

Statute 5

*Uganda Constitutional
Commission Statute*

1988

THE UGANDA CONSTITUTIONAL COMMISSION
STATUTE, 1988.

ARRANGEMENT OF SECTIONS.

Section.

1. Establishment of Commission.
2. Composition of Commission.
3. Tenure of office of Commissioners.
4. Functions of the Commission.
5. Powers of the Commission.
6. Organisation of work and submission of reports.
7. Staff of the Commission.
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9. Regulations.
10. Commencement and duration of Statute.
11. Interpretation.

**THE UGANDA CONSTITUTIONAL
COMMISSION STATUTE, 1988.**

DATE OF ASSENT: 21st December, 1988.

Date of Commencement: (see section 10).

**A Statute To Provide For The Establishment, Functions
And Powers Of the Uganda Constitutional Commission,
And For Other Matters Connected Therewith Or Incidental
Thereto.**

WHEREAS the history of Uganda is characterised by political and constitutional instability:

AND WHEREAS since independence, Uganda has had a series of Constitutions and Constitutional Instruments, many of which have failed to take account of or satisfy the national aspirations of the time:

AND WHEREAS in the past the people of Uganda have been afforded very little or no opportunity to freely participate in the promulgation of their national Constitution:

AND WHEREAS the National Resistance Government recognises the need to involve the people of Uganda in the determination and promulgation of a national Constitution

that will be respected and upheld by the people of Uganda, through the establishment of a Constitutional Commission, with a view to achieving a national consensus on the most suitable constitutional arrangement for their country:

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

1. There is hereby established a Commission to be known as the Uganda Constitutional Commission.

Estab-
lishment
of Com-
mission

2. (1) The Commission shall consist of twenty-one Commissioners, namely,

Composi-
tion of
Commis-
sion

(a) a Chairman;

(b) Vice-Chairman;

(c) a Secretary;

(d) the Director of Legal Affairs in the National Resistance Movement Secretariat, who shall be an *ex-officio* member;

(e) the Chief Political Commissar in the National Resistance Army, who shall be an *ex-officio* member; and

(f) sixteen members.

(2) The Chairman, Vice-Chairman, Secretary and members of the Commission, other than the *ex-officio* members, shall be appointed by the President in consultation with the Minister.

(3) The President shall, in exercising his powers of appointment under subsection (2) of this section, have regard to the high integrity, intellectual capacity, special qualifications, expertise and experience of a person suitable for appointment as Commissioner.

(4) A person shall not be eligible for appointment as Commissioner under the provisions of subsection (2) of this section if he,

(a) is of unsound mind;

(b) has been declared a bankrupt; or

(c) has been convicted of an offence carrying a sentence of imprisonment of not less than six months, without an option for a fine.

(5) A Commissioner appointed under the provisions of this section shall take the oath set out in the Schedule to this Statute.

Tenure
of
office
of
Commis-
sioners.

3. (1) A Commissioner shall, unless his appointment is sooner terminated for the causes specified in subsection (3) of this section, serve on the Commission on full-time basis, from the date of appointment until the Commission submits its final report to the Minister under section 6 of this Statute.

(2) A Commissioner may, at any time after his appointment, resign, by giving notice in writing to the President, through the Minister, and such resignation shall take effect from the date of receipt by the Minister of such notice.

(3) The office of a Commissioner shall fall vacant if the Commissioner,

- (a) dies;
- (b) resigns from office;
- (c) by reason of physical or mental illness becomes unfit or unable to discharge the work of the Commission;
- (d) is declared a bankrupt;
- (e) is convicted of an offence carrying a sentence of imprisonment of not less than six months, without an option for a fine; or
- (f) without reasonable excuse fails to attend to the work of the Commission for two consecutive months.

(4) Where the office of a Commissioner falls vacant under the provisions of subsection (3) of this section, the President may, in consultation with the Minister, appoint another person to hold that office.

Functions
of the
Commis-
sion.

4. The functions of the Commission shall be,

- (a) to study and review the Constitution with a view to making proposals for the enactment of a national Constitution that will, *inter alia*,
 - (i) guarantee the national independence and territorial integrity and sovereignty of Uganda;
 - (ii) establish a free and democratic system of Government that will guarantee the fundamental rights and freedoms of the people of Uganda;

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- (iii) create viable political institutions that will ensure maximum consensus and orderly succession to Government;
 - (iv) recognise and demarcate division of responsibility among the State Organs of the Executive, the Legislative and the Judiciary, and create viable checks and balances between them;
 - (v) endeavour to develop a system of Government that ensures peoples participation in the governance of their country;
 - (vi) endeavour to develop a democratic, free and fair electoral system that will ensure true people's representation in the legislature and at other levels;
 - (vii) establish and uphold the principle of public accountability by the holders of public offices and political posts; and
 - (viii) guarantee the independence of the Judiciary;
- (b) formulate and structure a draft Constitution that will form the basis for the country's new national Constitution.

5. (1) For the purposes of carrying out its functions under this Statute, the Commission shall do all such acts as are necessary for the carrying out of the said functions, and in particular,

*Powers of
the Com-
mission.*

- (a) shall seek the views of the general public through the holding of public meetings and debates, seminars, workshops and any other form of collecting public views;
- (b) shall stimulate public discussions and awareness of constitutional issues;
- (c) may summon any person to appear before it or to produce any document or thing that may be considered relevant to the functions of the Commission; and

(d) may form such committees as the Commission may deem necessary for the better carrying out of its functions.

(2) A person who,

(a) without lawful excuse fails to appear before the Commission in disobedience of a summons issued under paragraph (c) of subsection (1) of this section; or

(b) knowingly presents to the Commission a false or fabricated document or makes a false statement thereto with intent to deceive or mislead the Commission,

commits an offence and is liable on conviction to a fine not exceeding seven thousand shillings or to a term of imprisonment not exceeding three months.

Organisa-
tion of
work and
submission
of reports.

6. (1) Subject to the provisions of this section, the Commission may regulate its own procedure and method of work.

(2) The Chairman shall,

(a) supervise and direct the work and staff of the Commission; and

(b) preside at all meetings of the Commission, and in his absence the Vice-Chairman shall preside.

(3) The Secretary shall be responsible for the day to day functioning of the Commission, the recording of proceedings and the writing of the reports of the Commission.

(4) For the purposes of its deliberations and decisions, one half of the members of the Commission shall constitute a quorum at a meeting of the Commission.

(5) All questions before the Commission shall be determined by a majority of the members present and voting, and in the event of an equality of votes, the Chairman shall have a second or casting vote.

(6) The Commission shall complete its work and submit a report thereon to the Minister within twenty-four months from the date of commencement of this Statute or such further period as the Minister may determine:

Provided that the Commission shall, if directed by the Minister, submit interim progress reports and at such intervals as the Minister may determine.

7. (1) The Commission shall utilize the services of such public officers and supporting staff as are necessary for the efficient performance of its functions under this Statute. Staff of the Commission.

(2) The Commission may, with the approval of the Minister, employ the services of such consultants or experts as may, in its opinion, assist the Commission in the discharge of its functions, upon such terms and conditions as it may determine.

8. (1) The expenses of the Commission incurred in the exercise of its functions under this Statute, including the allowances for the Commissioners and staff of the Commission, shall be charged on and issued out of the Consolidated Fund without further appropriation than this Statute. Finances of the Commission.

(2) The funds of the Commission shall be administered and managed by the Accounting Officer in the Ministry responsible for Constitutional Affairs.

(3) Commissioners and staff of the Commission shall be paid such allowances as the Minister in consultation with the Minister for Finance, may determine.

9. The Minister may by Statutory Instrument make regulations for the better carrying out of the provisions of this Statute. Regulations.

10. This Statute shall come into force on such day as the Minister may by Statutory Instrument appoint and shall remain in force until the Commission completes its work and submits its report to the Minister under section 6 of this Statute, and shall then expire. Commencement and duration of Statute.

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Interpre-
tation

11. In this Statute, unless the context otherwise requires,
"Chairman" means the Chairman of the Commission;
"Commission" means the Uganda Constitutional
Commission established under section 1 of this
Statute;
"Commissioner" means a Commissioner appointed
under section 2 of this Statute;
"Minister" means the Minister for the time being
responsible for Constitutional Affairs;
"Secretary" means the Secretary to the Commission.

SCHEDULE.

OATH OF COMMISSIONER.

I,, being appointed a
Commissioner of the Uganda Constitutional Commission, swear
that I will at all times well and truly exercise the functions of the
Commission entrusted to me and will do justice to all manner of
people in accordance with the Constitution of the Republic of
Uganda as by law established and in accordance with the laws and
usage of the Republic of Uganda without fear or favour, affection
or ill-will. So help me God.