

A Model Federal Constitution for Uganda

Preamble

Fully Aware of our history and the fact that colonial regimes in Africa illegitimately converted African traditional communal sovereignty into an oppressive sovereign colonial government through state formation to the detriment of democracy and contrary to the idea of consent of the governed;

Conscious of the fact that democracy is universally rooted in the sovereignty of the people manifested in the free consent of the governed;

Regretting the fact that after independence colonial sovereign government was usurped by its successor, the sovereign state regime that oppressed the African people through centralization of political power and politicization of state institutions that nourished and perpetuated dictatorship throughout Africa;

Convinced that democracy is inseparable from the sovereignty of the people structurally manifested in autonomous local government unit structures at all levels of government especially autonomous local government units;

Acknowledging the harsh impact of history of colonialism, dictatorship and oppression of the people in Africa since independence in which Africans suffered and endured disease, poverty, corruption and exploitation of ruthless political regimes without effective remedies to all their problems;

Do hereby resolve and propose to enact a federal Constitution based on a Model Federal Constitution for postcolonial Africa that will promote, restore, and rejuvenate sovereignty of the people, guarantee liberty, ensure democracy, promote local autonomy, and protect and guarantee the sovereignty of the people in all communities residing in a postcolonial African state known as **Uganda**.

Article 1

Fundamental Constitutional Principles

Sovereignty of the people

1. All power belongs to the people who shall exercise their sovereignty in accordance with a federal Constitution.
2. Without limiting the effect of clause 1 of this article, all authority in the State emanates from the people and therefore the people shall be governed through their will and consent.
3. All power and authority of Government and its organs derive from a legitimate Constitution, which in turn derives its authority from the people who consent to be governed in accordance with the Constitution.

4. The people shall freely express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda that express the will of the people.

Supremacy of the Constitution.

1. The Federal Constitution shall be the supreme law and shall have binding force on all authorities, institutions and persons exercising political authority throughout the state and its institutions.
2. If any other law or any custom is inconsistent with any of the provisions of the Constitution, the Constitution shall prevail, and that law or custom shall, to the extent of the inconsistency, be declared void by the courts.

Separation of Powers

The powers of the executive, the legislature and the judiciary shall be separate and exercised by different personnel within state institutions modelled on the principle of strict separation of powers.

Autonomy and Jurisdiction of Federal States

The federal States shall be sovereign in all areas of their jurisdiction not explicitly granted to the federal government by this Constitution.

Languages

The people shall have the authority to choose national, official, and local languages which shall be spoken or used throughout any respective area where they reside and exercise autonomous jurisdiction to solve their problems.

Autonomous Local government units

The local government units, considering the principle of sovereignty of the people, shall be based on the concept of traditional county as the basis of local government unit as it historically evolved and is understood in different parts of Uganda. Districts as an optional alternative may be created by the people for the purpose of efficient administration and districts may be given jurisdiction wherever the people so desire.

Article II

Bill of Rights

Foundation for the Protection of Human Rights

1. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights shall constitute a part of the Bill of Rights in Uganda.

Domesticated International Law

2. Customary international law and treaties ratified by Uganda shall be deemed to constitute a part of the laws of Uganda incorporated or domesticated into the laws of Uganda.
3. The validity of domesticated international law shall be deemed to exist at the same level as the other laws of Uganda unless otherwise explicitly specified.

Article III

Powers, Authority and State Jurisdiction

Executive Powers

1. Executive powers of the federal government shall be vested in the President of Uganda who shall be elected to serve for one term of four years but not exceeding two consecutive electoral terms. Executive powers of the federal states shall be vested in the leader of the federal state executive.

Legislative Powers

2. Legislative powers of the federal government shall be vested in the Federal Parliament. The Federal Parliament shall consist of two bicameral houses. One house shall consist of representatives elected in equal constituencies throughout the federal territory to serve for four years. The second house shall consist of two representatives from each federal state elected to serve for a term of six years.

Foreign Affairs and Defense

3. The authority to conduct foreign affairs and the defence of the territorial integrity of Uganda shall be vested in the executive of the federal government.

National Economy and Infrastructure

4. The federal government shall have power and authority to plan and execute policies for the national economy and national infrastructure.

Banking, Broadcasting and Interstate Commerce

5. Banking, currency, interstate commerce and broadcasting shall be regulated by the federal government, taking into account, the diversity, liberty and autonomy of the people of Uganda, the location where they reside, protection of their human rights as well as the public interest of the whole country.

Federal States and Autonomous Areas

6. States and autonomous areas within a federal state shall have jurisdiction to enact their own Constitutions and laws not inconsistent with the federal Constitution.
7. Each jurisdiction or authority within the state shall be autonomous and have the power to legislate, raise revenue, fees, impose penalties or create its own courts to enforce the law.

Education, Health and Environment

8. Policies regarding education, health and environment shall be formulated and administered at the different levels of jurisdiction of the autonomous units of state power granted by this Constitution.

General Provisions

9. The federal government shall have the power to formulate national objectives and directive principles of state policy for the federal government.
10. The Acts, laws, ordinances, by laws, statutory instruments and regulations implementing the provisions of this Constitution shall be enacted by the Federal Parliament, state legislatures and the respective local government autonomous units and/or respective political bodies as the case may be.
11. In order to preserve the sovereignty of the people and the integrity of elections all elections shall be organized, conducted transparently and certified by the local government units where they take place, and the certified copies shall be submitted to the state where they take place.

Article IV

Administration of Justice

1. All judicial powers shall be vested in the Supreme Court of the federation and the Supreme Courts of the States and other inferior courts created by the Federal Legislature and the state legislatures to implement this article.
2. The fundamental objective of the exercise of state power and jurisdiction at all levels of its existence is to ensure the security of all people individually and collectively, protect property and guarantee the protection of security and liberty and committed enforcement of the human rights of the people.
3. The federal courts shall have the authority to interpret and enforce federal laws. The federal government shall be in charge of the administration of all federal institutions, prisons, schools, etc. and all institutions it has jurisdiction.
4. The state courts shall have the authority to interpret and enforce all laws enforceable within a federal state.
5. Local courts shall have the power to interpret and enforce customary law norms, local legislation and the authority of local officials.
6. At all levels of state authority juries of peers shall determine the guilt or innocence of the accused in criminal proceedings provided that at all levels the jury shall consist of the community of the person or persons subject to the legal proceedings

Article V

Recalling and Impeachment of Leaders

Power to Recall or Remove Elected Leaders

1. Any legislative body to which an elected leader belongs shall have the power to remove an elected leader through impeachment proceedings for violating the laws of Uganda and/or the laws, morals or ethics specifically applicable to that leader's office or for the mismanagement and misconduct of the leader in that office.
2. The people in any constituency have the power to recall an elected leader for any reason.

Removal of the President

1. A fully constituted Supreme Court shall have jurisdiction to preside over proceedings to impeach and remove the President from office on allegations and/or charges against the President for willfully violating the oath of office, the laws of Uganda, committing high crimes, abusing office, violation of human rights and/or engaging in corrupt or other illegal behaviour incompatible with his/her office or in violation of the laws of Uganda.
2. The people have the power to recall the president from office and/or through a national referendum vote to remove the President out that position for any reason.
3. A President convicted of an impeachable offense or recalled from office by the people shall be removed from office and barred for life from holding elective office.

Article VI

Amendment of the Federal Constitution

Resolutions to Amend the Constitution

1. The federal Constitution may be amended by a resolution of the federal Parliament to amend the Constitution endorsed by three quarters of the federal state legislatures sitting separately.
2. The Federal Constitution may be amended by a resolution of a national convention convened by all the federal states for the purpose of amending the Constitution provided that the resolution to amend the Federal Constitution is approved by three quarters of the federal states sitting in separate sessions.
3. A referendum resolution may amend the Federal Constitution if it is approved by the people to amend the Constitution endorsed by at least three quarters percent of the majority of all eligible voters in the country who participate in the referendum.