defined in terms of the willingness to engage in peaceful dialogue, the willingness for the winning party not to take retribution against the loser(s), and the willingness of the loser(s) to accept the result. Few thought either of the two traditional parties had demonstrated these qualities. UPC was particularly criticized for its deficiencies in these areas.

Many criticized the Western nations for forcing multi-party-based elections on Uganda before Uganda is ready for that type of election. This was not just a knee jerk of reaction; many people cited both Angola and Kenya as examples where recent multiparty elections have come too quickly and have set back the process of democratization.

INFERENCES

1. Ugandans expect both the constituent assembly and general elections to be fairly conducted. They do not expect them to be perfect but they are confident abuses will be limited in number and scope and that the national government and NRM will not be directing a general campaign based on intimidation.

2. A reoccurring theme from many respondents was that the traditional parties in general and the UPC in particular systematically abused their power in terms of awarding government jobs. The NRM is not viewed as having done this. One of the significant appeals of the movement is that one does not have to worry about one's religion or political affiliation when attempting to get a government job.

3. Some local intimidation of members of the two traditional parties is probably taking place. One locally prominent member of UPC refused to answer any questions because he said that he had been harassed. He declined to give any details of the alleged harassment. A DP member in the same area implied the same thing. Officials of the two traditional parties are very difficult to locate which may reflect a concern with local harassment. No one seemed to believe that any intimidation was nationally directed.

4. Many Ugandans are still uncomfortable discussing politics in anything like an open forum. In one meeting with four respondents in the privacy of one of their homes, one of the respondents stated that were it not for Museveni's record of toleration of differing views our meeting would not be taking place at all.

5. There is a great deal of interest in engaging in a dialogue between Ugandans and Americans on the process of democratization. Indeed in 3 of the 4 districts one of the authors was called upon to give lectures on the relevance of the US constitution to the draft Ugandan constitution. In the fourth he was asked to return and conduct seminars throughout the district on the same subject. The initial Ugandan statement in the dialogue typically was that the US is too different for the US constitution to be of much relevance to Uganda. A brief explanation of separations of powers, checks and balances, judicial review and a guarantee of basic human rights, in conjunction with a description of the historical processes that got America to where it now is, always struck a responsive chord. In many cases such a dialogue was an essential first step in getting meaningful responses from the Ugandans.

6. If Ugandans have great respect and genuine affection for Museveni, they do not want him to be President for life. There is widespread recognition that 10 to 12 years in power is as much as anyone should claim. Recent changes of power in both the UK and the US were widely noted to be part of a world wide trend. People seem to think that Museveni will voluntarily step down when the time is appropriate. Most seem to think that another 3 to 4 years would be about right. This could prove to be awkward because the Presidential term which Museveni is expected to win in 1994 runs until 1999.

7. Ugandans see the key to continued progress as stability. If things stay quiet and the majority of Ugandans continue to work together, things will gradually get better. They have seen the opposite and no one wants its return. If that means a few compromises on the pace of democratization just about everyone is willing to agree to them. But, in fact, most of the people we talked to are satisfied that they have been consulted about the proposed changes and they are cautiously optimistic that the changes will work.

The process of consultation has been a comprehensive one, as we discovered in one road side contact with two young cow herders. We had made the contact in anticipation that it would reveal the level at which interest in the political process stopped. In this we failed, because one of the young men was the RC-2 defense secretary and both had "presented their views" on the proposed constitution to the constitutional commission. They were both now waiting to see how those views are going to be incorporated into the final document. That these two young men are watching the process is encouraging to all who hope that constitutional democracy will be achieved.

SPECULATIONS

1. If he should seek election as President, Museveni does not currently appear to have any major vulnerabilities in the regions we visited. We could find only one potential one: the war in Rwanda. The RPF is viewed very unfavorably in Southwestern Uganda for causing a war that has stopped what had been a very profitable trade between the two countries. At the moment Museveni is not touched by this criticism and it would take an exceptionally skilled politician to link Museveni to the war in a way that would lose significant amounts of votes. Other than Museveni himself, no such politician appears to be active on the local scene. But then one remembers that in 1990 Bill Clinton was just another small state governor who had once talked too long on national TV.

2. There is likely to be wide spread turnover in the existing CMs when the next elections are held. With but one exception, all of the CMs in the four districts were perceived to have lost touch with their constituencies and not to have delivered the development goods. The NRCs unilateral extension of itself in office is not playing well either. Interestingly, the one exception to the widespread criticism of the CMs is the former Minister of Finance, who is widely believed to have gained his position through fraud but who is forgiven because he has delivered on development projects.

3. Women would like designated representatives. Men are not opposed to designated women's positions but would like to see almost everyone elected directly. The current Constituent Assembly bill calls for the special representatives to be elected through the District RCs. This could become an issue which the traditional parties could use against the NRM.

4. The traditional parties are likely to run better than current talk indicates if only because the traditional parties are probably better at organization and exploiting traditional concerns.

KABALE/KISORO

In southwest Uganda, the issue is the war. All respondents brought up the war, most as the main problem facing the area. Their primary concern is that the war has stopped a highly profitable trade between Rwanda and Uganda. As our friend the articulate carpenter said (after an insightful analysis of the credit crunch, the difficulty in raising school fees, etc.): "our main business is smuggling and until we can get that started again this area's development will suffer."

The RPF is widely viewed as the culprit in the scene. Most respondents believe RPF members should have stayed where they were and not started the war, or alternatively the RPF should have accepted the Government of Rwanda's "generous terms" and returned to Rwanda as simple civilians. There was wide spread suspicion of the RPF's willingness to negotiate in good faith. The Government of Rwanda, when it was mentioned, got good marks for running a peaceful country, for being a good trading partner and for developing. The Government of Uganda was similarly well thought of although several respondents appeared to doubt its claims of not providing support to the RPF. Particularly noteworthy was the desire of most people to comment on the war and their distaste for the RPF; this contrasted significantly with their initial reluctance to discuss the electoral process.

The war has given the Southwest a sense of fatalism. Most see the war as needing to be finished for development to resume with full force. Few believe this will happen and no one appeared to believe that they could do anything to bring it about. However, in spite of the fatalism on the war, there still seemed to be a sense of optimism in the area. People appear to believe that the current period is an interim time out; that a few adjustments need to be made and then the southwest will get moving rapidly again.

KASESE

Kasese is where it is happening. The war in Rwanda is of no concern at all; the deterioration in Zaire merely a regrettable constraint to business; development, here, now, and accomplished quickly, counts. Optimism fills the air, economic activity meets the eye and a sense of dynamism prevails. Kasesians know what they want: peace, stability, and development. Neither of the two traditional parties are remembered for delivering on those items. Thus when political parties next contest elections most people in this area would like them to be new parties. For the immediate future, successful candidates will have demonstrated the ability to personally deliver on development. Only one of the current CM's has; the other is not likely to be returned. The successful candidate will also be clearly tied to the area and get back to it often.

FORT PORTAL

Fort Portal looks and feels like a depressed area. There was much more reticence to discuss any issues. When one had finally overcome the initial reluctance to discuss issues, the discussions were marked by intelligence but no sense that anything positive was likely to happen soon.

COMPOSITE VOTER

The composite voter speaks English, is having a hard time raising school fees and believes that politically now is the best time in the history of Uganda. S/he can express her/his views with little concern for their consequences and still reasonably hope to get a government job. The views expressed reflect a considerable interest in the process and a reasonable knowledge of what is involved in developing a democracy. Above all the voter wants a continuation of peace and stability; Museveni and the NRM delivered this; UPC did not; so the voter is disinclined in the direction of party politics. While most believe political parties will come they want new parties that cross ethnic and religious boundaries and which are mature and responsible. While greatly appreciating foreign assistance, the voters wish the Western nations were more sensitive to the situation in Uganda and would let Uganda develop a full constitutional democracy at its own pace.

METHODOLOGY

The assessment of electoral attitudes was in no sense a scientific opinion poll. It was a wide ranging survey that used focus groups as our primary technique. We talked to groups as small as one and as large as 35. An attempt was made to strike a reasonable balance between officials, opinion leaders, men, women, young and old, and people in a range of occupations. In 4 days we talked to approximately 200 people. We spent two days in Southwest Uganda interviewing people and, because of travel time, a half day each in Kasese and Fort Portal. A full day or a day and a half in each location is highly recommended for the next opinion sampling outing.

Our approach was to introduce ourselves as being from the US Embassy and USAID, state that we were visiting outside of Kampala with the intent of getting a more accurate impression of local concerns, conditions, and views. We then asked if we could ask them some questions. The typical response was a reticent yes. Mainly people seemed to be concerned with giving the "wrong answer". However in only one case were we refused outright. In another case the respondent declined to answer political questions. In all but one other case the cooperation was excellent.

Our opening question was to ask what issues the respondents believe most effect them, their district, and the nation. This frequently required several formulations to get within a frame work that was clearly understood. Following the opening question(s), we moved on to specific questions about the political and constitutional processes. No one raised political issues as a primary issue. Almost everyone was interested in the political process and most were knowledgeable about the issues. Men were generally more ready to talk than women. Few of the people we talked to were accustomed to being interviewed. Frequently we were asked for the US view on the questions. Giving one's views was normally a good technique for getting the respondents to open up. It appeared that many people and groups would not have responded without our having been willing to engage in a dialogue. There is a clear eagerness to engage in dialogue with Americans.

We attempted to actively seek a level at which people did not have views on the electoral/constitutional process. We never found it for men. For women at the P3 education level or lower and limited or no English, there appeared to be little knowledge of the process. However even here, with more time and without the language barrier, views might have begun to emerge.

In general cold calls on local businesses did not work well, people are still a little weary of speaking openly of something that may be controversial. The same type of person in a private setting was almost always eager to speak out. Men interviewing women did not work especially well either. Several initial contacts sought out others with better English to act as spokes persons, even though in most cases the initial respondent seemed to speak adequate English. Officials were generally not useful contacts for purposes of this survey. Without exception they were not from the local area nor had they served in their current position long enough to become knowledgeable about local issues.

RECOMMENDATIONS

The process provided substantial useful information. The sampling should go on. After the first round is completed we would recommend trying a series of Thursday afternoon through Saturday trips. Each trip should be limited to one locality. One could sample more intensively and still stay up with work at the office. These trips could also be combined with seminar type presentations on the relevance of the US constitution to Uganda. There appears to be a high demand for this type of seminar; such seminars would present an excellent opportunity to assist the democratization process.

Annex A: List of persons contacted

cc: Ellen Shippy, DCM
Keith W. Sherper, DIR/USAID
Stephen C. Ryner, D/DIR, USAID
Tom Underwood, POL
Mark Larsen, PAO/USIS
Jack Hjelt, DIR/PEACE CORPS

EMBASSY OF THE
UNITED STATES OF AMERICA

MEMORANDUM

Date: May 19, 1993

To: The Ambassador (file)
Charge - Ellen Shippy
USAID - Keith Sherper
USAID - Norm Olsen
USIS - Mark Larsen
PC - Jack Hjelt

From: POL - Tom Underwood
POL - Gracie Jassi

Subject: POLITICAL OPINION IN NORTHERN DISTRICTS

INTRODUCTION

Our two-person Political Attitudes Assessment Team canvassed opinions in four northern districts May 9-15. We traveled in Lira, Gulu, Kitgum, and Apach, talking to about 200 people from all walks of life.

The survey is part of the Mission's continuing effort to assess popular opinions on political issues nationwide. Norm Olsen headed a survey of western districts April 4-9, and a tour of eastern districts is still to be scheduled.

FINDINGS

1. Northern Ugandans are primarily concerned with development issues: health, education, infrastructure, markets, and transport. Security is the only political issue that ranks with these concerns.

2. Although rural northerners do not follow politics closely (and their sources of information are limited), most know that elections are coming up, and they are looking forward to electing new representatives. Most are aware of the new draft constitution, but could not cite any of its provisions.

3. More than three out of four respondents say that they favor a multi-party system. A more precise tally proved impossible, because many refused to go "on record" even by a show of hands. Only a few mentioned parties without being asked about them, and most responded hesitantly to direct questions.

4. People are divided on the question of holding a referendum on parties. Well-informed respondents were evenly divided on the issue -- officials in favor, partisans opposed -- but this was a select, not very representative group. Most rural people who liked the idea believed that it would bring back the parties.

5. Northerners feel slighted by the government, believing they have not received their share of assistance. They participate in local RCs, but without great enthusiasm; NRC representatives get lower marks than local RC officers. The main criterion by which representatives, parties, and governments are judged is the amount of development they bring to the local area.

6. No one reported any party activities in the districts we visited. Without having direct evidence, we got the impression that northerners are tired of rabble-rousers, and would acquiesce in a continuation of the "movement" system, although they would prefer to have parties.

7. Rebel activity is a painful and recent memory, and in places a continuing problem. Northerners are scared, sick and tired of conflict, but few credited the government with restoring security. Although the situation has improved greatly, they still fear rebels (in the northwest) and Karamojong (in the northeast).

8. Most people knew about the government's "cadre" courses, which began recently in Gulu and Kitgum. RC officials were under strong pressure to attend the courses; other respondents were divided as to whether they would go voluntarily. Some said that the courses were designed to keep the NRM in power, and that the parties should also be allowed to mobilize.

9. Few had heard that the Ssabataka of Buganda was about to be coronated, and none expressed enthusiasm for the return of "traditional rulers." A few respondents said that if the Baganda were to have their monarchy, they should also have their chiefs; but insisted that Uganda must remain unified under "one president."

10. The Acholi (predominant in Gulu and Kitgum districts) are more hopeful, active, and politically involved than are the Langi (in Lira and Apach districts). Northerners generally are less well informed, less optimistic, less well off, less interested in politics, and think less of President Museveni and the NRM than do Westerners.

METHODOLOGY

We used the same approach as did the previous survey team: seeking out varied groups of people, introducing ourselves, and asking about local problems and concerns. Most of the respondents were cautious at first, but proved eager to talk about local needs. Only one person (the proprietor of a roadside market stall in Apach) refused to talk, saying we should take our questions to the RCs.

In 22 meetings we received about 200 substantive responses (a similar sample to the western survey). The size of the meetings ranged from individuals to entire villages. Urban groups were smaller and more diverse than rural gatherings, which seemed a reasonable mirror of the population at large. The great majority of respondents were common folk, but we also spoke with 11 civic leaders -- RCs, DAs and NRC representatives.

Language presented a minor problem. Many rural people speak only Luo, but in most cases an English speaker was near at hand. In a few instances we were accompanied by an authority figure (one of the "civic leaders"), but this did not noticeably skew the results. One RC-5 chairman translated the comment that RCs were "ineffective."

RECOMMENDATIONS

The sampling process should continue with a tour of eastern districts. In light of competing demands on everyone's time, that should suffice for our modest purposes. The largest gaps in such a survey (covering Kabale, Kisoro, Kasese, Kabarole, Lira, Apach, Gulu, Kitgum, Soroti, Kapchorwa, Tororo, and Mbale districts) are West Nile and Karamoja. Those areas have their own history and character, but are remote, sparcely populated, and marginal in national politics.

Apart from officially notifying the MFA of travel plans, we do not recommend pre-arranging any meetings with local groups; the few that knew we were coming tried to impose their own agenda, and slowed us down.

Combining survey tours with Self Help visits is an efficient use of time and distance, but can also lead to lengthy sidetracks. We recommend that Self Help visits be made without notifying the group beforehand.

ANNEX: LIST OF RESPONDENTS

LIRA

DA and DES	2
Self Help (CEASOP group)	3
Ojwina group	13
Lango Union Officials	3
Self Help (DTRC group)	3
Church of Uganda	2
Lira Railway Women	24
DA, NRC, and RCs	6
subtotal	56

APACH

Ayer Junction crowd	20
Ngai storekeeper	1
subtotal	21

GULU

Bobi Construction workers	10
Catholic Bishop Luga	1
NRC representative (Olum)	1
Dep. Mins. (Obwangamoi & Allai)	2
Pece locals	8
Self Help (Ochayata & Okumu)	2
subtotal	24

KITGUM

Acholibur town meeting	74
DA & NRC representative	2
Pader RC-5 chairman	1
Pader field workers	15
policeman	1
schoolteacher	1
subtotal	94
Total	195

Ugandan Constituent Assembly Election

Assessment and Next Steps

by Judith Heist
5-14-93

Purpose

This brief assessment of the situation presently obtaining with respect to the forthcoming Ugandan Constituent Assembly election was undertaken during the week of May 10, 1993 with the following purposes.

- Assist the Mission in identifying the major activities that will need to be undertaken during the projected six-month period leading up to the election; the state of readiness of the GOU to undertake them; and the areas in which the GOU is likely to need and benefit from assistance;

- Assess the situation of the other major donors in respect of their willingness and ability to provide support, the conditions which they feel must be met before making significant commitments to support the process;

- Familiarize the consultant with the main actors and activities currently underway and planned for the election period, with a view to a commitment by the consultant to play a supporting role for the USAID Mission similar to that played by the consultant in the Kenyan elections of 1992.

The recent electoral experiences in the region have given USAID a number of resources to draw on as additional activities in the democratisation process in Africa are undertaken. The experience in neighboring Kenya provides the opportunity to draw both negative and positive lessons learned about assistance to electoral processes, as well as the broader issues of support for democratic institution-building which is ultimately the foundation on which electoral processes rests. The consultant both monitored and participated in AID's efforts with respect to the Kenyan election. The objective of bringing the comparative experience to bear is not in any way to repeat the Kenyan experience -- indeed, the Ugandan case is clearly strikingly different, while many of the logistical issues remain the same -- but rather to move beyond it, sharpening up AID's focus on the wider democratisation process of which elections comprise only one component.

Significance of Constituent Assembly Election

The Constituent Assembly election in Uganda will mark a turning point from the controlled and guided transitional regime now governing Uganda, to the re-establishment of a truly representative government which can advance the interests of increasingly democratic institutions while maintaining the economic and social gains which have been made over the last seven years. The draft

constitution now being reviewed, which the Constituent Assembly will debate, amend and adopt, must serve Uganda as the blueprint for newly-legitimised government institutions for the foreseeable future. The conduct and outcome of the elections are thus critical to Uganda's continued recovery from the social and political disorganization of the 1970s and early 1980s. They must be free and fair, and they must be seen to be free and fair.

At the same time, they are not an end in themselves, but the beginning of a process of democratic institution building which is complex, which will take many years, and which in some senses is more important than -- because it is the foundation for -- the electoral processes per se. Thus, it is equally as important, in offering advice and assistance in this initial stage of the democratization process, to keep in mind the broader context within which elections take place. USAID's (and other donors') efforts need to be directed at these other elements of the establishment of civil society, in order for any of the gains from the immediate series of elections to be sustainable.

US Role in Elections

The US has in the recent wave of democratization in Africa played a key role, both in elections and in support for the associational network that must be in place to sustain them. Our NGOs with electoral experience (the NDI, IRI, and AAI, as well as IFES and the Carter Center, and in Kenya the African America Labour Institute) have been on the scene for the period immediately preceding elections, and for observation of them. Additional support with logistics has been provided, and civic education has also been provided.

In Uganda, we have a key opportunity and responsibility to nurture the process and to draw on the experiences of the regional elections of the recent past in proferring assistance. The environment is more favorable for taking a leading role than was the case in Kenya, in part because of the warm relations between the US Government and the GOU, in comparison to the case in Kenya; and in part because the donor community in Uganda is less abundant and less equipped to take that role.

This said, it has to be recognized that this is a heavy responsibility and will require a strong commitment, in terms of resources and personnel, to be accomplished in the manner which is necessary to justify the leading position. The expertise brought to bear in assisting with logistics, for example, must be the best quality that can be found. The identification of technical assistance experienced in comparable political and logistics situations is critical, wherever they may come from. There will be need to rely not just on one organization, but on a multiplicity, including those which can be identified and supplied by Uganda's other major donors. The US role will need to be one of identifying appropriate resources, brokering their acquisition, coordinating their provision, and monitoring the evolving situation to anticipate bottle-

necks. A good deal of this type of support can be expected to be provided by the UN technical assistance personnel, assuming they are appropriately identified and in place soon. However, the very fact of the multiplicity of parties involved in the assistance indicates the need for a coordinative role, and this is one the US may be uniquely positioned to play.

Assessment of the Current Situation

A week is too brief a period to do an in-depth assessment of all aspects of the situation. What follows necessarily focuses on the three or four areas felt to be most critical, drawing on both the positive and negative lessons learned during the Kenyan elections.

1.) Timing and Logistics

The timing of the Constituent Assembly election, which has not been officially announced but appears to be currently proposed for around Dec. 20, gives exactly seven months from next week. Should the election be called for earlier, the time would be correspondingly shorter. The Minister for Constitutional Affairs expressed the clear understanding that the job ahead was going to be arduous and that the later date was more realistic; he also indicated a firm resolve not to let it slide any further than this.

The consultant's reading of the state of preparedness of the GOU to undertake all of the activities necessary to get from next week to an actual election date of Dec. 20 is that there is a great deal of enthusiasm but a substantial underestimation of the amount of work involved, some of it simultaneous and thus needing considerable resources, supervision and coordination all at one time; and some of it sequential, and thus requiring certain periods of time no matter how many resources can be brought to bear. A summary of the steps that are involved may further illuminate this:

- signing of the Constituent Assembly Bill (rumoured 5/14)

- naming of a Commissioner of Elections and his deputies; setting in place of the machinery he will use, e.g., staff, offices, equipment (within 15 days of assent to the Bill, but extending over a period of up to six weeks in terms of actually establishing the machinery)

- boundaries review, creation of new constituencies according to the decision rule adopted by the Assembly in the CA Bill, objections/appeals (if any/permitted); production of a new map of the constituencies, printing, dissemination for use in training registration and election officials

- selection of registration officials by the Elections Commissioner

- decision on registration procedures, acquisition of materials, e.g., printing of registration cards, provision of registers and facilities for duplication and compilation

- training of registration officials

- selection and publication (including widespread dissemination to the public) of registration sites

- registration of voters (up to one month; I believe the law says 30 days)

- publication/display of the electoral registers at registration centers (probably at district headquarters) -- 14 days allotted for appeals/objections

- nominations of candidates; publicity on eligibility, procedures and documentation for qualifying, etc.

- campaign period proper (3 weeks? one month?); at some point, training of registration officials on the conduct of the "candidates' meetings", which these same officials are meant to manage

- decision on and acquisition of ballot boxes, seals, identification/tracking procedure, movement to sites, security

- compilation of materials for ballots for upwards of 200 constituencies, decision on printer, printing and proofreading of ballots

- acquisition of ballots, packaging, security, movement

- selection of polling sites, gazettement, supply of basic equipment (at minimum, stationery, ink pads, a few chairs, several tables, and possibly rope or other methods for forming and regulating queues).

- selection of polling officials -- returning officers, presiding officers, gazettement of returning officers

- training of polling officials on:
    - boxes, sealing, displaying, security
    - ballots -- provision to voters, security, what to do with spoilt ballots
    - how to deal with voters who turn up with voters' cards but who can't be found in the register
    - rights and responsibilities of candidates' agents and observers
    - security and crowd control
    - what to do in case of shortages of supplies
    - permissible methods of assistance to illiterate voters

- counting, recording of tallies, documentation of results and distribution of copies, ~~permissible announcements vis-a-vis~~ results, etc.

- movement of boxes and ballots to sites

- polling day, counting

- decisions on and accreditation of observers, code of conduct for observers

Lengthy as this list may appear to be, it is merely illustrative. There are bound to be several interstitial steps that have been omitted, and which election specialists (supplied by AAI or other elections organizations) will detect. The point is that there is a tremendous amount of work to be done. For all of this to be done in seven months it is clear that work must begin almost immediately, and that a logistics capability be available to the Commissioner of Elections on which he can draw for assistance with these tasks while focusing him/herself on the political issues and sensitivities bound up in these decisions.

Recommendation: AAI, or a resource team identified in conjunction with AAI's June visit, be asked to provide a preliminary time-line for the activities identified by the Commissioner of Elections (who should be in place by that point) to draw out as accurately as possible what has to be done, in what time frame, to meet the December presumptive date (or to suggest any possible alternative to it, early in the process). This should not prejudice AAI's need to do an initial assessment -- indeed, it would be a useful starting point for an assessment of feasibility -- but would in addition be of great use to the Commissioner of Elections in coming up with an agenda and time-table, which is frequently difficult when an institution is newly-created and is just finding its feet.

2.) <u>Donor Group Coordination</u>

While the US is well-positioned and eager to play a lead rôle in assisting the electoral process in Uganda, it is neither feasible nor desirable for us to act alone. An important lesson from the Kenyan experience is that donor coordination is necessary and useful for the Government as well as the donors. The avoidance of duplication of funding requests or of funding itself (with all the ill will and suspicion this creates), the identification of comparative advantages in terms of the supply of types of technical assistance and commodities, and the sharing of information periodically on both these and the political "atmospherics" can greatly improve the atmosphere in which the Government and donors interact, while reducing the demands on the time of key GOU players, and more

specifically the Commissioner of Elections. Consequently, it is strongly recommended that the donors begin to meet systematically and to devise an institutional mechanism which best meets their needs for shared information within the constraints of other demands on their time.

In Kenya, by the time the consultant arrived (mid-October, two months before the elections) the donors were meeting weekly, continued to do so until the post-election period. The group consisted of at least 10 government donors and three to five NGOs (foundations, Norwegian Church Aid, etc.) and meetings were probably rather too frequent and lengthy for maximum effectiveness. An early institution of a set of working groups of two or three donors each, focusing on the set of issues of most interest/importance to those donors, might be more effective.

The one "lesson learned" from the Kenyan experience is that constant efforts at communication with the Elections Commission are necessary, and that the donors may need to take the initiative far more often than they think is appropriate, simply because the Commission may be completely preoccupied with logistical issues such as those outlined above, and may let communication slip. Donor assistance ultimately did help the Electoral Commission in Kenya to improve its image and public relations, but it was an uphill battle until the last month of the campaign, in part because of the overload on a fairly poorly equipped Commission.

Recommendation: i.) the donor group be convened -- by the US if acceptable, or the UN if more appropriate -- and work out a modus operandi for monitoring and assisting the electoral process, with the clear understanding that all parties reserve the right to withhold support where their political reading of the situation leads them to that position; and, ii.) the donors, or a working sub-group, begin critiquing the logistics as presented to them by the GOU (or via the UN or an expected AAI assessment) and identifying the resources that will be needed and that they would be willing to provide, indicating clearly the size, nature, timing and any other aspect of the GOU contribution on which their own support is conditional.

It cannot be emphasized too strongly that the taking of a passive approach by the donors, waiting to react to proposals from the GOU and then most likely finding fault with them, will not particularly assist the democratization process and will produce frustration and ill will on all sides. This was unfortunately all too evident in the Kenyan case, with the donors spending as much time in their weekly meetings berating the way in which things were going -- without making strenuous efforts to try exerting leverage to improve them -- as in proposals for assistance.

The GOU has demonstrated reasonbly good faith in mandating an electoral process over the next two years which is meant to produce a democratic transition. There are many flaws in it. If it were unflawed, there would be no need for donor input, either morally or materially. Playing a reactive rather than a pro-active role will result in the loss of a major opportunity to guide the process, amend it, transfer both technical and political experience, and in general contribute to the lessening of social tension and suspicion in Uganda. While there are legitimate concerns on the part of many donors about the degree of political commitment to a real democratic transition, the real sticking point in the GOU's pursuit of this process -- from the US point of view -- is likely to be inadequate logistical capacity and support. Since abundant resources with experience are available, it would be truly unfortunate if they were not brought to bear adroitly to move the process in the direction the donors see as desirable.

3.) Observation/monitoring

The Kenyan elections were observed keenly by a wide spectrum of groups, both official parliamentary delegations and partisan NGO groups with elections observation mandates. Uganda has had one acknowledged bad experience with the observation of the 1980 elections by the Commonwealth. This experience should not be repeated. Credibility in the eyes of the international community relies on a satisfactory international observation effort, which the Government of Uganda seems committed to ensuring. Credibility in the eyes of the people of Uganda -- the far more important long-term issue -- can only partly be addressed by international observers, as the experience from 1980 clearly demonstrates.

International observers will appear, will presumably be coordinated (recommendations are made below for the mechanism for this) and will, one hopes, accord Uganda a clean bill of health on this initial stage of its transition elections. Domestic observers, on the other hand, may not materialize unless there is a concerted effort to identify the relevant, appropriate bodies which could mount a domestic exercise. Compared with Kenya, the situation is much less mobilized in this area. In Kenya, there were a multiplicity of parties which wanted to do observation, drew up proposals for donor funding, and were fairly competitive among themselves, somewhat unfortunately. In Uganda, the present consultant has found no real on-going discussion of domestic observation, although a few sound ideas about relevant organizations were floated in discussions with all sides of the political spectrum.

The organization most likely to be responsive is the Law Society of Uganda, under the new chairmanship of Salome Bossa, who indicated considerable interest in the idea and several ideas about procedures for interesting other organizations and individuals. The other institutional framework which was pinpointed as of potential use in developing a grassroots network was the Uganda Joint Christian Council, with the addition to it of one or both (!) of the Muslim organizations, since Muslims represent about 10% of the

424

population of Uganda. The experiences of both NEMU in Kenya and the Zambian domestic monitoring unit will be of great interest to these groups, and USAID might play a useful role in sponsoring a 2-day workshop at which local Ugandan organizations with interests in this process could listen to and question the principal actors from Kenya and Zambia.

This said, it is clear that the level of preparation for domestic observation is basically "ground zero", and this argues against the launching of a full-scale, comprehensive, cover-the-country type of effort such as was mounted in Zambia and Kenya. The Law Society indicates it is equally as interested in civic education as in observation -- it would like to undertake both -- and that its interest in the past in civic education could strengthen the attraction to the membership. In addition, it seems that a truly "neutral" civic education campaign run under the auspices of the organization that then mounted a limited observer effort would give credibility to the organization, allaying suspicions of political bias or affiliation. (It should be recognized that the NRM considers the Law Society "political", and many lawyers do have openly political affiliations).

Recommendation: the UN be asked to liaise with the United Nations Electoral Assistance Secretariat, which has provided competent personnel to run the logistics and other support to international observer delegations, serving as a loose coordinating mechanism that preserves the necessary autonomy of the individual delegations while providing for them a common data base that effectively coordinates the observation

Recommendation: USAID work with the Law Society of Uganda, possibly FIDA and ACFODE, and possibly the Uganda Joint Council of Churches (with the Muslim orgs. invited as well) to stucture a workshop at which the basic ideas behind domestic observation are laid out, the Kenyan and Zambian experiences aired (inviting NEMU and the Zambian unit) and a preliminary strategy for a Ugandan effort hammered out.

In line with the emphasis put on civic education in the next point, it is strongly urged that any domestic monitoring effort that is launched for the Constituent Assembly election be considered a "training exercise" of sorts -- one in which individuals can become familiar with the concept, the rationale, the logistics and the outcome of observation, rather than a comprehensive attempt to observe (as was done in Kenya). A focus on civic education -- which was largely neglected in Kenya -- would seem a more appropriate starting point for the development of a long-term domestic observation and "watch-dog" capability.

4.) Civic Education

Very little attention was paid to civic education in Kenya. The present writer saw a few posters that illustrated the polling stations and procedure, and heard a few spots on the radio which exhorted citizens to exercise their right to vote. Beyond that, the only civic education campaigns which were undertaken were those done by the church (the National Ecumenical Civic Education Programme, NECEP) and church-related organizations -- e.g., the NCCK and an Anglican-sponsored programme in Central Province.

It is going to be critical to mount a more satisfactory and successful civic education programme in Uganda. In Kampala, many (not all, and maybe not even most) people know what the Constituent Assembly is, what it will do, and how it relates to a National Assembly. In the rest of the country, the awareness of the fine points of this ambitious electoral process are very dubious. This was confirmed by the NRM Secretariat, whose official indicated quite clearly that there is a major exercise of civic education that needs to be done. (There is some confusion over what role the NRM is/will play in it; several of the donor representatives met with claimed that the NRM was staying strictly out of that; the NRM indicated that it did have some role to play, but did not specify it; and representatives of the political parties claimed that the NRM is going full-speed ahead with a "civic education" program of very distorted messages specifially focused on discrediting political parties, among others.)

At a bare minimum, the electorate needs to know:

- Why they should vote in this election, and what the role of the representatives they elect is
- What the Constituent Assembly is, what it will do
- How, when and why to register
- How and when to vote
- What rights they have as voters:
  - registration, verification, appeal
  - candidates' meetings and informal assembly
  - how the secrecy of the ballot is guaranteed
  - procedures for and rights of illiterate voters

These may seem straightforward and simplistic, but in a society with a level of adult illiteracy approaching 50% (perhaps even higher) and with the legacy of suspicion, manipulation, and lack of transparency that Uganda has experienced, it will require a concerted effort -- and probably considerable donor and NGO involvement -- to bring off a credible civic education campaign. Clearly, this is an area in which the US/other donors will need to get clarification on the ground rules from the NRC <u>or</u> the Commissioner of Elections, once chosen. (It might be a test of the

autonomy of the Commissioner to wait and take this issue up as one of the first orders of business when the Commissioner is in place.)

If donor involvement in civic education is welcome, and the ground rules are clear, the devising of machinery for pumping as much information as possible into the public domain, via radio, posters, cassettes, newspapers, lectures, and the efforts of a fledgling domestic "watchdog" body should be undertaken quickly. As much as possible, the information itself should come from the Commissioner of Elections -- and be seen to come from him/her -- in order to establish the credibility, transparency and clear function of this important office.

General

A major deficiency in the Kenyan election was the perceived lack of transparency of the Elections Commission, its self-definition in a narrowly-focused way which neglected the all-important issues of voter education (until far too late in the process), and the consequent criticism of the Commission from all sides. One fervently hopes that the Ugandan Commissioner of Elections can avoid this, and that the US can play a role in gently pushing him/her toward a position of transparency which reassures rather than frustrates the electorate. That may involve, as suggested above, a much more pro-active role than some of the other donors seem presently willing to undertake. In summary, the US can play a most productive role in focusing particularly on logistics (which will quickly overwhelm the Commissioner, and for which we have a data base of sorts of resources available) and on the public relations element of the operations of the Commission itself.

ACTION USIS-2 INFO POL CDA AID
B
VZCZCTR0420NA0502
RR RUEHNR
DE RUTAKM #3732/01 1301415
ZNR UUUUU ZZH
R 121402Z MAY 93
FM AMEMBASSY KAMPALA
TO RUEHIA/USIA WASHDC 9102
RUEHC/SECSTATE WASHDC 6467
INFO RUEHNR/AMEMBASSY NAIROBI 4697
RUEHLGB/AMEMBASSY KIGALI 4075
RUEHJB/AMEMBASSY BUJUMBURA 0095
RUFHDR/AMEMBASSY DAR ES SALAAM 5265
RUEHDS/AMEMBASSY ADDIS ABABA 1937
RUFHLD/AMEMBASSY LONDON 3652
RUEHLG/AMEMBASSY LILONGWE 0826
RUSNNOA/USCINCEUR VAIHINGEN GE
BT
UNCLAS SECTION 01 OF 05 KAMPALA 03732

10-MAY-93 TOR: 14:11
CHRG: USIS
DIST: USIS

USIA

USIA FOR AF, INFO P/G

STATE FOR AF/E
DEPT PLEASE PASS TO AID

LILONGWE FOR DAO - LTC KELLER

E.O. 12356: N/A
TAGS:PGOV,PHUM,PROP,PGOV,UG
SUBJECT: "MCHAKA MCHAKA" -- THE NRM MARCH AGAINST POLITICAL PARTIES

REF: KAMPALA 3454

THIS IS A USIS/EMBASSY/USAID CABLE.

SUMMARY

1. FOLLOWING THE RELEASE OF UGANDA'S NEW DRAFT CONSTITUTION ON JANUARY 1, 1993, THE NATIONAL RESISTANCE MOVEMENT (NRM) HAS SIGNIFICANTLY INCREASED THE NUMBER AND SIZE OF ITS "POLITICAL AND MILITARY EDUCATION" COURSES THROUGHOUT UGANDA. THE COURSES, WHICH TYPICALLY LAST THREE WEEKS, COMBINE RUDIMENTARY MILITARY TRAINING (DRILL AND WEAPONS FAMILIARIZATION), THE SPARTAN LIVING CONDITIONS AND DISCIPLINE OF A BUSH MILITARY CAMP, AND MULTIPLE "LECTURES" COMPOSED OF NRM SLOGANS, LEFTIST SOCIOECONOMIC ANALYSES, AND DIATRIBES AGAINST POLITICAL PARTIES.

2. PARTICIPANTS, SOME OF WHOM YIELDED TO SIGNIFICANT SOCIAL OR INSTITUTIONAL PRESSURE TO

RECEIVED
11 MAY 1993
C & R
USAID/KENYA

ATTEND THE COURSES, INCLUDE REPRESENTATIVES FROM MOST RANKS OF UGANDAN SOCIETY, FROM CIVIL SERVANTS AND GOVERNMENT OFFICIALS TO UNIVERSITY PROFESSORS, STUDENTS, REPORTERS, AND RURAL PEASANTS. URBAN INTELLIGENTSIA AND BUREAUCRATS ARE DISPROPORTIONATELY REPRESENTED AMONG THOSE "INVITED" TO ATTEND THE COURSES.

3. THE SPECIFIC CONTENTS OF THE POLITICAL AND MILITARY EDUCATION COURSES, WHICH ARE NEITHER PUBLISHED NOR OPEN TO PUBLIC SCRUTINY, OFTEN APPEAR TO CONTRADICT CURRENT NRM POLICY AS PUBLICLY EXPOUNDED BY THE CHAIRMAN OF THE NRM, UGANDAN PRESIDENT YOWERI MUSEVENI.

4. IN MARCH, THE NRM INTENSIFIED AN INFORMATION CAMPAIGN HEAVILY EMPHASIZING ONE RECURRENT POINT OF THE COURSE CURRICULUM: POLITICAL PARTIES ARE BAD FOR UGANDA. ARTICLES AND NEWS STORIES APPEARED IN MOST PRINT AND ELECTRONIC MEDIA, PUBLIC AND PRIVATE, AND FOCUSED ON COURSE CLOSING CEREMONIES, QUOTING LIBERALLY FROM SPEECHES BY MEMBERS OF THE NRM SECRETARIAT AND OTHER GOVERNMENT OFFICIALS WHO CRITICIZED POLITICAL PARTIES AND BLAMED THEM FOR UGANDA'S TORTURED PAST. MANY OF THE PRESS PLACEMENTS CONCLUDED THAT COURSE PARTICIPANTS HAD RESOLVED THAT UGANDA IS NOT READY FOR MULTI-PARTY DEMOCRACY. THE NRM INFORMATION CAMPAIGN ACHIEVED UBIQUITOUS PLACEMENT, APPEARING ACROSS THE FULL RANGE OF LOCAL MEDIA, FROM GOVERNMENT-OWNED TELEVISION AND RADIO BROADCASTS TO THE PAGES OF THE MORE STRIDENT OPPOSITION PAPERS. END SUMMARY.

"MCHAKA MCHAKA" -- POLITICAL AND MILITARY EDUCATION COURSES IN UGANDA

---

5. "MCHAKA MCHAKA" IS UGANDAN SLANG FOR GOVERNMENT "POLITICAL AND MILITARY EDUCATION" COURSES, VERNACULAR ONOMATOPOEIA FOR THE RHYTHMIC CRUNCHING SOUND OF FORMATION MARCHING. THE NATIONAL RESISTANCE MOVEMENT (NRM) SECRETARIAT HAS SIGNIFICANTLY INCREASED THE SIZE, FREQUENCY, AND PRESS COVERAGE OF THESE "POLITICAL AND MILITARY EDUCATION" COURSES SINCE THE RELEASE OF THE NEW DRAFT CONSTITUTION ON JANUARY 1, 1993.

429

6. PARAMILITARY ASPECTS OF THE COURSES, INCLUDING DRILLS, A MILITARY MESS, CHANTS, WEAPONS FAMILIARIZATION, PRACTICE FIRE WITH LIVE AMMUNITION, OUTDOOR CAMPING, PHYSICAL CONDITIONING, AND THE COMMUNAL SPIRIT ENGENDERED BY MILITARY DISCIPLINE AND SPARTAN LIVING APPEAR TO BE THE MOST POPULAR PART OF THESE COURSES FOR PARTICIPATING CIVILIANS: FOR MANY PARTICIPANTS, IT IS LIKE SUMMER CAMP, A CHANCE TO GET AWAY FROM A DESK JOB, PLAY SOLDIER IN THE MUD AND HANDLE A WEAPON.

7. AS DESCRIBED IN NEWSPAPER AND PARTICIPANT ACCOUNTS, DAILY LIFE IN THE COURSE CAMPS FOLLOWS A MILITARY SCHEDULE AND DISCIPLINE, BEGINNING WITH PHYSICAL CONDITIONING AND DRILLS AT DAWN, AND PUNCTUATED BY PERIODIC "POLITICAL EDUCATION LECTURES" THROUGHOUT THE DAY. PARTICIPANTS, COURSE LOCATION, AND COURSE COMPLETION CEREMONIES ARE PUBLIC KNOWLEDGE AND WIDELY REPORTED. DAILY ACTIVITIES AND MILITARY ASPECTS OF THE COURSES HAVE ALSO BEEN REPORTED IN DETAIL BY THE GOVERNMENT-CONTROLLED PRESS. THOUGH NOT EXPLICITLY CREDITED IN PRESS ACCOUNTS, COURSE CURRICULA AND SCHEDULING ARE PRESUMABLY CONTROLLED BY THE NATIONAL RESISTANCE MOVEMENT (NRM) SECRETARIAT, WHICH IS ALSO WIDELY PRESUMED TO BE THE SOURCE OF FUNDING FOR COURSE EXPENSES.

8. LESS TRANSPARENT, HOWEVER, IS THE SELECTION OF PARTICIPANTS, THE EXTENT AND NATURE OF PRESSURES TO PARTICIPATE, AND THE CONTENTS OF THE POLITICAL EDUCATION LECTURES DELIVERED REPEATEDLY THROUGHOUT EACH DAY OF THE CAMPS. INTERVIEWS WITH SEVERAL RECENT AND PAST COURSE GRADUATES INDICATE THAT PARTICIPANTS, INCLUDING GOVERNMENT EMPLOYEES, UNIVERSITY PROFESSORS AND STUDENTS, ARE LED TO BELIEVE THEY MAY LOSE THEIR JOBS OR PRIVILEGED ROLES IN UGANDAN SOCIETY IF THEY REFUSE TO "VOLUNTEER" TO ATTEND A COURSE. NEWSPAPERS HAVE REPORTED THREATS FROM SECONDARY SCHOOL ADMINISTRATORS TO BAR ANY STUDENT WHO DID NOT "VOLUNTEER" FOR THE OFFERED COURSE, CALLING SUCH A REFUSAL "A BREACH OF SCHOOL DISCIPLINE".

9. NEWSPAPERS HAVE PUBLISHED PICTURES OF PARTICIPANTS FROM AGE 11 TO AGE 40. PARTICIPANTS ARE USUALLY PICTURED BRANDISHING A CRUDE DRILL RIFLE CARVED FROM WOOD. THOUGH COURSES HAVE BEEN CONDUCTED FOR RURAL PEASANTS, A DISPROPORTIONATE SHARE OF COURSE PARTICIPANTS SEEM TO BE DRAWN FROM URBAN INTELLIGENTSIA, GOVERNMENT OFFICIALS, JOURNALISTS AND OTHER MEMBERS OF THE SOCIOECONOMIC ELITE. EVEN CHURCH OFFICIALS, INCLUDING CATHOLIC NUNS, HAVE PARTICIPATED IN THE COURSES.

10. PARTICIPANTS ARE STRONGLY DISCOURAGED FROM

DIVULGING THE CONTENTS OF THE POLITICAL EDUCATION LECTURES TO ANY NON-PARTICIPANT OR FOREIGNER. SELF-CENSORSHIP BY THE MEDIA REGARDING THE POLITICAL CONTENT OF THE COURSES WAS TOTAL UNTIL APRIL 25, WHEN THE BIWEEKLY ENGLISH ARTS PERIODICAL "MUSWAKATEMBA" BROKE WITH PREVIOUS PRACTICE AND PUBLISHED THE AGENDA FOR AN UPCOMING POLITICAL AND MILITARY EDUCATION COURSE FOR "ARTISTES" TO BE CONDUCTED AT A LOCAL PRIVATE THEATER, WITH THE FOLLOWING COMPLETE LIST OF LECTURE TITLES:

-- INTRODUCTION TO POLITICS

43

-- BACKWARDNESS AND UNDER-DEVELOPMENT (I AND II)
-- RESOURCES AND POTENTIAL OF UGANDA
-- INTRODUCTION TO POLITICAL ECONOMY
-- SOCIAL SYSTEMS
-- PRE-COLONIAL HISTORY IN UGANDA
-- COLONIAL HISTORY I AND II
-- IMPERIALISM AND NEO-COLONIAL STRUGGLE
-- INTERNATIONAL TROUBLE SPOTS
-- INTERNATIONAL FINANCIAL INSTITUTIONS AND THEIR EFFECTS TO (SIC) UGANDA'S ECONOMY
-- THE ROLE OF THE ARMY IN DEVELOPMENT
-- AFRICA'S CONTRIBUTION TO THE DEVELOPMENT OF ART
-- THE CHALLENGES OF DEMOCRACY
-- REVOLUTIONARY DISCIPLINE AND METHODS OF WORK
-- REVIEW OF THE TEN POINT PROGRAMME
-- INVESTMENT PROSPECTS IN UGANDA
-- THE ROLE OF TAXATION IN DEVELOPMENT
-- RC ROLES, STATUTES, AND JUDICIAL POWERS
-- THE ROLE OF YOUTHS AND WOMEN IN DEVELOPMENT
-- REHEARSALS AND MILITARY SCIENCE

AS PUBLISHED, EACH LECTURE TITLE IS ACCOMPANIED BY THE NAME/RANK OF THE LECTURER; ALL ARE MILITARY OFFICERS OR MEMBERS OF THE NRM SECRETARIAT. PARTICIPANTS CONFIRM WHAT THE LECTURE TITLES SUGGEST: MCHAKA MCHAKA "POLITICAL EDUCATION" IS CLOSER TO COLD WAR PROPAGANDA THAN CIVIC EDUCATION. COURSE LECTURES ON POLITICAL AND ECONOMIC ISSUES REFLECT THE SUPERSEDED IDEOLOGY AND RHETORIC OF THE NRM FIVE YEARS AGO, WHEN UGANDA'S DIFFICULTIES WERE BLAMED EXCLUSIVELY ON THE LEGACY OF COLONIALISM AND "CAPITALISTIC IMPERIALISM".

11. PARTICIPANTS REPORT THE LECTURES ARE NATIONALISTIC IN TONE AND OPENLY ANTAGONISTIC TO POLITICAL PARTIES, PRIVATE ENTERPRISE, CAPITALISM, AND "WESTERN DOMINATION". IN KEEPING WITH THE DEFENSIVE, SECRETIVE ATMOSPHERE OF THE POLITICAL AND MILITARY EDUCATION COURSES, WEAPONS TRAINING IS PRESENTED AS A GIFT OF THE NRM TO CIVILIAN CITIZENS, WHO ARE EXPECTED TO APPLY THE TRAINING AND COME TO THE DEFENSE OF THE NRM (NOT UGANDA) IF THE NRM IS THREATENED.

COMMENT

---

12. THERE ARE MARKED DISCONTINUITIES BETWEEN THE OUTMODED NRM IDEOLOGY PROPOUNDED IN THE "MCHAKA MCHAKA" POLITICAL AND MILITARY EDUCATION COURSES AND MORE RECENT PUBLIC ACTIONS AND ACHIEVEMENTS OF THE NRM GOVERNMENT:

-- WHILE "MCHAKA MCHAKA" COURSES ARE TRAINING A LARGE CIVILIAN DEFENSE FORCE IN MILITARY STRATEGY AND WEAPONS USE, THE NRM IS SUCCESSFULLY PURSUING A RAPID DEMOBILIZATION OF OVER 50 PERCENT OF THE

432

STANDING ARMY.

-- "MCHAKA MCHAKA" LECTURES PRESENT WESTERN NATIONS, INCLUDING THE U.S., AS BASTIONS OF IMPERIALISM AND ENEMIES OF AFRICAN DEVELOPMENT, WHILE THE NRM GOVERNMENT IS PUBLICLY CULTIVATING CLOSE AND COOPERATIVE RELATIONS WITH WESTERN NATIONS AND DONOR ORGANIZATIONS.

-- "MCHAKA MCHAKA" COURSES PORTRAY CAPITALISM AND THE PROFIT MOTIVE AS A FOREIGN EVIL FORCED ON UGANDA BY COLONIAL MASTERS AND FOREIGN IMPERIALISTS, WHILE THE NRM PURSUES AN AGGRESSIVE

PRIVATIZATION PROGRAM AND THE PRESIDENT (WHO IS THE NRM CHAIRMAN) PUBLICLY PROCLAIMS PRIVATE SECTOR DEVELOPMENT AS THE KEY TO UGANDA'S DEVELOPMENT.

-- "MCHAKA MCHAKA" COURSES ENCOURAGE INTENSE AND DEFENSIVE NATIONALISM WHILE THE NRM CHAIRMAN IS ONE OF AFRICA'S MOST ARTICULATE PROPONENTS OF REGIONAL AND INTERNATIONAL COOPERATION, CONFLICT RESOLUTION AND TRADE.

-- "MCHAKA MCHAKA" COURSES BLAME AFRICA'S ILLS ON COLONIAL EXPLOITATION AND COLD WAR IMPERIALISM, WHILE THE NRM CHAIRMAN PUBLICLY BLAMES AFRICA'S DECLINE ON AFRICANS, BASED ON THEIR INABILITY TO PEACEFULLY RESOLVE INTERNAL CONFLICTS AND OVERCOME ETHNIC DIFFERENCES.

13. PART OF THE REASON FOR THESE DISPARITIES IS THAT THE NRM'S HIGHLY POLITICIZED SECRETARIAT HAS BEEN SIDELINED IN GOVERNMENT: HAVING PROVEN INEFFECTIVE AT SUBSTANTIVE WORK, THE NRM SECRETARIAT HAS BEEN ALLOWED FREE REIN IN THE IDEOLOGICAL FIELD.

14. ALONE AMONG THESE DISPARITIES BETWEEN THE PUBLIC AND "MCHAKA MCHAKA" VERSIONS OF THE NRM IDEOLOGY, HOWEVER, THERE IS ONE CLEAR POINT OF CONVERGENCE TO WHICH ALL MANIFESTATIONS OF NRM IDEOLOGY ADHERE: POLITICAL PARTIES ARE A DIVISIVE FORCE EXACERBATING ETHNIC DIFFERENCES IN UGANDA AND SHOULD NOT BE ALLOWED TO REINTRODUCE SECTARIANISM TO UGANDA'S BODY POLITIC AT THIS POINT OF POLITICAL DEVELOPMENT. END COMMENT

INFORMATION CAMPAIGN AGAINST POLITICAL PARTIES -- THE POWER OF REPETITION

---

15. AS THE NATIONAL LEGISLATURE (NATIONAL RESISTANCE COUNCIL) BEGAN ITS DEBATE OF A CONSTITUENT ASSEMBLY BILL WHICH SET UP THE PROCEDURES AND INSTITUTION TO DEBATE AND PROMULGATE THE NEW CONSTITUTION, THE NRM BEGAN PUBLICIZING "MCHAKA MCHAKA" COURSES AND CRITICIZING POLITICAL PARTIES TO AN EXTENT NOT SEEN BEFORE. (COMMENT: THE COURSES, CRITICISM OF POLITICAL PARTIES, AND SOME PUBLICITY ABOUT THEM, WERE NOT NEW. THE EXTENT AND ORCHESTRATION OF THE INFORMATION CAMPAIGN WERE. END COMMENT)

16. MOST OF THE STORIES, WHICH CONTINUE TO APPEAR IN THE FULL RANGE OF UGANDAN MEDIA, FOCUS ON THE CLOSING CEREMONIES OF "MCHAKA MCHAKA" COURSES. THE "NEWS" STORIES USUALLY INCLUDE THE SOCIAL CLASS AND NUMBER OF PARTICIPANTS AND SUMMARIES OF PARTICIPANT OPINION, INCLUDING COLLECTIVE EXPRESSIONS OF GRATITUDE FOR THE COURSE AND A COLLECTIVE AGREEMENT

THAT UGANDA IS NOT READY FOR FOR A RETURN TO UNRESTRICTED POLITICAL PARTY ACTIVITY.

17. MOST OF THESE PUBLISHED ARTICLES, TV OR RADIO SPOTS ALSO PARAPHRASE THE FINAL CEREMONIAL SPEECH OF THE COURSE, WHICH IS USUALLY PRESENTED BY A MEMBER OF THE NRM SECRETARIAT. THE PARAPHRASE TYPICALLY INCLUDES THE SPEAKER'S CONTENTION THAT POLITICAL PARTIES WERE A DIVISIVE AND DESTRUCTIVE ELEMENT IN UGANDA'S PAST AND SHOULD NOT BE ALLOWED TO DESTROY THE CONSTRUCTIVE UNITY OF THE NRM.

18. THE NRM INFORMATION CAMPAIGN AGAINST POLITICAL PARTIES IS BROAD, INTENSE AND REPETITIVE.

EXTENSIVE AND REPEATED NRM PLACEMENTS IN GOVERNMENT-OWNED PRINT AND ELECTRONIC MEDIA ARE A PREDICTABLE OUTCOME OF A GOVERNMENT PROPAGANDA CAMPAIGN. LESS EASY TO EXPLAIN ARE FREQUENT PLACEMENTS APPEARING IN PRIVATE MEDIA, INCLUDING POLITICAL PARTY ORGANS AND INDEPENDENT PUBLICATIONS WHICH CAN EFFECTIVELY BE CATEGORIZED AS OPPOSITION PAPERS. LOCAL MEDIA ANALYSTS, INCLUDING THE EMBASSY PUBLIC AFFAIRS OFFICER, ATTRIBUTE SUCH UNIVERSAL EFFECTIVENESS IN PRESS PLACEMENTS TO EXTRAORDINARY POLITICAL PRESSURE AND/OR CASH PAYMENTS TO EDITORS AND REPORTERS. (COMMENT: GIVEN THE RESOURCES AND CAPABILITIES OF RELEVANT GOVERNMENT ORGANS, IT APPEARS THE NRM SECRETARIAT MUST BE THE PERPETRATOR OF THE INFORMATION CAMPAIGN AND THE SOURCE OF ITS FUNDING.)

WINNING HEARTS OR BREEDING SKEPTICS? -- POSSIBLE EFFECTS OF THE INFORMATION CAMPAIGN AGAINST POLITICAL PARTIES

---

19. POLITICAL PARTY LEADERS AND INDEPENDENT PUNDITS HAVE BEGUN TO PUBLICLY CONDEMN THE MCHAKA MCHAKA POLITICAL AND MILITARY EDUCATION COURSES AS THE ANTITHESIS OF TRANSPARENT DEMOCRACY. PROMINENT ARTICLES CRITICIZING THE EXPENDITURE OF GOVERNMENT FUNDS ON MCHAKA MCHAKA COURSES HAVE BEEN PUBLISHED IN INDEPENDENT NEWSPAPERS.

20. PUBLISHED CRITICS OF THE COURSES HAVE SUGGESTED MCHAKA MCHAKA ARE A TYPE OF POLITICAL MOBILIZATION CLOSER TO A POLITICAL PARTY RALLY THAN CIVIC EDUCATION; AS SUCH, THEY ARGUE, THE COURSES SHOULD NOT BE CONDUCTED WITH GOVERNMENT FUNDS. AT LEAST ONE PUBLISHED CRITICISM WENT ONE STEP FURTHER, SUGGESTING THE NRM IS ACTING LIKE A POLITICAL PARTY IN CONDUCTING MCHAKA MCHAKA COURSES, AND THAT POLITICAL PARTIES SHOULD THEREFORE ALSO BE ALLOWED TO HOLD PUBLIC MEETINGS.

21. COMMENT: IN A FINAL IRONY, THE NRM MAY NEVER HAVE NEEDED A PROPAGANDA CAMPAIGN TO CONVINCE THE UGANDAN PEOPLE TO RESIST THE RETURN OF POLITICAL PARTIES TO UGANDA. THOUGH ACCURATE FIGURES ARE UNAVAILABLE, THERE ARE INDICATIONS THAT MANY UGANDAN CITIZENS ALREADY BELIEVE THAT UGANDA IS NOT READY FOR A RETURN TO MULTI-PARTY DEMOCRACY. (SEE REFTEL.) THE NRM MAY BE EXPENDING CONSIDERABLE EFFORT AND MONEY PREACHING TO THE CONVERTED. END COMMENT.

LARSEN

BT

#3732

NNNN

ATTACHMENT 10

CITIZEN CORRESPONDENCE TO AAI ASSESSMENT TEAM

c/o Uganda Revenue Authority
P.O. Box 7279
KAMPALA.

28th May, 1993.

The American Uganda Election Monitors,
c/o Sheraton Hotel
KAMPALA.

RE: MOBILISATION OF THE PEOPLE OF BUHWEJU CONSTITUENCY

I have been informed through the papers of your presence in Uganda. We are happy that your great Nation has taken the interest in our efforts to democratise our society. We are faced with immense hurdless basically because of the backwardness ~~of~~ our people find themselves in.

The purpose of this letter is to alert you about some of the likely problems some of us as "teachers" are likely to face on the ~~road~~ road to the "Constitution making". For example I am attempting to carry out intensive non-political mobilisation in Buhweju county where 90% of the population are illiterate, poor, and sickly. They are underfed. They are cut off from civilisation politically, socially and economically. There are very few poor schools, and basically the health facilities are non-existent. They number about 70.000 people who live in a very hilly rugged area. The county is located to the North-East of Bushenyi District (you can check).

It is indeed a difficult place. These people had nothing to do with all the previous Constitutions 1962, 1966 and 1967. I fear that some shrewd and unscrupulous politician may ride on this abundant ignorance of the people to enter the C.A. House.

My energies are directed at sensitising our people about what the Constitution has to do with their daily lives, future and economy. I have already dispatched some document mainly to primary school teachers and RCs and opinion leaders. My attempts to create more awareness in the are are limited by

(a) Lack of funds and transport

(b) Lack of reading materials

(c) An illiterate population who can not read News papers and hence need of radios at least to listen to the programmes in the local dialect.

..../2.

438

The purpose of this letter is to request you to assist me where possible (if it is within your means and terms) with the following because I am unable to have the funds to secure them (as I am a mere Civil Servant):

1. 100 copies of the Draft Constitution @ 3500/=
2. 100 copies of the Guidelines to the Constitution @ 3500/=
3. 100 copies of the Constitutional Commission Report
4. 100 copies of the Constituency Assembly Statute
5. 100 copies of the 1962 Constitution
6. 100 copies of the 1966 Constitution
7. 100 copies of the 1967 Constitution
8. Stationery Books, Papers, Pens etc.....

If there is away you can assist with transport it will be welcome because the place is very Hilly and remote. If all these are Marshalled before the Seminar to take place between 12th to 15th August, 1993, our people will be more than happy to receive the assistance. This will enable my people to be well prepared for the Seminar.

Yours in the Struggle

Bitature

BITATURE VINCENT
INTERIM CHAIRMAN
BUHWEJU DEVELOPMENT FUND

Tel: 243967

Free and Fair election is a myth in Uganda

There can never be any free and fair election in Uganda because of the following:-

1. Museveni had started on several ocassions that he will not allow anyone to temper with the peace ushered in by the NRM government. This means he will do everything in his power to ensure that he stays in power as long as he wants.

2. The Constitution making process was undemocratic in that the members of the Commission were appointed by Museveni. These are men and women who support his MOVEMENT system of government. Therefore the Constitution has been tailored to suit Museveni's wishes.

3. The Constituent Assembly Bill is tailored to ensure that the members elected to debate the constitution will support the Draft Constitution in its present form to favour Museveni.

4. Since the Draft Constitution as well as the Constituent Assembly Bill are rigged it follows that no elections will be free and fair.

5. Museveni came to power by force of arms. How can such a leader allow free and fair elections to take place in his regime?

6. The NRM government is an alien government. Museveni is a Rwandese. He used his Rwandese Tutsi tribesmen who had fled into Uganda as refugees to overthrow the government. He has placed his tribesmen in all high positions in government and the army. How can such a leader allow the indigenous people of Uganda to participate in free and fair elections which, if it happens, will definitely throw him and his henchmen out?

7. Museveni is a warmonger. To consolidate himself in power in Uganda he used his Rwandese cohorts who were in the NRM to invade the Rwanda government in 1990 so that he annexes Rwanda to become part of Uganda. He failed. But he has not given up. He is giving massive support to the R.P.F by way of armaments, logistics, medicines etc. The Commanders of the R.P.F are appointed by him and they shuttle between the warfront at the boarder between Uganda and Rwanda and State House at Entebbe for logistic support etc. Millions of dollars are being spent by the NRM government to support the RPF at the expense of the people of Uganda. That is why we have no drugs in our hospitals, our schools are breaking to pieces etc and nobody cares about them. How can such a government conduct free and fair elections when they are already enjoying themselves in Uganda.

8. Museveni does not want other parties to compaign except his NRM through the Cadres and various media. How will the citizens be able to judge who is a good candidate if they are not sufficiently exposed to the views of other candidates from other parties. Under such atmosphere and arrangement how can the elections be free and fair?

9. It can be recalled that Museveni lost miserably in the free and fair elections of 1980. Definitely he was not recovered from the hang-over i.e. he is still being feverishly haunted by the results. Surely can such a man organise a free and fair elections?

10. Uganda has witnessed the worst human rights violation in this government since independence. In the insurgency areas like in the North and North-Eastern Uganda, people suffered upto the grassroot. The main sources of wealth, viz cattle, goats, sheeps, chickens have been plundered and annihilated by the NRA during their operations and many innocent lives were lost. Now, how can such a man who has soiled his reputation through these atrocious acts and has lost credibility in many parts of the country, organise a free and fair elections which will definitely throw him out to be exposed to eminent revenge by the people he supressed?

P.T.O

...../p2.

1/40

11. There are indications that NRA or LDU's will be deployed in Polling Stations during elections. If this is done how will people feel free to go and vote? If this happens whatever takes place will not be free and fair.

If free and fair elections have to be organised in Uganda the NRM government must resign before such elections are conducted in the county. An interim government composed of all the political parties should run the country and organise the elections which should be supervised by foreign governments and international organisations like the U.N, O.A.U and Commonwealth Team and only policemen should be deployed in polling stations. The NRA should be confined to the barracks during the elections.

ATTACHMENT 11

PRESS CLIPPINGS

The New Vision

Remove referendum from constitution

By Vincent Kigozi
Gulu.

ALLOW me to thank you for the good work in your paper to sensitize Ugandans about issues which concern their concrete lives. I am particularly happy about the interest Ugandans have taken to shape the destiny of their country.

The political problems Ugandans have gone through have been due to the abuses of their basic human rights. The major drawback was not the multi-party political system, but dishonest leadership that took over power in 1962, and later in 1966 the muzzling of the people's voice sanctioned by the rule of the gun. It was the deathknell of party politics and introduction of militarism in the Ugandan politics.

Political mistakes of Milton Obote have been clearly mentioned in the article that appeared in *The New Vision* of January 28, 1993, entitled "Ogwal blundering" by Sam Nsereko. Obote had the means and the capacity to manage Ugandan affairs in a better way. He decided not to abide by the principles of proper administration but continued to antagonise Ugandans against one another.

When Idi Amin appeared on the scene, he was welcomed as a liberator. He assured Ugandans that he was not a politician but a soldier and his government was only a care-taker government and that he would hand power elections? Ugandans prefer the truth of the matter. The real causes have to be faced.

Peace is not the absence of war, but the fruit of justice. It cannot be achieved by hiding from ourselves the true causes of our demise. Certainly, our attitudes towards one another have to be more tolerant and accommodating. We have to learn to listen to one another. The truth must be appreciated no matter who says it. Let us not fear constructive criticism.

The NRM Government should be thanked for a peaceful atmosphere which has been created to some degree. This has enabled Ugandans to discuss their future. I am convinced that the NRM government can do even better on the front of the basic freedoms. Ever since it came to power in 1986, it has not been very comfortable with freedom of political association.

The government has often noted that all political parties; CP, UPM, UPC, DP, and NRM to which all Ugandans are said to belong in this interim period, are represented but still are not allowed to meet peacefully in the open with the exception of NRM on no-party politics. They are not allowed to identify themselves. They cannot hold public rallies. How could such political groups contribute as a team to the NRM system which promised to house Ugandans temporarily? Does now NRM want to carry on for ever?

No Ugandan of goodwill questions to be able to evaluate honestly some political propaganda. Is it morally right simply to intimidate Ugandans that others have abused this freedom of political association in the past and therefore the present Ugandans will abuse it? What wrong have the future generations done to deny them this basic right.

It is possible not to know that you have a particular right. However, is it not proper to claim it once you are aware of it? Is there any sensible good Ugandan who would claim to have a right to hate or even to harm another because he belongs to a different political organisation? Thus NRM should endeavour to solve this issue of freedom on the political front. In my opinion I see this as one of the major weaknesses of NRM government though it has done much good. The denial of freedom of political association and assembly is not in harmony with basic human rights. Whatever the excuses may be, it is a weakness. The NRM should already have found a way to peaceful, constructive political coexistence instead of the present, hostile often abusive intolerant mood.

There is a tendency within NRM to muzzle the political associations. This tendency is evident in the recommendation of the Constitutional Commission for the suspension of political parties for another five years prosperity and thus avoid the politics of conflict and confrontation. The past history should furnish meaningful lessons for all of us.

In Uganda various religious denominations and tribes are allowed to operate freely. Does freedom of religion create problems for the unity of Ugandans? Isn't it a sign of mutual respect? Why should NRM fear freedom of political association? I am sure most of the officials have been groomed by those political associations they may want to suppress.

Political associations may groom for us good, honest leaders. They only require a peaceful frame-work and an honest attitude to power as a service. Never should a common good be lost sight of. I am sure with NRM commitment to democracy, unity, basic human rights and peaceful transfer of power, Uganda will prosper.

The cancerous disease that has bedeviled Africa is clinging to power at any cost. Our history is there to illustrate. As regards parties, we should spend our energy in fighting against abuses not the people's institutions, which enable them to formulate their political opinions.

My plea is that NRM should remain a voice of peaceful coexistence and a guardian of all the basic freedoms which Ugandans should be entitled to for they have suffered much at the hands of dictators

Justice Benjamin Odoki: Chairman of the Constitutional Commission.

group argue for political pluralism which is still suspended. For how long is the situation to continue like this?

Now the Draft Constitution is out and so the commission has to be thanked for the good work and the NRM government deserves a credit for any positive contribution to the document. I am convinced that Ugandans are not going to resist a document which protects the basic rights of each individual. The major problem as regards this Draft Constitution is its stand on the freedom of political asso-

are presently doing or even establish a better and holler political association for a greater Uganda in terms of peace and prosperity.

How do multi-party advocates present their case? The multi-party advocates on the other hand seem to me more consistent with the basic right of freedom of political association.

My humble advice to both sides is that there should be a common just regulation which enables the no-party politicians and the multi-party politicians to interact freely.

government. He unfortunately never did and he instead banned "politics" and declared himself a life-president. Ugandans know what he did in his no-party politics. Ugandans have witnessed the suppression of their basic freedoms. They have suffered and died in order to be free.

Why did Obote not face the electorate when the coalition with the Kabaka Yekka (KY) which brought him to power broke? Was it because of a multi-party system of government that hindered him from holding a free and fair election? What tribal or religious or multiparty system or principle would justify his open rigging of the 1980 to that end were left an open free choice with other political associations. Is this not the time that freedom of political association should be given a chance in a new atmosphere as a means to do more good? If this question had earlier been settled, would we not already be considering other relevant issues like development, which depend on clear honest political vision. The NRM government had better adopt a positive attitude to freedom of political association and encourage reforms in the various political organisations.

In view of the current situation, we have to put before ourselves some ethical should come a referendum whether Ugandans want freedom of political association or a movement type of system opposed to it.

Personally, I believe that a referendum on the issue of freedom of political association is wrong for it prejudices a population against a harmless, innocent basic natural right as enshrined in the UN-charter where it is articulated that "Every one has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association." In the light of that, would it be morally right to use a referendum to suppress such a right? Would that not be an abuse of the democratic right of the people.

Otherwise the best approach would be to enact good just laws for peaceful coexistence. A forced unity at the expense of some basic human rights will not help us to work for a better Uganda. The UN-charter protects itself against the use of one basic right against another. This is expressed in Art. 30: "Nothing in this Declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

A referendum would then be an abuse of the democratic right of the people against one of their freedoms. In this case freedom of political association. The best would be that NRM agrees to work peacefully with other political associations for Uganda's

Whether we accept it or not, we have two trends in the NRM. There is a no-party trend favoured by the central body of NRM government. Those who advocate the no-party system would wish it to be a permanent system and try to get time to convince the majority that the present system is the best Uganda is capable of. They want the people to decide on the system of representation they want. At the same time the Ugandan population is not thought mature enough. This explains the problems in the Constituent Assembly Bill concerning interest groups' representation as if these interest groups are not part of Ugandans? Why should the President choose the chairman of the delegates of the people and 15 others. Why not let those good honest people be encouraged to contest and be directly elected by Ugandans

The possible explanation for this open bias could be to strengthen the no-party tendency in the Constituent Assembly.

The no-party group is opposed to political pluralism. On the other hand, the advocates of pluralism prefer a multi-party system of government which is more in consonance with human nature. Human beings share in one universal human nature. However, each human being is an individual. This is more pronounced by the different circumstances for each cultural community in Uganda.

There is need to offer good political alternatives. There will not always be one way of doing good. Thus this other how Ugandans should decide on its use. Many Ugandans may not seem to be aware of what is at stake. It is a suppression of a basic human freedom.

One may ask why have we come to this extreme end of making a referendum whether to retain a basic right or not? The major reason is the failure of the first leaders after independence from 1962 with only one general election in 1980 openly rigged. Given that history where some Ugandans were persecuting others, some members of NRM are bent on persuading Ugandans to deny themselves this right. It is often argued that democracy is not multi-party. This argument misses the point because the problem is not on the definition of democracy but the freedom granted to each citizen to associate freely politically. One may choose any of the political arrangements or establish a better one with the appropriate qualities of a truly national political party or movement that may serve better the common good.

What is objected to is where a movement would force the citizens to belong to it or else abstain from involving themselves in the politics of their country.

Let not the past mistakes of some of our leaders derail us from the path of authentic democracy which cannot lack freedom of political association. Some may argue that since Ugandans are not Europeans, they should not have a right to choose a political association in which they would feel more comfortable and would do better than they present its credentials to the same Ugandan population peacefully. There should not be need to provoke any side to violence because Uganda has seen too much of that. Ugandans should be able to elect their leader and delegates from any good perfect political system. We hope NRM may take the upper hand. It will then be a better, cleaner approach to the service of the nation instead of the prejudiced and manipulated mode that will lead Uganda to the old mess, which NRM has a duty and power to clear.

Let there be common laws for all political organisations for political coexistence and development of the Ugandan community.

If these innocent recommendations are heeded, NRM will have done a lot towards the fundamental change which it promised. It will not be by the suppression of any basic human right that this fundamental change will be brought. The past dictatorial regimes have already suppressed many of the basic rights. I advocate that NRM continue to be a messenger of peaceful change. Thus I disagree that some NRM officials should continue to prejudice the people against their basic right. This time it is freedom of political association, another time it could be another right. It is possible that some officials could benefit from such a predicament if Ugandans were denied some of their rights. This would not be in line with the common good of the Ugandan people. This golden rule should apply for all Ugandans.

!!TARPAULIN COVER!!
(AMATUNDUBAALI)
* Truck-Cover: From small Pick-Up to big Lorry, Trailer.
* Roll: For Storage Cover e.g for agri-product, Construction, and anywhere to be protected from rain.
Price? Attractive enough!!
Also Money Counter, Sealer, Pop corn machine, filing cabinet on sale now.
KUDU ENTERPRISES (U) LTD.
Wilson Rd. Plot 7/8 (Behind Munno Publication)

NURALITE
for leaking roofs
Conventional materials only last for 4 years!
Nuralite lasts for 40 years!
Blair Wood Construction
Plot 4 Old Port Bell Road
Tel: 236971/2 Fax: 254423

The New Vision

May26, 1993

Mobilisers' rally begs questions

SIR—There are some questions Ugandans are asking as a result of the flopped DP Mobilisers Group rally on May 8. It is publicly known that during the 1960s Mr Michael Kaggwa crossed from DP to UPC.

That explains why he was not sound in the 1980 elections. Now he and others have decided to create a destabilising atmosphere in the country.

For nobody knows when Mr Kaggwa was elected chairman of DP Mobilisers' Group, and where he got the mandate to aspire to replace Dr Ssemogerere as DP president-general.

If Kaggwa could not get enough votes during the RC elections, how can he win a national career like the chairmanship of DP Mobilisers' Group?

It is even worth wondering about, how Kaggwa got power without the consent of the DP executive. If DP has not split, then the DP president-general is Dr Paul Ssemogerere, not a Mr Kaggwa unless he (Kaggwa) indicates when Ssemogerere resigned.

Kaggwa is destabilising DP and the country and deserves a warrant of arrest.

Richard Ssebwalunyo
Luweero.

SIR—In your *Sunday Vision* of May, 9 in a manner which depicted open bias, you reported on the front page that the DP Mobilisers rally had flopped.

The truth of the matter is that the rally did not flop, but was simply marred by the Government through its security organs who were armed to the teeth.

Used in the sense you used it, the word "flop" would convey the meaning that the rally was normally staged but that there was no audience, or people refused to attend it, or the organisers/key speakers refused or failed to address the people. The word "mar" would be more appropriate in the circumstances to describe the occasion.

Also, *The Sunday Vision* downplayed the numbers of those who turned up despite a massive police presence and threat to shoot. The paper even implied that without so much ado, the numbers might have been negligible because Ugandans are fed up with party politics.

That is precisely the point which was also made by Mr Elly Karuhanga, the CM for Nyabushozi when he was interviewed before the rally. If the NRM Government is so fed up with parties why not let the multiparty fanatics wear themselves out and have their unpopularity exposed.

J. Ndawu
Kampala

46

Museveni: teacher, soldier

By Wilberforce Kiveebusoga

AT first, it appeared to be a naive question from two Jinja teenagers. "Please tell us", they entreated me, "why is President Museveni spending so much time teaching in cadre training courses, in various parts of the country?"

"Is that so? " I threw the question back at them. I had of course not thought about the matter myself.

"Yup", the older boy by confirmed. "The man hardly sits is State House nowadays. He is trotting all over Uganda. Don't you watch the Presidential films on UTV?".

Before I opened my mouth again, the younger boy chipped in with more information.

"The President usually teaches about underdevelopment and backwardness of Africa, the crimes which were committed against Africa by the European and Arab slave traders, the continuing exploitation of Africa by Western capitalists and so forth."

The older boy took up the cue again. In his view, the President has generally been teaching well. But some of his fellow NRM, who have been trying to emulate him, do not have any teaching skill. "They are a bore," the boy pronounced, sending all three of us into hearty laughter.

A long discussion then ensued. The elder boy had apparently done some homework on the professional backgrounds of African presidents since independence. He explained that most of them have been either soldiers or teachers. "Few of them," he went on, "have been trade unionists, lawyers or doctors "

Samuel Doe of Liberia.

Then we turned to teachers. Here we are more successful. We remembered the late Kwame Nkrumah of Ghana Tafawa Balewa of Nigeria and Yusuf Lule of Uganda. The ex-presidents of Tanzania and Zambia Julius Nyerere and Kenneth Kauda and the current president of Tanzania, Zimbabwe and Kenya — Ali Hassan Mwinyi, Robert Mugabe and Daniel Arap Moi, respectively.

"Is it a mere accident of history that African nations have been or are still being ruled by soldiers and teachers?" I asked the elder boy. I wanted to test his knowledge and analysis of African politics in the last 30 years.

Interestingly, the boy did not fumble with his answers as I had expected. He explained that both soldiers meaning "soldier".

By 1966, when he was in Senior Six at Ntare School, he was politically active. Ntare boys had started making political noise way back in 1961, when some of them were arrested in Mbarara town for attending a UPC rally.

In 1966, Museveni heard about how Obote used Ugandan troops to surround Parliament, to ensure that the MPs "debated" and adopted a new constitution (of which they had no copies) in one afternoon.

As we have been told, Museveni and a few of his school mates started thinking that they would one day play a role in changing the political history of Uganda. They, therefore, opted to go to Dar-Salaam University (which mas generally considered to be more radical than Makerere

President Museveni teaching in cadre courses.

against French rule.

Armed with both important political ideology and fighting skills, Museveni returned to Uganda to start establishing his own political base.

As we also know, in 1971, he ran back to Tanzania, after Amin's coup d'état in Uganda, and started to trained his own political and military cadres. Subsequently, he created the Front For National Salvation (FRONASA) in 1973, which eventually helped Tanzanian troops and other Ugandan fighting groups to capture power from Amin in 1979.

After a brief stay in government in 1979-80, Museveni went to the Luwero Triangle from where he launched a guerrilla movement (National Resistance Movement) which successfully fought a guerrilla war for five years and captured power in 1986. He therefore understands fully the importance of the gun and the person who knows how to use it.

But an old English adage says that old habits die hard; while one modern educational theory suggests that people find it difficult to disengage themselves from things they have got used to doing. It would therefore appear that Museveni cannot give up teaching.

He has been at the game for years - teaching FRONASA soldiers, teaching cooperators in the cooperative college at Moshi during the 70s and teaching soldiers and cadres in Luwero Triangle in 1981-85.

It is not that he no longer has much work to do in State House but that he seems to enjoy teaching . He often lectures to his Cabinet, and some of his speeches in

The New Vision May 26, 1993

446

We could not remember all the army men who have been, or are still ruling Africa. But there were those we had not forgotten. Former "Field Marshall" Amin of Uganda, Mobuto Sese Seko of Zaire, the late "Emperor" Jean Bokasa of Central African Republic, and the late Sergeant

and teachers have been exploiting their professional skills to enlist political support from the African masses.

The soldiers have shot to power promising peace, since most African nations have remained unstable. The teachers on the other hand have been using their communication, persuasion and organisational skills effectively, particularly in times of peace.

The younger boy still pressed forward with three more tricky questions. "Does President Museveni no longer have much work to do in State House? Is that the reason why he had even to fly in a helicopter to Ikulwe, a remote village in Busoga region to teach cadre trainees? What is he gaining personally from such activities?".

Since none of us knows much about Museveni's mind, we could only come out with bits of information which we had come across separately from our readings.

Quite early in his life, Museveni knew that the gun was an important weapon for obtaining power. His own name Museveni was given to him in 1944, during the Second World War,

University) to absorb more of radical political ideologies.

They even used their vacations by going to FRELIMO-liberated areas in Mozambique and learnt to fight against the then colonial Portuguese troops in the country, using guerrilla war tactics.

In 1970, Museveni presented for his BA graduating research paper in Political Science and Economics, an assay entitled; "Frantz Fanon's Theory on Violence: Its Suitability and Applicability in the FRELIMO-Liberated Areas of Mozambique."

He set out to prove or disprove Fanon's contention that if a government begins to unleash violence on its own citizens, then the citizens do not have any other alternative except to use other means to counteract such violence and finally overthrow the said government.

Having tested the theory practically in Mozambique, Museveni proved that Fanon's theory was valid. After all, Fanon (a black Caribbean who studied medicine at Sourbourne University in France) has used it successfully to assist the Algerian Revolution

sound like classroom lectures. And that is one of the habits some of his critics do not like.

Nevertheless, Museveni appears to use his lectures consciously. As a soldier, he knows that he cannot always rely on the sword. His predecessors, Obote, Amin and Tito Okello relied on the sword, disastrously.

At the same time, he is aware of the power of oratory though many of his critics do not regard him as an orator. Having lived in Tanzania for many years (1967-1979, he is aware of how the oratory of Julius Nyerere used to mesmerize Tanzanian masses.

He is also aware that Nyerere once stepped down from power, in 1963-64 to organise the masses behind TANU, and remained household name in Africa and beyond.

Is it possible that Museveni might be attempting to become another Nyerere in Africa?

The answer could be yes. His latest book "What is Africa's Problem? appropriately received Nyerere's foreword" Nyerere is considered to have a thorough grasp of Africa's problems and possible solutions.

Museveni (cont'd.)

Arua has 40 candidates

By Norbert Otim
in Arua

WITH only a few month to go, the race for the Constituent Assembly (CA) seats in Arua District has already touched off with about 40 candidates reportedly registering their interests for the eight seats.

Well placed sources indicate that prominent people like Francis Ayume a Kampala based lawyer and former solicitor-general, and Alfred Amayo, the Permanent Secretary in the Ministry of Environment Protection, are likely to challenge the incumben to CMs in their respective areas.

Reports from Koboko county indicate that Ayume has been nominated and accepted unanimously as sole candidate from RC 1 to V, opinion leaders and elders. And, the NRC member for Koboko County, Mr Ben Moro, is said to have "blessed" the idea.

In Vurra county the incumbent NRC Representative who is also Minister of Lands, Housing and Urban Development as well as NEC member for Arua District, Mr. E. T. S. Adriko, is expected to face stiff challenge from Alfred Stephen Awuyo, said to be wielding a great deal of support in the area. Other candidates include Mr Odipio a lecturer at Muni NTC. Alex Jurwa, a cadre from the DA's office is also in the line up.

The hottest contest is reported to be in Ayivu County that surrounds the Municipality, with about 12 candidates.

Two of the twelve, Dick Nyai and Isaac Angumavio, are intending to stand on UPC tickets. Nyai is a Field Officer with CARE Regional Office in Arua. Angu Maviyo, an Assistant Editor of the *Development Digest Magazine* in Kampala has since January moved to Arua. Also in the Ayivu line up are two lecturers with Muni NTC: the politically minded Assey Ijibua and Asaf Lulua. Dan Opima, secretary for information RC V is also a candidate.

Former RC V Chairman, Cyril Eriku, Charles Avuasea the District Cooperative Officer, David Anguyo and Innocent Nyakuta are all vying for the Ayivu county seat.

Another possible "hot" contest will be in Arua Municipality where several candidates have to battle it out. Dr. Yoramu Ajeani, Uganda's Ambassador to Zaire is reportedly opting to stand in the Municipality instead of his Maracha home.

The Acting General Manager of Uganda Airlines, Mr C. Ajiku, who was reported to have indicated interest for the Municipality seat could not deny or confirm his intentions. Other prospective candidates for the Municipality are Jafar Alekua, Headmaster of Arua Public Secondary School and also RC 1 chairman; and Farid Aniku, RC3 councillor and Mr Oneti Batia. Headmaster of Maracha Secondary School.

Maracha county has so far only two known candidates to challenge the current area's CM, Marp Olubo, Dr. Ephraim Nyangua a lecturer at Muni NTC and John Yumaa former parliamentarian in Obote II.

In Aringa county, Amin Onzi the current CM could not reveal his rivals arguing that it was yet too early to know people's intentions. But sources in Arua revealed that Mr. Amis Marzani Bakole, Assistant DA Koboko is all out to challenge Onzi. In the same contest are Mr Noah Doka Ali, former Regional Education Officer and now a businessman; Mr. Dralega, a Personnel Manager with Uganda Waragi, and Mike Bugason, Fisheries Officer in Arua.

In Madi county, the Karamoja Affairs Minister, Anthony Butele, will have to battle it out with Dr. Javum King, Arua-based dentist, and Dr. Aniku, Agriculture lecturer at Makerere University.

In Terego County, five candidates are out to challenge the current CM, Romano Asiku Dratrutru. Jinja-based lawyer, Augustus Kania, is said to have indicated interest in the seat. Kampala-based "sons" of the county, X-Zedriga of DENIVA, and former general manager of TUMPECO, Mr. Obiga are reportedly frequenting home, apparently to lobby for support. Retired Lt. Col. Michael Ombia, is also a candidate.

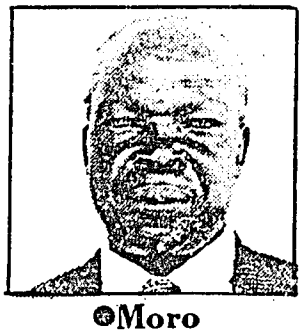
Kampala-based Mackarius Asubo, former UPC parliamentarian for the area during Obote II, has also registered his interest on a UPC ticket. He is currently operating in Uganda House close to Cecilia Ogwal.

So far, only three women have been mentioned in the CA line up: The current CM Betty Adima, the RCV Women Representative, Lucy Lekuru and a Women Association leader, Florence Saaru.

Adriko

Lekuru

Butele



Moro

Ajiku

Onzi

Adima

SUNDAY VISION
MAY, 23 1993

EDITOR'S BAG

Parties and NRM: Who is to blame?

The political upheavals Uganda has expperienced since multi-party elections in 1980 have been fathered on multi-partism. Political parties have been accused of promoting sectarianism and operating along religious lines. For example, Uganda Peoples Congress (UPC) is, according to anti-party politics, predominaantly protestant whereas the Democratic Party (DP) is Catholic. The irony however is that the acting Secretary General of UPC which is said to be exclusively protestant is a Catholic; let alone other party officials who are Muslims.

The question that has battled many Ugandans is how political parties brought about chaos in Uganda's politics. I will have to dwell little more in detail on the back ground of the 1980 general elections in the aftermath of which violence ensued.

There were four parties that fielded presidential candidates namely UPC, DP, CP and UPM. Before going to polls there were rumoers that UPC was planning to rig the elections. Opinion pools had indicated that Dr. Paul Semwogerere, the DP candidate was in the lead and UPC, CP and UPM were trailing behind him.

Yoweri Museveni (UPM candidate) saw defeat in advance and was alreadyup in arms with UPC, threatening to wage a bush war if UPC dared rig the polls.

The elections finally went off but electoral fraud was rife notwithstanding Museveni's threat. The election results showed UPC tion of going to law. That Museveni had concrete evidence, as he claims, that UPC stole votes in the course of the elections, the efficacy of this option was guaranteed. Much as people may argue that there was no slightest hope of getting equal justice under law since the offenders would be the prosecutors the same "prosecutors" would not go to the International Court of Justice to influence court ruling.

Litigation aside, the parties that were defeated were free to boycott the entire electoral process since irregularities cropped up soon after party campaigns had commenced.

The decision by the Democratic Party to "wage war against Obote" in parliament was welcome though some politicians criticized it since it added legitimacy to Obote's government. It was prudential and the second best compared to Museveni's.

Museveni's turning a blind eye to several options that would dispense with bloodshed when he endeavoured to topple Obote's govement and chose to take to the bush, cannot but gives the world the impression that he in a large measure was responsible for political turmoil and the economic ruin that have bedevilled Uganda. The NRM government, capitalizing on the ignorance of the masses, attributes this state of affairs to party politics.

The ghostly consequences of the armed struggle were known to Museveni, but since he had government troops to our bases."

The so-called peoples' protracted war honestly caused all forms of suffering to the masses. Their property was looted by the NRA. Herds of cattle were reduced to a handful of cows and bulls as the NRA drove away at every turn heads of cattle estimated to be in hundred. The life of these people was adversily affected by pillage while the NRA gave them empty promises that their belongings would be returned.

Nevertheless, due to numerous grumbles from the victims, the NRM government grudgingly made some compensation after the people's protracted war. The majority of the victims though whistled for compensation and many of them who had camped at Mengo (Kampala's suburb) desperately waiting to be recouped were last year directed to clear off.

A one Kahinda Otafiire (now Director General of the External Security Organisation) who had some role in the compensation exercise, reportedly accused them of wanting to a mass wealth which they themselves failed to secure while working.

Mzee Joseph Kaliisa who cherished the hope that government would make amends for his property was driven to despair when the very day he was going to contact the president over the issue had his satchel snatched by hooligans on Namirembe road. The satchel contained documents relating to compensation. "These I must say they were both accidental and inevitable. After all, if couch grass (olumbugu) penetrated deep into the base of a banana plantation to remove it certainly entails doing away with suckers. Obote was removing couch grass from the base of a banana plantaion, hence he got rid of the suckers which, if he chose to leave them intact, he would not have the weed properly removed.

Put simply, the banana plantain was th government, couch grass was the guerillas UPC was trying to weed out and the suckers were the people who died in the process of fighting guerrillas. Can NRM prove beyond reasonable doubt that during its military operation against the rebels in the north and north east of Uganda it did not cause civilian casualty?

I will not, however, lump NRA killing in the north and northeast of Uganda under the heading" accidental and inevitable killings".

For one thing, there were cases of systematic and deliberate killings in the districts of Kumi and Soroti. Who does not know the Mukura massacres which provoked acidulous criticism from human rights groups?

People should have not enough to realise that Obote would not sit back and leave the bandits, as he used to call them, to destabilize his government simply because he rigged his way into the coverted State House. A thief who claims there is somebody who gave him what he is accused of stealing even has more guts to bid defiance to those trying to take his stolen thing.

If Museveni who crushed into the State House without the express mandate of Ugandans dared fight rebel factions who were keen on wresting state power from him, what would one expect of Milton Obote who in the controversial election manage to secure an appreciable number of votes? (Namiti Robb

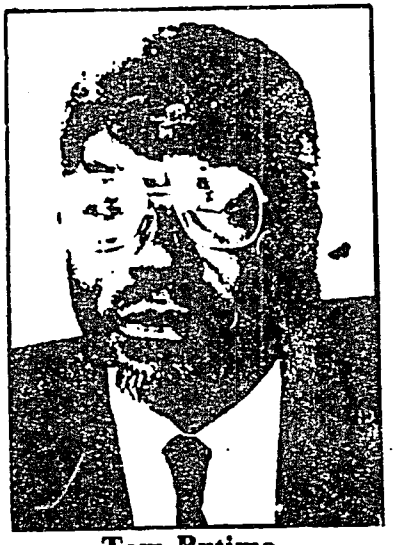
The New Mirror May 31, 1993

The New Mirror May 31, 1993

Minister orders police to harrass DP, UPC members

THE National Resistance Movement Minister of State for Internal Affairs Captain Tom Butime has instructed all Security Organs to take the Law into their hands!

In a letter to the Inspector General of Police ref 3326 dated March 12, 1993 copies to all DAS the Minister ordered police to prevent Ugandans from holding (non RC) political meetings in the country. Butime lied to the police that there is a Law suspending political party activities. He alleges that political activities were suspended and the NRM period should be looked at as a holiday for people to rest from past events and give NRM chance to reorganise in accordance with the ten point programme. The Minister contradicts himself by rightly saying that political parties were not banned.



Tom Butime

Butime continues to lie that deregistered supporters may not fly flags, put on party colours bearing portraits of party leaders or display colours on cars or vehicles. The captain does not quote any Law enforcing his directive. Butime goes ahead to mislead the police that public political meetings "e.g those normally held at the City Square and other grounds are suspended. These are the kind of meetings which would end up into excitement." The Minister continues to say "all high profile meetings whether indoors or in the open are also suspended and require permission of DPCs and DAs." He concludes that the DPCs are all ordered to use the above in countering political party activities.

These rabid statements together with President Museveni's order to shoot and kill the DP Mobilizers proves that the NRM government is out to repeat the Luwero, Northern, Eastern and Western Uganda tragedies.

Although the NRM leaders swore to defend and protect the constitution of Uganda their acts are illegal and

(To Page 4)

Amazing facts behind NRM'S "popularity"

The National Resistance Movement government is mainly made up of political rejects who can only sustain themselves in power by burrel of the gun as it was exhibited in the measures taken against the DP Mobilizers during the later's foiled rally. Foregoing all that people and political forces have said about the 1980 elections only Museveni managed to gain more than 25% of the total votes cast in the constituency.

(Kiyonga managed to sail through as the sole MP for UPM because the DP candidate was killed soon before the polling date forcing DP supporters to switch votesto UPM in a bid to dislodge UPC candidate.) Samson Kisekka, Vice President who stood on a UPM ticket in his home area gunnered a miserable 699 equivalent to 1.7% of the total votes casted in the Constituency of 39991 voters. Deputy Premier Eriya Kategaya did not also fair well during the race, he corrected a mere 6.3% of the total votes casted. Kintu Musoke's score is more disappointing he received 749 in an area of 33,955 voters equivalent to 2.2%. During this election UPM now NRM only managed to field 77 candidates out of the 126

(To Page 6)

Minister

(From Page 1)

unconstitutional. Chapter III, sec 8, of the constitution provides that" Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests".

Chapter I sec I subsection (i) says that this constitution is the supreme law of Uganda and sub sec. (2) says "..of any other law is inconsistent with this constitution, this constitution shall prevail and the other law shall, to the extent of the inconsistency be void."

Therefore, statements made by the minister of State for Internal Affairs and the president which are inconsistent with chapter III article 8 are null and void. Even efforts by the NM government to secure a land suspending some political party activities last year failed.

Meanwhile, DP leading personalities in the NRC are also going around their constituencies uttering constitution statements and embarrassing the party. The go around telling the public including party members to suspend other political party activities and concentrate on building the NM party. This has left the right-thinking DP members wondering whether these leaders are not bought.

451

Amazing facts behind NRM's 'popularity'

Name of Candidate	District	Constituency	Votes Recieved	Total	Population
Victor Bigirwenda	Bushenyi	North	593	42,720	1.38%
Kahinda Otafiire	-	West	785	49,444	1.59%
Jason K. Mwebesa	-	Central	752	47,128	1.60%
Dr. M. Mushanga	-	East	881	42,331	2.08%
Kweronda Ruhemba P	-	South	1,203	47,355	2.55%
L. Kinyera P'Atingo	Gulu	East	317	44,872	0.706%
Justus Bagambe N.	Hoima	South	3,981	37,823	10.52%
Matia Kasaija	-	West	2,640	33,628	7.85%
Zakaliya Kaheru	-	North	5,296	31,605	16.75%
E.Robina Kasadha	Iganga	S.West	684	39,118	1.75%
John Ndege	-	N.West	999	43,544	0.23%
Kirunda Kiveijinja	-	Central	1,360	46,816	2.9%
Haji Swaibu Nakendo	-	S.East	900	40,652	2.2%
E.Nkoobe Ngoobi	-	N.East	652	42,80	1.55%
Vasco G. Lwigale	Jinja	East	1,074	48,096	2.23%
Martin Mpalabule	-	N.West	489	35,866	1.36%
Dr. E.R.Tumwine	Kabale	North	575	34,144	1.68%
John Sekaziga	-	West	1,575	45,001	3.5%
Dr. Ruhankana Fugunda	-	Central	1,554	37,820	4.1%
Jack Sabiti	-	East	988	38,05	2.6%
Ruhangalinda P.N	-	South	818	43,386	1.86%
Asa Kiiza	Kabarole	N.East	4,785	28,028	17%
R. Bitamazire	-	N.West	9,589	32,699	29.3%
Patrick Kaboyo	-	Central	12,501	44,849	29.8%
Tom Rubale	-	S.West	8,552	40,402	21.1%
Bananura W.K.B	-	South	1,637	29,831	5.5%
Erisa Ndaula Kironde	Kampala	North	2,171	47,250	4.6%
Jaberi Bidandi Ssali	-	East	3,200	45,262	7.0%
Pontian Kataraiba	-	West	1,634	55,409	2.9%
Paddy Blick F.W	-	South	2,332	48,576	4.8%
Buluba D.P	Kamuli	West	863	46,463	1.8%
Manja F.B	-	Central	876	50,717	1.7%
Kiige A.K.K.	-	East	814	48,459	1.6%
Kiyonga	Kasese	North	13,632	26,360	51.7%
J.K.Obina Ol	Gulu	South	124	31,512	0.39%
Joseph A. Byekwaso	Luwero	North	3,583	34,962	10.25%
Ignatius K.Musazi	-	South	270	36,963	0.73%
F.Luhwaguzzi Ssali	-	S.East	456	42,747	1.06%
Kanoonya Kikonyogo E.	-	Central	404	39,350	1.02%
Mukiibi E	Masaka	N.West	2,987	26,355	11.3%
Kintu Musoke	-	N.East	749	33,955	2.2%
Haji Lubega Masimbi	-	S.West	823	33,004	2.5%
Dr. B.M.Baitera	Masindi	East	3,648	41,599	8.76%
Yovani Kiiza	-	West	3,056	38,459	7.9%
Phares N. Musamali	-	South	547	39,002	1.4%
Maumbe Mukwana	Mbale	West	1,182	43,067	2.7%
William Wanendea	-	N.West	2,021	48,928	4.1%
Anjero Kabyama	Mbarara	N.West	2,836	39,028	7.3%
Yoweri Museveni	-	North	12,682	41,086	30.7%
Kamugira Fred	-	Central	7,513	38,318	19.6%
Katatumba John Baptist	-	West	1,984	47,227	4.2%
Eriya Kategaya	-	S.West	2,471	39,423	6.3%
Deo Mukasa Tinako	-	S.East	2,288	24,038	9.5%
Bwengye Jackson	-	South	1,393	31,240	4.45%
S. Mpagi	Mpigi	West	944	24,874	3.8%
Haji Hasadu Lutale	-	Central	1,575	35,351	4.45%
Sali Kironde Ishaka	-	N.West	393	46,337	0.85%
Balik Fred	-	S.East	724	45,907	1.58%
Sam Njuba	-	East	763	40,010	1.84%
Dr. Kisekka	-	N.East	699	39,991	1.75%
Rhoda Nsibirwa	Mubende	North	1,354	25,119	5.4%
John H. Kizito	-	N.East	1,265	26,681	4.74%
George Lubega	Mubende	S.East	302	37,758	0.8%
Constantine Gawedde		West	1,424	29,726	4.8%
Robinson W. Kasozi	Mukono	East	657	39,981	1.6%

Gulu teachers for Chakamchaka

The People
May 26,1993

By a Correspondent

Over 100 teachers of primary and post primary institution are taking part in a three week NRM political education course (muchaka muchaka) in Gulu on the directives of the Gulu DA Mr S. Kyeyune.

A good number of the teachers attending the course told "The People" Correspondent in Gulu that they were attending the course under duress as they were threatened with dismissal if they did not attend.

The Teachers complain about the poor timing of the course. They urge that the rainy season has just began and many teachers had planned to engage themselves in preparing their gardens for planting various crops to supplement their meagre and irregular salaries.

The teachers also wondered why the authorities made them contribute money for such courses yet such courses were fully sponsored from the mobilisation Fund of the NRM secretariat. The teachers were told to contribute money for their meals.

One teacher, apparently annoyed said "if there is need for us to leave our homes to attend such courses, we should be paid allowances so that we can sustain our families while attending the course. We have not been paid since February 1993, Post primary institutions closed primaturely last term due to lack of Funds. Where does the DA expect us to get money from to pay for the course?"

Another observed " The approach by the DA is not fair, we have freedom of conscience people should not be forced to do something against their will."

Attempts to get comments from the DA were futile as the DA was said to be in Kampala and no one wanted to comment in his absence.

Otuke to see hottest race

By a Correspondent

AS the melee for the CA seats snowballs in Lira District, there are all the indications that the hottest race will be in Otuke county.

With the advent of pick-up co-ownership scheme and the fat sitting and mileage allowances for Council Members (CM) it appears that the driving force of the CA aspirants is this.

A survey carried out recently indicates that the incumbent CM of Otuke, Mr Daniel Omara Atubo is being challenged by two candidates. They are the District Administrator (DA) of Lira Mr John Atia Otim and the District Resistance Council (DRC) Finance Secretary, Mr George Okwir Omara.

Atia otim

Atia Otim is a grade III teacher who was once the Uganda People's Congress, (UPC), Administrative Secretary for Lira in the Obote II.

Omara Atubo

Okwir is equally fighting tooth and nail to crush Atubo's dreams. Born at Okwang sub-county, in Otuke, Okwir was formerly a Uganda Commercial Bank (UCB) manager of Town Hall branch in Kampala. It is widely believed here that Okwir clinched the DRC position with the influence of his brother, the then Minister of Commerce in Obote II, Mr Aliro Omara, now in exile in Kenya.

Reliable sources say the Minister of State in the Prime Minister's Office, Resident in the North, Mrs Betty Bigombe, has been having numerous consultations with Okwir amid speculations that she is trying to arrange for his brother Aliro Omara to return home. Other sources say she is making strategies with assistance from other NRM heavy-weights to block Atubo's sailing through.

The People

May 26,1993

454

Lt. Col. Serwanga takes Museveni to task

EXCLUSIVE REPORT ON CLOSED NRC SESSION

By Our Reporters

Lt. Col. Sserwanga Lwanga, an NRC historical member and NRA National Political Commissar, has said President Yoweri Museveni was exhibiting double standards in handling monarchists with "kid gloves" while being tough on political party activists

Serwanga raised the issue during last Friday's closed session of the NRC.

According to political sources, President Yoweri Museveni had just said that an NRC Bill on the return of (Ebyaffe) will have to be passed before Kabaka Mutebi's coronation scheduled on July 24.

Museveni said pronouncements on Kabaka Mutebi's coronation had sent wrong political signals to other communities who had expected the issue to first be debated.

He said he had asked Mutebi to suspend pronouncements on the coronation. The president did not order a change of the coronation date.

Museveni re-emphasised his earlier stance in the March 19 closed session in which he said he was going to bring the issue of Mutebi's enthronement before the NRC to decide whether it was a constitutional matter or not.

Following the March 19 session Museveni said, he had talked to Mutebi over the matter who conceded that he had been "wrongly advised" that his enthronement could take place without any legal requirements, and that for this reason the announcement had already been made.

According to sources, when the President said this several members pointed their fingers and lips at the Attorney General (AG) and Minister of Justice Abu Mayanja. Abu sat quietly without saying a word.

Serwanga kicked off a furore in 1991 over the Bulange when he said that in 1969 the Uganda central government compensated the Baganda for the building and Lubiri.

According to our sources the Colonel said, amid cheers from members, that the President was exhibiting double standards, because he seems to be tough on partisans as manifested in the government's tough response to block May 8 DP Mobilisers' Group rally, and yet is now handling the monarchists with "kid gloves".

"Much as you think that those people are just demanding for their cultural rights, some of them are real politicians hiding under the Sabataka Council," said the Colonel causing a roar of laughter in the house.

Speaking with emotion the Lt. Colonel added: "Some of them should not deceive the public that they are fighting for their cultural rights".

In response the President denied employing double standards and said he believes in dialogue which he has had with the monarchists and the DP. He argued

To Back Page

Revenue Authority to 'screen' CA candidates

By Nabusayi Lindah Wamboka

Candidates aspiring to stand for the Constituent Assembly (CA) will be stopped in their tracks, if they fail to present income tax Clearance Certificates from Uganda Revenue Authority before registration.

The Commissioner, Internal Revenue Department, Mr J. Rwebuhanga over the weekend issued a public notice to all persons aspiring for elective political offices at local and national levels to produce an income tax clearance certificate certifying that all taxes due have been paid. The nearest URA office to the candidate will retain a copy of the certificate.

The Assistant Commissioner in-charge of Tax Education and Public Relations, Mr Mwesigwa Byakutaaga yesterday told *The Monitor* that every one intending to stand for any political office, especially the Constituent Assembly must produce a certificate to prove that he has paid all his taxes including Pay As You Earn (P.A.Y.E), Income Tax, CTL, rental Income, direct and Graduated Tax. All those who don't produce such a certificate will not be eligible to stand.

He said all electoral officers who will be in-charge of registration must be aware of the provisions of *Section 105* of the Income Tax Decree 1974 as amended. Those who will not abide by this law will not be registered and thus will be disqualified from running.

On why they decided to reactivate the long moribund law just on the eve of CA elections in October, and not earlier, Byakutaaga said it was because the Authority was still new and young but that from now on every political post from parliamentary elections to the local RC will have to abide by this law.

He said every town in the country has a revenue collection offices or income tax offices where any aspiring contestant will produce the certificate or pay all their taxes. The URA public notice states that persons aspiring for election of political office should approach their Income Tax offices for settlement of their taxes to avoid future inconve-

The Monitor
May 21, 1993

named by May 28

By Our Reporter

President Yoweri Museven has finally assented to th all important Constituent Assem bly (CA) Bill which provides th guide-lines for the CA elections its composition and functions.

The bill was passed on Apri 20 with amendments after abou two months of well attended de bate in the 270 strong NRC Actual debate on the bill starte on February 16.

The Monitor has learnt tha the President signed the bill las Friday, May 14, after the NRC closed session.

According to established pro cedure on the CA, Museveni next task now is to appoint th CA elections Commissioner and his deputy, to the CA within 14 days after assenting to the bill

To Back Page

Elections chief to be named

From Page 1

This means the Commissioner will be named by May 28. There has been a frantic search for a candidate. *The Monitor* has learnt that the preference is for a non-partisan figure. The statute provides that the Commissioner should be qualified for appointment to the office of Permanent Secretary.

The commissioner will be the chief administrative officer in charge of designation of electoral areas, appointment of all election officers and general supervision of the elections.

There will be two deputy commissioners; one in charge of technical affairs and another in charge of administration.

The new commissioner will have about four months to arrange the process leading up to the elections, slated for October this year.

Tentative estimates, based on the bill's provision of 70,000 people per constituency, but excluding the newly formed Ntungamo district (whose demarcations are yet to be made) points to a 283 strong CA with 209 delegates directly elected and 74 delegates from the seven special interest groups.

These include 39 women, 10 from NRA, 10 presidential nominees 8 from the four main political parties, 1 for the disabled, 2 workers and 4 youths.

456

The Monitor

Lt. Col. Serwanga takes Museveni to task

From Page 1

that it is only the UPC who have refused to have dialogue with NRM, save for an unofficial meeting the President said he had with two UPC stalwarts, Adonia Tiberondwa and Francis Butagira, in their individual capacities.

Nevertheless, Museveni warned monarchists that "if they stretch too far beyond their cultural rights and act illegally that's when I will get tough", he said.

Turning to his accuser, the President posed a rhetorical question that, "wouldn't it also seem that Sserwanga is employing double standards. Why is he also so harsh on the monarchists?" he asked drawing loud laughter from members. The president then went into a lengthy explanation of the history of Buganda and the relationship between the monarchies and the NRM government since 1986.

Sabalangira of Buganda, who is also Deputy Minister of Lands Minerals and Environmental Protection, interjected after some time and entreated the President to give the talk on monarchies a break.

Though Mayanja himself did not intervene to defend himself against criticism of his handling, two days later he publicly accepted giving the advice. "I have already advised government that there is no law preventing the coronation ceremony", he told Baganda elders amid applause on Sunday May 16, 1993, at Budo The elders who included nearly all Baganda ministers in NRM government had assembled at Budo for a three-day seminar on the coronation of Mutebi.

The seminar however, ended unceremoniously when Ssabataka failed to turn up for the colourful closing. This is the second time Mutebi fails to turn up at a public occasion. The first time was on April 30 at Nakisunga, Ntenjeru, in Mukono district.

The Monitor learnt that the security had advised him against going to that and other trips to the Buganda countryside unless his security had been "strengthened". Mutebi is also said to be wary at the high speed his Supreme Council is trying to push him . He is particularly conscious of what befall his father after he was misled by some of the people who are again dominant in the Supreme Council.

During the close session the president exonerated Mubeti, saying the prince seems to be a person who loves peace and who is also understanding. "I have always talked to him but this time I decided to write to him over the matter," Museveni said.

He then quoted a Lunyankole proverb which says that what you put in the open cannot rot. Museveni also told CMs that the coronation announcement though done in good faith "had deviated from cultural objectives", and thereby warned the Baganda not to do things in a hurry but slowly and cautiously within the law.

Elly Karuhanga (CM Nyabushozi) then asked the President how it will be feasible to prepare, table and pass a Bill on monarchies, in view of common delays in the draftwork, before the coronation date. In reply, Museveni promised to ensure that the Bill is tabled well in advance before July 24.

Turning to the abortive May 8 DP Mobilisers rally which was blocked by security forces, Museveni said some people had assumed that he had gone too far in the iron fisted manner in which the rally was stopped by Police. But that he had received congratulatory messages from many parts of Uganda.

He then said that because of this gesture, from the population, he will not allow people like the Mobilisers to disrupt the prevailing peace in future.

According to our sources, the President also chided the DPs for not being smart in their organisation "because they are directly confronting government". He said the UPC seem to be wiser in their operations and that its not very easy to get them, "because they meet at funerals" said Museveni, amid laughter.

"They have held power for sometime so they know how to manipulate things", said the President drawing a louder roar of laughter.

He also strongly warned UPC's Assistant Secretary General Mrs. Cecilia Ogwal and other partisans to stop politicking and wait for the decision of the Constituent Assembly (CA) or that of a referendum in case there is one, on what political path the country will take.

Museveni apologised for the inconvenience caused to members of the public during the security operation against the Mobilisers rally. He promised that in future the police which is now being trained will only focus on those who want to meet illegally and will not interfere with people going to their places of work as was the case on May8.

Probably, the main thing members had been waiting for in Friday's closed session came with the last question from John Ndege Luuka county Iganga.

The CM told the President that he had gathered from the public that after doing its work, the Constituent Assembly will be transformed into the legislature.

Museveni discounted this, saying the issue had been thoroughly discussed in cabinet and dismissed as "impossible" because nothing to that effect was mentioned in the CA Bill.

"And besides, who will move that resolution in a CA whose work is definite. This cannot happen", said the President.

The assurance must have been good news to a majority of NRC members who have been panicking and fearing that they would be left in th [illegible] failed to be [illegible] footstamping, cheers and raising of hands in presumed "victory" from visibly excited CMs.

Earlier in the day's deliberations the house had met in the open and briefly discussed privatisation before passing a resolution requesting the NRC to reconsider its March 4 Suspension of the activities of the Public Enterprises Reform and Divestiture (PERD).

Maumbe Mukwana had complained "underselling" of companies by PERD. The President however disagreed saying that although he is not in for underselling, keeping a dormant company at is worse than underselling it.

Citing the Maseka Pineapple Factory as a case in point, the President said the factory was performing poorly because the people who used to supply pineapples were discouraged and have abandoned the business.

"But supposing we undersold that factory and people in Masaka and Mbarara started selling pineapples and other things so that it even makes a gain, would we be better or worse off?", he asked.

Shortly before sending out reporters and declaring the session closed at about 3.00 p.m. Museveni roasted his ministers. "I agree that ministers have been committing a lot of errors in their relation with NRC, because they do things without first consulting you", he told the house.

All the 18 ministers who were present in the session quietly swallowed the barb as none rose to defend himself.

WEEKLY TOPIC

June 4, 1993

Will the women beat men?

By Samuel Muwanguzi

Only eight years since the Ugandan elite women were drawn into active national politics, a lot of water has gone under the bridge. At the beginning, it looked like a big joke when the NRM's Government launched its policy of invloving women in all fora of decision making.

At the time, little did many know that the nearly nine million "army" of women, sidelined and disorganized could raise up to the occasion and even emerge as political challengers to the very men that gave them an opening.

But the events now unfolding in the run-up to the Constituent Assembly elections due later this year have sent warning signals to the men that unless they do their thing a lot more than traditionally, women could give them a run for their money.

right from the village to the legislature (NRC).

Although so many weaknesses are still evident at the lower levels, the women elite in the NRC since 1989 have kept the banner alight albeit faultingly.

And that was not all. The NRM extended more overtures to women by establishing a Women Ministry under a woman Minister, appointed Women Ministers, Managing Directors, Permanent Secretaries, Ambassadors on top of creating a fully fledged Directorate of Women Affairs in the NRM Secretariat to oversee the struggle for women emanicipation. Then what more? Government "donated" a free 1.5 points to women students aspiring to enter the University to increase the number of the female intake. On top of this, women organisations were encouraged to spring up and mobilise women to fight for their cause.

Victoria Sekitoleko: A seasoned war horse.

Munene, head of Psychology Department at Makerere University School of Education, the women's new move is a manifestation and crystalisation of the need for independence to take an initiative in decision making. "The district special women ticket does not give them the con-

On the other hand, Dr. Munene says women as a group are not yet ready for competition but on an individual level, he agrees that the gradual change in the country's structure has enabled some to acquire the confidence to compete. "The county is a broader forum and has a national appeal because one is seen as representative of everybody's interests but not women alone" he says.

Dr. Munene also observed that the positive discrimination should be maintained because it will help more women come up to challenge men who have dominated a society that has almost always rendered them as weak and dependant.

A fellow University don at the Faculty of Law, Sylvia Tamale, Head of the Department of Commercial Law, agrees with Dr. Munene. An outspoken Women activist, Tamale told *Weekly Topic* on telephone that for the last prospect.

"That has been the target in the NRM policy of positive descrimination. We are encouraged by the development but we still think women need to be protected because the majority are oppressed" he told *Weekly Topic* in his office on Tuesday. Tumwesigye said that until the NRM achieves a level somewhat equivalent to that in the Nordic countries, the struggle will continue. "We want other women to emerge and discard their traditional fears of leaving everything to men," he observed.

Mrs. Solome Nabwire Mukisa, a Deputy Director of Women Affairs at the NRM Secretariat, who is also eyeing the Iganga Women seat, said women are even more, formidable now that even before to challenge men. She told *Weekly Topic* that during their mobilisation programmes, they have been encouraging each other

field of men in the 1989 NRC elections. As for her ability, her track record speaks for itself inspite of her occasional tuntrums that at times jeopardises her relations with some of her seniors. That apart, prospective opponents may find her a hard nut to crack in Kagoma County of Jinja District.

Soft spoken but eloquent, Rhoda Kalema, is another woman legislator that defied special status way back in 1989. Although her county, now Kiboga District, will be divided into two, few men can dare her to a political duel. She is a force to reckon with in that part of the country.

Dr. Specioza Wandira Kazibwe, Minister for Women in Development, is one of those NRC Women Representative who has graduated from the NRM "School of Positive discrimination" to stand on her own feet.

They have gathered confidence. They want bigger things

And what is it that makes them roar and exude a rare show of confidence? Thanks to the NRM policy of affirmative action. By 1986 women were generally regarded as non-achievers. Incompetent and perpetually dependent in an inherently sexist and male dominated society. At most they were used as back cushions for the political success of male chauvinists. The social structure was so discriminatory to the extent that the powers that were, found a lot of content in the status quo.

On its advent, the NRM set out to reverse the trend and the National Resistance Army (NRA) offered the most vivid example. Out of nearly every ten NRA combatants, three were women. Many Ugandans watched in disbelief of the new era unfolding but the majority held the strong view that what was born in the bush would die and eventually be buried in the city.

But this was not to be. If women vigilance in the army is not as pronounced as it were, the contrary is now true among the civilian population. Women have enthusiastically embraced the Resistance Council (RC) system countrywide only because they are sure of special representation

The result has been a gradual enlightenment and acknowledgement of their potential and strength. And now, they are vibrant and bursting with confidence and are ready for a show down with men at the county level in the forthcoming Constituent Assembly elections. As for the special district seats, "let others have a chance and we increase our numbers" a view largely held by the incumbent NRC women representatives.

But this emerging trend among the elite women politicians to forsake the special district seats and opt for county seats to compete with men is not a surprise. It's also not true that they fear to go back to the rural women and ask for their votes on the grounds that they have done little or nothing for them. To some extent, this could be true but according to Dr. John Christostom

fidence they need because it is considered sectarian" he argues.

Dr. Munene told *Weekly Topic* in his office early this week that the entire political psychology of the NRM carries a psychological stigma especially in relation to the positive discrimination enjoyed by women. He said that under a situation where positive discrimination is in practice, a particular group of society is portrayed as being weak and therefore requiring some protection or a chance to attain a level of competition. "This is certainly not a position agreed upon by everybody because you end up paying all your allegiance to the one who made the situation possible" he says.

Dr. Munene adds that the best way women can shed off this feeling of dependence is to go all out and compete otherwise, "women owe more than anybody else owe their positions to NRM".

seven years when women have been in active national politics, they have gained confidence and can now afford to stand out on their own merit because they are known and some have proved their worth. "Certainly women politics has gone some way in Uganda and we appreciate that government has at least done something although it is still minimal" she said.

Asked as to why women should now prefer competition with men at county level rather than maintaining their special district seats she said counties are more credible and prestigious than the women seat. And why compete? "It's a good sign in our struggle to see that women can now challenge men" she hung-up.

The Deputy National Political Commissar and Director of Legal Affairs at the NRM Secretariat, Mr. Jotham Tumwesigye, was even more exhilarated by the

to boost their support against men. "We are not as antagonistic as men. We have gathered confidence and are no longer scared of them" she said. She said that although some people refer to women seats as 1.5, women affairs are not as simple as that. "We deal with politics, society and development and have advised our women to take wise decisions when voting by supporting their fellow women folk", she said.

And as things stand now, over half of the NRC District Women Representatives are already warming up to challenge men in the counties. But so far, only nine have openly made their intentions clear.

Leading the squad is "veteran" Women County Representative, Victoria Sekitoleko. Dubbed the, Uganda's "Iron Lady", the no-nonsense Agriculture, Animal Industry and Fisheries Minister, beat a

Among the women legislators, she seems to be the greatest beneficiary of the affirmative action from the word go. She has held a ministerial post since 1990. She is now leading her fellow graduands" in the search for counties. She goes to challenge big names in Iganga's Kigulu County like Minister of State for Finance, Moses Kintu and deposed RC V Chairman Iganga, George Patrick Bageya. The onus of bearing the torch for the women to see is on her head.

If she loses, it will be a setback to her fellow women folk she has led since then. She was "too busy to talk to *Weekly Topic*" on Tuesday but reports say she is giving no chance to her opponents in Kigulu on the women vote.

Jinja District NRC Women Representative, Florence Wekiya is one legislator who has been advocating women independence and was greatly opposed to the very system that gave her the forum! It is not yet known which man will stand against her but all indications are that she has been preparing for any challenge, come the D-day.

Joyce Mpanga, Mubende District Women NRC Representative, has defied all offers by

To page 23

59

Will the women beat men?

From page 22

men to stand down in Kassanda County. She has already fortified herself in Kassanda ready to take on Sepiriya Kajubi the man she loves to defeat and avenge her loss in 1989.

She said in a snap interview this week that during her tenure as district representative, she heavily invested energies in the youth, women and education. She had all the soft words for positive discrimination which she said had helped her go to Makerere University and did better than men. She added that she is now of age to take on any challenge from a man. "I am very confident. Let another woman now rise at the district", she charged.

Another success story of a woman politician who is now roaring to go is the "learned friend" from Kabarole, Joan Kakima Rwabyomere. She is a lawyer by profession, and an NRC Women Representative who has now dug her trenches in Mwenge West to give a bloody nose to any man opponent.

Joan Rwabyomere has had one of the enviable short political careers since 1989. She is Uganda's delegate to the EEC/ACP General Assembly, the Chairperson of the Civil Aviation Authority and a director in the Uganda Electricity Board.

In this revolutionary threshold for women emancipation, she moved an amendment in the NRC to oppose the eight seats that had been proposed for women in the National Council Women Bill 1993. Her amendment to maintain the district special women representation was unanimously passed.

As a woman activist, her fellow women say she always tries to cultivate a sense of commitment and dedication in women so that they do not do things half way.

Any of her prospective opponent should be prepared to take the big trouble of telling the people in Mwenge that the daughter of a reknown teacher born and bred there is any less competent than any man.

Speaking briefly to this reporter, Rwabyomere said that the more women that come to the Assembly, the bigger the score in the struggle to liberate them. "Our ability should be built on confidence and not on gender weaknesses," she said wondering. "What is it that a man does which I can't do as a woman? She is in love with NRM which she said has given them a chance to come out, adding that the positive discrimination should continue. "My dream is to see four women come from Kabarole to propagate our struggle for equality", she said.

Former Minister for Women in Development, Gertrude Lubega Byekwaso is another "liberated" woman poised for a show with a pack of men challengers led by Kampala lawyer, Edward Sekandi and Wasswa Nkalubo in parts of Bukoto in Masaka District. A Women NRC Representative for Masaka, she is said to be keeping herself busier than every man contestant in the county.

Betty Bigombe, Minister of State in the Prime Minister's Office resident in the North, is arguably the most versatile women leader and mobiliser in Uganda. Operating in a very hostile environment, she is one woman that will make several upsets to veteran Gulu politicians if she openly says which county she is standing in.

Already, some politicians in the North are complaining that she is campaigning for candidates there, something that was quite unheard of a woman in the recent past.

Her confidence in a war zone is one quality that is a source of envy to prospective opponents.

Another woman activist, Miria Matembe, former Chairperson of ACFODE and NRC Women Representative for Mbarara is also said to nurse feelings of straightening up to challenge Mbarara Municipality representative, John Ntimba. However,

To page 25

460

UPC TO VOTE DP

• District polls held
• Obote blesses deal

By Our Reporter

The Uganda People's Congress (UPC) has recommended that its supporters in areas where it is weak should vote for candidates of the Democratic Party in order to defeat NRM sympathisers in the forthcoming Constituent Assembly elections scheduled for later this year.

This, it was argued, was to push for a strong lobby group for a return to multipartism in the Assembly. The five day marathon meeting which ended yesterday at Uganda House, Headquarters of the UPC, was attended by representatives from all districts and members of UPC's Presidential Policy Commission (PPC).

The universal meeting which was held in secrecy in the exclusive presidential wing, was intended to find an early solution to the leadership question in the party and to work out strategies for marketing the UPC in the districts. It also addressed the issue of laying strategies for the impending Assembly elections.

Sources from inside the UPC told *Weekly Topic* that in areas of Buganda, Busoga and Western Uganda, where the party was not likely to fare well, it would advise its supporters to line behind DP-sponsored candidates in a bid to strengthen the "parties-now" camp.

But it singled out Mukono District as an area where the party would go into a village by village aggresive campaign of wooing voters, because of the cross cultural character of many parts of Mukono.

Sources added that the Assembly polls were more of a priority than the question of the successor to Dr. Milton Obote. UPC is also said to have been holding quiet elections with old party members organising themselves at Gombolola, Saza and district levels country-wide.

The district elections are said to have taken place recently with both Mpigi and Kampala Districts voting at Uganda House while in Mukono, people voted at the home of Reverend Keefa Ssempangi. Other districts had theirs in selected homes of party supporters.

It is also believed the upcountry tours of Assistant Secretary General Cecilia Ogwal are part of the grassroot election programme to canvas for party support.

The leadership question was shelved in favour of concentrating on the Constituent Assembly, but sources said it was also a postponment prompted by failure to reach a common ground on who is to replace Milton

To page 4

LONDON police has given pe mission to the Uganda Foru and other anti-NRM activists t demonstrate against a conferenc partly organised by the Co federation of British Industr (CBI) to drum up new investmen in Uganda. President Museven who is the guest of honour wil give the keynote address nex Tuesday.

Efforts to get a comment fron the deputy British High Commis sioner in Kampala, Mr. Gin Atkinson, were unsuccessfu although he was said to be withir the embassy building.

In a fax message to the *Weekly Topic* yesterday, Peter Otai, the Chairman of Uganda Forum, said they will picket the conference site throughout the two days, May 23 and 25. He discounted the NRM government claim to be democratic while threatening to shoot to kill persons wishing to

To page 4

vote DP

From page 1

Obote.

The members who favoured Obote said he still remained a unifying factor in the party, and was the only one who could still provide it with leadership. It was further argued that he still gave the party identity and was the only one who could still marshall resources, both in and outside Uganda.

But other voices argued that Dr. Obote could no longer be used to sell the UPC in areas where the party is weak. They reportedly said that the younger members of the party preferred a new leader since Obote has been accused of so many wrongs in Uganda and as such it is difficult to cleanse him of them. He was also accused of being old and indecisive.

However, it was said that Obote who even telephoned UPC headquarters on Saturday, had indicated he was willing to retire, but on condition that he did so honourably. Our source in the UPC seemed to indicate that Obote was not willing to be replaced while he was still in exile.

Obote's still being held as a compromise leader stems from the fact that there are the three factions in the party, those in the NRC Cabinet and at the post of Vice President, following the death of Mr. Paulo Muwanga. They are said to be reporting on one another to Obote, who is well briefed on all developments in the party and country.

And Dr. Obote is said to have deliberately refused to pick an interim Vice President for fear of being outshone, like Cecilia Ogwal has done since she was appointed chairperson of the PPC.

The sources said more members of the party in the NRC have quietly been returning to the Uganda House camp ahead of the CA polls. The campaigns themselves will be sponsored by the Milton Obote Foundation which has allegedly complimentary funding from wealthy Indians in Uganda and abroad.

The party has been approaching known supporters whom papers have mentioned as possible candidates asking for the logistics they will need for their campaigns. Sources said UPC is aiming at a Constituency by Constituency strategy to pick on individuals who are credible, and who will compete favourably with those of other political groups and the NRM.

"Even if they do not go through to the Assembly, at least they will start from there to target the 1994 polls", said the

WEELY TOPIC
MAY 28, 1993

By Our Reporters

LIKE most districts in Uganda the Constituent Assembly (CA) campaigns in Mbale District have quickened in pace. Rallies may not have started but the political tempo is high.

So far, the most visible manifestation of the lobbying are the lavish parties which are being thrown time and again by the hopefuls.

Many people in Mbale are now congregating around candidates of their choice for free beers and other favours. This is mainly on weekends as most of the contestants live and work in Kampala and other towns. Some aspirants, however, have asked for leave (many are likely to be French leaves) from their employers to enable them lay a solid campaign groundwork.

However, unlike most parts of the country, personal rating other than religious political parties and education will play a central role. The people of Mbale, unlike in the 1980 elections, want a representative who will agitate for and deliver a big portion of the national cake to their doorstep irrespective of his political background. They believe that since the attainment of independence never have they been marginalised like in the present NRM regime..

It is with this in mind that a Reform Group to those who can achieve this in the CA has been formed. The Group is composed of young intellectual Bagisu with elderly seasoned politicians to give the necessary advice.

This group which has no political party affiliation believes very few Bagisu have enjoyed cabinet and parastatal positions because semi illiterates have been voted to parliament. Their campaign has found its way into *Lugisu* programmes on Radio Uganda's Butebo's channel which broadcasts specifically to Eastern Uganda.

The Reform Group has become a stumbling block to the UPC Secretariat's plans to field UPC hawks the calibre of former cabinet minister Manete Kuuya who lives like a pauper in Nairobi.

Mbale Municipality has attracted a host of aspirants with James Wapakhabulo, the incumbent CM and Minister of Tourism, Wildlife and Antiquities being in the forefront.

Mbale elders feel that his being close to the NRM die-hards (infact he was president Museveni's roommate in Dear-es-Salaam University, he is the only bridge between him and the NRM so long as it is still in office.

Another ace in his favour is the promise he has made to the people of Mbale of constructing a modern low cost housing project in Namatala and Malukhu slums where many low income Mbale residents reside. However,his greatest political asset is his Tanzanian born wife Angela. herself also a graduate of Dar University.

She represents the minister in virtually all official functions in the municipality, for instance the consecration of the Bishop of Mbale Diocese.

She is also seen by many people to be warmer than the minister who is said to be inaccessible and is always unwilling to use his lucrative post to secure posts for university graduates.

At the beginning of this year the minister organised a get together party at his Mbale Buwalasi View residence where the district's big shots were invited.

Another aspirant is the former Chief Justice George Masika who is considered one of the most learned Bagisu. UPC sympathisers in the area see his going to CA as a chance that might enhance his bid for a probable presidential or Vice presidential slot in the UPC hierachy.

Uganda House strong woman Cecilia Ogwal is said to have prevailed upon the ex-RC IV Mbale Municipality Wasike to step down for him.

His major drawback is his alleged Kenyan citizenship. He is said to own a big farm in Kitale. He is also not outgoing and very arrogant.

Dan Nabudere, the former leader of UNLF-AD Chairman, is said to be cultivating some support.

On May 24 this year he organised a party in Michaelworthy Restaurant in Mbale town, where several opinion leaders were invited. These included Mzee G. Wanyoto ex-Secretary General, Bugisu DA. George Mudeebo Former Treasurer Bugisu DA and RC V Chairman Wilson Wamimbi.

Though once a member of the radical Gang of Four, the fire spitting legislator is seen to have minimal chances of going to the CA.

Another aspirant is William Watsusi a former Chief Internal Auditor of UEB and National Executive member of the DP. He will definitely put up a spirited fight as has a sizeable support Mbale Municipality.

Bungokho County with population of 190.000 people will be split into two constituencies.

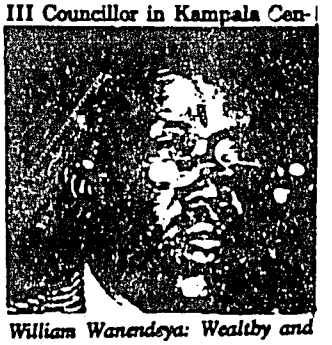
The nothern part will constitute Nakaloke, Bufumbo and Bungokho Sub-counties.

The southern part will constitute Busoba, Bukhiende and Busiu Sub-counties.

Here there is N.W. Mafabi, Principal of Kabwangasi TTC and ex-president of Uganda Teachers' Association. He is a very able orator and very principled.

Another aspirant is A.K. Masaba the ex-CM for Bungokho County. Given a big muslim population in this area he is a force to reckon with. 'however, his major setback is his inability to express himself which is attributed to lack of confidence.

Sulaiman Masaba, an ex-RC III Councillor in Kampala Central, is another one gunning for the CA. He is a UPC sympathizer who originally wanted to stand in the municipality, but left it for Masika. He was a successful businesseman during Amin's regime.



William Wanendeya: Wealthy and vocal

In the southern part, the man tipped to win the CA seat is Wilson Wamimbi, the current RC V Chairman. He is a Diploma holder in Business Administration from IPA.

He has been the RC V Chairman since 1987 and seen by political observers in the district as a battle hardened fighter.

His major advantage is organizing ability and has contributed generously to various projects. In this part also is Maumbe Mukhwana, the current CM of the area. He is so lost from his county that people have virtually forgotten him. In fact when some elders heard that he was contesting they laughed at the idea and said that every dog and fowl in the county knows he will fail woefully.

People say that when he was Deputy Minister of Information during the first NRM cabinet, he used to dodge constituents who

The Monitor

462

wanted to see him.

His only good deed is perhaps towards the Bungokho Makerere University Association to whom he has offered a brick-making machine.

Another contender here is D. N Sakwa who is a well known UPC sympathizer. He is a wealthy Kampala based engineer. He is the only man who can upset Wamimbi. His achilles' heel is his not being known beyond his Nabumali and Busiu home.

One of the hottest contests in Mbale is expected to be in Bubulo County which has also been divided into two. The southern part consists of Buwagogo, Bugobero and Butiru Sub-counties.

The favourite here is Silver Wanzusi, an architect by profession. He is the engine behind the progressive Bugobero Development Association (BDA) which has put up many projects including a dispensary due to be

W.W. Wamimbi: a battle hardened fighter

opened by president Museveni.

He invited friends from both within and without the county who generously contributed to the dispensary. However, his political colours are not well known.

Mr. Wanguzi is well liked by school leavers because he secures them courses and jobs. "What we need now is development but not politics", Wanzusi told the Makerere University Mbale Students' Association recently.

In the other part of the county which consists of Buwabwala, Bupoto, Bumbo and Bubutu, the forerunner is Stephen Mungoma, the Chief Magistrate Mukono District. He is said to be a simple man who has helped so many people of Mbale with his limited resources. He belongs to the Reform Group of UPC.

Another little known is Ivan Machika who is an RC V Councillor. He would have more chances if he was a resident of Buwabwala but is considered to be a Mbale man.

The position of Prof. Timothy Wangusa is unknown, but his chances if he decided to stand, are very slim. He is said to have played a marginal role in BDA which has been very development conscious.

Manjiya County is crowdly contested but with the forerunner being Wilson Masalu Musena, the Chief Magistrate of Mubende District. He belongs to the Reform Group. He is reportedly getting familiarised to political leaders in the district in order to make it.

Also inspiring is veteran politician Anthony Mukhobeh who is an RCV Councillor. He is a fire spitting politician who contested in 1962 on DP ticket but lost. He has been nicknamed Nelson Mandela, because he was arrested for his controversial role in the 1992 elections.

The RC V General Secretary Mbale Mr. Louis Walumooli is also contesting for the Manjiya seat. He belongs to the UPC Reform Group.

The incumbent CM for the area, Kato Wambi, is still weighing his chances but observers think he might join in the eleventh hour.

Budadiri County will also be divided into two with Buhugu, Bumasifwa and Busulani Sub counties forming one while Buyobo and Buwalasi will form the other.

The former will see a closely contested battle between the incumbent CM of the area, William Wanendeya, the RC V Vice Chairman Namangala Mwambu, and an electrical engineer, Henry Magomu.

Political observers say that if voting was tomorrow then Magomu would triumph, because he is a man of the people. It is said he is ever with people on weekends in his Bulwala village.

At the end of January this year, he threw a powerful wedding ceremony which is estimated to have cost shs 5 million. By hosting it in his village and not in Mt. Elgon showed he was generally social. In fact most political pundits thought this was the launching pad for his campaigns.

Mwambu could do well, but he is more of an urban than rural dweller. But he is known to be a guy who can achieve anything when he actually wants it.

Wanendeya, the incumbent CM has the big advantages of being immensely wealthy and generally vocal, but sometimes pointless in the NRC. The Reform Group may back him, because he has taken every opportunity to demand on behalf of the Bagisu a fair share of the National Cake.

In the other part, there is Sam Magoma the Chairman of Bugisu Co-operative Union (BCU). His earlier agitation for the North Bugisu Diocese is an asset to him.

Though relatively a well to do fellow, he may lose, because he never attempted to save the sacking of his union Secretary Siango for inviting Cecilia Ogwal to his house.

Another aspirant is Kenneth Magombo whose last parliamentary performance during Obote II regime was mediocre. He has been keeping a low profile since.

In Bulambuli County there is Charles Siango, the disgraced Union Secretary of BCU. Observers believe he will garner sympathy votes from the UPC because of his fate.

Mr. Wonaku Milton, a publicity officer with BCU, is likely to stand. But he is believed to be a political novice.

The incumbent CM, Mr. B. Walimbwa, might face the same fate which is to befall his colleagues - that of not being elected to CA. Infact observers believe that Walimbwa should save his face and not stand.. He is blamed by the electorate for having led to the failure of Bulago S.S.S. as headmaster.

He is seen to be selfish as exhibited by the eight jobs he is holding including that of Bulago. He is also very inaccessible and rarely speaks in the NRC.

Women are also not ready to be left behind. Mrs. Rose Muloni, the ex-RC V Secretary for Women, is gunning to represent the women. She is a tough talker and principled.

Catherine Masaba, the incumbent Women Representative, has the advantage of being a regular attendant of meetings but unless she replaces the 504 Pick Up which she crashed and was a gift from President Museveni to the Mbale women, she is flogging a dead horse.

Wazikonya, the current RCV Secretary for Women, is also a force to reckon with. She is the headmistress of Nakilungu SS and she is widely respected.

Another contender is B. Wabudeya a Veterinary Officer in Mbale. She is extremely social but she is a political novice with neither political inclination nor experience.

Another contender is Regina Mutonyi of Features and Drama section of Radio Uganda. Apart from being a popular producer she has very few advantages. Our sources in Mbale said she is being sponsored by the BCU Treasurer, Bweri.

DP facing demise in Busoga as CA elections loom?

By Ndooba Kadeebeedo

DESPITE the recent 'revival' of the Institution of *Isebantu Kyabazinga* and 'inauguration' of Busoga Lukiiko, political pundits do not believe that DP will gain anything from such moves. Despite the fact that "Isebantu" Henry Muloki was regarded as a DP man during the 1960s, and that some of the new Lukiiko members were also known to be DP supporters during the early 1980s, it is doubtful whether DP will regain its strength in Busoga region.

The pundits say that the coming Constituent Assembly elections (which will essentially be fought between pro-NRM and hard-core DP politicians) will see the demise of DP in the region.

The pundits are making those predictions according to the political history of Busoga since 1954 when the Democratic Party was created. Their arguments seem to converge on one central point, which is that the Basoga, like other ethnic groups have been voting in Parliamentary elections for those whom they have been thinking would protect their interests better.

In the first general elections to parliament (then known as the Legislative Council) in Uganda, in 1958, there was no DP candidate in Busoga. That was because DP had no immediate appeal to Basoga since it was then known to be a small Catholic Party which had been formed chiefly to enable Baganda Catholics compete successfully for political jobs in Buganda Kingdom.

In 1958, the two seats which were given to Busoga, were won by independents. William Nidiope (Kyabazinga of Busoga from 1949 to 1955) won the Busoga North seat, while Mathias Mbalule Ngobi, then Secretary-General of Busoga Growers' Cooperative Union won in Busoga South Constituency. Later, the two men joined Uganda Peoples Union which in turn merged with Apollo Milton's Uganda National Congress faction, to form Uganda Peoples Congress (UPC) in 1960.

In the 1961 Parliamentary elections, DP was still unknown in Busoga. It won only 2 out of the 9 seats in the region. The two seats were in Kigulu and Busiki Counties (which are currently being represented in the NRC by Moses Kintu and Gerald Basoga Nsadhu) respectively. The DP victors were A. Kaduyu and Cyprian Isiko, while the remaining seven seats were won by UPC Candidates, namely Sam Ngude Odaka, William Nadiope, Mathias Ngobi, Shaban Nkuutu, A.L. Nume, C.K. Patel and Sepiria Bamutire.

During the 1962 elections, DP won only one seat, that of Jinja South, which went to M.K. Patel, instead of C.K. Patel. It even lost Kaduyu's Constituency to Zera Munaaba, a UPC man; and Isiko's Constituency to Y. Kiirya Bakusekamagya, another UPC man. At that time the majority of the Basoga thought that their interests would be better protected by Obote, a Busoga College Mwiri Old Boy, and Nadiope, Obote's Vice-President in UPC.

But the subsequent detention of Mathias Ngobi in 1966, that brutal abrogation of the 1962 Constitution in the same year, the sending of Nadiope to prison in 1969, and the introduction of violence in the politics of Uganda generally, made Basoga electors unhappy. By 1970, UPC was already heading for trouble and by 1980, it was virtually no more.

Out of the 11 contested seats in the region in the 1980 parliamentary elections, UPC managed to capture only 2, which were nearest to Tororo District. The victors were Patrick Mwondha and Romano Masiga. But all the remaining 9 seats went to DP candidates, namely: Dr Eriab Muzira, Alex Waibale, Dr. David Kazungu, Engineer Patrick Batumbya, D. Mpawulo, Paulo Wangoola, D.J.K. Nabeta, John Magezi and Professor Yoweri Kyesimira.

Then something catastrophic happened to DP again at the end of 1981. All its Parliamentarians, except Yoweri Kyesimira, crossed back to UPC. By 1985, even Kyesimira had joined a military group known as FEDEMU which did not think much about Dr. Seemogerere's leadership in DP.

In 1989, some candidates in Busoga got into the National Resistance Council (Parliament), using DP funds and some known DP leaders at the grassroots. It was then claimed that if DP got many members in the NRC, they would in turn, be able to move a vote of no confidence in President Museveni's government. But nothing of that sort has happened. Instead, a number of known and strong DP Parlimentarians have become strong advocates of the NRM political line.

Since last year, one known DP Parliamentarian from Jinja Distritt, has been opposing the proposal to give power to the voters in all Constituencies to recall a non performing Parliamentarian. He has also been opposing NRM's proposal to allow people to elect their members to the coming Constituent Assembly, through the secret ballot system. The same member is alleged to have attempted recently to send some people to the DP rally which had been proposed to take place at the City Square in Kampala.

The alleged hard core DP candidates who are likely to contest CA elections include Stephen Kyalya and John Gurairu, Wogwawabi in Jinja District, Sebastian Magimbi, Patrick Mawaali, and Mzee Watongola in Kamuli District; Mzee Albert Muledhu and a few others in Iganga District.

However the analysts say that DP has also lost credibility in Busoga because of the general weakness of DP leadership at the national level. They point out that the only Musoga in the DP National Executive Committee is Advocate Patrick Mawaali who does not seem to enjoy much support even in Bugabula County where he migrated from Busiki County.

So, they are not sure whether he will be able to command the DP forces in Busoga in the future, in the absence of Professor Kyesimira who died in April 1991.

The Monitor
May 7, 1993

Rebel groups plan to disrupt CA elections

By Our Reporters

Exile anti-NRM groups, have decided not to let the NRM government have a free hand in conducting the Constituent Assembly (CA) elections scheduled for October this year.

According to our sources in Nairobi, in order to fight what they regard as the "strong pro-NRM bias" in the Constituent Assembly Bill, the UPC in exile has formed the UPC - National Mobilizers' Group (UPC-NMG).

The group which is said to have direct contacts with former Ugandan president Milton Obote, has offices on Tubbman Road next to Agalam Intra Sales Ltd in Nairobi, Kenya.

UPC-NMG is specifically charged with campaigning against the CA Bill which they say clearly favours NRM's movement type of political system, and mobilising the opposition against Museveni.

Our sources in Nairobi indicate that UPC-NMG has started recruiting UPC youth wingers in all the regions of Uganda. UPC-NMG reportedly employs five Ugandan emissaries who keep shuttling between Kampala, Nairobi and Lusaka. They act as the main means of communication with Uganda for party President Milton Obote.

The group has also been assigned the task of winning over newspapers that are considered "anti- UPC".

The group comprises five representatives from Iganga, Tororo, Buganda, Bushenyi and another for the northern region.

Apart from mobilising grass roots support for the UPC the National Mobilizers' Group is also supposed to ensure that those

To Back Page

Army Chief of Staff Brig Sam Nanyumba: We are not bothered.

The Monitor

MAY 28, 1993

US observers' study team for Oct. polls arrive

By Our Staff Writer

A preparatory team of seven international observers is in Uganda to write a report on whether conditions are ripe for free and fair elections in October for the Constituent Assembly.

The team, from the African-American Institute's Africa Regional Electoral Assistance Fund in Washington D.C., arrived in Uganda last week at the invitation of President Yoweri Museveni. The team is led by Walter Carrington, a former US ambassador to Senegal.

The AAI, has been involved in election monitoring in several African countries in the last three years, including a high profile role in last year's elections in Ethiopia.

According to Michael Carrol, if the team finds a prevalent view from a cross section of people, parties and religious leaders that the elections will be fair, then they will recommend technical support for the elections.

Carrol told *The Monitor* that President Museveni wanted help to help train trainers. He said press reports that funding for the

To Back Page

Foreign observers' team

From Page 1

elections had been obtained were inaccurate.

As the count-down to the elections continue, chronic debtors, former criminals and those who have been disqualified from professional bodies will be barred from standing for election to the Constituent Assembly (CA).

These are some of the 10 requirements for qualification of a candidate under the provisions of the CA Statute 1993. Some prospective candidates are reportedly banking on these provisions to edge out their rivals for the elections scheduled for October.

Information from upcountry areas indicates that many intending candidates have started digging up the background of their rivals in a bid to beat them out of the race by soiling their character.

Unlike 1980, this year's polls will be hedged in by very stringent rules and procedures contained in the CA statute.

Of the 10 requirements for qualification of a candidate, one bars any person who has within the last 10 years been convicted or imprisoned for an offence involving fraud, dishonesty, moral turpitude or violence or an offence relating to elections.

Nomination of a candidate for the CA will also be another nerve racking procedure.

First, two voters will propose a candidate on paper. The nomination has to be supported by 10 voters from the candidate's electoral area with their names and signatures.

After that, the candidate himself has to consent to his nomination by signing the paper on which his nominator's names are.

The ballot paper will carry all present passport size photographs of the contending candidates at a particular polling station. The sacred ballot paper will also carry their names with an empty rectangular box on the left of each photo, one of which a voter is expected to tick while voting.

One intriguing provision is in respect of blind voters, illiterates or very old people who may be unable to fix the required mark of choice on the ballot paper. Such voters may report at the polling station accompanied by a spouse or any other member of the voter's family, to assist the voter to fix the mark of choice on the ballot paper on the voter's behalf.

It shall only be lawful, for any member of the voter's family to assist a voter in the above category only if the family member is below 18. This is ostensibly to ensure that the helper does not influence the disabled voter's decision.

el: 236939 and Printed by Articrafts. Registered at the G.P.O. as a Newspaper

466

The Monitor

Rebel groups plan to disrupt CA elections

From Page 1

elected to the CA are either UPC supporters or multi-party adherents

Political observers see the formation of the UPC-NMG as an atteinpt by Obote to reassert himself more firmly in directing the party's fight for the CA elections and general elections slated for November 1994.

But the group has allegedly been facing some financial problems because " Uganda House in Kampala has not been remitting monies because of the dispute with the NRM government over the UPC's headquarters building ". As a result *The Monitor* has learnt that last month one, Mr. Ochen Apollo, was despatched from Lusaka to Nairobi with a cheque of US dollars 40,000 for the group.

At the same time the Ninth October Movement (NOM) a pro - Obote group, has embarked on a plan to step up its destabilisation operations in Eastern Uganda in the run up to the CA elections.

According to our Nairobi source, the plan is to sow insecurity so as to discredit the NRM government. "The aim is to show that the NRM government has failed to bring about peace and development in Eastern Uganda

NOM plans to terrorise candidates who will stand on a "No party" ticket. The objective is to work into place a CA which will favour multi-party democracy in Uganda.

On Saturday May 16 NOM operatives met at the Pan-African Hotel at Webuye in Kenya. The meeting was attended by, among others, one Okwir James a NOM commander of a rebel camp in Webuye and Captain Tom Alele and Lt. Peter Otieno. The captain, who previously worked with Mawingo Bus Company, is a NOM commander residing in Bungoma, Kenya.

NOM has reportedly already mobilised up to 117 men at Webuye and Cholansandet in Bungoma where the second-in-command is one Lt. Wamono.

Some of these operatives are already said to have infiltrated parts of Eastern Uganda.

A one Ogwal Charles is already said to be commanding a group of 27 men now deployed to operate between Mbale and Tororo districts

In a related development NOM operatives are also said to be operating out of the Indian Ocean island Republic of Mauritius. One Asian tycoon called Mayuru, who once run businesses in Kampala during Obote II, is said to be bankrolling some of the operations of NOM.

Colonel Wilson Owiny, former Secretary for Defence, during the short-lived Tito Okello regime in 1985 is said to have once again linked up with Obote in Lusaka. He has been shuttling between London, Mauritius and Lusaka.

Meanwhile a political source in Germany says that a new anti-NRM group called Forum for the Restoration of Unity and Democracy (FRUD) has been formed in Germany. FRUD, which is also targeting the CA polls, is led by Dison Mayunja, a former businessman on William Street, Kampala during Obote II.

The Monitor is reliably informed that FRUD's operational base in Nairobi is headed by one Lukwago John who has reportedly already sent out feelers to recruit known anti-NRM people.

FRUD is said to have close ties with Peter Otai's Forum for Multi-party Democracy in Uganda (FMDU), a London based movement whose 19-member executive was elected last January in Waterloo, South London.

Both FRUD and FMD have reportedly launched a diplomatic offensive against NRM in Western capitals. Some of FRUD's top executives include one John Othieno and a medical doctor Watongola.

In Kampala *The Monitor* was unable to contact the Director of the External Security Organization (ESO), Col. Kahinda Otafiire who was said to be upcountry. However, a senior official in his office, Mr. Sam Kamya said that they had not got any information about the activities of NOM in Kenya. But he said whatever the case, " that is not a threat to us"

Earlier on the Army Chief of staff Brig. Sam Nanyumba also told *The Monitor* that he did not regard NOM activities in Eastern Uganda as a threat to the political stability of Uganda.

DP rally: End of agitation

It is high time some one organised a political seminar for the anarchical sections of opposition, and guide them on how to meaningfully challenge NRM.

After seven years of persuading various divergent political sections to join hands to reconstruct the country, it seems that President Yoweri Museveni has finally decided to bang the door, shutting out the political chaffs. President Yoweri Museveni's decision to stop the agitators from holding their so-called rallies, is the first sign to show that now NRM feels it has done enough persuasion for those who had always looked forward for an opportunity to enable them to meaningfully contribute to the development of mother Uganda.

Now that the message has been well received, Museveni does not see, and correctly so, any reason why he should not stop the game of spoon feeding political dwarfs, whose chances of ever seeing the true political light can be compared to chances of stones ever having blood. And that is where the story is. The opposition seems to be possessed with a false belief that Ugandans still live in those dark days, when the totality of politics was nothing but symbols, colours, tribes and gimmicks.

Unfortunately, and this is the most sickening idea, the opposition seems to wave the blackmailing banner that is based on the Western European wind for democratic change. The problem is that the opposition particularly the opportunistic dwarfs of the Cecilia Ogwal, Micheal Kaggwa and the Ken Lukyamuzi's of this world merely mimmick a small part of the western type of democracy. That is standing on the pedestals, facing the faceless masses. But that is not all. The people in the West use the pedestals, Television or papers to put out scientific issues. Our Cecilias, Lukyamuzi's and the Kaggwas do not have any new idea to offer, apart from merely agitating the population into stagnation.

It is high time that the opposition start to articulate scientific issues and give Ugandans a brake from the politics of agitation. The Cecilias' could start by articulating ideas in papers, like the *"people"* or even the New Vision. After all, it is actually the UPC section in the New Vision which created Cecilia Ogwal, following her to Masaka, Fort Portal, Arua, Mbale and occasionally giving her the prestigious front page. And now this clique in *New Vision* has started grooming her daughter Lydia Ogwal. !!

Quite honestly these three; Lukyamuzi, Kaggwa and Cecilia should start taking NRM to task about inflation. They could for example analyse and show that the present claims that government has controlled inflation is baseless, especially if it was to be linked to the crisis of unemployment. Here, Cecilia should be able to go to a blackboard and show how the West always shows two graphs, one of inflation and one on unemployment. She could show how high unemployment rate in the West is regarded as total economic failure etc.

Don't you believe Ugandans deserve leaders who are very assuring? For example, Ugandans would prefer to read Micheal Kaggwa's alternative economic ideas in the *Citizen* or *Exposure*. Kaggwa could probably ask government to set a limit on how much money government should borrow. Kaggwa could ask the finance minister, if it makes sense to simply borrow money without ever linking it to possibilities of paying back. Kaggwa could stick his neck on such liberating ideas and demand that all loans must be discussed in parliament and be secured after working out a water proof repayment programme. In other words Kaggwa could save our children from falling in the bottomless pit dug by the fall of the pending debt bomb.

Next, it could be the turn for Ken Lukyamuzi, on television asking the government to publish its energy policy. Lukyamuzi could for example remind Ugandans that when nationalist Bidandi Ssali, was the Minister of Energy, he had secured shs. 2 billion to construct Petrol Reserves in Nakasongola and Jinja, with the idea of saving the country from the grip of the oil companies which prefer to control supply in order to tie the price of a litre of petrol to the official dollar rate.

Lukyamuzi could explain to Ugandans that the oil companies, then decided to lobby for the appointment of a sell out to the position of Minister of Energy, who immediately suspended Bidandi Ssali's nationalistic idea. As a result, Lukyamuzi would demand government to use this opportunity and come out with the energy policy covering every aspect of energy, starting with the out-dated transformers bought cheaply from Algeria up to the possible frauds in the construction of the new $ 250 million Jinja Dam.

Unless they do this, the so-called mobilisers as of now will be seen as nothing but an umbrella of the disgruntled. Indeed it is said that among the people who were going to agitate the population on May 8, included John Ken Lukyamuzi of CP, Kagenda Atwoki of UPC. What this small umbrella should do is to start thinking big. And that is what would impress Ugandans but not agitation which is a political expression, that should be exclusively left for students.

It would be better for them to go to City Square after they have matured. But as of now, they do not need to go to City Square to impress Ugandans. Museveni won international respectability not from City Square, but from Kenyatta International Conference Centre, and the foyer of Hilton Hotel during the peace talks of July 1985 in Nairobi, Kenya. Using those opportunites, Museveni impressed the World Press and Diplomats as a man with sharp theoretical and practical skills to lead. That is what the Cecilias, Lukyamuzi's and Kaggwas should demonstrate if they think they have something to offer. ◆

The Monitor May 21,1993

NRM eyes Lango seats

The Monitor May 21, 1993

In an attempt to dislodge multi-party politics from the Districts of Lira and Apach, the NRM has decided to file, and give massive support to, its candidates who are being encouraged to stand against pronounced opponents of NRM movement system of governance.

To the NRM top brass, the two districts, politically recognised for their overwhelming support for the UPC, will be litmus test for their popularity in Northern Uganda.

The architect for the NRM strategy is said to be The Prime Minister Adyebo, a violent convert to the Movement politics with the assistance of Betty Bigombe, the woman who oversees NRM "gun rule" in Northern Uganda. Several persons have been "invited" from Kampala and Lira to Betty Bigombe's office in Gulu for placement of final touches on the NRM plans for the districts.

In Lira district the NRM is said to retaining current NRC member Latigo Olal for the Kyoga Seat. Latigo's support for the NRM is legendary: and not for nothing. The Council Member seems to have personally gained a lot from his membership of the Ranch Re-structuring Committee (a body set up by Museveni to allocate permanent land for Refugees). Not much is, however, known of his political achievement for the people of Kyoga.

The Dokolo county Seat has been slated for the Lira District council Chairman Ogweng Alele who, in the last few months, has been behaving like a personal bodyguard to the persons of the D.A John Atia Otim and Museveni's Military "Governor" Betty Bigombe. The Erutte County Seat is being offered to one Obua, a secondary teacher in Lira.

Shivers seem to have run down the spines of Movement politics strategists when they learned that Cecilia Ogwal would most probably

Turn to page 12

UPC hearing on today

By Onegi Obel G.N.

Members of Uganda Peoples Congress (UPC) return to court today before Justice Rajasinghan for a response from the State Attorney to submissions made by UPC lawyers whose citation of article 8 para 1 caught the State Attorney unprepared forcing the judge to adjourn to today to enable the State Attorney "do more research".

UPC members filed a suit in high court on April 26, 1993 seeking an injunction that would restrain the NRM government officials from illegally interfering with their constitutional rights by attempting to stop the UPC from addressing rallies and associating freely.

This followed a series of incidents in which members of the party were harassed by State officials of the NRM during the meet the people nationwide tours.

When the case came up for mention on May 5th, Justice Rajanathan Rajasingham declared the case adjourned early in the proceedings in order to allow the state Attorneys - Mr Nasa Tumwesige and Mr Don Nyakairu - go and prepare a counter affidavit to the one submitted by three members of the UPC Presidential Policy Commission (PPC) complaining about state harassment during a visit to Mbale.

When the Defence affidavit was submitted at 2.00 p.m. that day, it was found to be more of a refutation of the UPC affidavit than an independent account of what had taken place in Mbale; apparently the emergence of a UPC affidavit accompanying the suit had taken the state attorneys unawares. The judge was then forced to adjourn the case until Monday May 17 to give the Attorney more time.

But this Monday May 17th the State Attorney, Mr. Don Nyakairu seemed to be no more prepared than he was during the previous hearing. His response to Plaintiff Lawyer Owor's citation of article 8 para.1 of the constitution which states that Every Ugandan citizen has a right to equal protection under the law was

Turn to page 12

UPC hearing

From page 1

marked by lengthy filibusters about how the state must not be incapacitated in its ability to carry out the law, for which he cited Section 15 (ii) of the constitution.

Mr. Nyakairu also objected to the fact that his copy of the UPC affidavit was a photocopy - his argument being that this does not make the affidavit legally binding. But the judge overruled his objection by indicating the stamp and signature of the Commissioner for oaths on the affidavit which certified it and rendered it a legally binding document.

But it was the Plaintiff Lawyers declaration in his submission that 'Declaring my rights alone without any protection of the law is not sufficient' which seemed to govern the mood in the packed court session. Justice Rajasingham felt obliged to give the State Attorney until today Wednesday, May 19th 1993 to allow him prepare his defence properly.

UPC Chairman speaks out

The National Chairman of Uganda peoples Congress (UPC) Haji Badru Wegulo has come out to clear the recent wild allegations and statements which have been made both in press and in letters written to him about the leadership of the party with emphasis on the constitution position of the Congress as far as leadership is concerned.

The cited Article 7 (3) of the party Constitution which states that the Delegates Conference shall be the sole body to elect the President of the party. "The Constitution does not limit the number of the contestants for the presidency of the Party," he emphasized.

Wegulo noted the last UPC Delegates conference elected Dr. A.M. Obote President of the party and that since no other delegates conference has ever been held. "Hence therefore, as of now, Dr.A.M. Obote is the President of the party with all the constitutional powers attached to the office of the President of the Party." he said.

"It is indeed under the above mentioned Article and Article 4 (10) and Article 18 (2) of the Party Constitution that the party President appointed the UPC Presidential Policy Commission which is answerable to him." he continued.

He reminded Members of the Party that at no time has Dr. A.M. Obote stopped any party member from contesting for the Presidency of the Party as it was implied in the Topic of the 30th of April 1993.

"Any member, therefore, who is aspiring and planning to be elected President of the Congress is free to do so. I would only advise such a member to desist from character assassination and making statements which might cause disharmony within the Party." Wegulo advised.

"The party Constitution cannot and will never be amended in the press because article 7 (2) of the Constitution reads that it is only the Delegates Conference which shall enact or amend the Constitution" he added.

764, KAMPALA: Registered at the

470

Chasing the wrong political animal

The Monitor May 21, 1993

Ear to the ground

By Charles Onyango-Obbo

There was Democratic Party chief Dr Paul Kawanga Ssemogerere (who is also Second Deputy Premier and Minister of Foreign Affairs) making the case in a UTV discussion April 22, 1993, that his party, was not based on religion.

Nyabushozi CM Elly Karuhanga, who was on the discussion panel, had suggested that political party activities should not be allowed for now because parties are divisive since they are still based on religion or tribes, and set neighbour against neighbour.

Ssemogerere, who has had an earful of that argument over the last seven years of the National Resistance Movement (NRM) rule, was armed with a well rehearsed ambush. He asked Karuhanga how, if that was true, Mzee Byanyima, a Protestant and citizen of Nyabushozi, was elected as a DP candidate there in 1962.

Karuhanga's foot got caught on that one, and he limped off bruised.

Some of us have however heard that Ssemogerere argument before. Add to the Byanyima example the fact that DP swept all but one of the seats in Buganda in the 1980 elections, and you seem to have a solid argument to prove that DP is not sectarian. This sweep would not have been possible unless the Muslims and Protestants also voted for the party. This is obviously true. But does it mean the DP ceased to be a party "for Catholics?" No, I would say

Party character

The NRM, on the other hand, is supposedly "clean." The case being made for it and its "No-party" or Movement system, is that it is non-sectarian. It is open to all people regardless of their religious affiliation or tribe; and to gain an elected position in it, one does not have to appeal to sectarian sentiment.

Important as non-sectarianism may be, if it was the only advantage of the NRM, then it would not have been a strong case for the continued rule of the Movement system. However, the NRM rule has brought peace and stability and a relatively high level of press freedom. Some sectors of the economy have also improved dramatically under the NRM.

But did the NRM have to be a non-sectarian government to achieve this? No. Even a sectarian party can turn in these achievements. Indeed the UPC boast about their record in the 1960s; a record achieved inspite of it being a repressive and narrow party in many respects.

The charge of sectarianism is one the politicians dread. This led Ssemogerere to a gross understatement about certain elements that characterise party politics in its infant stages. In the US, there are more voters registered identifying themselves as Democrats than Republicans. Inspite of this numeric edge over the Republicans, the Democrats have suffered in the elections for presidency in all but two contests between 1968 and 1992.

These election triumphs would have been impossible if Democrats had not been voting for Republican presidential candidates. That fact however did not make the Republican party less conservative. On the contrary, according to most available data, the party drifted to the extreme right instead.

Diehards vs. Softies

To make sense of this, one must understand what gives parties their character. Every party has a committed core who stick with it through thick and thin. The bulk of the Protestant and Muslim support for DP in 1980 was "soft support." This "soft" constituency never leaves imprints on parties; it drifts off to other parties next time round as its interests change or simply stay away from politics.

These people can, in some cases, even be more in number than the diehard members of some parties. These are the people who have gone over to the NRM in droves.

They never get elected as DP or UPC chairmen, nor will they be appointed political commissars in the NRM. Very few of them come as delegates to DP or UPC Delegates' Conferences. If they come, they are not influential. Those people who come for these conferences and are party officials will be mostly diehard members drawn from the core of the party. They will be mostly Catholics in the DP, and for a long time to come Catholics will dominate the party leadership. It is these people, not "soft" shifting voters, who define the character of a party.

Likewise, the Uganda People's Congress (UPC) is a Protestant party, the same way the NRM is. Look at their core. The UPC was really the heir to the British colonial government. It was all but installed in power by the British, and that British interest included perpetuating the hold on state power by the Protestant oligarchy in Uganda.

For the same reason, and in this the DP Mobilisers Group's chief Michael Kaggwa was right in the April 23-27 Face to Face interview in *The Monitor*. He said that most of the 27 founders of the current NRA/NRM were from the western part of the country. He forgot to add that the "critical" leadership in the NRM is mainly Protestant. The fact that it has co-opted Catholics and Muslims and other religions does not change this fact.

Political wagons

Political parties and movements are like train engines. They are differentiated by how many wagons they pull. The NRM claims its train is better because it is pulling many wagons, and that of the parties is shorter. Which could be right, but that would not change the fact that it is still a train.

In many ways the NRM's support for the restoration of Buganda's "things" is partly to be explained in sectarian terms. It is a version of the 1962 alliance between the UPC and Kabaka Yekka, which was a natural result of the Protestant establishment in Uganda coming together to safeguard its interests against the Catholic-DP. The bitter confrontation between the UPC and NRM today is a family quarrel over political inheritance. If the Kabaka establishment was Catholic dominated, I doubt that it would have been allowed the space it has today to express itself.

Of course the DP, UPC and NRM will try to sell themselves as national groups whose doors are open to all Ugandans. This is baloney. It is just an expediency born out of a need of a narrow group to legitimise its claim to national leadership (even the cream of the Communist party of the defunct Soviet Union with its pretensions to being a proletarian party, was mostly drawn from one tribe—the Russians).

Long reach

These groups have to reach out beyond the narrow core because they cannot govern alone otherwise they not be effective, let alone survive. They must attract people from other religions or if like they all are, dominated by one tribe, they must attract support from other tribes. If for nothing else than that you need local chiefs to collect taxes.

The NRM/NRA's strongest point therefore is not that it is non-sectarian. Many people think it is, and that it is dominated by a Protestant plutocracy from the west. Its strongest point is that it has delivered the goods. Or at least some of the goods.

An average Catholic voter faced with a choice of a reactionary military junta like that of the Tito Okellos—which excited a lot of diehard Catholics, including leaders in the DP— and the Protestant-dominated NRM which has restored peace and the rule of law, will choose the NRM. A Protestant would have done the same if the NRM was Catholic-dominated.

This is not because to these people the NRM is non-sectarian. People do not eat non-sectarianism. Even if it is, they are willing to trade their narrow religious or tribal interest for the security of their lives and property that the NRM has provided.

This is where the NRM is stealing points from its opponents. And as long as it does not terrorise the people and the areas of the economy that are flourishing continue to do so, the level of public support it enjoys will hold.

If the economy collapses tomorrow, and the NRA begins to terrorise the country, they will lose support---even if its current policies and leadership which it touts as "non-sectarian" remained at the helm.

Of course, parties change, because the issues of the day also do, and natural demographic reconfigurations and social shifts reconstitute their bases; but these changes take a far longer time than the 31 years of our independence. Certainly not a single election like Ssemogerere would have us believe. What we see in a span of ten or twenty years are merely cosmetic changes.

That is it. Hunger divides people. Eating unites them. So is it with politics. A country which eats together, stays together.

CA: Struggle for Karamoja

By Nathan Etengu
in Moroto

POLITICS

THE struggle for the Constituent Assembly (CA), seats in Moroto and Kotido districts has heated up with both seasoned politicians, who have been in the forefront of Karamoja politics for the last three decades and newcomers up for the race.

Several CMs have indicated their interest to seek mandate for the CA seats, save for the CM, Labwor county, Mr Felix Obura, who has openly told his electorate that his NRC position is "enough."

However, nine other Labworians, including the former MP for the area during Obote II regime Mr Henry Clement Obonyo Jabwor have registered their interests for the seat.

Mr. C.D. Owiny, a registrar with the Institute of Teacher Education, Kyambogo (ITEK), has also reported with a file of documents to the RC V Chairman's office in Kotido intimating that he is the rightful candidate for the seat. Others include the Chief Magistrate in charge Moroto and Kotido districts, Mr Robert Okori.

county.

In Moroto District, contenders in Matheniko county are approaching the CA race in silence due to the possible fear of liquidation, believed to be the motive of the less educated aspirants but with a powerfull backing from the gun-wielding warriors.

The incumbent CM and the Deputy Minister of Education and Sports, Mr. David Pulkol remains silent over the issue. "Since he is our CM, we still expect him to come and address us on the issue before an agreeable decision can be taken as to who should represent the county in the CA", one influential man in mobilisation among the Matheniko, said.

Otherwise, the RC V Secretary for Defence, Mr. Sam Pirir Abura, the Cadre-in-charge of Matheniko county, Mr. Andrew Keem and the RC V Secretary for Information, Mr. Apollo Daniel, a brother to David Pulkol have indicated that they will stand.

In Bokora county, a former Deputy Minister in Obote II, Mr. Joshua Akol has pulled out of the race after sighting Lomongin that he would represent the constituency.

Lomongin who had all along been Naburi's choice is however remaining in the race. If Mr. Lokeris proves strong, then both Naburi and Lomongin will gang up for a common fighting front.

In Upe county, the Pokot tribesmen most of whom are exiled in Kenya will make their traditional one-day-come-back to decide on the fate of the incumbent CM Mr. Faustino Lokono, whom they have accused of failing to negotiate for the security of their area.

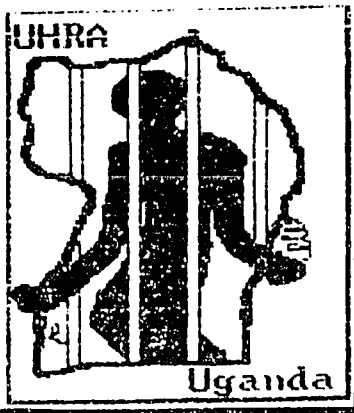
In the line up is the headmaster of Kalas Girls' Primary School in Amudat, Mr. Limlim Cephas Moi, currently upgrading at Kaliro National Teachers' College and with a retired grade II Magistrate, Mr. Kakuko.

No woman candidate has been mentioned in the CA line up for the entire Karamoja. The incumbent NRC Women representatives for Moroto, Ms. Rose Nacha Lorika and that for Kotido, Mrs. Eunice Loyolo Nangiro have kept quiet.

The Citizen
May 26, 1993

472

THE ACTIVIST



Fourth Quarter 1992 Price 1,500/- US $ 2

Armed forces join rights campaign

Multi-Party activity hots up

DESPITE a temporary suspension of the activities of political parties in country since the NRM assumed power in 1986, growing impatience has led such organisations to breach the suspension and go all out to reactivate their operations.

At the forefront of the resumption of party activities is the Democratic Party, the Uganda People's Congress and the Conservative Party. Uganda's other political party the Uganda Patriotic Movement has not come out with any programme, this perhaps owing to the fact that almost all its entire leadership literally reconstituted itself in the ruling National Resistance Movement.

Following the establishment of a broad-based government under the NRM the leader of the Democratic Party Dr. Paul K. Ssemogerere is now Second Deputy Prime Minister and Minister for Foreign Affairs and Regional Cooperation. Mr Jehoash S. Mayanja Nkangi of CP is Minister for Finance, Planning and Economic Development. The Uganda People's Congress says it is not a party to the broad-based system. According to its Assistant Secretary General Mrs Cecilia Ogwal, any party member in government or in the National Resistance Council is there without the party's blessing. Apparently sensing that the party could be easily relegated to limbo, a group calling itself the Mobilisers' Group of the Democratic Party was set up way back in 1988. It is led by insurance magnate Michael Kaggwa and is the organ that is actively participating in the revival of party activities. The rise of the Mobilisers' Group was in part the result of complaints to the effect that the DP leader Dr. Ssemogerere had virtually abandoned the party in favour of the NRM. Ssemogerere is however a very astute and principled politician who is not known to rush into action without sober reflection and it is generally felt that he is still the DP's best candidate for the highest office in the land.

According to stalwarts of the DP the party suffered two blessings in disguise. One was the arrest of its top leaders who were later charged with treason, these were Secretary General Robert Kitariko, Vice President Andrew Adimola, National Publicity Secretary Dr Michael Ojok Mulozi and National Organising Secre-

THE CRUSADERS

Democratic Party:
Micheal Kaggwa and the Mobilisers' Group

Conservative Party:
Ken Lukyamuzi and "Liberal Conservatives"

Uganda People's Congress:
Cecilia Ogwal and Obote in Exile

UPC Assistant Secretary General, Cecilia Ogwal maintains that her party is not part of the broadbased management.

174

DP's Dr. Ssemogerere: stand on parties unquestionable. Wary of Mobilisers' group.?

tary Zachary Olum. The belief held by party supporters that the arrests of these people were politically motivated were lent weight when all were acquitted by the High Court (See story elsewhere). Indeed they emerged from prison somewhat politically 'purified' and basking in the aura of martyrdom.

Another major send-off for the party was the inferno that gutted the building that houses its secretariat. It was again strongly hinted that the fire was the work of those opposed to the party in general and of political pluralism in particular. The image being presented was that of a tiny David battling the Goliath opposed to the multi-party system. To date the exact cause of the fire remains unknown.

In another dramatic move, a local Luganda daily announced the alleged formation of a new political party composed of top NRM heavy-weights including the Vice President Dr. Samson Kisekka and the National Political Commissar Eriya Kategaya. The NPC denied that he and the others were contemplating any such move and charged that the rumour concerning the United Republic Party was the work of DP Mobilisers' Group, a charge the orgnisation denied. And following the DP's revival of party branches, Mr Kategaya observed that whereas there was nothing intrinsically wrong with this the NRM would not tolerate such activities if they were exploited to divide the people of Uganda. He further warned that there was a legislation that had suspended the activities of political parties and that government had all the means necessary to enforce the same.

Observers however feel that any such crack-down involving the arrest of party activists would only serve to further strengthen their hand and make their claims more credible. Party activists themselves anticipate that when the tide for pluralism gathers the NRM will be too overwhelmed to stop it.

Eriya Kategaya: denied URP claim and warned parties that their suspension still held.

As if taking cue from these developments the exiled leader of the Uganda People's Congress Dr Milton Obote allegedly announced that his former minister for Culture Dr. James Rwanyarare would act in his (Obote's) capacity, perhaps until his (Obote) return to the country. Many would-be UPC supporters decry this persistence to cling onto the apron-strings of an otherwise discredited dictator. Dr. Obote and his erstwhile supporters however show no sign of budging. Rwanyarare himself denied that he had been appointed in the capacity mentioned above.

The Uganda People's Congress, recuperating from its last unadmirable stint in power is less vocal than the DP. Analysts however say UPC must never be underestimated if the results of the 1980 general elections are anything to

Ken Lukyamuzi: opposed to the NRM political schools

go by. The party has suffered a host of setbacks; its president Obote is in exile in Zambia, its Vice President Paulo Muwanga is dead and many of its cadres in central Uganda were murdered in revenge killings after the July 1985 coup. In the meantime a number of top party cadres have been arrested, jailed and in a few cases charged with anti-state activities. Among these is Prof. Kagenda Atwoki who was charged with possession of a seditious publication, Obel Maktim Olero, Peter Ekusai and others who were charged with treason as well as brief arrests of others lower in the party hierarchy. UPC members routinely assert that they would win any general election in a free and fair contest although the facts may not bear out this case. The Conservative Party seems to be rather disorganised. Its day to day affairs have been overseen by its Secretary General the youthful John Ken Lukyamuzi. Lukyamuzi has time and time again issued statements on behalf of the party clarifying its stand on topical issues. It was thus to the consternation of many when it was learnt that party boss Mayanja Nkangi had suspended Lukyamuzi from his duties pending a meeting of the executive committee to decide his fate. Trouble arose out of a statement issued by Mr Lukyamuzi stating that among other things it was time to terminate the broad-based government considering what he called the heaps of insult that the NRM was piling on the multi-party system. Mr Nkangi must have been further disenchanted when Lukyamuzi referred to him and the leaders of other parties in the NRM administration as mere

DP Mobilisers's Micheal Kaggwa: is he aiming for the party's top post?

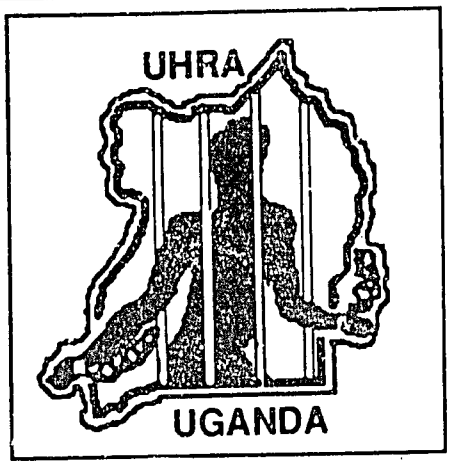
figure-heads with no impact on policy decisions. Lukyamuzi went on to declare that the Conservative Party was ready to hold a joint rally with the DP and other political parties in order to show the NRM how strong the parties were, before concluding that the NRM political schools be closed down if they could not accommodate multi-party activists as lectur-

Graduates of the NRM political Schools: NRM insists these are not indoctrination courses.

ers there.

Mayanja's decision to suspend Lukyamuzi came under spirited attack by other party officials. An executive committee member Mr Samwiri -- Kibuuka acidly accused the party boss of cowardice adding that his decision to suspend the Secretary General was high-handed and dictatorial He reaffirmed the statement issued by Mr Lukayamuzi going on to state that the NRM and the RC system were clearly communist.
This apparent discord within the party is one of the signs that the CP is less well-organised than its other partners in the struggle for multi-party democracy. As we went to press Mr Lukyamuzi was reinstated to his post, lending weight to the suspicion that Mr Nkangi was afterall not fully in charge of the party.

The National Resistance Movement has promised general elections in 1994. But as to whether these will be contested on party lines is not obvious. President Y.K. Museveni has repeatedly emphasized that it will be up to Ugandans to decide the political culture under which they will be governed but emphasises his strong (personal) opposition to the multi-party system.



Under this system he argues, the differences rather than the commonalities existing among peoples are emphasized to the detriment of unity in diversity. On its part the NRM advocates for what is called a 'No Party System' under which Ugandans of all shades of opinion come together for a common purpose and divisive and sectarian politics.

The disciples of pluralism anticipate that western donors countries will lean heavily on the NRM government to lift the ban on parties as a precondition for a sustained flow of aid. This may however not be true if the words uttered by British Prime Minister John Major are anything to go by Addressing a Commonwealth conference in Harare Mr Major stressed that it was not the intention of western powers to impose their own political systems upon other (Third World) countries and observed that democracy could be practiced and enjoyed in various forms.
It cannot be true to imagine that a mere change of systems can effect major positive changes in the social and economic arena of the country. However those Ugandans who might feel that the NO Party system is not working might give the pluralists a go even if only to experiment with a system so many are clamouring for.

Our concern as the Uganda Human Rights Activists is that this pluralism must not be abused when it is so endorsed. No Ugandan worth the name would like a replay of the events that followed the rigged election in 1980 up to the time when the NRM assumed power in 1986.

Ugandans must first learn to value and love their country above their parties. Unless this becomes the locus all the blood that was shed in the struggle for freedom and democracy will have been shed in vain.....

ATTACHMENT 12

DRAFT LOCAL GOVERNMENT BILL

THE LOCAL GOVERNMENTS BILL, 1993

Arrangement of Clauses

Clause

Part 1 - PRELIMINARY

1. Short title
2. Objects of the Statute
3. Interpretation

Part 2 - ESTABLISHMENT OF LOCAL GOVERNMENT SYSTEM

4. Local Governments
5. City to be District
6. Local Government to be body corporate
7. Boundaries and Local Government Units
8. District and Urban Councils
9. Lower Local Governments
10. Chairman
11. Councillors not full-time

Part 3 - POWERS OF LOCAL GOVERNMENT COUNCILS

12. Functions of District and Urban Councils
13. Central Government to delegate to Local Governments.
14. Minister and Local Government to delegate
15. Local Laws
16. Meetings and Other operations of Council
17. Council to offer guidance

Part 4 -- LOCAL GOVERNMENT COMMITTEES

18. Finance and Administrative Committees
19. District Development Committee
20. Other Committees
21. Delegation to Committees

Part 5 - GENERAL GOVERNMENT REPRESENTATIVE AND INSPECTOR-GENERAL OF GOVERNMENT

22. Central Government Representative
23. Inspector General of Government

477

Part 6 - ACCOUNTS AND AUDIT

24. Accounts to be kept
25. Accounts to be kept
26. District Accounts Committee
27. Chief Internal Auditor

Part 7 - DISTRICT SERVICE COMMISSION

28. District Service Commission
29. Staff to be appointed by Commission

Part 8 - LOCAL GOVERNMENT STAFF

30. District Executive Secretary and Town Clerk
31. Functions of Secretary and Clerk
32. Staff responsible to Secretary or Clerk
33. Council to supervise performance
34. Invalid appointment

Part 9 - FINANCIAL PROVISIONS

35. Financial year and Regulations
36. Revenue of Councils
37. Percentage for Sub-county
38. Penalties
39. Block grants
40. Funds transferred to delegated Council

Part 10 - MISCELLANEOUS PROVISIONS

41. Protection from court action
42. Minister to delegate
43. Powers to amend schedules
44. Repeal
45. Validation of Actions

480

SCHEDULES

FIRST SCHEDULE

The Local Governments Elections Regulations.

SECOND SCHEDULE

The Local Governments (Councillors Allowances) Regulations.

THIRD SCHEDULE

Functions And Services Exclusively.

Reserved to the Central Government.

FOURTH SCHEDULE

The Local Government Councils Regulations.

FIFTH SCHEDULE

Functions And Powers of Local Government Council Not To Be Delegated To Committees.

SIXTH SCHEDULE

The Local Government Staff Not To Be Appointed By The District Service Committee.

SEVENTH SCHEDULE

The Local Government Revenue Regulations.

EIGHTH SCHEDULE

Formula For Distributing Block Grants To Individual District And Urban Councils.

49

A BILL FOR A STATUTE

ENTITLED

THE LOCAL GOVERNMENTS STATUTE, 1993

A statute to modify the existing laws relating to Local Government, to increase local democratic control and participation in decision-making, and to mobilize support for development which is relevant to local needs.

Part 1 - PRELIMINARY

Short title.

1. This statute may be cited as the Local Governments Statute, 1993.

Objects of the statute.

2. (1) The object of the Statute is to create a process of decentralization whereby functions, powers and responsibilities are transferred from the Central Government to the Local Governments and from the higher Local Government to the lower Local Government units, in order that governmental decisions are taken as close as possible to all those involved.

(2) Functions, powers and responsibilities may be transferred only when adequate provision of the of the necessary resources has been made to effect those activities.

Interpretation

3. In this Statute, unless the context otherwise requires-

"Minister" and the "Ministry" shall be the Minister and the Ministry responsible for Local Governments.

152

(other definitions left open for the time being)

Part 2 - ESTABLISHMENT OF A LOCAL GOVERNMENT SYSTEM

Local Government

4. There shall be a Local Government system based on the following units-
   (a) District Councils;
   (b) City Councils;
   (c) Municipal Councils;
   (d) Town Councils;
   (e) Division Councils;
   (f) Sub-County Councils;
   (g) Ward Councils;
   (h) Parish Councils;
   (i) Village Councils.

City to be a District

5. A City shall be equivalent to a District, and the City Council shall exercise all powers conferred upon a District, within its area of jurisdiction.

Local Government to be body Corporate

6. Every District, City, Municipal, Town, Division and Sub-county Council shall be a body corporate with perpetual succession and and a common seal and may sue or be sued in its corporate name.

Boundaries and Local Government

7. (1) The boundaries of Local Government units shall be those which existed immediately before the coming into force of this Statute.

(2) Districts may be formed and boundaries altered as is provided by the Constitution.

(3) The Minister may, in consultantion with the Council or Councils concerned, by statutory instrument-

(a) declare an area to be a city;

(b) assign a name to a city; and

(c) define or alter the boudaries of a city.

(4) A District Council may, within its area of jurisdiction with the approval of the Minister, alter the boundaries of municipalities and towns, and may declare new municipalities and towns.

(5) A District Council may, within its area of jurisdiction, alter the boundaries of lower Local Government units and create new such units and shall notify the Minister accordingly.

District and Urban Councils

8. (1) There shall be a District Council in each District which shall comprise-

(a) one person from each electoral area within the district, directly elected by universal adult suffrage through a secret ballot; and

(b) two women representatives elected by each County Council to represent that County.

454

(2) There shall be a City Municipal or Town Council where a City Municipal or Town is declared under section 7 and the Council shall comprise-

(a) one person from each electoral area within the city or the municipality directly elected by universal adult suffrage through a secret ballot; and

(b) two women representatives elected by each Division Council to represent that division.

(2) There shall be a City, Municipal or Town Council where a City, Municipal or Town is declared under section 7 and the Council shall comprise-

(a) one person from each electoral area within the city or the municipality directly elected by universal adult suffrage through a secret ballot; and

(b) two women representatives elected by each Division Council to represent that Division.

Elections of Councils

9. (1) The elections for the Councils referred to under section 8 shall be held under the authority of the Electoral Commission in accordance with the Local Governments Election, Composition and Procedure Regulations as specified in the First Schedule.

485

(2) A District, City and Municipality shall be divided by the Electoral Commission into Electoral Areas, which shall be demarcated in such a way that the number of the inhabitants in the Electoral Areas are as nearly as possible equal; nevertheless, the number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.

(3) In the demarcation of electoral areas, the Commission shall ensure that each Sub-county is represented at the District Council by at least one person, and each Ward Council is represented at the City Council or the Municipal Council by at least one person.

(4) Elections of District, City and Municipal Councils shall be held at a time not coinciding with elections of representatives to Legislature.

(5) Local Government Councils elections shall be held in accordance with the Local Governments Elections Regulations specified in the First Schedule.

Chairman

10. Each Local Government unit shall have a Chairman elected from among its members.

Councillors not full-time

11. (1) Chairman and other Councillors shall not be full-time officers and shall not be paid any salary.

(2) Councillors shall be paid allowances as is fixed in the Second Schedule.

Part 3 - POWERS OF LOCAL GOVERNMENT COUNCILS

Functions of District and Urban Councils

12. (1) Every District, City, Municipal and Town Council shall, within its own area of jurisdiction, with the exceptions listed under sub-section (2) exercise all political and administrative authority to provide services as it deems fit.

(2) The Councils referred to under sub-section (1) shall not exercise authority-

(a) in relation to matters reserved for the central Government in accordance with the Third Schedule;

(b) in a manner contravening any other law; or

(c) in relation to matters duly allocated to be the responsibility of other agencies,or of other Local Government Councils.

(3) Local Government Councils and their staff shall continue to exercise those functions, powers and responsibilities that were vested in them immediately before the coming into force of this Statute, unless such exercise is incompatible with any provision of this Statute or of any other law.

Central Government to delegate to Local Governments

13. (1) A central Government Minister may assign functions, powers and responsibilities to a Local Government Council and a Local Government Council may assign functions, powers and responsibilities to a lower Local Government Council within its area of jurisdiction, provided-

(a) that both parties are in agreement;

(b) that the necessary resources are made available for the exercise of those powers and responsibilities; and

(c) that appropriate measures are taken to bring the change to the attention of the public.

(2) A copy of an assignment under subsection (1) shall be sent by the authority making the assignment to the relevant District Executive Secretary and to the Minister to be registered and stored both by the District Administration and in the Ministry, and shall be open to public access.

(4) The Minister shall, by a notice in the Gazette, publish the assignment registered.

Minister and Local Government to delegate

14. A Central Government Minister may delegate functions and powers to a Local Government Council and a Local Government Council may delegate functions and powers to a lower Local Government Council within its area of jurisdiction; nevertheless the final

4

responsibility for such functions and powers shall continue to vest in the delegating party.

Local Laws

15. (1) A Local Government Council may in relation with its powers and responsibilities make local laws not inconsistent with the Constitution or any other enactment by the Legislature.

(2) The public shall be given access to such legislation in accordance with the rules set out in the Fourth Schedule.

(3) Where the Minister is of the opinion, that a local legislation contravenes or derogates from the provisions of the law, he shall on the advice of the Attorney General withhold the publication of notice in the Gazette and shall within ninety days return the legislation together with his comments thereon to the relevant Council, for annulment, modification or other appropriate action by the involved Councils.

Meetings and Other operations of Councils.

16. (1) Meetings and other operations of the Councils shall be as is specified in the Fourth Schedule to this Statute.

(2) A Local Government Council may, with the approval of the Minister make bye-laws for the proper conduct of its own meetings and the conduct of business of its Committees.

Council to offer guidance

17. A Local Government Council may offer guidance to all other Councils within its area of jurisdiction.

Part 4 - LOCAL GOVERNMENT COMMITTEES

Finance and Administrative Committees

18. (1) Every District, City, Municipal, Town, Division and Sub-county Council shall appoint a Finance and General Purposes Committee and an Administrative Committee.

(2) The Chairman of the Council shall be the Chairman of both Committees and the other members shall be elected among the members of the Council in accordance with the regulations under the First Schedule.

(3) The number of members of the Finance and General Purposes Committee shall be as regulated as is provided under the Fourth Schedule and the functions will be as stated in Financial Regulations by the Minister.

(4) The Finance and General Purposes Committee shall between the meetings of the Council carry out the functions of the Council, other than the legislative functions.

(5) The Administrative Committee shall-

(a) prepare and submit to the Local Government Council for approval-

(i) local laws;

(ii) Regulations and Standing Orders made in accordance with section 16;

(b) exercise the executive and coordinating functions of the Local Government.

District Development Committee

19. (1) Every District Council shall appoint a District Development Committee which shall consist of heads of services in the District members of the legislature and members of Local Government Councils in accordance with the Fourth Schedule and the Chairman of the District Council shall be the Chairman of the Committee.

(2) The District Development Committee shall, with due regard to any Development Plans made for its area of jurisdiction-

(a) discuss, prepare and submit yearly to the District Council a draft development plan for approval;

(b) monitor the implementation of the development plans approved by the District Council;

(c) report quarterly to the District Council on the progress of the implementation of the plans;

(d) offer guidance to lower Local Government Councils on planning issues.

Other Committees

20. (1) A Local Government Council may appoint other Committees as it may decide; and shall appoint Committees as are made mandatory in other legislations.

(2) A Local Government Council may concur with any other Local Government Council in appointing a joint Committee for any matter in which they have a common interest.

Delegation to Committees

21. A Local Government Council may delegate to a Committee, including a joint Committee, any of its functions and powers, other than those specified in the Fifth Schedule.

Part 5 - CENTRAL GOVERNMENT REPRESENTATIVE

Central Government Representative

22. (1) There shall for every district be a Central Government Representative.

(2) The Central Government Representative shall be appointed by the President.

(3) The Central Government Representative shall-

(a) monitor the administration of the Central Government services in the district;

(b) advise the District and Urban Councils on matters of a national nature that may affect the Local Councils or their plans and programmes, and particularly on the

relationship between the district and the Central Government.

Inspector of Government

23 (1) The Inspector General of Government shall among the functions of his office be required to promote and foster in Local Governments strict adherence to the rule of law; and shall supervise the enforcement of the Leadership Code of conduct.

(2) To ensure accessibility to the Inspector-General of Government by the General Public, the Inspector-General of Government may establish branches at district and other administrative levels as he considers appropriate.

Part 6 - ACCOUNTS AND AUDIT

Accounts to be kept

24. Every Local Government shall keep proper accounts and other records in relation thereto and immediately after the end of each financial year shall balance its accounts for that year and produce statements of final accounts.

Accounts to be audited

25. (1) The accounts of every Local Government shall be audited by the Auditor General or an auditor appointed by him.

(2) The Auditor General shall give his report and any other matter arising from his audit that he wishes to bring to their notice, to the Minister responsible for

finance, the Minister, the Local Government Accounts Committee, and the Local Government for which the accounts would have been audited.

(3) A Local Government Council shall give the External Auditor all the information and facilities required to perform the auditing.

District Accounts Committee

26. (1) There is established in each District a Local Government Accounts Committee which shall be composed as is provided in the Seventh Schedule.

(2) The Local Government Account Committee shall examine the report of the Auditor General on the annual accounts of each Local Government within the District and require the attendance of any councillor or officer to explain matters arising from the report.

(3) The Local Government Accounts Committee shall report on its findings to the Public Accounts Committee, the Minister responsible for finance, the Minister and the relevant Local Government Council and make recommendations for further action, if any.

Internal Audit

27. (1) Every District, City and Municipal Council shall provide for internal audit.

494

(2) The Head of Internal Audit shall be responsible to the Council.

(3) The Chief Internal Auditor shall prepare quarterly reports which will be considered by the Finance and General Purposes Committee.

Part 7 - DISTRICT SERVICE COMMISSION

District Service Commission

28. (1) There shall for every district be a District Service Commission composed of a chairman and four members, who shall be persons of high moral character and proven integrity.

(2) The chairman and the other members shall be appointed by the District Council with the approval of the Public Service Commission for a period of four years and shall be eligible for reappointment for one further term of four years.

(3) The members of the District Service Commissioner shall not hold any other public office within the area of jurisdiction of the District.

(4) A member of the District Service Commission may be removed from office by the District Council after consultation with the Public Service Commission, but he may be removed only for-

(a) inability to perform the functions of his office arising from physical

or mental incapacity or from any other cause;

(b) serious misbehaviour or misconduct; or

(c) conduct unbecoming of the holder of the office.

Staff to be appointed by Commission

29. (1) The power to appoint persons to hold or act in any office in the service of a Local Government, including the power to confirm appointments, to exercise disciplinary control over persons holding or acting in offices, and to remove any person from office, shall be vested in the District Service Commission.

(2) Notwithstanding the provisions of sub-section (1), the categories of staff mentioned in the sixth Schedule, shall not be appointed by the District Service Commission, but shall be under the jurisdiction of the Public Service Commission.

Part 8 - LOCAL GOVERNMENT STAFF

District Executive Secretary and Town Clerk

30. (1) There shall be in each district a District Executive Secretary who shall be responsible to the District Council.

(2) There shall be in each urban council, a Town Clerk who Town Clerk shall be responsible to his Local Government Council.

496

Functions of Secretary and Clerk

31. (1) The District Executive Secretary or the Town Clerk shall be the chief executive officer and the accounting officer for his Local Government, and in those capacities shall-

(a) be responsible for the implementation of all decisions taken by that Local Government;

(b) supervise and coordinate the activities of all officers and departments of that Local Government; and

(c) supervise and coordinate the activities of all seconded officers;

(d) have custody of all documents of that Local Government.

(2) The duties of the District Executive Secretary and the Town Clerk shall be further defined in the Local Governments Regulations and Standing Orders, made under section 16.

(3) In addition to the duties under sub-section (1), the District Executive Secretary shall perform all statutory duties and functions which under any law vested in the former office of the District Commissioner.

Staff responsible to Secretary or Clerk

32. Staff appointed to Local Governments under sub-section (1) of section 31 shall be subject to the general direction of the Councils; and and be responsible to the District Executive Secretary, or in Urban Councils, the Town

Clerk, but their conditions of service hall be determined in accordance with Public Service Standing Orders.

Council to supervise performance

33. Any person authorized by a Local Government may perform, under the direction and supervision of the Council, any function under the provisions of this Statute as may be assigned to him and all acts done in the performance of those duties shall be deemed to be done by the Council.

Invalid appointment

34. Any action taken by an appointed officer of a Local Government shall not be invalid by reason only that his appointment or authorization was invalid.

Part 9 - FINANCIAL PROVISIONS

Financial year and Regulations

35. (1) The financial year of the Local Government Councils shall be a period of 12 months as stated in the Seventh Schedule.

(2) The Minister of Local Government may make financial regulations prescribing the manner in which the financial business of the Local Governments shall be controlled and managed.

Revenue of Councils

36. (1) The revenues of District and Urban Councils, the details of which are specified in the Seventh Schedule shall include:

(a) graduated tax;

(b) rates;

(c) revenue from other sources.

(2) A District or Urban Council may, while proving the budget, increase or decrease the scales of the graduated tax in accordance with the Seventh Schedule but the Council shall not fix the tax to be below 80 per cent or beyond 120 per cent of that stated in the scale.

Percentage to go to Sub-County of Division

37. (1) Revenue shall be collected by City, Municipal and Town Councils in urban areas.

(2) The minimum of thierty per cent of the revenue collected by a City Council, shall, be distributed based on objective criteria under the Seventh Schedule, as grants to Division Councils.

(2) In rural areas, revenue shall be collected by Sub-County Councils, and the collecting Council shall retain a minimum thirty per cent of the collected revenue as its own revenue and pass the remaining 70 percent over to the District.

Tax Collection and Penalties

38. (1) Tax assessment and collection of revenue shall be in accordance with the regulations laid down in the Seventh Schedule.

(2) The regulations may state penalties for those who commit offences against the regulations.

Block grants

39. (1) The Central Government shall annually transfer resources to District Councils in the form of block grants.

(2) The total amount to be transferred to District Councils shall be included in the proposal for the national budget and when deciding the amount, full account shall given to the functions, powers and responsibilities transferred from Central Government to the Local Government Councils as is indicated under sub-section 1 (b) of section 13.

(3) The block grants shall be distributed to individual District, City, Municipal and Town Councils based on objective criteria as stated in the Eight Schedule, and paid to the Districts quarterly in advance.

Funds transferred to delegated Council.

40. (1) Where a Minister delegates functions and powers to a Local Government Council, he shall, by the same arrangement, transfer necessary resources to the Local Government Council and may attach conditions on the Councils disposal of the transferred resources as he deems fit.

(2) Where a Local Government Council assigns functions, powers and responsibilities to a lower Local Government Council, it shall by the same arrangement, transfer necessary resources to the lower Council and the transfer shall be in the form of a block grant without conditions.

(3) Where a Local Government Council delegates power to a lower Local Government Council, it shall by the same arrangement, transfer necessary resources, and by doing so, may attach conditions on the lower Council's disposal of the transferred resources as it deems fit.

Part 10 - MISCELLANEOUS PROVISIONS

Protection from court action

41. No act, matter or thing done or omitted to be done by-

(a) any member of a Council or a Committee of a Council;

(b) any member of staff or other person in the service of a Council; or

(c) any person acting under the directions of a Council

shall, if that act, matter or thing was done or omitted in good faith in the execution of his duty or under direction, render that member or person personally liable to any civil action, liability, claim or demand.

Minister to delegate

42. Where under this Statute the Minister is empowered to exercise any powers or perform any duties, he may delegate that power or duty to any person by name, or the office, to exercise that powers or perform the duty on his behalf, subject to any conditions, exceptions, and qualifications as the Minister may prescribe.

Powers to amend Schedule

43. The Minister may amend, alter or revoke any of the Schedules provided under this Statute and the Minister shall not have power to delegate this function.

Repeal
Act 18 of 1967
Cap 27
Stature 9 of 1987

44. The following legislations are repealed
(a) the Local Administrations Act. 1967;
(b) the Urban Authorities Act;
(c) the Resistance Councils and Resistance Committees Statute, 1987.

Validation of actions

45. Anything done or made before the commencement of this Statute in relation to the decentralization of duties and powers, which acts would have been done or made under this Statute, shall be deemed to have been done or made under this Statute.

506

S C H E D U L E S

FIRST SCHEDULE

S.9

THE LOCAL GOVERNMENTS ELECTIONS REGULATIONS

Arrangements of Regulations

Regulations

Part 1 - Preliminary

1. Title and application
2. Interpretation
3. Qualification of Councillors
4. Voter's Register

Returning Officers And Presiding Officers

5. Appointment of returning officers
6. Presiding Officers and polling assistant

Nomination of Candidates

7. Declaration of nomination days
8. Procedure for nomination of candidates
9. Declaration of qualification and payment of nomination fee
10. Unopposed candidate or where candidate dies before polling day.

Voting and Voting Procedures

11. Appointment of pooling day
12. Polling stations and voting
13. Polling procedure
14. Assistance to be given to disabled voters
15. Distribution of ballot boxes
16. Earlier closure of polling station
17. Adjournment of poll in cases of disturbances or other events
18. Votes at each polling station to be counted
19. Results to be announced at polling stations
20. Declaration of winning candidate
21. Storage of ballot papers and boxes
22. Election petitions to be filed and determined expeditiously

Part 3 - Lower Local Government Councils

23. Elections of Lower Councils.

THE LOCAL GOVERNMENTS ELECTION COMPOSITION AND PROCEDURE REGULATIONS

Part 1 - Preliminary

Title and application

1. These regulations may be cited as the Local Governments Elections Composition And Procedure Regulations and shall apply to the election of the Local Government Councils in Uganda.

Interpretation

2. Commission means the Electrol Commission established under the Constitution.

Part 2 - District, and Urban Councils

Qualifications of Councillors

3. (1) A person shall qualify to be elected to a District or Urban Council if that person-

(a) is a citizen of Uganda and not less than 18 years of age;

(b) is ordinarily resident in the particular District, City or Municipality or Town; and

(c) has paid all his taxes under any enactment.

(2) For the purposes of sub-paragraph (1) (b), a person shall be deemed to be ordinarily resident in a District or Urban if within a year prior to the holding of an election he shall have lived in the particular, District, City Municipality or Town for an aggregate

504

period of not less than six months.

Voters register

4. (1) The voter's register compiled by the Commissioner for purposes of elections of the Legislature shall be the register for the elections of the District and Urban Councils.

(2) The rules for the registration of voters of the Legislature shall apply to the registration under this section.

Returning Officers And Presiding Officers

Appointment of returning officers, etc.

5. (1) The Electoral Commission shall by name or office appoint one returning officer in respect of each District and Urban area.

(2) A returning officer appointed under paragraph (1) shall be the officer-in-charge of the election of all Councillors within the Electoral Area.

(3) A returning officer shall appoint not more than two assistant returning officers to assist the returning officer to carry out the responsibilities of the office of returning officer and shall notify the Commissioner of his appointments.

Presiding officers and polling

6. (1) Every returning officer shall, after notification to all returning officers by the Electoral Commission, appoint for

505

assistants

each polling station, a presiding officer and two polling assistants.

(2) In the absence of the presiding officer from the polling station, the polling assistant who is older in age shall be the presiding officers.

Nomination of Candidates

Declaration of nomination days.

7. (1) The Electrol Commission shall, by notice in the Gazette, declare a period of two days, to be known as nomination days, during which every person aspiring to be elected as a Councillor shall tender in his declaration of qualifications and nomination paper to the returning officer.

(2) The Commission shall, in the notice referred to under paragraph (1), specify the places where nomination shall be conducted.

(3) The time during nomination days within which the nomination of all candidates shall take place, shall be between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

Procedure for nomination of candidates.

8. (1) During nomination days, every returning officer shall attend at the place notified by the Commission, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon to

receive the nomination papers of each candidate, for elections as a Councillor.

(2) The nomination of a candidate shall be in the form of nomination of a member of the legislature.

(3) The nomination of every candidate shall-

(a) be proposed by two persons registered as voters, and normally resident in the Electoral Area of the person seeking nomination;

(b) be supported by ten persons registered as voters, and residing, in the respective Electoral Area;

(c) be endorsed by the proposed candidate's own consent signified by the candidates' signature on the nomination paper; and

(d) be accompanied by three recent black and white passport-size photographs, of the person seeking nomination.

(4) Where, subsequent to the nomination of any candidate, any voter who proposed or supported the nomination is disqualified as a voter or dies before election day, that fact alone shall not invalidate the nomination of the candidate.

(5) No person shall-

(a) propose or support more than one candidate; or

(b) propose or support any candidate in an Electoral Area in which that

person is not registered as a voter.

Declaration of qualification and payment of nomination fee.

9. (1) The nomination of every candidate shall not be complete or valid unless, at the time of nomination-

(a) the candidate files with the returning officer a declaration of qualification signed by the candidate; and

(b) the candidate pays, in cash or bank draft, a fee that may be prescribed by the Commission.

(2) The nomination fees received by a returning officer shall be delivered by the returning officer to the District Finance Officer.

(3) No person shall stand nominated as a candidate in more than one Electoral Area and where any candidate is nominated in more than one Electoral Area all nominations shall be invalid.

(4) A returning officer shall declare the nomination of a person invalid where the provisions of paragraph (3) of Regulation 8 are not met.

(5) A returning officer shall not accept the nomination papers of any candidate where the nomination papers are tendered to the returning officer after four o'clock in the afternoon on any of the two nomination days.

Unopposed candidate or where candidate dies before polling day.

10. (1) For any Electoral Area where, at the end of the nomination days, only one person has been nominated as a candidate, the returning officer shall declare that candidate elected as a Councillor and forward the candidate's name to the Commission.

(2) In any Electoral Area where no more than two candidates are nominated as candidates, and one of the candidates dies subsequent to nomination but before polling day, the Commission shall order a fresh nomination for additional candidates and set a separate polling day in that Electoral Area.

Voting and Voting Procedures

Appointment of polling day.

11. (1) The Commission shall, by notice in the Gazette, appoint a day to be known as polling day.

(2) The Commission shall not appoint as polling day a day which allows a period of less than thirty days between nomination day and polling day.

Polling stations and voting

12. (1) There shall be located one polling station in every parish and the polling station may be located at the parish offices or at any other convenient public place within the parish.

(2) Where there is reasonable ground to believe that a single polling station within a parish may be inconvenient or cause hardship to the residents or when the population of vote's or the distances involved necessitates it, the returning officer may allow more than one polling station within a parish.

(3) At every polling station polling time shall commence at seven o'clock in the morning and close at five o'clock in the afternoon.

Polling procedure.

13. (1) On polling day, at every polling station, there shall be positioned four tables in the following order-

(a) a table where every voter shall report for identification in the voters' register and collection of a ballot paper;

(b) a table positioned at least four metres from the first table with two pens, each pen being attached to the table with a string measuring about one metre in length, where every voter shall proceed and vote for a candidate of the voter's choice by means of a tick, a cross or a thump print, in the space provided in the box against the picture of the candidate on the ballot paper and, after voting, fold the ballot paper

510

four times to enable it to be deposited in the slot of the ballot box;

(c) a third table located at least four metres away from the second table and on top of which shall rest a ballot box into which every voter shall deposit the folded ballot paper in the full view of all present; and

(d) a fourth table located at least four metres from the ballot box table where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the little finger or, if the voter has no little finger, the finger nearest to the position of the little finger of the voter's left hand dipped into indelible ink to indicate that the voter has cast the ballot.

(2) For the purposes of sub-paragraph (1)(d)-

(a) if the voter has no left hand the process shall be applied to the right hand; or

(b) if a voter has no fingers on the left or right hand, such voter may dip the tip of any hand into indelible ink;

511

(c) if the voter has no hands, the process shall be applied to any other conspicuous part of the voter's body as a polling assistant may determine.

(3) The ballot paper to be used at every election shall be the form of ballot paper used for the election of a member of the legislature.

(4) No person shall vote more than once or at more than one polling station; any person who does so commits an offence.

(5) For the purpose of ensuring that no voter casts a vote more than once, a presiding officer or a polling assistant may inspect a voter in order to ascertain whether or not a voter has been marked with indelible ink and any person who refuses to be inspected commits an offence.

(6) A candidate may appoint in writing, addressed to the presiding officer, at every polling station within the Electoral Area, not more than two polling agents whose duty shall be to safeguard the interests of the candidate with regard to the voting process; and polling agents appointed under this paragraph shall report to the respective presiding officer on polling day.

512

Assistance to be given to disabled voters.

14. (1) Where a voter is blind or is, for any other reason, including illiteracy, old age or infirmity, unable to fix the required mark of choice on the ballot paper, that voter may report at the polling station accompanied by a spouse or any other member of the voter's family, to assist the voter to fix the mark of choice on the ballot paper on the voter's behalf or may request the presiding officer or a polling assistant at the polling station to assist that voter.

(2) It shall be lawful for any member of a voter's family to assist a voter under paragraph (1) notwithstanding that the former is below the age of eighteen years.

Distribution of ballot boxes.

15. (1) The Commission shall cause ballot boxes to be distributed to all polling stations and two or more ballot boxes shall be placed at each polling station at least twenty four hours before the commencement of polling time.

(2) The presiding officer at each polling station shall, at the commencement of the poll and in the full view of all present, open the first ballot box, turn it upside down with the open top facing down to ensure to the satisfaction of everyone present that the ballot box is devoid of any contents and thereafter place the

ballot box at the polling table; and where more than one ballot box is used after the first box, the same procedure shall be followed during the placing on the polling table, of any additional ballot box.

(3) Where one ballot box gets filled with ballot papers the presiding officer shall seal the top of the filled ballot box with a marked sealing pad and place a second ballot box on the polling table without removing the first one from the polling table and the process shall be repeated in case of any additional ballot box.

Earlier closure of polling station.

16. A presiding officer, may close the polling station before the expiry of polling time where-

(a) all voters in the register complete the voting process before the expiry of the voting time; or

(b) a riot breaks out at the polling station or any other event occurs which, in the judgement of the presiding officer, cannot permit the voters the free exercise of their choice of candidates or the polling to commence or to continue.

Adjournment of poll in cases of

17. (1) In the event of any polling at a polling station being interrupted by a riot or violence or any other event while there remains, in the voter's register, voters

514

disturbances or other events.

who have not completed the polling process, the presiding officer shall adjourn the polling to the next day or to any other time of the same day, not beyond five o'clock in the afternoon, and shall immediately inform the returning officer accordingly.

(2) Where the polling is adjourned to the following day under paragraph (1) polling time shall be the same as on the original polling day.

Votes at each polling station to be counted.

18. (1) Votes cast at a polling station shall be counted at that polling station immediately after the presiding officer declares the polling closed.

(2) A candidate may appoint one counting agent at each polling station for the purpose of ensuring fairness in the poll's counting process.

(3) At the commencement of the counting process, the presiding officer shall, in the presence and full view of all present, unseal each ballot box, one at a time, and empty its contents onto the polling table, and with the assistance of polling assistants and counting agents proceed to count the votes putting votes polled by each candidate separately.

(4) During the counting of votes, the presiding officer shall reject as in

valid any ballot paper which-

(a) is not stamped or perforated with official mark; or

(b) is marked by a voter more than once and in a manner that no clear voter's choice can be ascertained; or

(c) does not bear any voter's mark of choice and the presiding officer's decision to reject any ballot paper shall be based upon reasons which the presiding officer shall give in the presence of polling assistants and counting agents.

Results to be announced at polling stations.

19. (1) At the closure of the counting process and any necessary verifications, the presiding officer shall announce to those present the votes polled by each candidate at the polling station.

(2) The presiding officer shall enter the particulars of votes polled by each candidate at the polling station against the name of the respective candidate on the Declaration of Results Form, as is used in the results of a member of the legislature and the form shall be completed in triplicate and signed by the presiding officer in the presence of the polling assistants and the counting agents of each candidate and two copies shall be delivered by the presiding officer to the returning officer one copy remaining at the polling station.

516

Declaration of winning candidate.

20. (1) Every returning officer, after receiving all the polling results from all the polling stations in an Electoral Area, and after verifying the total votes polled in favour of each candidate, shall declare the candidate who obtains the greatest number of votes as the elected Councillor and communicate the name of the winning candidate, together with copies of the Declaration of results Form signed at all polling stations within the Electoral Area to the Commission.

(2) In any Electoral Area where there is an equal number of votes in favour of two leading candidates the Commission shall nominate another polling day and only the two leading candidates shall remain candidates for that election.

Storage of ballot papers and boxes

21. A presiding officer shall ensure that at the conclusion of the counting process, all ballot papers used at the polling station are returned into the ballot boxes which shall be sealed, and for a period of six months commencing on the date following polling day, stored in a secure place within the Dstrict as the Commission shall approve.

Election petitions to be filed and determined expeditiously.

22. (1) Any candidate who is not satisfied by the declaration of an elected candidate may, within thirty days from polling day, file a petition in a Chief Magistrate's Court and obtain remedy as the court may consider just and appropriate.

(2) A petition filed under sub-paragraph (1) shall be determined by the court expeditiously and, in any case, not later than three months from the date the petition is filed.

(3) A decision of a court of competent jurisdiction arising from the determination of a petition under sub-paragraph (1), shall be final and no appeal to any other court shall lie from that decision.

Part 3 - Lower Local Government Councils

Elections of lower Councils. S.1.1989 No. 38

23. For purposes of elections to the lower Councils, the provisions of the Resistance Councils and Committees (Elections) Regulations (1989) shall remain in force.

SECOND SCHEDULE

S.11

THE LOCAL GOVERNMENTS (COUNCILLORS ALLOWANCES) REGULATIONS

Classification of allowances

1. The allowances payable to District or Urban Councillors and any other Councillor of a lower Local Government Council shall be classified as follows-
   (a) subsistence allowance which shall be categorized as-
      (i) night allowances within Uganda;
      (ii) night allowance outside Uganda;
      (iii)safari day allowance within Uganda
   (b) sitting allowance.

Public Service to determine rates

2. The rates of allowances for every class or category specified under regulation 1 shall be determined by the Ministry of Public Service.

Maximum allowances payable

3. The maximum payment of allowances to Councillors shall be-
   (a) for members of the Finance and General Purposes Committee five days per month;
   (b) for members of the Administrative Committee three days per month;
   (c) for members of the District Council five days in three months' and
   (d) for any other Committee three day in three months.

THIRD SCHEDULE

S 12

FUNCTIONS AND SERVICES EXCLUSIVELY RESERVED TO THE CENTRAL GOVERNMENT

1. Arms, ammunition and explosives.
2. Defence, security, maintenance of law and order.
3. Banks. banking, promissory notes, currency and exchange control.
4. Taxation of incomes, profits and such taxation as arises by way of implementation of the services on the exclusive list.
5. Citizenship, immigration, emigration, deportation, extradition and passports.
6. Copyrights, patents and trademarks and all forms of intellectual property; incorporation and regulation of business organizations.
7. Land, Mines, Mineral, and Water resources.
8. National parks, as may be prescribed by Parliament.
9. Public Holidays.
10. National monuments, antiquities, archives and public records, as Parliament may determine.
11. Foreign relations and external trade including the control of prices and customs and duties as Parliament may deem appropriate.
12. Making national plans for the provision of all services, including those to be run by the Local Governments.
13. Administration of justice as may be determined by the Legislature.
14. Any matter incidental to the services mentioned in this Schedule.

FOURTH SCHEDULE

S.16

THE LOCAL GOVERNMENT COUNCILS REGULATIONS

Arrangement of Regulations

Regulations

Part 1 - Preliminary

1. Title

Part 2 - Elected Councillors taking office

2. Acceptance of office by Councillor
3. Vacation of seat on the Local Government Council
4. Pecuniary interest of members
5. Removal of a member from a Council Office
6. Revocation of mandate of a Councillor

Part 3 - Duties of Local Government Chairman and Councillors

7. Duties of Local Government Chairman
8. Duties of a Councillor

Part 4 - Meetings of Councils

9. Meetings of a District Council
10. Minutes of Council Meetings
11. Dissolution of Council
12. District Laws

Part 5 - Privileges and Immunities

13. Freedom of Speech in proceedings
14. Immunity from court action
15. Unqualified person sitting or voting in Council

Part 6 - Committees

16. Standing Committees
17. District Development Committee
18. Working Committees
19. Joint Committees

Part 7 - District Executive Secretary, Town Clerk And other Staff

20. District Executive Secretary
21. Duties of the District Executive Secretary
22. District Staff
23. Consultants and Advisers
24. The Town Clerk
25. Other Local Government Staff
26. Mode of Service

521

27. Appearance of Council
28. Service of notice by Council
29. Authentication and execution of documents
30. Publication

THE LOCAL GOVERNMENT COUNCILS REGULATIONS

Part 1 - Preliminary

Title

1. These regulations may be cited as the Local Government Councils Regulations.

Part 2 - Elected Councillors taking office

Acceptance of Office by Councillor.

2. A person elected a District Councillor shall, before taking office of a Councillor, and before the first meeting of the District Council make a written declaration addressed to the District Executive Secretary or the Town Clerk, accepting the Office of Councillor.

   (2) In the case of other local governments an oral acceptance recorded in the minutes of the first meeting of that council shall suffice.

Vacation of seat on the Local Government Council.

3. The Seat of a member of a Local Government Council shall fall vacant if-

   (a) a member dies or resigns from the Council;
   (b) without reasonable cause or the permission of the Chairman, a member fails to attend two consecutive ordinary meetings of the District or Urban Council;
   (c) a member is under sentence of death or imprisonment exceeding six months, imposed on him by a court of law;
   (d) a member has been convicted of an offense

523

involving moral turpitude within the preceding six years;

(e) the District or Urban Council is dissolved under Regulation 11;

(f) a member is removed by the District or Urban Council from membership under Regulation 5;

(g) circumstances arise which disqualify a member from membership under any other law; or

(h) ceases to be a resident in the jurisdiction of that Council.

Pecuniary interest of members.

4. (1) If any member of the District or Urban Council or of any committee of the Council-

(a) has any pecuniary interest or proposed contract or any other matter; and

(b) is present at any meeting of that council or committee at which that contract or other matter is the subject of consideration,

he shall at that meeting disclose his interest and shall not take part in any consideration or discussion of or vote on any question relating to that contract or other matter, and if the Chairman so directs he shall withdraw from that meeting during the consideration, discussion or voting on that matter.

(2) The provisions of this regulation shall not apply to a pecuniary interest which a member may have as a rate payer or taxpayer only.

Removal of a

5. A Council may remove from office

524

member from a Council Office.

any member on any of the following grounds-

(a) inability to perform the functions of the office, arising out of infirmity of body or mind;

(b) habitual drunkenness or absenteeism at meetings;

(c) breach of the law or public trust; and

(d) a vote of no confidence passed by a two-thirds majority of the members.

Revocation of mandate of a Councillor.

6. (1) Subject to the provisions of this section, the mandate of an elected member of a Council may be revoked if the electorate lose confidence in that member on any of the following grounds-

(a) that he has systematically neglected his duties; of

(b) that he has commiTted acts incompatible with his office as a member of the Council;

(c) that he has failed to declare his assets within three months after assuming office

(2) For the avoidance of doubt a member removed from office shall vacate all offices or positions held by him at all levels of local governments.

Part 3 - Duties of Local Government Council Chairman and Councillors

Duties of a Local Government

7. (1) A District Council Chairman shall-

(a) be the political head in the

Chairman

District;

(b) convene meetings of the District Council;

(c) preside over meetings of the District Council and Committee;

(d) ensure that all District Council meetings are properly constituted and are in accordance with the law;

(e) ensure that necessary reports in respect of finance and development projects are submitted to the District Council for approval;

(f) liaise with the District Government Representative, members of the legislature and the District Executive Secretary on matters relating to political, economic and social development in the District;

(g) liaise with the District Government Representative and members of the legislature on matters of mobilization and politicisation of the District Community;

(h) ensure that the District Executive Secretary maintains discipline and co-operation among the employees of the District Council and the Civil Servants; and

(e) ensure the smooth implementation of development programmes.

(2) The provisions of paragraph (1) shall apply to the urban Council Chairman in respect of the Urban Council.

Duties of a Councillor.

8. (1) A Councillor shall as appropriate-

(a) maintain close contact with his

526

electoral area, consult his people on issues to be discussed in the Council and collate their views, opinions and proposals;

(b) present the views, opinions, and proposals to the Council;

(c) attend sessions of the District Council and meetings of Committees or Sub-Committees of which he is a member;

(d) appoint at least a day in a given period for a meeting with people in his electoral area who may wish to see him;

(e) report to his electorate the general decisions of the Council and the actions it has taken to solve problems raised by the residents in his electoral area;

(f) draw attention in general debate to national policies which are relevant to the subject under discussion;

(g) actively participate in the work of the Council as he may be required by the Council;

(h) bring to bear on any discussion in the Council the benefit of his skill, profession, experience or specialized knowledge;

(i) maintain frequent liaison with organized productive economic groupings and other persons his electoral area;

(j) take part in communal and development activities in his electoral are, and District as a

whole.

(2) A member of a District Council shall ,in the discharge of his duties, have due regard to the national and District interest and the interests of the people in his electoral area.

Part 4 - Meetings of District or Urban Councils

Meetings of a District Council.

9. (1) A District or Urban Council shall meet for the discharge of its functions at least three once in three months, at a time and place that the Chairman may determine, and the meeting shall last not more than three days.

(2) Where in the opinion of the Chairman the deliberations of a meeting called by him can not be dealt with within three days, he shall seek the approval of the District Government Representative for the extension of the days for the meeting.

(3) A notice calling a meeting, together with the agenda for that meeting shall be circulated to each member of the Council, at least fourteen clear days before the date of the meeting or may be given by a public announcement over the Radio or placed at a place of Common interest.

(4) The Chairman of a Council shall preside at all meetings and in his absence the Vice-Chairman shall preside and in the

628

absence of both the Chairman and the Vice-Chairman, the members present may elect one of their members to preside.

(5) The meetings of a Council shall be open to the public, but where in the opinion of the Council the deliberations at a particular meeting are of a sensitive nature, the Council may meet in camera.

(6) The Chairman or the person presiding at a meeting of a Council may require any member of the public behaving in a disorderly manner to withdraw from the meeting, and may seek the assistance of a police officer or any member of the District Council to eject that person if he refuses to withdraw.

(7) One-half of the members of a Council shall form a quorum at any of its meetings and the quorum shall be maintained throughout the meeting.

(8) Questions proposed at a meeting of a Council shall be determined by a general consensus, but where a consensus cannot be reached, questions shall be determined by a simple majority of the members present and voting and in case of an equality of votes, the Chairman shall have a second or casting vote.

(9) Where the question proposed is a vote of no confidence or is the removal of a person from office, voting shall be by

secret ballot.

(10) Subject to the foregoing provisions a Council may make bye-laws under section 16 of the statute regulating the procedure for meetings of the Council and its working Committees.

Minutes of Council meetings.

10. (1) The minutes of every meeting of a District or Urban Council shall be kept in English.

(2) Any person requiring a copy of the minutes may receive a copy on payment of a fee prescribed by the District or Urban Council.

Dissolution of a Council.

11. (1) A District or Urban Council shall, unless dissolved earlier, remain in office for a period of three years from the date of its inception.

(2) The Minister may, with the prior approval of the Cabinet, extend the term of office of a District or Urban Council or District and Urban Councils for a further period not exceeding six months where-

(a) Uganda is in a state of war;

(b) a state of emergency has been declared under the Constitution; or

(c) any District or part thereof has been declared a disturbed area under section 62 of the Police Act.

Cap. 312

(3) The District or Urban Council may, with the approval of the Minister, extend the term of

630

office of a lower local government for a period of six months where the area under its jurisdiction or any part of that area is declared a disturbed area under section 62 of the Police Act.

Part 5 - Privileges and Immunities

Freedom of speech in proceedings.

12. There shall be freedom of speech, debate and proceedings in every local government Council and that freedom shall not be impeached or questioned in any Court, Tribunal or place out of that Council.

Immunity from Court action.

13. (1) Subject to the provisions of the Statute no civil or criminal proceedings shall be instituted against a member of a Council in any Court or Tribunal by reason of anything said by him in that Council or any matter or thing brought by him in or before that Council by petition, motion or otherwise.

(2) Where in the opinion of the Chairman a statement made by a member is prima facie defamatory of any person the Chairman shall refer the matter for inquiry to a Committee appointed by the Council for that purpose which shall report its findings to the Council not later than fourteen days from the matter being so referred.

(3) Where the Committee reports to the District Council that the statement made by the member is defamatory of any person, the member who made the statement shall, within seven days from that report render an apology through the District Council the terms of which shall be

approved by the Committee referred to in paragraph (2) of this Regulation and communicated to the person who has been defamed.

(4) Where a member refuses to render an apology pursuant to paragraph (3) the Chairman shall suspend that member for the duration of two consecutive meetings of the Council.

(5) A Member of a Council suspended in pursuance of paragraph (4) of this Regulation shall lose all his privileges, immunities and allowances in respect of his membership of the Council the privileges, immunities and allowances shall be restored to him if at any time before the end of the period specified in paragraph (4) of this paragraph he renders the apology required.

Unqualified person sitting or voting in Council.

14. Any person who-

(a) having been elected as a member of a Council but not having been qualified to be elected at the time when he was elected, sits or votes in that Council; or

(b) sits or votes in a Council after his seat has become vacant or he has become disqualified from sitting or voting therein, knowing or having reasonable grounds for knowing, that he is disqualified, or that his seat has become vacant as the case may be,

commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or

imprisonment not exceeding one year or to both.

Part 6 - Committees

Standing Committees

15. (1) Every District Council, City Council, Municipal Council, Town Council and Sub-County Council shall among its members elect a Finance and General Purposes Committee and an Administrative Committee under section 18 of the statute.

(2) The Council shall decide the number of members in the Committees but, the number of members in a Committee including the Chairman shall not be more than nine.

(3) The Committee shall meet for the discharge of their functions at a time and place that the chairman may decide.

(4) Regulations 9 and 10 regarding meetings of the Council shall apply to meetings of the Committees, except that the meeting of the Committees shall not be open to the public.

District Development Committee

16. (1) Every District Council shall appoint a District Development Committee under section 19 of the Statute.

(2) All the Urban Councils in the District shall have representatives on the District Development Committee.

(3) The regulations 15 (3) and (4) shall apply for the District Development

Committee.

(4) The functions of the District Development Committee shall be-

(a) to prepare, evaluate, monitor and implement development plans in the District including all the Urban Councils in the District;

(b) to discuss, evaluate and monitor District projects;

(c) to integrate and co-ordinate all development activities of all Departments in the District;

(d) to ensure the free flow of information between District Departments and the Council.

(e) to scrutinise and approve Departmental development proposals before they are submitted to their respective Ministries.

(f) to do any other thing connected with the District development plans and that may be assigned to it by the District or Urban Council.

(5) In the performance of its functions a District Development Committee shall be responsible and answerable to the District and relevant Urban Council.

Working Committees

17. The Council may establish and regulate working Committees as it deems fit, but the number of members including the Chairman shall not be more than nine.

Joint Committees

18. When the Council decides to concur with any other Local Government Council in

appointing a joint-Committee, the election of members and the regulation of the conduct of the joint-Committee shall be as agreed between the two Local Government Councils.

Part 7 - District Executive Secretary, Town Clerk And Other Staff

District Executive Secretary.

19. (1) There is established in each District the office of Executive Secretary which shall be a public office.

(2) The District Executive Secretary shall be the Chief Executive Officer of the District.

(3) The District Executive Secretary shall, in the performance of his functions under this Statute, be assisted by such number of Assistant District Executive Secretaries as may be necessary for the proper administration of the District.

(4) In the performance of his duties the Executive Secretary shall be responsible to the District Council.

Staff

20. (1) A District Council Staff shall consist of-

(a) the District Executive Secretary;

(b) Assistant District Executive Secretaries;

(c) Chief Finance Officer;

(d) persons appointed by the District Council; and

(e) persons appointed by the Public Service Commission and seconded to the District Service by the relevant Ministry under which he is appointed.

(2) All District Council staff shall be subject to the general direction of the District Council and shall be responsible to the District Executive Secretary.

Consultants and Advisers.

21. (1) A District Council may employ Consultants or Advisers under contracts of Service but the Consultant or Adviser so employed shall not have any executive responsibility to discharge the functions of the Council.

(2) Where in the opinion of the Council there is necessity to employ a consultant or adviser for more than two years, the District Council shall consult the Public Service Commission with a view to ascertaining whether a consultant required can be assigned or seconded to the District Council from the Public Service.

Other Urban Council Staff.

22. Any Urban Council may appoint employees as it may deem necessary for the proper performance of the functions of the Urban Council.

Mode of Service.

23. (1) Any summons, notice or other documents required or authorized to be served on a District or Urban Council shall be served by delivering the same to, or by sending it by registered post addressed to the Town Clerk or District Executive Secretary of the Council.

(2) The Court may with regard to any particular suit, or document order service on the District or Urban Council to be effected otherwise and in that case service shall be effected in accordance with the terms of that order.

Appearance of Council.

24. In any prosecution by or on behalf of a District or Urban Council and in any civil cause or matter in which the Council is a party, the Council may be represented by any member of staff of the Council duly authorized in that behalf by the Council.

Service of notice by Council.

25. (1) Subject to the provisions of this regulation, any notice, order or other document required or authorized by this or any other law to be served by or on behalf of a District or Urban Council on any person shall be deemed to be duly served-

(a) where the person to be served is a Company, if the document is addressed to the Secretary of the Company at its registered office or at its principal office or place of business, and it is either,

(i) sent by post, or

(ii) delivered to that office or the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business,

identifying it by name of the style under which its business is carried on, and is either,

(i) sent by post, or

(ii) delivered to that office or the principal office or place of business;

(c) where the person to be served is a public body, a corporation, a council, society or other body, if the document is addressed to be President, Secretary, Treasurer or other principal officer of that body as the case may be, at its principal office and is either;

(i) sent by post or,

(ii) delivered to that office;

(d) in any other case, if the document is addressed to the person to be served, and is either sent to him by post or delivered to his residence or place of business.

(2) Any document which is required or authorized to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be. of those premises, naming them, without further name or description, and shall be deemed to be duly served-

(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of paragraph (1) of this regulation; or

(b) if the document so addressed or a copy thereof is affixed to some conspicuous part of the premises.

(3) Where a document is served on a partnership in accordance with the provisions of this regulations the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the District or Urban Council may require the occupier of the premises to state the name and address of the owner.

Authentication and execution of documents.

26. (1) Subject t the provision of these Regulations, every order, notice or other document requiring authentication by a District or Urban Council shall be deemed to be sufficiently authenticated without the seal of the Council if it is signed by the Chairman, the District Executive Secretary, the Town Clerk or by a member of the staff of the Council duly authorized in that behalf by a resolution of the Council.

(2) Every contract and any instrument and document which a District or Urban Council is lawfully empowered to execute shall be deemed to be duly executed by or on behalf of the Council if it is signed by the Chairman, the District Executive Secretary, the Town Clerk and by other

540

member of staff of the Council duly authorized in that behalf by resolution of the Council.

(3) Any document purporting to be a document duly authenticated or executed on behalf of District or urban Council shall, unless the contrary is proved, be deemed to be a document so executed or authenticated.

Publication

27. Save as otherwise expressly provided in these Regulations or any other law, the publication of any order, notice or other document required by these Regulations to be published shall be deemed to be duly made-

(a) if it is published in the Gazette; or

(b) if it is fixed for a reasonable period in some conspicuous place or on or near the outer door of the office of the Council during office hours or is made known in such other manner as is customary in the area of the Council.

341

FIFTH SCHEDULE

S.12

FUNCTIONS AND POWERS OF LOCAL GOVERNMENT COUNCIL THAT NOT TO BE DELEGATED TO COMMITTEES

1. Approval of annual budgets and estimates.
2. Approval of supplementary estimates
3. Making regulations and standing orders for the proper conduct of the Councils own business.
4. Approval of development plans.
5. Making of Local laws.
6. Any other function or power that may be added on the above by the Legislature or the Minister.

542

SIXTH SCHEDULE

THE LOCAL GOVERNMENT STAFF TO BE APPOINTED BY THE DISTRICT SERVICE COMMITTEE

1. All employees in the service of Local Governments above the salary scale]-d.
2. All employees in the service of Kampala City Council above the salary scale U3.

SEVENTH SCHEDULE

THE LOCAL GOVERNMENT REVENUE REGULATIONS

Arrangements of Regulations

Regulation

Part 1 - Preliminaries

1. Title
2. Financial Year

Part 2 - Graduated Tax

3. Graduated tax
4. Scale of tax
5. Exemptions
6. Tax assessment Committees
7. Assessment of taxes by Inspectors
8. Appeals against assessment
9. Attendance before Committee etc.
10. Appeals from an Inspector
11. Election by Councils
12. Recovery of tax and penalty for non-payment

Part 3 - Property Tax

13. Property tax
14. Receipts for rates and taxes

Part 4 - Other Revenue

15. Other Revenue

Part 5 - Distribution of grants by City Council to Division Councils

16. Grants from City Councils to Division Council

Part 6 - Miscellaneous Provisions

17. Information to be supplied
18. Power to demand receipts
19. Penalties for false information
20. Composition of the Local Government Accounts Committee

THE LOCAL GOVERNMENT REVENUE REGULATIONS

Part 1 - Preliminaries

Title

1. These Regulations may be cited as the Local Government Revenue Regulations.

The Financial Year

2. The financial year of Local Government Councils shall be from the 1st of October to the 30th of September.

Part 2 - Graduated Tax

Graduated tax

3. (1) Every District Urban Council shall levy an annual tax to be known as graduated tax-

(a) on every male person who on the first day of the financial year is, of, or above the apparent age of eighteen years residing within the area ot its jurisdiction; and

(b) on female persons of or above the apparent age of eighteen years residing within the area of its jurisdiction as the District or Urban Council may decide.

(2) No person shall be required to pay graduated tax more than once in respect of any one year.

(3) A resolution passed under the provisions of paragraph (b) of subregulation (1) of this regulation shall be published in the Gazette.

(4) Graduated tax shall be due and payable on the first day of the beginning of the financial year in each year and where a person takes up

residence in the area of jurisdiction of a District Council, City, municipality or town council after the first day of the financial year, tax payable shall be due and payable on the day residence is taken.

(5) Graduated tax shall be payable at the place of assessment.

(6) For the purposes of this Part of these Regulation, "residence" means continuous residence for at least four months in a City town, municipality, District or other local government and continuity of residence shall be deemed not to have been broken by reason of any absence of less than five weeks on each occasion.

(7) For the purposes of paragraph (6) the period of four months may be either entirely within the relevant tax year or partly in that year and partly in the preceding year.

(8) For the purpose of this regulation, any person who within four months of the tax becoming due, proves to the satisfaction of an assessment officer-

(a) that he was not resident in the area of jurisdiction of the District Council, City, Municipality or Town Council in the previous year; and

(b) that he has paid a similar tax outside that of the jurisdiction and in respect of that current year,

shall be exempted from the payment of graduated tax, in respect of the current year.

(9) The following persons shall be exempted from the payment of graduated tax under these Regulations-

(a) any person who holds a visitor's pass or transit pass issued by the Immigration Department and who does not reside in the area of jurisdiction of a District Council or Urban Council for more than four months;

(b) a student studying in a recognized school or institution during the year in which payment may have been due,

(c) diplomatic and consular personnel, employees of international organizations and representatives of other states or international organizations, or members of their national organizations, members of their staff and families as are exempted by any written law from the payment of tax.

(10) The exemption granted by the provisions of paragraph (8) of this regulation shall operate only to the extent that the tax paid outside the area of jurisdiction of the District Council concerned is equivalent to the tax payable by that person under the Council or Urban Council within that period, and where the amount by which he was assessed by the Council exceeds the tax paid, it shall be payable and recoverable by the Council concerned.

(11) Any person liable to pay graduated tax under these Regulations shall-

(a) if resident within an Urban Council

register his name and address at the 'tax office of the City, municipal or town council established for that area, before the expiration of four months from the date he takes up residence in the area;

(b) if resident elsewhere, register his name at the office of the divisional chief or authority having jurisdiction over the area in which he resides.

(12) Where a person who is registered by virtue of the immediately paragraph 12 changes his address he shall notify the change at the office at which he is registered.

(13) Any person who contravenes any provision of paragraph (11) or (12) of this regulation commits an offence and on conviction shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding one month.

Scale of Tax

4. The scale of tax shall be as may be prescribed by the Minister and the first scale shall be as stated in the circular A.1974 of 24 September 1992 to all District Executive Secretaries and Town Clerks (Approved 1992/93 Imputation Values).

Exemptions.

5. (1) The Minister may, by statutory instrument, in addition to the exemptions under paragraph (9) of Regulation 3, exempt either completely or partially, any class of persons from the payment of the whole or any portion of graduated tax.

(2) An Inspector may, subject to the general or special directions of the Minister, grant partial or complete exemption from the payment of graduated tax, either generally or in respect of any year, of any person who, in his opinion, is unable to pay the amount of tax due from him, by reason of poverty arising from old age, infirmity or other good cause.

(3) Any exemption from tax granted under the provisions of subsection (2) of this section may be revoked by an Inspector at any time for good cause.

(4) Persons completely exempted from the payment of tax under the provisions of subsection (2) of this section shall be granted a certificate of exemption.

Tax assessement committees.

6. (1) Every person liable to pay tax and resident in a sub-county shall be assessed for the payment of graduated tax under this Statute by a tax assessment committee or assessment officer appointed by the District Council for that purpose for that sub-county.

(2) Every person liable to pay tax and resident in the area of jurisdiction of an Urban Councils shall be assessed by a tax assessment committee or assessment officer appointed in that behalf for that Urban Council.

(3) Notwithstanding the provisions of the paragraphs 2, the Minister may specify-

(a) any person or class of persons working whitn the areas of jurisdiction of a District or Urban Council whose tax shall be assessed by a person or authoriry that the Minister may specify; and

(b) the method of payment and collection of any tax so assessed.

Assessment of taxes by inspector.

7. (1) If any person satisfies an inspector that he is unable to speak and understand the language used by the tax assessment committee or assessment officer of the area in which he resides, the inspector shall assess the graduated tax payable by that person and the assessment shall be deemed to be an assessment by a tax assessment committee or assessment officer, as the case may be.

(2) An inspector assessing graduated tax under the provisions of this regulation shall assess the taxpayer's means in the same manner as a tax assessment committee.

(3) Where within three years of the making of an assessment by an assessment committee or assessment officer an inspector discovers in it an error or miscalculation he may amend the assessment and a certificate of assessment shall accordingly be issued.

(4) Any amendment pursuant to the provisions of paragraph (3) resulting in a higher tax shall not be made without affording the taxpayer an opportunity of being heard; and that taxpayer shall have the right to appeal against the amended assessment.

(5) The Minister may, in writing, confer the powers of an inspector under the provisions of this regulation on any person or class of person.

Local Government Appeal against assessment

8. (1) In every county or for the area of jurisdiction of an Urban Council there shall be a tax assessment appeals' tribunal which shall be constituted in a manner that the Minister may prescribe.

(2) Any person-

(a) assessed to pay tax for which he is not liable under the provisions of these Regulations, or

(b) assessed to pay a rate of tax higher than the standard rate of tax, or

(c) refused exemption from the payment of tax, or

(d) whose complete exemption or partial exemption from the payment of tax has been revoked or varied,

by a tax assessment committee or a tax assessment officer, may appeal to the tax assessment appeals' tribunal and the appeals' tribunal may confirm or vary the decision appealed against.

(3) Where the Town Clerk, Chief Finance Officer or Assistant Executive Secretary in charge of a county in which any person resides is satisfied that a person-

(a) has not been required to pay graduated tax for which he is liable under these Regulations;

b) has been required to pay tax at a lower rate than he should pay; or

(c) has been granted partial or complete exemption from the payment of tax unreasonably;

he may appeal to the tax assessment appeals' tribunal and the appeals tribunal may confirm or vary the decision appealed against.

(4) Any appeal under the provisions of this regulation shall be brought within thirty days of the decision of the assessment committee or assessment officer being made known to the taxpayer, the Town Clerk, the Chief Financial Officer or Assistant Executive Secretary, as the case may be.

Attendance before Committee etc.

9. (1) A tax assessment committee or a tax assessment appeals tribunal or a tax assessment officer, may require any person, other than a person who agrees in writing to pay the maximum rate, to attend before it when his case is being considered and that person or the employer of that person shall furnish the committee, officer or tribunal with the information that may be required of him to enable the committee, officer or tribunal to reach a proper decision.

(2) Any person who under the provisions of paragraph (1), wilfully neglects or refuses to attend or when attending wilfully refuses to furnish information

lawfully required of him, commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding six months.

Appeals from an Inspector.

10. Any appeal against a decision of an inspector under the provisions of regulation 8 lie to a Chief Magistrate having jurisdiction in the area concerned.

Election by District Councils.

11. Where provision is made for a lower Cuncil or other body to elect a person to an assessment committee or a tax assessment appeals tribunal and the lower Council or other body is not in existence, or is unable or unwilling to make the necessary election, the election shall be made by the District Council.

Recovery of tax and penalty for non-payment.

12. (1) Where the tax payable or any part thereof remains unpaid for a period of more than six months after it has become due and payable there shall be a surcharge of fifty per centum of the amount remaining unpaid.

(2) The provisions relating to the collection and enforcement of tax and to punishment for non-payment of tax shall apply to a surcharge however, an inspector or any person appointed under this Statute may in an appropriate case remit the surcharge so payable.

(3) Subject to the provisions of this section any person who without lawful excuse, the proof whereof shall lie on him, refuses, neglects or fails to pay the tax which he is liable under these regulations, six months from the date the tax is due, commits an offence and is liable on conviction, in addition to his liability to pay the tax due, to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand shillings.

(4) Any able bodied person liable to pay tax under these regulations who has not the means of payment of tax, may be ordered by a court of competent jurisdiction to discharge his obligation to pay the tax by labour.

(5) Any person ordered to pay his tax by labour may at any time tender the equivalent amount in cash of the period of labour which remains to be performed by him together with the value of any rations which he has received and thereupon he shall be granted a ,tax receipt and shall be discharged from such labour.

(6) Notwithstanding any other provision of this regulation a taxpayer may be sued by a District or Urban Council for the recovery of the tax due.

(7) For the purposes of this section tax due includes tax due and payable during the two years immediately preceding the year in which proceedings are instituted.

554

Part 3 - Property Tax

Property tax

13. (1) A District or Urban Council may enact laws imposing rate on persons owning, occupying or in possession of land or buildings in urban areas, trading centres and rural areas.

(2) The rate shall not in any case exceed the maximum rate set by the Minister in consultation with the relevant Minister.

(3) A rate may at any time, after it becomes due and payable, be recovered by a District or Urban Council by suing any court of competent jurisdiction.

(4) Where a person liable for payment of rate fails to pay the rate within two months from the date of service of the notice of payment, the District or Urban Council may recover the rate due-

(a) as a civil debt recoverable summarily: or

(b) by distress and sale of any goods and chattels of that person together with the costs and charges of levying and recovering that debt.

(5) The Council may grant complete or partial exemption from the payment of rates in respect of premises occupied or used in connection with religious, charitable or other public purpose.

Receipts for rates

14. (1) A receipt for the amount of any rate or tax paid by a ratepayer shall be issued

and taxes.

by the collector and delivered to the person paying the rate or tax and that receipt shall be evidence of the payment of the rate or tax.

(2) Whenever for any sufficient reason a receipt issued under the provisions of the preceding paragraph cannot be produced, a Court may in its discretion admit other evidence in proof of payment.

Part 4 - Other Revenue

Other Revenues

15. (1) The revenues of a District or Urban Councils grants from the government shall consist of revenue from-

(Act 13 of 1969) (a) Land Rents and premiums under the Public Lands Act;

(Cap 248) (b) Royalties on Minerals under the Mining Act;

(Cap 228) (c) Fishing Licence under the Fish and Crocodile Act;

(Cap 224) (d) Cattle Licences under the Cattle Traders Act;

(Cap 246) (e) Forest Revenue under the Forests Act;

(f) Fees on-

(i) Jaggery mills,

(ii) deposits on boats,

(iii) Maize mills,

(iv) Commercial Farms and Ranching,

(v) Pitsawyers,

(vi) Marriage and Births;

(g) Licences-

(i) for Charcoal burning,

(ii) for Charcoal dealers,

556

(iii)Bicycle owners licence,
(iv) Brick making,
(v) Bicycle repair,

(h) Others-
(i)Court Fees and fines;
(ii)Television licenses
(iii)Parking charges;
(iv) Hawker's licenses.

Part 5 - Distribution of grants from City Councils to Division Councils

Distributing of grants from City Councils to Division Councils

16. (1) A City Council shall distribute at least 30 per cent of the total amount of its revenue collection to the Division Councils in its areas of Jurisdiction. Jurisdiction.

(2) The amount to be given to the individual division shall be calculated in accordance with the formula given in the Eight Schedule of this Statute.

Part 6 - Miscelleneous Provisions

Information to be supplied.

17. (1) Every person paying any rate or tax or obtaining exemption therefrom shall furnish an inspector or collector with information that may be required by him in preparing the requisite receipt or certificate of exemption, and shall, if so required by the inspector or collector, attend personally before the inspector for the purpose.

557

(2) Any person who on being required under the provisions of this regulation to attend before an inspector or collector wilfully neglects or refuses to attend or, when attending, wilfully refuses to furnish any information lawfully required of him commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings.

Power to demand receipts.

18. (1) A collector may require a person whom he has reasonable grounds for believing to be liable for any rate or tax to produce his receipt in respect of that rate or tax.

(2) Subject to the provisions of paragraph (2) of regulation 14 of these Regulations-

(a) where a person fails to produce a receipt or states that he is not liable for the rate or tax and does not produce a certificate of exemption, the collector may require that person to furnish information which the inspector may consider necessary for the purpose of ascertaining the proper rate of the rate or tax payable by that person or whether that person is liable for or has paid the rate of tax;

(b) evidence of the non-production of a receipt of certificate of exemption upon request having been made shall for the purposes of any proceeding under these Regulations be prima facie evidence that the rate or tax is due and has not been paid.

(3) Any person who wilfully fa..ls to comply with any direction lawfully issued in pursuance of this section commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings.

Penalties for false information

19. Any person who-

(a) being required under this Part of these regulations to give any information to an assessment committee, assessment officer, a tax assessment appeals tribunal, an inspector or a collector gives any information which he knows or has reason to believe is false, or

(b) on being lawfully required to produce a receipt or an exemption certificate under this Part of these Regulations produces a receipt or an exemption certificate belonging to some other person,

commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand shillings or to both the fine and imprisonment.

Composition of the Local Government Accounts Committee.

20 (1) The Local Government Accounts Committee shall consist of-

(a) three members of the District Council appointed by the Council;

(b) Members of the National legislature in the District; and

(c) two persons appointed by the Council from the public;

(d) One members appointed by each Urban Council in District.

(2) The members of the Local Government Accounts Committee shall not be members of the Finance and General Purpose Committee, Administrative Committee or District Tender Board.

560

EIGHTH SCHEDULE

THE FORMULA FOR DISTRIBUTING BLOCK GRANTS TO INDIVIDUAL DISTRICT AND URBAN COUNCILS

1. The total amount of block grants shall be distributed to the individual Councils in accordance with a formula in which the resources needed for services provided by Local Government, such as education, health, roads and the need to balance relatively poor basis for local revenues, are decided according to objective criteria.

2. The block grant of the individual Council shall be calculated by multiplying the number of inhabitants within the Councils area of jurisdiction with a factor decided-
   (a) regarding 20 per cent of the block grant by the number of children in school age per inhabitant in the District:
   (b) regarding 20 per cent of the block grant by the rate of mortality of the population in the District;
   (c) regarding 20 per cent of the block grant by the number of acres of the area per inhabitant in the District and
   (d) regarding 40 per cent of the block grant by the reciprocal of the value of the total production per inhabitant in the District.

ATTACHMENT 13

THE 1991 POPULATION AND HOUSING CENSUS

THE REPUBLIC OF UGANDA

FINAL RESULTS

OF

THE 1991 POPULATION AND

HOUSING CENSUS

(PRE-RELEASE)

STATISTICS DEPARTMENT
MINISTRY OF FINANCE AND
ECONOMIC PLANNING
ENTEBBE, UGANDA
OCTOBER 1992

CONTENTS

INTRODUCTION

TABLE 1: TOTAL POPULATION BY DISTRICT AND SEX AND URBAN-RURAL DISTRIBUTION

TABLE 2: POPULATION DENSITY BY REGION AND DISTRICT: 1969, 1980, AND 1991 CENSUSES

TABLE 3: GROWTH RATES AND SEX RATIOS BY REGION AND DISTRICT: 1969, 1980, AND 1991 CENSUSES

TABLE 4: TOTAL POPULATION BY AGE AND POPULATION TYPE BY SEX

TABLE 5: UGANDAN POPULATION BY AGE AND RURAL-URBAN DISTRIBUTION BY SEX

TABLE 6: TOTAL POPULATION BY SEX BY AGE AND SURVIVAL STATUS OF PARENTS

TABLE 7: HOUSEHOLDS AND TOTAL POPULATION BY REGION BY DISTRICT AND POPULATION TYPE BY SEX

TABLE 8: POPULATION BY REGION BY DISTRICT AND RELIGION BY SEX

TABLE 9: POPULATION OF CITIES, MUNICIPALITIES AND TOWNS COUNCILS BY SEX

TABLE 10: POPULATION BY URBAN CENTRE BY SEX

TABLE 11: TOTAL POPULATION BY DISTRICT BY COUNTY AND SEX

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

INTRODUCTION

The 1991 Population and Housing Census conducted on 11th January under the provisions of the Statistics Act is the fifth modern census in Uganda. Previous censuses were conducted in 1948, 1959, 1969 and 1980. In addition to several characteristics in respect of each person this census provides information, for the first time, on household facilities and housing conditions.

The final figures released herewith were obtained after a thorough examination of the actual questionnaires. As a result there are minor differences between these final figures and the provisional ones published in July 1991. District Summary Series to be published soon are designed to make more selected data available to users.

Between January 1980 and January 1991, over a period of 11 years, Uganda's population grew from 12,636,179 to 16,671,705. This portrays an average growth rate of 2.5 percent per annum. This is lower than the growth rate of 2.7 percent per annum recorded between 1969 and 1980. The decline in the growth rate has probably been influenced by the socio-economic decline and the internal conflicts between 1980 and 1985. Further analyses of trends in population growth are being undertaken.

Uganda's population is largely rural, with almost 90% of the people residing in the country-side. This situation reflects the basically agricultural nature of the national economy. In this rural environment, settlement patterns vary, depending on a number of factors such as climate, vegetation, water supply, terrain, soil fertility, disease agents and so on. This has given rise to differential population distribution, both within and between districts. There is only one city with a population of over 770,000 (Kampala City). The next largest town is only 65,000 (Jinja).

In the conduct of the 1991 Population and Housing Census, the Government received valuable financial assistance from United Nations Population Fund (UNFPA), United Nations Development Programme (UNDP), the World Bank, United States Agency for International Development (USAID), and Danish International Development Agency (DANIDA). The United Nations Department of Economic and Social Development (UNDESD) and United Nations Economic Commission for Africa (UNECA) provided technical assistance through short-term consultants and resident advisers in the field of cartography, sampling, data processing, and analysis.

On behalf of the Statistics Department I wish to thank all those who contributed to the successful completion of the 1991 Population and Housing Census.

E Tumusiime-Mutebile
Permanent Secretary/Secretary to the Treasury

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 1: TOTAL POPULATION BY DISTRICT AND SEX AND URBAN-RURAL DISTRIBUTION

REGION & DISTRICT	TOTAL	MALE	FEMALE	URBAN	RURAL	PERCENTAGE URBAN
CENTRAL						
KALANGALA	16,371	9,929	6,442	1,376	14,995	8.4
KAMPALA	774,241	377,225	397,016	774,241	0	100.0
KIBOGA	141,607	72,538	69,069	5,277	136,330	3.7
LUWERO	449,691	224,399	225,292	36,531	413,160	8.1
MASAKA	838,736	415,552	423,184	77,196	761,540	9.2
MPIGI	913,867	455,703	458,164	137,126	776,741	15.0
MUBENDE	500,976	254,081	246,895	34,541	466,435	6.9
MUKONO	824,604	413,580	411,024	98,735	725,869	12.0
RAKAI	383,501	189,082	194,419	14,869	368,632	3.9
TOTAL	4,843,594	2,412,089	2,431,505	1,179,892	3,663,702	24.4
EASTERN						
IGANGA	945,783	461,079	484,704	44,002	901,781	4.7
JINJA	289,476	143,336	146,140	80,893	208,583	27.9
KAMULI	485,214	237,513	247,701	8,262	476,952	1.7
KAPCHORWA	116,702	58,577	58,125	4,604	112,098	3.9
KUMI	236,694	112,719	123,975	11,749	224,945	5.0
MBALE	710,980	355,803	355,177	60,298	650,682	8.5
PALLISA	357,656	173,836	183,820	2,927	354,729	0.8
SOROTI	430,390	209,530	220,860	46,274	384,116	10.8
TORORO	555,574	273,220	282,354	63,657	491,917	11.5
TOTAL	4,128,469	2,025,613	2,102,856	322,666	3,805,803	7.8
NORTHERN						
APAC	454,504	222,854	231,650	5,783	448,721	1.3
ARUA	637,941	307,679	330,262	26,712	611,229	4.2
GULU	338,427	166,318	172,109	38,297	300,130	11.3
KITGUM	357,184	172,640	184,544	15,327	341,857	4.3
KOTIDO	196,006	92,481	103,525	9,702	186,304	4.9
LIRA	500,965	247,607	253,358	27,568	473,397	5.5
MOROTO	174,417	80,061	94,356	12,981	161,436	7.4
MOYO	175,645	85,054	90,591	8,787	166,858	5.0
NEBBI	316,866	152,093	164,773	23,943	292,923	7.6
TOTAL	3,151,955	1,526,787	1,625,168	169,100	2,982,855	5.4
WESTERN						
BUNDIBUGYO	116,566	57,816	58,750	9,215	107,351	7.9
BUSHENYI	736,361	354,470	381,891	14,195	722,166	1.9
HOIMA	197,851	99,547	98,304	4,616	193,235	2.3
KABALE	417,218	197,695	219,523	29,246	387,972	7.0
KABAROLE	746,800	369,818	376,982	36,954	709,846	4.9
KASESE	343,601	167,672	175,929	39,892	303,709	11.6
KIBAALE	220,261	109,756	110,505	2,408	217,853	1.1
KISORO	186,681	86,406	100,275	7,485	179,196	4.0
MASINDI	260,796	131,936	128,860	14,352	246,444	5.5
MBARARA	930,772	458,257	472,515	46,616	884,156	5.0
RUKUNGIRI	390,780	187,885	202,895	12,985	377,795	3.3
TOTAL	4,547,687	2,221,258	2,326,429	217,964	4,329,723	4.8
UGANDA	16,671,705	8,185,747	8,485,958	1,889,622	14,782,083	11.3

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 2: POPULATION DENSITY BY REGION AND DISTRICT : 1969, 1980 AND 1991 CENSUSES

REGION and DISTRICT	POPULATION ('000)			AREA (sq.km)		POPULATION DENSITY (per sq. km, land)		
	1969	1980	1991	TOTAL	LAND	1969	1980	1991
CENTRAL								
KALANGALA	6.8	8.6	16.4	9,340	432	16	20	38
KAMPALA	330.7	458.5	774.2	181	169	1,957	2,713	4,581
KIBOGA	75.7	138.7	141.6	4,004	3,872	20	36	37
LUWERO	315.2	412.5	449.7	9,198	8,539	37	48	53
MASAKA	451.2	622.6	838.7	6,986	5,531	82	113	152
MPIGI	513.5	661.2	913.9	6,278	4,514	114	146	202
MUBENDE	255.3	371.6	501.0	6,308	5,949	43	62	84
MUKONO	541.0	634.3	824.6	14,241	4,594	118	138	179
RAKAI	182.6	274.6	383.5	4,973	3,889	47	71	99
TOTAL	2,672.0	3,582.4	4,843.6	61,509	37,489	71	96	129
EASTERN								
IGANGA	470.2	643.9	945.8	13,114	4,823	97	134	196
JINJA	196.3	228.5	289.5	734	677	290	338	428
KAMULI	278.3	349.5	485.2	4,348	3,332	84	105	146
KAPCHORWA	64.5	74.0	116.7	1,738	1,738	37	43	67
KUMI	190.7	239.5	236.7	2,861	2,457	78	97	96
MBALE	421.4	556.9	711.0	2,546	2,504	168	222	284
PALLISA	202.2	261.2	357.7	1,936	1,564	129	167	229
SOROTI	379.9	476.6	430.4	10,060	8,526	45	56	50
TORORO	324.9	407.2	555.6	2,597	2,336	139	174	238
TOTAL	2,528.4	3,237.4	4,128.5	39.954	27,957	90	116	148
NORTHERN								
APAC	225.4	313.3	454.5	6,488	5,887	38	53	77
ARUA	369.6	472.3	637.9	7,830	7,595	49	62	84
GULU	223.7	270.1	338.4	11,735	11,560	19	23	29
KITGUM	240.1	308.7	357.2	16,136	16,136	15	19	22
KOTIDO	105.6	161.4	196.0	13,208	13,208	8	12	15
LIRA	278.9	370.3	501.0	7,251	6,151	45	60	81
MOROTO	164.7	188.6	174.4	14,113	14,113	12	13	12
MOYO	90.0	106.5	175.6	5,006	4,668	19	23	38
NEBBI	204.1	233.0	316.9	2,891	2,781	73	84	114
TOTAL	1,902.2	2,424.2	3,152.0	84,658	82,099	23	30	38
WESTERN								
BUNDIBUGYO	79.4	112.2	116.6	2,338	2,097	38	54	56
BUSHENYI	410.7	524.7	736.4	5,396	4,906	84	107	150
HOIMA	112.7	142.2	197.9	5,908	3,563	32	40	56
KABALE	288.6	328.8	417.2	1,827	1,695	170	194	246
KABAROLE	328.0	519.8	746.8	8,361	8,109	40	64	92
KASESE	164.1	277.7	343.6	3,205	2,724	60	102	126
KIBAALE	83.7	152.1	220.3	4,302	4,208	20	36	52
KISORO	114.8	126.7	186.7	662	620	185	204	301
MASINDI	155.5	223.2	260.8	9,326	8,458	18	26	31
MBARARA	450.5	688.2	930.8	10,839	10,587	43	65	88
RUKUNGIRI	244.6	296.6	390.8	2,753	2,584	95	115	151
TOTAL	2,432.6	3,392.1	4,547.7	54,917	49,551	49	68	92
UGANDA	9,535.1	12,636.2	16,671.7	241,038	197,096	48	64	85

NOTES: When district boundaries have been changed 1969 and 1980 census figures have been adjusted to 1991 boundaries. Hence these totals do not agree with those given in earlier censuses.

Small discrepancies between totals and the sum of components are due to rounding.

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 3: GROWTH RATES AND SEX RATIOS BY REGION AND DISTRICT: 1969, 1980 AND 1991 CENSUSES

REGION & DISTRICT	TOTAL POPULATION ('000)			GROWTH RATES		SEX RATIOS		
	1969	1980	1991	1969-1980	1980-1991	1969	1980	1991
CENTRAL								
KALANGALA	6.8	8.6	16.4	2.2	5.9	170.3	144.8	154.1
KAMPALA	330.7	458.5	774.2	3.1	4.8	123.7	102.6	95.0
KIBOGA	75.7	138.7	141.6	5.8	0.2	119.8	110.2	105.0
LUWERO	315.2	412.5	449.7	2.6	0.8	109.0	103.3	99.6
MASAKA	451.2	622.6	838.7	3.1	2.7	110.0	101.1	98.2
MPIGI	513.5	661.2	913.9	2.4	2.9	110.3	103.3	99.5
MUBENDE	255.3	371.6	501.0	3.6	2.7	116.8	110.1	102.9
MUKONO	541.0	634.3	824.6	1.5	2.4	117.2	104.7	100.6
RAKAI	182.6	274.6	383.5	3.9	3.0	103.6	98.5	97.3
TOTAL	2,672.0	3,582.4	4,843.6	2.8	2.7	113.6	103.7	99.2
EASTERN								
IGANGA	470.2	643.9	945.8	3.0	3.5	100.5	96.3	95.1
JINJA	196.3	228.5	289.5	1.5	2.1	118.4	106.8	98.1
KAMULI	278.3	349.5	485.2	2.2	3.0	100.5	98.2	95.9
KAPCHORWA	64.5	74.0	116.7	1.3	4.1	102.3	104.8	100.8
KUMI	190.7	239.5	236.7	2.2	-0.1	91.1	91.3	90.9
MBALE	421.4	556.9	711.0	2.7	2.2	102.2	99.6	100.2
PALLISA	202.2	261.2	357.7	2.5	2.9	96.0	94.2	94.6
SOROTI	379.9	476.6	430.4	2.2	-0.9	94.8	94.3	94.9
TORORO	324.9	407.2	555.6	2.2	2.8	97.4	95.4	96.8
TOTAL	2,528.4	3,237.4	4,128.5	2.4	2.2	99.7	97.0	96.3
NORTHERN								
APAC	225.4	313.3	454.5	3.2	3.4	98.9	97.5	96.2
ARUA	369.6	472.3	637.9	2.4	2.7	93.6	92.4	93.2
GULU	223.7	270.1	338.4	1.8	2.1	99.1	94.7	96.6
KITGUM	240.1	308.7	357.2	2.4	1.3	96.1	94.9	93.5
KOTIDO	105.6	161.4	196.0	4.1	1.8	91.8	92.8	89.3
LIRA	278.9	370.3	501.0	2.7	2.7	98.6	97.8	97.7
MOROTO	164.7	188.6	174.[illegible]	1.3	-0.7	98.2	89.7	84.8
MOYO	90.0	106.5	175.6	1.6	4.5	95.9	97.4	93.9
NEBBI	204.1	233.0	316.9	1.3	2.3	93.7	91.9	92.3
TOTAL	1,902.2	2,424.2	3,152.0	2.3	2.4	96.3	94.4	93.9
WESTERN								
BUNDIBUGYO	79.4	112.2	116.6	3.3	0.3	99.1	101.7	98.4
BUSHENYI	410.7	524.7	736.4	2.4	3.1	91.0	91.3	92.8
HOIMA	112.7	142.2	197.9	2.2	3.0	108.9	103.0	101.3
KABALE	288.6	328.8	417.2	1.3	2.2	84.7	89.1	90.1
KABAROLE	328.0	519.8	746.8	4.4	3.3	105.0	99.4	98.1
KASESE	164.1	277.7	343.6	5.1	1.9	116.6	104.9	95.3
KIBAALE	83.7	152.1	220.[illegible]	5.7	3.4	105.0	101.0	99.3
KISORO	114.8	126.7	186.7	0.9	3.5	81.1	82.6	86.2
MASINDI	155.5	223.2	260.8	3.5	1.4	110.8	106.4	102.4
MBARARA	450.5	688.2	930.8	4.1	2.7	94.9	96.3	97.0
RUKUNGIRI	246.6	296.6	390.8	1.9	2.5	91.8	93.1	92.6
TOTAL	2,432.6	3,392.1	4,547.7	3.2	2.7	96.6	96.4	95.5
UGANDA	9,535.1	12,636.2	16,671.7	2.7	2.5	101.9	98.2	96.5

NOTES: When district boundaries have been changed 1969 and 1980 census figures have been adjusted to 1991 boundaries. Hence these totals do not agree with those given in earlier censuses.

Sex Ratio = Males per 100 Females

Small discrepancies between totals and the sum of components are due to rounding.

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 4: TOTAL POPULATION BY AGE AND POPULATION TYPE BY SEX

AGE GROUP	HOUSEHOLD POPULATION			INSTITUTIONAL AND FLOATING POPULATION			TOTAL		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
0 - 4.....	1,556,096	1,577,815	3,133,911	9,783	9,428	19,211	1,565,879	1,587,243	3,153,122
5 - 9.....	1,239,759	1,254,397	2,494,156	6,806	6,029	12,835	1,246,565	1,260,426	2,506,991
10 - 14.....	1,122,631	1,082,973	2,205,604	7,605	7,159	14,764	1,130,236	1,090,132	2,220,368
15 - 19.....	853,633	924,955	1,778,588	12,147	11,525	23,672	865,780	936,480	1,802,260
20 - 24.....	685,664	802,034	1,487,698	24,549	13,593	38,142	710,213	815,627	1,525,840
25 - 29.....	589,498	664,549	1,254,047	20,725	8,535	29,260	610,223	673,084	1,283,307
30 - 34.....	453,478	475,085	928,563	12,194	4,830	17,024	465,672	479,915	945,587
35 - 39.....	332,199	350,167	682,366	7,234	2,912	10,146	339,433	353,079	692,512
40 - 44.....	256,403	278,091	534,494	4,422	2,132	6,554	260,825	280,223	541,048
45 - 49.....	221,631	231,388	453,019	3,044	1,700	4,744	224,675	233,088	457,763
50 - 54.....	205,447	218,939	424,386	2,264	1,522	3,786	207,711	220,461	428,172
55 - 59.....	136,763	128,438	265,201	1,235	799	2,034	137,998	129,237	267,235
60 - 64.....	133,315	148,592	281,907	1,006	781	1,787	134,321	149,373	283,694
65 - 69.....	88,101	86,254	174,355	696	391	1,087	88,797	86,645	175,442
70 - 74.....	78,774	83,546	162,320	492	341	833	79,266	83,887	163,153
75 - 79.....	45,005	39,941	84,946	253	150	403	45,258	40,091	85,349
80 +.....	69,126	62,639	131,765	328	227	555	69,454	62,866	132,320
NOT STATED..	3,241	3,989	7,230	200	112	312	3,441	4,101	7,542
TOTAL.....	8,070,764	8,413,792	16,484,556	114,983	72,166	187,149	8,185,747	8,485,958	16,671,705

TABLE 5: UGANDAN POPULATION BY AGE AND RURAL-URBAN DISTRIBUTION BY SEX

AGE GROUP	RURAL			URBAN			TOTAL		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
0 - 4....	1,364,502	1,382,522	2,747,024	163,627	167,223	330,850	1,528,129	1,549,745	3,077,874
5 - 9....	1,102,511	1,103,229	2,205,740	111,867	125,480	237,347	1,214,378	1,228,709	2,443,087
10 - 14....	1,001,962	939,393	1,941,355	96,120	121,529	217,649	1,098,082	1,060,922	2,159,004
15 - 19....	747,933	781,806	1,529,739	92,722	130,038	222,760	840,655	911,844	1,752,499
20 - 24....	576,450	666,550	1,243,000	114,186	127,244	241,430	690,636	793,794	1,484,430
25 - 29....	488,443	552,764	1,041,207	103,564	99,134	202,698	592,007	651,898	1,243,905
30 - 34....	374,496	397,981	772,477	72,392	60,951	133,343	446,888	458,932	905,820
35 - 39....	274,676	298,899	573,575	46,025	37,081	83,106	320,701	335,980	656,681
40 - 44....	211,474	240,873	452,347	29,473	23,370	52,843	240,947	264,243	505,190
45 - 49....	185,923	204,610	390,533	20,394	16,166	36,560	206,317	220,776	427,093
50 - 54....	172,892	192,068	364,960	15,262	14,293	29,555	188,154	206,361	394,515
55 - 59....	118,023	115,496	233,519	8,033	6,919	14,952	126,056	122,415	248,471
60 - 64....	115,191	130,972	246,163	6,470	8,368	14,838	121,661	139,340	261,001
65 - 69....	77,335	77,442	154,777	3,734	4,385	8,119	81,069	81,827	162,896
70 - 74....	67,707	73,128	140,835	2,844	4,375	7,219	70,551	77,503	148,054
75 - 79....	38,849	35,582	74,431	1,625	2,038	3,663	40,474	37,620	78,094
80 +.....	57,995	54,517	112,512	2,145	3,583	5,728	60,140	58,100	118,240
NOT STATED.	1,996	2,604	4,600	548	546	1,094	2,544	3,150	5,694
TOTAL.....	6,978,358	7,250,436	14,228,794	891,031	952,723	1,843,754	7,869,389	8,203,159	16,072,548

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 6: TOTAL POPULATION BY SEX BY AGE AND SURVIVAL STATUS OF PARENTS

SEX & AGE	POPULATION	MOTHER				FATHER				BOTH PARENTS	
		ALIVE	DEAD	NOT KNOWN	NOT STATED	ALIVE	DEAD	NOT KNOWN	NOT STATED	ALIVE	DEAD
MALE											
0...	334,285	333,249	990	21	25	328,568	5,452	149	116	327,729	179
1...	284,152	282,646	1,457	18	31	277,354	6,522	157	119	276,122	251
2...	321,539	318,623	2,846	37	33	310,519	10,671	212	137	308,206	569
3...	314,571	309,968	4,537	34	32	300,561	13,679	194	137	296,974	973
4...	311,332	305,286	5,957	49	40	294,373	16,535	245	179	289,805	1,427
0 - 4...	1,565,879	1,549,772	15,787	159	161	1,511,375	52,859	957	688	1,498,836	3,399
5...	280,444	273,445	6,939	51	29	262,424	17,632	227	181	257,198	1,724
6...	285,063	276,940	8,042	47	34	264,066	20,383	213	401	258,091	2,078
7...	232,509	224,600	7,820	67	22	212,575	19,445	188	301	206,872	2,135
8...	249,268	239,814	9,372	57	25	225,840	22,779	207	442	219,051	2,596
9...	199,261	190,709	8,448	60	44	178,651	20,043	162	405	172,553	2,377
5 - 9...	1,246,565	1,205,508	40,621	282	154	1,143,556	100,282	997	1,730	1,113,765	10,910
10...	274,436	261,025	13,257	94	60	241,262	32,229	246	699	231,890	3,933
11...	178,516	169,133	9,297	61	25	156,316	21,547	148	505	149,596	2,595
12...	251,852	236,530	15,190	101	31	215,965	34,794	236	857	205,316	4,547
13...	209,668	195,758	13,786	94	30	177,296	31,421	192	759	167,868	4,363
14...	215,764	200,671	14,960	97	36	180,200	34,454	188	922	170,077	4,820
10 - 14...	1,130,236	1,063,117	66,490	447	182	971,039	154,445	1,010	3,742	924,747	20,258
15 - 19...	865,780	790,360	74,826	445	149	694,831	165,880	641	4,378	645,867	25,690
20 - 24...	710,213	624,974	84,611	484	144	523,817	183,213	508	2,675	473,244	33,940
25 - 29...	610,223	510,539	99,073	480	131	403,434	204,591	512	1,686	351,834	47,379
30 - 34...	465,672	360,951	104,059	543	119	264,991	199,200	571	910	221,480	60,469
35 - 39...	339,433	231,461	107,246	612	114	155,410	182,780	606	637	122,427	74,138
40 - 44...	250,825	144,731	115,277	728	89	87,351	172,398	698	378	63,377	91,170
45 - 49...	224,675	96,238	127,704	655	78	51,123	172,641	623	288	33,490	109,913
50 - 54...	207,711	62,517	144,598	524	72	29,669	177,278	522	242	17,301	132,081
55 - 59...	137,998	29,336	108,350	276	36	12,137	125,482	259	120	6,464	102,582
60 - 64...	134,321	17,234	116,824	248	15	7,034	126,951	257	79	3,599	113,302
65+.....	282,775	6,992	268,930	298	6,555	2,553	276,191	318	3,713	1,373	266,572
NOT STATED	3,441	0	848	175	2,418	0	1,149	177	2,115	0	659
TOTAL.....	8,185,747	6,693,730	1,475,244	6,356	10,417	5,858,370	2,295,340	8,656	23,381	5,477,804	1,092,462
FEMALE											
0...	339,989	338,814	1,113	19	43	334,076	5,616	174	123	333,154	232
1...	283,530	281,981	1,499	23	27	276,415	6,820	185	110	275,189	302
2...	324,991	321,946	2,982	24	39	313,627	10,995	228	141	311,220	611
3...	320,467	315,673	4,725	34	35	305,872	14,179	251	165	302,150	1,031
4...	318,266	312,209	5,988	35	34	300,721	17,077	271	197	296,215	1,495
0 - 4...	1,587,243	1,570,623	16,307	135	178	1,530,711	54,687	1,109	736	1,517,928	3,671
5...	278,156	271,479	6,606	32	39	259,558	18,167	208	223	254,674	1,743
6...	290,664	282,481	8,087	49	47	268,906	21,199	241	318	263,107	2,318
7...	233,289	225,275	7,940	45	29	213,371	19,448	185	285	207,695	2,282
8...	260,420	250,725	9,624	45	26	236,069	23,781	213	357	229,085	2,646
9...	197,897	189,668	8,160	42	27	177,441	20,006	172	278	171,611	2,338
5 - 9...	1,260,426	1,219,628	40,417	213	168	1,155,345	102,601	1,019	1,461	1,126,172	11,327
10...	265,976	253,635	12,226	78	37	234,705	30,571	227	473	226,091	3,630
11...	174,767	165,818	8,867	51	31	153,073	21,174	158	362	146,759	2,569
12...	243,188	229,020	14,044	86	38	208,979	33,407	209	593	199,148	4,219
13...	201,343	188,568	12,674	72	29	171,328	29,349	177	489	162,594	3,943
14...	204,858	191,263	13,503	66	26	172,098	32,077	175	508	162,877	4,276
10 - 14...	1,090,132	1,028,304	61,314	353	161	940,183	146,578	946	2,425	897,469	18,637
15 - 19...	936,480	853,192	82,850	285	153	747,422	185,832	572	2,654	692,958	28,283
20 - 24...	815,627	711,939	103,213	357	118	592,244	220,816	459	2,108	531,799	42,649
25 - 29...	673,084	553,594	119,057	320	113	429,682	241,323	402	1,677	372,230	61,388
30 - 34...	479,915	356,976	122,554	303	82	255,074	223,494	357	990	210,410	77,694
35 - 39...	353,079	226,851	125,941	218	69	146,704	205,450	233	692	113,669	92,717
40 - 44...	280,223	138,514	141,413	241	55	79,610	199,883	251	479	56,294	117,874
45 - 49...	233,088	88,423	144,424	192	49	44,669	187,869	179	371	28,990	128,530
50 - 54...	220,461	55,639	164,625	158	39	25,766	194,227	169	299	15,115	153,735
55 - 59...	129,237	23,546	105,606	66	19	9,714	119,282	74	167	5,430	101,175
60 - 64...	149,373	16,218	133,057	68	30	6,953	142,213	77	130	4,092	130,074
65+.....	273,489	5,926	259,698	98	7,767	2,695	265,307	100	5,387	1,739	257,604
NOT STATED	4,101	0	1,370	62	2,669	0	1,780	67	2,254	0	1,180
TOTAL.....	8,485,958	6,849,373	1,621,846	3,069	11,670	5,966,772	2,491,342	6,014	21,830	5,574,295	1,226,538
UGANDA.....	16,671,705	13,543,103	3,097,090	9,425	22,087	11,825,142	4,786,682	14,670	45,211	11,052,099	2,319,000

THE 1991 POPULATION AND HOUISNG CENSUS : FINAL RESULTS

TABLE 7: HOUSEHOLDS AND TOTAL POPULATION BY REGION BY DISTRICT AND POPULATION TYPE BY SEX

REGION & DISTRICT	HOUSEHOLDS		HOUSEHOLD POPULATION			INSTITUTIONAL POPULATION			TOTAL POPULATION		
	NUMBER	AV. SIZE	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
CENTRAL											
KALANGALA	5,027	3.2	9,481	6,407	15,888	448	35	483	9,929	6,442	16,371
KAMPALA	182,439	4.0	351,359	378,830	730,189	25,866	18,186	44,052	377,225	397,016	774,241
KIBOGA	33,047	4.3	72,044	68,776	140,820	494	293	787	72,538	69,069	141,607
LUWERO	99,951	4.4	220,948	223,201	444,149	3,451	2,091	5,542	224,399	225,292	449,691
MASAKA	187,757	4.4	413,045	421,314	834,359	2,507	1,870	4,377	415,552	423,184	838,736
MPIGI	209,618	4.3	451,954	456,701	908,655	3,749	1,463	5,212	455,703	458,164	913,867
MUBENDE	111,857	4.4	250,995	245,064	496,059	3,086	1,831	4,917	254,081	246,895	500,976
MUKONO	191,057	4.3	411,416	409,643	821,059	2,164	1,381	3,545	413,580	411,024	824,604
RAKAI	82,707	4.6	188,110	193,943	382,053	972	476	1,448	189,082	194,419	383,501
TOTAL	1,103,460	4.3	2,369,352	2,403,879	4,773,231	42,737	27,626	70,363	2,412,089	2,431,505	4,843,594
EASTERN											
IGANGA	187,096	5.0	458,678	482,473	941,151	2,401	2,231	4,632	461,079	484,704	945,783
JINJA	63,037	4.6	141,483	145,475	286,958	1,853	665	2,518	143,336	146,140	289,476
KAMULI	97,957	4.9	236,125	246,509	482,634	1,388	1,192	2,580	237,513	247,701	485,214
KAPCHORWA	23,302	5.0	58,027	57,833	115,860	550	292	842	58,577	58,125	116,702
KUMI	45,262	5.2	111,826	123,128	234,954	893	847	1,740	112,719	123,975	236,694
MBALE	155,643	4.5	353,109	353,837	706,946	2,694	1,340	4,034	355,803	355,177	710,980
PALLISA	66,369	5.4	173,424	183,582	357,006	412	238	650	173,836	183,820	357,656
SOROTI	88,062	4.8	207,148	219,128	426,276	2,382	1,732	4,114	209,530	220,860	430,390
TORORO	115,916	4.8	271,803	281,507	553,310	1,417	847	2,264	273,220	282,354	555,574
TOTAL	842,644	4.9	2,011,623	2,093,472	4,105,095	13,990	9,384	23,374	2,025,613	2,102,856	4,128,469
NORTHERN											
APAC	96,152	4.7	222,232	230,975	453,207	622	675	1,297	222,854	231,650	454,504
ARUA	105,475	6.0	305,039	328,215	633,254	2,640	2,047	4,687	307,679	330,262	637,941
GULU	67,039	4.9	161,209	169,819	331,028	5,109	2,290	7,399	166,318	172,109	338,427
KITGUM	72,596	4.9	170,734	183,288	354,022	1,906	1,256	3,162	172,640	184,544	357,184
KOTIDO	30,727	5.6	77,041	96,479	173,520	15,440	7,046	22,486	92,481	103,525	196,006
LIRA	111,983	4.5	246,235	252,677	498,912	1,372	681	2,053	247,607	253,358	500,965
MOROTO	35,044	4.9	77,796	92,970	170,766	2,265	1,386	3,651	80,061	94,356	174,417
MOYO	35,641	4.9	83,820	89,611	173,431	1,234	980	2,214	85,054	90,591	175,645
NEBBI	59,652	5.3	150,943	163,588	314,531	1,150	1,185	2,335	152,093	164,773	316,866
TOTAL	614,309	5.1	1,495,049	1,607,622	3,102,671	31,738	17,546	49,284	1,526,787	1,625,168	3,151,955
WESTERN											
BUNDIBUGYO	20,665	5.6	57,466	58,626	116,092	350	124	474	57,816	58,750	116,566
BUSHENYI	130,528	5.6	353,420	381,293	734,713	1,050	598	1,648	354,470	381,891	736,361
HOIMA	41,905	4.7	99,081	97,999	197,080	466	305	771	99,547	98,304	197,851
KABALE	82,398	5.0	196,488	218,477	414,965	1,207	1,046	2,253	197,695	219,523	417,218
KABAROLE	153,301	4.8	363,659	372,024	735,683	6,159	4,958	11,117	369,818	376,982	746,800
KASESE	64,680	5.3	165,339	175,042	340,381	2,333	887	3,220	167,672	175,929	343,601
KIBAALE	46,851	4.7	109,476	110,275	219,751	280	230	510	109,756	110,505	220,261
KISORO	40,994	4.5	86,176	100,046	186,222	230	229	459	86,406	100,275	186,681
MASINDI	49,786	5.0	123,645	123,345	246,990	8,291	5,515	13,806	131,936	128,860	260,796
MBARARA	170,676	5.4	452,862	469,546	922,408	5,395	2,969	8,364	458,257	472,515	930,772
RUKUNGIRI	71,980	5.4	187,128	202,146	389,274	757	749	1,506	187,885	202,895	390,780
TOTAL	873,764	5.2	2,194,740	2,308,819	4,503,559	26,518	17,610	44,128	2,221,258	2,326,429	4,547,687
UGANDA	3,434,177	4.8	8,070,764	8,413,792	16,484,556	114,983	72,166	187,149	8,185,747	8,485,958	16,671,705

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 8: POPULATION ('000) BY REGION BY DISTRICT AND RELIGION BY SEX

REGION DISTRICT	CATHOLIC			CHURCH OF UGANDA			MOSLEM			OTHER			TOTAL		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL
CENTRAL															
KALANGALA	6.4	4.1	10.5	2.6	1.7	4.3	0.8	0.4	1.2	0.2	0.1	0.3	9.9	6.4	16.4
KAMPALA	148.3	156.7	305.0	145.4	153.0	298.3	74.7	78.3	153.0	8.9	9.0	17.9	377.2	397.0	774.2
KIBOGA	32.9	30.4	63.3	28.7	28.1	56.8	7.5	7.7	15.2	3.4	2.9	6.3	72.5	69.1	141.6
LUWERO	77.7	76.0	153.7	107.5	109.5	217.0	30.7	32.3	63.0	8.5	7.5	16.0	224.4	225.3	449.7
MASAKA	252.5	254.5	506.9	82.2	82.8	165.1	71.2	77.3	148.4	9.7	8.6	18.3	415.6	423.2	838.7
MPIGI	222.9	223.1	446.0	151.9	150.7	302.6	70.9	75.1	145.9	10.1	9.3	19.3	455.7	458.2	913.9
MUBENDE	134.2	130.2	264.4	87.3	84.7	172.1	23.1	23.6	46.7	9.4	8.4	17.8	254.1	246.9	501.0
MUKONO	164.0	158.7	322.6	161.9	163.4	325.2	77.2	80.5	157.7	10.5	8.5	19.0	413.6	411.0	824.6
RAKAI	112.8	115.1	228.0	55.9	57.7	113.6	16.3	17.8	34.1	4.1	3.8	7.9	189.1	194.4	383.5
TOTAL	1,151.5	1,148.8	2,300.3	823.4	831.6	1,655.1	372.5	392.9	765.3	64.7	58.2	122.8	2,412.1	2,431.5	4,843.6
PER CENT	47.7	47.2	47.5	34.1	34.2	34.2	15.4	16.2	15.8	2.7	2.4	2.5	100.0	100.0	100.0
SEX RATIO		100.2			99.0			94.8			111.1			99.2	
EASTERN															
IGANGA	111.2	110.9	222.1	200.9	214.9	415.8	127.9	140.8	268.7	21.1	18.2	39.2	461.1	484.7	945.8
JINJA	41.6	40.1	81.7	67.9	71.6	139.5	30.5	31.7	62.2	3.3	2.8	6.1	143.3	146.1	289.5
KAMULI	65.4	71.1	136.5	120.6	127.3	247.9	29.4	30.2	59.7	22.1	19.1	41.1	237.5	247.7	485.2
KAPCHORWA	18.7	18.6	37.3	27.9	28.6	56.4	4.5	4.5	9.0	7.5	6.5	14.0	58.6	58.1	116.7
KUMI	42.0	48.9	90.9	54.9	60.8	115.6	2.5	2.5	4.9	13.4	11.9	25.3	112.7	124.0	236.7
MBALE	113.7	116.0	229.8	169.2	169.4	338.6	50.9	53.2	104.1	21.9	16.6	38.5	355.8	355.2	711.0
PALLISA	57.5	60.2	117.7	82.3	88.4	170.6	26.1	28.1	54.2	8.0	7.2	15.2	173.8	183.8	357.7
SOROTI	100.0	109.4	209.4	82.3	86.9	169.2	2.8	2.3	5.1	24.5	22.1	46.7	209.5	220.9	430.4
TORORO	129.2	132.3	261.6	112.4	117.1	229.5	25.2	27.1	52.3	6.4	5.8	12.2	273.2	282.4	555.6
TOTAL	679.3	707.6	1,386.9	913.3	964.9	1,883.2	299.8	320.4	620.2	128.1	110.0	238.2	2,025.6	2,102.9	4,128.5
PER CENT	33.5	33.6	33.6	45.3	45.9	45.6	14.8	15.2	15.0	6.3	5.2	5.8	100.0	100.0	100.0
SEX RATIO		96.0			95.2			93.6			116.4			96.3	
NORTHERN															
APAC	101.3	106.3	207.6	96.8	106.8	203.6	1.3	0.9	2.2	23.4	17.7	41.1	222.9	231.7	454.5
ARUA	165.9	180.6	346.5	68.6	73.6	142.3	71.5	74.6	146.1	1.6	1.4	3.1	307.7	330.3	637.9
GULU	117.8	126.2	244.0	32.8	31.9	64.8	1.5	0.9	2.4	14.2	13.1	27.3	166.3	172.1	338.4
KITGUM	115.0	125.4	240.4	50.9	53.2	104.1	0.4	0.3	0.7	6.3	5.6	11.9	172.6	184.5	357.2
KOTIDO	29.5	35.1	64.7	5.1	5.2	10.2	0.5	0.4	0.8	57.4	62.9	120.3	92.5	103.5	196.0
LIRA	110.5	116.6	227.1	105.6	111.2	216.8	3.8	3.1	6.8	27.8	22.5	50.2	247.6	253.4	501.0
MOROTO	41.5	54.5	95.9	5.7	6.3	12.1	1.0	0.9	2.0	31.8	32.7	64.5	80.1	94.4	174.4
MOYO	63.6	68.3	131.9	9.2	10.1	19.2	9.9	10.2	20.1	2.3	2.1	4.4	85.1	90.6	175.6
NEBBI	120.1	134.0	254.1	23.8	23.7	47.5	5.5	4.8	10.3	2.7	2.3	5.1	152.1	164.8	316.9
TOTAL	865.2	947.0	1,812.2	398.5	422.0	820.5	95.5	96.0	191.5	167.6	160.2	327.8	1,526.8	1,625.2	3,152.0
PER CENT	56.7	58.3	57.5	26.10	26.0	26.0	6.3	5.9	6.1	11.0	9.9	10.4	100.0	100.0	100.0
SEX RATIO		91.4			94.4			99.5			104.6			93.9	
WESTERN															
BUNDIBUGYO	13.1	13.1	26.2	29.2	30.1	59.3	5.5	5.5	11.0	10.0	10.1	20.0	57.8	58.8	116.6
BUSHENYI	127.7	135.5	263.3	195.4	213.4	408.8	15.5	16.8	32.3	15.8	16.1	31.9	354.5	381.9	736.4
HOIMA	45.5	44.4	89.9	45.9	46.5	[illegible]	4.7	4.4	9.1	3.4	3.1	6.6	99.5	98.3	197.9
KABALE	87.5	97.7	185.2	103.6	116.3	[illegible]	1.4	1.4	2.8	5.2	4.1	9.3	197.7	219.5	417.2
KABAROLE	183.7	187.6	371.3	140.6	145.7	286.3	14.2	13.4	27.6	31.3	30.3	61.6	369.8	377.0	746.8
KASESE	63.9	68.0	131.9	74.7	78.8	153.6	11.8	11.7	23.4	17.2	17.5	34.7	167.7	175.9	343.6
KIBAALE	67.4	67.8	135.2	30.1	30.6	60.6	3.5	3.2	6.7	8.8	8.9	17.7	109.8	110.5	220.3
KISORO	34.7	41.0	75.7	39.8	47.4	87.2	0.5	0.4	0.9	11.5	11.4	22.8	86.4	100.3	186.7
MASINDI	67.4	65.7	133.2	52.7	52.2	104.9	8.1	7.8	15.9	3.7	3.1	6.8	131.9	128.9	260.8
MBARARA	176.9	181.8	358.7	239.8	250.4	490.2	21.5	22.3	43.8	20.1	18.0	38.1	458.3	472.5	930.8
RUKUNGIRI	74.9	81.6	156.5	105.6	114.2	219.8	3.8	3.7	7.5	3.6	3.4	6.9	187.9	202.9	390.8
TOTAL	942.9	984.2	1,927.1	1,057.4	1,125.6	2,183.1	90.5	90.6	181.1	130.5	126.0	256.5	2,221.3	2,326.4	4,547.7
PER CENT	42.4	42.3	42.4	47.6	48.4	48.0	4.1	3.9	4.0	5.9	5.4	5.6	100.0	100.0	100.0
SEX RATIO		95.8			93.9			99.9			103.5			95.4	
UGANDA	3,638.9	3,787.6	7,426.5	3,197.7	3,344.1	6,541.8	858.3	899.8	1,758.1	490.8	454.4	945.3	8,185.7	8,486.0	16,671.7
PER CENT	44.4	44.6	44.5	39.1	39.4	39.2	10.5	10.6	10.5	6.0	5.4	5.7	100.0	100.0	100.0
SEX RATIO		96.1			95.6			95.4			108.0			96.4	

NOTES: Sex Ratio = Males per 100 Females

Small discrepancies between totals and the sum of components are due to rounding.

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 9: POPULATION OF CITIES, MUNICIPALITIES AND TOWN COUNCILS BY SEX

STATUS	DISTRICT	URBAN CENTRE	MALE	FEMALE	TOTAL
CITY	KAMPALA	KAMPALA	377,225	397,016	774,241
		TOTAL	377,225	397,016	774,241
MUNICIPALITY	ARUA	ARUA	10,682	11,535	22,217
	GULU	GULU	18,404	19,893	38,297
	JINJA	JINJA	32,578	32,591	65,169
	KABALE	KABALE	13,994	15,252	29,246
	KABAROLE	FORT PORTAL	15,844	16,945	32,789
	LIRA	LIRA	14,857	12,711	27,568
	MASAKA	MASAKA	23,660	25,925	49,585
	MBALE	MBALE	25,358	28,629	53,987
	MBARARA	MBARARA	21,493	19,538	41,031
	MOROTO	MOROTO	5,386	5,131	10,517
	MPIGI	ENTEBBE	21,218	21,545	42,763
	SOROTI	SOROTI	19,336	21,634	40,970
	TORORO	TORORO	12,987	13,796	26,783
		TOTAL	235,797	245,125	480,922
TOWN COUNCIL	APAC	APAC	2,781	3,002	5,783
	BUNDIBUGYO	BUNDIBUGYO	3,275	3,570	6,845
	BUSHENYI	BUSHENYI	6,981	7,214	14,195
	HOIMA	HOIMA	2,078	2,538	4,616
	IGANGA	IGANGA	9,052	10,688	19,740
	KALANGALA	KALANGALA	752	624	1,376
	KAMULI	KAMULI	2,948	3,547	6,495
	KAPCHORWA	KAPCHORWA	2,235	2,369	4,604
	KASESE	KASESE	9,376	9,374	18,750
	KIBOGA	KIBOGA	2,479	2,798	5,277
	KISORO	KISORO	3,615	3,870	7,485
	KITGUM	KITGUM	6,203	6,775	12,978
	KOTIDO	KOTIDO	2,282	2,262	4,544
	KUMI	KUMI	5,659	6,090	11,749
	LUWERO	BOMBO	5,337	5,229	10,566
	LUWERO	LUWERO	5,201	5,911	11,112
	LUWERO	WOBULENZI	2,411	2,980	5,391
	MASINDI	MASINDI	6,291	4,548	10,839
	MOROTO	NAKAPIRIPIRIT	658	821	1,479
	MOYO	MOYO	3,213	3,466	6,679
	MPIGI	MPIGI	3,486	3,797	7,283
	MUBENDE	MITYANA	10,411	12,168	22,579
	MUBENDE	MUBENDE	4,577	4,724	9,301
	MUKONO	KAYUNGA	6,538	7,631	14,169
	MUKONO	LUGAZI	9,333	9,495	18,828
	MUKONO	MUKONO	3,429	3,977	7,406
	MUKONO	NJERU	18,109	18,622	36,731
	NEBBI	NEBBI	3,291	3,678	6,969
	PALLISA	PALLISA	1,405	1,522	2,927
	RAKAI	KYOTERA	2,318	2,793	5,111
	RAKAI	RAKAI	294	255	549
	RUKUNGIRI	RUKUNGIRI	4,105	4,473	8,578
	TORORO	BUSIA	13,303	14,664	27,967
		TOTAL	163,426	175,475	338,901

NOTE: Karuguuza Town Council (Kibaale District) is not included. It was created after enumeration and the enumerated boundaries do not match the actual boundaries.

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 10: POPULATION BY URBAN CENTRE BY SEX

DISTRICT	URBAN CENTRE	MALE	FEMALE	TOTAL
APAC	APAC TC	2,781	3,002	5,783
ARUA	ARUA MUNICIPALITY	10,682	11,535	22,217
	KOBOKO TB	2,308	2,187	4,495
BUNDIBUGYO	BUNDIBUGYO TC	3,275	3,570	6,845
	NTOROKO TR	1,383	987	2,370
BUSHENYI	BUSHENYI TC	6,981	7,214	14,195
GULU	GULU MUNICIPALITY	18,404	19,893	38,297
HOIMA	HOIMA TC	2,078	2,538	4,616
IGANGA	IGANGA TC	9,052	10,688	19,740
	BUSEMBATIA TR	4,353	5,153	9,506
	BUGIRI TB	1,520	1,801	3,321
	MAGAMAGA TR	1,151	1,204	2,355
	BUSESA TR	974	1,026	2,000
	IDUDI TR	823	1,041	1,864
	MAYUGE TR	797	897	1,694
	NAMAYEMBA TR	573	678	1,251
	KULUBA TR	530	667	1,197
	BUKATUBE TR	506	568	1,074
JINJA	JINJA MUNICIPALITY	32,578	32,591	65,169
	BUGEMBE TR	3,263	3,676	6,939
	BUWENGE TR	2,221	2,725	4,946
	KAKIRA TR	1,967	1,872	3,839
KABALE	KABALE MUNICIPALITY	13,994	15,252	29,246
KABAROLE	FORT PORTAL MUNICIPALITY	15,844	16,945	32,789
	KYENJOJO TR	697	730	1,427
	BWIMI TR	653	736	1,389
	KAMWENGE TR	692	657	1,349
KALANGALA	KALANGALA TC	752	624	1,376
KAMPALA	KAMPALA CITY	377,225	397,016	774,241
KAMULI	KAMULI TC	2,948	3,547	6,495
	KALIRO TB	832	935	1,767
KAPCHORWA	KAPCHORWA TC	2,235	2,369	4,604
KASESE	KASESE TC	9,376	9,374	18,750
	KATWE-KABATOORO TR	3,188	3,109	6,297
	KILEMBE ESTATES TR	2,550	2,650	5,200
	HIMA TB	1,966	1,888	3,854
	BWERA TB	996	1,161	2,157
	KATUNGURU TR	781	719	1,500
	KINYAMASEKE TR	498	585	1,083
	MPONDWE TR	446	605	1,051
KIBAALE	KAGADI TR	643	735	1,378
	MOHORRO TR	453	577	1,030
KIBOGA	KIBOGA TC	2,479	2,798	5,277
KISORO	KISORO TC	3,615	3,870	7,485
KITGUM	KITGUM TC	6,203	6,775	12,978
	KALONGO TB	1,149	1,200	2,349
KOTIDO	KAABONG TB	2,458	2,700	5,158
	KOTIDO TC	2,282	2,262	4,544
KUMI	KUMI TC	5,659	6,090	11,749

TABLE 10: POPULATION BY URBAN CENTRE BY SEX (cont.)

DISTRICT	URBAN CENTRE	MALE	FEMALE	TOTAL
LIRA	LIRA MUNICIPALITY	14,857	12,711	27,568
LUWERO	LUWERO TC	5,201	5,911	11,112
	BOMBO TC	5,337	5,229	10,566
	WOBULENZI TC	2,411	2,980	5,391
	NAKASONGOLA TB	2,851	2,491	5,342
	ZENGEBE TR	1,033	907	1,940
	NAKASEKE TR	454	694	1,148
	LWAMPANGA TR	570	462	1,032
MASAKA	MASAKA MUNICIPALITY	23,660	25,925	49,585
	LUKAYA TR	2,991	3,377	6,368
	KITOORO TR (KYAZANGA)	1,962	2,221	4,183
	KINONI TR	1,742	2,099	3,841
	MBIRIZI TR	1,131	1,398	2,529
	MATEETE TR	1,160	1,267	2,427
	MPUGWE TR	800	948	1,748
	BUGOMOLA TR	764	808	1,572
	KALUNGU TR	607	774	1,381
	KABAALE TR	610	696	1,306
	KIRIYA TR	524	708	1,232
	NTUSI TR	519	505	1,024
MASINDI	MASINDI TC	6,291	4,548	10,839
	KIGUMBA TB	1,059	1,191	2,250
	KIJURA TB	567	696	1,263
MBALE	MBALE MUNICIPALITY	25,358	28,629	53,987
	SIRONKO TR	1,493	1,687	3,180
	NAKALOKE TR	1,376	1,755	3,131
MBARARA	MBARARA MUNICIPALITY	21,493	19,538	41,031
	IBANDA TB	1,423	1,551	2,974
	NTUNGAMO TB	1,342	1,269	2,611
MOROTO	MOROTO MUNICIPALITY	5,386	5,131	10,517
	NAKAPIRIPIRIT TC	658	821	1,479
	AMUDAT TB	498	487	985
MOYO	MOYO TC	3,213	3,466	6,679
	AJUMANI TB	979	1,129	2,108
MPIGI	ENTEBBE MUNICIPALITY	21,218	21,545	42,763
	NAMASUBA TR	6,856	8,339	15,195
	KIREKA TR	5,683	6,434	12,117
	BWEYOGERERE TR	3,593	4,153	7,746
	JINJA-KAWEMPE TR	3,484	3,994	7,478
	MPIGI TC	3,486	3,797	7,283
	KAJANSI TR	2,361	2,723	5,084
	SEGUKU TR	1,895	1,968	3,863
	NANSANA TR	1,750	1,902	3,652
	MASSANA TR	1,511	1,618	3,129
	ABAITA-ABADIRI TR	1,313	1,675	2,988
	MATUGA TR	1,330	1,569	2,899
	BUWAMA TR	1,142	1,148	2,290
	WAKISO TR	856	921	1,777
	KIBIBI TR	750	914	1,664
	BUJUKO TR	755	784	1,539
	KYALIWAJALA TR	696	819	1,515
	ZANA TR	689	800	1,489
	KAKIRI TR	726	744	1,470
	MADDU TR	680	735	1,415
	KYENGERA TR	615	750	1,365
	KIBOGA TR	662	682	1,344
	GAYAZA TR	549	723	1,272
	GOMBE TR	572	689	1,261
	KAWUKU TR	542	629	1,171
	KIRIRI TR	565	598	1,163
	NAKAWUKA TR	509	602	1,111
	KIWENDA TR	533	550	1,083

TABLE 10: POPULATION BY URBAN CENTRE BY SEX (cont.)

DISTRICT	URBAN CENTRE	MALE	FEMALE	TOTAL
MUBENDE	HITYANA TC	10,411	12,168	22,579
	MUBENDE TC	4,577	4,724	9,301
	BUSUNJU TR	704	784	1,488
	KASANDA TR	525	648	1,173
MUKONO	NJERU TC	18,109	18,622	36,731
	LUGAZI TC	9,333	9,495	18,828
	KAYUNGA TC	6,538	7,631	14,169
	MUKONO TC	3,429	3,977	7,406
	SEETA TR	2,168	2,476	4,644
	KANGULUMIRA TR	1,446	1,633	3,079
	NAKIFUMA TR	1,075	1,281	2,356
	KYERIMA TR	937	1,098	2,033
	KASAWO TR	892	1,060	1,952
	NAGALAMA TR	782	908	1,690
	BUIKWE TR	594	796	1,390
	BUSAANA TR	609	635	1,244
	BUKEEKA TR	490	613	1,103
	NAKANYONYI TR	525	558	1,083
	NTENJERU TR	515	510	1,025
NEBBI	PAIDHA TB	5,543	6,264	11,807
	NEBBI TC	3,291	3,678	6,969
	PAKWACH TB	2,503	2,664	5,167
PALLISA	PALLISA TC	1,405	1,522	2,927
RAKAI	LYANTONDE TB	2,644	2,876	5,520
	KYOTERA TC	2,318	2,793	5,111
	KALISIZO TR	1,089	1,314	2,403
	MUTUKULA TR	702	584	1,286
	RAKAI TB	294	255	549
RUKUNGIRI	RUKUNGIRI TC	4,105	4,473	8,578
	KIHIHI TR	850	850	1,700
	BUTOGOTA TR	736	696	1,432
	RWESHEMA TR	845	430	1,275
SOROTI	SOROTI MUNICIPALITY	19,336	21,634	40,970
	KATAKWI TB	1,620	1,873	3,493
	KABERAMAIDO TB	941	870	1,811
TORORO	BUSIA TC	13,303	14,664	27,967
	TORORO MUNICIPALITY	12,987	13,796	26,783
	MALABA TB	3,209	3,948	7,157
	BUSOLWE TR	811	939	1,750
UGANDA	TOTAL	916,646	972,976	1,889,622

NOTE: TC = Town Council
TB = Town Board
TR = Trading Centre

THE 1991 POPULATION AND HOUSING CENSUS : FINAL RESULTS

TABLE 11: TOTAL POPULATION BY DISTRICT BY COUNTY AND SEX

DISTRICT	COUNTY	MALE	FEMALE	TOTAL
APAC	KOLE	56,059	59,200	115,259
	KWANIA	41,536	42,998	84,534
	MARUZI	38,389	39,269	77,658
	OYAM	86,870	90,183	177,053
	TOTAL	222,854	231,650	454,504
ARUA	ARUA MUNICIPALITY	10,682	11,535	22,217
	ARINGA	48,327	51,467	99,794
	AYIVU	53,425	57,450	110,875
	KOBOKO	30,719	31,618	62,337
	MADI-OKOLLO	33,238	37,488	70,726
	MARACHA	51,338	56,258	107,596
	TEREGO	48,653	50,722	99,375
	VURRA	31,297	33,724	65,021
	TOTAL	307,679	330,262	637,941
BUNDIBUGYO	BWAMBA	45,271	47,040	92,311
	NTOROKO	12,545	11,710	24,255
	TOTAL	57,816	58,750	116,566
BUSHENYI	BUHWEJU	27,203	28,331	55,534
	BUNYARUGURU	37,176	38,185	75,361
	IGARA	78,211	82,771	160,982
	KAJARA	38,763	44,153	82,916
	RUHINDA	63,892	70,359	134,251
	RUSHENYI	36,164	38,144	74,308
	SHEEMA	73,061	79,948	153,009
	TOTAL	354,470	381,891	736,361
GULU	GULU MUNICIPALITY	18,404	19,893	38,297
	ASWA	36,706	37,305	74,011
	KILAK	43,848	44,844	88,692
	NWOYA	18,927	19,020	37,947
	OMORO	48,433	51,047	99,480
	TOTAL	166,318	172,109	338,427
HOIMA	BUGAHYA	61,381	62,137	123,518
	PUHAGUZI	38,166	36,167	74,333
	TOTAL	99,547	98,304	197,851
IGANGA	BUGWERI	40,514	43,854	84,368
	BUKOOLI	117,027	122,280	239,307
	BUNYA	107,194	109,655	216,849
	BUSIKI	60,910	62,961	123,871
	KIGULU	72,182	78,798	150,980
	LUUKA	63,252	67,156	130,408
	TOTAL	461,079	484,704	945,783
JINJA	JINJA MUNICIPALITY	32,578	32,591	65,169
	BUTEMBE	49,860	48,148	98,008
	KAGOMA	60,898	65,401	126,299
	TOTAL	143,336	146,140	289,476
KABALE	KABALE MUNICIPALITY	13,994	15,252	29,246
	HUORWA	72,556	80,671	153,227
	RUBANDA	69,181	78,531	147,712
	RUKIGA	41,964	45,069	87,033
	TOTAL	197,695	219,523	417,218

TABLE 11: TOTAL POPULATION BY DISTRICT BY COUNTY AND SEX (cont.)

DISTRICT	COUNTY	MALE	FEMALE	TOTAL
KABAROLE	FORT PORTAL MUNICIPALITY	15,844	16,945	32,789
	BUNYANGABU	63,541	64,715	128,256
	BURAHYA	69,894	68,634	138,528
	KIBALE	58,343	61,278	119,621
	KITAGWENDA	40,486	41,547	82,033
	KYAKA	31,735	31,812	63,547
	MWENGE	89,975	92,051	182,026
	TOTAL	369,818	376,982	746,800
KALANGALA	BUJUMBA	5,366	3,826	9,192
	KYAMUSWA	4,563	2,616	7,179
	TOTAL	9,929	6,442	16,371
KAMPALA	KAMPALA CITY COUNCIL	377,225	397,016	774,241
KAMULI	BUDIOPE	64,647	66,128	130,775
	BUGABULA	75,196	80,362	155,558
	BULAMOGI	52,778	52,344	105,122
	BUZAAYA	44,892	48,867	93,759
	TOTAL	237,513	247,701	485,214
KAPCHORWA	KONGASIS	15,495	15,197	30,692
	KWEEN	18,581	18,762	37,343
	TINGEY	24,501	24,166	48,667
	TOTAL	58,577	58,125	116,702
KASESE	BUKONJO	80,598	87,745	168,343
	BUSONGORA	87,074	88,184	175,258
	TOTAL	167,672	175,929	343,601
KIBAALE	BUGANGAIZI	23,497	23,055	46,552
	BUYAGA	66,269	66,859	133,128
	BUYANJA	19,990	20,591	40,581
	TOTAL	109,756	110,505	220,261
KIBOGA	KIBOGA	72,538	69,069	141,607
KISORO	BUFUMBIRA	86,406	100,275	186,681
KITGUM	AGAGO	48,616	52,043	100,659
	ARUU	39,079	41,859	80,938
	CHUA	50,222	54,335	104,557
	LAMWO	34,723	36,307	71,030
	TOTAL	172,640	184,544	357,184
KOTIDO	DODOTH	42,754	48,482	91,236
	JIE	25,482	31,716	57,198
	LABWOR	24,245	23,327	47,572
	TOTAL	92,481	103,525	196,006
KUMI	BUKEDEA	36,004	39,268	75,272
	KUMI	48,539	53,491	102,030
	NGORA	28,176	31,216	59,392
	TOTAL	112,719	123,975	236,694

TABLE 11: TOTAL POPULATION BY DISTRICT BY COUNTY AND SEX (cont.)

DISTRICT	COUNTY	MALE	FEMALE	TOTAL
LIRA	LIRA MUNICIPALITY	14,857	12,711	27,568
	DOKOLO	41,700	43,278	84,978
	ERUTE	79,756	84,149	163,905
	KIOGA	34,234	34,239	68,473
	MOROTO	55,403	57,181	112,584
	OTUKE	21,657	21,800	43,457
	TOTAL	247,607	253,358	500,965
LUWERO	BURULI	50,473	50,024	100,497
	KATIKAMU	72,474	74,818	147,292
	NAKASEKE	47,389	46,415	93,804
	WABUSANA (BAMUNANIKA)	54,063	54,035	108,098
	TOTAL	224,399	225,292	449,691
MASAKA	MASAKA MUNICIPALITY	23,660	25,925	49,585
	BUKOMANSIMBI	62,950	63,599	126,549
	BUKOTO	182,069	184,466	366,535
	KALUNGU	74,667	77,361	152,028
	LWEMIYAGA	10,753	10,374	21,127
	MAWOGOLA	61,453	61,459	122,912
	TOTAL	415,552	423,184	838,736
MASINDI	BUJENJE	22,562	21,492	44,054
	BULIISA	23,997	23,712	47,709
	BURULI	43,841	41,787	85,628
	KIBANDA	41,536	41,869	83,405
	TOTAL	131,936	128,860	260,796
MBALE	MBALE MUNICIPALITY	25,358	28,629	53,987
	BUBULO	88,926	89,602	178,528
	BUDADIRI	74,997	72,732	147,729
	BULAMBULI	32,898	31,678	64,576
	BUNGOKHO	92,412	94,530	186,942
	MANJIYA	41,212	38,006	79,218
	TOTAL	355,803	355,177	710,980
MBARARA	MBARARA MUNICIPALITY	21,493	19,538	41,031
	BUKANGA	38,684	40,461	79,145
	IBANDA	72,249	75,780	148,029
	ISINGIRO	71,680	75,540	147,220
	KASHARI	59,461	62,623	122,084
	KAZO	32,513	32,115	64,628
	NYABUSHOZI	39,619	36,699	76,318
	RUHAAMA	64,156	67,842	131,998
	RWAMPARA	58,402	61,917	120,319
	TOTAL	458,257	472,515	930,772
MOROTO	MOROTO MUNICIPALITY	5,386	5,131	10,517
	BOKORA	15,112	22,572	37,684
	KADAM	18,878	21,764	40,642
	MATHENIKO	23,608	25,024	48,632
	PIAN	11,316	14,290	25,606
	UPE	5,761	5,575	11,336
	TOTAL	80,061	94,356	174,417
MOYO	EAST MOYO	46,323	49,941	96,264
	OBONGI	11,069	11,455	22,524
	WEST MOYO	27,662	29,195	56,857
	TOTAL	85,054	90,591	175,645

TABLE 11: TOTAL POPULATION BY DISTRICT BY COUNTY AND SEX (cont.)

DISTRICT	COUNTY	MALE	FEMALE	TOTAL
MPIGI	ENTEBBE MUNICIPALITY	21,218	21,545	42,763
	BUSIRO	128,970	126,454	255,424
	BUTAMBALA	36,644	37,418	74,062
	GOMBA	60,339	59,211	119,550
	KYADONDO	129,678	135,022	264,700
	MAWOKOTA	78,854	78,514	157,368
	TOTAL	455,703	458,164	913,867
MUBENDE	BUSUJJU	33,478	32,457	65,935
	BUWEKULA	66,631	64,770	131,401
	KASSANDA	74,011	72,037	146,048
	MITYANA	79,961	77,631	157,592
	TOTAL	254,081	246,895	500,976
MUKONO	BBAALE	42,587	42,758	85,345
	BUIKWE	125,593	124,918	250,511
	BUVUMA ISLANDS	10,944	7,538	18,482
	MUKONO	91,794	89,903	181,697
	NAKIFUMA	68,544	69,193	137,737
	NTENJERU	74,118	76,7[illegible]	150,832
	TOTAL	413,580	411,024	824,604
NEBBI	JONAM	33,551	36,212	69,763
	OKORO	62,843	68,472	131,315
	PADYERE	55,699	60,089	115,788
	TOTAL	152,093	164,773	316,866
PALLISA	BUDAKA	48,867	51,481	100,348
	BUTEBO	30,658	32,894	63,552
	KIBUKU	44,645	46,571	91,216
	PALLISA	49,666	52,874	102,540
	TOTAL	173,836	183,820	357,656
RAKAI	KABULA	26,219	26,881	53,100
	KAKUUTO	34,158	34,183	68,341
	KOOKI	65,249	66,717	131,966
	KYOTERA	63,456	66,638	130,094
	TOTAL	189,082	194,419	383,501
RUKUNGIRI	KINKIZI	77,534	83,174	160,708
	RUBABO	48,645	53,447	102,092
	RUJUMBURA	61,706	66,274	127,980
	TOTAL	187,885	202,895	390,780
SOROTI	SOROTI MUNICIPALITY	19,336	21,634	40,970
	AMURIA	22,609	22,797	45,406
	KABERAMAIDO	19,511	20,570	40,081
	KALAKI	20,106	21,348	41,454
	KAPELEBYONG	12,727	11,220	23,947
	KASILO	14,637	15,015	29,652
	SERERE	29,081	31,653	60,734
	SOROTI	35,425	37,477	72,902
	USUK	36,098	39,146	75,244
	TOTAL	209,530	220,860	430,390
TORORO	TORORO MUNICIPALITY	12,987	13,796	26,783
	BUNYOLE	52,679	53,999	106,678
	KISOKO (WEST BUDAMA)	79,279	79,708	158,987
	SAMIA-BUGWE	79,400	84,19[illegible]	163,597
	TORORO	48,875	50,654	99,529
	TOTAL	273,220	282,354	555,574
UGANDA	TOTAL	8,185,747	8,485,958	16,671,705

ATTACHMENT 14

LIST OF APPOINTMENTS

LIST OF APPOINTMENTS

15-Jul-93

Organization	Salutation	First Name	Last Name	Title
	H.E.	YOWERI	MUSEVENI	PRESIDENT
ARISE/ACFODE	MS.	MARCY	MIREABE	EDITOR
BRITISH HIGH COMMISSION	MR.	JIM	ATKINSON	DEPUTY HIGH COMMISSIONER
CANDIDATE MBARARA	MR.	WINNIE	BYANYUINA	
CITIZEN	MR.	MICHAEL	KAGGWA	PUBLISHER
CONSERVATIVE PARTY	MR.	WILBERFORCE	SERWANIKO	ADMINISTRATIVE SECRETARY
CONSTITUTION COMMISSION	PROF.	EDWARD F.	SSEMPEBWA	
DEMOCRATIC PARTY	MR.	ROBERT	KITARIKO	SECRETARY GENERAL
	MR.	F.	ANGURIA	DP DISTRICT CHAIRMAN
	HON.	PAUL	SSIMOGERERE	MINISTER OF FOREIGN AFFAIRS
	MR.	ANDREW	ADIMOLA	VICE PRESIDENT
	MR.	ANTHONY	SSEKWEYAMA	DEP. NAT'L. PUBLICILTY SEC. & M
FIDA	MS.	FLORENCE	ASIIMWE	PROGRAM OFFICER
	MS.	ESTER	MAYAMBALA	EXECUTIVITY COMMITTEE MEME
FOUNDATION FOR AFRICAN DEVELOPMENT	MR.	HENRY	SSEWAMYANA	
FOUNDATION FOR HUMAN RIGHTS	MR.	LIVINGSTON	SWWANYANA	EXECUTIVE DIRECTOR
GOVERNMENT OF UGANDA	MR.	H.	KAFUREKE	UNDER SEC.-FINANCE MIN. LOC
	MR.	ERIC	TUOYATUNGA	ASST. COMM. OF POLICE, COMM.
	ESQ.	ISASTCHAFIS	MUPO	CONSTITUTIONAL ATTORNEY
	MR.	MATTE	MUKAASA	CONSTITUENCY PLANNER
	MR.	ODOK PETER	OCENG	D.A. SOROTI
	MR.	JOHN	ODOMEL	INSPECTOR GENERAL of Police
	HON.	RALPH W.	OCHAN	ACTING SOLICITOR GENeral
	MR.	DAVID	MUWAYA	DEP. GOV. PRINTER
	HON.	BETTY	BIGOMBE	MINISTER OF STATE Resident in th
	MR.	JOSEPH	OSWONA	PUBLIC REL. OFFICER Polic
	MR.	HENRY	JUMBA	ASSISTANT GOVERNMENT PRINT
	HON.	SAM J.	NJUBA	MIN. OF STATE FOR CONST. AFR
	HON.	TOM R.	BUTIME	MINISTER OF STATE
ISLAMIC UNIVERSITY	MR.	AHMAD	SENGENDA	
ITALIAN EMBASSY	DR.	MARCO	PERONACI	DEP. HEAD OF MISSION
JUMBO TOURS,TRAVEL	MRS.	MARGARET	MUYANJA	MARKETING MANAGER
KATENDE, SSEMPEBWA & CO	MR.	FRED E.	SSEMPEBWA	
MAKERERE UNIVERSITY	PROF.	JOE	OLAKA-ONYONG	PROFESSOR OF LAW
MBARARA DISTRICT COUNCIL	MR.	HERBERT	NATUKUNDA	
MBARARA MUNICIPLE COUNCIL	MR.	S.	KAATWIRE	S.
	MR.	ROBERT B.	RETEHENDA	
	MR.	JUSTIN	SABLTI	CHAIRMAN
	MR.	SAM	KATUNDA	SECRETARY OF DEFENCE
MIN. OF WORKS	MR.	PAUL	WANDERA	SENIOR TRANSPORT STATISTICI
MINISTRY OF CONSTITUTIONAL AFFAIRS	MR.	VINCENT MUSOK	KIBUUKA	PRINICPAL ATTORNEY
NATIONAL ASSEMBLY/ MUSLIM COUNCIL	MR.	HON HAJI	SERUNJOGI	MEMBER NAT'L ASS. & CHAIRMA

Organization	Salutation	First Name	Last Name	Title
NATIONAL ESECUTIVE COMMITTEE	MR.	HENRY B.	SSEWANNYANA	NAT'L EXEC. COMM.& FORMER P
NATIONAL RESISTANCE COUNCIL	HON.	ODONE	TIBERONDWA	COUNCILOR
	HON.	JOE	SSENTAZA	COUNCILOR
	HON.	DAMIAN W.K.	LU BEGA	
	HON.	IRENE Y.	WEKIYA	TEACHER
OFFICE O F THE PRIME MINISTER	MR.	JOTHAM	TUNWESIGYE	DEPUTY DIRECTOR
OWORI & COMPANY	MR.	A.A. RUBEN	OWORI	
PEACE CORPS-UGANDA	MR.	JACK	DJELT	DIRECTOR
RADIO UGANDA	MR.	DAVID	BUGA	DIRECT OF BROADCASTING
RC1 BUGALOBE	HON.	FRANCES	BBALE	CHAIRMAN
RC1 FROM BUMBA	MR.	STANISLAS	MUWONGE	COUNCIL CHAIRMAN
RC5 MBARARA DISTRICT COUNCIL	MR.	MIIRO	KATABALOWA	CHAIRMAN
ROYAL DANISH EMBASSY	MR.	BIRGER	FREDRIKSSON	COUNSELLOR (DEVELOPMENT)
THE MONITOR	MR.	WAFULA	OGUTTU	EDITOR
U.S. EMBASSY	MR.	TOM	UNDERWOOD	POLITICAL OFFICER
	MS.	A ELLEN	SHIPPEY	DEPUTY CHIEF OF MISSION
UGANDA CATHOLIC COMMISSION	FR.	JOHN MARY	WALLIGGO	ASSISTANT EXECUTUVE SECRET
UGANDA HUMAN RIGHTS ACTION	MR.	ERNEST	LULE	RESEARCH OFFICER
UGANDA LAW SOCIETY	MRS.	ENID	BYRABURAKIRYA	LEGAL AID PROJECT
	MS.	SOLOMY	BOSSA	PRESIDENT
UGANDA PEOPLE'S CONGRESS	MS.	CECILIA	OGWAL	ASSISTANT SECRETARY GENER
UGANDA PEOPLES CONGRESS	MR.	DON	OCHING	DIRECTOR OF MOBILISATION
	MR.	PETER	OOLA	FOUNDING MEMBER
	MR.	BEN	WACHA	DIRECTOR OF POLITICAL EDUCA
UGANDA POST AND TELECOMM.	MR.	ABDUL	MUBIRU	MANAGING DIRECTOR
UGANDA TV SERVICE	MR.	FAUSTINE	MISANVU	DIRECTOR
UNDP	MR.	LARS	SYLVAN	DEP. RESIDENT REP.
	MR.	HARUNA	KYAMANYWA	ASST. RESIDENT REP.
USAID	MS.	SHIRLEY ERVES	KORE	PROGRAM EVAL. GENDER OFFI
	MR.	KEITH	SHERPER	DIRECTOR
USIS	MR.	JAMES	OKAYANA	PRESS INFO SPECIALIST
	MS.	DOROTHY	NGOLOMBE	CULTURAL INFO SPEC.