UNTC LEADERSHIP ACADEMY

# THE UGANDA CONSTITUTIONAL LABORATORY

Demystifying the Presidency, Sharing Constitutional Power, and Testing a Federal Model for Uganda

**PUBLIC DISCUSSION DRAFT - VERSION 1.0**

Prepared for public constitutional education and consultation

**Paul Kimbugwe - Governance and Policy Evangelist**

#DemystifyThePresidency | #TusattuleObwaPulezidenti

Official website: untcuganda.org

Public feedback: feedback@untcuganda.org | General enquiries: info@untcuganda.org

*"Design before you choose."*

**STATUS OF THIS PAPER**

This is a public discussion model, not a final Constitution, not a declaration of UNTC policy, and not a claim that federalism has already been adopted. It is designed to help Ugandans compare options, identify weaknesses, propose safeguards and decide through lawful constitutional processes. The proposed 16 units are described in this paper as constituent states, not sovereign countries; their number, boundaries and powers remain matters for evidence, consultation and lawful decision.

## Executive Summary

Uganda's constitutional debate is often reduced to the question of who should occupy the presidency. This paper asks a prior question: how should power itself be organised? The Uganda Constitutional Laboratory is a test model for discussing federalism, a collegial executive, bicameral representation, fiscal sharing, constitutional courts, local self-government and citizen safeguards without treating any one model as beyond criticism.

**Do we reform access to the Presidency - or do we reform the Presidency itself?**

- The citizen is the source of constitutional authority.
- Decisions should be taken at the lowest level capable of handling them effectively (subsidiarity).
- Constituent states require real constitutional powers and resources, not administrative labels alone.
- A People's House can represent population while a States' House protects constituent-state interests.
- A collegial federal executive can be tested as an alternative to concentrating executive authority in one office.
- An independent constitutional court, lawful security architecture, fiscal equalisation and direct citizen tools are essential safeguards.
- The model must pass four tests: Unity, Autonomy, Accountability and Anti-Capture.

## 1. Why This Discussion Now?

A recent working paper by Professor Ogenga Otunnu and General Caleb Akandwanaho-Salim Saleh proposes a Consociational Democracy Agreement to address sectarianism, exclusion, marginalisation and conflict. The paper calls for an all-inclusive, written and public agreement, and proposes a National Consociational Council coordinating an Elite Cooperation Chamber, a Grassroots & Multi-Stakeholder Chamber, and a Technical & Implementation Secretariat. It explicitly warns against opaque elite deals, clientelism, state capture and weak implementation. [1]

The Uganda Constitutional Laboratory does not reproduce that proposal. It uses the debate opened by it to ask a different institutional question: whether broader participation around an existing

presidency is enough, or whether the constitutional distribution of executive power itself should also be reconsidered.

**THE DISTINCTION**

Consociational Democracy Agreement: cooperation and inclusion around existing institutions.

Uganda Constitutional Laboratory: a discussion model for redesigning the constitutional distribution of power itself.

## 2. The Central Constitutional Question

**Uganda does not only need to ask WHO should govern. It must also ask HOW Uganda should be governed.**

The laboratory therefore tests five broad governance arrangements rather than assuming one answer in advance: centralisation, decentralisation, devolution, regional government and federalism. The proposal is to compare them against Uganda's history, diversity, service-delivery needs, economic viability, rights protections and risk of institutional capture.

## 3. Design Principles

**Citizen first**

Political authority must be traceable back to citizens, who remain equal before the Constitution regardless of region, ethnicity, religion or political affiliation.

**One Uganda**

Federalism in this model means one sovereign Uganda with one citizenship, one international personality and a common constitutional order.

**Subsidiarity**

Power should remain close to the citizen unless a higher level can perform the function more effectively.

**Shared power**

The federal level, constituent states and local governments require clearly assigned and funded responsibilities.

**No internal citizenship hierarchy**

A Ugandan living in any constituent state must retain equal national citizenship; no internal passports and no state may be treated as the property of one ethnicity.

**Institutions over personalities**

Constitutional design should remain safe even when political opponents control public office.

### Correction mechanisms

A good system is not one that can never fail; it is one that can lawfully correct itself when office-holders or institutions fail.

## 4. The Uganda Constitutional Laboratory - 16 Design Layers

### 1. Citizen first

The citizen is the constitutional source of power and must be able to participate, organise, access information, challenge public decisions and obtain justice.

### 2. Strong local government

Local governments require clear responsibilities, own-source revenue, transparent budgets, public participation and measurable service-delivery accountability.

### 3. Proposed constituent states

The model tests 16 constituent states within one sovereign Uganda. The 16-state map is a proposal for research and consultation, not a settled constitutional fact.

### 4. Constituent-state powers

Possible state responsibilities include agriculture, local economic development, school administration, primary/regional health, state/local roads, culture, tourism, local planning, markets, land administration within national rights standards, and defined taxation powers.

### 5. Federal powers

Possible federal responsibilities include defence, foreign affairs, citizenship, currency and central banking, treaties, macroeconomic policy, national rights standards, major inter-state infrastructure, federal taxation and national security standards.

### 6. Shared/concurrent powers

Water, energy, environment, natural resources, public-health emergencies, higher education, large infrastructure and inter-state transport may require shared constitutional responsibility.

### 7. Fiscal federalism

A transparent framework is required for federal taxes, state taxes, shared taxes, resource royalties, grants and equalisation transfers.

### 8. Equalisation fund

Federalism should decentralise opportunity, not decentralise poverty. Minimum standards for health, education, water and infrastructure should be protected across richer and poorer states.

### 9. Bicameral Parliament

A People’s House can represent citizens broadly by population, while a States’ House/Federal Senate represents constituent states and protects the federal bargain.

### 10. Collegial federal executive

The model tests a council of perhaps 7-9 equal members exercising executive authority collectively, subject to public debate and constitutional detail.

**11. Representation formula**
A 16-state federation need not produce a 16-member executive. Constitutional rules can test rotation, inclusion, competence, gender and minority protection while keeping the executive workable.

**12. Rotating chair/president**
A short rotating chair can be tested as first among equals rather than as a dominant executive presidency.

**13. Independent Constitutional Court**
A specialised or clearly empowered court should resolve constitutional and federal-state disputes and enforce the distribution of powers.

**14. Security architecture**
National defence must remain under the Constitution and Republic, not under a state, party, cultural institution or private command. Any devolved policing must comply with national rights and professional standards.

**15. Cultural institutions**
Cultural and traditional institutions can be constitutionally protected as guardians of heritage and identity while remaining outside partisan executive government.

**16. Direct citizen power**
Referenda, petitions, public hearings, participatory budgeting, access to information and carefully designed recall or citizen-initiative mechanisms can deepen accountability.

## 5. The Institutional Architecture

**CITIZEN / HOUSEHOLD -> LOCAL GOVERNMENT -> CONSTITUENT STATE -> FEDERAL BICAMERAL PARLIAMENT <-> COLLEGIAL FEDERAL EXECUTIVE <-> INDEPENDENT JUDICIARY**
**All under a Federal Constitution, within ONE UGANDA.**

## 6. The Four Tests

| Test | Question | Institutional implication |
|---|---|---|
| **UNITY** | Does the model keep Uganda one and strong? | One citizenship, one defence framework, one foreign policy, one currency/international personality. |
| **AUTONOMY** | Does it give meaningful constitutional power to constituent states and local | Real functions, revenue and lawful decision-making authority. |

| | | |
|---|---|---|
| | communities? | |
| **ACCOUNTABILITY** | Can citizens identify who is responsible and obtain remedies? | Clear functions, transparent budgets, courts, audit and public reporting. |
| **ANTI-CAPTURE** | Can one office, party, region or group capture the whole system? | Multiple constitutional centres of power, courts, second chamber, states, local governments and independent institutions. |

## 7. Risks the Model Must Confront

- Local strongmen and state-level capture.
- Corruption being decentralised rather than reduced.
- Identity politics or discrimination against minorities inside constituent states.
- Boundary and resource disputes.
- Unequal revenue bases and uneven public services.
- A collegial executive becoming slow or indecisive.
- A costly new layer of bureaucracy without measurable service gains.
- Secessionist incentives if the federal bargain is poorly designed.
- Confusion over overlapping federal, state and local responsibilities.

**No governance system removes human weakness. Good governance prevents human weakness from becoming national catastrophe.**

## 8. Naming the Institutions: From Personal Power to Public Institutions

The proposed names “People’s House” and “States’ House” are deliberate parts of the Constitutional Laboratory. They give familiar political language a new institutional meaning: public power should belong to citizens and to constitutionally recognised constituent states, rather than being concentrated in a single office or personality.

- People’s House - population-based federal chamber. The name deliberately resonates with the familiar civic idea of “people power”, but converts that idea from a slogan into an accountable constitutional institution: citizens elect representatives, scrutinise them and hold them responsible.
- States’ House - constituent-state chamber. The plural is intentional: this would be the House of the constituent states, giving the familiar words “State House” a new constitutional meaning - not the residence or political centre of one presidency, but a shared federal institution in which the states are represented.

- Federal Council - a separate 7-9 member collegial executive, if adopted, exercising federal executive authority collectively rather than through one dominant presidency.
- Chair/President of the Federal Council - a rotating first among equals, with the precise selection, rotation and term rules to be decided constitutionally.

The States' House and the Federal Council must remain institutionally distinct: the States' House legislates and represents constituent states; the Federal Council executes federal policy. The proposed names, membership formulas and final architecture remain open to public consultation, testing and constitutional drafting.

## 9. Lawful Constitutional Pathway in Uganda

The key legal point is that a referendum and a constitutional amendment are related but not interchangeable. Article 259 states that the Constitution can be amended only by an Act of Parliament enacted under Chapter Eighteen. Article 255 separately gives citizens a right to demand a referendum on an issue; the Referendum and Other Provisions Act sets the signature and geographic thresholds. [2][3]

1. Publish a public discussion paper and receive written public submissions. Do not begin with a final Constitution; begin with a model that can be criticised and improved.
2. Constitute an independent drafting and legal review team to map each proposal to the specific constitutional provisions that would need amendment.
3. Prepare a formal Petition to Parliament. Under Parliament's Rules, petitions are filed with the Clerk and presented by a Member of Parliament; the petition must state the relief sought, be in English, be signed, and use respectful language. [4]
4. Seek one or more MPs willing to sponsor the petition and, if the proposal matures into legislative text, a Private Member's Constitution Amendment Bill. A Private Member first seeks leave of the House and attaches the draft Bill; if leave is granted, the Clerk handles publication and the Bill proceeds through the normal legislative process. [5]
5. Identify the entrenchment route for every amendment. Some provisions require a national referendum after two-thirds support at the second and third readings; others require district-council ratification; other constitutional provisions require two-thirds support in Parliament. [2] [6]
6. If citizens separately invoke Article 255 to demand a national referendum on the constitutional question, the Referendum Act requires a written petition by a registered voter supported by at least one-tenth of total registered voters drawn from at least one-third of Uganda's districts, addressed to the Electoral Commission. [3]
7. Do not assume an Article 255 referendum alone rewrites the Constitution. Any legal implementation that changes constitutional text still has to comply with Chapter Eighteen and the applicable amendment procedure. This is an inference from Articles 255 and 259-263 and should be settled in final drafting by Ugandan constitutional counsel.
8. Before collecting campaign funds, foreign support or referendum expenditure, obtain specialist legal advice on referendum financing and current laws governing electoral or foreign influence.

The Referendum Act authorises regulations on financing, including foreign-source restrictions, and a 2026 statute contains additional provisions concerning foreign influence in electoral processes. [3][7]

**IMPORTANT LEGAL REALITY**

A federal model would likely require amendments touching territorial organisation, local/regional government and allocation of functions. Article 261 is therefore especially important because provisions such as Article 5(2), Article 176(1), Article 178 and Article 189 fall within the district-council ratification route. A final legal mapping must be completed clause by clause before a Bill is filed. [6]

## 10. Public Constitutional Education & Consultation Roadmap

The initiative is strongest when it is transparent, nonviolent, evidence-led and open to criticism. It should not ask citizens to accept a finished answer before they understand the alternatives.

**Phase 1 - Publish**

Release this discussion paper, a 2-page summary, the 16-image explainer pack, a FAQ and a glossary in English and Luganda.

**Phase 2 - Listen**

Collect public submissions from all regions, professions, cultural institutions, religious bodies, universities, youth, women, persons with disabilities, business, local leaders and political actors.

**Phase 3 - Test**

Hold structured debates around the four tests: Unity, Autonomy, Accountability and Anti-Capture. Publish objections as well as endorsements.

**Phase 4 - Revise**

Issue Version 2 showing what changed, what was rejected, and why. A constitutional laboratory must demonstrate learning, not merely promotion.

**Phase 5 - Legal Drafting**

Convert principles into clauses, schedules, transition provisions, fiscal rules, rights protections and a constitutional-amendment map.

**Phase 6 - Parliamentary Entry**

File the Petition to Parliament, seek committee hearing, and pursue an MP-sponsored Bill if the proposal is legally and politically ready.

**Phase 7 - National Civic Education**

If a referendum process lawfully begins, publish balanced civic materials explaining the proposal, its alternatives, risks and legal effects.

**Phase 8 - Oversight**

Create a public evidence archive: submissions, hearings, legal opinions, financial disclosures, version history and responses to criticism.

## 11. Public Messaging Framework

The core message should remain constitutional rather than personal. A durable reform paper should still make sense regardless of who is President, who is in opposition, or which party holds Parliament.

**PRIMARY PUBLIC QUESTION**

**Does Uganda need a powerful President - or a powerful Constitution and strong institutions?**

**THE POLITICAL-OPPONENT TEST**

**If the person you least want to win an election won tomorrow, would the Constitution you support today still make you feel protected?**

**LABORATORY MOTTO**

**Let's put Uganda on the table. Build a model. Test it. Find the weak points. Refine it. Then decide.**

**Working hashtags**

#DemystifyThePresidency
#TusattuleObwaPulezidenti

For official materials, these should be treated as civic-education labels rather than instructions to vote for a particular party, candidate or constitutional outcome.

## 12. Credibility Rules for the Initiative

- Do not make the initiative a personality contest or anti-individual campaign.
- Do not present federalism as proven before the viability tests are completed.
- Do not call the proposed 16 units sovereign "nation states" in the legal draft; use "constituent states" unless the public constitutional process chooses different terminology.
- Do not hide difficult questions: cost, boundaries, minority rights, state-level corruption, security command, resource sharing and transition must all be answered.
- Do not manufacture consensus. Publish dissenting submissions and respond to them.
- Do not use threats, intimidation or violence. Civic participation, petitions, litigation, public meetings, journalism, peaceful assembly and lawful constitutional procedures are the appropriate channels.
- Do not accept opaque funding. Publish funding and expenditure rules for the initiative.

## 13. Documentation Suite to Build Next

| Item | Purpose |
|---|---|
| **Document A** | This Public Discussion Paper - Version 1.0 (current document). |
| **Document B** | Two-page Executive Brief: what the model is, what it is not, and the four tests. |
| **Document C** | Frequently Asked Questions - at least 40 hard questions with direct answers. |
| **Document D** | Constitutional Amendment Mapping Table: current article -> proposed change -> legal route -> reason. |
| **Document E** | Draft Petition to the Parliament of Uganda requesting formal consideration and a public constitutional reform process. |
| **Document F** | Draft Constitution Amendment Bill / model clauses, prepared only after legal review and public consultation. |
| **Document G** | 16-State Viability Study template: population, revenue, services, geography, minority protection, infrastructure and administrative cost. |
| **Document H** | Fiscal Federalism Paper: tax assignments, transfers, royalties and equalisation formula options. |
| **Document I** | Security and Justice Paper: command, policing, courts, rights enforcement and emergency powers. |
| **Document J** | Transition Plan: how Uganda would move from the existing structure to any newly approved system without institutional breakdown. |
| **Document K** | Public Consultation Report: submissions received, objections, revisions and unresolved questions. |
| **Document L** | Civic Education Pack: Luganda/English explainers, short videos, radio scripts, social cards and community discussion guide. |

## 14. First 30 Days - A Practical Work Programme

**Days 1-3:** Release Version 1.0; open a public submission email/form; publish the 16-slide explainer pack and 2-page summary.

**Days 4-10:** Run issue-based public sessions: Presidency, states/local government, money, Parliament, courts/security, culture/minority rights.

**Days 11-15:** Compile objections and questions. Commission legal article-by-article mapping and state-viability data template.

**Days 16-20:** Publish FAQ v1 and "What We Heard" note. Correct errors publicly.

**Days 21-25:** Draft parliamentary petition and identify MPs across government/opposition/independent benches willing to present or scrutinise it.

**Days 26-30:** Issue Version 2 consultation draft and formally lodge the petition when legal review and signatory requirements are ready.

## 15. Conclusion

The Uganda Constitutional Laboratory is not valuable because it claims to have solved Uganda's constitutional question. Its value lies in making the question testable. It moves debate from personalities to institutions, from slogans to design, and from lamentation to a proposal that can be criticised, revised and either accepted or rejected through lawful public processes.

**If the rules can protect you under your political opponent, then perhaps you are building institutions rather than personalities.**

## References and Legal Sources

[1] Ogenga Otunnu & Gen. Caleb Akandwanaho-Salim Saleh, "Consociational Democracy Agreement: Addressing the Root Causes and Consequences of Sectarianism, Exclusion, Marginalization and Conflicts in Uganda" (OWC Working Paper / lecture submission supplied for this project), especially pp. 24-26 and 119-123 on inclusivity and institutional architecture.

[2] Constitution of the Republic of Uganda (1995, consolidated version), Arts. 1, 255 and 259-263. Uganda Legal Information Institute (ULII).

[3] Referendum and Other Provisions Act, Chapter 180, especially ss. 2-5 and 10, ULII consolidated version as at 31 Dec. 2023.

[4] Parliament of Uganda, Rules of Procedure (May 2025), Rule 30 / Appendix on petitions: filing with Clerk, presentation by an MP, prayer, signatures, addresses, English language and respectful form.

[5] Parliament of Uganda, Rules of Procedure, rules on Private Members' Bills; and Parliament's "Process of a Bill in Parliament."

[6] Male Mabirizi & Ors v Attorney General, Constitutional Petitions No. 49 of 2017 [2018] UGCC 4, discussion of Articles 259-263 and provisions requiring referendum, district-council ratification or parliamentary amendment.

[7] Protection of Sovereignty Act, 2026, s. 11, and Referendum Act provisions authorising regulations on referendum financing. Obtain current Ugandan legal advice before any referendum fundraising or campaigning.

**Legal note:** This paper is a civic-education and public-consultation document, not legal advice. The final constitutional text and procedural strategy should be reviewed by qualified Ugandan constitutional counsel before filing with Parliament, the Electoral Commission or any court.

# APPENDIX A - 16-IMAGE CONSTITUTIONAL LABORATORY EXPLAINER

These images are teaching aids for public discussion; where an image and the written paper differ, the written paper controls. The companion visual explainer pack is published separately for online viewing and download through untcuganda.org.

**FIGURE 01 -** Cover / Lesson Introduction

**FIGURE 02 -** Uganda Today + Central Question

**FIGURE 03 -** Driver or Car? Person vs System

**FIGURE 04 -** Systems of Governance Spectrum

**FIGURE 05 -** One House, Many Rooms + 1962 Arrangement

**FIGURE 06 -** Consociational Democracy Proposal

**FIGURE 07 -** The Presidency Question

**FIGURE 08 -** Learning from Other Federations

**FIGURE 09 -** Uganda Constitutional Laboratory: Full Architecture

**FIGURE 10 -** Citizen -> Local Government -> 16 Constituent States

**FIGURE 11 -** Who Does What? Division of Powers

**FIGURE 12 -** Fiscal Federalism & Equalisation

**FIGURE 13 -** Two Houses + Collegial Federal Executive

**FIGURE 14 -** Guardrails Around Power

**FIGURE 15 -** Four Tests + Risks

**FIGURE 16 -** Final Reflection

**Wuliriza -> Tegeera -> Buza -> Weekenneenye -> Nnyonnyola omulala.**