

The Chairman
Uganda Constitutional Conference
7 Thornbury Road
ISLEWORTH
Middlesex
TW7 4HQ

Telephone No: 081-847 5741

20th December 1990

Mr Justice Ben J Odoki
The Chairman
Constitutional Review Commission
P O Box 7272
KAMPALA
Uganda

Dear Mr Justice Odoki

Thank you for your correspondence through Mrs Margeret Kiyaga. We received one copy of the Present Uganda Constitution; one copy of the Uganda Constitutional Commission Statute, 1988; and one copy of your Guidelines on Constitutional Issues.

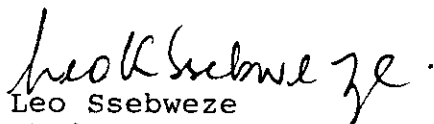
We very much appreciate your concern and your determination to assist in the present scarcity of resources, albeit that we received your correspondence long after we had completed the preparation of our proposals. However, we take issue with some of the inputs in the Guidelines, for it seems obvious that there is a failure on your part not to distinguish between 'Constitutional' and 'Political' issues as the Introduction to the enclosed Memorandum explains.

We are confident that if the proposals in the enclosed Memorandum were to be put to the Uganda population, the proposals would find favour with the majority of the people. We therefore do pray that these proposals do find a way into the subsequent draft Constitution in your remit.

Furthermore, we would appreciate that you acknowledge this correspondence. We also hope that where further clarification is required, you will get in touch with us.

We thank you for your attention.

Yours sincerely



Leo Ssebweze
Chairman - Uganda Constitutional Conference

Enc

LOOSE MINUTE

C/UCC

SUBMISSION FROM UGANDA CONSTITUTIONAL CONFERENCE

I am forwarding to you a submission on the Constitutional Making Process sent to the Ministry by the Uganda Constitutional Conference through Mr. Ssekono, Under Secretary Prime Minister's Office.

In order to assure members of the Uganda Constitutional Conference, it would be better if the document could be acknowledged.

(T. K.)
AG.SCA

14/5/91

C/CA/064

03

A
CONSTITUTION
PROPOSAL



FOR UGANDA
BY
UGANDA CONSTITUTIONAL
CONFERENCE
LONDON OCT. 1990

THIS IS FOR POSTERITY.

THOSE UNABLE TO DETERMINE

THE FUTURE, BUT NEEDFUL

OF A PEACEFUL FUTURE.

IT IS AT PAIN OF DEMOCRACY

THAT THIS IS DICTATED.

CONTENTS	PAGE
Preface	----- 3
Introduction	----- 4-7
Chapter I	
Uganda	-----
Citizenship	----- 8
Chapter II	
Individual Rights	----- 9
Chapter III	
Local Government	----- 10 -11
Chapter IV	
Parliament	----- 11-12
Lower Chamber	----- 12-12
Upper Chamber	----- 12-13
Chapter V	
President	----- 13-14
Prime Minister and Cabinet	----- 15-15
Declaration of War	----- -15
Armed Forces Service Commission	----- -15
Police Service Commission	----- 15-16
Prisons Service Commission	----- 16-16
Public Service Commission	----- -16
Judicial Service Commission	----- 17-17
Auditor General	----- -17
Revenue and Expenditure	----- -18
Chapter VI	
The Judiciary	----- -18
Chapter VII	
Miscellaneous	----- 19-20

Preface

We formed ourselves into the Uganda Constitutional Conference on 26.08.89 and held 16 general meetings, the last one ratifying this memorandum was held on 20.10.90. This is our contribution to section 4 of Statute 5 of 1988 that established the Uganda Constitutional Review Commission. This memorandum consists of proposals of our preference for the future constitution of Uganda.

It is to be noted that there were many Ugandans who offered views in private including those who fully subscribed to the aims of the conference but for other reasons failed to find the time to attend any of the conferences.

I should point out that the views of the delegates were as diverse as the number of people participating. This memorandum is only a compromise.

I am listing here the names of all the delegates who managed to attend once or more times.

Banyikidde S.	Mukasa W.
Banyima A.K.	Mulira A.
Iga-Matovu	Muntu A.
Kabali C.M.	Munyatwali R.
Kabugu S.	Mutono D.
Kabuzi O.	Ndawula E.M.
Kadama P.	Nsubuga-Pulle M.
Kakembo J.	Sebagala D.
Karokora F.	Sejjengo R.
Kasozi-Batende R.	Sekweyama S.G.G.
Kateegaya J.	Sembeguya J.
Kavuma M.	Sempa A.
Kawooya-Junju J.B.	Semugera F.
Kibazo J.	Semweya Musoke O.
Kiryowa S.S.	Sendagire S.
Kiyaga M.V.	Senyonga P.
Lumu M.	Serumaga P.
Lutaaya R.	Seruwagi S.
Luyombya G.	Ssebweze L.
Mubiru S.	Wagaba S.
Mujjabi J.	Wamala H.
Mukasa Dan	
Mukasa Dorothy	

D MUTONO

SECRETARY: Uganda Constitutional Conference.

Introduction

It is with a feeling of deep appreciation that the Constitutional Conference chose me to write the introduction to this memorandum.

Historically, many years back man discovered agriculture and settled in homesteads and later villages. There was at once a need for security and protection, in other words, some rule of law to protect life and property from thieves and thugs and the hungry invading marauders from outside the local area. This system of security and protection has evolved to the present day of a State which must be sovereign with its own constitution as the supreme law.

It is also within that perspective that it is argued that no one individual can exclude himself/herself from the laws of the country one resides in or a country from which one seeks protection. For us in Uganda today, we are fortunate in that we do not have to start from scratch as there is already something tangible accepted the world over as the State of Uganda, albeit without an acceptable constitution for her people at this stage. And it is that we seek to put in place.

We ought to make clear that in our view the situation in Uganda is not unique, neither are the ideas that we seek unique, and least of all, nor do we make any claim as to say that anything we propose here is original.

Let us make our case by recalling the works of Albert Camus that he wrote in 1944 during the war in Europe in his Essays entitled 'Resistance, Rebellion and Death' where he said "I continue to believe that this world has no ultimate meaning but I know that something in it has a meaning and that is man". The point is that it is the pursuit to live a dignified life which brings a meaning to our lives and it is the one thing people worldwide are willing to die for, albeit that many may not be able to articulate the ideal. By the same token to argue that such and such a system would be too expensive for Uganda is to reduce the rights and freedoms of a people to shillings and cents. Besides, the argument ignores the premise that if the benefit is greater than the investment then it is a risk or cause worthy of investment.

It matters not therefore whether one is able bodied and the other crippled, or one is rich and the other poor, or one is young and the other old, or one is a soldier and the other a civilian, or one is a graduate and the other a non graduate, or one is a man and the other a woman, or one is articulate and the other illiterate, or one is a

nationalist and the other a tribalist, etc etc, what they all deserve without qualification is to be treated with respect and concern by the State regardless of their social, economic or political status. To achieve this goal the State must agree laws that do not favour any particular individual or sections of society without exception, hence all citizens 'big' and 'small' must be equal before the law.

We hold the view that a State should institute a representative democracy to give voice to all its citizens, which assumes that the right to a choice creates an environment for people to choose among alternatives and be able to make considered judgements.

In a representative democracy each one of us surrenders a part of our personal freedom in return we are protected by laws formed in a Constitution from acts and consequences of others including state agencies, who may seek an unfettered freedom of action and choice without any due consideration for the needs of others.

We therefore take a Constitution to be a body of laws and customs that are established in a guiding undertaking by all, thus underwriting its legitimacy, by identifying the sovereign, dividing functions and roles within the State, and pronouncing the rights of citizens that should not be annulled or suspended and which should be protected at all times.

It is true, is it not, that governments can be dissolved while society remains intact, which surely presupposes that society in itself constitutes a permanent power superior to that of a government. Hence our insistence that the people of Uganda shall be the supreme power in Uganda. It cannot be supposed within the contention that society constitutes a permanent power, that society should then give anyone or a group among that society an authority over society for any purpose other than for its own welfare, protection and preservation.

While accepting the importance of 'choice', as earlier defined, we are well aware that there are those who prefer a totally monolithic society for which the means could for example be 'accountability' per se rather than 'choice'. Given that a Constitution is supposed to be a contract between every citizen and the state, all views ought to carry some weight and this memorandum tries to achieve that balance. For example, it is implied in the memorandum that parties can organise themselves while contesting the membership of the Lower House (para 7:4 and 7:5), on the other hand party divide shall not be a basis in electing members to the Upper Chamber. It is clearly stated that "the Upper Chamber shall not be

partisan in structure" (Para 7:6:a), yet this is not to argue that members of the Upper Chamber are barred from belonging to parties, not in the least.

We have also submitted that Presidential candidates shall seek an endorsement from half of the total number of districts in Uganda (para 8:f), the upshot could be to create 'statesmen', rather than 'partymen' disguised as 'statesmen', but it is conceivable that parties may be able to hijack popular candidates. However, we are all convinced that strong personalities shall refuse appeasement of parties by dedicating their greater effort to the State in a positive manner.

In Chapter V we have divided the Executive into distinct parts to work as checks against one another, a way of ascertaining that no one individual monopolises power which could lead to both abuse and corruption. That it is no longer for the Executive to appoint District Officials, the system shall generate more trust between rulers and the ruled, and local authorities shall have the constitutional basis to check the powers of the Executive through the Upper Chamber.

And by having strong local government the scramble for the spoils of Central Government shall become less attractive, and as a consequence the Constitution shall create for us more responsible rulers whose aim shall cease to be economic security for themselves as has been the case in the past, which resulted in the plundering of the country.

Unlike the previous Constitutions of Uganda, we have sought to make this document as brief as possible, and we have avoided the use of legal jargon, (which is alright for case law where showboating is the order of the day), this to make allowance for an easy read thus enabling the greater number of Ugandans to nurse an interest in their constitution.

We have managed to come up with a brief document because we have tried to avoid including policy matters into constitutional issues. If we accept the Constitution as forming the basic law, it is arguable that the Constitution ought to be framed in a form of principles. On the other hand, policy matters are political issues relating to popularity and ideology and forever contestable. Politics is therefore that part of political life in which politicians strive to lead the rest of society, in the sense they have to weigh popular aspirations and articulate them. To refuse them by constitutional implants is to ask politicians to breach or continuously amend the constitution. The upshot is that this also erodes our fundamental rights which are

then swept away by political whim. As an example, issues such as environment, electoral systems, social services etc are forever changing unlike freedoms and rights and need not be included in the constitution.

We pray that our vision of Uganda will be shared by all Ugandans, and pray further that Uganda shall go ahead and institute a system of government with an Executive that shall seek to uphold the law and secure Uganda as a stable society and a role model for the rest of the world (developed and developing countries all inclusive). We wish to see a Uganda where dignity for her citizens is at the forefront of her agenda.

Leo Ssebweze
Constitutional Conference
LONDON 1st September 1990

WE HEREBY PROPOSE THAT

CHAPTER I UGANDA AND CITIZENSHIP

1. The Constitution of Uganda shall be the supreme law in the land; the supreme point of reference for all without exception; and shall insure the establishment and upholding of justice, guaranteeing the rights of all Ugandans at all times.
 - 1:1 This Constitution cannot be annulled or suspended; it shall be amended where a motion commanding a minimum of 2/3 majority of all members of Parliament and 3/4 of all the Districts, where each District Council shall ratify with a 2/3 majority.
 - 1:2 An amendment can only be initiated in the directly elected Lower Chamber of Parliament.
 - 1:3 The Head of State reserves the right not to sign the amendment providing reasons, however, the veto can be overturned by a 2/3 majority of all members in Parliament.
2. Uganda shall be a State where there shall be locally elected governments, and a centrally elected administration.

Citizenship

3. All those born within the borders of Uganda shall have an unfettered right to Uganda citizenship subject to 3:1. All those born outside of Uganda to one or two Ugandan parents shall also enjoy an equal right as those born within the borders of Uganda.
 - 3:1 Those Ugandans who renounce citizenship by taking up other citizenship can reclaim Ugandan citizenship by renouncing the other citizenship.
 - 3:2 Offsprings born to one or two Ugandan parents shall enjoy dual citizenship until voting age. Offsprings of parents who have renounced Ugandan citizenship shall not take up Ugandan citizenship as of right save to apply as anyone else; however, having Ugandans as the applicant's ancestors shall be an advantage to an applicant.
4. Uganda shall be a non-aligned country.
 - 4:1 Parliament shall make provision for according preferential treatment to citizens of friendly countries on a reciprocal basis.

CHAPTER II INDIVIDUAL RIGHTS

5. Uganda shall guarantee the right to freedom of speech or of the press; the right to peaceful assembly; the right to associate; the right to petition; and the right to belong to a religion.
- 5:1 No person shall be deprived of life, liberty or property without due process of law; and private property cannot be taken for public use without just compensation.
- 5:2 No person shall be held in slavery or servitude; no person shall be required to perform forced labour; no person shall be treated inhumanly, tortured or degraded; punishment shall only be admissible whereof the party shall have been duly convicted in a court of law, and made aware of the punishment to be faced; and no person shall be subject for the same offence twice.
- 5:3 The right of a person not to be searched without warrant is herein secure.
- 5:4 Capital offences or other infamous crimes shall be tried by jury or by a judge and a minimum of two assessors; all accused parties shall enjoy a right to a speedy and public trial; no person shall be held against his/her wishes for a period exceeding 48 hours without charges; the privilege of the Writ of Habeas Corpus shall not be suspended save per 5:6 below.
- 5:5 The right of every citizen to a vote shall not be abridged on account of tribe, race or sex; and those registered to vote can do so either directly or by proxy voting.
- 5:6 There shall not be a state of emergency save where Parliament has declared war with a neighbouring state; internal conflict can only be resolved through the rule of law and not by emergency powers.
- 5:7 The Executive may declare any area a disaster area where natural catastrophe results.
- 5:8 Summary sentencing by politicians, police or armed forces shall be unreasonable and unlawful; sentencing is a role for judicial courts.

CHAPTER III LOCAL GOVERNMENT

6. Local autonomy is a requisite for peace and trust; the country shall be divided up in Districts where each District shall have an elected chamber of a minimum of 20 to form the governing district council; and each district shall recruit its own local administration.
- 6:1 Each district shall be divided into counties (massaza), subcounties (magombolola), boroughs (miluka) and village levels; each level shall have an elected council that shall elect one among its number as leader of the district, county, subcounty, borough or village.
- 6:2 There shall be a national electoral and boundary commission responsible for the demarcation of constituencies from village level up to national level per 7:9 below.
- 6:3 All local elected offices shall be for a fixed term of 2 years at all levels (district, county, subcounty, borough and village).
- 6:4 Education, Health, Police and Roads shall be managed by district councils without prejudicing the national outlook; standards shall be kept the same nationally.
- 6:5 Each district shall have the right to make its own laws, e.g. which must take account of its cultural traditions and geographical considerations, providing that these laws are not in conflict with national laws:
- (a) each district shall have the right to negotiate for closer bonds with its neighbours if it so chooses;
 - (b) amending local laws will require a 2/3 majority.
- 6:6 Where a district (alone or with another or others) chooses to create an office of a cultural figure head:
- (a) that office shall carry a symbolic role without administrative attachments; and its holder shall be barred from holding elected political office in that district or districts;
 - (b) the procedure to create the office of cultural figure head would require a referendum in that district (or those districts);
 - (c) an appointment shall be proposed by the leader of the district council and confirmed with a 2/3 majority of the district council; and
 - (d) replacing a cultural figure head may be initiated either in the district council or by petition to the district council and shall require a 2/3 majority of the district council for a decision to replace the cultural figure head.

6:7 There shall be local taxes; and of all the monies collected a minimum of 51% shall be retained by the local treasury.

6:8 There shall be a local district auditor who shall:-

- (a) be appointed locally for a fixed term of 5 years;
- (b) serve for a period not exceeding 2 terms;
- (c) make his/her findings known publically;
- (d) submit an annual report to the District council for debate;
- (e) shall have the powers to investigate all claims of misappropriation of funds in the district; and
- (f) who shall be answerable to Auditor General for professional conduct.

6:9 It is mandatory that at village level all of voting age shall vote save

- (a) those travelling; and
- (b) those in bad health
who if they are able to choose shall cast a proxy vote.

CHAPTER 1V PARLIAMENT

7. The role of Parliament shall be to make laws in accordance with the constitution: it is to Parliament that the Executive is accountable.

7:1 There shall be two (2) Chambers of Parliament; one shall be directly elected henceforth to be known as the Lower Chamber; the other shall be indirectly elected henceforth to be known as the Upper Chamber.

7:2 Whereas Parliament shall not make ex-post-facto laws, Parliament shall have powers to investigate and summon anyone in the course of her inquiries within the guidelines of 5:8 above.

7:3 Parliament cannot remove the President, or Vice President, or judges, or Auditor General; except by impeachment: Where the Lower Chamber shall take the role of prosecutor; while the Upper Chamber shall act as the jury; the Chief Justice or the most senior judge shall sit as the trial judge in the proceedings.

7:4 The Lower Chamber shall have a minimum of 200 members who shall be directly elected without exception:

- (a) No person shall be a member who shall not have attained the age of 25 years;
- (b) To be a member a person shall have been a domicile in the constituency for a minimum of 3 years;

- (c) Prospective members shall declare all their assets;
- (d) Prospective members shall not have had any criminal record punishable by imprisonment on a court conviction;
- (e) All prospective members shall have a minimum education of 'O' level standard or its equivalent;
- (f) All members shall serve a fixed term of 5 years;
- (g) A member shall represent a constituency with an electoral register ranging from 30,000 to 50,000 electors;
- (h) Any member seeking to change party allegiance during a term of Parliament shall resign his/her seat and seek a fresh mandate through a by election.

7:5 The Lower Chamber shall be responsible for its procedure:

- (a) The Lower Chamber shall be responsible for reprimanding its own members;
- (b) Members shall be exempt from arrest during their attendance at the sessions of the Lower Chamber for any speech or debate;
- (c) The Lower Chamber shall elect a Speaker, Deputy Speaker, House Leader and Committee Chairpersons.
- (d) The Lower Chamber shall meet a minimum of 12 times in a calendar year.

7:6 The Upper Chamber shall be composed of 3 indirectly elected members from each District and Kampala City Council; and one indirectly elected member from each Municipality:

- (a) The Upper chamber shall not be partisan in structure
- (b) No person shall be a member who shall not have attained the age of 35 years;
- (c) Prospective members shall declare all their assets;
- (d) Prospective members shall have no criminal record punishable by imprisonment on a court conviction;
- (e) Members shall represent all residents in the district electing them;
- (f) To represent a district, city or municipality a person shall have been domicile in the district, city or municipality for a minimum period of 5 years;
- (g) A prospective member must seek an endorsement of a minimum of 2/3 of the counties in the district or a minimum of 1/2 of the sub counties in the district; or a minimum of 1/2 of the boroughs in the City Council or municipality;
- (h) Members shall have attained an 'O' level educational standard or its equivalent; and
- (i) Members shall be fluent in the language spoken by the majority in the district he/she represents.

- 7:7 The Upper Chamber shall be responsible for its procedure:
- (a) The Chamber shall be responsible for reprimanding its members;
 - (b) Members shall be exempt from arrest during their attendance at the sessions of the Upper Chamber for any speech or debate;
 - (c) Whereas the Vice President shall be Speaker of the Upper Chamber, he or she shall not have a vote when the Chamber divides;
 - (d) The Chamber shall elect to office its Deputy Speaker, Committee Chairpersons and House Leader;
 - (e) The Chamber shall meet a minimum of 12 times in a calendar year; and
 - (f) The Upper chamber shall be responsible for ratifying all public appointments made by the Executive.
- 7:8 All elections (direct and indirect) to both chambers of parliament shall be by secret ballot.
- 7:9 An electoral and boundary commission shall be appointed by the President with the advice and consent of the Upper Chamber:
- (a) To supervise and declare election results;
 - (b) The E & B Commission shall serve for a fixed period of 7 years; the E & B commission shall have a chairperson, deputy chairperson, secretary, deputy secretary and a fifth member; and
 - (c) The E & B commission shall be responsible for electoral boundaries which shall be reviewed every 10 years.
- 7:10 Officials to assist Parliamentary members and officials performing other administrative roles for Parliament shall be recruited by the Public Service Commission.

CHAPTER V EXECUTIVE

PRESIDENT

8. The President shall be Head of State:
- (a) The President shall be directly elected by popular vote;
 - (b) The President shall have attained the age of 35;
 - (c) The President shall be able to communicate in English and either Swahili or one of the Regional languages (as per 10:)
 - (d) The President shall have been domicile in Uganda for the past 5 years consecutively prior to election;
 - (e) Both parents (deceased or living) of the President shall be Ugandan citizens;

- (f) Candidates to the office of President shall seek nomination from 1/2 of the total number of districts in Uganda; endorsement will suffice in all district councils with a simple majority;
- (g) Nominated candidates shall have equal state facilities for campaigning:- funds, protection, and publicity;
- (h) The President shall declare all his/her assets;
- (i) There shall be an office of Vice President appointed by the nominated candidates as Running-Mate and shall be bound by the same conditions (from (b) to (h))

8:1 The President shall hold office for a fixed term of six years; the President shall serve a maximum of 2 terms.

8:2 In case of the removal of the President from office, or of the President's death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve to the Vice-President; and where removal, death, resignation or inability, both of President and Vice-President occurs, the Deputy Speaker of the Upper Chamber shall be elevated to the office of President until end of the Presidential term that the Deputy Speaker has been entrusted.

8:3 The President shall be responsible for public appointments with the advice and consent of the Upper Chamber save section (a) of this paragraph.

- (a) The President shall name the Prime Minister by calling the person with the greatest support in the Lower Chamber; that person shall appoint a Cabinet and present the same to the President;
- (b) whereas the President shall have a veto to any Bill prior to becoming law, the veto shall be overridden with a 2/3 majority by Parliament;
- (c) the President shall be commander-in-Chief of the Armed Forces;
- (d) the President shall receive all the diplomats and shall be consulted by the Cabinet on all foreign policy;
- (e) the President has the power for a prerogative of mercy; and
- (f) the President consulting the respective Service Commission shall be responsible for promotions in the Armed Forces and the Police, with the advice and consent of the Upper Chamber.

8:4 As per 8:3 (a) the Prime Minister shall be head of the Government and together with the Cabinet will be responsible for Government policy.

(a) The PM shall be an elected member of the Lower Chamber; all members of the Cabinet and all junior ministers shall be elected members of the Lower Chamber; and all together (Cabinet and junior ministers) shall not exceed 1/5 of the total number of members of the Lower Chamber;

(b) The PM and the Government shall be accountable to Parliament for all the decisions;

(c) The PM shall serve a fixed term of 5 years concurrent with the terms of the Lower Chamber save where a vote of no confidence by the Lower Chamber removes the Government and replaces it with another; a term interrupted by a vote of no confidence shall be taken to be a full term for both the 'removed' and 'replacer' Prime Minister; and

(d) The PM shall serve a maximum of 2 terms.

8:5 The President in consultation with the Government with the advice and consent of Parliament shall make a declaration of war only when invaded by another sovereign state.

8:6 There shall be an Armed Service Commission, which shall include the four service chiefs, the Quarter Master General, and an Adjutant General (Secretary of Defence); which shall be responsible for training standards and discipline.

(a) Members of the Armed Services Commission shall serve a fixed term of 7 years not renewable;

(b) Recruitment and the size of the army is the responsibility of Government policy to which it is accountable both to Parliament and the President.

(c) The role of the Armed Forces is to implement State policy by securing our borders;

(d) This constitution shall deny members of the Armed Forces any public role in Law making save as private Citizens; and

(e) Members of the Armed Forces shall not hold any other public office during their active service and shall declare any economic interests they hold or seek to undertake, which shall be denied where a conflict of interests arises.

8:7 There shall be a Police Service Commission, chaired by the Inspector General of Police with the five Police Commissioners and one senior judge to serve a fixed term of 7 years;

- (a) The Police Service Commission shall be responsible for training, standards and discipline;
- (b) there shall be five police regions, each headed by a Police Commissioner: Kampala and Entebbe Region; Northern Region; Western Region; Eastern Region; and Southern Region;
- (c) There shall be a Police General Headquarters that will include a national Criminal Investigation Division headed by an assistant Police Commissioner under the direct command of the Inspector General;
- (d) recruitment and the size of the Police is the responsibility of Government policy accountable both to Parliament and the President;
- (e) the role of the Police is to enforce the law and secure public safety and public order;
- (f) members of the Police force shall not hold any other public service during their active service' and shall declare any economic interests they hold or seek to undertake, which shall be denied where a conflict of interests arises; and
- (g) this constitution shall deny Police officers any public role in law making save as private citizens.

8:8 There shall be a Prison Service Commission, chaired by the Prisons Commissioner with three assistant Prisons Commissioners and one senior judge to serve for a fixed term of 7 years;

- (a) the Prisons Service Commission shall be responsible for training, standards and discipline;
- (b) recruitment and size of the Prisons service is the responsibility of Government policy accountable both to Parliament and the President;
- (c) the role of the Prisons Services is to secure all state prisons; and
- (d) members of the Prisons service shall not hold any other public service office during their active service and shall have no public role in law making save as private citizens.

8:9 There shall be a Public Service Commission consisting of seven senior public servants, who shall be appointed by the President with the advice and consent of the Upper Chamber for a fixed term of 7 years.

- (a) The Public Services Commission will be responsible for recruitment, training, standards and discipline;
- (b) the role of the Civil Service is to implement Government policy and to advise ministers;
- (c) members of the Civil Service shall not hold political office during their active service.

8:10 There shall be a judicial service commission, chaired by the Chief Justice; and the other members of the Commission shall be the Attorney General; one senior judge from the Supreme court; a senior lawyer appointed by the Law Society and/or Bar Association; and a lay member appointed by the President with the advice and consent of the Upper Chamber;

- (a) With the exception of the A/G the other members of the Judicial Service Commission shall serve a fixed term of seven years;
- (b) the JSC shall be responsible for training, standards and discipline;
- (c) the JSC shall propose the recruitment and promotion of judges to the President who shall appoint with the advice and consent of the Upper Chamber; the President shall seek recommendations if he/she so chooses in appointing members of the Supreme court with the advice and consent of the Upper Chamber;
- (d) the terms for the office of Chief Justice shall become vacant after a period of 7 years to run concurrently with Judicial Service Commission's term;
- (e) all judges shall declare all their assets.

8:11 Whereas the service commissions shall code and enforce discipline, all those contracted as employees of the state shall reserve the right to appeal for judicial review; and whereas all state employees shall not be accountable to Parliament, the ministers are, state employees may be summoned by Parliament to tender information to Parliamentary committees and/or Investigating Commissions that have been appointed with the advice and consent of Parliament; Dismissal of State employees shall be after exhausting the Disciplinary and Grievance procedure.

8:12 There shall be an office of Auditor General for Uganda whose office shall be a public office.

- (a) the Auditor General shall be a public servant to serve a fixed term of seven years not renewable;
- (b) the public accounts of Uganda and all officers, courts and authorities of the Government of Uganda shall be audited and reported on by the Auditor General or any other person authorised by him/her in that behalf shall have access to all books, records, returns and other documents relating to those accounts.
- (c) the Auditor General shall submit his/her reports to the minister responsible for finance, who shall cause them to be laid before Parliament for debate, which same report shall be published within 28 days of submission;

- (d) and in the exercise of his/her functions under this constitution the Auditor General shall not be subject to the direction or control of any other person or authority;
- (e) those required under this constitution to declare all assets shall make known that information to the Auditor General who shall cause that information to be made public on demand; and
- (f) whereas the Auditor General may resign or be removed for inability to discharge the functions of the said office, the AG can only be dismissed by impeachment as per 7:3 above.

8:13 All matters pertaining to revenue and expenditure shall be put before Parliament by the Cabinet for approval; and no money shall be withdrawn from the public funds of Uganda except upon authority of a warrant under the hand of the Minister responsible for finance who is answerable to Parliament.

CHAPTER VI JUDICIARY

9. Judicial power in Uganda shall be vested in one supreme Court and lower courts who shall be responsible for the interpretation of this Constitution; who shall also provide judicial review to all cases in law and equity under this constitution.

9:1 The supreme court shall at all times be made up of the Chief Justice and six other Justices who shall have the final appellate jurisdiction. Next in the hierarchy shall be the Appeal Court which shall sit with three Justices on the Bench for all hearings. Next in the hierarchy shall be the District Courts set in district administrative centres to sit a judge and a jury or judge with a minimum of two assessors in all criminal related cases or with one judge in the specialised parts of civil law. There shall be Magistrates Courts Grade I (County Courts) to continue to do what the present Magistrates Courts Grade I do at the time of adopting this constitution. At the bottom of the hierarchy there shall be Magistrates Courts Grade II (Gombolola Courts) which shall sit with three Justices of the Peace on the Bench for all hearings.

9:2 All judges shall serve to the retiring age of 70 years, and shall hold office during good behaviour, receiving remuneration based on seniority and standards of living.

9:3 Appointments of judges shall be made by the President with advice and consent of the Upper Chamber; and whereas a judge may resign or be removed for inability to discharge the functions of the said office, judges can only be dismissed by impeachment as per 7:3 above.

CHAPTER VII MISCELLANEOUS

- 10:0 English shall be the official language of Uganda to be used in keeping records; and for reason of evolving a national language this constitution creates four regions: Eastern Region; Northern Region; Southern Region and Western Region, where each region shall have a regional language on its school curriculum compulsory up to primary 7 or its equivalent in addition to English and Swahili which is compulsory up to 'O' Levels.
- 10:1 Treason shall consist only of crimes against the State: to spy or aid a foreign state or foreign anemy.
- 10:2 (a) All freehold land owners before the coming into force of this constitution shall not have their land taken away or the right thereof revised without due process of the law.
(b) There shall be a Land Commission for Uganda consisting of 5 members; with a senior judge as Chairman; a Land Surveyor as Secretary; and three other members all to be appointed by the President with the advice and consent of the Upper Chamber; to serve on the Commission for a term of 7 years not renewable.
(c) The Land Commission shall take stock of all land in Uganda and make public such information on demand.
- 10:3 (a) Any Commission established under this constitution shall sit with all its members present and where a vacancy exists that vacancy shall be filled within 14 days.
(b) Whereas the Commission shall regulate its own procedure, concurrence on any vote shall require a majority of all the Commission members.
- 10:4 Any office established under this constitution may be resigned from by writing to the authority that appoints or elects the officer to that office.
- 10:5 All those appointed or elected to offices established under this constitution shall take an oath of allegiance to the laws established therein.
- 10:6 In this constitution, unless the content otherwise requires:
"functions" include powers and duties.
"State" refers to the territorial borders and the citizens of Uganda.
"Government" refers to the political administration of

Uganda.

"Domicile" refers to a fixed residence recognised by one's name being on the electoral register and complying with section 6:9.

"government" refers to all agencies of the State.

"Municipality" refers to an urban area independent of the District in which it is situated.

"Session" refers to the sittings of Parliament.

"Culture" refers to traditions and customs evolving in a society.

"Local Government" refers ^{to} self governing authorities outside of central government such as districts etc.

10:7 All statute laws before the coming into force of this constitution which are in conflict with this constitution shall be annulled by either Parliament or judicial review.

10:8 In all cases affecting 'Acts of parliament' the Supreme Court shall have original jurisdiction. In all other cases the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions as Parliament shall make.