

Views of a Cross-Section of the Ugandan Diaspora
Formulated
Over almost three years of debate
on Fedsnet
An Internet Forum of Ugandans interested in Uganda's Reformation
Presented Herein As
Proposals to the Uganda Constitutional Review Commission
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Part I: Introduction.....	6
What is Federalism?.....	7
Proposed Federal States: Cohesiveness versus Size.....	7
What would federalism's impact be on Ugandans?.....	8
Would the central government be short of revenues?.....	8
Examples of the Proposed States' Natural Sources of Revenue.....	9
Benefits for Professionals, Students and Civil Servants.....	9
States as incubators of National Talent.....	10
How would the poorer states cope?	10
Would Federalism divide the country?	10
Is Internal Ugandan Federalism Incompatible with East African Federation?	10
Federalism and Decentralization.....	11
Four Reasons Why Decentralization Alone Is Inadequate	11
Breakdown of 2002 Kampala Revenues.....	13
Kampala Expenditures in different sectors	13
Kampala would be better off under Federalism.....	14
The Status of Kampala under Federalism.....	14
Federalism elsewhere in Africa	15
Other Recommendations.....	15
Pluralism	15
Political Parties	16
Selection of Official Political Party nominees for President	16
Term-Limits	16
Presidential and Congressional System	17
Land	17
The Way Forward.....	17
What it will take.....	18
Our proposal.....	18
Part II: Model Federal Constitution	19
Preamble	19
Founding provisions.....	19
A Federal Union.....	19
The States of Uganda.....	19
Supremacy of the Federal Constitution.....	19
Citizenship	20
Language.....	20
Bill of Rights.....	21
(1995 Constitution version, with additions).....	21
Important Federal Principles.....	22
Social Security:	22
Employee Pension funds (borrowed from Article 113 of Swiss constitution)	22
Unemployment Insurance	22
Maternity Insurance	22
Economic Policy	23
Protection of the Environment.....	23

Agriculture	23
Zoning	24
The General Structure and Division of the Federal Union's Administrative Power	25
Roles of Federal Government Institutions	25
The Spending Power	26
Equalization and Regional Disparities.....	26
Legislative Powers (German model).....	27
Federal and State Legislation.....	27
Exclusive Legislative Power of the Federal Government.....	27
Concurrent legislative power	27
The Legislature	31
Congress.....	31
General Provisions for Congress:	32
The House of Representatives	37
The Senate.....	41
Election of a Senate President and the Deputy President and Chair of Committees	43
Duties and Roles of the Senate President	44
The Senate President's vote	44
Duties and Roles of the Deputy President of the Senate and Chair of Committees .	45
Joint Tasks of Senate President and the Speaker of the House of Representatives..	45
Federal Legislative Procedure (U.S. Model)	46
Presentation of Bills.....	46
The Executive	48
The President	48
The Cabinet.....	50
The List of Federal Ministries.....	51
Impeachment.....	53
The Process of Impeaching the President (U.S. Model).....	53
The Judiciary.....	54
Judicial Authority.....	54
The Judicial system.....	54
Right of Appeal to the Supreme Court	55
Appointment of Judges	55
Tenure and Remuneration of Justices and Judges	56
Financing the Judiciary	56
The Judicial Service Commission.....	56
The States.....	58
General Principles.....	58
The State Constitutions	59
Federal Assistance to States during the Transition phase from a Unitary System ...	59
Transfer of Regional Administrative Infrastructure to States	60
Election of State Executives	60
Accountability of State Officials	61
Accounting for State Accounts	61
State Controllers.....	61
State Appointees and Bureaucrats	62

Conflicts of Interest.....	62
The States' Cabinets	62
The State Ministries	62
State Assemblies	62
State Legislation.....	64
Voting in the States	64
Local Governments.....	64
Recruitment and Dismissal of State and Local Officials	64
Finance.....	65
Apportionment of expenditure between the Federal Government and the States (German model)	65
Fiscal Legislative Powers	65
Taxation	66
Budget Management (German Model)	69
Budget law of the Federal Government.....	69
Interim budget management	70
Expenditures in excess of budgetary estimates.....	70
Consent of the Federal Government to increases in expenditures or decreases in revenue.....	70
Rendering and auditing of accounts.....	70
Procurement of credit.....	71
Financial Equalization and Review Board.....	72
Functions of the Financial Equalization and Review Board.....	72
State Financial Equalization and Review Boards	72
The Electoral Commission.....	74
Responsibilities of the Chair and Vice-Chairperson.....	74
Functions of the Electoral Commission.....	75
Organization of the Electoral Commission.....	75
Campaign Finance Regulations (U.S. model).....	76
Contribution Limits.....	76
Disclosure	76
Prohibited Electoral Contributions and Expenditures.....	76
Independent Expenditures.....	76
Public Funding	77
The Electoral System	79
Registered voters' database.....	79
Voter Verification Process.....	79
Voting Day National Holiday	79
Order, Security and Fraud During elections	80
National Security	81
The Armed Forces.....	81
The State Militias.....	86
The Police	87
Federal Law enforcement and Interstate Crime.....	87
Identification Records Database	87
Qualifications for Local Police Recruitment	87

The National Database	88
Amending the Constitution	89
Exception for cross-border federation	89
Traditional Leaders	90
Maintenance of Traditional Leaders	90
Privileges, benefits and Immunities of Traditional Leaders	90
Functions of Traditional Leaders	90
Protocol Involving Traditional Leaders	90
Natural Resources	91
Management	91
Allocation of Natural Resources Revenues or Royalties	91
Appendix I: The Federalism Implementation Plan	92
Appendix II: The Proposed States' Resources	97
Appendix III: Submission To The Constitution Of Kenya Review Commission	100
Appendix IV: Kenya Federalism Debate in The Nation	112
Appendix V: Tanzania: Problems of Unbalanced Federal Systems	116
Appendix VI: Electoral Systems: Proportional Representation	118
Appendix VII: Canada Equalization Example	127
Appendix VIII: Example of Innovative Federal State Planning	129
Appendix IX: State of Connecticut Business Tax Incentives	132
Appendix X: U.S. Federal Protocol Example	135
Appendix XI: Ethnicity and Governance in the Third World	140

Part I: Introduction

We Ugandans in the Diaspora, representing all the regions of Uganda and belonging to all its major political organizations including the Movement, the Democratic Party, the Uganda Peoples Congress, the Reform Agenda and the Conservative Party, do hereby present our views to the Constitutional Review Commission regarding total reform of Uganda's Political System.

Our views are arranged in two parts. Part one is the introduction that states our case for federalism and other political reforms. Part two consists of a model federal constitution, including many of the technical details of the system we are proposing. These provisions are a result of substantial research and consultation of the federal constitutions of Australia, Belgium, Canada, Ethiopia, Germany, South Africa, Switzerland and the United States of America.

Our views have been shaped over two and a half years of discussions and research on Fedsnet, an internet forum that has enabled us to communicate across geographies. We live in Sweden, Botswana, Denmark, Zambia, Ireland, Oman, Netherlands, Germany, the U.S.A, the U.K, Canada, South Africa, Zimbabwe and Uganda.

We settled in the foreign countries for a variety of reasons. Some of us came for educational and economic opportunities. Others came to escape war and real or perceived political persecution under the various post-independence governments of Uganda.

We are Lawyers, Doctors, Accountants, Teachers, Social Scientists, Engineers, Social Workers, Pharmacists, Information Technology Professionals, Students and 'homemakers'. What we all have in common is our love for Uganda and our desire to see it thrive.

We are convinced that Uganda's problems -- including political instability, economic irrelevance and ethnic strife -- stem from a fundamental structural failure of the political system over the past forty years. We believe this failure is a result of the central government's attempts to manage ethnic diversity through either Machiavellian cooptation or suppression of ethnic groups under a forced unitary system.

We contend that the unitary system has failed to address the various regions' political and socio-economic development needs. We, therefore, propose that Uganda adopts a federal system of government that takes into account our various people's geo-cultural diversity, and their need for self-determination.

During the pre-independence era, the British colonialists recognized the fact that given the diversity of Uganda's peoples and its geography, the territory could not be administered in a uniform manner. Thus, while the governor set overall policy for the colony, the various regional administrators had a good amount of administrative independence. They built roads, schools, and towns using locally generated revenues from cash crops and taxes. Each of the regions was quite self-sufficient and contributed

to the overall economy of Uganda. This governance structure was so successful that by independence, Uganda had one of Africa's best infrastructures, and was on par with, or better than, many of the now famous East Asian Tigers in development.

We believe federalism would enable Uganda to revitalize its economic capacity.

What is Federalism?

The American Heritage Illustrated Dictionary of The English Language defines a Federal system as follows:

1- Of, pertaining to, or designating a form of government in which a union of states recognizes the sovereignty of a central authority while retaining certain residual powers of government.

2- Of, constituting, or characterized by a form of government in which sovereign power is divided between a central authority and a number of constituent political units.

Federalism scholar William Riker further defines Federalism as an explicitly two-tiered system, with some area of autonomy for each level of government and an explicit guarantee of that autonomy.¹

The independent authority of the constituent units distinguishes federalism from the unitary system in which the lower government units derive power from the central government.

Proposed Federal States: Cohesiveness versus Size

We propose a thirteen State Federal system that grants federalism to all of Uganda's major territories. In multi-ethnic states, where small ethnic groups inhabit particular geographic areas, electoral districts could be demarcated by these states to ensure representation for all the groups in state assemblies.

The states would not have to be equal in size. In multi-ethnic nations, with various ethnic groups inhabiting distinct territories, federalism's most important role is the management of ethnic diversity. In such nations, small states with certain levels of cultural cohesiveness are often more important for stability and economic development than larger states (or regions) with disparate ethnic groups competing for political and economic resources.

In addition, the experience of federal countries such as the United States shows that smaller states often have higher living standards and incomes per capita than larger, more populous and more naturally endowed states.

¹ Riker, William H. 1964. *Federalism: Origin, Operation, Significance*. Boston: Little, Brown

The State of Connecticut, one of the smallest states in the U.S.A, with a population of 3.4 million people has America's highest per capita income at \$42,435. California, the state with America's largest population, at 35 million, and with far more resources than Connecticut, has a capita income of only \$32,702. Delaware the smallest state in the United States with a population of 807,835 has a per capita income of \$32,472, almost equal to California's and much higher than that of oil-rich Texas with a population of 21 million people, and a per capita income of \$28,581.

Since in a full-fledged federal system all states -- large and small -- have the same autonomous powers to run their economic affairs, the smaller states' investments and economic activities often have a more positive impact on incomes of their residents than the larger states investments' impact on incomes of their residents, possibly due to the larger states' greater responsibilities.

What would federalism's impact be on Ugandans?

We believe that federalism would unleash Uganda's full development potential as each Ugandan state competes openly with others for the betterment of its peoples' lives. The unspoken reality is that Uganda's ethnic regions and groups are constantly competing for development and economic resources. This competition spills over into the political arena since the central government is the largest source of patronage and economic benefits. This phenomenon is manifested by the regions' constant demands for ministerial positions, and by the exceedingly great nepotism practiced by each succeeding ruling group.

Federalism would empower the people in the various regions of Uganda to mobilize their human and natural resources for development without being unduly dependent on the distant, indifferent, and at times hostile central government. It would diffuse the competition for the limited central government positions, and re-channel some of it into building, vibrant regional centers that create opportunities for the states' inhabitants, and for the nation as a whole. Ugandans would be enabled to shape their own destinies through the capacity of states to raise and retain some of the major revenues that now go exclusively to the central government. The retained revenues would be used to build roads, clinics, industries and schools.

Would the central government be short of revenues?

The pool of revenue for the central government would grow much larger as each of the states develops its full economic potential. Consequently, even though the central government would share the major tax proceeds with the states, it would in due time get more revenues than ever before.

Examples of the Proposed States' Natural Sources of Revenue

Unlike our neighbors, Kenya and Tanzania, and indeed much of the world, each of Uganda's regions is well endowed with agricultural potential, the foundation of growth in any economy. Beyond Agriculture many of the regions are blessed with tourism resources and mineral wealth.

Kigezi State (Kabale, Rukungiri, Kanungu and Kisoro), could capitalize on its attractions that include Lake Bunyonyi, the Bwindi Impenetrable Forest (Mount Gorillas), Ishasha Game reserve (climbing lions), the Mount Gahinga Rest Camp and the Muhabura volcanic ranges to build a great tourism industry with a network of hotels and recreational facilities. Its tourism infrastructure would employ thousands of people while creating offshoot industries. Kigezi farmers could be organized into cooperative societies to enable them to supply food, fruits and vegetables to the hotels. In addition, Kigezi would keep a good percentage of revenue from its mining operations for Tin and Wolfram.

In addition to a potentially major agricultural industry in Bushenyi, Ankole could establish a substantial beef processing industry. It could also be the centre for butter, cheese, yogurt, and other milk related industries in East Africa. In addition, it could establish a shoe manufacturing industry supported by its locally abundant hides and skins. Ankole would also keep substantial revenue from mining operations for Gold, Tin and Limestone. Tourism revenue for Ankole would come from Lake Mburo National Park, Kitagata Hot Springs, Karegyera Rock and the Royal sites, among other attractions.

All the other states including Karamoja and Bukedi would have substantial revenue sources including minerals such as Gold in Karamoja; Oil in Bunyoro and West Nile; Phosphates in Bukedi; Copper and Cobalt in Tooro; Power generation and industry in Busoga; Cloth manufacturing supported by Cotton growing in Lango and Acholi etc. Bugisu could be a centre for high-value Arabica coffee processing, and would retain revenues from a Mt. Elgon-based tourism industry. In addition, States like Acholi, Bugisu, Bukedi, Kigezi, Tooro, West Nile and Ankole that share substantial borders with our neighbors could keep a portion of the customs revenue transacted at their borders. Buganda could also keep a portion of the customs revenue generated through Entebbe Airport. All the states would also be empowered to attract both Local and Foreign investors.

Benefits for Professionals, Students and Civil Servants

The new federal states would create plenty of new opportunities.

Accountants and Lawyers would be needed to ensure the smooth running of the states' financial and judicial systems. State bureaucrats and social scientists would be needed to ensure proper development planning and policy formulation.

Civil engineers would be needed for infrastructure projects. Industrialists, businessmen and traders would be needed to process and market the states' products. Farmers would

get state assistance in marketing their produce. Banks would open up new branches to finance new business activities.

The states' civil services would employ thousands of young graduates from universities and tertiary institutions that now cannot find jobs. Many young graduates would get an opportunity to acquire very high-level experience early in their careers. Hospitals would be built and existing ones improved creating new opportunities for doctors. Newspapers, Radio and Television stations would get far more revenue from advertising as government and business activities mushroom, and as more people become affluent and better educated.

States as incubators of National Talent

Ambitious individuals would have opportunities to prove themselves for the Presidency through state governorships, which would be more prestigious than most cabinet positions. Outstanding state governors would have advantages over opponents when campaigning to be President due to their demonstrable experience.

How would the poorer states cope?

Less advantaged states would get help from the central government through substantial fixed formula, unconditional equalization transfers to enable them to achieve minimum national standards.

Would Federalism divide the country?

We believe that far from further dividing the country, federalism would actually, in due time, unite it. Uganda is now divided, and depending on regime in power, the central government often has little, to no legitimacy in one or more regions due to its perceived repressive nature; its failure to address regional economic needs; its failure to accommodate diversity; and its nepotism.

We are convinced that when all Ugandans, whether they are in Karamoja or in Kigezi, get empowered to shape their destinies within the context of Uganda, pride in Uganda, as an entity, would increase along with increased regional self-confidence. And that, we believe, would increase national unity as regional needs become legitimized and addressed.

Is Internal Ugandan Federalism Incompatible with East African Federation?

Federalism within Uganda is not incompatible with the East African community. In fact, we believe that Federalism for regions within the three East African countries would be even more necessary in the event of an East African union. Particular regional concerns within the three territories would be better addressed in cohesive and strong local states which ensure that the economic and political interests of their people are not ignored in an even more distant East African executive.

Moreover, internal federalism is an issue that is being debated in both Kenya and Tanzania. In Kenya, many views in favor of federalism have been submitted to the Kenya Constitutional Review Commission. Tanzania is also debating improving on its semi-federal arrangement with Zanzibar.

Federalism and Decentralization

Federalism is the truest form of decentralization since it does not merely delegate power, responsibilities and resources; it permanently allocates them among the constituent units. Fortunately for Uganda, the decentralization exercise has created a good foundation for federalism in Uganda since local governments are an integral part of federalism. Contrary to some critics' claim that federalism would take away power and services from local governments and give them to regions, the fact is that current local government powers, services and revenues would be enhanced under federalism. The Districts and other Local government units in Uganda would retain the taxes that they now collect since none are major. The new state governments, which would be nearer to the local governments, would raise and share the major tax revenues with the Central government and redistribute them to the local governments.

Four Reasons Why Decentralization Alone Is Inadequate

First, Local Government Powers Are merely Delegated

The current local government units have powers delegated to them by the central government; these powers can be un-delegated at anytime. The ultimate authority even on local matters lies with the central government.

Second, The Districts Are too Small, Numerous and Cannot Work Together

The current districts are too many and too small to effectively mobilize resources for major infrastructure projects like highways, industry and civil engineering works. And because the minuscule districts are all dependent on central government funds for much of their local budgets, it is not easy for them to work together on joint projects.

Third, Revenue Allocation is heavily weighted in favor of the central government

Total Central government revenues in 2002 were over Shs. 2000 billion, which is equivalent to \$1 billion. Total transfers (conditional and unconditional) from the Central government to the 56 Local governments were Shs. 670 billion (\$335 million). That is, the central government kept over 66% of the total revenue while it transferred 34% of the revenue to Local governments for education, health and other social sectors.

Conditional Grants

According to data from the Local Government Finance Commission of the Shs 670 billion in total central government transfers, 80% or Shs 536 billion (\$268 million) was in the form of conditional grants directed to specific central government objectives in five sectors education, health, water, roads and agriculture.

Unconditional Grants

Only 11.6% of the Shs. 670 billion, or \$38 million was in the form of unconditional grants to the over 56 districts of Uganda! And according to the Local Government Finance Commission, in some districts, the unconditional grants were not even sufficient to cover the decentralized wage bill.²

Equalization Grants

The Equalization Grant, which provided subsidies to 34 districts and 40 urban councils, amounted to Shs 4.33 billion (\$2.2 million) or less than 1% of the total transfers.

Fourth, Local Governments lack Operational Independence

Since conditional grants make up the bulk of most Local governments' finances, the Local governments have little independence vis-à-vis the Central government.

Decentralization Case study: The example of Kampala

Kampala is Uganda's wealthiest Local government unit and generates much of Uganda's revenue. Kampala like other Local government units does not collect any of the major taxes such as Pay As You Earn (PAYE), Excise taxes, Value Added Taxes (VAT) and many indirect taxes. The Uganda Revenue Authority collects the major taxes and remits them to the central government.

² The New Vision Supplement, Monday, February 17, 2003

Breakdown of 2002 Kampala Revenues³

Source	Ushs.	USD equivalent
Graduated Tax	3,336,082,755	1,668,041
Property Rates and Ground Rent	6,080,317,583	3,040,159
License Fees	3,900,772,718	1,950,386
Market Dues/Rent	1,774,857,883	887,429
Vehicle Parks	727,977,739	363,989
Miscellaneous	4,318,896,584	2,159,448
Tax park Revenue	3,129,102,000	1,564,551
Sale of Houses	2,222,884,401	1,111,442
Total Local Revenue	23,268,007,262	12,745,445
Unconditional Grants	2,378,950,271	1,189,475
Conditional Grants	15,546,804,825	7,773,402
Total Combined Revenue	41,193,762,358	21,708,323

Despite the fact that a big percentage of Uganda's \$1 billion in revenue is collected in Kampala, the city gets back only \$ 9 million, 0.009% of total central government revenue, in grants. Meanwhile Kampala collects a mere \$12 million from the minor revenue sources.

Kampala's budget for the year 2002 was Shs. 58.7 billion (\$29,350,000) of which Shs. 41,193,762,358 (\$21,708,323) was realized. Thus Kampala's needs cannot be met in one financial year alone.

Kampala Expenditures in different sectors

Sector	Amount in Shs.	Amount in USD	% of total
Finance and Administration	3,510,000,000	1,755,000	8
Health and Environment	3,929,000,000	1,964,500	9
Education	9,251,000,000	4,625,500	22
Works & Physical Planning	5,240,000,000	2,620,000	12
Gender & Community Services	751,000,000	375,500	2
Local Council and Committees	5,751,000,000	2,875,500	13
Management Support Services	3,058,000,000	1,529,000	7
Counterpart funding to Nakivubo Channel Rehabilitation Project	7,570,000,000	3,785,000	17
Revenue contribution to Capital	4,350,000,000	2,175,000	10

According to local figures, one kilometer of tarmac road in Kampala costs approximately Shs.350, 000,000 (\$175,000). If Kampala were to use its entire works and physical

³ Source: Kampala City Council

planning budget of \$2,620,000 to build roads, only 15 km of new roads would be constructed, not including repairs.

Kampala would be better off under Federalism

Under the current decentralization system, taxpayers in Kampala can hardly correlate the taxes they are paying with the level of services they are getting. As a result many seek to avoid paying taxes. Roads in most Kampala neighborhoods are sub-standard or non-existent; there are almost no traffic lights; there are no ambulance services; and many slum areas have neither clean water nor sewage lines. In addition, most school infrastructure is poor and hospitals lack medicines.

Under the current decentralization system, Kampala does not have enough bargaining power to intervene with the central government despite its disproportionate contribution to the national treasury. Kampala would have far more bargaining power with local federal state authorities. Kampala's residents would hold both the state and local authorities accountable for any gross gap between Kampala's contribution to state coffers and the amount of revenue and services it gets in return. Under federalism, Kampala would keep the minor tax revenues it's currently collecting and more; it would in addition get a fairer share of the major revenues collected in its environs from the state and federal governments.

The Status of Kampala under Federalism

We believe that Kampala should be part of Buganda where it is located geographically and historically. Kampala would continue to serve all its residents equally. Major taxes collected in Kampala, as elsewhere, would be shared between the central government and Buganda. Nevertheless, Kampala would enjoy much more of its tax revenue than it does now. The Central government would continue to own and administer its buildings, Ministries, and other properties within Kampala.

In as much as any territory in Uganda is national; and anyone can settle anywhere, pay taxes there and enjoy the services for which he or she pays taxes, it is not in the interest of justice for the central government to claim any territory to the detriment of any of Uganda's peoples.

Bunyoro where oil has been found should continue to belong to Bunyoro even though many people from elsewhere in Uganda may settle there for employment opportunities. The people that settle there would pay taxes to the state of Bunyoro, and would along with the Banyoro enjoy the provision of services paid for by their taxes. Many of the major towns including Mbarara, Mbale and Jinja are multi-ethnic but that does not mean they should be claimed by the central government.

Buganda's history and administration has for centuries evolved around Kampala. Consequently, Kampala is not neutral ground. This fact may have been the reason why the colonialists chose to establish Uganda's capital at Entebbe, a relatively remote site. In

addition, much, though not all, of the land in Kampala belongs to the Buganda government and Baganda landlords. A good percentage of Buganda's population also lives in Kampala. Thus annexation of Kampala by the central government would probably cause instability and bad will leading to uncertainty about the future of the city.

We believe that as we reform our country towards unity in diversity, we should move away from suppression of our people's natural birthrights.

Federalism elsewhere in Africa

In Africa only South Africa, 1994, and Ethiopia more recently, are true federal countries, although not good models for Uganda. Nigeria is an example of a country with ill-conceived and badly structured federalism, since it is unitary in spirit, though federal by law. The Nigerian Federal government operates much like a unitary state. It controls most of the revenue; as a result the Nigerian states are mere beggars, just like the Ugandan districts. There are many internal demands for Nigeria to adopt true federalism; short of which some ethnic groups, specifically the Yoruba, are contemplating secession.

In federal countries, states where natural resources are found are largely responsible for administering those resources (with federal oversight), and they retain a significant percentage of the resulting revenues. In Nigeria, the Oil producing states keep only 3% of their oil revenues.

In our proposed federal system, the distribution of natural resource revenues from minerals and national parks should follow this allocation formula: 35% stays in the state, 35% goes to the central government, and 30% goes into a national equalization pool which the central government redistributes to poorer, or less endowed states.

Unlike true federal countries, in Nigeria states are created at the whim of the federal rulers, mocking the whole concept of federalism. The Nigerian example shows that badly structured federalism is as bad, or worse than, a unitary system. Thus, it is important, for a federal country, that the allocation of powers, revenues and jurisdiction is clearly established and fairly laid out in a federal constitution.

Other Recommendations

We consider unfettered Pluralism, Term-Limits, and the introduction of an American style Presidential and Congressional System both necessary and complementary to the federal system we are proposing. We also request that the 1998 Land Act be revisited.

Pluralism

Federalism and Pluralism are cousins. Since Federalism diffuses power and checks on the potential excesses of the central government, it cannot thrive in a situation where power is not freely contested among national political forces. Indeed, federalism's checks and balances are a bane to centralization of power in any one party, person, or institution.

Thus beyond its usual merits of freedom of association, conscience and expression, Pluralism is absolutely necessary for successful, and stable federalism. Federalism guarantees each level of government autonomous powers, whereas non-pluralistic, or one-party systems tend to centralize power; due to these contradictions, federalism and non-pluralistic systems cannot --in a diverse nation -- co-exist successfully for very long.

Political Parties

To unfetter Pluralism, we recommend that Article 269, and all other articles and statutes that limit operations of political parties be repealed and removed from the books. The Movement should officially become a Political Party that contests freely with the others. All parties, including the movement, should be divorced from state coffers.

Selection of Official Political Party nominees for President

Under the proposed federal system, political parties would choose their official candidates for President through American style primaries in which candidates with a threshold of support in their local states would get the opportunity to sell their vision for the country to the rest of the states. The prospective party nominees would campaign in each state. Each party's followers in each state would vote for their favorite party candidate. The candidate who wins the most states, with the most votes, would be the official party nominee.

Term-Limits

We recommend that term-limits on the Presidency be maintained. Most democracies in the world have opted for term-limits for their Presidents. Switzerland even has a one-term limit!

It is a fact that incumbents worldwide have advantages over opponents in elections. Term-limits are necessary to protect against the possibility of an incumbent President with enough charisma and oratory skills swaying the population indefinitely even when his or her policies may not be in the long-term interests of the country.

Hitler, for example, was immensely popular in Germany and could have won elections for a long time despite the fact that he was exterminating a whole minority group, and turning Germany into a fascist state. Consequently, as nation builders, we should not decide the issue of term-limits based on our views on the merits of the current incumbent, nor on our short-term interests.

Term-limits may also defuse some of the deadly competition for the Presidency among Political Parties knowing that if the party does not win the Presidency, its candidate would have a fair chance after the elected President's second term in office.

Finally, Term-limits enable a country to fully re-examine its priorities through new administrative teams, on a periodic basis.

Presidential and Congressional System

We propose an American style Presidential and Congressional system. Uganda currently has a hybrid Presidential / Parliamentary system. In a Presidential system, the President is elected directly, and is sometimes not even from the party that holds the majority of seats in parliament (or the American congress). The Congressional system is a natural complement of the Presidential system in that legislators cannot be members of the Executive. The Presidential / Congressional system maximizes checks and balances among the Executive, the Legislature and the Judiciary, and guarantees their relative independence.

The new federal legislature we are proposing would have two chambers: the House of Representatives and the Senate. We are proposing that the combined number of legislators in both chambers be less than the current number of Members of Parliament.

The House of Representatives would be elected based on constituencies within the states, whereas the senate would be elected by entire states acting as single electorates. The senate would represent state interests; all states regardless of size would have the same number of senators.

Land

We recommend that the 1995 Constitution's provisions regarding Land, as well as the 1998 Land Act, be re-negotiated with the various regional authorities to ensure that rights of both landowners and tenants are respected.

The tenants' land rental fee of Shs. 1000 per year is tantamount to the state re-allocating land without due respect to landowners' property investments, and should thus be repealed.

Married women's rights on Land should be guaranteed and protected. They must not be evicted on event of their husbands' death.

The Way Forward

We believe that after nearly 40 years of an imposed unitary experiment, it is time to try universal federalism, that is, federalism for all Uganda's peoples.

The Unitary system has failed us. Since 1966, Uganda has known nothing but instability, wars, dictatorship and economic collapse. Once vibrant regional towns such as Jinja, Kabale, Masaka and Mbale are now mere shadows of themselves.

Once prosperous rural areas in Luwero and Masaka are now pathetic, poverty stricken enclaves. Whole generations of children in war-ravaged areas of the Gulu, Pakwach and Luwero have not known school.

We believe it is time for bold leadership that finally settles the recurrent issue of federalism in Ugandan politics fairly and decisively. Not settling the issue now would be irresponsible since future leaders may exploit it in a way that further divides Ugandans, and creates more deadly conflict.

We owe future generations a solid foundation for a strong, stable and peaceful nation; built on the acknowledgement and empowerment of all our diverse peoples.

What it will take

The Nigerian experience, and our own 1962-1966 period, shows that half-hearted or less than full-fledged federalism is disastrous. To avoid problems we recommend full federalism for all Ugandans. The powers, resources and responsibilities among the various levels of governments must be carefully delineated.

Our proposal

In part two of this document, we present a model federal constitution based on extensive research and examination of various federal constitutions. Our model delineates the powers, resources and responsibilities among all levels of government. The American, German, and Australian Federal constitutions, and to a lesser extent, the Swiss and the Canadian Federal constitutions have greatly influenced our model.

The American and German Constitutions have been particularly instructive. The American constitution has appealed to us due to its overall federal spirit and its clear separation of powers. The German constitution has influenced us due to its clear delineation of resources, powers and jurisdictions among the various levels of government. The Swiss and Belgian constitutions are interesting since they are largely based on ethnicity and language rights, but they are rather too complex for our purposes. Australia is interesting because it is a commonwealth federal country inspired by American federalism. However, both Australia and Canada are less than fully attractive federal models due to the fact that they have a lot of unwritten constitutional conventions in the British tradition.

We have endeavored to create a model constitution based on successful models elsewhere because we understand that the introduction of Federalism is going to require more than just amending the constitution. It shall require an essentially new constitution. On the occasion that Parliament endorses the federal idea, our extensively researched model constitution endeavors to render the process of making a new federal constitution relatively quick, and less costly.

In Appendix I, we suggest a 5-year implementation phase effective the date federalism is adopted by parliament.

Part II: Model Federal Constitution

Preamble

We the people of Uganda,

Aware of our diverse cultures;

Determined to form a legitimate and lasting union;

Longing for lasting peace, self-determination and development;

Committed to the general welfare and the fundamental human rights of every person

do, through our freely elected representatives, hereby adopt this federal constitution on this day of ----, 2005.

Founding provisions

A Federal Union

Uganda is a federal Union. The union shall have three levels of government: Federal, State and Local. The roles, responsibilities and jurisdictions of each level of government are established by this constitution. Authorities at each level of government shall honor and shall not infringe on the other levels of governments' roles, responsibilities and jurisdictions.

Adjustments to these roles shall be negotiated through mechanisms set by this constitution and shall require agreement of the concerned parties.

The States of Uganda

The Union shall consist of 13 states: Acholi, Ankole, Buganda, (Bugisu & Sebei), Bukedi, Bunyoro, Busoga, Karamoja, Kigezi, Lango, Teso, Tooro, and (West Nile & Madi).

Supremacy of the Federal Constitution

The federal constitution is the supreme law of the union. The 13 states shall enact their own constitutions that shall be in concert with the principles, rights and protections set forth by this federal constitution.

Citizenship

1. There is a common Ugandan citizenship.
2. All citizens are
 - a. Equally entitled to the rights, privileges, and benefits of citizenship; and
 - b. Equally subject to the duties and responsibilities of citizenship
3. National legislation shall provide for the acquisition, loss, and restoration of citizenship
4. All citizens shall be free to live, settle and find employment anywhere in any state of the Union

Language

The official language of Uganda shall be English until such a time when one or more indigenous languages of Uganda shall be deemed appropriate for national language status.

The indigenous languages of Uganda including Ateso, Luganda, Lugbara, Lumasaba, Luo, Lusoga, and Runyakitura may be used as additional official languages in the states where they are spoken, read or understood by the majority.

This clause shall not preclude any other languages that individual states may choose for themselves.

Bill of Rights
(1995 Constitution version, with additions)

Recommended additions:

Rights of Women

Married women, co-habiting with their husbands, or to whom the men have allocated separate properties, shall be deemed co-owners of the family properties.

No person, not in a will, shall have claim on the properties in the event of the women's husbands' deaths.

The Legislature may pass laws protecting the rights of young children on the properties.

Dispossession of widows shall be deemed theft, punishable by incarceration, and fines.

Nothing in the above clauses precludes women from inheriting other property.

Important Federal Principles

Social Security:

Every one shall have a right to Social Security.

The Federal government shall take measures to ensure adequate social security for the elderly and disabled persons through insurance and pension schemes.

Employee Pension funds (borrowed from Article 113 of Swiss constitution)

The Federal government shall legislate on employee pension funds.

- a. Employee pension funds shall be mandatory for employees; the statute may foresee exceptions.
- b. Employers shall insure their employees with a pension institution.
- c. Self-employed persons may voluntarily insure themselves with a pension institution
- d. For particular groups of self-employed persons, the Federal government may declare employee pension funds mandatory, in general or only for particular risks

The insured persons and their employers shall finance employees pension plans through contributions.

Unemployment Insurance

The Federal government shall legislate on unemployment insurance.

- a. The insurance shall guarantee an appropriate compensation for loss of earnings, and shall support measures to prevent and fight unemployment.
- b. The insurance shall be mandatory for employees; the statute may provide exceptions.
- c. Self-employed persons may voluntarily insure themselves.

Unemployment insurance shall be paid by contributions of the insured persons and their employers.

Maternity Insurance

The Federal government shall institute maternity insurance. It may also oblige persons to contribute who cannot benefit from the insurance.

In extraordinary circumstances, the federal government and the states shall provide subsidies.

Economic Policy

The Federal government shall take measures to ensure economic development, and in particular to prevent and fight unemployment and inflation.

The federal government and the states shall strive to create favorable conditions for the private sector of the economy.

Competition Policy (Swiss model)

The federal government shall legislate to fight against economically or socially damaging effects of cartels and other restrictions of competition.

It shall take measures

- a. To prevent abuses in price fixing by enterprises and organizations enjoying a dominant position on the market
- b. Against unfair competition

Protection of the Environment

The Federal government shall legislate on the protection of the environment against harm and nuisance.

Polluters shall pay fines along with cleaning costs.

The federal regulations concerning the environment shall be implemented by the states, insofar as a statute does reserve this to the federal government.

Agriculture

In the interests of food security, the Federal government shall

- where necessary complement farmers' agricultural revenues by direct payments, to secure fair and adequate remuneration for services rendered, provided that compliance with ecological requirements is proven.
- through incentives, promote environmentally sustainable forms of production.
- legislate on the declaration of origin, quality, production, and processing methods for foodstuffs
- protect the environment against pollution due to excessive use of fertilizers, chemicals and other auxiliary substances.

Zoning

- Zoning shall be the responsibility of the states.
- The federal government shall establish principles on zoning
- Zoning shall take into account proper planning, moderate use of land, and well ordered communities.

The General Structure and Division of the Federal Union's Administrative Power

1. The federal government and the states shall have legislative, executive, and judicial powers.
2. The National Assembly shall exercise federal legislative powers.
3. States assemblies shall exercise state legislative powers.
4. State assemblies shall be responsible only to the people of their respective states.
5. The President and his cabinet shall exercise the federal executive power.
6. Elected State governors (including the Katikiro, Omuhikira etc.) shall exercise the States' Executive Powers.
7. Candidates for Kingdom-State Governorships may be subject to special nomination processes.
8. Traditional leaders in the states where they are recognized shall be Constitutional Heads of their respective states, peoples or clans.

Roles of Federal Government Institutions

The Federal government's role shall be mainly of coordination, setting national standards, investing through state grants in such national priorities as interstate infrastructure, science, technology, education and vocational training; supplementing state governments' efforts.

The national ministries shall be responsible for administering and implementing national policies and priorities on behalf of the Federal government. They shall set minimum national standards and guidelines that all states shall be required to meet. Otherwise, the ministries shall not have power to overturn state policies.

The Central Bank shall be in charge of monetary policy, setting banking rules, setting lending policies, reserve requirements, and overall supervision of banks throughout the Union.

The President as the Chief Executive Officer of the country shall be responsible for the overall agenda and health of the national economy. He / She shall persuade the legislature to implement his or her agenda.

The legislature shall debate national economic and political policies, approve or amend them, introduce new bills to be signed by the President, review the budget (spending allocations) and authorize disbursing of funds to the states.

The Spending Power

The National legislature shall use grants and any other instruments as may be established by law to assist states to provide services, or to effect National objectives and standards.

The State legislatures and administrators shall be responsible for implementing Federal policies and objectives approved by the Federal Senate, in consultation with national ministries or agencies.

A State, through its legislature, may opt out of a federal grant program provided it meets the minimum national standard of the objective of the grant, or shows a clear plan and timetable of achieving the same without federal aid.

The National legislature's power to initiate cost-sharing programs involving conditional grants in areas within states' jurisdiction shall require both a broad national consensus and per capita reimbursement by the federal government of the people (not the government) of a state whose legislature decides not to participate.

Equalization and Regional Disparities

- 1- The Federal Government shall make equalization transfers to ensure that:
 - a- All States regardless of ability to raise revenue provide comparable levels of services at comparable levels of taxation.
 - b- Regional disparities in economic development and living standards are minimized.
- 2- The Equalization payments shall be calculated according to a formula set out in federal legislation and regulations.
- 3- States with revenue raising ability, or *fiscal capacity*, below a threshold or *standard* amount shall receive Equalization payments from the federal government to bring their revenues up to that standard.
- 4- Equalization payments shall be subject to a floor provision to protect individual states against any large year-to-year declines in its payments.
- 5- The Equalization formula shall be reviewed by regularly by the Exchequer board that shall make recommendation to the Minister of Finance as to its adjustment.
- 6- Equalization transfers to the qualifying states shall be unconditional; the qualifying states shall use them according to their priorities as determined by their legislatures.

Legislative Powers (German model)

Federal and State Legislation

1. The states shall have the power to legislate in areas where the constitution does not confer exclusive legislative powers to the federal government.
2. The provisions of this constitution concerning exclusive and concurrent legislative powers shall determine the division of competence between the federal government and the states.
3.
 - a. Exclusive powers for a level of government shall refer to powers or jurisdiction reserved wholly for that level of government.
 - b. Whereas as Concurrent powers shall be refer to powers or jurisdiction shared with another level of government.

Exclusive Legislative Power of the Federal Government

On matters within the exclusive legislative powers of the federal government, the states have authority to legislate only if, and to the extent that, a federal law explicitly so authorizes them.

Concurrent legislative power

- 1- On matters within the concurrent legislative powers, the states have authority to legislate as long as, and to the extent that the federal government does not use its legislative power.
- 2- The federal government has a right to legislate on these matters to the extent that a need for a federal rule exists because:
 - I. a matter cannot be effectively dealt with by the legislation of an individual state.
 - II. dealing with a matter by state law might prejudice the interests of other states or of the entire nation

Exclusive Federal Legislative power and jurisdiction

shall include:

1. National Defense and National security
2. Foreign Affairs and Foreign Policy
3. Regulation of international and interstate Trade and Commerce
4. Passports, Citizenship, Immigration, Naturalization and extradition
5. Currency, Printing and coining money
6. Fiscal Policy
7. The Central Bank
8. Postal and telecommunications services
9. Creation of federal courts
10. National statistics

11. Federal civil service salaries and allowances
12. Navigation and shipping
13. Radio and Television
14. Weights and measures
15. Bankruptcy and insolvency
16. Unemployment insurance
17. Patents and Copyrights
18. Freedom of movement of goods, and exchange of goods and payment with foreign countries
19. Railroads and air traffic
20. Legal status of persons employed by the federal government
21. Minimum national standards in areas such as education, professional licenses, and social services such as: health, women and children's rights, rights of the disabled, aged etc.
22. Federal taxation
23. Import and export duties

Exclusive State Legislative power and jurisdiction (South Africa Model)

shall include:

1. State Planning and Economic development policy
2. Property and Civil rights in the state
3. Incorporation of companies within the state
4. Borrowing of money on the sole credit of the State
5. Establishment and Tenure of State offices and the Appointment And Payment of State officers
4. The management and sale of public lands belonging to the state
6. State sports
7. State Police
8. State lotteries
9. State roads and traffic
10. Museums, other than national museums
11. Abattoirs
12. Ambulance Services
13. Archives other than national archives
14. Libraries other than national libraries

B- The following local government matters shall fall under State and Local Government Legislative power and jurisdiction

1. Beaches and amusement facilities
2. Billboards and the display of advertisements in public places
3. Cemeteries, funeral parlors and crematoria

4. Cleansing
5. Control of public nuisances
6. Control of places that sell liquor to the public
7. Facilities for the accommodation, care and burial of animals
8. Fencing and fences
9. Licensing of dogs
10. Licensing and control of undertakings that sell food to the public
11. Local amenities
12. Local sport facilities
13. Markets
14. Municipal abattoirs
15. Municipal parks and recreation
16. Municipal roads
17. Public places
18. Refuse removal. Refuse dumps and solid waste proposal
19. Street trading
20. Street lighting
21. Traffic and parking

Concurrent Federal and State Legislative power and Jurisdiction

Natural resources and forests
 National Parks
 Agriculture
 Animal Control and disease
 Casinos, racing, gambling
 Consumer protection
 Cultural matters
 Disaster management
 Education
 Environment
 Health services
 Housing
 Indigenous law and customary law
 Civil law, Criminal law and execution of sentences
 Land law
 Interstate highways
 The law relating to economic matters (mining, industry, supply of electricity, crafts, trade, commerce, banking, private insurance)
 The system of Judicature, the procedure of the courts
 The legal profession, notaries and legal advice
 Admission to medical and other professions
 The economic viability of hospitals, and the regulation of hospitalization fees
 The regulation of educational and training grants
 Promotion of Scientific Research
 Measures against epidemic and infectious diseases of humans and animals

Assistance, training and facilitation of entrepreneurs
Registration of births, deaths and marriages
Prevention of abuse of economic power
Dealings in real estate
Public welfare
Nature conservation
Pollution control
Population development
Property transfer fees
Public transport
Tourism
Trade
Urban and rural development
Welfare services
Vehicle licensing

The Legislature

The legislature shall be based on the congressional system. All the legislative powers granted to the federal government, shall be vested in the congress of the Federal Union of Uganda.

The legislature shall consist of the House of Representatives and the Senate. There shall be 105 representatives and 52 senators for a total number of legislators not exceeding 157. This number shall include representatives for minority ethnic districts within some states.

The number of Representatives shall be as practically as possible twice the number of Senators, plus one.

The House of Representatives shall represent electoral districts within each state. The allocation of House of Representatives seats to states shall be based on their population.

The Senators shall represent each state's electorate as a whole, and each state, regardless of population, shall have an equal number of senators.

Congress

The House of Representatives and the Senate shall jointly be referred to as the Congress.

The duties of Congress:

Congress shall have power to legislate in all matters assigned by this constitution to Federal and concurrent jurisdiction including but not limited to the power:

- to levy and collect taxes and duties within federal jurisdiction to pay for government expenditures and pay debts.
- borrow money on the credit of the Federal union
- To print and coin money
- regulate commerce with foreign nations and among the states
- establish uniform laws on Naturalization, immigration, passports, and the rights of refugees and of asylum
- establish uniform Laws on the subject of bankruptcies throughout Uganda.
- enact laws on the utilization of land and other natural resources, including rivers and lakes crossing boundaries of the national boundaries, or linking two or more states
- regulate air, rail and water transport as well as interstate highways

- establish uniform standards of measurements and calendar
- enforce rights established by this constitution as well as electoral laws and procedures
- regulate patents and copyrights
- enact federal labor and commercial codes
- determine and oversee the organization of the army, public security and the national police agency.
- Regulate the possession and bearing of arms
- Provide for organizing, arming, and disciplining, the Militia, and for governing part of them as may be employed in the service of the Union, reserving to the states the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by congress
- Regulate Postal services
- Promote research, science, technology and the arts

General Provisions for Congress:

Power of Congress

Congress may:

- Consider, pass, amend or reject any legislation before it
- Initiate or prepare legislation, except money bills
- Ensure that all executive organs of the federal government are accountable to it
- Review the exercise of the executive powers, including the implementation of passed legislation

Right to Initiatives and Motions

- 1- Every member of Congress, every Congressional group, and every State, shall have a right to submit initiatives to Congress
- 2- Members of Congress and the Executive may present motions concerning a proposal under deliberation.

Congressional Committees

Congress shall appoint Standing committees and any other committees necessary for the efficient discharge of its functions.

The appointment, composition and functions of committees shall be established by statute.

Petitions Committee

The House of Representatives shall appoint a Petitions Committee to deal with requests and complaints addressed to Congress by the public.

The powers of the Committee to consider complaints shall be regulated by federal statute.

Evidence and Summons

Congress shall have power to:

- a. Summon any person to appear before it or its committee to give evidence on oath or affirmation, or to produce documents
- b. Require any person or institution to report to it
- c. Receive petitions, representations, or submissions from any interested persons or institutions.

Rules, Proceedings and Procedures:

Congress may make rules and orders of its proceedings with due regard to participatory democracy, accountability, transparency, and public involvement

The Rules and Orders must provide for-

- a. The establishment, composition, powers, functions, procedures, and duration of its committees
- b. The participation in the proceedings of the Congress and its committees of minority parties represented in congress

- c. Financial and administrative assistance to each party represented in congress in proportion to its representation to enable the party and its leader to perform their functions in congress effectively
- d. Recognition of the leader of the largest opposition party in Congress as the Leader of the Opposition

Punishment of members

Congress may punish its members for disorderly behavior, and with approval of two-thirds, expel a member.

Immunities

Members of Congress shall not be held liable to civil or criminal proceedings, arrest, imprisonment or damages for anything they have said in, produced before or submitted to Congress or any of its committees

Immunity of a member of Congress shall not extend to criminal behavior, in or outside Congress.

Compensation

Salaries, allowances and benefits payable to members of Congress shall directly be charged against the Consolidated fund.

The Congressional Budget

The two houses of congress shall each determine their own budgets.

Congressional Staff

The Speaker of the House and the Senate President shall, in consultation with a legislative service commission established by law, have a right to hire congressional staff, including the clerks to the House and Senate.

Sessions

The House and the Senate shall meet regularly for sessions.

A statute shall regulate the calling of sessions

One fourth of the members of either chamber may request that Congress meets for an extraordinary session.

The President of the Union may in special circumstances, stipulated by statute, convene an extraordinary session of Congress.

Separate Deliberation

- 1- The House of Representatives and the Senate shall deliberate separately
- 2- Decisions of Congress shall require the approval of both the House and the Senate

Meetings open to Public

The meetings of both the Senate and the House of Representatives shall be open to the public. A statute may provide for exceptions.

No Dissolution

Congress shall not be subject to dissolution by the Executive.

Quorum in Congress

The majority in each house shall constitute a quorum to do business; a small number may adjourn from day to day.

Congress may be authorized to compel the attendance of absent members in such a manner and under such penalties, as each house shall provide.

No appointments of members of Congress to new positions

No Senator or Representative shall, during the time for which he or she was elected, be appointed to any civil office under the authority of the federal Union of Uganda which shall have been created during, or the compensation of which increased during such time.

No person employed in another capacity shall be a member of either house without first resigning the position in that other capacity.

Journal

The Senate and the House shall each keep a journal of its proceedings, and from time to time publish them. The votes of members shall be recorded in the journal (Hansard).

Adjournment during a Session of Congress (Joint Sitting)

Neither the Senate nor the House of Representatives shall, without the consent of the other, adjourn for more than three days, nor to any other place than that which the two houses shall be sitting.

Oath of office

All members of Congress shall be subject to the oath of office of the union established by law. The oath shall include a promise to uphold and honor the integrity of the federal constitution.

The Chief Justice, the Speaker, the Senate President or the clerks may administer the Oath of Office as shall be established by statute.

Conflict of Interest

Congress and State legislatures shall enact a code of ethics prohibiting conflict between public duty and private interests of members.

The House of Representatives

Special Roles of the House

Tax legislation

All bills for raising of revenue shall originate in the House of Representatives

Impeachment

The House of Representatives shall have the power to impeach (indict), or bring charges against federal officials including the President, or a member of his or her cabinet for abuse of office including: Treason, Criminal and Unconstitutional behavior, Bribery, and gross misconduct.

Election and Term of Representatives

Members of the House of Representatives shall be elected by the people for a term of three years on the basis of universal adult suffrage and by direct, free and fair elections held by secret ballot.

Elections for representatives shall be held within 30 days before the expiration of their term.

Special Representation for Minority ethnic territories within States

The law shall make provisions for special representation of minority ethnic territories existing within the multi- ethnic states prior to the enactment of this constitution.

Distribution of Seats

The house seats shall be distributed among the states in proportion to their population.

Nomination of Political Party and Independent candidates

Political Parties shall nominate the candidates to contest for seats in the constituencies.

Independent candidates should be nominated by a threshold number of people in their resident constituencies to be determined and established by law depending on population of constituencies.

Women Candidates

At least 35% of the nominated candidates for each Political Party shall be women.

Physical Constituencies

Each house seat shall correspond to a physical constituency. There shall be no representative in the house that is not directly elected by a constituency.

No person, party or authority shall nominate non-elected representatives to the House of Representatives.

Demarcation, Distribution and Publication of Constituencies

Electoral constituencies shall be demarcated in each state by the electoral commission based on results of a national census carried out every 10 years.

The electoral constituency boundaries shall not cross state borders.

The electoral commission shall present any constituency boundary changes to the electoral committees of both the Federal and State Senates for review.

The Electoral Commission shall publish constituency changes within 6 months.

New distributions shall be applied as of the following general election.

House Vacancies

Whenever a vacancy exists in the house due to resignation, disability, death or any other reason, the clerk to the house shall notify the Electoral Commission in writing within ten days after the vacancy has occurred; and a by-election shall be held within sixty days after the vacancy has occurred.

Representatives switching parties

When a representative decides to leave his or her party in favor of another party, or to become an independent:

- a. He or She shall resign his or her seat immediately.
- b. A by-election shall be held within 60 days to fill the vacancy for the remainder of the term.
- c. The departing representative can contest in the by-election along with others under his or her new party, or as an independent candidate.

Eligibility for the House of Representatives

Eligible persons:

To be eligible, for a seat in the House of Representatives one must be:

- a. Ugandan citizen for a minimum of 7 years
- b. 25 years of age or older
- c. Registered and eligible to vote
- d. Resident of the state in which he / she shall be chosen
- e. A holder of a minimum formal education of Advanced Level standard or its equivalent.
- f. A diligent tax payer

Non-eligible persons:

Category 1

- a. Federal Senators
- b. Members of state assemblies
- c. Public servants, including defense personnel such as army officers etc.
- d. Members of the Executive, including Cabinet Ministers
- e. Officers of the electoral commission
- f. Traditional leaders

Persons in Category 1 have to resign their positions if they wish to be nominated for the House of Representatives.

Category 2

- a. Non-citizens
- b. Persons with unresolved bankruptcies
- c. Persons convicted of criminal offenses
- d. The mentally ill

Election of Speaker, Vice-Speaker, Second Deputy Speaker

The representatives shall elect the Speaker and Vice-Speaker by secret ballot on the first sitting day of the House of Representatives after each election, which shall be no later than thirty days after the election.

A judge shall preside over the election of a speaker.

The Speaker shall preside over the election of a Vice-Speaker, and Second Deputy Speaker. In addition, the representatives shall elect a Secretary of the house.

Duties and Role of Speaker

The Speaker shall:

- Chair the House of Representatives' meetings
- Interpret and enforce standing orders, respond to members' points of order relating to the orders, and give rulings on procedure when necessary
- Maintain, in an impartial, non-partisan manner, the order and security of the House and restrain unruly behavior
- Maintain the integrity and independence of the house and safeguard its authority and protect its members.
- Undertake official duties for and represent the house including transmitting approved money bills to the President, or the implementing Cabinet Minister
- Make statements or announcements to House as necessary and respond to questions on matters of administration of the house.

The Speaker shall supervise the proceedings but shall not take part in the debates.

Vote of the Speaker

The Speaker shall only vote in circumstances where there is a deadlock in the house due to equal opposing and supporting votes on an issue. The speaker's vote shall be the casting vote.

The Role of the Vice-Speaker

The Vice-Speaker shall perform the functions of the speaker in the speaker's absence. The Speaker may also delegate some of his or her functions to the Vice-Speaker.

The Role of the second Deputy Speaker

The Second Deputy Speaker shall act as the Acting Vice-Speaker on occasion of the Vice-Speaker is the Acting Speaker. In the absence of both the Speaker and the Vice-Speaker, the Second Deputy Speaker shall be Acting Speaker.

The Senate

Special Roles of the Senate

The Senate shall:

- Represent the states
- Review the proposals and decisions of the House of Representatives and the Executive.
- Ratify, or approve treaties with foreign countries by a two-thirds vote of senators present.
- Approve or reject the President's nominations for Cabinet members, Ambassadors and Federal judges.
- Approve, review or recommend use grants or money borrowed by the Federal government from International Financial institutions, taking into account national and states' interests.

Election of Senators

The Senate shall be composed of four senators per state -- regardless of state size or population -- directly elected by the people of each state voting as one electorate.

The term for senators shall be six years.

All senators shall be directly elected.

Rotational Voting

- a. The first senate shall be divided into two classes of senators: short-term and long-term.
- b. The short-term senators shall be subject to a new election in three years. The long-term senators shall go for re-election in six years.
- c. After the first election, all senators shall be subject to election after their six-year terms.
- d. Every three years half of the senators shall be subject to election by the states' electorates, coinciding with elections for House of Representatives.

Vacancies in the Senate

Whenever a vacancy exists in the senate due to resignation, disability, death or any other reason, a new appointment shall be made by the executive authority of the state that the Senator represented.

The legislature of any state may empower the executive to make temporary appointments until the people fill the vacancy by election.

A member of the same political party or group as the vacating Senator shall fill the vacancy.

The appointed senator shall hold the office for the remainder of the vacating Senator's term.

Senators switching Parties

When a senator decides to leave his or her party in favor of another party, or to become an independent

- a. He or she shall resign immediately.
- b. A by-election shall be held within 60 days to fill the vacancy for the remainder of the term.
- c. The senator can contest in the by-election along with others under his or her new party, or as an independent candidate.

Eligibility for the Senate

Eligible Persons:

To be eligible, for a seat in the Senate one must be:

- a. Ugandan citizen for a minimum of 7 years
- b. 30 years of age or older
- c. Registered and eligible to vote
- d. Resident of the state in which he / she shall be chosen
- e. A holder of a college degree or its equivalent
- f. A diligent tax payer
- g. Financially sound with a home, or other verifiable property

Non-eligible persons:

Category 1

- a. Members of the House of Representatives
- a. Members of State Assemblies
- b. Public servants, including defense personnel such as army officers etc.
- c. Members of the Executive, including Cabinet Ministers
- d. Officers of the electoral commission
- e. Traditional leaders

Persons in Category 1 have to resign their positions if they wish to be nominated for the House of Representatives.

Category 2

- h. Non-citizens
- i. Persons with unresolved bankruptcies
- j. Persons convicted of criminal offenses
- k. The mentally ill

Election of a Senate President and the Deputy President and Chair of Committees

(Australian model)

The Senate President

The senate shall before proceeding to dispatch any other business, choose a senator by secret ballot to be the President of the Senate; and as often as the office of the President becomes vacant the Senate shall again choose a senator to be President.

If more than two candidates are nominated for Senate President, rounds of voting shall be conducted until a Senator is elected president.

In case of an unresolved tie after two ballots -- between two candidates nominated for President-- the Clerk of the Senate shall determine by lot which candidate shall be withdrawn.

If only one candidate is proposed for Senate President, that Senator shall become President without a vote being taken.

Until the election is decided, the Clerk of the Senate shall act as Chair of the Senate, and has powers of the President under the standing orders (rules of procedure and debate of the senate).

The Deputy President and Chair of Committees

The senate shall elect the Deputy President and the Chair of Committees in the same manner as the President.

Duties and Roles of the Senate President

The Senate President shall:

- Ensure the proper conduct of the business of the Senate
- Interpret standing orders and give rulings when a difference of opinion arises
- Call on senators to speak and maintain order and decorum of the senate
- Ascertain and declare the will of the senate either on voices (the ‘ayes’ or ‘nays’, or as a result of a formal vote
- Be a spokesperson and representative of the senate in dealings with the executive, the House of Representatives, and persons outside Congress.
- Carry out his duties in an impartial manner

In addition, the Senate President shall be responsible for department administrative duties, which shall include:

- Chairing the Standing Committee on Appropriations and Staffing, which shall determine the budget and oversee the organizational structure for the Department of the Senate
- Seating arrangement in Chamber
- Senators’ room allocations
- Entitlements of senators
- The general operations of the department of the Senate.

The Senate President’s vote

The Senate President shall vote in the Senate in order to ensure that equal voting rights of each state are preserved

The Senate President’s vote shall carry the same weight as that of any other senator.

In cases of a tie in the Senate on an issue, the issue shall be resolved in the negative, that is, it shall be lost.

Duties and Roles of the Deputy President of the Senate and Chair of Committees

The Deputy President shall:

- Relieve the President of the Senate in the Chair during sittings and perform duties of the President during the President's absence.
- Preside when the senate is sitting as a committee of the whole senate to consider legislation in detail
- Chair the Senate Standing Committee on Procedure, which shall examine the procedures of the Senate and recommend to the Senate changes in procedures where appropriate.

Joint Tasks of Senate President and the Speaker of the House of Representatives

The Senator President and the Speaker of the House shall jointly administer:

- The Congressional library that shall be responsible for supply of reference and research services
- The Department of Congressional Reporting Staff that shall be responsible for publishing the Hansard and the supply and maintenance of audio visual and information technology to Congress
- The Joint House Department responsible for the physical environment and service facilities within the Congressional building (Parliament building) and its exterior grounds

The President of the Senate and the Speaker shall also chair congressional committees that shall oversee the operation of these departments.

Federal Legislative Procedure (U.S. Model)

Presentation of Bills

1. A Member of the House or Senate shall introduce a bill for consideration by congress, or
 - a- The President, a member of cabinet or head of a Federal Agency shall propose legislation.
 - b- A money bill shall only be introduced by the Minister of Finance, or another member of the executive, and shall be introduced for debate in the House of Representatives. The Senate may propose or agree with amendments on a money bill as on other bills.
2. A bill shall be debated on the floor and then sent to committee for revisions.
3. A Hearing shall be held and a report issued containing the revised bill, the committee's recommendations and background information.
4. The bill shall be referred to a joint committee composed of members of both the Senate and the House to reconcile differences in similar bills in both chambers.
5. The Revised bill shall be brought before the House and the Senate for approval
6. Members of both Chambers shall vote on the final version of the bill.
7. A bill approved by both the House and Senate shall be sent to the President of the Union.
8. The President may comment on the bill and then sign or veto it.
 - a- If the President signs the bill, it shall become law.
 - b- If the President vetoes the bill, it he shall return it together with his objections to the house that originated it for reconsideration.
9. The house shall enter the President's objections in their journal and proceed to reconsider the bill.
10. If after reconsideration, two-thirds of the House shall agree to pass the bill, it shall be sent together with the objections of the President to the Senate.
11. The Senate shall follow the same procedure to reconsider the bill.
- 14- If Senate also approves the bill by two- thirds; it shall become law thus overriding the President's veto.

Voice Voting

In all such cases the votes of both Houses shall be determined by voice votes (Yeas and Nays, and the names of the persons voting for and against the bill shall be entered in the Journal of each House respectively.

Failure of the President to return a bill within 10 days

If the President does not return the bill within 10 days, the bill automatically becomes a law.

If Congress is adjourned before 10-day period

If Congress is adjourned before the 10-day period, the bill is vetoed.

After a Law is signed

- 1- a- Once signed by the President, laws shall be given public law numbers and issued in printed form first as slip laws.
b- These laws shall then be bound into Statutes at large
- 2- Executive agencies shall draft detailed regulations that specify how the laws shall be carried out.
- 3- New and proposed regulations shall be announced in a Federal Register.
- 4- Regulations shall be bound into the Code of Federal Regulations, which shall arrange Regulations in force by subject.
- 5- The Supreme Court and Federal Circuit Courts of Appeal shall interpret laws and regulations when they become an issue in a case.

The Executive

The President

The Executive Power of the Federal Union of Uganda shall be vested in the President and his Cabinet.

The President shall be:

- The Chief Executive Officer of the nation.
- The Commander in Chief of the Armed forces, and of the State Militia when they are called into service to defend the country.

He shall:

- a- Uphold, defend, and respect the Federal constitution
- b- Ensure the unity and stability of the nation by protecting, and ensuring respect for the division of powers among the different levels of government as established by the constitution.

Qualifications for the President

Eligible Persons

To be eligible for President, the person shall be;

- a- At least 35 years of age
- b- A Citizen of Uganda for not less than 15 years
- c- A civilian, or retired military person
- d- Financially secure
- e- Free of a criminal record
- f- A graduate, with a minimum of a College degree from an accredited University, or equivalent Tertiary Institution
- g- A person in good health

Non- eligible persons

- a- Persons with a criminal records
- b- Persons convicted of corruption and bribery
- c- Traditional Leaders
- d- Foreigners
- e- Persons in authority that shall have willfully violated their State constitutions.

Election of the President

The people of the States shall directly elect the President through secret ballot. Each State shall be considered one electorate.

Term and Tenure of Office

The term of Office for the President shall be five years. The President shall not serve more than two terms, or more than ten years.

The President's term of office begins on assuming office and ends upon a vacancy occurring, or when the next person elected assumes office. The date and month for the beginning of the term of President shall be fixed by law.

If the President elect shall have died before the date fixed for the beginning of the term, the Vice-President elect shall become President.

Powers and Functions of the President

The President shall:

- a- From time to time inform Congress about the State of the Union, and recommend for their consideration such measures as he / she shall judge necessary
- a- Develop and ensure the implementation of national policy
- b- Coordinate the functions of Ministries and other federal agencies
- c- Nominate and with the approval of the Senate, appoint the Cabinet, ambassadors and judges of the Supreme Court, and other federal officers as shall be established by law
- d- Make treaties with foreign nations provided that two-thirds of the Senators approve
- e- Receive the credentials of foreign ambassadors
- f- In accordance with conditions and procedures established by law grant pardon

Death, Inability or Removal of President from Office (U.S. Model)

In case the President is removed from office, resigns or is unable to perform or discharge the duties of the office, the Vice-President shall assume the Office of President

If there is a vacancy in the Office of Vice-President, the President shall nominate a person who shall assume office upon confirmation by the majority votes in both the Senate and the House.

If the President is unable to carry out his duties, he shall inform the Speaker of the House of Representatives and the President of the Senate in writing. Until he/she

submits a contrary statement, the Vice-President as Acting President shall hold the powers of the Office of President.

If the Vice-President and the majority of the cabinet members inform the Speaker and the President of the Senate in writing that the President of the Union is unable to do his/her duties, the Vice-President shall immediately assume office as Acting President, until the President sends a contrary written declaration.

If there is a conflict in the declarations of the President and Cabinet on the issue of the President's fitness, Congress shall meet to decide the issue within 48 hours, or as the law may provide.

Line of Succession to President

In case of the President's incapacity, resignation or death, the immediate line of succession by order of precedence shall be:

Vice-President
President of the Senate
Speaker of the House
Minister of Finance, Planning and Economic Development

The successor to the President shall serve until the next scheduled elections for President.

If the successor serves two or more years of the departed President's term, he / she shall be eligible for only one more term as President.

The Cabinet

The Cabinet shall consist of the President, Vice-President and the Ministers.
The President shall nominate the Ministers.

All Ministerial appointments shall take effect only after approval by the Senate.

The Cabinet shall not exceed thirty Ministers, including deputies.

There shall be no Prime Minister.

Criteria for Cabinet Approval

The criteria for the Senate's decision to approve or deny a nominated cabinet candidate shall include, but may not be limited to:

- Competency for the position
- Character and respect for democratic institutions

- Track record in administrative or business positions
- Educational qualifications
- Criminal record

If a nominee is rejected, the President shall submit another person for nomination.

Functions of the Cabinet

The cabinet shall:

- Ensure implementation of the government's policies and plans
- Oversee implementation of laws and decisions adopted by Congress
- Prepare the annual federal budget and present it to Congress
- Act in accordance with the Constitution
- Provide Congress with regular reports concerning their Ministries' portfolios

Oath of Office

Before assuming their positions, the Cabinet shall submit to the Oath of Office affirming obedience and faithfulness to the Constitution.

The List of Federal Ministries

Finance, Planning and Economic development
 Agriculture
 Science and Technology
 Health and Social welfare
 Industry and Commerce
 Education
 Environment and National Resources
 Housing and Urban Development
 Public works and Infrastructure
 Justice and Constitutional Affairs
 Foreign Affairs
 Defense
 Tourism
 Information
 National Security -- National Police, Intelligence agencies etc.

Limitation on Ministries and Federal Government Agencies

1- a. Only Ministries specified in the Ministries list shall by exist by law.

- b. No Ministry, agency or organization -- civilian or military-- shall be established without a statute approved by three-fourths of both houses of Congress.
 - c. A new agency's regulations and its qualifications of its senior management must be established, examined and approved by congress.
- 2- No Ministry or agency shall infringe on the division of powers between the Federal Government, the States and Local Governments as set by the Constitution.
 - 3- In keeping with the federal nature of the union, there shall be no Central (Federal) Ministry in charge of Local Government.
 - 4- Federal Ministries shall oversee implementation of government policies through coordination with the States' authorities.
 - 5- Responsibility for policy implementation at local levels shall be the responsibility of Local and State officials, as law shall provide.

Impeachment

The President, Vice-President, and any Cabinet Minister of the Federal Union shall be removed from office by Impeachment if the House of Representatives votes to impeach, and the senate convicts them for corruption, bribery, Treason or other crimes that may include exceeding constitutional bounds of power.

The Process of Impeaching the President (U.S. Model)

First step: the House of Representatives

- 1- One – fourth of the members of the House of Representatives shall propose a motion to impeach.
- 2- The House Judiciary Committee shall decide whether or not to proceed with impeachment, if they do:
- 3- The Chairman of the Judiciary committee shall propose a Resolution calling for the Judiciary Committee to begin a formal inquiry into the issue of impeachment.
- 4- Based on their inquiry, the Judiciary committee shall send another Resolution to the full house stating that:
 - a- Impeachment is warranted and why (The Articles of Impeachment) or
 - b- That Impeachment is not called for.
- 5- The Full house operating under rules set by the Rules Committee shall debate and vote on each Article of Impeachment.
- 6- If any of the Articles of impeachment shall be approved by a simple majority, the President shall be impeached and the case sent to the Senate for trial.

Second Step: The Senate

- 1- The Senate shall receive the Articles of Impeachment from the House of Representatives.
- 2- The Senate shall formulate rules and procedures for holding a trial.
- 3- The trial shall be held; the President shall be represented by his or her lawyers.
- 4- A select group of House members shall serve as prosecutors.
- 5- The Chief Justice of the Union shall preside with all 78 Senators serving as the jury.
- 6- The Senate shall meet in private session to debate a verdict.
- 7- The Senate, in open session, shall meet and vote on a verdict, a two-third vote in the Senate shall result in a conviction.
- 8- The Senate shall vote to remove the President from office.
- 9- The senate may also vote (by a simple majority) to prohibit the President from holding any public office in the future.
- 10- The conviction shall not extend beyond removal from office.

The Judiciary

The Judicial power of the Union shall be entrusted to the Judiciary.

Its roles shall be to:

- Administer justice
- Interpret the constitution
- Ensure that the provisions of the Federal and State Constitutions are upheld

Judicial Authority

- (1) The judicial authority of the Union shall be vested in the courts.
- (2) There shall be a parallel court system at the federal and state levels
- (3) The Federal Courts shall handle Federal issues,
- (4) The 13 States' courts shall handle local issues
- (5) The courts shall be independent and subject only to the Constitution and the law.
- (6) No person or organ of state may interfere with the functioning of the courts.
- (7) Organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.
- (8) An order or decision issued by a court shall bind all persons to whom and organs of state to which it applies.

The Judicial system

The Federal courts shall be divided into three levels. The details of the jurisdiction of each level shall be established by legislation in Congress.

Level one: The Grade 1 Magistrates

This shall be the lowest judicial level at both federal and State levels.

Level two: Circuits one through five

Circuit one, Kampala: shall have Jurisdiction over federal cases in Kampala, Wakiso and Mukono districts

Circuit two, Mbale: shall have jurisdiction over federal cases in the Eastern region, and Lango

Circuit three, Gulu: shall have jurisdiction over Northern Uganda, minus Lango

Circuit Four, Mbarara: shall have jurisdiction over Western Uganda

Circuit Five, Masaka: shall have jurisdiction over Buganda minus, Wakiso and Mukono districts

Level three: The Supreme Court

The Federal Supreme Court shall be the highest court in the land. It shall consist of nine Justices of high moral standing of whom one shall be the Chief Justice of the Supreme Court.

The Supreme Court shall:

- a- Deal with cases involving constitutional interpretation
- b- Handle appeals against decisions of circuit courts two through five
- c- Deal with appeals against decisions of the Supreme Courts of States

Right of Appeal to the Supreme Court

There shall be no automatic right to have an appeal heard by the Supreme Court.

Parties that wish to appeal must persuade the Court in a preliminary hearing that there are special reasons to cause the appeal to be heard

Decisions of the Federal Supreme Court shall be final; no further appeals shall be made once the Federal Supreme Court has decided a matter.

The decision of the Federal Supreme court shall be binding on all other courts in Uganda.

Appointment of Judges

Federal Supreme Court justices, court of appeals judges, and magistrates shall be nominated by the President, on the advice of the Judicial Service Commission and confirmation by the Senate.

Judge Appointment Process

The Judicial Service Commission shall nominate three names for each position and submit them to the President.

The President shall choose one name and submit it to the Senate for approval

The Senate Judiciary Committee shall conduct confirmation hearings to establish the nominee's competence and fitness for the court.

The full Senate shall vote to approve or reject a nominee.

If the Senate rejects the nominee, the President shall submit one of the remaining two names.

The process shall be repeated until one person is approved.

The states shall have similar appointment processes.

Tenure and Remuneration of Justices and Judges

The Justices and judges shall hold office until retirement. A judge may be removed from office only if the Judicial Service Commission finds that the judge suffers from incapacity or is guilty of gross misconduct. The decision shall be subject to review by the Senate's Judiciary committee.

No judge shall be removed from office by virtue of decision taken, or opinion rendered in court.

The salaries, allowances and benefits of judges may not be reduced.

Financing the Judiciary

The Federal courts' budgets shall be financed directly from the Consolidated fund.

To finance their day-to-day operations, the courts may retain a percentage, or all, of the fines and fees collected in the process of administering justice.

The details and use of such revenue shall be established by statute.

The Judicial Service Commission

The judicial Service Commission shall consist of:

- (a) The Chief Justice, who shall preside at meetings of the Commission;
- (b) A Judge appointed by Circuit court judges;
- (c) the Minister of Justice and Constitutional Affairs
- (d) Two practicing advocates nominated from within the Uganda Law Society, and appointed by the President;
- (e) A Professor, or an instructor of law recommended to the President by an established association of legal instructors at Ugandan Universities.

Functions of the Judicial Service Commission

The Judicial Service Commission shall:

- a. Advise the federal government, and on request, the State governments, on any matter relating to the judiciary or the administration of justice
- b. Exercise the powers and functions assigned to it in the Constitution and congressional legislation.

The States

General Principles

The thirteen States' Authorities shall exercise Executive, Legislative, and Judicial Powers in accordance with both the Federal and State Constitutions.

Conflicts between states (part of Article III, U.S. Constitution)

The Supreme Court, or Federal courts shall, where necessary, adjudicate on controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Trial of Crimes (part of Article III, U.S. Constitution)

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the national legislature may by law have directed.

Unspecified Powers (borrowed from the X amendment, U.S. Constitution)

Powers not delegated to the Federal government (Central government) by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Relationships between States (parts borrowed from Article IV, U.S. Constitution)

Records

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the national legislature may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Immunities and Privileges

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Extradition

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the

state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

New States

No new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

Protection of States

The Federal government shall protect each state against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Federal Law enforcement and Interstate Crime

The Attorney General shall ensure that Federal laws are enforced uniformly throughout the nation. The Attorney General and a National Police agency may in special cases investigate crimes that have national implications, even when they fall under state jurisdiction.

The State Constitutions

During the transitory period -- not exceeding five years -- the States shall set up their administrative procedures and infrastructure, and enact their constitutions.

The States Constitutions shall be consistent with the fundamental human rights and principles set out in the Federal Constitution.

Federal Assistance to States during the Transition phase from a Unitary System

The federal government shall assist the States in setting up their State Administrative Systems and Infrastructures.

The federal government shall, during the transitory period, direct the bulk of its financial resources -- including those from International Finance Institutions -- to assisting the States to prepare for the transition.

Assistance shall include uniform training of the states' personnel that shall be charged with revenue collection, planning and service delivery.

Special assistance shall be given to economically disadvantaged states.

The federal government shall increase investment in infrastructure such as interstate roads, telecommunications systems, and electricity.

Transfer of Regional Administrative Infrastructure to States

Regional administrative infrastructure used by local governments shall be transferred to State and Local jurisdictions, or as may be negotiated.

Election of State Executives

The pre-election nomination processes of candidates for State Governor may differ substantially from state to state.

States with Constitutional Monarchs shall choose their candidates through a process that MAY include formal approval, though not appointment, of the nominees by the Monarch, through his Advisory Council.

Proposed State Governor Nomination and Election Processes in Kingdom States

1-The political parties, or Independent candidates shall submit names to the State Senate's screening committee which shall as much as possible have equal numbers of major political parties' representatives.

2- The committee shall interview the candidates and check their backgrounds

3- Members of the committee shall vote and recommend three or four names to an Advisory Committee of Eminent Persons chaired by the Monarch.

The Monarch's advisory committee shall be balanced, with equal numbers of members of the major religions.

4- The Advisory committee shall interview the candidates.

5- The Monarch shall express his views in a private session, but shall not vote.

6- The Advisory Committee shall vote to eliminate one or two names depending on whether three or four names are presented.

7- The two selected candidates shall then canvass the State to convey their ideas to the electorate.

8- The electorate shall vote for one of the two candidates.

9- The Candidate shall assume the Office of Governor, or Katikiro, etc.

Incumbent Governors shall not be subject to the nomination process, but challengers shall.

Criteria for Selection of Candidates for State Governor may include:

- Understanding of the spoken and written language of the State
- Appreciation, understanding of, and respect for, the history, culture, and institutions of the State
- Clear vision and plans for the State
- Residency in the State for no less than 10 years; this requirement may be waived, if the person was born and raised in the State.
- Educational Qualifications
- Track Record in administrative, academic, or business endeavors
- Character, and lack of criminal records

Accountability of State Officials

The states' governors and other elected officials shall be answerable only to the electorates and the legislatures of their states.

Only the states' electorates through elections, or the state legislatures, through impeachment, shall remove or censure the state governors.

Accounting for State Accounts

In order to engender trust between the Federal government and State economic relations:

All state and district budgets, allocations and expenditures shall be published and made available to the public for examination. The state departments shall be subject to State and Federal Audits at least once a year: one federal and one state.

State governors shall address state residents once at the beginning of each year to highlight the past years achievements, explain failures and challenges, and point to the next year priorities.

State Controllers

The State Controllers shall be independent elected officials who shall be in charge of state budgets, auditing state accounts and explaining the allocation and use of state revenues.

The State Controllers shall read State budgets to the legislature and the media once a year, and shall give quarterly accounts of the states' financial condition to finance committees within the state legislatures and to the governors.

State Appointees and Bureaucrats

All state bureaucrats, appointees, and state civil service employees shall be answerable only to the states' elected officials.

State bureaucrats shall collaborate with federal bureaucrats in the implementation of statutory federal objectives.

Conflicts of Interest

State Officials shall strictly adhere to Conflict of Interest regulations as determined by both the National and State legislature, and shall be subject to censure and removal from office for violating them.

The States' Cabinets

The States' Cabinets shall mirror the Federal Cabinet with Ministers responsible for various departments subject to approval by the State Senates.

Their roles, functions and reporting requirements shall be similar to the federal government's Cabinet roles, functions and reporting requirements.

The individual States shall independently determine their cabinets' qualifications.

The State Ministries

The State Ministries shall mirror the Federal government Ministries except that their jurisdiction shall be limited to their states.

Their functions shall be governed by the list of exclusive and concurrent powers between the Local, State and the Federal Governments.

Unlike the Federal Government, the States shall have a Ministry of Local Government to deal with Local Government issues and to coordinate the implementation of other State Ministries' efforts at the Local Government level.

State Assemblies

Individual states shall according to their needs and interests adopt either Bicameral (the Senate and the House) or Unicameral legislatures.

Multi-ethnic States, and States with powerful cultural interests, shall adopt bicameral legislatures.

The demarcation of powers, rights and processes as established by the Federal government shall, with some modification, also apply to the organization of the States' Executive, Legislative and Judicial departments.

Bicameral State Legislatures

The legislatures of multi-ethnic States shall mirror Congress, that is, they shall have a House of Representatives and a Senate.

The States Houses of Representatives

The Houses of Representatives shall be elected directly through constituencies that may, or may not mirror the Federal Constituencies.

Candidates for the States' Houses of Representatives shall either be nominated by Parties, or, in case of Independent Candidates, by cross-sections of the States' electorates as shall be established by law.

The States' Senate

The States' Senates shall:

- Represent the States' cultural interests
- Reserve block seats for resident minority ethnic groups that meet a threshold number-- 100,000, 50,000 or lower, depending on a state's overall population.
- In states made up of various ethnic districts or territories, have equal senate seats for each of the ethnic districts or territories.²

Methodology of electing State Senate members

The methodology and criteria for election of the States' Senates shall be determined by the individual State conventions.

Unicameral State Legislatures

Unicameral legislature election procedures shall be similar to the elections of the House of Representatives in the bicameral states.

² Bukedi, West Nile, Kigezi, and Tooro are examples of States that would probably have some ethnic districts that would need representation in state legislatures.

State Legislation

The state legislatures may make and pass state laws in accordance with state values and experience as long as the said laws are not in conflict with the National Constitution and fundamental Human Rights.

Voting in the States

All voting age persons in the State, regardless of Ethnic origin, that shall meet residency criteria, as established and published by the State legislatures, shall vote for State Governors and House of Representative members.

Election mechanisms for the states' Senate seats shall be determined by the individual states in accordance with their constitutions and the Principles of Human Rights outlined in the Federal Constitution.

Local Governments

The Local government structures, taxation powers, and authorities set up under the 1995 Constitution shall stay with some modifications:

- Local Governments shall report to the States' Ministries of Local Government
- There shall be no Central Government Ministry or agency in charge of Local Government
- There shall be no Central Government Representatives, (RDCs)
- Organization and creation of Local government districts shall be a State matter
- The states may choose to name Local governments differently due to cultural factors

Recruitment and Dismissal of State and Local Officials

The state and local governments shall have the power to hire and fire their officials without interference from the central government.

The states and local governments shall have the freedom to hire personnel for their local administration from any other state.

Finance

Financial arrangements in the Federal Union shall ensure that the Federal Government and the States match responsibilities with resources.

Federal, State and Local governments shall have the ability to raise taxes for which accountability shall be strictly required.

Apportionment of expenditure between the Federal Government and the States (German model)

- 1- The Federal Government and the States shall separately meet the expenditures resulting from the discharge of their respective tasks
- 2- a. Where the States act as agents of the Federal Government, the Federal Government shall meet the resulting expenditure.
- 3- Federal Statutes to be executed by the States and granting money payments may make provision for such payments to be met wholly or in part by the Federal Government.
- 4- a. Where any such statute provides that the Federal Government shall meet one half of the expenditure or more, it shall be implemented by the States as agents of the Federal Government
b. Where any such statute provides that the States shall meet one quarter of the expenditure or more, it shall require the consent of the Federal Senate.
- 5- a. The Federal government may grant the States financial assistance for particularly important investments by the States, provided that such investments are necessary to avert a disturbance of overall economic equilibrium or to equalize differences of economic capacities within the Union, or to promote economic growth.
b. Details, especially concerning the kinds of investments to be promoted, shall be regulated by a federal statute requiring consent of the Federal Senate, or by administrative arrangements under the Federal budget law.
- 6- The Federal Government and the States shall meet the administrative expenditure incurred by their respective authorities and shall be responsible to each other for ensuring proper administration.

Fiscal Legislative Powers

- 1) The Federal Government has the exclusive power to legislate on customs and fiscal monopolies.
- 2) The Federal Government shall have concurrent power to legislate on all other taxes the revenue from which accrues to it wholly or in part.
- 3) The States shall have power to legislate on local excise taxes as long and insofar as they are not identical with taxes imposed by federal legislation.
- 4) Federal laws relating to taxes the yield of which accrues in whole or in part to the States or districts require the consent of the Federal Senate.

Taxation

Federal, State and Local governments shall have the ability to raise taxes to meet their administrative, social, economic, and development responsibilities.

Tax collection shall be either shared (concurrent), or Exclusive.

Federal Revenue Authorities shall collect federal taxes, while State and Local Revenue Authorities shall collect State and Local taxes.

Joint Revenue Authorities

State Authorities and the Federal Revenue Authorities may, with approval of the Federal Senate and the concerned State legislatures, establish Joint Revenue Authorities within the States to administer the collection of State and Federal Taxes.

The Federal Government and the States shall jointly finance the Joint Revenue Authorities so established; half of the financing coming from the Federal Government and half coming from the States.

The States shall appoint the most Senior Administrative Officials of the Joint Revenue Authorities.

The Federal Ministry of Finance shall assign experts from the Federal Revenue Authority to the Joint Revenue Authorities.

No state shall be compelled to establish a Joint Revenue Authority, and any State may opt out of a Joint Revenue Authority.

Concurrent Federal and State Taxes

The Federal Government and the States shall share the following taxes:

- a) Personal Income Tax (PIT), Federal Government 35%, States 65% (Germany)
- b) Corporate Income Tax (CIT), Federal Government, 35%, States 65% (Germany)
- c) Value Added Tax (VAT), also called the Retail Sales Tax (RST)
- d) Tobacco Tax
- e) Gasoline Tax
- f) Fuel Tax - this and the gasoline tax
- g) Mining Tax
- h) Capital gains tax, 50% inclusion rate
- i) Excise taxes
- j) Alcohol taxes

k) Levies on gambling establishments

Adjusting the Ratio of distribution of Corporate and Personal Income Tax

The Ratio of distribution of Corporate and Personal Income Tax, should only be modified -- on the advice of a special Federal-State Finance board (Exchequer board)-- by a Federal law requiring the consent of the Federal Senate:

- a. Whenever the growth of the relation of revenues to expenditures in the Federal government differs from that in the States, and
- b. Whenever the budgetary needs of Federal Government or those of the States exceed the estimated revenues by a margin substantial enough to call for a corresponding adjustment in of the ratio of apportionment in favor of either the Federal Government or the States.

Any such adjustment shall be based on the following principles:

- 1- The Federal Government and the States shall each bear the expenditures resulting from the administration of their respective tasks.
- 2- There shall be equality of rank between the claim of the Federal government and the claim of the States to have their respective necessary expenditures covered from ordinary revenues;
- 3- The requirements of the Federal Government and of the States in respect of budget coverage shall be coordinated in such a way that fair equalization is achieved, any overburdening of taxpayers precluded, and uniformity of living standards in the Federal territory ensured.
- 4- If a Federal law Imposes additional expenditures on, or withdraws revenues from the States, the ratio of apportionment of the income and corporation taxes shall be modified in favor of the States, provided the conditions in paragraph b have developed.
- 5- If the additional burden placed upon the States is limited to a period of short duration, such burden may be compensated by grants from the Federal Government under a Federal law requiring the consent of the Senate and which shall lay down the principles for assessing the amounts of such grants and for distributing them among the States.
- 6-
 - a. If the Federal government establishes special institutions in the States which cause immediate higher expenditures or lower receipts to those States, the Federal Government shall grant the necessary financial equalization, if and insofar as it is anticipated that the States are unable to bear these special burdens.
 - b. Compensation by a third party and financial advantages, which accrue to these States as a consequence of these institutions, shall be considered in such equalization.

Local Governments' share of Personal and Corporate Income Tax Revenues

The receipts of the States from income tax and corporation tax shall accrue to the Local Governments in a percentage to be determined by State legislation.

Furthermore, the States' legislation shall determine whether, and how much of, the overall receipts of State taxes shall accrue to Local Governments.

Exclusive Federal Taxes

The federal government shall collect all Equalization taxes and redistribute the revenue among the states according to the formulas set by law.

Exclusive Local Government Taxes

The Lower Local governments including Municipalities, Districts and Counties shall collect the following taxes:

- Property Taxes
- Business taxes
- Market taxes
- Taxi Parks
- Trading Licenses
- Housing Estates

Budget Management (German Model)

- 1- The Federal Government and the States shall be autonomous and independent of each other in their budget management.
- 2- The Federal Government and the States shall have due regard in their budget management to the requirements of overall economic equilibrium.
- 3- Through federal legislation requiring the consent of the Senate, principles applicable to both the Federal Government and the States may be established governing budgetary law, responsiveness of budget management to economic trends, and financial planning to cover several years ahead.
- 4- With a view to averting disturbances of the overall economic equilibrium, federal legislation requiring the consent of the Senate may be enacted providing for:
 - An obligation on the part of the Federal Government and the States to maintain interest-free deposits at the Bank of Uganda (reserves for counterbalancing economic trends).
 - Authorizations to issue the relevant ordinances may be conferred to the Federal Government only.
 - Such ordinances shall require the consent the Senate. They shall be repealed insofar as Congress demands; details shall be regulated by federal legislation.

Budget law of the Federal Government

- (1) All revenues and expenditures of the Federal Government shall be included in the budget; in respect of federal enterprises and special assets, allocations thereto or remittances there from need be included. The budget shall be balanced as regards revenue and expenditure.
- (2) The budget shall be laid down in a statute covering one year or several fiscal years separately before the beginning of the first of those fiscal years. Provision may be made for parts of the budget to apply to periods of different duration, but divided into fiscal years.
- (3) Bills within the meaning of the first sentence of paragraph (2) of this Article as well as bills to amend the budget statute and the budget be submitted simultaneously to the Senate and to the House of Representatives; the Senate shall be entitled to state its position on such bills within weeks or, in the case of amending bills, within three weeks.
- (4) The budget statute may contain only such provisions as apply to revenues and expenditures of the Federal government and to the period for which the budget statute is being enacted.
- (5) These provisions shall cease to apply only upon the promulgation of the next budget statute

Interim budget management

- (1) If, by the end of a fiscal year, the budget for the following year has not been established by a law, the Federal Government may, until such law comes into force, make all payments which are necessary: (a) to maintain institutions existing by law and to carry out measures authorized by law; (b) to meet legal obligations of the Federation; (c) to continue building projects, procurements and other services or to continue the grant of subsidies for these purposes, provided amounts have already been authorized in the budget of a previous year.
- (2) Insofar as revenues provided by special legislation and derived from taxes, levies, or other sources, or the working capital reserves, do not cover the expenditures set forth in paragraph 1, the Federal Government may borrow the funds necessary for the conduct of current operations to a maximum of one quarter of the total amount of the previous budget.

Expenditures in excess of budgetary estimates

Expenditures in excess of budgetary appropriations and extra budgetary expenditures shall require the consent of the Federal Minister of Finance. Such consent may be given only in the case of an unforeseen and compelling necessity. Details may be regulated by federal legislation.

Consent of the Federal Government to increases in expenditures or decreases in revenue

- (1) Statutes increasing the budget expenditures proposed by the Federal Government or involving or likely in future to cause new expenditures shall require the consent of the Federal Government. This shall also apply to statutes involving or likely in future to cause decreases in revenue. The Federal Government may demand that the House of Representatives postpone vote on such bills. In this case the Federal Government shall state its position to the House of Representatives within six weeks.
- (2) Within four weeks after Congress has adopted such a bill, Federal Government may demand that it votes on that bill again. (3) Where the bill has become a statute pursuant after the consent of the senate, the Federal Government may withhold its consent only within six weeks and only after having initiated the procedure provided for in the third and fourth sentences of paragraph (I) or in paragraph (2) of the present Article. Upon the expiry of this period such consent shall be deemed to have been given.

Rendering and auditing of accounts

- (1) The Federal Minister of Finance shall, on behalf of the Federal Government, submit annually to the Congress an account, covering the preceding fiscal year, of revenues and expenditures as well as of property and debt.

(2) The Federal Audit Office, the members of which shall enjoy judicial independence, shall audit the account and examine the management of the budget and the conduct of business as to economy and correctness. The Federal Audit Office shall submit an annual report directly to Federal Government as well as to the House of Representatives and to the Senate. In all other respects the powers of the Federal Audit Office shall regulated by federal legislation.

Procurement of credit

(1) The borrowing of funds and the assumption of pledges, guarantee or other commitments, as a result of which expenditure may be incurred in future fiscal years, shall require federal legislative authorization indicating, or permitting computation of, the maximum amount involved. Revenue obtained by borrowing shall not exceed the total expenditures for investments provided for in the budget; exceptions shall be permissible only to avert a disturbance of the overall economic equilibrium. Details shall be regulated by federal legislation.

(2) In respect of special assets of the Federal government, exceptions to the provisions of paragraph (I) of this Article may be authorized by federal legislation.

Financial Equalization and Review Board

1-There shall be an independent non-partisan Financial Equalization and Review Board, or Exchequer Board, comprising of 18 financial, economic and business experts with non-renewable 8-year staggered terms.

State governors shall each recommend two persons to the President from their States.

The president shall nominate five people including the head of the Board plus one person per state from the names recommended by the Governors.

The President's nominations shall be subject to Senate approval.

Functions of the Financial Equalization and Review Board

The Financial Equalization and Review Board's duties shall include:

- a) Examining state fiscal capacities and recommending adjustments to national equalization formulas to take into account changing realities.
- b) Examining the impact of federal spending policies on states, with a goal of maintaining fairness and economic competitiveness among the states.
- c) Ensuring that the tax burden for the average resident of the Union and for businesses is not so burdensome that it discourages entrepreneurship, investment, and tax honesty.
- d) Recommending new revenue sources, or improvements to tax collection strategies to improve revenue yields both for the Federal Government and for the States.
- d) Holding yearly hearings of Senior State revenue officials to assess the effectiveness of their revenue raising efforts, and where necessary make recommendations for improvement.

The Federal Financial Equalization and Review Board shall be an advisory body only, with no implementation powers.

State Financial Equalization and Review Boards

The States shall ensure that disparities among districts are minimized through their own equalization formulas.

The State Financial and Review Boards shall:

- 1) Establish policies, rules and manuals governing local tax assessment practices

- 2) Train assessment officials
- 3) Review appeals against real property valuation decisions (valuations of land and any buildings on that land, including houses) by a District or County Board.
- 4) Review and hear appeals regarding central assessment of public utility companies
- 5) Review applications for religious, charitable, and related property tax exemptions
- 6) Determine taxable property of a public service entity
- 7) Determine adjusted valuation of school districts for purposes of determining state aid to education.
- 8) Advise the State authorities on adjusting equalization formulas

Authority of the State Financial Equalization and Review Board

The State Financial Equalization and Review board shall have the power and duty to hear and determine appeals of decisions of Property Tax Administrators.

The Board shall have the power to issue orders of compliance with its orders.

Appointment of State Financial Equalization and Review Boards

The Board Commissioners shall be appointed by the Governor subject to State Senate Approval.

There shall be one board member for each district. And three members appointed by the Governor.

The Electoral Commission

The Federal Electoral Commission shall be an independent agency of the Federal Government.

It shall consist of eight members appointed by the President. All eight members shall require confirmation by the Senate.

Each member shall serve one eight-year term. Two seats shall be subject to appointment every four years.

The commissioners should be a diverse group of accomplished individuals with varied backgrounds including law, Accounting and Finance, Education, Political Science and Sociology.

No more than four Commissioners shall be members of the same political party, and at least five votes shall be required for any official Commission action.

The President shall indicate to the Senate whom among the nominees shall be the Chairperson. The Vice-Chair person position shall rotate among the commissioners every year with no member serving as Vice-Chairperson more than once during his / her term.

Responsibilities of the Chair and Vice-Chairperson

The Chairperson shall be responsible for the overall integrity, management and administration of the Commission.

The Vice-Chairperson shall be responsible for:

- a- Introducing or implementing new initiatives with majority approval of the rest of the commissioners.
- b- Reviewing and improving on electoral processes

Qualifications for electoral commissioners:

- People of integrity
- Independent thinkers
- Ugandan citizens
- No criminal records
- Competence

Electoral Commission's Chairperson's Qualifications

The Chairperson should preferably be a lawyer of proven ability and integrity qualified to be appointed a judge of the high court.

Functions of the Electoral Commission

The Electoral Commission shall:

- Manage Federal and State Electoral processes
- Enforce electoral law
- Recruit and train electoral staff
- Conduct voter and candidate education
- Contract voting stations
- Procure and distribute electoral materials and equipment
- Continuously update the voter's role database, linked to a national birth and death Records database.
- Manage and regularly backed up a computerized national voters' register.
- Publish the voters' role several months before elections
- Ensure that voters cross-check their details in the register
- Administer the public funding program.
- Facilitate financial and donor disclosure

Organization of the Electoral Commission

The Electoral Commission shall be organized into various departments:

- 1- Voter Registration
- 2- Voter Education
- 3- Administration
- 4- Public Funding and Campaign Finance
- 5- Legal and Compliance
- 6- Electronic Database / Information Technology Department

Campaign Finance Regulations (U.S. model)

Contribution Limits

To limit overdue individual or special interest influence on a candidate or party, the Electoral Commission shall enforce contribution limits established by congress.

Disclosure

The Electoral Commission shall require candidates' election committees' and parties to:

- File periodic reports disclosing the money they raise and spend.
- Identify all groups that give them contributions
- Identify individuals who give them more than \$200 in a year.
- Disclose expenditures exceeding the equivalent of \$200 per year to any individual or vendor.

Prohibited Electoral Contributions and Expenditures

The following groups shall be prohibited from making contributions to influence federal elections:

- Corporations;
- Labor organizations;
- Federal government contractors; and
- Foreign nationals

In addition no one

- Shall a make a contribution in another person's name.
- No person may make cash contribution of more than the equivalent of \$100.

Independent Expenditures

An individual or group shall be allowed to make unlimited independent expenditures in connection with federal elections.

An independent expenditure shall be an expenditure made for a communication or advertisement which advocates for the election or defeat of a clearly identified candidate made independent of the candidate's campaign.

To qualify as an independent expenditure, the communication shall not be made with cooperation, consent, request or suggestion of either the candidate or his campaign.

Persons making independent expenditures shall put a notice on the communication stating that they have paid for it and that it has not been authorized by any candidate.

An independent expenditure may not use any material prepared by the candidate or campaign in the communication.

Persons making independent expenditures shall be required by law to report them to the electoral commission, and disclose the sources of the funds they use.

Public Funding

Presidential candidates that qualify for public funding shall receive federal government funds charged on the consolidated fund but managed by the Electoral Commission.

The funds shall pay for valid expenses of their political campaigns in both the primary and general elections and shall be subject to expenditure limits set by law.

National political parties shall also receive federal money for their national nominating conventions.

Eligibility for Public Funds

To be eligible for public funds, a Presidential candidate or a party delegates conference must first submit a letter of agreement and a written certification in which the candidate or committee agrees to:

- Spend public funds only for campaign-related expenses or, in the case of a party delegates conference, for conference-related expenses;
- Limit spending to amounts specified by the campaign finance law;
- Keep records and, if requested, supply evidence of qualified expenses;
- Cooperate with an audit of campaign or convention expenses;
- Repay public funds, if necessary; and
- Pay any civil penalties imposed by the Electoral Commission.
- Limit spending to the amount of the grant and refuse private contributions to the campaign.

Loans

A loan to a candidate shall be subject to the same contribution limits as a gift of money.

Repayments on the loan shall reduce the outstanding amount of the contribution.

Once a loan is repaid in full a loan shall no longer count against the lender's contribution limit.

A loan that exceeds the limit shall be unlawful even if it shall be repaid in full.

Exception to Public Funds Eligibility Limits

Private contributions shall be accepted for a special account maintained exclusively to pay for legal and accounting expenses associated with complying with the campaign finance law.

The legal and accounting expenses shall not be subject to the expenditure limits.

Small and New Party Candidates

The amount of public funding to which a **small** party candidate is entitled shall be based on the ratio of the party's popular vote in the **preceding** Presidential election to the average popular vote of the two major party candidates in that election.

A **new** party candidate shall receive partial public funding **after** the election if he/she receives 5 percent or more of the vote.

Repayments of Public Funds

The Commission shall require candidates and Party committees to repay public funds to the Federal Treasury when the Electoral Commission audit determines that:

- The amount of public funds received exceeds the amount to which the candidate or Party delegates conference committee is entitled;
- Spending limits are exceeded;
- Public funds are used for purposes other than qualified campaign expenses;
- Surplus funds remain after debts and obligations have been paid;
- Interest is earned on invested public funds; or
- The spending of public funds is not sufficiently documented

The Electoral System

Presidential and House of Representatives candidates shall be elected by Majority Vote.

The Federal Senate candidates shall be elected by the proportional Representation.

The Majority or proportional Representation systems to be used shall be established and fixed by congress.

Registered voters' database

The states and or their Local government agents shall maintain the local portion of a national database of registered voters with links to a separate National Citizen, Birth and Death Database.

The states shall issue photo identification cards to voting age residents.

Each identity card shall have a unique private number.

Voter Verification Process

The Electoral Commission shall ensure that identification numbers of all registered voters are in the national databases.

Voters must show their local and national identification cards at the voting locations

The names of voters, and their private identification numbers shall be marked off the voters' list.

The status, 'voted' and who voted for shall be entered immediately in the national eligible voter database in presence of party agents.

Voting Day National Holiday

Voting for all National political positions in an election year shall take place on the last Monday in August.

Voting day shall be a national holiday.

Order, Security and Fraud During elections

Violence, intimidation, and barring of candidates from addressing the electorate shall be criminal offenses.

The candidates and parties shall be responsible for educating and restraining their supporters from violence and intimidation against rival candidates.

The local constituency results of a candidate whose supporters are charged with intimidation, fraud or electoral violence shall be disqualified.

Electoral Fraud shall be a criminal offense subject to imprisonment.

Only local police shall be authorized to maintain order during the elections.

Any Army or paramilitary involvement shall render the local election results in a constituency void.

Widespread reports of electoral abuses by a Presidential candidate's supporters nationwide shall disqualify that candidate.

National Security

The Armed Forces

The Armed Forces shall be national institutions loyal to the Constitution and to the people of the Federal Union of Uganda.

The Commander in Chief of the Armed Forces shall be the President of the Federal Union of Uganda.

The Cabinet member in Charge of the Armed Forces shall be the Minister of Defense. Both the President and the Minister of Defense shall be civilians.

The role of the armed forces shall be to defend the Federal Union from external threats; and to represent the country in special peacekeeping missions abroad that are officially requested by the international community, and approved by the Congress.

The Army, Marines and Air force shall be a small combined professional force supplemented by well-trained State Militias in times of war.

Congress shall have the sole power to declare war, and to raise taxes to fund the military.

Internal Security, intelligence and policing shall strictly be a function of the police.

The army shall be deployed internally with a two-thirds votes approval vote of all members of Congress in case of a civil war that the local police force, the National Police or the resident state militia cannot contain.

The Armed Forces shall be politically neutral and shall not be deployed to campaign for any candidate.

No serving military person shall be eligible to run for any political office, or to serve in Congress.

The Joint Chiefs of Staff shall represent the Armed Forces interests in briefings to the Civilian leaders and to the Congress. .

The Joint Chiefs of Staff (U.S. model)

The Joint Chiefs of Staff consisting of the Most Senior Military officers of all the branches of the armed forces shall advise the President and the Secretary of Defense on the needs of the armed forces.

The Chairman of the Joint Chiefs of Staff shall also report directly to Congress on the state and needs of the armed forces.

The Joint Chiefs of Staff shall ensure that the armed forces are empowered with the highest levels of readiness, professionalism and that they work together in a coordinated and effective way.

Composition of the Joint Chiefs of Staff

In addition to the Chairperson, and Vice-Chairperson who shall be appointed by the President, the Joint Chiefs of Staff shall include the Chief of Staff of the Army, Chief of Staff of the Air Force, and Commandant of the Marines.

The Chairperson shall be chosen from any of the armed forces divisions.

Appointment of Chair and Vice-Chair Person Joint Chief of Staff

With the advice of the Minister of Defense, the President shall appoint the Chairperson and Vice-Chairperson of the Joint Chiefs of Staff who shall be subject to approval by the Senate.

The President shall appoint an officer as Chairman of the Joint Chiefs of Staff only if the officer has served as -

- (A) the Vice Chairman of the Joint Chiefs of Staff; or
- (B) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps; or
- (C) the commander of a unified or specified combatant command.

Service Period of the Chair-Person Joint Chief of Staff

The Chairman of the Joint Chief of Staff shall serve at the pleasure of the President for a term of two years. An officer serving as Chairperson may be reappointed in the same manner for two additional terms. In times of war, exceptions may be made with the approval of Congress.

Chairperson of the Joint Chiefs of Staff's Rank and Authority

The Chairperson, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

Joint Staff

There shall be a Joint Staff under the Chairperson of the Joint Chiefs of Staff. The Joint Staff shall assist the Chairperson and, subject to the authority, direction, and control of the Chairperson, the other members of the Joint Chiefs of Staff in carrying out their responsibilities

The Joint Staff shall be composed of all members of the armed forces and civilian employees assigned to permanent duty in the executive part of the Department of Defense to perform the functions and duties prescribed for the Joint Chiefs of Staff's department.

The Joint Staff shall not include members of the armed forces or civilian employees assigned to permanent duty in a military department.

The Minister of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff supports the Chairman of the Joint Chiefs of Staff's mission to provide for:

- 1- for the unified strategic direction of the combatant forces;
- 2- for their operation under unified command; and
- 3- for their integration into an efficient team of land, naval, and air forces.

Selection of Joint Staff

Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairperson of the Joint Chiefs of Staff from a list of officers submitted by the Secretary of the military department having jurisdiction over that armed force.

Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairperson may specify the number of officers to be included on any such list.

Officers of the armed forces assigned to serve on the Joint Staff shall be selected by the Chairperson in approximately equal numbers from -

- (A) the Army;

(B) the Marine Corps, or Navy; and

(C) the Air Force.

Number, Nature and Strength of the Armed Forces

Congress shall by law establish the Number, nature and strength of the armed forces.

The Minister of Defense shall indicate all military expenditures and account for the amounts allocated to personnel, training, welfare and equipment in the Ministry's annual budget presented to Congress.

The Minister shall ensure that the living conditions and remuneration of military personnel are adequate.

Congress shall audit, question and investigate military's operations. It shall have the power to summon the Minister of Defense, the Chairman of the Joint Chiefs of Staff and any person to testify on military related matters.

Armed Forces Recruitment

The Recruitment of Military Personnel shall follow established military rules and Procedures.

The recruitment boards shall be diverse, balanced and representative of a cross-section of Uganda's major ethnic groups.

The Joint Chiefs of Staff shall annually inform Congress of the size of the armed forces, and its recruitment needs.

Recruitment Quotas for each State shall be established, announced and published.

The Recruitment exercise shall be decentralized and carried out by State Recruitment centers.

Qualifications for Recruitment

Completed O'level, 3 credits

No criminal record

No mental disease

Not Alcoholic

Physically fit

Healthy

English

Promotions in the Armed Forces (U.S. model)

Promotions shall be done by the relevant military unit's Promotions Board following set criteria.

The Promotions board shall be presided over by a general officer and shall consist of a diverse set of officers in a grade senior to that of those being considered for promotion.

The board membership shall review the entire performance portion of the official record of every officer being considered for promotion.

The promotions board shall do its work independently of any person, or authority.

Promotions outside of the set channels and procedures shall be illegal.

Congressional and budgetary constraints shall dictate the number which may be selected for promotion to each grade.

The Secretaries of the Army, Marines and Air force shall in their Memoranda of Instructions, establish limits on the number of officers to be selected.

Each board shall consider all officers eligible for promotion consideration, but it may only select a number within established selection constraints.

Officers not selected for promotion shall not be precluded from future consideration.

The Chair of the Promotions Board shall sign off on any promotions, along with two other officers on the Promotions Board.

The Promotions shall as much as possible ensure that the military leadership is balanced to reflect the ethnic composition of the Federal Union.

Promotion Points

The Military Commanders shall ensure that all new recruits receive a publication containing the criteria for promotion based on an objective point system.

Minimum promotion points in specialty qualifications, mission performance, civil and military schooling, physical profile and time in service shall be clearly outlined and explained in the promotions publication.

Release from Service

A military person that fails to be promoted by set time frames shall be released from the service.

A person with more than six years of service, so released shall receive severance pay.

Specialty Training

Military Boards chaired by the respective military unit commanders shall independently select the candidates for training.

The State Militias

There shall be State Militias that shall constitute the Army Reserve Force. Their number, funding and military equipment shall be established and regulated by Congress.

Congress shall assign the numbers of Militia personnel to the states in proportion to their population.

The States shall select the officers of the state militias while the professional standards of state militia officers and the nature of their weapons shall be determined by the Chiefs of the Army, Marines and the Air force, subject to approval of Congress.

The Militias shall be organized like army units and shall be inspected by Regular Army Officers.

The Militias shall do annual training and at least 24 military drills. They shall be paid for the training and the drills.

The Militia members shall also be allowed to attend army schools.

There shall be a bureau in charge of administering state militias' affairs at the federal level under the Ministry of Defense. This bureau shall be in charge of procuring state militias' military equipment, as approved by Congress.

No Paramilitary forces

Other than State militias, no paramilitary forces shall be legal. No military organization shall be created without the consent of Congress.

The Police

The States and Local Governments shall have independent police departments responsible for Local and State Policing.

There shall be a National Police agency that shall assist State Police Forces on request.

The National Police Agency shall in coordination with state police departments investigate interstate crimes, Corruption, Fraud and organized crime networks.

The National Police Agency shall conduct background investigations on prospective government employees and candidates for high office.

The National Police Agency shall include University or Tertiary graduates of Accounting and Finance that shall be responsible for investigating corruption and Fraud.

The National Police Agency shall be an independent agency under the Ministry of Justice and shall be responsible for all national intelligence.

Federal Law enforcement and Interstate Crime

The Attorney General shall ensure that Federal laws are enforced uniformly throughout the nation. The Attorney General and a National Police agency may in special cases investigate crimes that have national implications, even when they fall under state jurisdiction.

Identification Records Database

The National Police Agency shall keep a National Criminal Identification Databases of Finger print and DNA indices.

Qualifications for Local Police Recruitment

Citizenship, and or Local residence

O'level education, 3 credits

English

Minimum eyesight of 20/100 correctable to 20/40 in both eyes.

No color blindness

No felony convictions or habitual misdemeanor convictions

Good character and reputation

Ability to speak clearly, hear, analyze and react swiftly to high stress situations dealing with citizens

Successful completion of the applicant screen and background process.

The National Database

There shall be a Birth and Death National Database that shall include all Ugandans.

The Federal and State Governments shall ensure that all Ugandans are in the national database.

The Information in the database shall be limited to:

Name
Date of Birth
Parents
Date of death

The Birth, Citizen, and Death National Database shall issue all Ugandans a private card with a unique identification number.

Local officials shall be charged with ensuring that every birth or death, after the establishment of the national database is entered into the birth and death database.

They shall also ensure that all local residents are in the National Database.

Non-citizens shall be issued special identification numbers.

Amending the Constitution

The Constitution of the Federal Union of Uganda shall be only be amended with the approval of two-third majorities in both the House of Representative and the Senate, and approval of three-fourth of all state assemblies representing states with a combined total of seventy-five percent, or more, of the total population of the union.

Amendments affecting state boundaries, their number and the division of powers among the various levels of government are inadmissible; that is, state boundaries and their powers and rights are inviolable.

Exception for cross-border federation

In the case of East African or larger federation, states with the same ethnic peoples across borders, may with approval of the federation, form larger states to incorporate all their peoples.

Traditional Leaders

Traditional Leaders including Kings and chiefs of Uganda's peoples shall continue to exist in any State of Uganda where they are recognized in accordance with the cultures, customs, traditions and aspirations of the people to whom they apply.

In Kingdom States, the traditional leaders shall be Constitutional Heads of their respective states but shall not be involved in politics.

Maintenance of Traditional Leaders

The states shall maintain their respective traditional leaders. The costs of maintaining traditional leaders shall be part of the states' yearly-consolidated funds, and shall be established by law.

Privileges, benefits and Immunities of Traditional Leaders

Traditional leaders shall enjoy such privileges and benefits as they are entitled to under the cultures, customs and traditions of their respective states.

Traditional leaders shall be immune from prosecution and legal suits.

Functions of Traditional Leaders

Traditional leaders shall carry out such functions and roles as stipulated in the peoples customary laws.

Protocol Involving Traditional Leaders

On official functions, Paramount traditional leaders, such as the Kings, shall in their home States take precedence over any person except the President, or the person acting as President.

Natural Resources

Management

Natural Resources including Lakes, Rivers, National Parks, and Mountains shall be jointly managed and developed by the States in which they reside and Ministry of Environment and Natural Resources.

The States shall have the primary responsibility of managing the resources.

The Ministry shall be responsible for overall policy guidelines and shall provide oversight, expertise and some funding. Special care shall be taken to protect the environment and to ensure its sustainability.

Allocation of Natural Resources Revenues or Royalties

The revenues, or royalties from the resources shall be allocated in these proportions: 35% to the State, 35% to the Federal Government, 30% to the Federal Equalization fund to be redistributed to the other states.

Appendix I: The Federalism Implementation Plan

The implementation phase shall cover a period not exceeding 5 years effective the day the resolution adopting federalism is passed into law. It is recommended that during this phase the central government directs a substantial amount of both internal and external funds (Donor grants and Loans) to the states to enable them to set up the necessary infrastructure.

During these 5 years, basic federal features shall be implemented. Others may be gradually implemented by the states following the 5 year period.

It is anticipated that some states such as Buganda and other kingdom states may need less time to get their systems ready given their longstanding institutional experience and infrastructure.

Items that need activation during the Implementation phase:

State Constitutions

The Federal constitution shall precede state constitutions. States shall promulgate their own constitutions in accordance with their values but consistent, and not in violation of the federal constitution which shall be the Supreme Law of the Union.

During the constitution making exercises, each state shall also decide on whether it shall have a bicameral or unicameral legislature and on the criteria for elections of the legislature and the governor.

State Administrative Systems

The states, with the assistance of experts, shall set up their administrative systems and bureaucracies taking care to ensure smooth integration and interoperability with Local government systems.

State Ministries and Local Government

The states shall set up their Ministries including State Ministries of Local Government. The current National Ministry of Local Government could be merged with the Planning Department of the Ministry of Finance, Planning and Economic development.

Some officials in the current Ministry of Local Government could be appointed by states to head their Ministries of Local Government.

Police

The Uganda Police shall be retained as a more highly trained and specialized National Police Force.

Training of National Police

The National Police will be equipped with highly specialized skills including internal and external intelligence, high technology crime investigations, financial fraud detection, counter-intelligence and criminal network infiltration.

State and Local police forces

State and local police forces shall be recruited and trained with the help of the National Police Agency. Many members of the National Police lacking the highly specialized skills required for the force may be reassigned to various state police forces.

National Databases

A National ‘Citizen, Birth and Death Database’ and an electoral database shall be set up. The database shall include fingerprint information, and for newborns, and apprehended criminals, DNA information too.

The National Citizen, Birth and Death database shall be updated at the lowest local government units and shall include all citizens, all newborns, and shall record any deaths. All citizens shall be given unique identification numbers known only to them. These unique numbers shall be required when citizen apply for a number of services, or when they vote.

Information Technology (IT) infrastructure

The Federal government and the States shall be set up with a modern IT infrastructure that eases administration and planning. All new records shall be computerized and old ones scanned into computer systems.

Inventory of State Natural Resources

Expert teams shall be charged with surveying, studying and creating an inventory of state natural resources.

Organization of farmers

Farmers shall be organized into cooperative marketing societies.

Overall Planning for State economies

States shall appoint or hire experts to draw up strategies for promoting their agriculture, investment, Tourism and Mining operations.

State Judicial Systems

Setting up state judicial systems shall involve re-adjusting the existing court system and putting the lowest courts under state jurisdiction.

Training and Support Systems for Entrepreneurs

Finance, Accounting, book-keeping, banking and business plan training centers sponsored by the Central government shall be set up in all states to assist entrepreneurs and business people

State Business Resource Centers

State Business Resource centers with Export, Import, business opportunities and loan information shall also be set up.

Support for business people and Entrepreneurs shall be crucial for individual states' prosperity and tax revenues.

Establishment of State Capitals

State Capitals shall be chosen by the states. The Capitals shall not necessary be the largest towns in the states.

State assembly buildings, and housing for governors and legislators shall be identified, or built, in the state capitals.

Establishment of State Revenue Authorities

The mechanisms for collecting taxes shall be determined by the states. Some may opt for establishing their own revenue authorities; others may opt for joint revenue authorities; while others opt to leave their tax collection to the Federal Revenue Authority.

Establishing State Civil Service pay scales

The States shall decide on the payment scales for all their official and civil service bureaucrats in consultation experts from the Ministry of Finance and from elsewhere.

Schools, Universities and Training Institutes

National schools, Training Institutes and Universities shall continue to be National, that is there shall be no preferential treatment of any kind for state residents in these national institutions.

The Universities and Training Institutes may be encouraged by the states to build satellite campuses in the various states, though these institutions may decline for administrative and cost considerations.

The states may build new state educational institutions to ensure that all their residents get educated. These new educational institutions that are paid for largely by state revenues may have preferential criteria favoring residents.

Hospitals

National Referral Hospitals such as Mulago and others shall continue to be national institutions with no preferential treatment for state residents.

States may build new state hospitals with different rates for non-residents.

Employment Criteria

States shall set up their employment criteria.

All citizens shall be free to settle and work anywhere. Federal agencies' and corporate employment in all shall states shall be open to all citizens. The federal government may set up many of its agencies in various states.

The states, however, may establish minimum residence criteria for state civil service jobs.

Prisons

National Prisons shall remain national. The states may however build new state prisons.

State Militia

During the transition phase, State Militia shall be recruited, trained and their equipment procured. The National army shall be consolidated into a small, highly professional force. Many of the current Army personnel may be absorbed into the various state militia at the discretion of the States.

	Appendix II: The Proposed States' Resources
State	Resources
Acholi	<p>Agriculture and Cash Crops: Cotton, Tobacco, Simsim, Rice, Groundnuts, beans (the Acholi sub-region is thought to be suitable for major mechanized agriculture)</p> <p>Industries: Grain milling, Cotton Ginning, light engineering, Carpentry, garments, brick making</p> <p>Tourism: Murchison Falls National Park, vibrant cultural music and dances</p> <p>Market: Uganda, Southern Sudan and beyond</p> <p>Investment potential: Food processing, Agriculture, Trade</p>
Ankole	<p>Agriculture, Tea, Ranching and Dairy farming</p> <p>Potential Industries: Milk processing, cheese, butter, and Yogurt manufacturing plants, beef packing and processing, leather tanning, shoe manufacturing (from leather), coffee and Tea processing, Exports, Trade and many others</p> <p>Mining: Gold, Tin and Limestone</p> <p>Tourism: The Western Rift Valley, Kitagata Hot Springs, Lake Nyabihoko, the Karegyeya Rock, Ekitaguriro, Lake Mburo National Park, Royal sites</p> <p>Trade: Uganda, Tanzania and beyond</p>
Buganda	<p>Agriculture, Coffee, Tea, Bananas, Fish</p> <p>Industries: Manufacturing and processing of a variety of items, Finance, Trade and many other potential industries</p> <p>Tourism: The Royal Tombs, The Kabaka's palace, the Nakayima tree, Kampala, Royal Festivals, Bigo bya Mugenyi</p>
Bugisu/Sebei	<p>Agriculture, Arabica coffee</p> <p>Industries: Milk Processing, garments, pharmaceuticals, furniture, Cotton ginning, Coffee Processing and exports</p> <p>Tourism: Mount Elgon, Sipi Falls, Circumcision festival</p> <p>Trade: Uganda, Kenya</p> <p>Advantage: proximity to Kenya</p>
Bukedi	<p>Agriculture, Cattle, Fishing</p> <p>Industries: Fertilizers, Cement, Iron roofing, fungicides, soap, oil milling and cotton ginning and many potential others</p> <p>Minerals: Phosphates</p> <p>Tourism: Tororo Rock</p> <p>Advantage: Share of custom Revenue from Kenya border post</p>
Bunyoro	<p>Agriculture, Fishing</p> <p>Industries: Kinyara Sugar works, Cotton ginning, brick making, furniture, printing, tea and coffee processing</p> <p>Minerals: Oil</p> <p>Tourism: Royal burial tombs, the Omukama palace, Kibale Forest National Park</p> <p>Advantage: Border with Congo and Oil</p>

State	Revenue Sources
Busoga	<p>Agriculture, Fishing</p> <p>Industries: Electricity, Sugar, Textiles, Iron smelting, leather, beer, cotton ginning, grain milling, coffee processing, brick making</p> <p>Tourism: source of the Nile, Bujagali falls, white water rafting</p>
Karamoja	<p>Cattle, Agriculture</p> <p>Potential Industries: Beef Processing and packing Leather industry</p> <p>Minerals: Gold</p> <p>Tourism: Kidepo National Park</p>
Kigezi	<p>Agriculture, Fish</p> <p>Industries: Wine, furniture, footwear, coffee processing, bakeries, silk rearing</p> <p>Mining: Wolfram, Tin, stone quarrying</p> <p>Tourism: Lake Bunyonyi, Bwindi Impenetrable Forest (Mount Gorillas), Ishasha Game reserve (climbing lions), Mount Gahinga Rest Camp, the Muhabura volcanic ranges, temperate climate, natural beauty</p>
Lango	<p>Agriculture, Cotton, Fishing</p> <p>Industries: Cotton processing and exports, garments, furniture, printing, light engineering</p> <p>Tourism: Lakes Kyoga and Bisina</p>
Teso	<p>Agriculture, Cattle</p> <p>Potential Industries: Beef processing and exports, leather products, milk processing, cotton ginning, furniture making, oil milling and many others</p> <p>Tourism: Nyero Rock Painting</p>
Tooro	<p>Agriculture, Coffee, Tea</p> <p>Industries: Soap, Garments, Furniture, Coffee, Tea and cocoa processing, cement, foam mattresses, salt</p> <p>Tourism: Queen Elizabeth National Park, Sempaya Hot Springs, the Ituri Tropical Forest, Rwenzori Mountains, Royal Palace and Karambi Tombs</p> <p>Mining: Cobalt, Copper, Sulfur, limestone</p>

West Nile/Madi	<p>Agriculture, Tobacco, Fishing</p> <p>Industries: Cotton Ginning, Coffee processing, grain milling, tobacco curing, furniture, brick making</p> <p>Tourism: Ajai Game Reserve, Perec cave, Omi and Amuru Hot water springs, Palaro shrine</p>
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Appendix III: Submission To The Constitution Of Kenya Review Commission

By Kiriro Wa Ngugi, Reference: <http://www.kenyaconstitution.org/docs/11d027.htm>
07-02-2002

INTRODUCTION

This paper, read together with earlier work titled ‘Write your Country’s NEW CONSTITUTION’ constitutes the formal submission to the Constitution of Kenya Review Commission (CKRC) by the author. The purpose is to explain, market and justify the choices made in the aforesaid model constitution, illustrating its suitability for Kenya in a comparative context. CKRC in particular, and Kenyans in general are required to think carefully about the rationale, about the values and purposes we are trying to achieve by opting for one constitutional design or the other. We must understand how our choices impact the underlying political, social and economic environment in the 21st century and beyond. This is my contribution to that effort.

I intend to make some general comments on the format and language our next constitution should take, then attempt to discuss the issues that go to answer the threshold question of whether to have a unitary or a federal system. Having made that decision, Kenyans then face the institutional design issues that other nation-states have faced; how to devolve and divide powers, how to organize fiscal arrangements, which level of government will do what etc. It is useful to examine other people’s experiences and designs vis-à-vis my suggested detailed model, which I will argue is very suitable for Kenya. In conclusion, I will make brief comments on pertinent emotive issues that are part and parcel of the Kenyan debate on constitution making and attempt to explain the rationale behind my choices.

1. LANGUAGE

A contract between two parties must not be in a language which one of the parties does not understand. If the constitution is conceived as a social contract between the rulers and the ruled, then it must be drawn in simple enough language, which ordinary Kenyans are able to understand. There is no place whatsoever for legalistic text in a new constitution. Our next constitution must be accessible not only to lawyers but to ordinary citizens as well. It must be in simple language such as in the model under discussion.

2. FORMAT

Format is an integral part of ‘language’. In making the constitution document people friendly, care must be taken on the format of the document.

The model proposes two threads:

(a) Serial numbering of articles from Art. I through Art.211. This retains the clarity of legal practice while encouraging ordinary Kenyans to memorize, or at least easily remember the Article(s) on subjects that raise the highest passion, e.g. Art. 180. Presidency, or perhaps Art. 113. Land, and so on.

(b) The model also divides the material into five ‘Books’ {the choice of the word is deliberate}. Book 1: General provisions, Book 2: Bill of

Rights, Book 3: Intergovernmental Relations, Book 4: People and Politics and Book 5: National Institutions. Within this broad framework, the material is then arranged by subject into Chapters, Sections and Sub-sections, the entire subject matter remaining intertwined with the serial numbering of articles throughout.

The end product is a document that both lawyers and ordinary people will find comfortable to work with. Therefore this format is highly recommended to CKRC for our next constitution.

3. FOUNDATIONAL PHILOSOPHY

The real debate is more about the foundation upon which Kenyans will build their new constitution, than it is about institutional design. Put another way, once Kenyans are agreed on the ‘foundational philosophy’: who they are, what they aspire for, etc, the rest of it is more of a technical challenge which any worthwhile legal technician can undertake easily. The real purpose of consulting the people is not to learn from them whether or not we should have a bicameral parliament. The real purpose is to understand how they perceive themselves, their aspirations, their fears, their strengths and their weaknesses and then decide that a bicameral house would serve them better; how and why.

The challenge, purpose and outcome of defining the philosophy underpinning my threshold choice of a federalist model, is carried as a prologue in the earlier work and I have no intention of repeating it in this submission.

However, I do propose that CKRC needs to undertake and pronounce itself distinctly and separately on this critical component of constitution making. What underpins and informs the threshold question of whether to have a unitary or a federal system? It is already a requirement of the Review Act that CKRC should make this decision. My recommendation is that CKRC should pronounce itself on this issue in the form and character of a ‘judicial ruling’, bearing in mind that national unity as a objective should not be confused with homogeneity or uniformity. National unity to be effective in a multi-ethnic state should be understood in terms of harmony in diversity, rather than in artificially enforced homogeneity.

In the case of South Africa, they had a constitutional court which passed judgment on the draft constitution; whether or not it complied with the original ’34 Constitutional Principles’ agreed upon prior to the actual constitution debate/writing. We do not have such a formal structure in our process but the challenge is similar. In South Africa, the ’34 constitutional principles’ constituted the foundational philosophy of the rainbow nation upon which a constitution was built.

The Review Act, [once enriched with evidence from the people], will constitute the equivalent of constitutional principles in the Kenyan context. CKRC should then in my opinion, pronounce itself formally on this fundamental question: What are the foundations of the Kenyan society? Once this is done, two

important things happen. First, the rest of constitutional decision making flows neatly from the acknowledged and established foundation and second, it affords us a logical path to question, criticize or justify the provisions we make in the constitution document. If we precipitate the ‘foundational philosophy’ accurately, then we shall find the rest of the task relatively easy. If on the other hand we do not get it right, or worse still, fail to crystallize the foundation as a definite cognate step in the review process, then we shall not succeed in evolving a viable long term constitution of Kenya.

4. THE THRESHOLD QUESTION

As already indicated it is not necessary to repeat here why I choose a federal system for Kenya. That is already carried in the prologue in the book but without use of the F-word. The logic for this omission should be obvious. CKRC must articulate in a better fashion, the choice that they make as a cognate definite step in the review process and I suggest strongly that CKRC do this in the format and character of an ‘argued judicial ruling’ which renders itself easily to evaluation both as a political, as well as a judicial product. There is already in my opinion, a consensus {at least a latent one} that a federal system is the most suitable for Kenya, but there is deep suspicion propagated under the ‘tyranny of terminology’ imposed by the M-word (Majimbo). We should take courage from the South Africa situation.

The general historical position of the African National Congress (ANC) has been to argue for a unitary state on the grounds that only it could secure majority rule, that only it could secure the concentration of resources necessary to undertake the massive tasks of providing schools, hospitals, housing and eroding massive economic disparities and that only it could contain the destructive centrifugal tendencies of race and tribe. The language and concepts of federalism were also associated with the racist and discredited previous policy of African ‘homelands’. In the end however while the word ‘federalism’ did not appear anywhere in the South African debate or final constitution, the federal principle is so deeply embedded that South Africa is indeed for all practical purposes a federal state.

Kenyans need to similarly avoid the M-word both in the debate and in the final product and my work demonstrates that this can be done easily.

Once we have developed a consensus on the need for devolution of power from the centre, once we have developed a consensus on the need to strengthen local authorities, once we have developed a consensus that these attributes require constitutional protection, then the resultant product is inevitably federal. The only other remaining challenge is to break the ‘tyranny’ of the M-word in the institutional design of the Kenyan state. You will have noted that my model avoids use of both the M-word and the F-word entirely and I suggest strongly that CKRC do the same in all their reports.

5. NATIONAL FEDERALISM FOR KENYA

There are as many variants of federalism as there are federal states. Each federation is sui generis and it is in this character of federalism that Kenyans should take pride and develop yet another unique federal constitution suitable to her circumstances.

However, from a theoretical academic perspective, Prof. Richard Simeon of Toronto University, in his paper 'considerations on the design of federations;' identifies two models which he terms the Divided Model illustrated broadly by Canada, and the Integrated Model as illustrated by Germany. The model under discussion would fall under Richard Simeon's second 'integrated' category and it might be useful to comment on it under the same sub-headings as the academician uses to discuss the South African document. I will however extend the sub-headings as necessary to complete the Kenyan debate.

(i) DIVISION OF POWER

The logic of the Divided Model as in Canada, is one of separate divided powers with each order of government exercising substantial autonomy in its own spheres there is minimum overlap, or formal concurrency. Canada is one of the world's oldest federal states but we also know that this federation is in deep crisis, and its very continuation as a federal state remains very much in question. Some would argue that Canadians have indeed failed to constitute themselves as a sovereign people. On the other hand, under the Integrated Model such as in I now suggest for Kenya or in Germany, instead of water-tight compartments, there are wide areas of concurrency or shared responsibility. A limited number of powers are allocated for both legislation and administration to national government, including foreign affairs, citizenship, immigration, nuclear power domestic and international trade, currency, postal and telecommunications, etc. There is also a long list of concurrent powers, ranging from the administration of justice, to welfare, to education, environment, etc.

In South Africa, they followed the Integrated Model Legislative authority for the country is exercised by national, provincial and local governments. Unlike Germany, the general residual power is left to the central government. In my model, the national government only undertakes those tasks attributed to it by the constitution or those which require uniform regulations (Art 42) Otherwise the residual power is left to the counties (Art 43). My model is one of shared powers and responsibilities (Art.44, Art. 45, Art. 46, and Art. 48) but it allows for county autonomy (Art. 47) while respecting the supremacy of state (Art. 49).

(ii) FISCAL ARRANGEMENTS

In the Divided Model each level of government is given independent taxing powers. In Canada, Ottawa can raise revenues by any means; the provinces are restricted to direct taxation, but in practice apart from tariffs and a few other revenue sources, there are virtually no limits on provincial taxation and borrowing powers. There are enormous differences in taxation across provinces. Without fiscal autonomy, formal jurisdictional

autonomy can be meaningless. On the assumption that Central governments have more revenue raising capacity; to what extent should flows be conditional (implying considerable central control) or unconditional (implying respect for autonomy)? Secondly, between richer and poorer areas, how much should fiscal federalism assure the equal capacity of the provinces to carry out the responsibilities assigned to them? (Art.143).

It appears to me that to a considerable degree some of the issues in comparative appraisal between the Divided and Integrated models are the same [or at least very similar], as to between unitary and federal systems respectively. In fiscal arrangements, this similarity is especially true.

The Integrated Model is not one of independent states and federal government exercising revenue raising powers autonomously; rather the model is primarily one of shared revenues and taxing powers, based on negotiated formulae. In Germany, all taxes accrue jointly to the Federation and the Lander, and each has equal claim to current revenue necessary to finance their current expenditure. Only a limited number of revenue sources are allocated exclusively to either level.

In contrast, the provincial nature of Canada's Divided federalism means that interaction with each other often looks more like the relations among independent countries rather than the interactions among component elements of the same political system. In South Africa, informed as they must have been by a preference for a unitary system; the central dominance extends into their fiscal arrangements. Provinces have very limited powers to raise revenues on their own account and are barred from income, sales and value added taxes. No provincial revenue raising activities are permitted that "materially and unreasonably" affect national economic policies, etc.

However, the provinces are entitled to an "equitable share" of revenues collected by the national government. Federal legislation sets the rules for provincial borrowing. The national government can also block the transfer of funds to the provinces under certain conditions. In short, South Africa has a highly centralized if federal model and questions as to what 'equitable share' is and the conditions that may be attached to it, remain.

My model for Kenya introduces a formula upfront under which tax revenue shall be shared. The tax is levied by the state (Art. 137, Art. 138, Art. 139, Art.140 and Art. 141) but assessed collected by the counties (Art. 136) who are otherwise prohibited from levying similar taxes (Art. 142). Specific sharing formulae are stipulated against each type of tax (Art. 137 subs (4), Art. 138 subs (5) and Art. 139 subs (3) but in certain specific cases, the constitution even stipulates how the tax money shall be used; (Art. 139 subs (4) and subs (5). This has very important implications in setting the agenda for critical areas such as poverty reduction (Art. 139) subs (4) or preventive health (Art. 139 subs (5) and the accent and acknowledgement of, not just a large population with no motorized transport, but also the environment (Art. 139 Subs) (6).

The South African model in acknowledgement of its centralized nature includes a 'Financial and Fiscal Commission (FFC) modeled along the Australian Grants Commission but anecdotal evidence suggests that the two are as different in their effectiveness as night from day. The S. Africa FFC has not worked too well thus far and it has itself suggested that the centre should withdraw from part of the income tax, in order to allow provinces some room to impose their own. My model for Kenya avoids these difficulties, so common to unitary systems but without introducing the chaotic Canadian scenario, or the utopian German euphemism of "equal claim" to revenue (Book 3 chapter 3 et al).

One other feature in my model deserves mention. The model constitution stipulates the ceiling on taxes which the state may levy (Art. 137 subs (1) and Art. 138 subs (1). This is intended to require governments not just to live within their means, but more critically, to tie higher state income to better economic management. In such an arrangement, the governments have a real incentive to improve the economy at zero-option. They cannot raise taxes; {always the easier option} but in a real crisis, Art. 107 subs (5) and subs (6) offers the way out without giving governments a blank cheque or short-changing anyone.

(iii) INTERGOVERNMENTAL RELATIONS

Shared powers and finances require that inter-governmental co-operation between the various levels of government be absolutely necessary. In Canada, the machinery of inter governmental relations have grown up in ad hoc way; it is nowhere mentioned in the constitution, or enshrined in statute. Nonetheless there is a complex array of informal official level intergovernmental meetings which have no formal status, no decision making power, no formal rule of procedure or schedules and no bureaucratic back – up : again the Divided Model.

In South Africa, details of intergovernmental machinery are not spelled out in the constitution either but they are acknowledged and left to future legislation. S.41 (2) requires that an Act of Parliament establish or provide for structures and institutions to "promote and facilitate executive intergovernmental relations". The accent is that every effort should be made to resolve any intergovernmental disputes before recourse to the courts, which meanwhile have asserted their role as final umpires in the South African federal system, as also in Canada and Germany.

My proposals for Kenya are stated at Art. 44 subs

1. The Republic and the counties shall collaborate and support each other in the fulfillment of their tasks.
2. They owe each other mutual respect, consideration and support. They shall grant each other administrative and judicial assistance.
3. Disputes between counties or between counties and the Republic shall, to the extent possible, be resolved through negotiation or mediation Interests of the Republic shall be paramount.

The role of the courts as final arbiter is acknowledged up front in my constitution model at Art. 207 subs (1) (d).

(iv) INTRASTATE FEDERALISM

In Canada, there is no formal institutional bridge linking provincial and national politics, no institutional means through which the interests of provinces, whether their people or their government, are represented directly in the Central government. In most federal systems, this is the primary role of the senate or second chamber. It is well known that in Canada the senate has failed to play this role. The result is that, despite the reality of wide areas of interdependence, a sharp line is drawn between federal and provincial politics. They are separate systems, again Divided federalism, which negotiate and bargain with each other like sovereign entities.

Some of the consequences of this divided system would be unthinkable elsewhere, including Kenya. For example, some political parties active at the provincial level play no role whatever in national politics; in others federal and provincial parties of the same name have few financial, organizational, ideological or personal links. This is also reflected in the fact that, with some important exceptions, there is remarkable little mobility of political leadership between levels of government. The pattern is repeated at the public service level; there is no unified Canadian public service and little mobility among levels.

In Germany, the second chamber, the Bundesrat is made up of directly appointed ministers of the regional governments, who are subject to recall. Regional premiers and senior ministers comprise the Bundesrat's membership.

Thus in many areas, the Central Government's powers are qualified by the need to obtain Regional approval through the Bundesrat; a powerful tool for regions to influence national legislation and direction such as participation in the European Union. In a very real sense, Regional governments in Germany actually run the Federation. This has its own peculiar shortcomings.

In South Africa, the second chamber is called the National Council of Provinces (NCOP). Its members comprise of a single, ten person delegations from each of the nine provinces. The selection of the delegation is complex, some are "special delegates" rotated according to the issues under discussion, others are "permanent delegates" but also selected by the provincial legislature under nationally determined rules. On most issues affecting the provinces, each provincial delegation has one vote, cast on its behalf by the provincial premier. On ordinary legislation, not affecting the provinces, members of the NCOP vote as individuals. The lower house could assure passage of a bill rejected or amended by NCOP simply by re-passing it. Thus in national areas the role of NCOP becomes purely advisory. In areas of concurrent responsibility, a complex web of provisions ensue. The bottom line is that the jury is still out on the

NCOP and its influence in South Africa, as their constitutional court has already pointed out. It is dependent on too many other factors to make a definitive judgment on how effective this second chamber will become.

In my Kenyan model, there is a simple arrangement. Art. 154 subs (2) states that the National Assembly shall have “two chambers, the House of Representatives and the Senate which have equal powers. I further suggest at Art. 156 that the Senate consists of 36 delegates of the county, [three from each county] and the counties decide and regulate the election of their own senators. This does not however allow the regional government to go the Germany way and constitute themselves at the Senate (Art. 151) nor the South African way of instructed mandates which is expressly prohibited

(Art. 167). My idea is to encourage the counties to elect trusted respected members of their community, who will likely grow from regional politics to become the link with the Central power apparatus. Although not expressly stated in the model, county politics do not require political party organization or endorsement. Flowing from the foundational philosophy, the most politically cohesive social entity in the African society is the tribe, which in the case of county Administration, does not require further political infrastructure. In contrast to Canada where there is little mobility of political leadership between levels of government, my design envisages a natural progression from county to National levels. That is why at the pinnacle of county political authority [the county mayor] the provision is made for a single term of six years “The mandate may not be renewed” (Art.58 subs (1).

That provision allows the county community to avoid the tyranny of the paramount chief syndrome, but without loss of the influence of their ‘political chief’ who would then find space in the Senate on terms approved by his/her people in a democratic way. How do we modernize and democratize our traditional structures of governance? Again we return to the foundational philosophy which we must precipitate before designing our political and institutional structures. Most of the ‘opposition chiefs’ who have failed to join together at a national level are probably only useful as Senators for their counties. Our outgoing Presidents could also find joining the Senate a better option; a soft landing where their influence would still be useful.

(v) THE ROLE OF THE COURTS

In Canada, it is the courts which have transformed the original 1867 “Quasi Federal” model to the more classical decentralized and divided model of today. The supreme court of Canada has played umpire of the federal system and this role has become more important especially in the 1970 and 1980s when the system became more competitive, more adversarial, more ‘divided’.

In Germany, the constitutional court has full powers to interpret, the Basic Law [that’s what Germans call their constitution] and this integrated model spills over into other aspects of the federal political system. Given the enormous complexity of the South African document, many issues will likely come before the constitutional court for clarification and interpretation. These decisions will therefore do much to shape how

federal the new South African system will become. The same could be said of the model I have suggested for Kenya. Although a strong bias for negotiation and mediation is required (Art. 44) by the constitutional model, other social and political aspects within society may make such requirement a mere letter of the law which would then require the supreme court to step in and shape the outcome of the federal nature hopefully not towards the Canadian divided model. Learning co-operative governance may take some length of time amongst the current crop of Kenyan politicians.

(vi) COUNTY BOUNDARIES

These must flow neatly from the underlying general foundational philosophy.

One important element of federalism is the recognition of difference. From a conflict management perspective the basic argument for federalism is that it minimizes the potential for conflict by empowering territorially concentrated distinct minorities with the tools to protect and promote their distinctiveness. Federalism makes hegemonic domination by one group more difficult.

But federalism is Janus-headed; it points in two different directions. In terms of territorial conflict, federalism actually institutionalizes, perpetuates and reinforces the very cleavages it is designed to manage. CKRC no doubt will address itself to this Janus-headedness. The problem is not unique to Kenya. Both Canada and South African face exactly the same problem. It should be obvious what side of the debate I support. Only by acknowledging and granting our cultural diversity territorial recognition as distinct components of our society can we reconcile them to a Nation state, inevitably federal. Is there any message from our voting patterns?

Are we in denial?

The solution to plausible secessionist movements growing out of federalism lies in the cognate advantages of belonging to a larger economic entity.

The advantages must be visible. Quebeckers shall remain part of Canada only where the advantages of doing so are clear, enhanced and protected. That should not be difficult. In Kenya, the Somali community at independence wanted out and it took the “shifta war” to quell that secessionist movement. Today the Kenyan Somali community readily opts to remain part of Kenya largely because in relative terms, that is what serves them best. In real terms however there is little on the ground to support this choice: roads, hospitals, schools and security. Such is what will permanently reconcile the Kenya Somali community to a Kenyan federal state. We must always remember that.

Kenya does not have a strong autonomist movement such as Quebec in Canada and KwaZulu-Natal in South Africa. We also have an inbuilt advantage. The current administrative boundaries were drawn to coincide with ethno-cultural boundaries. The problem of minorities with minorities is resolved through a strong bill of Rights: Art. 7 thro’ Art.40 which must be embraced vigorously even by relatively homogenous counties. Men are known to trample on the rights of their own children!

Once we accept that our people are civilized enough to want to live their diversity but as a nation-state respecting Art. 24, boundaries already exist which protects and promotes their particular distinctiveness. My design shows how. Any other configuration of boundaries must first be rationalized under a viable philosophical foundation. Economic or population sizes are not such foundation. India has had to revise its original state boundaries to coincide with linguistic ones which should tell us something. A nation is not the alter at which people loose their cultural heritage or identity.

(vii) PROPORTIONAL REPRESENTATION

In Kenya there is a great deal of gerrymandering of constituency boundaries to the extent that 40% of the popular vote invariably wins the ruling party 60% of the seats in parliament; by design of course. Proportional representation as proposed (Art. 155) solves this problem. Every vote will have the same weight. The threshold 5% to qualify for seats is meant to lock out fringe elements and extremists. It is quite common in federal states. In Germany, it has for example kept the Nazis out of both state and Federal governments. Proportional representation solves some other problems as well. Our MPs are currently perceived to be personally responsible for the development of their assigned constituencies. That is not tenable and has managed to intensify corruption. We need to de-link national MP's from their constituencies whose development agenda will henceforth be the responsibility of the regional governments. In South Africa, the political parties issue party lists. This is what my model envisages (Art.145) but it leaves it to parliament and future legislation to fill out the details.

Germany includes significant details especially on funding of political parties in the Basic law. Given the complexity of changing the constitution (Art, 146) I consider it prudent to leave passionate debates such as political party funding and management, to parliament.

(viii) PRESIDENCY

One of the most emotive issues in Kenya is the person of the president. Who will be President? This question drives politics in Kenya, fueled from the perspective of ethnicity. It is an unfortunate byproduct of our unitary system. The ethnic group that provides the person of the president is perceived to have relative advantage on state patronage. They are deemed to have the chance to 'eat' hence the furious competition by ethnic communities to place one of their own at the seat of President. This is conceptually nonsense of course, and devolution of power within federalism will go a long way to demonstrate that ethnic groups do not need to place one of their own in the Presidency to realize their aspirations of social economic development and self-determination. Other modes of devolution in Kenya are on the table .The creation of an executive Prime Minister and a 'figurehead' ceremonial President' is one such option being proposed.

From our historical perspective, the concept of a 'ceremonial President is perfect recipe for disaster. It would take quite a while before Kenyans get used to a powerless Head of State. Meanwhile there is no Kenyan available, able and willing to act this part. Before too long, the outcome we saw in Uganda where Prime Minister Milton Obote physically ejected the Kabaka President, is a very real possibility. We must also guard against constitutional manipulation aimed at maintaining the status quo.

In my model, the functional separation of Head of State from Head of Government is achieved in [Art.180 subs {3}] by giving the Vice-President a real job, effectively the 'Prime Minister' but his public endorsement is achieved since the VP is a running mate to the Executive President who is NOT a member of Parliament. Furthermore, where federal institutions involve a parliamentary form of government with a cabinet and Prime Minister appointed by, and responsible to, the lower house, for example in Canada, Australia, India, Malaysia and Austria, inevitably the second chamber's relative power and therefore ability to represent the diversity of regional interests, has been weaker than in federalism such as the United States and Switzerland {also my model} in which the principle of electoral separation of the executive and the legislature has been adopted.

Germany's mono-ethnic federalism with little regional distinctiveness which requires protection, has to a considerable extent counteracted this weakness of their parliamentary federalism by creating their Bundesrat under the virtual control of culturally homogenous regional governments. As we have already observed, in Canada by contrast, the federal appointment of senators has only further weakened its legitimacy and role as a body to represent regional and minority interests. In a multi-ethnic society such as ours, a powerful functional second chamber is critical in protecting cultural distinctiveness and interests. Moreover, Kenyans need to take full advantage of devolution, checks and balances inherent in the separation of the Executive and the legislature which parliamentary federalism does not offer.

CONCLUSION

Constitutions are designed to define the fundamental values of a political society. In Canada, the debate rages on despite that their federal system is over 100 years old. In South Africa, the emerging federalism is not quite clearly formed. One province passed its own provincial constitution under the terms of the Interim constitution but the Constitutional Court declared it unconstitutional on the ground that it proclaimed KwaZulu-Natal a "self-governing province", amongst other reasons. Federalist South Africa will continue to be "work in progress" for many years. That should give us courage to conceive our next constitution in terms of a growing, living tree, rather than as metal scaffolding. The constitutional document is dynamic. The greatest challenge lies not in institutional design, but in precipitating a foundation that accurately reflects who we are and what we aspire for. It was never my intention to write a model constitution in the first place. I merely expressed strong sentiments on the concept of "positive tribalism" which got published in the media and elicited strong and passionate response. Then I discovered that my argument underpins a plausible, viable, democratic foundation for a multi-ethnic society. I went out and found one –Switzerland. The rest shall become history.

The model is founded on the 'Village Assembly' [Art. 52] which have inherent judicial and legislative powers to manage their village. I saw a parallel between this unit and the traditional African practice of adjudicating social issues under a tree: [direct democracy]. How do our

traditional political structures influence our future? I also saw ‘village assemblies’ parallel the emerging ‘Estate Associations’ such as Karengata whose effectiveness in articulating and managing their tax rates despite decadent authorities is already legendary. The nickel dropped ! I gave the ‘village’ constitutional recognition thus fusing an old African tradition with a recent modern democratic element. Then I build a complete model constitution around it; borrowing ideas unashamedly from mainly Switzerland but elsewhere too. [I see no merit in re-inventing the wheel].

The end-product is uniquely Kenyan. At least I think so. I have not resolved each and every issue. That was not the object of the exercise. The objective was create a workable framework within which issues will continue to be discussed, by a critical mass of Kenyans, and therefore hopefully resolved. That is the challenge faced by us all through the Constitution of Kenya Review Commission. I hope I have made some useful contribution.

KIRIRO WA NGUGI

Dated 7th February 2002

Appendix IV: Kenya Federalism Debate in The Nation

Suspicion On MPs' Majimbo Position

The Nation (Nairobi)

November 18, 2001

Posted to the web November 18, 2001

Sunday Nation

The change of heart by some Central Kenya MPs to support majimbo (federalism) yesterday drew mixed reactions from a cross-section of political and religious leaders.

Politicians and representatives of religious groups from the Coast, who have all along advocated the system, saw a sinister motive in the decision by the MPs who met at Naivasha and supported majimbo.

The Leader of the Official Opposition party, Democratic Party boss Mwai Kibaki, remained non-committal on the subject, saying only that majimbo needed to be properly defined before its viability as an alternative to the unitary system is debated.

He could not, however, say categorically whether the DP, which produced majority of the MPs at the Naivasha meeting, would support federalism.

He said: "Majimbo as a word does not mean anything. It must first be defined so we can know what it entails, then Kenyans can debate its benefits."

Mr Kibaki was answering questions from journalists after presiding over a fundraising meeting to raise funds for his party's Othaya branch.

Those calling for majimbo should be precise, he said, adding they should say what criteria should be used to divide the country administratively.

Mr Kibaki, however, said some politicians had misled Kenyans to believe that majimbo would be a panacea for all their economic problems. He declined to say whether the DP supported majimbo, but said everyone had a right to air their views on the constitutional

review.

The National Development Party spoke out in support of the move as Manyatta MP Njeru Ndwiga, who sat through the Thursday meeting, said majimbo was never discussed.

The head of the Anglican Church of Kenya, Archbishop David Gitari, said the Central Kenya MPs who met in Naivasha to chart a political strategy were acting within their rights.

Dr Gitari said: "As I've said before, politicians from all tribes, be Kikuyu, Luo or Kalenjin, have a right to meet and address their own issues."

Dr Gitari was speaking to reporters shortly after he presided over a graduation ceremony for 16 prelates at the ACK Berea Bible College at Bahati, Nakuru District.

Two weeks ago, the issue of majimbo was raised by four DP MPs during a fund raising meeting in Laikipia District.

Mr Mwangi Kiunjuri (Laikipia East), Dr Chris Murungaru (Kieni), Mr Kamau Thirikwa (Ndaragwa) and Mr Muhika Mutahi (Mukurwe-ini) had said they would start campaigning for the federal system of government, as it would benefit people in Central Province and productive areas of the Rift Valley.

Astute majimbo proponent Shariff Nassir told the Sunday Nation by telephone that he was happy to see that the Central MPs "have seen the sense in my fight for majimbo."

Sources from the Naivasha meeting had said: "We have now decided to go for majimbo but we still stand by our position that we should have a government of national unity."

However, they have set one condition for majimbo - that the provincial boundaries are reworked and people allowed to register in the jimbo (federal state) of their choice.

They plan to present their detailed proposals to the Constitution of Kenya Review Commission.

Yesterday, Mr Ndwiga said in Embu: "We did not talk about majimbo, if anything the DP, which has the majority of members in Central Kenya Parliamentary Group, is totally opposed to federalism."

An official statement on deliberations at the Naivasha meeting is to be communicated by chairman Njenga Karume next week.

NDP Secretary-General Mr Sospeter Ojaamong said: "We're very delighted that the group has accepted a federal system of government. Our party had worked out proposals which were circulated to all parties.

"We had put into account the issue of the costs of running a federal government and found out that it was affordable," he said.

He supported the Central MPs' stand that wananchi would be allowed to register in the jimbo of their choice.

Mr Nassir said: "At first they saw me as an enemy and vehemently opposed my clarion call of Majimboism but now they have seen the sense and they are backing me."

Education Assistant Minister Joshua Orwa Ojode described the decision as a pleasant surprise.

Mr Ojode, the National Development Party MP for Ndhiwa, said his party had conducted wide ranging political and economic research before proposing the federal system.

"Many people had misconstrued a federal government to mean eviction of some tribes from particular areas yet the main objective is maximize resources at regional level", said Mr Ojode.

Former Law Society of Kenya chairman Gibson Kamau Kuria welcomed the idea, but said it was only prudent to address the problems caused by tribal clashes in 1992 and 1997, before adopting it.

In Mombasa, a Muslim for Human Rights official said the decision to back a federal system of government is only aimed at garnering support from the Rift Valley and Coast regions.

Speaking by telephone yesterday, Mr Munir Mazrui, questioned the change of attitude towards majimboism.

"I don't trust these people because they are trying to use majimbo system as a way to bring power to their community," he claimed.

The chairman of the unregistered Islamic Party of Kenya, Sheikh Mohamed Khalifa, said: "Unless we know what type of majimbo they are backing, we cannot feel free to support them because there are many different federal systems," he said.

Reports by Mugumo Munene, Muchemi Wachira, Silas Nthiga, Mark Agutu, John Oywa and Mwakera Mwajefa. Patrick Mathangani and Carol Kinyua

<http://allafrica.com/stories/200111180051.html>

Appendix V: Tanzania: Problems of Unbalanced Federal Systems

Abstract of M. Phil. Thesis
by Kijakazi Rajabu Mtengwa

Title: Constitutional Problems of Unbalanced Federal Systems: An Insight of Union Problems of the United Republic of Tanzania and their Implications to Democracy and the Future of the Union
Submitted: September 2001.
Available: Social Science Library, University of Bergen - (Bibsys reference)

With the increase in the awareness of the need to maintain identities, federalism is becoming a common form of governments. Federalism enables states to come together and form strong governments while at the same time maintaining their respective identities. It therefore calls for sharing of power between equal partners. Federalism is based on constitutionalism. It is a conscious, deliberate attempt based on democratic procedures. Federal systems are adopted as means of accommodating rather than eliminating problems that made it impossible for a unitary system to be formed. Hence they are complicated but in situations where they are unbalanced, then they are even more complex. The study aims at looking at constitutional related problems of unbalanced federal systems. The term unbalance or imbalance is used to refer to differences in area, population, resource endowments and the like. The United Republic of Tanzania is used as the unit of analysis. The country is a union between Tanganyika (now Tanzania Mainland) and the islands of Zanzibar (now Tanzania Zanzibar), formed in 1964. It is highly imbalance in favour of Tanzania Mainland. The choice of this case study is based on the fact that it was itself an attempt to address to problems of unbalanced federal systems, by modifying the federal principle and creating a quasi-federal structure. It is quasi-federal because the federal principle is clear on the part of Zanzibar and quite unclear on the part of Tanzania Mainland. According to the Articles of Union, the original agreement to form the union and consequently the constitution, there is the Government of Zanzibar and that of the United Republic. The Government of Tanganyika is not provided. However by

foregoing the Government of Tanganyika a gap was created and a complicated or rather confusing structure was created. It is not clear for example when the union Government deals with Tanzania Mainland as a separate Government and when it deals with the same part of the union in its capacity as the union Government. As a result both parts have been demanding for re-examination of the union structure.

Dissatisfaction started very early. However the years beginning mid 1970s witnessed intensive frictions on the union issue, a demand to fill the gap by creating a federal system. The period also saw demands for economic, administrative and political reforms, common to other Sub-Saharan Africa. The Government responded and constitutional changes were made. They did not include the union issue. In the study three models for political decision-making are used namely instrumental, power and traditional models. The research questions are: (1) Why was the union formed? (2) How do we explain the political crisis of the 1980s: was it a power struggle or a conflict over what is appropriate? (3) Were the 1992 democratic reforms democratic? An analysis of the developments which occurred from the inception of the union to-date is made by looking at the constitution making process. Concentration was on the events that followed the crisis and more specifically the 1992 and 2000 constitutional amendments in which the union issue was included in the initial stages only. After this stage the whole process was limited to the ruling party and its government. When it came to the parliamentary deliberations the union issue was not included in the bill. From the discussion it is evident that despite the crisis the Government is reluctant to open discussions on the union issue. It was also evident that the union has a future and that there is a move towards more democracy in Tanzania. However the union issue is complicated and if not addressed to, it will definitely affect democracy and the future of the union.

http://www.svf.uib.no/admorg/engelsk/degprg/master/MPA_classes/Abs_Mtengwa01.shtml

Appendix VI: Electoral Systems: Proportional Representation

Source: Australian Electoral Commission

http://www.aec.gov.au/_content/What/voting/elec_sys/03.htm

Research Paper No. 1989-90

Proportional Representation

To overcome the proportionality problems associated with single member constituencies using either plurality or majoritarian systems a bewildering number of proportional representation systems have been developed. Proportional representation systems are widely used in Europe, and in Australia for upper houses.

Proportional representation systems attempt to relate the allocation of seats as closely as possible to the distribution of votes. By definition, this requires more than one vacancy, so multi-member constituencies are necessary. Constituencies can range from the whole Country or State to parts of the Country.

Proportional representation systems can be broadly grouped into two categories: List systems and the **Single Transferable Vote** system. List systems can be further divided into **Largest Remainder** and **Highest Average** categories. List systems may or may not allow the elector to choose between candidates of the same party. List systems can be either closed; allowing no choice at all; flexible, where the voter can vote for the party or a candidate; open, where there is no party vote but candidates listed in order; or free where the candidates are not placed in any order by the parties.

The basic concept of proportional representation systems is to allocate seats in the legislature in a proportional relationship with the votes cast at the election. To achieve this requirement a number of different and quite complex computational arrangements have been devised. These may or may not include the use of a quota. A quota in this context is the number of votes required to obtain a seat.

The simplest method of determining a quota is to divide the number of valid votes by the number of seats to be allocated. This method is often referred to as the **Hare**³ quota. Three alternatives to the Hare quota exist; The **Hagenbach-Bischoff** quota, in which the number of votes is divided by the number of seats plus one; the **Droop**⁴ quota, in which the number of votes is divided by the number of seats plus one and adding one to the quotient; and the **Imperiali** quota, in which the number of votes is divided by the number of seats plus two.

In the following examples 60000 valid votes are cast and 5 seats are to be allocated.

Quotas

$$\begin{aligned}
 \text{Hare} &= \frac{\text{Votes}}{\text{Seats}} = \frac{60\,000}{5} = 12\,000 \\
 \text{Hagenbach-Bischoff} &= \frac{\text{Votes}}{\text{Seats} + 1} = \frac{60\,000}{6} = 10\,000 \\
 \text{Droop} &= \frac{\text{Votes} + 1}{\text{Seats} + 1} = \frac{60\,000 + 1}{6} = 10\,001 \\
 \text{Imperiali} &= \frac{\text{Votes}}{\text{Seats} + 2} = \frac{60\,000}{7} = 8\,571
 \end{aligned}$$

The simplest method of allocating seats under proportional representation is the **Largest Remainder** system. Under this system a quota is established, usually Hare quota, and is used to determine each party's allocation. A seat is allocated for each quota that the party obtains. However, this system does not always provide for the allocation of all seats as a number of votes will be left over after the allocation of full quotas and some small parties will not gain sufficient votes to obtain a full quota. The remaining seat or seats are allocated on the basis of the largest remaining votes after the allocation of full quotas. In the following example five seats are to be allocated but only three parties receive a full quota. The remaining seats are allocated on the basis of the highest remaining votes.

Largest Remainder

Party	Votes	Hare Quota	Seats	Remainder	Seats	Total Seats
A	8700	4800	1	3900	1	2
B	6800	4800	1	2000	0	1
C	5200	4800	1	400	0	1
D	3300	-	0	3300	1	1
Total	24000			5		

Source: T. Mackie and R. Rose, op.cit.

The above example demonstrates one of the limitations of the largest remainder system in ensuring proportionality of representation. In the example Party D receives the same

representation as Parties B \ C even though its vote is substantially lower, and in the case of Party B only half. The Largest Remainder system favours smaller parties over larger parties when using the Hare quota. The relative importance of remainders in the allocation of seats can be reduced by the use of a lower quota (Hagenbach-Bischoff or Droop). Lower quotas result in more seats being allocated on the basis of parties receiving a full quota and less being allocated by remainders. However, the use of a lower quota does not always overcome the proportionality problem of the Largest Remainder system. Using the example above the Droop quota produces exactly the same result as the Hare quota.

To overcome problems associated with the Largest Remainder system the **Highest Average** system was devised.⁵ The object of the highest average system is to ensure that when all seats have been allocated the average number of votes required to win one seat shall be as near as possible the same for each party. The Highest Average system can be used with or without a quota. When used with a quota the system is sometimes referred to as a **Hagenbach-Bischoff** system. The system derives its name from the method of allocation of seats to parties. Under the system each party's votes are divided by a series of divisors to produce an average vote. The party with the highest average vote after each stage of the process is allocated a seat. After a party has been allocated a seat its votes are then divided by the next divisor. The Highest Average system has a number of different variations, depending upon the divisors used and whether a quota is used or not.

The d'Hondt version uses the numbers one, two, three, four etc as its divisions. In the following example the d'Hondt is used without a quota. As in the previous example five seats are to be allocated.

D'Hondt Version Highest Average System

Party	Votes	1st Division	Seat	2nd Division	Seat	3rd Division	Seat	4th Division	Seat	5th Division	Seat	Total
A	8700	8700(1)		4350		4350		4350(4)		2225		2
B	6800	6800		6800(2)		3400		3400		3400(5)		2
C	5200	5200		5200		5200(3)		2600		2600		1
D	3350	3350		3350		3350		3350		3350		0
Total	24000											5

Source: T. Mackie and R. Rose, op.cit.

In the above example the first seat divisor is one for all parties. Party A has the highest vote and is allocated a seat. In the second round, votes for Party A are divided by two, while all others are divided by one. Party B has the highest vote and is allocated the second seat. The process continues with the divisor for a party increasing by one each time that party is allocated a seat. The above example illustrates the highest average

concept of the d'Hondt version. An alternative presentation of the above, that is easier to comprehend, is shown below. In this example votes of all parties are divided by the series of divisors. From the resultant matrix, seats are allocated to parties with the highest votes.

Alternative Presentation of the d'Hondt Version

	Party A	Party B	Party C	Party D	Total
Votes	8700	6800	5200	3350	24000
Divide by 1	8700(1)	6800(2)	5200(3)	3350	
Divide by 2	4350(4)	3400(5)	2600	1675	
Divide by 3	2900	2267	1733	1117	
Seats	2	2	1	0	

A comparison of the examples shown under the d'Hondt version of the Highest average system and the Largest Remainder shows a different distribution of seats and illustrates a characteristic of the d'Hondt version to favour major parties at the expense of minor parties. This can be modified by choosing different divisors. The **Sainte-Lague** version and the **Modified Sainte-Lague** versions increase the size of the divisors, thus making it more difficult for a party to win each additional seat. The Sainte-Lague divisors are odd numbers beginning at one (eg 1,3,5,7, etc.). The modified Sainte-Lague numbers are 1.4,3,5,7,9. The Sainte-Lague divisors make it harder for major parties to gain each additional seat while the modified Sainte-Lague divisors maintain this characteristic as well as making it more difficult for smaller parties to gain representation through the 1.4 first divisor.

The following examples illustrate the Sainte-Lague characteristics of making it more difficult for major parties to obtain additional seats.

Sainte-Lague Version

	Party A	Party B	Party C	Party D	Total
Votes	8700	6800	5200	3350	24000
Divide by 1	8700(1)	6800(2)	5200(3)	3350(4)	
Divide by 3	2900(5)	2267	1733	1117	
Divide by 5	1740	1360	1040	670	

Source: T. Mackie and R. Rose, op.cit.

Modified Sainte-Lague Version

	Party A	Party B	Party C	Party D	Total
Votes	8700	6800	5200	3350	2400
Divide by 1.4	6214(1)	4857(2)	3714(3)	2393(5)	
Divide by 3	2900(4)	2267	1733	1117	
Divide by 5	1740	1360	1040	670	

Source: T. Mackie and R. Rose, op.cit.

In the above example both the Sainte-Lague and modified Sainte-Lague versions produce the same distribution of seats. However, the two versions provide representation for the smallest party at the expense of the second largest party.

In addition to varying the first divisor to make the election of smaller parties more difficult a threshold can also be used in list systems to achieve the same result. Thresholds require a party to achieve a certain percentage of the vote before they can be eligible to have members elected.

List systems of one variety or another are used widely throughout Western Europe. (See Table 2). Australia's first exposure to list systems occurred with the ACT Legislative Assembly elections in March 1989. The system used, termed modified d'Hondt, is described in greater detail in Appendix 3. The system used d'Hondt divisors with a Droop quota as a threshold and a flexible list. However, the ACT system was complicated by the use of a single transferable vote system (Senate system) to determine the individual candidates elected. The single transferable vote addition to the d'Hondt system was employed to overcome one of the main criticisms of the list systems ie the reliance of party lists to elect individual candidates rather than voter choice. However, in attempting to overcome this problem the system became so complex that voters had difficulty in understanding it and the scrutiny took two months to produce a result.

The form of proportional representation familiar to most Australians is the **Single Transferable Vote** system used in elections for the Senate, the Legislative Councils of New South Wales, South Australian and Western Australia and the Tasmanian House of Assembly. The Tasmanian system, referred to as **Hare-Clark**⁶, differs from the system used for the Senate and States' Upper Houses in a number of ways. However, the basic concepts are the same.

In the single transferable vote system voters are required to rank individual candidates according to their preference. A candidate must receive a Droop quota in order to be elected. Any candidates whose first preference votes equal or exceed the quota are declared elected. Votes surplus to the quota cast for successful candidates are transferred

amongst the remaining candidates according to the second preferences recorded by the voter. The questions of which votes actually elect the first elected candidate and which votes are surplus and hence distributed can either be resolved by sampling or conducting a full count to determine the proportions favouring particular candidates. The proportions are then applied to the first preference votes of the successful candidate. As each candidate receives a quota he is elected and his surplus votes are distributed. If all surplus votes have been distributed and not all vacancies have been filled then the candidate with the smallest number of votes is eliminated and his votes distributed. This process continues until all vacancies are filled. (See Appendix 1 for a detailed explanation of the Senate system and Appendix 2 for a detailed explanation of the Hare-Clark system).

The single transferable vote system can be explained simply in the following terms. If a voter wished to vote for a particular candidate but the candidate was either so popular as to have no need for his vote or so unpopular as to have no chance of election, then the vote was not wasted but used to elect the voters' second choice candidate.⁷

The need for the Droop quota in the single transferable vote system may require some explanation. The Droop quota represents the smallest numbers of votes that will ensure election. This can best be illustrated in the case of an election for one vacancy with two candidates. One candidate is required to poll only one more vote than half to ensure election. Thus with 100 votes, 51 votes would ensure election. This can be expressed in the following formula:

$$\text{Quota} = \frac{\text{Votes} + 1}{\text{Vacancies} + 1} = \frac{100 + 1}{1 + 1} = 51$$

Similarly, in a five member constituency, six candidates can each receive one-sixth of the vote, but only five can get any more votes; therefore any candidate who polls one more vote than one-sixth of the total must be elected.⁸

$$\text{Quota} = \frac{100 + 1}{5 + 1} = 17$$

If five candidates receive 17 votes (85 votes in total) then the remaining candidate must receive 15 votes. Thus 17 votes is the smallest number of votes that ensure election.

A simplified example of the operation of the single transferable vote system is shown below. In this example four candidates are standing to fill three vacancies. The quota is 76. Candidates A1 and A2 are from the same party. Candidate A1 receives a quota on first preferences. He is elected and his surplus votes are distributed. Candidate A2 receives the vast majority of Candidate A1's surplus and also achieves a quota, and is elected. Candidate A2's surplus is distributed and results in the election of Candidate C.

Single Transferable Vote System

	Candidate A1	Candidate A2	Candidate B	Candidate C	Total
First Preference Votes	150	20	68	62	300
Elected					
Distribution of A1 Surplus	-74	68	1	5	
Total	76	88 Elected	69	67	300
Distribution of A2 Surplus	0	-12	2	10	
Total	76	76	71	68 Elected	300

The main differences between the two forms of the single transferable vote system (Senate and Hare-Clark) used in Australia are outlined below:

- Technical differences in the treatment of transferred votes from candidates elected on the first count and candidates eliminated. These differences, while important in the scrutiny process, do not represent a significant conceptual difference.
- The Senate system allows for ticket voting (ie voters may vote for a party ticket and have their preferences distributed in accordance with a registered party ticket rather than indicating individual candidate preferences) while under the Hare-Clark system voters must express a preference for individual candidates.
- The Hare-Clark system uses a rotating ballot paper² so that each candidate's name appears at the top of the party's Group the same number of times while under the Senate system the order of candidates names is determined by the party.
- Casual vacancies are filled by a recount of ballot papers under the Hare-Clark system while they are filled by nomination under the Senate system.

Proportional representation systems were developed primarily to overcome the weakness of plurality and majoritarian systems in providing representation for minority opinions. Use of proportional representation systems is widespread throughout Western Europe where the political landscape is typified by a large number of political parties. The principal advantage of proportional representation is to provide representation to those parties in proportion to their electoral support. Proportional representation systems thus overcome the main criticism of plurality and majoritarian systems.

Some form of proportional representation would provide a solution to the problem found in the United Kingdom where the Liberal Social Democratic Alliance polled 22.6% of the vote at the 1987 House of Commons election yet only won 3.4% of the seats. Democratic principles would suggest that this situation is unfair as nearly one quarter of the electorate is denied representation in the Parliament.

The arguments against proportional representation are based on the consequences of the system in providing representation to smaller parties. The proliferation of minor parties in legislatures as a result of proportional representation systems can result in unstable government, and in minor parties being in a balance of power situation. The election of a number of parties with no one party having a majority in the legislature may result in unstable government and uncertainty as parties trade with each other to form coalitions and alliances. The behind-the-scenes manoeuvring and bargaining can lead to situations where the resultant government follows policies that bear only a slight resemblance to the policies placed before the electorate by the parties concerned. A minor party may be able to take advantage of this situation and hold major parties to ransom by imposing its wishes on the other parties in recompense for its support. In this political environment governments are more susceptible to the whims of party officials rather than the wishes of the electorate. However, Proportional Representation systems do not necessarily result in unstable governments and in the problems outlined above. Experience in western Europe suggest that other political factors are also important.

Proportional representations systems by their very nature involve large multi-member electorates thus breaching the direct relationship between an electorate and its representative in the legislature. The important electorate based work undertaken by local representatives may be undermined by the lack of identification by a representative with a defined area. Representatives may appear remote from the local constituency and owe their allegiance more to the central party authority than to the local electorate.

Other disadvantages of proportional representation systems depend upon which particular form is used. Problems such as lack of choice of individual candidates, complicated voting and scrutiny procedures, delays in counting and declaring a result, lack of community understanding of the procedures, can all be found in some forms of proportional representation.

Mixed Systems

The three types of electoral systems outlined so far in this paper (plurality, majoritarian and proportional representation) all display a range of advantages and disadvantages. Logic would suggest that the best electoral system should consist of a combination of individual systems so that the disadvantages of one system can be overcome by the advantages of the other and vice versa. Such a combined system is the **Additional Member** system which is used in the Bundestag of the Federal Republic of Germany.

The Additional Member System involves the election of individual candidates from single member constituencies and the election of candidates from multi-member constituencies by proportional representation. The requirement for direct constituency representation is met by the election of a single member constituency representative while the requirement for representation of all political opinion is met by the election of representatives under proportional representation. In order that the total number of candidates elected is in proportion with the votes cast, the candidate elected under the

proportional representation component of the system ``top up" candidates elected from single member constituencies.

The following outline of the West German system provides the basic features of the system without detailing all the specific complications.

- The Bundestag consists of 496 members, half elected from single member constituencies using the plurality (first-past-the-post) system; and the other half elected from multi-member constituencies using the d'Hondt version of proportional representation.
- Each voter has two votes. The first elects the single member constituency representative and the second the proportional representative candidates. It is the overall proportion of second votes that determine the total number of seats allocated to each party.
- Constituency members are topped up from party members elected from the second vote. For instance, in 1983 the SPD won 38.2% of second votes, which entitled it to 193 seats. They had won 68 seats on the first (constituency) vote, so they were able to add 125 more representatives.
- To qualify for representation in the Bundestag a party must win either three constituencies seats or five percent of the second vote at the national level.
- If a party wins more constituency seats than it is entitled to under the second vote, then it keeps those seats and the Bundestag is temporarily increased.

The electoral system used to elect members to the Japanese House of Councillors (upper house) is a combined system but cannot be referred to as an Additional Member System, as no provisions exist for representation to be adjusted to achieve proportionality. The House of Councillors has 252 seats, half of which come up for re-election each three years. Constituencies are of two types: 152 members are elected from Prefectures constituencies while the remaining 100 members are elected from the country as a whole. Electors have two votes, one for the Prefecture constituency and one for the national constituency.

Appendix VII: Canada Equalization Example

Source: Canada Federal Department of Finance

<http://www.fin.gc.ca/FEDPROV/eqpe.html>

Equalization Program

What is Equalization?

- [Equalization](#) is the federal government's most important program for reducing fiscal disparities among provinces. Federal Equalization payments enable less prosperous provincial governments to provide their residents with public services that are reasonably comparable to those in other provinces, at reasonably comparable levels of taxation. For 2003-04, [Equalization](#) ensures that all provinces have access to revenues of at least \$5,924 per resident to fund public services.
- Equalization payments are unconditional -- receiving provinces are free to spend the funds on public services according to their own priorities.
- In 2003-04, provinces will receive approximately \$10.5 billion in Equalization payments from the federal government. Currently, eight provinces qualify for Equalization:

Equalization Entitlements – (2003-04)

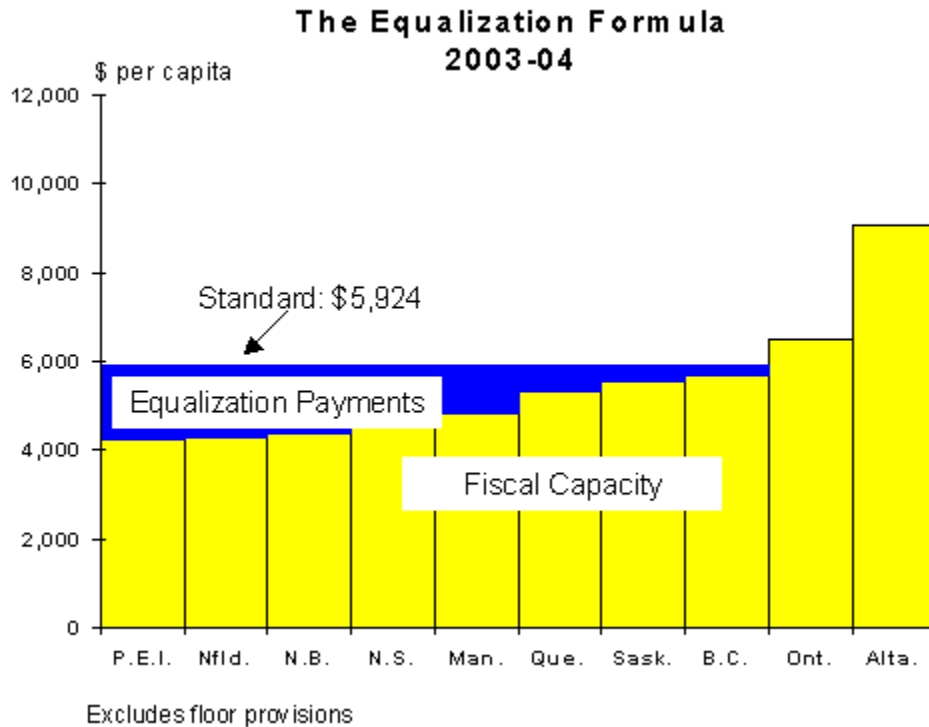
(\$millions)

NL	PEI	NS	NB	QC	MB	SK	BC	Total
866	240	1,209	1,184	4,543	1,239	355	862	10,499

How Equalization Payments are Calculated

- Equalization payments are calculated according to a formula set out in federal legislation and regulations. Provinces with revenue raising ability, or *fiscal capacity*, below a threshold or *standard* amount receive Equalization payments from the federal government to bring their revenues up to that standard:
 - The *fiscal capacity* of a province is a measure of its ability to raise revenues from more than 30 revenue sources – including [personal income tax](#), [corporate income tax](#), sales taxes, property tax, and other sources – assuming that province has [average tax rates](#).

- The *standard* measures the average fiscal capacity of the five 'middle income' provinces – Quebec, Ontario, Manitoba, Saskatchewan and British Columbia.



- Equalization payments are subject to a "floor" provision and have been subject to a ceiling. The floor protects individual provinces against any large year-to-year declines in its payments.
- In February 2003, the federal government agreed to permanently remove the Equalization ceiling on a going-forward basis, starting with fiscal year 2002-03. It remains in effect for earlier years. The ceiling set out a maximum amount each year for total payments – it allowed the program to grow over time at the same pace as the economy (GDP), but protected the federal government from unusually fast growth beyond that pace.

For additional information, see the [Department of Finance](http://www.fin.gc.ca) web site - www.fin.gc.ca.

Appendix VIII: Example of Innovative Federal State Planning

The U.S. State of Connecticut

Source: <http://www.ct.gov/ctportal/site/default.asp>

Connecticut Industry Clusters

Connecticut's cluster-based economic development initiative is built around the idea that nurturing the state's key industries improves the competitiveness of businesses within these industries, in turn boosting our economy. By combining the market knowledge and expertise of businesses with the talents and resources of government, education and economic development organizations, Connecticut's industry clusters better prepare each of their members to face the challenges created in the global marketplace.

"Industry cluster" is an economic development concept championed by Dr. Michael Porter of the Harvard Business School. Dr. Porter is respected worldwide as an expert in global economic strategies and was among the first to recognize the power of clusters to boost regional economies.

A cluster is defined as a concentration of companies and industries in a geographic region, which are interconnected by the markets they serve, and the products they produce, as well as the suppliers, trade associations and educational institutions.

Clusters have been forming naturally for years, both in the U.S. and abroad. The most famous clusters include: Silicon Valley for its microelectronics, biotechnology and venture capital markets; Route 128 in Massachusetts for its software, computer and communications hardware, and health care technology sectors; and North Carolina's Research Triangle for its pharmaceutical, agriculture and telecommunications sectors.

Creating a business environment in which clusters can grow and prosper takes an enormous amount of cooperation between government and industry. In 1998, a task force of 125 business leaders from Connecticut was assembled to study the best method of implementing cluster-based economic development in our state.

The task force identified six industry areas key to Connecticut's economic competitiveness: manufacturing, financial services, telecommunications and information, health care services, high technology and tourism. (The state's [Tourism](#) industry already was recognized as a natural cluster, operating successfully under the direction of the Connecticut Tourism Council with a strong private-public partnership.) The task force's research led to the legislation passed in 1998, effectively launching Connecticut's Industry Cluster Initiative under the Department of Economic and Community Development.

Throughout 1998, progress was made in a number of areas related to nurturing industry clusters. One of the most important accomplishments was the establishment of the Governor's Council on Economic Competitiveness and Technology, composed of CEOs from a cross-section of industries, legislative leaders, heads of key educational

institutions, labor representatives, officials of industry associations and several state commissioners. The council meets each quarter to monitor cluster progress and find ways to enhance and support it.

In October 1998, the [BioScience](#) cluster was the first cluster to be formally launched. Overseen by Connecticut United for Research Excellence (CURE), the cluster started with \$300,000 in state seed money and \$700,000 from industry contributions. The cluster has since received more than \$370,000 in additional funds from DECD and \$61.5 million in public funds. Currently, more than 110 Connecticut organizations are members of CURE. The cluster's activities have led to the establishment of a BioScience Facilities Fund totaling \$60 million; administered through Connecticut Innovations, the state's technology investment arm, the fund will underwrite the development of incubator and lab space.

In July 1999, the [Aerospace](#) cluster, under the direction of Aerospace Components Manufacturers (ACM), was introduced. The state's investment of \$769,000 was leveraged by \$2.3 million in industry funds and \$140,000 in other public funds. ACM is made up of more than 40 manufacturers from the aerospace industry to date and is at work in areas such as progressive manufacturing, workforce development and consolidated purchasing, and to identify future roles in the worldwide aerospace market.

In October 1999, the Governor launched a [Software/Information Technology](#) cluster known as eBizCT, an affiliate of the Connecticut Technology Council (CTC). This cluster immediately worked to identify and address obstacles in areas such as workforce development and regulatory environment. To date, the group has received more than \$1 million in state and industry dollars. CTC continues to develop a strategic plan to strengthen its industry, promote growth, visibility and ability to compete in a global market, and to support e-business strategies of all Connecticut companies.

Also in 1999, what originally began as a Business Training Network was identified as the [Metal Manufacturing](#) cluster. Originally launched with a \$10,000 grant, the Metal Manufacturing Education and Training Alliance (METAL) received a \$1.7 million federal workforce-training grant for a two-year project to provide a range of training in new workplace technologies and manufacturing processes. The cluster's efforts have been funded by \$135,000 from DECD and over \$970,000 from industry contributions.

In December 2000, [Maritime](#) was introduced. Its organizational center, the Connecticut Maritime Coalition (CMC) was formed to manage its activities and initiatives in the areas of workforce development, dredged material management, transportation strategy, and commercial fishing advocacy. Seeded by \$103,000 of state funds and matching private sector resources, CMC represents five components of the industry – transportation, manufacturing and services, recreation, commercial fishing and environment – and is currently made up of 21 member businesses. To date, the cluster has received more than \$165,000 in state money, \$270,000 in industry dollars and \$63,000 in public funds.

In February 2001, the seventh operational cluster, **Plastics**, was recognized. CPC is dedicated to workforce development and eliminating threats to the industry such as labor pool depletion, market share erosion and relocation pressures from other states and countries. The state provided the initial seed money to develop the plastics cluster; to date, that has totaled \$165,000 from the state, \$192,000 in industry funds and close to \$78,000 in other public monies. With those funds, the cluster plans to develop its image and membership during its first year, and to activate programs in the areas of workforce development, progressive manufacturing, business practices and shared services.

In March 2002 Connecticut's **Agricultural** Business cluster (CAB) was launched. The cluster is seeking to raise the level of competitiveness and increase profitability of individual agricultural businesses while maintaining responsible stewardship of the state's natural resources. Funding has been provided by the state, \$140,000, industry cash, \$100,000 and public funds, \$130,000.

The **Insurance and Financial Services** cluster marks the ninth cluster in the state, ensuring that Connecticut continues to compete as a primary location for insurance, asset management, banks and other financial services companies. DECD is providing \$100,000 in funding, while industry adds more than \$175,000.

A number of other cluster-related projects have taken shape over the last year, in areas including manufacturing, workforce development, urban revitalization, transportation infrastructure, regulatory and tax climate, and international trade.

Teamwork is the key to making Connecticut competitive in today's global economy. The *Industry Cluster Initiative*, as this strategy has come to be known, puts Connecticut companies on the fast track; develops the resources needed to compete globally; achieves sustained, measurable growth in jobs, education levels, start-ups and R&D funding; and ensures that positive results extend beyond a single contract, company or city. To learn more about Connecticut's cluster initiative, look thru the other links available throughout the DECD website.

Appendix IX: State of Connecticut Business Tax Incentives

[Full Color PDF](#)

Source: <http://www.ct.gov/ecd/cwp/view.asp?a=1097&q=253522&ecdNav=|> [Version\(468Kb\)](#)

- **Urban and Industrial Site Tax Credit Program**
 - Dollar-for-dollar corporate tax credit of up to 100% of an investment up to a maximum of \$100,000,000
- **Corporate Business Tax Credits**
 - Financial institutions constructing new facilities and adding new employees can receive a credit of as much as 50% of the tax for up to 10 years; may be extended for an additional 5 years; based on size of the facility and level of employment
 - 5% credit for fixed capital investment in tangible personal property
 - 5% credit for investments in human capital: employee training, childcare, facilities and subsidies and donation to higher education for advancement of technology
 - 10% credit for increased investment in machinery and equipment for companies with 250 or fewer full-time permanent employees in CT; 5% credit for companies with 251 to 800 full-time permanent employees in CT
 - From 1-6% of R&D expenditures based on the amount of such expenditures and size of company
 - 20% of the R&D expenditures in CT in the current income year exceeding R&D expenditures of the prior taxable year
 - Unused R&D credits can be carried forward and, for companies with gross income of \$70 million or less, can be sold to the state for 65% of their value
 - Credit equal to 100% of property taxes owed and paid on electronic data processing hardware peripheral equipment and software; credit may be applied against certain other CT taxes
 - 25% credit for any increase in grants to institutions of higher learning for R&D related to technology advancement over the average grants provided during the preceding 3 years
 - 100% credit against the premium, corporation or income tax for investment over 10 years in an investment fund creating insurance-related facilities and jobs
 - 100% credit for SBA loan guarantee fees paid by companies with less than \$5 million in gross receipts
- **Corporate Business Tax Exemptions**
 - All insurance companies, Connecticut incorporated and non-Connecticut incorporated
 - Corporate income, insurance premium and sales and use taxes for certain banks, insurers and investment companies locating in the Hartford Financial Service Export Zone that conduct all business with non-U.S. persons

- Capital gains from the sale of protected open space or Class I or II water company land to the state or certain entities
- Non-U.S. corporations whose sole activities in CT are trading stocks, securities or commodities of their own account
- **Corporate Sales Tax Exemptions**
 - 100% on (a) machinery used in the manufacturing of finished products or in the bio-technology industry and (b) materials, tools and fuel used in the manufacture or fabrication of finished products or in the biotechnology industry 50% on machinery, tolls fuels and equipment that may not meet the requirement for the 100% exemption
 - 100% on computer and data processing services beginning July 1, 2002; declining 1% annually from current 3%
 - 100% on repair, replacement and component parts for manufacturing machinery
 - 100% on calibration services, registration and compliance services related to ISO 9000 and personnel training services offered by colleges or universities
 - 100% on vehicles powered by alternative fuels, vehicle conversion equipment and alternative fuel filling-station equipment
 - 100% on fuel and electric power used in manufacturing or to heat a manufacturing facility provided that 75% usage test is met
 - 100% of the cost of services related to creating and maintaining a Web site
 - 100% of the cost of aircraft, repair, parts and services on aircraft exceeding 6,000-lbs. maximum takeoff weight
 - 100% on safety apparel worn by employees
 - 100% on goods purchased inside or outside CT for use outside CT providing all conditions are met
- **Real & Personal Property Tax Exemptions**
 - 100% for 5 years on newly acquired and installed machinery and equipment eligible for 5-7 year depreciation
 - 100% for inventories
 - 30-100% from the increase assessment for personal property for manufacturers and 20-50% for eligible real property improvements can be offered by towns for 2-7 years, depending on the investment amount
 - 100% for unbundled software, machinery & equipment that will be exempt under 12-81 (72) once installed and used
 - 100% for 5 years on new commercial motor vehicles weighing over 26,000 lbs. that are used to transport freight for hire and all new commercial vehicles weighing over 55,000 lbs.
- **Targeted Investment Community (TIC) Benefits**
 - 5- year, 80% real property and personal property tax abatements for manufacturers. 5-year, 40-80% real property and personal property abatements for service, telecommunications and computer related providers, depending on amount invested
 - 5 - year, 50-80% tax abatements for personal property when part of a process technology upgrade, depending on the asset acquired

- Manufacturers or firms conducting R&D related to manufacturing and newly constructed distribution facilities may be eligible to receive a state corporate business tax credit of 25% for 10 years
- Corporate business tax credit ranging from 15-50% for 10 years is available to certain selected service, telecommunications and computer-related facilities based upon the number of jobs created
-
- **Additional TIC Benefits**

Within Enterprise Zones or within areas of certain non-TIC municipalities designed for Enterprise Zone Benefits

- Manufacturers and certain service firms may obtain a 50% corporate business tax credit for 10 years; must meet specific hiring thresholds and investment requirements
- 100% - 3-year corporate tax credit followed by a 50% - 7-year credit for businesses created after January 1, 1997; must employ (a) 375 or more with 40% residing in an Enterprise Zone, or (b) fewer than 375 with 150 residing in an Enterprise Zone
- **Enterprise Corridor Zone Benefits**
 - Selected communities bordering Route 8 and I-395 are eligible for full Enterprise Zone level benefits

Appendix X: U.S. Federal Protocol Example

http://www.bolling.af.mil/organizations/wing/wg_staff/wg_orgs/protocol/order.htm

The Official Order of Precedence

[Ceremonies and Protocol Flight Home Page](#) | [Protocol Primer](#) | [Personnel](#)

Below is the official order of precedence from Service Etiquette. In the left column are the DV codes from the DoD Flight Information Publication, General Planning. A simple conversion system for translating DV codes into general officer equivalents is to subtract the DV code from the base number seven. For example, a DV code 5 equates to a 2-star (7- 5=2). If a military member and a civilian have the same DV codes, the military has precedence.

NOTE: Senior Executive Service (SES) Codes are pay levels and do not reflect DV status.

DV CODE	TITLE
1	President of the United States Heads of state of foreign countries and reigning royalty
2	Vice President of the United States Governor of a state in his own state Speaker of the House of Representatives Chief Justice of the United States&127; Former Presidents of the United States The Secretary of State Secretary General of the United Nations Ambassadors of Foreign Powers Widows of Former Presidents Associate Justices of the Supreme Court The Cabinet: Secretary of the Treasury Secretary of Defense The Attorney General Secretary of the Interior Secretary of Agriculture Secretary of Commerce Secretary of Labor Secretary of Health and Welfare Secretary of Housing and Urban Development Secretary of Transportation Secretary of Energy Secretary of Education Secretary of Veteran Affairs United States Representative to the United Nations Director, Office of Management and Budget

Chairman, Council of Economic Advisors
 United States Trade Representative
 United States Senators (By seniority of Senate service
 or alphabetical when seniority is equal)
 Governors of states when not in their own states (by
 state entry into the Union)
 Former Vice Presidents of the United States
 Members of the House of Representatives of the United
 States (By seniority of House service or
 alphabetical when seniority is equal)
 Governor of Puerto Rico
 Counselor and assistants to the President and the
 Presidential Press Secretary
 Charges d'Affaires of Foreign Powers
 Former Secretaries of State
 The Deputy Secretaries and Under Secretaries (Deputy
 Secretary equivalent of the Executive Departments)
 Administrator, Agency for International Development
 Director, United States Arms Control and Disarmament
 Agency
 United States Ambassador at Large
 Secretary of the Army
 Secretary of the Navy
 Secretary of the Air Force
 Directory Office of Science and Technology Policy
 Chairman, Board of Governors of the Federal Reserve
 System
 Chairman, Council on Environmental Quality
 Chairman of the Joint Chiefs of Staff
 Vice Chairman of the Joint Chiefs of Staff
 Former Chairman of the Joint Chiefs of Staff
 Chiefs of Staff, Chief of Naval Operations and
 Commandant of the Marine Corps (By date of
 appointment)
 Commandant, United States Coast Guard
 Retired Service Chiefs and Commandants
 General of the Army and Admiral of the Fleet
 Secretary General, Organization of American States
 Representatives to the Organization of American States
 Chairman, Nuclear Regulatory Commission
 Director, Central Intelligence Agency
 Director, International Communications Agency
 Administrator, National Aeronautics and Space
 Administration
 Administrator, Federal Aviation Administration
 Director, Office of Personnel Management

- Under Secretary of Defense for Policy
 - Under Secretary of Defense for Research and Engineering
 - Director of ACTION
 - Director, Office of Community Services Administration
 - Administrator, Environmental Protection Agency
- 3 Special Assistants to the President
- Governors of Guam and the Virgin Islands
 - Assistant Secretaries of the Executive Departments,
 - Assistant Secretaries of Defense, General Counsel
 - of the Department of Defense, and Advisor to the
 - Secretary and Deputy Secretary of Defense for NATO
 - Affairs (By date of appointment)
 - The Chief of Protocol
 - Deputy Administrator for NASA, Deputy Director for CIA,
 - and Deputy Director,
 - Arms Control and Disarmament
 - Comptroller General of the United States
 - Deputy Assistants to the President
 - Judges, U.S. Military Court of Appeals
 - Members of the Council of Economic Advisors
 - Active or Designate U.S. Ambassadors and Ministers
 - (Career rank when in the United States)
 - Mayor of the District of Columbia
 - Commissioners of the Trust Territories
 - Under Secretary of the Army
 - Under Secretary of the Navy
 - Under Secretary of the Air Force
 - Commanders-in-Chief of Unified and Specified Commands
 - of four-star grade (by date of appointment)
 - Vice Chiefs of Staff, Vice Chief of Naval Operations,
 - and Assistant Commandant of the U.S. Marine Corps (By
 - date of appointment)
 - Generals and Admirals (4-star rank)
 - Retired Generals and Admirals (4-star)
 - Assistant Secretaries of the Army, the Navy, and the
 - Air Force (By date of appointment within each
 - service)
 - The Special Assistant to the Secretary and Deputy
 - Secretary of Defense
 - Assistant to the Secretary of Defense
 - Commanders-in-Chief of Unified and Specified Commands
 - of three-star grade (By date of appointment)
- 4 General Counsels of the Army, Navy, and Air Force
- Deputy Under Secretaries of Defense (By date of

- appointment)
 Lieutenant Generals and Vice Admirals (3-star rank)
 Principal Deputy Assistant Secretaries of Defense (By date of appointment) and Deputy General Counsel of the Department of Defense
 Former United States Ambassadors and Ministers to Foreign Countries
 Deputy U.S. Trade representative
 Civilian Aides to the Secretary of the Army
 Heads of Independent Agencies, Director of the FBI, and Mayors
 Treasurer of the U.S.
 Commissioner, Internal Revenue Service
 Deputy Assistant Secretaries of the Executive Departments and Assistant General Counsels of the Department of Defense (By date of appointment)
 Deputy Under Secretaries of the Army, the Navy, and the Air Force (By date of appointment within each service)
 Deputy Chief of Protocol
 Counselors of Foreign Powers
 Civilians Assigned to SES, GS-18, and Scientific
 -Technical positions (Equivalent to others listed in Code 4)
- 5 Major Generals, Rear Admirals (Upper)
 Civilians assigned to SES, GS-17, and Scientific
 -Technical positions (Equivalent to others listed in Code 5)
- 6 Brigadier Generals, Rear Admirals (Lower)
 The Assistant Chiefs of Protocol
 The Secretary of the Senate
 Civilians assigned to SES, GS-16, and Scientific
 -Technical positions (Equivalent to others listed in Code 6)
- 7 Captains USN or USCG, Colonels USAF, USA, or USMC, or comparable rank officers of friendly nations
 Counselors in Charge of Consulates of Foreign Powers
 GS/GM-15 (Civilians)
- 8 Senior Enlisted Advisors of the Armed Services (Master Chief Petty Officers of the Navy and Coast Guard, Sergeants Major of the Army and Marine Corps, and Chief Master Sergeant of the Air Force)

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Appendix XI: Ethnicity and Governance in the Third World

Source: <http://www.weber.edu/jmbaku/ethnicity.html>

Edited By
John Mukum Mbaku
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Probably the most challenging issue facing developing nations today concerns the establishment of institutional arrangements that can effectively deal with ethnic diversity and allow population groups to coexist peacefully. In the past, leaders and intellectuals of these countries have proposed approaches to coexistence that involve suppressing ethnic identity. The assumption underlying this approach is that for the various groups to coexist peacefully, it is necessary to homogenize otherwise heterogeneous groups. This view of dealing with diversity is reflected by post-independence policies that included various provisions that sought to minimize or even deny group identity. For example, leaders argued that single-party political systems were more appropriate for uniting all groups (ethnic, religious and linguistic). The leaders warned that unity would be sacrificed if political party competition were to be introduced because different political parties would be dominated by particular ethnic and linguistic groups which in essence would politicize and promote tribalism (Winchester, 1986). Likewise, the elimination of federalist structures and traditions, and the creation of highly centralized states that greatly reduced local autonomy were seen as solutions for uniting otherwise heterogeneous groups. Thus the common response to diversity in many developing countries has been the adoption of institutional arrangements that seek to unify heterogeneous populations by limiting expressions of group differences.

To be sure, many of the peoples of the Third World had to deal with pressing problems of unity after independence that may have required them to deliberately design unifying policies. The new nations had to make crucial decisions concerning the

constitutional dimensions of government activities. In selecting particular constitutional dimensions, the primary objectives included the achievement of both economic growth and of just and free societies that provided freedom from oppression of one group by another. The leaders, at least ostensibly, sought to adopt constitutions that would advance individual liberty while at the same time create unity amongst diverse populations. Concerned by the fact that the various ethnic, religious, and linguistic groups in each of the countries considered themselves distinct in various respects, the issue of unity was a primary concern. Specifically, unifying the groups into one national state was considered crucial for political stability. Nevertheless, the approaches taken by the post-independence governments to deal with heterogeneous populations have not been successful and in fact, may have been counter-productive.

Problems related to diversity are not limited to the Third World. In fact, this is a problem in even the most advanced nations such as the United States, Canada, and the Western European countries. However, issues of diversity are more serious in the Third World than in other parts of the world. This is because most Third World countries have extremely heterogeneous populations. In sub-Saharan Africa, for example, there are over 2,000 distinct ethnic societies (Ayittey, 1992). These ethnic groups vary in size, with some having as few as 100,000 members and others encompassing millions of people. Other characteristics such as language, religion and culture make the African population even more heterogeneous. The same or similar levels of ethnic and religious diversity exist in Asia, Latin America and Caribbean, and the Middle East.

The mere number of "ethnic units" or "linguistic groups" may not necessarily imply serious divisions in society if individuals do not identify strongly with those groups. In many Third World societies, however, ethnic identification is quite strong. While individuals consider themselves loyal members of the nation that they belong to, they also identify strongly with particular ethnic, religious, or linguistic groups. In other words, various ethnic

units do consider themselves distinct and to a large extent, want to maintain that identity. This identification is reflected in how individuals associate in social, political, and economic spheres.

Strong ethnic identification frequently results in the exclusion and marginalization of some groups from the mainstream of national politics and the economy. Groups compete to control the political machinery, and once in power adopt policies that favor some groups at the expense of others (Bates, 1983; Brough and Kimenyi, 1986; Kimenyi, 1989; and Mbaku, 1997). Absent well functioning democratic institutions, groups that are excluded may engage in violence in an attempt to gain entry into both political and economic markets. In most of the Third World, widespread internal conflicts are the norm and these conflicts almost always have a strong ethnic or religious component (e.g., India, Sri Lanka, Rwanda, Burundi, South Africa, Somalia, Ethiopia, Egypt, Democratic Republic of Congo, Mexico, to name a few). Evidence shows that just as ethnic units can be efficient in procuring benefits for their members, so too can they be efficient in organizing violence against other groups. In other words, the unit that can advance the well-being of its members also can undermine the liberty of others (Furley, 1995; Horowitz, 1994). Evidence shows that ethnic groups in many Third World countries are notorious for imposing costs on nonmembers (Ayoade, 1988; Chazan, 1988; Horowitz, 1994).

One of the clearest manifestations of destructive ethnic rivalry in the Third World is the military coup. For example, between 1960 and 1982, almost 90 percent of the 45 independent countries in sub-Saharan Africa experienced a military coup, an attempted coup, or a plot to overthrow the government (McGowan and Johnson, 1984). Since 1982, several other coups and attempted coups have taken place in the various African countries (Tordoff, 1993). While there are many factors that explain why the military intervenes to change government (Mbaku, 1994, 1995), the competition for the control of government by ethnic groups has played a dominant role in contributing to such political instability in Africa. In most cases,

coups are organized by members of one ethnic group seeking to remove from power, leadership composed of members of other ethnic groups. As a matter of fact, most armed insurrections are aimed against ethnically based regimes (Horowitz, 1994; Furley, 1995; also see Jenkins and Kposowa, 1990, 1992).

Conclusive evidence of the ethnic orientation of most military coups is revealed by the changes in composition of members of the cabinet and senior civil servants before and after the coup. For example, before the 1966 coup in Central African Republic that deposed President Dacko, a member of the Baya ethnic group, no member of the Mbaka ethnic group was in the cabinet. After the successful coup led by J.-B. Bokassa of the Mbaka ethnic group, the composition of the cabinet changed so that 23 percent of the cabinet members were Mbaka. Likewise, when Kwame Nkrumah was president of Ghana, 71 percent of the cabinet members were from Nkrumah's Akan ethnic group. Following the coup that deposed Nkrumah, organized by members of the Ga and Ewe ethnic groups, the representation of Akan people in the cabinet dropped to 25 percent, that of the Ga increased from 7.7 percent to 25 percent and that of the Ewe increased from 7.7 percent to 38 percent (Morrison, et al., 1972). In almost all cases, military leaders award top government positions to members of their own ethnic groups (Kimenyi and Shughart, 1989; Breytenbach, 1976).

While military coups represent conflicts that are of short duration and often localized in urban centers, there are many other ethnic conflicts that involve large parts of the country and last for many years. Since independence, many developing countries have been involved in several such ethnic or religious conflicts. Probably the most significant in Africa was the civil war in Nigeria. That conflict reflected differences between the Ibo people in the Eastern Region and the other ethnic groups in the country. Fearing domination, the Ibo-dominated region intended to secede and subsequently form its own independent polity call Biafra. The response by the rest of the country was the use of military force that, while costly, prevented the secession.

Sudan is another example of a country where conflicts have been ongoing for decades. The conflict is one of a struggle between the northern and southern peoples. Both the northern and southern regions are themselves occupied by heterogeneous ethnic groups. However, the northerners are primarily of Arab descent and are Muslims while the southerners are of African descent and are primarily Christian. The conflict in Sudan reflects unresolved social tensions that resulted from the British colonial administration's decision to incorporate the South with its non-Muslim Nilotic and Bantu populations into a single political entity with an assertive, Islamic north oriented toward the Arab World (Copson, 1994).

The southerners for long have experienced political domination by the northerners and have attempted to rid themselves of such domination by use of violence. Northerners in turn have used force to suppress uprisings by the southerners resulting in destructive and widespread conflict. The war between northern and southern Sudan intensified during the 1960s and again during the late 1980s and continued into the 1990s. Conflicts of a similar type, between blacks and Arabs, and Christians and Muslims, have been persistent in Chad and Mauritania.

One of the most intense inter-ethnic conflicts in the Third World involves the Tutsi and Hutu tribes in Rwanda and Burundi (Greenland, 1976). The Hutu constitute a numerical majority in both countries but the Tutsi for the most part have dominated post-colonial politics. These two groups have different histories and migrated to Rwanda and Burundi at different times. In both countries, hatred is so intense that each ethnic group has attempted genocide aimed at the complete eradication of the other group. The 1972 holocaust in Burundi in which the Tutsi-controlled government killed between 100,000 and 200,000 Hutus is just one example (Meisler, 1976). Likewise, conflicts erupted in Rwanda during the early 1990s leaving thousands of people dead. Similar conflicts are continuing in Burundi though with fewer casualties.

Ethiopia provides yet another case where ethnic

rivalry has persisted for hundreds of years. The country is fairly heterogeneous with over 70 languages. For a long time, the main conflict involved the people of Eritrea who sought independence from Ethiopia (Woodward and Forsyth, 1994). Eritrea finally achieved selfdetermination in 1993 after a long and costly struggle. There are also other groups in Ethiopia who have waged nationalist movements. Most notable are the Somalis, who consider themselves as being colonized by the Amhara, who have for years dominated the leadership of that country (Hamilton and Whitcombe, 1976). The Ogaden region of Ethiopia, where Somalis live, has on various occasions sought to secede in order to join Somalia (Henze, 1985).

Other examples include religiously-motivated struggles in Algeria; secession efforts by ethnic Tamils in Sri Lanka; the struggle between the anglophone minority and the francophone majority in Cameroon; the Tibetan independence movement in China; continued Muslim-Hindu clashes in India; Kurd nationalism in Iraq; the struggle of the Timorese in East Timor (Indonesia); and the Kashmiris' struggle to gain independence from India, to name a few.

Ethnicity and Governance in the Third World

Peaceful coexistence of various groups of people that exhibit distinct identity differences is a necessary condition for effective governance and for social and economic advancement. It is probably the failure to achieve this condition in many developing countries that explains these societies' low rates of economic growth. Economic crises and the extreme violations of civil liberties that characterize the majority of many Third World countries are to a large extent the product of institutions that are not suited to dealing with heterogeneous populations. The failure of political institutions to accommodate diverse interest groups (ethnic, religious, and linguistic) has generated conflict situations that adversely affect political and economic outcomes. It is the failure of political institutions to effectively balance the interests of different groups that we consider the primary cause of the pathetic conditions in many developing countries today. In other words, we believe

that a primary cause of the low level of social and economic development in many Third World countries is the failure to deal effectively with diversity. When political institutions adequately harmonize the interests of diverse groups, diversity contributes positively to political stability and to economic growth and development. On the other hand, failure of institutions to deal adequately with diverse interests results in political instability, civil strife, and economic stagnation.

Ethnicity is a key feature of most Third World societies. It is therefore rather surprising that few scholars are involved in studying ethnicity and its role in the organization and governance of these societies. As a matter of fact, ethnicity is rarely discussed in academic forums. To formulate viable solutions to the many institutional problems facing the Third World, it is critically important to address ethnicity from different perspectives. If we accept that expressions of ethnic, religious and cultural preferences are a natural phenomenon and consistent with expression of individual liberty, then we realize that attempts to suppress such preferences are futile and cannot lead to peaceful coexistence. Instead, we need to better understand the positive roles that ethnicity and other characteristics with which individuals strongly identify with can play in the organization of societies. While we acknowledge that there is an ugly side to "tribalism" or "ethnic nationalism," we suggest that institutions that seek to suppress ethnic or tribal preferences necessarily must involve imposed order and as a result must generate conflict. Appropriate institutional arrangements must guarantee the rights of people to maintain their identity while at the same time freely choosing to form associations with others for the purposes of accomplishing common ends. Likewise, it is necessary to take into account that groups have the propensity to exclude and marginalize others and therefore it is critical that there be sufficient provisions and constraints that adequately protect all groups from oppression and discriminatory practices.

A few scholars have investigated the subject of ethnicity from various perspectives (Horowitz, 1994,

1985, 1984; Kimenyi, 1997; Landa, 1997; Mbaku, 1997; Roback, 1991). While these scholars note that ethnicity can and does pose serious problems in the organization of society, they also suggest that under appropriate institutional arrangements, cooperative solutions can be achieved. Furthermore, ethnicity can be exploited to promote competition in the provision of public goods and also in the production of goods and services. In other words, under suitable institutional arrangements, ethnicity may have natural advantages that can enhance the quality of life. Thus, these scholars view ethnicity more positively than has been the case in the past.

A starting point in the search for solutions to problems that arise due to ethnic differences is to initiate discussions amongst scholars and policymakers. Such discussions should explore the dynamics of group identity and how best to harmonize the interests of various groups while at the same time recognizing the need for groups to express their preferences. With recent democratization efforts in the Third World and the accompanying constitutional changes, this is an opportune time to hold such discussions because the outcomes of such discourse have a much higher probability of being translated into policy than was the case just a few years ago.

From June 10-13, 1999, several scholars from around the world met at the University Park Marriott Hotel in Salt Lake City, Utah (USA) to begin this important discourse. The conference, which was sponsored by the Ford Foundation (New York City) and Weber State University (Ogden, Utah), was designed to explore new approaches to dealing with ethnicity. The primary goal of the conference was to bring together leading Third World scholars to discuss the issue of ethnicity as it relates to governance and peaceful coexistence. The goal of the conference was not only to discuss the issue but also to come up with some general statements and observations on possible approaches to dealing with the various problems related to ethnicity. The present volume builds on the discussions that took place in Salt Lake City. In addition, the editors have solicited contributions from other scholars who have an interest in peaceful coexistence in the Third

World, but who, as a result of prior commitments, were unable to join them in Salt Lake City.

<http://www.weber.edu/jmbaku/ethnicity.html>