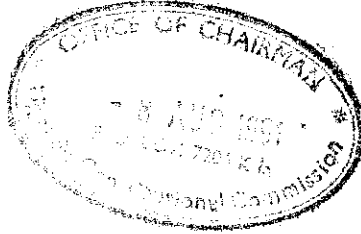


A MEMORANDUM

OF THE CATHOLIC BISHOPS OF UGANDA

T O



THE UGANDA CONSTITUTIONAL COMMISSION

JUNE 1991.

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A MEMORANDUM OF THE

CATHOLIC BISHOPS OF UGANDA TO THE UGANDA CONSTITUTIONAL COMMISSION

Introduction

On 26 March 1989, at the very beginning of the Constitution making process, we published some guidelines in a booklet entitled: Towards a New National Constitution. This was our first submission to the Uganda Constitutional Commission, through the Minister of Constitutional Affairs. Throughout the past two years we have constantly encouraged people at all levels to actively contribute views to the making of the new Constitution for our country. From 29th July to 5th August 1990 we sponsored a study week at Ggaba National Seminary to concentrate on the crucial issues of the Constitution. Catholic Church leaders from all Dioceses attended. The Attorney General and Minister of Justice, the Chairman of Uganda Constitutional Commission and three Constitutional Commissioners were among those who enlightened us on various constitutional issues.

Throughout this period our Diocesan Commissions for Justice and Peace and the National Commission for Justice and Peace have animated people on constitutional issues. We have had time to study these issues, to listen to what has been said in various fora and to read views expressed in the mass media. As the time for the submission of views is gradually coming to an end, we wish to submit our recommendations to the Commission with an ardent wish and prayer that the making of this new Constitution may truly begin a new era of lasting peace, justice and democracy in Uganda.

I. THE ROOT-CAUSES OF UGANDA'S POLITICAL INSTABILITY.

It is our strong conviction, as we have always insisted upon in our various Pastoral letters, that if the New Constitution is to provide lasting solutions to the country's endemic problems of insecurity, poverty and dictatorship, the root-causes of these evils

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have to be critically and honestly analysed and with a proper methodology. It is only such a diagnosis that will reveal what the country has, all along, been suffering from, and then suggest solutions that are relevant and powerful enough to cure Uganda's ills once for all. Our social analysis of Uganda has revealed the following root-causes:

- (1) As a Nation, we are suffering from destructive religious divisions which give birth to the 'Politics of Exclusion' or a closed political system which create deep-rooted tensions in our community and result in political instability.
- (2) Given our colonial legacy, especially the practice of 'divide and rule', the many tribal communities and nationalities which were pooled together by the British to make one Nation, have not yet become one in consciousness and identity. The Nation-building process in Uganda, as in many parts of the World and elsewhere, has been and still is a very difficult one. Many Ugandans lack true nationalism and patriotism. Many lack the true feeling of belonging to one Nation. Negative tribal divisions have been harmful to national unity and to the unity of purpose. The more misdirected political leaders have tried to force unity, the wider the tribal divisions became.
- (3) Since Independence, Uganda has suffered much under immature and selfish political leaders, who sacrificed the Common Good for their own personal or sectional interests. Rampart corruption has characterized the regimes we have had. This style of bad leadership has had an evil influence on the people at all levels of our society.

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- (4) Dictatorship and Military rule have been results of bad political leadership which refuses to be accountable to the will of the people and to the Constitution. Rulers have rejected regular and periodical elections and above all they have utterly suppressed people's fundamental rights and freedoms causing countless deaths to innocent people, forcing thousands into exile and keeping the citizens of this nation at ransom.
- (5) Uganda has lacked genuine National Institutions which aim at doing justice to all without discrimination. The institutions of the Army, Police, Civil Service, etc... have often lacked a truly national character, thus creating a dangerous imbalance of social forces in the country.
- (6) The dire poverty and underdevelopment of the masses has badly contrasted with the affluence of the leaders who have amassed enormous wealth at the expense of the people. This contrast has caused tensions and instability and taught people the spirit of 'grabbing' and 'looting' using any leadership position or contact.
- (7) The Ugandan people as a whole have been politically ignorant of their rights and the best way to demand them. They have felt helpless when confronted with sheer show of force by ill-motivated Army and unscrupulous politicians. Many have lacked ethical education to know well what is right, just and good. This ignorance and sense of powerlessness have been exploited by dictatorial leaders either to silence the people or to deceive them with empty promises.

- (8) There has been an absence of a uniting philosophical, cultural and ethical basis for respect of person, property and nation. The wanton killings that have taken place in past regimes show fundamental differences in our conception of the value of life and dignity of the human person.
- (9) There have also been some external causes to our instability. Sometimes foreign powers have dictated the affairs of Uganda in order to promote their own candidates and protect their own interests.
- (10) The most serious cause of our instability has been lack of respect for the rule of law, the Constitution, and the laws of our nation. This disrespect has been first and foremost among the political and military rulers, but it has spread among the general public. Rulers have tended to behave as if they were above the law. Leadership seemed to give licence to ignore all laws. Without respect for the Constitution and the rule of Law, we are only paying lip service to democracy and human rights. All one can expect in such circumstance is violent reactions, constant fighting and conflicts.

II. THE TWO FUNDAMENTAL ROOT-CAUSES

From the above analysis we come to two fundamental root-causes which explain why Uganda has been unstable and underdeveloped.

- (1) Right from our colonial period and throughout our post-independence era there has been a certain institutionalized injustice which manifests itself both in attitudes and in practice. It is based on tribal and religious discrimination,

the politics of exclusion and intrigues, and the political and economic marginalization of regions and tribes, religions and gender, social status and rural farmers. This injustice has gone unheeded, despite our past Constitutions and laws. It is the injustice currently referred to as institutionalized sectarianism. Unless the new Constitution addresses this evil, lasting peace can hardly be attained in Uganda.

- (2) The second fundamental root-cause is the lack of respect and a general culture for the rule of law and for the Constitution. This disrespect has eroded all major human rights and freedoms in our society and created an attitude and sometimes a practice of each one doing things the way he or she likes without regard to the law and to the rights of others.

It is these two root-causes which the new Constitution must entirely remedy and eliminate from our minds and way of acting. All our subsequent recommendations are aimed at providing lasting solutions to the root-causes outlined above.

III. THE GENERAL RECOMMENDATIONS TO ELIMINATE THE ROOTS OF INSTABILITY AND SAFEGUARD THE CONSTITUTION

- (1) The fundamental human rights and freedoms of individuals and groups must be the core and basis of the new Constitution. The entire Constitution should be seen and regarded as a document for the protection and promotion of these rights and freedoms. Whatever arrangement is put in the Constitution, whatever institution, the mode of separation of powers among State organs, all must be governed by the centrality of human rights and freedoms.

- (2) Democracy, both Parliamentary and participatory, must imbue the entire Constitution so that whatever is done or decided is democratically supported and carries no trace of discrimination on whatever account. The sovereignty of the Ugandan people should at all times be upheld and obeyed by whatever power that be.
- (3) Those sectors and sections of our society which have been in one way or another discriminated against should be empowered by the new Constitution to demand and get their full rights and have them respected.
- (4) The new Constitution should have provisions clearly stated which shall spearhead a movement towards social justice and constitutional Culture, which alone can change peoples' attitudes to love national unity, justice and stability.
- (5) The new Constitution should contain institutions which can effectively eliminate institutionalized injustice and discrimination and assist to resolve all likely conflicts peacefully.
- (6) Destructive religious fundamentalism and bigotry, which militate against peaceful co-existence and mutual cooperation should not be part of religious freedom.
- (7) The Constitution should clearly state that Uganda has no State Religion although it is a God-centred country. All religions must enjoy equality both in law and in practice.
- (8) The new Constitution should clearly state the duty of every leader and citizen to respect and uphold the Constitution and the rule of law. More emphasis should be put on both political

and military leaders to respect the Constitution and to be accountable to the people for whatever they do in their leadership capacity.

- (9) The new Constitution must ensure an orderly succession of government and create powerful institutions to enforce it. It should, in addition, have a provision which calls upon the citizens to defend their Constitution whenever unscrupulous leaders or people want to undemocratically suspend or overthrow
- (10) The new Constitution should have a provision of strict punishment to whoever attempts to violate the Constitution and a clause by which those who overthrow the Constitution would be lawfully but severely dealt with whenever the law is in position to try them
- (11) Any President or Judge who unlawfully interferes with the Constitution should be impeached by Parliament.
- (12) The new Constitution should set up a Constitutional Court whose main duty shall be to decide constitutional issues. It should be composed of judges of highest integrity and qualifications. Its decisions should be final and enforced by the existing institutions and public opinion.
- (13) The new Constitution should be written in an easy language to allow all to study it and understand it. It should be translated into local languages and made accessible to people. It should be taught at all levels in order to generate a constitutional culture.

- (14) Good leadership qualities and democratic styles of exercising leadership should be enshrined in the Constitution, especially in the Leadership Code, to guide people in choosing leaders that are fit to serve Uganda at all levels.
- (15) Uganda being a highly sensitive and conflict-prone nation, the Constitution should put in place several institutions and structures which can be used to resolve likely conflicts peacefully. These include consultations with elders, religious leaders, trade unions, affected people and the people as a whole, through national referenda on crucial national issues.
- (16) We believe that in the last analysis the strongest safeguard to the Constitution and the rule of law is the goodwill of the citizens. The Constitution should categorically state that the people are the source of all power and their will must always be respected and their views always sought. The entire Constitution should aim at creating this goodwill among all and encouraging all to know their rights and duties and to fulfil both. In this regard, the Constitution should recognize people's right to form pressure groups for the safeguard of their rights and the rights of the disadvantaged groups and the minorities.

IV. THE NATION-BUILDING PROCESS IN UGANDA, COMMON CULTURAL VALUES AND NATIONAL LANGUAGE

On this vital issue, the following are our recommendations:

- (1) The establishment of effective democracy, the upholding of human rights and the rule of law and the acquisition of good and far-sighted leadership are the basic conditions for nation-building.

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- (2) In order to educate people to love their nation and make sacrifices for its well-being, there should be a Development National Service for all youth from the age of 18. This development service should be used to inculcate national values, objectives and consciousness among the young, both educated and illiterate. They should be taught to appreciate the richness of our nation, its cultures and religious values and be committed to its development. Youth should be allowed to choose an aspect of development in which they would like to serve the nation. We have purposely not called this service a military one, because our nation does not need to be militarized. Some of us, however, considered it proper to expose the youth to the military science so that they are empowered to defend the nation and the Constitution when called upon.
- (3) The economic development should be justly distributed in all areas of Uganda to allow movement of people to all parts of Uganda and to eliminate tensions between the fast economically developing areas and those which are a bit backward. Factories to process raw material should be constructed where these materials are grown rather than transferring the processing to one or two central areas.
- (4) The Nation should improve the means of communication to enable people to interact and achieve unity.
- (5) The Ministries of information and culture-sport can do a lot to promote nation-building through proper information, promotion of cultural values and competitions in sport and other cultural activities.

NATIONAL LANGUAGE

The National Language is an important factor in nation-buildin
It should not be considered in isolation.

- (6) We recommend that English remains the Official language of the Nation. It should be developed so that as many people as possible know it well.
- (7) While some want Swahili to be the National language, the majority of us prefer to have it as a foreign language which can be taught and studied to promote communication with our neighbours. It should be on the same level as other European languages such as French, German, etc... which are encouraged in our school curriculum.
- (8) For the National Languages we suggest three, namely:

Luganda

Luo/Lugbara

Ateso

These languages should be promoted throughout the country especially through the Mass Media, cultural activities and the educational system. They should also be used in the local administration.

- (6) The issuing of passports should be organized in such a way that people can receive them through their respective Districts.
- (7) The new Constitution should recognize the right of every citizen to have a passport and a national identity card.

VI. THE DUTIES OF CITIZENS INDIVIDUALLY AND IN GROUPS

Every human right carries with it a corresponding duty. Since these duties were omitted in all our previous Constitutions and since an attitude has been created in our country whereby many people tend to insist on their rights while ignoring their duties, we recommend that the New Constitution explicitly enumerates all the important duties of citizens and non-citizens in order to usher in a new culture which emphasizes the responsibility of each one to the Nation and to fellow men and women. The duties listed below are drawn from our previous Pastoral letters and the African Charter on Human Peoples' Rights:

- (1) Every citizen has a duty towards his/her family and society, the State and other legally recognized communities and the international community.
- (2) Every citizen has a duty to love his/her country as a parent, to be loyal to it, to avoid anything which would compromise its security, and to promote its good name and image.
- (3) Every citizen has a duty to respect the Constitution, the rule of law and all the just laws of his/her country.
- (4) Every citizen and group have a duty to exercise their rights and freedoms with due regard to the rights and freedoms of others, collective security, morality and common interests.

- (5) Every citizen has a duty to respect and treat fellow people without discrimination and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect, solidarity, cooperation and tolerance.
- (6) Every citizen has a duty to avoid whatever dishonours the good name of the country and offends against the dignity of others such as lawlessness, cruelty, injustice, selfishness, causing disunity and discord.
- (7) Every citizen has a duty to recognize God-given natural resources of the country: the natural beauty, the mountains, lakes, rivers, soil, trees etc and to use them intelligently so as to add to their beauty for the generations to come.
- (8) Every citizen has a duty to know the history of his/her country take legitimate pride in the edifying events and the ancestors who have brought glory and honour to the name of Uganda.
- (9) Every citizen shall have the duty:
 - (i) To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect parents at all times, and to maintain them in case of need.
 - (ii) To serve his/her national community by placing his/her physical, intellectual and spiritual abilities at its service.
 - (iii) To preserve and strengthen the social and national solidarity particularly when the latter is threatened.
 - (iv) To work to the best of his/her ability and competence to develop the nation integrally and to pay all taxes imposed by law in the interests of the society.

- (v) To preserve and strengthen the positive and permanent Africa cultural and spiritual values in relations with others, and in a spirit of tolerance, dialogue and consultation to contribute to the promotion of ethical-moral well being of society.
- (vi) To vote at all general elections once he/she is of voting age and suffers from no recognized impediment.
- (vii) To contribute to the best of his/her abilities, at all times and at all levels, to the promotion and achievement of national unity, African unity and the solidarity of the international community.

VII. THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS OF INDIVIDUALS AND GROUPS

The theme of human rights and freedoms is at the core of our Christian Mission and most dear to us as Pastors. We believe every man and woman has been created in the image of God. This is the source of human dignity. We believe Jesus Christ redeemed all people, making each one of us share in His divinity. We believe every person was created with the gift of rationality and freedom which must be respected by whatever power that be. There is an entire Catholic Social Teaching on the dignity of persons, their freedom and rights. This is the teaching we proclaim to all people, Christian and non-Christian alike. It is from this teaching that Nations have drawn and continue to draw the rights and freedoms of people throughout the ages.

Since our political Independence we have constantly insisted on the respect of human dignity and human rights in all our joint Pastoral letters and in the letters of individual Bishops. We have protested openly and in the strongest terms possible whenever and wherever human dignity and human rights have been abused by people in leadership positions the security forces and by ordinary people.

We believe the foundation of any healthy, just and democratic nation is the respect of the human dignity and human rights of all people living in it.

On this theme the following are our recommendations:

General

- (1) All the rights and freedoms contained in the Universal Declaration of human rights (1948) and all subsequent rights approved by the United Nations and signed by Uganda should be recognized in the new Constitution, contained in the laws of Uganda and protected by powerful democratic institutions.
- (2) The Bill of Rights in the Constitution should not be watered down by unnecessary exceptions which can easily be contained in a few principles which should guide people in the enjoyment of their rights and the Judiciary in the interpretation of such rights.
- (3) A State of Emergency, lawfully approved by Parliament, shall never be used to interfere with the rights and freedoms of individuals and groups without the normal process and decision of the Judiciary.

- (4) The law-enforcing organs, namely the Judiciary and the Police, should be heavily punished for any act of corruption and distortion of justice.
- (5) Any leader, political or military, who uses his or her position to oppress or suppress people's human rights, should be effectively dealt with by the Judiciary, the Ombudsman and other related institutions.
- (6) Religious Bodies and non-governmental organizations shall enjoy the freedom and right to establish pressure groups and networks for the protection and promotion of human rights at all levels.
- (7) The freedom of speech and expression shall be always protected so that the general public, individuals and the mass media may expose any violation of human rights by whatever organ or person.
- (8) The teaching of human rights and ethical principles and values shall be compulsory in all institutions of learning and during the National Development Service.
- (9) It shall be compulsory for political leaders, civil servants and members of Security Forces to know well the Bill of rights in order to respect it.
- (10) Above all the new Constitution should establish a permanent and impartial Commission of Human Rights, whose duties shall be:
 - to submit reports, proposals and recommendations to Government, Parliament, Law Reform Committee and the general public on the situation of human rights in the country;
 - to alert the above bodies about the international declarations and conventions on civil liberties, the status of women, family,

children and other groups.

- to protect the rights of minorities;
- to detect and prevent discrimination on grounds of tribe, sex, religion and social status;
- to consider other matters concerning human rights, their respect and promotion throughout the country and offer the necessary recommendations.

Membership to this Commission should be drawn from all qualified quarters, including religious bodies and non-governmental organizations committed to the cause of defence and promotion of human rights.

WOMEN'S RIGHTS

In our society we recognize with anguish that the rights of women have often been either ignored or violated with impunity. A Nation that neglects its womenfolk is a nation that is backward and which does not utilize all its human resources.

We recommend the following:

- (11) The basic equality of women and men be explicitly recognized in the new Constitution. Females and males have equal right dignity and duties.
- (12) Monogamous marriage (one husband one wife) is the only form that gives equality to women. It should, therefore, be firmly promoted by the laws of the country.
- (13) Girls have equal rights as boys to education and training for their specific role in society. There should be no discrimination in this field.

- (14) The problem of dowry, which has been highly commercialized and abused to the disadvantage of women and men alike, should be addressed by the laws of Uganda. The ideal situation should be for parents and relatives to freely forgo the demand for dowry. Dowry dehumanizes women, impoverishes the husband to be, and gives a bad name to our country.
- (15) The new Constitution should incorporate women's rights in political, economic, civil, social and educational fields as they are spelt out in all recent United Nations Charters and Conventions.
- (16) The new Constitution must dissolve all discriminatory laws on basis of sex and on other grounds.
- (17) The laws of inheritance, succession and separation, and the penalties against adultery, rape and wifebeating need a revision with the active participation of women, religious and cultural leaders and members of the legal profession.
- (18) The constitutional equality of women shall supercede all discriminatory cultural practices.
- (19) The educational system and general education should emphasize the equality of women before God and before the law in order to re-shape the attitudes of men in this country.

FAMILY RIGHTS

- (20) The new Constitution should recognize the family as the basic and fundamental unit of society which the State must protect and assist in its responsibility.
- (21) The working members of the family should have a right to a living wage in order to fulfil their family obligations.
- (22) Men and women of full age, without any limitation due to discrimination, have the right to marry and found a family.
- (23) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (24) Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits.
- (25) Every family has a right to stability. The indissolubility of marriage should be respected ^{and promoted} by State laws. Employment facilities should be such that they help the family to stay together.
- (26) Every family has a right to privacy which no unauthorized searches should be allowed to interfere with.
- (27) Every family has a duty to educate its children and to inculcate in them moral, religious and cultural values without undue interference from the State.

- (28) Every family has a right to a decent shelter, sufficient and nutritive food, good drinking water, sufficient fire power, access to health, transport, educational and recreational services.

RIGHTS OF CHILDREN

- (29) The new Constitution should provide principles to effectively deal with child abuse, suppression of children rights and provision of education in such rights.
- (30) The international laws on children should be recognized by the laws of Uganda.
- (31) Disadvantaged children should be catered for by the State and non-governmental organizations subject to a common standard and direction.
- (32) Cultural traditions which negate the dignity of children should be superseded by the Constitution.
- (33) There should be juvenile courts and Rehabilitation centres where unruly children can be educated by experienced social and religious workers.
- (34) Above all the right of the unborn child to be born and exist must be categorically recognized in the Constitution in order to prevent abortion and make it strictly punishable by law.

RIGHTS OF PRISONERS

- (35) The Constitution should recognize that a suspect, convict and prisoner have rights which cannot be denied or suppressed by anybody. They are human beings with their dignity which must be respected. The social tendency to think that a prisoner enjoys no rights and can be dealt with in any way must be brought to an end.
- (36) The Constitution should recognize the right of Habeas Corpus after 24 hours of arrest.
- (37) The Constitution should recognize the right of bail, so that suspects are not subjected to long remand periods.
- (38) The law of Detention without trial must forever be removed from our Constitution.
- (39) The new Constitution must ensure quick justice to all arrested people. If the State is not in possession of evidence and if it has no means to gather that evidence quickly, it should never arrest people.
- (40) The Prison services should be manned by people who are well educated, have deep respect for prisoners, and strictly keep the rule of law.
- (41) The Visiting Justices to prisons should be restored but with renewed energy. They should be chosen from among the outstanding citizens of this country, renowned for honesty and integrity.
- (42) The entire conditions of our prisons and remand centres must be revised to fit the modern times and the respect demanded for the inmates.

This applies to the living, eating, recreational and other facilities. Every prisoner has a right to good and sufficient food, to good and sufficient beddings, sufficient space, to fresh air, to recreation, to contact with his or her people, to respect by officers and fellow inmates, to time for prayer, for reading and to immediate medical treatment when sick.

- (43) In every remand centre and prison there should be institutions which are impartial, to which those on remand and the prisoners can offer their complaints to be dealt with immediately.
- (44) Corporal punishment should be abolished by the law.
- (45) The Nation as a whole should debate whether capital punishment should be kept in our laws or be abolished.
- (46) Prisoners should be taught useful skills to assist them to earn a good living once they are out of prison.
- (47) It should be declared clearly unconstitutional for any civilian to be locked up in Army barracks.
- (48) People should be provided with free legal aid by the State and non-governmental organisations so that they may fully know the lawful procedures followed in arrests, prosecution and trial.
- (49) The administration of justice should be so simplified that it can be understood by the majority of the people. We recommend the jury system of justice as being nearer to our African world view of justice.

VIII. FORMS OF GOVERNMENT

Conscious of both the values and limitations of both Federalism and Unitarism, we recommend the following:

- (1) The new Constitution should neatly combine the values of Federalism and Unitarism in a decentralized system of Government. The aims should be to encourage each area to develop without losing sight of our national unity and solidarity.
- (2) Powers should be decentralized at the District to allow a considerable autonomy in decision making and implementation of common services and direction of the local government.
- (3) The principle of subsidiarity which is the basis for participatory democracy should be respected in the new Constitution. It allows for healthy competition and local initiatives and encourages people of each District to pool together to uplift their area.
- (4) The rights and powers of local governments should be entrenched in the new Constitution so that the Central Government is constitutionally restrained from arbitrary interference.
- (5) From the District again powers should be decentralized to the lower levels of society.

IX. POLITICAL SYSTEMS AND POLITICAL PARTIES

The issue of the political system best suited for Uganda is a crucial one. Two positions should be considered namely,

the ideal and the practical.

Once Uganda has committed itself to democracy, it naturally follows that it cannot negate the principle of multi-party system which is the logical realization of the freedom of association and assembly. The Constitution that is being made is meant to be a durable one. As such, it must contain the principle of multi-party system.

On the practical level it is easily observed that party-politics has not been able to bring peace, democracy and development to Uganda in the past three decades. It has, instead, brought conflicts, dictatorship and abuse of human rights. It has turned one people against another. The remedy to this situation is to be found, not in banning for ever political parties but rather in laying a good and firm foundation for their better performance in the future.

We accordingly recommend:

- (1) The principle of multi-party system should be enshrined in the Constitution.
- (2) The system of political parties should neatly work together with the RC system or any other similar system which enables people at every level to actively participate in the governance of their country.
- (3) The system of winner-takes-all should be replaced by one of sharing power in Government in the interests of national unity and consciousness.

X. THE PRESIDENCY

- (1) The realities of Africa have indicated the difficulty of having a Constitutional or ceremonial President alongside a powerful Prime Minister. We therefore recommend an Executive President for Uganda.

- (2) The President should be elected by universal suffrage. The R.C. system or a similar one should be used, even where political parties nominate their presidential candidates, to ensure that a leader of a Nation starts from the grass-roots, and moves upwards.

- (3) A Presidential candidate should have, in addition to all the qualifications and qualities of a member of Parliament, better experience in leadership and administration, greater patriotism, integrity and political maturity.

- (4) The most important qualities to emphasize in a President are: respect for the Constitution and rule of law; ability to unite the people of Uganda; willingness to act democratically at all times; readiness to accept the decisions of Parliament, the Judiciary, public opinion and the people as a whole.
- (5) The powers of the President should have clear limits in the Constitution. For most of the important appointments: Ministers, Chief Justice, IGG. Army Commander, Chief of Staff General Inspector of Police, Governor of the Bank, Ambassadors, directors of Parastatal Bodies and National Commissions, the President should seek the approval of Parliament.
- (6) The term of office of the President should be four years. No President should serve more than two terms.
- (7) The President can be impeached by Parliament for breach of the Constitution or for the abuse of power.
- (8) The President should share his/her powers with the Cabinet and such Bodies as shall be instituted for the better control of the Security Forces, Civil Service and Parastatal institutions.
- (9) Retirement benefits for ex-Presidents who have either completed their term of office or who have honourably retired from office should be such that they allow them to live respectfully as elders of society.

XI. THE ROLE OF THE ARMY IN SOCIETY

We believe many of the problems of Uganda started with the crisis of 1966 when Government introduced the Army into politics and used it to settle what was fundamentally a political conflict. Ever since then the Army lost its national character and became a personal Army of every successive ruler. It was because of this sectarian nature that the Army carried out atrocities which are beyond description. We, therefore, recommend:

- (1) The Army must be national in character, representing all tribes in Uganda, and professional in training and outlook.
- (2) The Army should be entirely out of politics so that it can be neutral, impartial and permanent. Leaders should come and go, leaving the professional Army on its duty. To involve the Army in politics is to make it the king-maker, able to impose on Uganda whomever it wants or supports. The Constitution should strictly enforce the principle of non-participation in politics for the Army.
- (3) The role of the Army is to defend the country from outside aggression and to assist, where necessary, in emergency situations of famine, floods and earthquakes. The Army should never interfere with the work of the Police, the Prisons Services or Intelligence Organizations. The Army should do development work to feed itself.
- (4) The size of the Army should never be exaggerated but be determined by the size of the population and the dangers of foreign intervention.

- (5) Candidates for the Army should be recruited with clear recommendations from the local people. Their educational standard should not be lower than Ordinary Level Certificate or its equivalent.
- (6) Army personnel should be taught well the national Constitution, human rights, rule of law and all laws of the country. This will make the Army an intelligent organ of State, able to behave humanly and to relate amicably with the civilians.
- (7) Besides its own internal Council for its organization and operations, the Constitution should establish a Parliamentary Committee for the Security Forces to deal with the affairs of the Army and other Security organs and hear complaints about them from the general public.
- (8) An independent body on which Army Officers are represented should deal with the appointments, promotions, demotions and dismissals of the Army personnel. This will minimize the confusion caused by a one-person decision and often for selfish interests.
- (9) Uganda being a nation of many tribes, there should be a balance in the recruitment of the Army and Police so that all areas may feel justly represented. This principle should apply to all Government and national institutions.
- (10) The Constitution should make it mandatory to establish quality Academics for the professional training of the Army, Police, Prisons Service and Intelligence Organizations within the country.

XII. LEADERSHIP CODE OF CONDUCT

- (1) We suggest that the Leadership Code be enshrined in the Constitution to control political leaders, civil servants and members of Security Forces. It would also educate the public in the qualities demanded of a good leader.
- (2) The Leadership Code should enlist the qualities desired in a Leader and the private and public image of a leader.
- (3) The existing institutions, especially the Judiciary, should be strengthened to enforce the law at all levels.
- (4) The Public Service Commission and the District Service Committees and other Service Commissions should strictly enforce the leadership code among their respective members.
- (5) Within Parliament there should be established a Members' Disciplinary Committee to receive complaints from the public and probe the behaviour of leaders.
- (6) The public should be educated to know the contents of the Code so that they can take action against any leader once they are convinced he/she contravened the Code.
- (7) Mass media should be so free as to expose unbecoming behaviour of public leaders and any breach of the Code by anyone.

- (8) Above all it will be through the regular elections of leaders at all levels that people will be able to exercise their democratic right to reject unbecoming leaders.
- (9) The institution of IGG or Ombudsman should be so established, given sufficient powers and expanded into the Districts to deal effectively with every case of the breach of the Code and the abuse of human rights.

XIII THE ECONOMIC BASIS OF THE STATE: NATIONAL DEVELOPMENT

In the light of past experience where the general public has been left ignorant of the assets which were meant to develop the nation but were selfishly used by certain leaders to enrich themselves, we recommend the following:

- (1) The economic and social objectives of the State should be included in the New Constitution to serve as an impetus to reach the ideal standard of life for every citizen. These objectives are contained in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.(1966)
- (2) The Constitution should commit the nation to an integral development which caters for the whole person, all persons in all parts of Uganda.
- (3) The economic policy should be such that it promotes both the private and public initiatives in development.
- (4) The entire educational system should be geared to integral development of all citizens.
- (5) The basic necessities of life: health, food, good drinki water, fire, shelter, clothes, family and education should be the priorities in our development strategies and programmes. These should be assured for everyone.
- (6) Accountability, in terms of revenue collection and expenditure, must be assured of every public leader in the new Constitution.
- (7) The system of taxation should be based on clear principl of social justice, assessed honestly, taking into accour the real situation of each person and his or her family

- (8) The natural resources of this country belong to the people of Uganda and must be exploited intelligently and only for the interests of the people as a whole and never for the mere gains of leaders.
- (9) Development must be designed in such a way that it reaches the people in the remotest areas and assists the most disadvantaged in our society.
- (10) The principle of participatory democracy must be practised in the economic development of the nation. People must be fully consulted and involved in decisions, planning and implementation.
- (11) The Constitution must ensure the equal right of women and men to the enjoyment of all economic, social, cultural and political rights enshrined in it.
- (12) The right of everyone to work and to just and favourable conditions of work which include fair wages should be emphasized as an objective of the State.
- (13) The right of everyone to form trade unions and to join the trade union of his or her choice should be recognised.
- (14) The right of everyone to an adequate standard of living for himself/herself and his/her family should be guaranteed as an objective of the State.

XIV. LAND

Land is an important asset of the people. It is part and parcel of human dignity and human rights. It has to be taken seriously by the new Constitution.

In view of the diversity of cultures in Uganda and of our past history we recommend the following:

- (1) The Land Reform Decree of 1975 should be repealed. It is not in the interests of the majority of Ugandans.
- (2) Uganda should not have one uniformal system of land tenure but a multiplicity of tenures to cater for the special cultural values of each people.
- (3) The Constitution should explicitly state that Land belongs to the people and they are the best judges as to how it should be controlled, distributed among them and developed.
- (4) The people of each District should control their land and elect a District Land Committee or Commission for that purpose. Members to this Committee or Commission should be chosen from among the most trusted people in the area.
- (5) For the purpose of promoting national consciousness, it should be stated that every Ugandan has a right to apply for land allocation in any part of the country without any hindrance or discrimination.
- (6) The Constitution should protect people and especially tenants from unlawful eviction from their land by the Government, its leaders or the landlords. No land shall be ex-appropriated by the Government or any

- any other power without adequate and negotiated compensation
- (7) It is the duty of the Government to ensure that there is no large landless class of people in the country.
 - (8) Acquisition of land by foreigners and foreign multinationals should be strictly controlled by law to prevent massive sale of land by citizens for mere transient financial gains.
 - (9) Every region should study its land tenures in order to come up with the best arrangements for its people and its development. Such arrangements, however, must be in accord with the provisions of the New Constitution.
 - (10) The principles which protect the environment for the good of the present and all future generations should be contained in the New Constitution.

XV: SOCIAL SERVICES: HEALTH, SOCIAL SECURITY AND EDUCATION

Social services are very dear to the Church, because it is partly through them that the Church fulfils her mission to promote human dignity, uplift the poor and the disadvantaged and create the necessary conditions for the total liberation brought by Christ. The Church, following her Founder Jesus Christ, has a preferential love and care for the poor, the sick, the young, the old and the disadvantaged. It is because of this mission that from the very beginning of her presence in Uganda the Church established orphanages, medical services, educational institutions and other structures and institutions to uplift the people. It is in the field of social services that the Church has contributed enormously to the development of this nation.

On this vital sector, therefore, the following are our recommendations:

- (1) The provision of adequate Social Services to all Ugandans

should be recognised as a Constitutional duty of the state, working together with all other bodies for the welfare of society.

- (2) The Constitution should commit the State to develop social services equally in the rural and urban areas.
- (3) The right of religious and non-governmental bodies to establish and run institutions for the promotion of social services should be recognised by the Constitution

Health:

- (4) The Constitution should recognise and promote the right of every Ugandan to enjoy the highest attainable standard of physical and mental health. This right should include:-

- improvement of all aspects of environmental and industrial hygiene;
- the prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- the creation of conditions which would ensure to all Ugandans medical service and medical attention in the event of sickness.

- (5) Private medical units and hospitals should be strongly recommended by the New Constitution.
- (6) Medical treatment should be given free of charge to all Ugandans who cannot afford to pay for it.
- (7) General medical education and health-care education should be given to all through the educational system and adult education programmes.

- (8) Children should be given priority for free medical care.

Social security:

- (9) An adequate system of social security for retired people, the sick, the needy and the unemployed should be clearly defined in the New Constitution.
- (10) The right of everyone to social security, including social insurance should be recognised as an objective of the State.

Education:

Education is the most important aspect of social services. We recommend:-

- (11) The right of everyone to education should be recognised in the New Constitution.
- (12) All education should be directed to the full development of the human personality, hence it must be integral developing the body, soul and mind.
- (13) Primary education shall be compulsory and available free to all children in Uganda.
- (14) Secondary education, in its different forms, including technical and vocational, shall be made available and accessible to all by every appropriate means, especially by the progressive introduction of free education.
- (15) Religious Bodies and non-governmental organisations shall enjoy the right to found schools and institutions and to administer them in the achievement of their set objectives.

- (16) Foundation Bodies shall always enjoy the right to actively participate in the administration of the schools and institutions they founded even when they are assisted by the Government. This right should be protected by the New Constitution.
- (17) The right to establish private Universities and Institutions of higher learning in accordance with the specifications given by the National Commission for Higher studies should be recognised by the Constitution.
- (18) The right of the parents to take the child to a school of their choice shall always be respected by the Constitution.
- (19) The right to teach and learn religion in all schools and institutions, respecting the religious tradition of every pupil and student, should be enshrined in the Constitution.
- (20) Education should always aim at enabling all people to participate effectively and intelligently in a free and democratic society, promote knowledge of God and the dignity of human beings and enhance social justice, love, unity, mutual understanding and tolerance among all people.

XVI. THE CONSTITUENT ASSEMBLY

One of the strongest safeguards for the New Constitution will be the manner in which it is debated and finally approved. Having taken the laudable and unprecedented decision to consult all sections of our society in the making of this new Constitution, Government should take the next decision to have the Draft Constitution debated by the people and their elected delegates in order to make it a truly people's Constitution.

The composition of the Constituent Assembly is, therefore, an important factor for the legitimacy and general acceptability of the new Constitution. On this vital point the following are our recommendations:

- (1) The Constituent Assembly should be totally newly elected.
- (2) The following, according to us, should be members of of the Constituent Assembly:
 - i) One representative elected by all voters from each county.
 - ii) The Chairman of RC V from each District.
 - iii) One woman representative elected in each District.
 - iv) Representatives of the Army Council, to be not more than ten percent of the total number of members of the Assembly.
 - The Religious Bodies.
 - The Law Society.
 - Trade Unions.

- Police and Prisons Service.
- Students and Youths.
- Professionals and Makerere University.
- Uganda Teachers Association.
- Any other major body in the country.

C O N C L U S I O N

We have not touched on all Constitutional issues. We hope, however, that the principles we have emphasized provide a basis for the entire constitution.

The New Constitution is an important factor in giving Uganda a rare chance for a New political culture of democracy, justice and peace. But the Constitution alone is not enough. We need a political will of the Government to accept the verdict of the people and put in place those structures, in accordance with the new Constitution, which will guide the transition from the old to the new era. We need the good-will of all Ugandans to accept the verdict of the majority in a truly democratic spirit. We need hard work by every citizen to develop Uganda and eliminate dire poverty.

As a Nation, we ought to acknowledge before God, both publically and individually our national sin of having diverted from God's way of love for one another, doing justice to one another, building bridges of unity, understanding and solidarity with all. Instead, since Independence we have plundered the nation, killed one another, sent thousands into exile, brought intense suffering to many people and sowed seeds of disunity and hatred. This sincere acknowledgement of our failures will provide the necessary atmosphere for Moral Rehabilitation,

which ought to be preceded by an honest examination of conscience. We shall thus be committed to genuine reconciliation and love.

If we accept God to be the centre of our Nation and our lives, as our National Motto states, allow Him to reshape our minds, attitudes and actions, He will certainly give us A NEW HEART AND A NEW SPIRIT with which to re-build Uganda on the basis of love, unity, justice and democracy.

For our part we commit ourselves and our Church to respect the Constitution, human rights and democracy and to promote them everywhere. We are determined to promote ecumenism among Christ's followers and good understanding and cooperation among all religions in the country. We shall continue to expound the Social Teaching of the Church to all people so that all may have the right attitude to their rights and duties. We shall continue, with renewed energy to carry out Christ's Mission of liberation and salvation of all people through our proclamation of the Good News, our educational, healing and medical, social and development services to the disadvantaged and to the entire people of God in Uganda.

May the Almighty God abundantly bless Uganda and its people with His gifts of life and love, justices and peace, truth and righteousness during this important transition period and throughout the generations to come.
