

CITIZENS' POSITION ON THE PROPOSED CONSTITUTIONAL AMENDMENT BILL NO.1, 2019

Clause by Clause Analysis of the Constitutional Amendment Bill, 2019

SN	Affected Article	Current text/ status	Proposed Amendments	Recommended Action	Justification
1.	Article 60(1)	There shall be an Electoral Commission which shall consist of a chairperson, deputy chairperson and five other members appointed by the President with the approval of Parliament	<i>There shall be an Electoral Commission which shall consist of a chairperson, a deputy chairperson and five other members appointed by the President acting on the advice of the Judicial Service Commission and with the approval of Parliament.</i>	<i>This is a progressive amendment</i> It makes the process of appointing members of the Electoral Commission, Open, transparent and competitive by providing for a body outside parliament and Executive to identify the persons to be appointed to the Commission	Independent recruitment and vetting help reduce influence peddling, promotes efficiency and strengthens job security. It also guarantees the independence, capacity, and credibility of the Electoral management body to deliver free and fair elections and increases public confidence in the institution. This is practiced in Kenya, Nigeria, South Africa, and Sierra Leone and also emerges as a strong recommendation in the Citizens COMPACT for Free and Fair Elections
2.	Insertion of new clause Article 60(1a)	New clause	<i>1a) For the purpose of clause (1), the Judicial Service Commission shall by notice, in at least two newspapers of wide circulation and the electronic media, invite suitable Ugandans to express interest to serve on the Electoral Commission</i>	<i>This is a progressive amendment, as it seeks to promote transparency in the appointment process of the Electoral Commissioners. However, vetting should be open to the media and public</i>	The public recruitment will widen the space for all suitable and qualified members of the public to be given a chance to serve on the commission It will also promote public involvement, as well as ensure transparency in the recruitment process, foster trust and public confidence in the commission.
3.	Insertion of new clause Article 60(1a)	New clause	<i>(1b) The chairperson of the commission shall be a person who is qualified to be a judge of the High Court as prescribed under the Constitution and possess at least three years' experience in any of the following— (a) electoral matters; (b) governance; or (c) public administration.</i>	The post of a chairperson of the Electoral Commission should not be limited to only Lawyers. Elections are a formal group decision-making process by which a population chooses an individual to hold public office. We recommend that: <i>A person qualified to hold office as Chairperson or Vice-Chairperson</i>	To specifically provide for qualifications of the members of the Electoral Commission and conform to the recommendation of the Supreme court in the Amama Mbabazi v Museveni & Ors (Supra) case.

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			<p><i>(c) by inserting immediately after clause (2), the following—</i></p> <p><i>“(2a) A person shall not be appointed a member of the commission if that person—</i></p> <p><i>(a) has been convicted by a competent court of an offense whose sentence of imprisonment is three years or more;</i></p> <p><i>(b) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;</i></p> <p><i>(c) is of unsound mind;</i></p> <p><i>(d) has, within the five years immediately preceding the election, been involved in elective politics or political party or organization leadership; or</i></p> <p><i>(e) has, within the five years immediately preceding the election, been convicted by a competent court of an offense involving Dishonesty or moral turpitude.”</i></p>	<p><i>should have 10 years' experience in either electoral matters, governance or public administration.</i></p>	
4.	Insertion of new clause Article 61(1a)	New clause	<p><i>“(1a) The Electoral Commission shall hear and determine an election complaint under clause (1) (f) arising before polling within ten days from the date of receipt of the complaint.”</i></p>	<p>Progressive</p> <p>This proposal seeks to specifically provide for the time within which the electoral commission should determine the complaints. Its good practice to have every complaint registered with Electoral Commission determined before polling at least within ten days of its lodgment.</p>	<p>Ideally, complaints arising out of nomination processes should be determined before elections.</p> <p>This would help reduce the volume of election petitions filed in courts of law hence reducing court backlog for the election tribunal and consequently making it possible to determine all election-related court cases within the 6 months of the tribunal</p>
5.	Reinstate Article 61(3)	“(3) Except where it is impracticable to do so, the Electoral Commission	<p><i>“(3) The Electoral Commission shall hold presidential, general</i></p>	<p>Progressive but should be specific and practical</p>	<p>This proposal would reduce the costs of elections, improve election planning</p>

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		shall hold general parliamentary and local government council elections on the same day	<i>parliamentary and local government council elections on the same day</i>	<p>“(3) The Electoral Commission shall hold presidential, general parliamentary and local Council Five elections on the same day. Local Council 3, 2 and 1 elections shall be held at least one year after the general election</p> <p><i>This amendment should also be reflected in Article 61(2) of the Constitution</i></p>	<p>and management, promote efficiency and reduce voter fatigue amongst citizens. It will also address the causes of low voter turn up in local council elections held two weeks after general elections.</p> <p>The proposal would also help harmonize the tenure of central and local Governments. Separation by law creates two regimes in government with different tenure. In Australia, all elections are held on the same day.</p>
6.	Amendment of Article 78	<p>Article 78. Composition of Parliament.</p> <p>(1) Parliament shall consist of</p> <p>(a) members directly elected to represent constituencies;</p> <p>(b) one-woman representative for every district;</p> <p>(c) such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine; and</p>	<p><i>Article 78 of the Constitution is amended in clause (1) —</i></p> <p><i>(a) paragraph (c), by repealing the word “army”;</i></p>	<p><i>The proposal is progressive</i></p> <p>The army as a state institution does not have to be categorized as a special interest or vulnerable group.</p> <p>Article 78(2) provides for constant review of the representation of special interest/marginalized categories every 5 years and the same has never been done.</p> <p>We thus propose that, <i>“...beyond the army, repeal affirmative action and replace it with gender parity in line with article 29 (3) of the African Charter on Democracy, Elections, and Governance (ACDEG)</i></p>	<p>The interests and views of the army are ably and effectively represented through the executive arm of government where they belong.</p> <ul style="list-style-type: none"> The Special interest groups were introduced to cater to marginalized groups as a result of imbalances caused by the history, culture, and customs of this country. There is no history of ever marginalizing the army in Uganda, no culture or customs that ever marginalized the institution of the army. Secondly, the army whose duty is to preserve, defend the sovereignty and territorial integrity of Uganda and at all times should remain impartial away from Parliament which is a partisan arena under a multiparty dispensation. The repeal of affirmative action will be in line with article 29 (3) of ACDEG and the Constitutive Act of African Union on gender parity.

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				<i>Also, WORKERS should be removed from parliament because all employed citizens are workers and they are represented by constituency MPs</i>	<ul style="list-style-type: none"> According to statistical abstract 2018 published by the Uganda Bureau of Statistics, Uganda has a working population of 15 million people.
7.	Amend Article 78(1) (d)	(d) the Vice President and Ministers, who, if not already elected members of Parliament, shall be ex officio members of Parliament without the right to vote on any issue requiring a vote in Parliament	<p>(b) by substituting for paragraph (d), the following—</p> <p><i>“(d) the Deputy President, Ministers, Attorney General, and Deputy Attorney General, who shall be ex-officio members of Parliament without a right to vote on any issue requiring a vote in Parliament.”</i></p>	<p>Progressive</p> <p>This proposal will establish an effective Parliament whose duty is to have an oversight role over the executive. A member of the executive who at the same time is a member of Parliament falls short of playing this cardinal role of Parliament.</p>	<p>To have separation of powers well spelled out and make the Ministers report to Parliament as and when need be. It is also intended to have a lean Parliament as Ministers shall be ex-officials.</p> <p>In Kenya for instance Ministers (Secretaries) only appear in Parliament to respond to concerns about their sectors and budgets.</p>
8.	Amend Article 82A of the Constitution	New clause	<p><i>Article 82A of the Constitution is amended by inserting immediately after clause (2), the following—</i></p> <p><i>“(3) The leader of the opposition shall, before assuming his or her office, take and subscribe the oath of allegiance as specified in the Fourth Schedule to this Constitution.”</i></p>	<p>Progressive</p> <p>Helps further re-enforced the importance of LOP office</p>	<p>The Leader of Opposition is an office created by the Constitution. It is also a third office in Parliament and Number ten (10) in the National Order of Precedence of Uganda. All other officers take oath except number 7 (vice-chairman of NRM) and the Leader of Opposition. Number 7 is smuggled in the order of precedence, as he/she is not an official of Government.</p>
9.	Insertion of a new Article after 82A of the Constitution	New Clause	<p>Insertion of new article 82B.</p> <p><i>The Constitution is amended by inserting immediately after article 82A, the following—</i></p> <p>“82B. Speaker’s Panel.</p> <p><i>(1) There shall be, in Parliament, a Speaker’s Panel consisting of three members nominated by the Speaker from among the members of Parliament, taking into consideration the</i></p>	<p>The proposal is progressive but the proposed number of three members is too big.</p> <p>In addition to the Speaker and Deputy Speaker, two more MPs should be nominated; one from the ruling party and another from the opposition to form the Speakers Panel. The nominations should take into consideration gender balance</p>	<p>The Speaker and the Deputy Speaker get different engagements and also become exhausted yet the Parliamentary business should not be affected.</p> <p>This proposal is intended to have specified persons as members of Parliament who can be called upon to assist the Speaker when the need arises. In Kenya there is the chairperson’s</p>

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			<p><i>representation of the political parties and other shades of opinion, with the approval of Parliament.</i></p> <p>(2) <i>An ex-officio Member of Parliament shall not qualify for nomination on the Speaker's Panel.</i></p> <p>(3) <i>A member of the Speaker's Panel may, in the absence of the Speaker and Deputy Speaker, preside at a sitting of Parliament.</i></p>	<p>and seniority of the MPs in Parliament</p> <p><i>Two MPs are sufficient because the chamber has two sides of the ruling government and the opposition</i></p>	<p>panel composed of four members nominated by the Speaker in consultation with Parliamentary parties, in Tanzania there is the Speakers panel of three chosen from the Committee chairpersons</p> <p>The Kenyan National Assembly is implementing this provision and reports so far indicate that there is an improvement in the performance of the legislature.</p>
10.	Amend article 87 of the Constitution	Clerk to Parliament and other staff of Parliament. (1) There shall be a public officer designated Clerk to Parliament appointed by the President acting in accordance with the advice of the Public Service Commission.	Article 87 of the Constitution is amended in clause (1) by substituting for the words "Public Service Commission", the words "Parliamentary Commission".	<p>Progressive</p> <p>The Constitution recognizes the Parliamentary Commission under Articles 87(3) and 87A whose duties among others include appointment, disciplining and removal of parliamentary staff. The Clerk to Parliament is the head of staff in the Parliamentary Commission. Article 87 (1) contradicts 87(3) and the spirit in Article 87A and the Constitution yet the constitution should be read as a whole with each article supporting one another</p>	<p>The proposal re-enforces the doctrine of separation of powers as well as the independence of parliament.</p> <p>It also seeks to implement the Constitutional Court decision in the case of Parliamentary Commission vs Mwesigye Const. Appeal Number 8 of 2016 where The Constitutional Court applied the rule of harmony in P.K.Ssemwogerere vs Attorney General, Constitutional Appeal No. 1 of 2002 (SC), to the effect that, the whole Constitution has to be read together as an integral whole, with no particular provision destroying the other but rather each sustaining the other.</p> <p>The President should appoint the Clerk to Parliament on the advice of the Parliamentary Commission.</p>
11.	Amendment of Articles 98, 100, 105(6), 109 and 111	Provides for the Vice President	Proposed amendments are substituting the word 'Vice President' with the 'Deputy President'.	<p>Progressive</p> <p><i>Uganda's presidential system is entrenched in Article 105(1)</i></p>	These are consequential amendments that shall be dealt with after considering the amendments in Article 103(c) and 108 Remove elements of the Parliamentary system and strengthen

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					the Presidential system which is entrenched in Article 105 (1)
12.	Amend Article 103(2) by insertion of a new sub clause	New clause	<p>Amendment of article 103 of the Constitution. <i>Article 103 of the Constitution is amended in clause (2) by inserting immediately after paragraph (b), the following—</i></p> <p><i>“(c) that a presidential candidate nominates a person who is qualified for election as President, as a candidate for Deputy President in accordance with article 108.”</i></p>	<p>Progressive</p> <p>To provide for the tenure of the office of the Deputy President. The Deputy President is the second office in the land that needs to be protected</p>	<p>The Deputy President will act as a President in case of any vacancy in the office of the President. The Deputy President must assist the President in the execution of functions of government.</p> <p>There is a need to have an effective Deputy President as it is in the developed democracies like the US, Indonesia, Philippines, South Africa and; now in Kenya and Tanzania</p> <p>The proposal aligns the constitution with the presidential system already entrenched in the Constitution.</p>
13.	Amend Article 104(1) of the Constitution	<p>104 Challenging a presidential election. (1) Subject to the provisions of this article, any aggrieved candidate may petition the Supreme Court for an order that a candidate declared by the Electoral Commission elected as President was not validly elected..”</p>	<p>Amendment of article 104 of the Constitution. <i>Article 104 of the Constitution is amended—</i> (a) by substituting for clause (1), the following— <i>“(1) Subject to the provisions of this article, an aggrieved candidate, a voter or political party or organization may petition the Supreme Court for an order that a candidate declared by the Electoral Commission elected as President was not validly elected.”</i> (b) by inserting immediately after clause (1), the following— <i>“(1a) A petition by a voter under clause (1) shall be supported by one hundred</i></p>	<p>Progressive</p> <p>Stakeholders in an election under a multiparty dispensation are the voters and political parties. Candidates sponsored by political parties are agents in elections.</p> <p>These should be accorded a right to complain as well as challenge the outcome of presidential elections</p> <p>Remove the requirement of 100 voters to support the petition of a voter to challenge a presidential election because the process is already rigorous, laborious and prohibitive enough</p>	<p>Under Article 1 of the Constitution and the International Convention on Civil and Political Rights (ICCPR) sovereign powers of citizens are promoted through enabling legal frameworks to challenge and petition in protection of their political rights and freedoms.</p> <p>Also, Political parties/organizations that sponsor candidates in elections should be enabled to petition and challenge electoral outcomes as independent legal persons that can sue or be sued in their own right.</p> <p><i>The legal principle governing elections is that authority to govern shall be based on the will of the people expressed in periodic</i></p>

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			<i>voters in each of at least two-thirds of the districts in Uganda.”</i>		<i>and genuine elections. All electoral laws should aim at protecting and safeguarding the will of the people</i>
14.	Amend Article 105(2) of the Constitution	105. Tenure of office of the President. (1) A person elected President under this Constitution shall, subject to clause (3) of this article, hold office for a term of five years. (2) A person may be elected under this Constitution to hold office as President for one or more terms as prescribed by this article	<i>Amendment of article 105 of the Constitution.</i> <i>Article 105 of the Constitution is amended—</i> <i>(a) by substituting for clause (2), the following—</i> <i>“(2) A person shall not hold office as President for more than two terms.”</i> <i>(b) in clause (6), by substituting for the words “Vice President”, the words “Deputy President”.</i>	<i>Progressive but the new Article 105(2) should be entrenched under Article 260 (amendments requiring a referendum)</i> Term limits in the Constitution act as safeguards that curb a potential for monopoly, where a leader effectively becomes “president for life”. They protect democracy from becoming a de facto dictatorship.	The constitutional review process indicated that <i>the people were demanding an end to the sudden and violent changes of government and the consequent political, social and economic destabilization that had caused so much suffering. They wanted an effective mechanism put in place to ensure an orderly transfer of power</i> The Odoki Commission had observed in 1992: “We have also reflected the view almost unanimously advocated for by the people that the tenure of office of the president should be constitutionally limited to out an end to self-styled life presidents”. We have recommended a limit of two terms of five years each for any president. The same views were re-echoed in the Citizens Compact for Free and Fair Elections in 2015. <i>This, however, should not just be amended but also entrenched to avoid future interference.</i>
15.	Amend article 108	108. Vice President. (1) There shall be a Vice President of Uganda. (2) The President shall, with the approval of Parliament by a simple majority, appoint a Vice President. (3) The Vice President shall (a) deputise for the President as and when the need arises; and	<i>Replacement of article 108 of the Constitution.</i> <i>Article 108 of the Constitution is substituted for the following—</i> <i>“108. Deputy President.</i> <i>(1) There shall be a Deputy President of Uganda</i> <i>(2) A candidate in a presidential election shall nominate a person who is qualified</i>	<i>Progressive</i> To require a candidate in a Presidential election to provide a running mate who shall be a Deputy President. To provide for the security of tenure of the Deputy President.	The effectiveness of office depends on well spell out the functions and duties of the deputy President prescribed by law. These shall include: <ul style="list-style-type: none"> Assuming office of the president in case of death, resignation or removal from office

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		<p>(b) perform such other functions as may be assigned to him or her by the President, or as may be conferred on him or her by this Constitution.</p> <p>(4) The qualifications prescribed for the office of President by article 102 of this Constitution shall apply to the office of Vice President.</p> <p>(5) The office of Vice President shall become vacant if</p> <p>(a) the appointment is revoked by the President; or (b) the incumbent resigns or dies.</p> <p>(6) Article 106 shall, subject to this Constitution, apply to the Vice President.</p> <p>(7) Where the office of Vice President becomes vacant, the President shall, with the approval of Parliament, and as soon as possible, but in any case, not later than fourteen days, appoint a person qualified to hold the office of Vice President.</p> <p>(8) The Vice President shall, before commencing to perform the functions of Vice President, take and subscribe the oath of allegiance and the oath of Vice President, specified in the Fourth Schedule to this Constitution.</p>	<p><i>for nomination for election as President, as a candidate for Deputy President.”</i></p> <p><i>(3) The qualifications prescribed for the office of President by article 102 of this Constitution shall apply to the office of Deputy President.</i></p> <p><i>(4) For the purposes of clause (2), there shall be no separate nomination process for the Deputy President.</i></p> <p><i>(5) The Electoral Commission shall declare the candidate nominated by the person who is elected as the President to be elected as the Deputy President.</i></p> <p><i>(6) The Deputy President shall, before assuming office, take and subscribe the oath of allegiance and the oath of Deputy President specified in the Fourth Schedule to this Constitution.</i></p> <p><i>(7) The swearing-in of the Deputy President-elect shall be before the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice.</i></p> <p><i>(8) The term of office of Deputy President shall run from the date of swearing-in of the Deputy President and cease—</i> <i>(a) when the President’s term of office expires unless the office is vacated in accordance with this Constitution; or</i> <i>(b) when a new President is elected into office as a result of a by-election.</i></p> <p><i>(9) Subject to clause (8), a person shall not hold office as Deputy President for more than two terms.</i></p>		<ul style="list-style-type: none"> • Assist the president in the execution of functions of government • Exercising the role of a head of government, among others.

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			<p>(10) <i>The Deputy President shall not hold any other public office.</i></p> <p>(11) <i>Article 106 of the Constitution on terms and conditions of service of the President shall, with the necessary modifications apply to the Deputy President.</i></p> <p>(12) <i>Article 107 of the Constitution on the removal of the President shall with the necessary modifications apply to the removal of the Deputy President.</i></p> <p>(13) <i>Where the office of Deputy President becomes vacant, the President shall, within fourteen days and with the approval of Parliament, appoint a person qualified to hold the office of Deputy President.</i></p> <p>(14) <i>The Deputy President shall—</i> <i>(a) deputize for the President;</i> <i>(b) be the Leader of Government Business in Parliament;</i> <i>(c) be responsible for the coordination and implementation of Government policies across Ministries, departments, and other public institutions;</i> <i>(d) perform such other functions as may be assigned to him or her by the President, or as may be conferred on him or her under this Constitution.</i></p>		
16.	Repeal Art. 108A	<p>108A. Prime Minister.</p> <p>(1) There shall be a Prime Minister who shall be appointed by the President with approval of Parliament by simple majority from among members of Parliament or</p>	Repeal	<p><i>Progressive</i></p> <p>Having both a Prime Minister and the Vice (deputy) President in a presidential system is a duplication of offices/roles. This increases</p>	<p>The practice of having the Prime Minister operates in countries under a Parliamentary system. The proposal</p>

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		<p>persons qualified to be elected members of Parliament.</p> <p>(2) The Prime Minister shall</p> <p>(a) be the Leader of Government Business in Parliament and be responsible for the coordination and implementation of Government policies across Ministries, departments and other public institutions; and</p> <p>(b) perform such other functions as may be assigned to him or her by the President, or as may be conferred on him or her by this Constitution or by law.</p> <p>(3) The Prime Minister shall, in the performance of his or her functions, be individually accountable to the President and collectively responsible for any decision made by the Cabinet.</p> <p>(4) The office of the Prime Minister shall become vacant if</p> <p>(a) the appointment is revoked by the President;</p> <p>(b) the incumbent resigns or dies, or</p> <p>(c) the incumbent becomes disqualified to be a member of Parliament.</p> <p>(5) The Prime Minister shall, before commencing to perform the functions of his or her office, take and subscribe the Oath of Allegiance and the Oath of Prime Minister, specified in the Fourth Schedule to this Constitution.</p> <p>(6) Clause (6) of article 108 applies to the Prime Minister with necessary</p>		<p>public expenditure unnecessarily. The Deputy President should be the Leader of Government Business and head of implementation of government policies and programs.</p>	<p>would reinforce a presidential system that is already entrenched.</p> <p>In a parliamentary system, the elected party with the majority legislators elect a Prime Minister who forms the government. The Prime Minister forms the government with executive powers.</p> <p>This also reduces the costs of public administration as two big offices are collapsed into one</p>

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		modifications as it applies to the Vice President.			
17.	Amend Article 111(1)	<p>Article 111. The Cabinet. (I) There shall be cabinet which shall consist of the President, the Vice President, the Prime Minister and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State.</p>	<p>Amended with provisions of Deputy President and a Repeal of article 108A of the Constitution on Prime Minister; with a maximum number of Ministers.</p> <p><i>“There shall be cabinet which shall consist of the President, Deputy President, 21 Cabinet Ministers and 21 Assistant Minister; for the efficient running of the State.”</i></p>	<p><i>Progressive</i></p> <p>Having a maximum number of cabinet ministers as well as ministers of state helps stop situations of a bloated cabinet and seeks to improve efficiency</p>	<p>There has been an abuse of the Constitution provisions of allowing the approval of numbers more than double of the provided number in the Constitution. There is a need to have a specific number of Ministers the way we have only One President and Vice (Deputy) President.</p> <p>There is also the issue of duplication of roles in appointing a big cabinet</p> <p>This proposal is backed by citizens views as contained in the Citizens Compact for free and fair elections</p>
18.	Amend Article a113(1), (2) and 114(3)	<p>113. Cabinet Ministers. (1) Cabinet Ministers shall be appointed by the President with the approval of Parliament from among members of Parliament or persons qualified to be elected members of Parliament.</p> <p>(2) The total number of Cabinet Ministers shall not exceed twenty-one except with the approval of Parliament.</p> <p>114. Other Ministers. (1) The President may, with the approval of Parliament, appoint other Ministers to assist Cabinet Ministers in the performance of their functions</p>	<p>Amendment of article 113 of the Constitution.</p> <p>(1) <i>“Cabinet Ministers shall be appointed by the President with the approval of Parliament from persons qualified to be elected members of Parliament”</i></p> <p>(2) <i>“The total number of Cabinet Ministers shall not exceed twenty-one”</i></p> <p>114 (1) <i>“The President may, with the approval of Parliament, appoint other Ministers to assist Cabinet Ministers in the performance of their functions. The</i></p>	<p>Progressive</p>	<p>The amendment is intended to promote and enhance the doctrine of separation of powers between Executive and Legislature and enhance the principals of checks and balances.</p> <p>The Ministers should be ex-officials as it is in other democracies like Kenya, US and others</p> <p>This proposal is backed by citizens views as contained in the Citizens Compact for free and fair elections</p>

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			<i>number of assistant Ministers shall not exceed twenty-one”.</i>		
19.	Amend Articles 119 and Article 119	<p>119. Attorney General.</p> <p>(1) There shall be an Attorney General who shall be a Cabinet Minister appointed by the President with the approval of Parliament.</p> <p>(2) A person shall not be qualified to be appointed Attorney General unless he or she is qualified to practice as an advocate of the High Court and has so practiced or gained the necessary experience for not less than ten years.</p> <p>(3) The Attorney General shall be the principal legal adviser of the Government.</p>	<p><i>Amendment of article 119 of the Constitution.</i></p> <p><i>Article 119 of the Constitution is amended—</i></p> <p><i>by substituting for clause (1), the following—</i></p> <p><i>“(1) There shall be an Attorney General who shall be appointed by the President on the recommendation of the Judicial Service Commission and with the approval of Parliament.”</i></p> <p><i>(b) by inserting immediately after clause (3), the following—</i></p> <p><i>“(3a) The Attorney General shall hold office for five years and shall be eligible for reappointment for one further term only.”</i></p> <p><i>Amendment of article 119A of the Constitution.</i></p> <p><i>Article 119A of the Constitution is amended—</i></p> <p><i>(a) by substituting for clause (1), the following—</i></p> <p><i>“(1) There shall be a Deputy Attorney General who shall be appointed by the President on the recommendation of the Judicial Service Commission and with the approval of Parliament.</i></p> <p><i>(b) by inserting immediately after clause (3), the following—</i></p>	<p><i>Progressive</i></p> <p><i>The Attorney General should be a semi-autonomous institution that provides legal advice and representation to all government institutions</i></p>	<p>The amendment is intended to vest the role of identifying a person qualified to be the Attorney General to the Judicial Service Commission.</p> <p>The Office of the Attorney General and Deputy Attorney General are constitutional Offices provided for by different Articles of the Constitution from those of Ministers. The Attorney General is not a member of the cabinet and he/she should be insulated from the principle of collective responsibility to enable the officeholders to give an independent, impartial and professional opinion.</p> <p>The security of tenure of the office is paramount to assure the impartiality and independence of the office.</p>

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			<p><i>“(3a) The Deputy Attorney General shall hold office for five years and shall be eligible for reappointment for one further term only.”</i></p>		
20.	Amend Articles 165 and 166	<p>165. Public Service Commission. (1).... (2)..... (3)..... (4)..... (5) A member of the commission shall hold office for a term of four years but is eligible for reappointment; except that of the first members appointed under this Constitution, four shall be appointed to hold office for three years which shall be. specified in the instruments of appointment</p> <p>166. Functions of the Public Service Commission. (1) Except as otherwise provided in this Constitution, the functions of the Public Service Commission include</p> <p>(a) to advise the President in performing his or her functions under article 172 of this Constitution;</p> <p>(b) to appoint, promote and exercise disciplinary control over persons holding office in the public service of Uganda as provided in article 172 of this Constitution;</p> <p>(c) to review the terms and conditions of service, standing orders, training and qualifications of</p>	<p><i>Amendment of article 165 of the Constitution.</i> <i>Article 165 of the Constitution is amended by substituting for clause</i></p> <p><i>(5), the following—</i> <i>“A member of the commission shall hold office for a term of five years and shall be eligible for reappointment for only one further term.”</i></p> <p><i>Article 166 of the Constitution is amended—</i> <i>(a) in clause (1) by inserting immediately after paragraph (c), the following—</i> <i>“(ca) to determine the salaries and allowances of all public officers.”</i></p> <p><i>(b) by inserting immediately after clause (1), the following—</i> <i>“(1a) In this article, salaries and allowances include gratuity and benefits.</i></p>	Progressive	<p>The proposed amendment empowers the Public Service Commission to determine the Salaries of all public servants and civil servants</p> <p>Article 166(1) does mandate the Public Service Commission to determine all salaries of public servants</p> <p>Today many institutions have different salary structures and are paid differently. There is a need to harmonizes all the salary structures in public service and civil service and remove the disparity and discontent resulting from different salary structures.</p> <p><i>This will create justice and equity within remuneration in public service</i></p>

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		<p>public officers and matters connected with personnel management and development of the public service and make recommendations on them to the Government;</p> <p>(d) to guide and coordinate district service commissions;</p> <p>(e) to hear and determine grievances from persons appointed by district service commissions; and</p> <p>(f) to perform such other functions as may be prescribed by this Constitution or any other la</p>			
21.	Amend Article 172	<p>1 Appointment of public officers.</p> <p>(1) Subject to the provisions of this Constitution.</p> <p>(a) the President may, acting in accordance with the advice of the Public Service Commission, the Education Service Commission or the Health Service Commission, as the case may be, appoint persons to hold or act in any office in the public service of Uganda of the rank of head of department or above other than those referred to in article 200 of this Constitution, including confirmation of appointments, the exercise of disciplinary control over such persons and their removal from office;</p> <p>(b) the Public Service Commission, the Education Service Commission or the Health Service Commission, as the case may be, may appoint</p>	<p><i>Amendment of article 172 of the Constitution.</i></p> <p><i>Article 172 of the Constitution is amended by substituting for clause (1), the following—</i></p> <p><i>“Subject to the provisions of this Constitution, the Public Service Commission, Education Service Commission or the Health Service Commission as the case may be, shall be responsible for the appointment, confirmation of appointments, and the exercise of disciplinary control, including the removal from office of persons holding or acting in the respective office, other than those referred to in article 200 of this Constitution</i></p>	Progressive	<p>There is no justification for the Constitution to make the President responsible for appointing mere heads of departments in Ministries and other public offices.</p> <p>Appointment by the President for heads of departments and other public offices increases political patronage which is a disincentive in the promotions of ideals of civil service.</p>

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		persons to hold or act in any office in the public service of Uganda other than those referred to in paragraph (a) of this clause and in article 200 of this Constitution, including the confirmation of their appointments and the exercise of disciplinary control over such persons and their removal from office			
22.	Repeal Article 203	<p>203. Resident district commissioner.</p> <p>(1) There shall be for each district a resident district commissioner who shall be appointed by the President.</p> <p>(2) For a person to be appointed a resident district commissioner he or she shall be a citizen of Uganda and qualified to be a member of Parliament.</p> <p>(3) The functions of a resident district commissioner are</p> <p>a) to monitor the implementation of central and local government services in the district;</p> <p>(b) to act as chairperson of the district security committee of the district; and</p> <p>(c) to carry out such other functions as may be assigned by the President or prescribed by Parliament by law.</p>	<i>The proposal is to repeal of Article 203 concerning Resident District Commissioners (RDC)</i>	Progressive	<p>In every district there is the District Police Commander, District Internal Security Officer, there is the secretary for defense in every district for purposes of security and Chief Administrative Officer responsible for monitoring government services. There are also elected leaders in the district whose duty is to monitor implementation of government serves thus this RDC position is a duplication of services, create confusion and therefore unnecessary.</p> <p>Scrapping the office of RDC will go a long way in reducing the public service costs and eliminating partisan outfits in public service</p>
23.	Amend Article 211	<p>211. Uganda Police Force.</p> <p>(1) There shall be a police force to be known as the Uganda Police Force and such other police forces in Uganda as Parliament may by law prescribe.</p>	<p><i>Amendment of article 211 of the Constitution.</i></p> <p><i>Article 211 of the Constitution is amended by substituting for the words "Uganda Police Force", the words "Uganda Police Service" wherever they appear.</i></p>	<p>Progressive</p> <p>This is part of the recommendations in the citizens compact for free and fair elections</p>	<p>Police is a civilian authority that should always act with civility in the enforcement of the law. There is no need to turn police into a military outfit.</p> <p>This proposal is backed by citizens views as contained in the Citizens Compact for free and fair elections</p>

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24.	Amend Article 214	<p>214. Parliament to regulate the Uganda Police Force.</p> <p>Parliament shall make laws</p> <p>(a) providing for the organisation and administration of the Uganda Police Force;</p> <p>(b) ensuring that members of the Uganda Police Force are recruited from every district of Uganda; and</p> <p>(c) regulating generally the Uganda Police Force.</p>	<p>Amendment of article 214 of the Constitution.</p> <p><i>Article 214 of the Constitution is substituted for the following—</i></p> <p>“241. Parliament to regulate the Uganda Police Service.</p> <p><i>Parliament shall make laws regulating the Uganda Police Service and, in particular, providing for—</i></p> <p><i>(a) the organs and structures of the Uganda Police Service;</i></p> <p><i>(b) recruitment, appointment, promotion, discipline and removal of members of the Uganda Police Service and ensuring that members of the Uganda Police Service are recruited from every district of Uganda;</i></p> <p><i>(c) terms and conditions of service of members of the Uganda Police Service; and</i></p> <p><i>(d) the deployment of members of the Uganda Police.</i></p>	<p>Progressive</p> <p>“and allocate land in the city which is not owned by any person or authority;(delete and replace with public land)”</p>	<p>There is a need for a law to regulate the recruitment, and appointment of Uganda Police Services.</p> <p>There is a need to address gaps within the police and the way the police executes its mandate</p> <p>The proposal is also founded on historic experiences with lots of fusion among different security agencies that need to be prevented</p>
25.	Insert a new Article 241A	New clause	<p>City land boards.</p> <p><i>(1) There shall be a city land board for each city.</i></p> <p><i>2) Parliament shall by law prescribe the membership, procedure, and terms of service of a city land board.</i></p> <p><i>(3) The functions of a city land board are—</i></p>		<p>The provision in the Constitution only covers the District land boards. Section 4 of the Local Government Act equates the city to the district therefore there is a need to have a provision that covers land in the cities as it is for the districts. It is also important to note that we do not have the law in place today that governs the Cities created.</p>

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			<p><i>(a) to hold, manage and allocate land in the city which is not owned by any person or authority;</i></p> <p><i>(b) to facilitate the registration and transfer of interests in land; and</i></p> <p><i>(c) to deal with all other matters connected with land in the city in accordance with laws made by Parliament.</i></p> <p><i>(4) In the performance of its functions, a city land board shall be independent of the Uganda Land Commission.”</i></p>		
26.	Amend Article 257	New insertion in the Article 257	<p>Amendment of article 257 of the Constitution.</p> <p>Article 257 of the Constitution is amended by inserting immediately after the definition of</p> <p>“Parliament”, the following—</p> <p>“(ua) “political organization” means any free association, organization of persons, the objects of which include the influencing the political process or sponsoring a political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level.</p> <p>“(ub) “political party” means a political organization, the objects of which include the influencing of the political process or sponsoring a political agenda, whether or not it also seeks</p>	Progressive	The interpretation of these words in the Constitution is necessary since the Constitution refers to them in Article 71 of the Constitution.

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			to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level.”		
27.	Amendment of the 4 th Schedule	New insertion to the schedule	<p>Amendment of Fourth Schedule to the Constitution. The Fourth Schedule to the Constitution is amended by inserting immediately after the</p> <p>“Oath of Minister”, the following— <i>“Oath of the leader of the opposition</i></p> <p>I, _____ swear in the name of the Almighty God/solemnly affirm that I will well and truly exercise the functions of the office of the leader of opposition entrusted to me 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 favor, affection or ill will. [So help me God.]”</p>		The Leader of Opposition is the Constitutional Office that calls for an oath. It is the third in Parliament and the 10 th in the Order of Precedence. it is prudent that he/she subscribes to the oath.