

**OFFICE OF THE  
LEADER OF THE OPPOSITION**

**THE ALTERNATIVE POLICY STATEMENT FOR THE SECTOR OF FOREIGN AFFAIRS  
PRESENTED UNDER RULE 147 OF THE RULES OF PROCEDURE**

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**AND  
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## **Table of Contents**

Abbreviations and Acronyms .....	2
Executive Summary .....	4
<b>Chapter 1: Background to Alternative Policy Statement</b>	
1. Legal Provisions for presenting Alternative Policy Statement .....	76
2. Sector Overview .....	7
3. Statement Outline .....	8
<b>Chapter 2: Situational Analysis of Ministerial Policy Statement</b>	
1. Budget analysis .....	9
<b>Chapter 3: Emerging issues and proposed Alternatives</b> .....	12
<b>Chapter 4: Conclusion</b> .....	29

## Abbreviations and Acronyms

CFR	CHARTER FOR FISCAL RESPONSIBILITY
BLA	BILATERAL LABOUR AGREEMENT
GCC	GULF COORPEARTION COUNTRIES
MDAs	MINISTRIES, DEPARTMENTS AND AGENCIES
MoFA	MINISTRY OF FOREIGN AFFAIRS
MPS	MINISTERIAL POLICY STATEMENT
NDP	NATIONAL DEVELOPMEMENT PLAN
MOU	MEMORANDUM OF UNDERSTANDING
NBFP	NATIONAL BUDGET FRAMEWORK PAPER
UAERA	UGANDA ASSOCIATION OF EXTERNAL RECRUITMENT AGENCIES
Ug X	UGAND SHILLINGS

## **Executive Summary**

The 1995 Constitution of the Republic of Uganda, under Objective number XXVIII of the National Objectives and Directive Principles of State Policy, mandates the Ministry of Foreign Affairs to promote and protect Uganda's interests abroad and undertake programs that underpin the implementation and management of Uganda's Foreign Policy.

The Minister of Foreign Affairs did not present the Sector's Ministerial Policy Statement as required by S. 13(15) of the Public Finance Management Act. In the circumstances, during the analysis of the Sector's Budget Framework Paper, the Committee made observations which were based on to make this Alternative Policy Statement.

This Alternative Policy Statement is presented in accordance with Section 6E (2) and (4) of the Administration of Parliament (Amendment) Act, 2006 and Rule 147 of the Rules of Procedure of Parliament as the Opposition's alternative policy directions for the sector of Foreign Affairs.

## **Compliance with the PFMA**

The Minister of Finance didn't present a Certificate of Gender and Equity Compliance as mandated by the provisions of S. 13(15) (g) of Public Finance Management Act.

Additionally, the revised Charter for Fiscal Responsibility (CFR) as well as the revised National Budget Framework Paper (NBFP) were not published by the Minister of Finance. Therefore, the compliance of the Sector Ministerial Policy Statement was not checked against the Charter for Fiscal Responsibility and the NBFP.

The Statement sets out to diagnose gaps and risks in Uganda's foreign policy and prescribe well thought-out alternative policy proposals.

The gaps identified despite the Minister not having presented a Ministerial Policy Statement are-

1. Non-compliance with the Public Management Act;  
The Minister of Finance did not present revised Charter for Fiscal Responsibility which in turn informs National Budget Framework Paper and the annual budget. Certificate of Gender and Equity Compliance was equally not presented as required by law;
2. Disenfranchising Ugandans;  
The current legal regime disallows Ugandans who are not in Uganda at the time of voting from electing their leaders;

3. Uncoordinated labour externalisation;  
Ugandan youths who, either individually or under labour recruitment companies, export their labour especially to countries in the Middle East are often susceptible to human trafficking when they call on our Missions Abroad for assistance in vain. Ministry of Foreign Affairs has also failed to coordinate other relevant Ministries, Departments and Agencies to fully enforce the Prevention of Trafficking in Persons Act. Even where there are signed Bilateral Labour Agreements, Uganda has been reported to drag its feet in enforcement of the same while trafficking in persons is on the rise;
4. Unstreamlined consular services in missions abroad. Foreign Missions are currently unable to issue passports to Ugandans. There's limited budget for provision of consular services.
5. Unstreamlined regional and international peace policy with domestic priorities. Uganda runs an open-ended deployment of UPDF in other countries when there is untold insecurity in the country like in Karamoja. Uganda ought to first be wholly secure and peaceful before we deploy soldiers to keep peace in foreign countries;
6. Poor and Uncoordinated recruitment policy to foreign missions. Foreign Service Officers are irregularly recruited by the Ministry. Most of them are reportedly sons and daughters of top officials who on renewable contracts. All the current 37 heads of Foreign Missions are political appointees who mainly failed in elections and were instead deployed there by the appointing authority. There is no clear appointment policy to, among others, balance between career diplomats and political appointees;
7. Failure to ratify and domesticate key Conventions and Protocols. Uganda has either voted for or signed many key treaties, protocols or conventions which she has failed and/or refused to give the effect of law in Uganda by ratifying and domesticating them;
8. Limited budget for parliamentary oversight for now three years and counting.

Wherein we propose the following key policy interventions to strategically arrest and counter the situation-

1. Both the Ministers of Finance and Foreign Affairs to give written explanations as to why they didn't comply with S. 13 of the Public Finance Management Act in so far as the Charter for Fiscal Responsibility, National Budget Framework Paper and Ministerial Policy Statement were not properly aligned to each other and presented as the law requires;

2. Amending electoral laws to allow Ugandans to vote their leaders from anywhere in the world. Foreign Missions should be capacitated to enable Ugandans in their jurisdictions to participate in electoral processes in real time;
3. Sign and enforce Bilateral Labour Agreements and MOUs with Gulf Cooperation Countries and immediately enforce and implement the Prevention of Trafficking in Persons Act. Public Service Commission should recruit and deploy labour attaches to every Mission to coordinate labour externalisation;
4. Amend the law to mandate Foreign Missions to citizenship and passport issuance in their respective countries under the supervision of the Citizenship and Immigration Control Board. Appropriate budget ought to be allocated for the provision of consular services generally;
5. Realign the foreign policy agenda to bring it in conformity with the key interests of the citizens. Amend the UPDF Act to provide for stringent mechanisms of seeking Parliamentary sanction for foreign deployments with specific timelines. Parliament should not pass the budget for Ministry of Defence and Veteran Affairs until Cabinet has briefed it about the DRC deployment;
6. Reintegrate recruitment of foreign service officers back to the Public Service Commission, and develop a rational appointment policy for heads of foreign Missions and their deputies, if any;
7. Amend the Ratification of Treaties Act to bestow all powers to ratify Treaties in Parliament. Currently Parliament can only ratify Treaties that relate to armistice or those the Attorney General declares to be ratifiable by Parliament because they require amendment of the Constitution. Cabinet should be divested of the powers to ratify and the same bestowed in Parliament;
8. Parliament should with immediacy, provide a budget to the Committee to carry-out its oversight role otherwise, public funds could well go unchecked and monitored as mandated by the constitution

The Minister of Foreign Affairs and Parliament are urged to align ministerial Policy Statement, if any, with our Alternatives for better service delivery to foster transparency and accountability.

## **Chapter 1: Background to Alternative Policy Statement**

### **1. Legal Provisions for presenting Alternative Policy Statement**

In line with Section 6E (2) of the Administration of Parliament Act (2006), the Leader of Opposition in Parliament is mandated to consult with his or her party leadership to appoint a Shadow Cabinet from members of the Opposition in Parliament with portfolios and functions that correspond to those of Cabinet Ministers.

Pursuant to Section 6E (4) of the Administration of Parliament Act as well as Rule 147 of the Rules of Procedure of Parliament, the Shadow Minister is required to present an Alternative Policy Statement on the Floor of the House for consideration and implementation.

In view of the above, the Shadow Minister for Foreign Affairs presents this Alternative Policy Statement.

## **2. Sector Overview**

The Sector of Foreign Affairs outlines Uganda's interests on the international community, setting out the country's foreign policy as well as programmes targeted at achieving the same and safeguarding her image. On the international stage, Uganda promotes her interests and agenda through various fora. Unfortunately, Uganda has failed and/or neglected to ratify and domesticate most of the key Conventions and Protocols it has voted in favour of over time, which ably demonstrates her lukewarm approach to her own commitment on collective solutions of borderless dilemmas.

Uganda's foreign policy is staggered in uncoordinated and unprioritized planning. Consular services in Missions abroad leave a lot to be desired; distressed Ugandans in foreign countries hardly get any aid, acquiring a passport from abroad is nightmare for citizens. In this day and age, Ugandans abroad cannot take part in electoral processes in Uganda like voting their leaders!

Relatedly, recruitment at the Ministry of Foreign Affairs and more especially into foreign service as well as appointment of heads of Missions follow no equitable and rational procedures.

Until mid-March 2022, the Uganda-Rwanda border at Katuna was closed owing to political and policy differences between the leaders of both countries since February, 2019. For the period between July 2018 and June 2019 which period includes only four (4) months of closure, trade between Uganda and Rwanda had a negative growth to the tune of -23.05% much short of the

economic/commercial diplomacy we preach. Note that goods to Tanzania and the rest of the world grew by 32.81% and 40.45% in the same reporting period<sup>1</sup>.

The country's Foreign Policy has failed to demonstrate decisive approach to helping some of stranded citizens who export labour especially to the Middle east when they encounter legal, occupational and other lifestyle challenges that more than ever before now expose them to human trafficking. Worth noting too is that the Ugandan diaspora is not well coordinated for national development as the foreign policy of the country seeks to achieve.

### **3. Statement Outline**

The Foreign Affairs Alternative Policy Statement is outlined as-

**Chapter 1:** Background to Alternative Policy Statement - Legal Provisions for presenting Alternative Policy Statement; Sector Overview; Statement Outline.

**Chapter 2:** Situational Analysis of Ministerial Policy Statement - Budget analysis.

**Chapter 3:** Emerging issues and proposed Alternatives.

**Chapter 4:** Conclusion.

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<sup>1</sup> Ministry of East African Community Affairs, August 2020. Report on the Closure of Uganda-Rwanda Border to the Committee of Parliament on East African Community Affairs, 22<sup>nd</sup> August, 2020.



## Chapter 2: Situational Analysis of Ministerial Policy Statement

### 1. Budget analysis

Subject to Rule 146 of the Rules of Procedure, by the time of making this Statement, a comprehensive Foreign Affairs Ministerial Policy Statement had not been presented to the House by 15<sup>th</sup> March, 2022. The Minister's failure to comply with R.146 impacted the preparation of this Statement and exhibited blatant disregard of the Minister's duties and responsibilities.

#### MoFA's budget estimates in medium term

The proposed MoFA allocations for FY 2022/23 is Ug X 29.007 billion excluding arrears. In the current FY, MoFA was allocated Ug X 33.55Billion. Consequently, the proposed budget for next FY has been cut by Ug X 4.543 billion from non-wage expenditure compared to the current financial year. The cut will affect retooling and travel abroad.

Table1: Proposed budget estimates for MoFA and Missions Abroad 2022/23

Category	Approved budget FY 2021/2022 (Ug X Bn)	Proposed Budget FY 2022/2023 (Ug X Bn)	Variance
Headquarters			
Wage Recurrent	5.99	5.99	00
Non-Wage Recurrent	26.85	27.12	0.27
Development	0.71	0.43	-0.28
HQ without Arrears	33.55	33.54	-0.01
Arrears	0.0	2.49	2.49
<b>Sub-total for HQs and Arrears</b>	<b>33.55</b>	<b>36.03</b>	
Missions Abroad			
Wage	26.83	26.83	00
Non-wage	162.73	149.98	-85.02
Dev't	32.92	20.65	-12.27
Sub-total Missions Abroad	222.48	197.46	25.02

<b>Grand Total excluding Arrears</b>	<b>256.03</b>	<b>231.00</b>	<b>-25.03</b>
Grand Total including arrears	256.03	233.49	22.54

Source: Budget Framework Paper 2022/2023

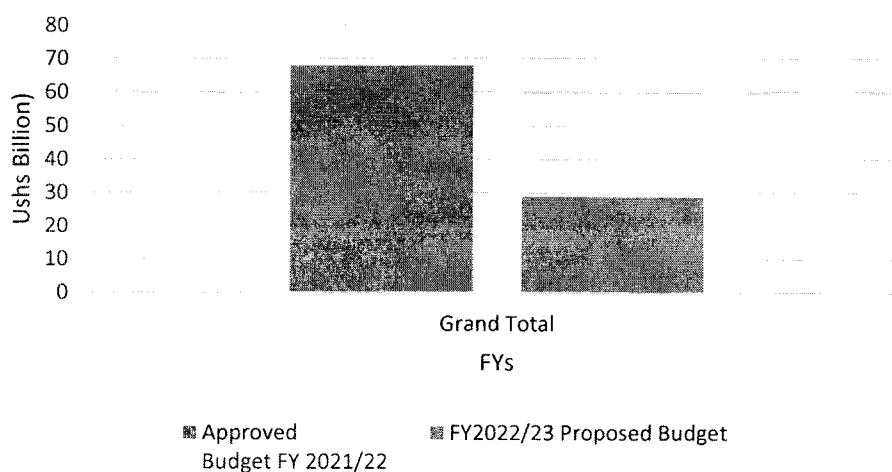
This Budget analysis is based on Medium Term Expenditure Framework (MTEF) approved by parliament due to failure of Ministry of Foreign Affairs to deliver its mandate as stipulated in Section 13 (13) of the Public Finance Management (PFM) Act 2015 to present to Parliament the Ministerial Policy Statement (MPS) for Ministry of Foreign Affairs for FY 2022/2023 for scrutiny.

	Approved Budget FY 2021/22	FY2022/23 Proposed Budget
Recurrent wage	5.994	5.994
Reccrent Non-wage	26.854	22.3
Devt. GoU	0.713	0.713
Devt. Ext. Fin	0	0
<b>GoU Total</b>	<b>33.562</b>	<b>29.007</b>
<b>Grand Total</b>	<b>67.983</b>	<b>29.007</b>

Source: Data from MoFPED and Vote Medium-Term Allocations for Ministry of Foreign Affairs FY 2022/23

Generally, there's an observed budget cut of Ug X 38.976 billion (42.7%) as observed from the FY 2021/22 with Ug X 34.421 billion directed towards paying Arrears to Ug X 29.007 billion in the proposed FY 2022/23.

### Comparison Budget allocation



In the proposed budget allocation for FY 2022/23, Ug X billion 24.925 billion is directed towards policy, planning and support services with a dip of Ug X 4.745 billion as observed in the FY 2021/22 as seen in the table below:

Sub-SubProgramme	Approved Budget FY 2021/22 Ug X Bn	FY2022/23 Proposed Budget Ug X Bn
Policy, Planning and Support Services	29.67	24.925
Protocol and Public Diplomacy	1.28	1.276
Regional and International Political Affairs	1.33	1.468
Regional and International Economic Affairs	1.29	1.338
<b>Total for the Vote: 006</b>	<b>33.57</b>	<b>29.007</b>

Source: Data from MoFPED and Vote Medium-Term Allocations for Ministry of Foreign Affairs FY 2022/23

The dip is because of cuts for travel abroad and seminars and workshops to a tune of Ug X 4.54billion. This will affect the Ministry in supervising Missions Abroad.

### **Non-compliance with the Public Finance Management Act, 2015**

The Minister of Finance, Planning and Economic Development did not publish a revised Charter for Fiscal Responsibility which should have preceded the National Budget Framework Paper.

A revised NBFP was equally not published which underlines disregard of statutory provisions on the part of the Minister and Cabinet generally. Consequently, there was no check the revised NBFP for consistency with the Charter for Fiscal Responsibility as strictly required by the provisions of S. 6 of the PFMA.

Pursuant to S. 13(15) (g) of the PFMA, the Minister of Finance is in breach for not presenting a Certificate of Gender and Equity Responsiveness.

**Ultimately, both Ministers should be tasked to give written explanations as to why the said provisions of the PFMA were not complied with.**

## Chapter 3: Emerging issues and proposed Alternatives

### 1. Disenfranchisement of Ugandan diaspora.

All Ugandans who are living or staying abroad at the time of elections are not allowed to perform their civic duty and responsibility. In all the elections ever conducted in the country, the electoral policy strategically disenfranchised citizens who are abroad in a way that they were, oddly, not allowed to participate in the electoral processes and vote their leaders. Countries like Tanzania, Kenya, the United States, South Africa among others allow their citizens to vote for their leaders from anywhere they are in the world at the time of voting as one way of participating in their political democracy.

Since 1995, Uganda is a party to International Covenant on Civil and Political Rights which together with the Constitution under Article 1(4) bestow onto Ugandans the power to express their will and consent on who shall govern them through free and fair regular elections of their leaders. These provisions do not restrict civil rights to only citizens in Uganda at the time of elections, but rather all Ugandans should be given the opportunity to elect their leaders irrespective of where they are.

#### **Alternative**

**As a policy measure, all electoral laws to wit - the Electoral Commission Act, the Presidential Elections Act, Parliamentary Elections Act as well as the Local Governments Act ought to be amended to provide for voting by Ugandans abroad.**

**Foreign Missions should be capacitated to and enabled to ensure that diaspora Ugandans vote for their leaders just as Ugandans in the country do, lest the country continues to deliberately offend the Constitution as well as international law by barring Ugandan diaspora from enjoying their civil rights and taking part in their civic duties.**

### 2. Uncoordinated Labour externalization

Many Ugandans have increasingly migrated to other countries in search of employment. The Uganda Association of External Recruitment Agencies (UAERA), 2020 Report indicates that at least 165,000 Ugandans are employed in the Gulf Cooperation Countries as well as Jordan and Lebanon.

The exponential increase of Ugandans searching for employment opportunities out of the country has led to increased trafficking in persons incidents<sup>2</sup>. Uganda identified 666 trafficking in persons victims in 2020 compare to 455 in 2019, most of whom are transnational cases.

Ugandans who export their labour to the Gulf states do so under labour exporting countries or individually. However, when in the receiving countries, these young Ugandans are exposed to a number of challenges which expose them to trafficking. They include enforced prostitution, forced servitude, extremely harsh working conditions, poor or no pay, bereavement among others. Some of the labour exporting agencies are not approved and accredited by the Ministry of Gender. These companies, according to UAERA, carry out most of the trafficking.

Owing to the challenges faced, these Ugandans find trouble in returning back to the country, according to UAERA. The COVID-19 pandemic aggravated the situation with loss of jobs, pay-cuts and the closure of airports. Out of desperation, some of these Ugandans usually run to Uganda's Foreign Missions for emergency help. However, most Missions do not have strategies in place in bail out distressed Ugandans in the diaspora.

The consular services of our Foreign Missions are uncoordinated as far as facilitating distressed Ugandans with assistance to return home.

In the same vein, the Ministry of Foreign Affairs has not coherently coordinated with the Ministry of Gender, Labour and Social Development and the Ministry of Internal Affairs that coordinates emigration and is charged with enforcement of the Prevention of Trafficking in Persons Act and other MDAs in combatting trafficking in persons which mainly is done by unregistered labour exporting agencies in Uganda.

Further that while emphasis has been put at the Airport to detect and apprehend illegal migration, crooked agencies have resorted to taking

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<sup>2</sup> US Department of State, 2021. Uganda: Trafficking in Persons Report, 2021.

advantage of the porous borders<sup>3</sup> and smuggle unsuspecting Ugandans by land to neighbouring countries from whence they are flown out.

Human trafficking in migration pathways currently is a challenge for which there are no collective policies to wipe out and there is very less political will to end the mushrooming vice<sup>4</sup>.

Additionally, the Ugandan government has taken limited steps in formalizing relationships with Gulf Cooperation States where Ugandans mostly export their labour to. Uganda has an existing Bilateral Labour Agreement (BLA) with Saudi Arabia but it is not in force<sup>5</sup>, meanwhile, trafficking in persons is increasing by the day.

Turkey submitted a BLA with Uganda, but it has not been signed to-date. The Memorandum of Understanding for provision of domestic labour between United Arab Emirates and Uganda is yet to get into force several years after it was signed<sup>6</sup>.

In the same vein, the Missions abroad do not budget lines for distressed Ugandans and victims of human trafficking<sup>7</sup>. In so doing, stranded Ugandan migrant workers have not got any aid. This is despite the fact Uganda is one of the top ten countries in Sub-Saharan Africa with huge remittance inflows from her labour exporters<sup>8</sup>.

#### **Alternative**

**Uganda ought to immediately bring into force the Prevention of Trafficking in persons Act, the BLAs with Saudi Arabia and Turkey, MOU with UAE as well as negotiate and enter BLAs with all Gulf Cooperation Countries together with Jordan and Lebanon to avert the scourge of human trafficking.**

**Public Service Commission ought to recruit and deploy Labour Attaches in all the Missions abroad and facilitate them to urgently respond to the distress calls of Ugandans externalized abroad especially in the Middle East.**

### **3. Unstreamlined consular services.**

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<sup>3</sup> U.S Embassy in Uganda, 2021. Uganda 2020 OSAC Crime and Safety Report, 2021.

<sup>4</sup> International Organisation of Migration, 2022. World Migration Report, 2022.

<sup>5</sup> Consular services Department, Ministry of Foreign Affairs, 2021. Brief on Externalisation of Labour.

<sup>6</sup> Ibid at page 2.

<sup>7</sup> Ibid at page 2.

<sup>8</sup> Ibid

One of the vital and most critical components of Uganda's foreign policy is the provision of consular services for her citizens in foreign missions. The Ugandan diaspora has hardly been assisted by Missions abroad. For instance, since machine-readable passports were phased out in December 2018, Missions abroad are not capacitated to issue the new e-passports<sup>9</sup>. It took the Shadow Minister about four weeks to have a one Fred Lumbuye's Passport renewed here in Uganda in order to transmit the same to him in Turkey last year despite tremendous public interest the matter generated. Note that only three (3) Missions previously issued passports – London, Pretoria and Washington. The process is currently tedious, one has to apply and issuance is done in Uganda<sup>10</sup>. There is very limited budget for the provision of other consular services generally and there is hardly any footprint of our Missions abroad on the same which explains why Ugandans mostly disassociate with the Missions<sup>11</sup>.

#### **Alternative policy proposal**

**All consular services in Missions abroad should be the reserve and under the control of the respective Foreign Missions. Accordingly, the issuance of Passports, travel documents as well as citizenship and dual citizenship certificates to Ugandans abroad ought to be the mandate of their respective Missions. Otherwise, the inconvenience and cost implication of acquiring basic consular services continues to aver Ugandans from Foreign Missions' programs and services and consequently, the coordination of the Uganda diaspora for national development increasingly becomes hard. Ultimately, we need a policy reversal on issuing Passports to be the mandate of the Foreign Mission to those Ugandans abroad.**

**The Uganda Citizenship and Immigration Control Act ought to be amended to streamline this policy proposal.**

#### **4. Unstreamlined regional and international peace policy with domestic priorities.**

Uganda's Foreign Policy Agenda is to safeguard our national interest and achieve its goals on the international arena for the benefit of the people of Uganda, the region and the international community generally.

Uganda's foreign policy vision is predicated on "a conducive regional and international environment that promotes a secure and prosperous Uganda

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<sup>9</sup> Hon. Gen. Jeje Odongo, *supra*. At page 5.

<sup>10</sup> *Ibid*.

<sup>11</sup> *Ibid*

in which the people's interests are at the forefront. From the broad foreign policy guiding principles, and the doctrine of Uganda, the country's national interest has been anchored on three broad pillars namely-

- a) National Security (survival of the State, the people and endowments);
- b) National prosperity; and
- c) Wellbeing of the people

It is therefore irregular and short of foresighted planning of this government to keep an open-ended deployment of the UPDF in foreign countries on peace keeping missions while Ugandans are suffering insecurity, terror, high crime rates and constant loss of property. While the United Nations has a schedule of withdrawing from Somalia under the AMISOM for instance, Uganda doesn't. In November, the UPDF were deployed in DRC under 'Operation Shujja' yet again without an ascertained schedule. As a matter of fact, contrary to Section 39 of the UPDF Act, Cabinet has not sought the sanction of Parliament to-date.

This is at the expense of the citizens of Uganda. For instance, the people of Karamoja are decrying high insecurity and lawlessness in the sub-region mainly because of thin or no deployment there.

Secondly, in 2021, Uganda signed three agreements with the DRC for the construction of roads in Eastern DRC, extension of electricity in DRC and ensuring security in DRC.

Whereas in the grand scheme of development the project is important, given our strained economy right now, it was unprioritized and poorly planned. The interests of Ugandans that ordinarily are primary in any foreign policy engagement were not brought to the fore. The road sector is poor in Uganda. Many homesteads are not connected to the grid. The country has ignored the insecurity in Karamoja. That notwithstanding, we are keeping peace in the region and building roads in foreign countries that we owe money for previously plundering their natural resources.

#### **Alternative**

**Uganda ought to properly align her Foreign Policy Agenda with the national development plan as well as ensuring that they both are in sync with the key interests of the Ugandan citizens.**

**The UPDF Act should be amended to provide for stringent processes and timelines of seeking Parliamentary sanction for deploying soldiers abroad and sanctions for default.**



Parliament ought not to pass the budget of the Ministry of Defence and Veteran Affairs until the House has been briefed by Cabinet on the deployment in DRC, clearly detailing the withdrawal schedule.

#### 5. Poor and uncoordinated recruitment policy to Foreign Missions

All the current Heads of Missions abroad are political appointees. The last two career diplomats were dropped in the December 2021 reshuffle by President Museveni. There is no feasible policy measure of appointing Heads of Foreign Missions to balance between career diplomats and political appointees – who are mostly political failures on the domestic scene. The appointments sometimes even attract personal-to holder emoluments and remuneration which leads to unwarranted supplementary budgeting<sup>12</sup>. This has bred demoralization among career diplomats in the Sector.

Table showing the current heads of foreign missions and four Deputies.

S/N	Name	Foreign Mission	Comment
1.	Maj. Gen. Matayo Kyaligonza;	Burundi -	NRM Cadre who contest for NRM Vice Chair, Western region and lost
2.	Amb. Elizabeth Napeeyok	Rome	Political appointee
3.	Ms. Robbie Kakonge	Washington DC	Journalist, Political appointee
4.	Ms. Margret Bakyrira	Copenhagen	Political Appointee
5.	Col. (Rtd) Fred Mwesigye	Dar-es-Salaam	Lost Nyabushozi County parliamentary seat.
6.	Dr. Yahaya Rashid Ssemudu	Khartoum	Political Appointee
7.	Dr. Amule Doreen	Paris	Former DWR - Amolatar who lost the seat in 2021

<sup>12</sup> Supplementary Appropriation (No. 04) Act, 2021

8.	Maj. Gen. (Rtd) Robert Rusoke	Kigali	Retired from the UPDF in August, 2021
9.	Amb. Adonia Ayebare (Special Envoy)	New York	Political Appointee
10.	Amb. Alintuma Nsambu	Algiers	Political Appointee
11.	Amb. Joyce Kikafunda	New Delhi	Academic, Political Appointee
12.	Amb. Dorothy Hyuha	Canberra	Former Minister
13.	Amb. Nimisha Madhvani	London	Political Appointee
14.	Amb. Mubiru Stephen	Berlin	Political Appointee
15.	Ms. Nusura Tiperu	Ankara	Former NRM candidate for Arua Municipality seat, former EALA MP
16.	Ms. Betty Bigombe	Kuala Lumpur	Former Minister, former Senior Director for Fragility, Conflict and Violence, World Bank
17.	Amb. Miriam Blaak	Brussels	Political Appointee
18.	Mr. Moses Kizige	Moscow	Former Presidential Adviser and State Minister for Karamoja Affairs. Lost NRM primaries for Bugabula South Parliamentary seat in 2020
19.	Amb Zaake Kibedi	Abu Dhabi	Political Appointee
20.	Prof. sam Turyamuhika	Mogadishu	Economist, Political Appointee
21.	Amb. Nelson Ocheger	Abuja	Former President Action Party
22.	Amb. Rebecca Otengo	Addis ababa	Former Minister for Northern Uganda, lost elections for

			Moroto County Seat in Alebtong
23.	Amb. Ruth Aceng	Ottawa	Lost 2016 elections for Kole DWR Seat in Parliament
24.	Amb. Sam Male Sebulime	Cairo	Political Appointee
25.	Hajji Farid Kaliisa	Kinshasa	Political Appointee
26.	Amb. Brig. Ronnie Balya	Juba	Former Director General ISO
27.	Amb. Stephen Chebrot	Doha	Former Transport State Minister
28.	Kisambira Tezikuba Mohammed	Tehran	Political Appointee
29.	Amb. Isaac Sebulime	Riyadh	Political Appointee
30.	Amb. Dr. Hassan Galiwango	Nairobi	former NRM Director of Finance and Administration
31.	Amb. Oliver Wonekha	Beijing	Political Appointee
32.	Amb. Mercel R. Tibaleka	Geneva	Political Appointee
33.	Ms. Tophas Byagira Kaahwa	Tokyo	Former NRM DWR for Hoima
34.	Mr. Amoru Paul	Pretoria	Former Dokolo North MP
35.	Col. (Rtd) Julius Kihande	Luanda	Political Appointee
36.	Ms. Nsababeera Judith	Guangzhou	Political Appointee
37.	Ms. Musaaazi Nabbaka Elizabeth	Havana	Political Appointee
38.	Lt. Gen. Charles Angina	Cairo	Former Deputy Co-ordinator Operation Wealth Creation
39.	Mr. Nnam Alfred	Abuja	Political Appointee
40.	Maj. Gen (Rtd) Mugisha Nathtan	Mogadishu	Political Appointee
41.	Ms. Margaret Kyogyire	Delhi	Political Appointee

Source: Office of the Leader of the Opposition, 2022

From the table above all the thirty-seven (37) heads of Foreign Missions of Uganda and Four (4) Deputies Ambassador are political appointees. They

are all not career diplomats but mostly failed politicians who lost their seats and instead got rewarded with diplomatic appointments.

Additionally, the appointment or recruitment policy does not take into account the vital and realistic dynamics in receiving countries. For instance, in 2017, Uganda woke to national embarrassment when Ambassador Yahya Semudu who was rejected by Iran because of his ties with Saudi Arabia. It is imperative that the mechanisms of appointing heads of Missions and Ambassadors are stringent and comprehensive in such a way that socio-political factors like religion and political ties as well as previous recruitment are taken into account.

Professionally incompetent heads of foreign missions cannot effectively highlight Uganda's foreign policy.

In the same vein, foreign service officers in the said Missions are irregularly appointed. Since 2018, recruitment under Foreign Affairs Ministry and particularly has been uniquely conducted from the general public service<sup>13</sup>. Whereas that might seem okay within the ambit of Public Service Standing Orders, the same has been grossly abused. It is reported that foreign service officers are largely sons and daughters of top officials who are on renewable contracts for many years recruited at the Ministry level. There is no record of staff appointment processes. Additionally, there have been numerous reports of unfair dismissal of staff in foreign missions attracting huge sums in damages. The appointment of staff, right from the head to officer level ought to be reviewed under systematic policy considerations.

### **Alternative**

**The government ought to undertake a rationalized appointment policy at the Ministry taking care of all underlying interests and dynamics. For instance, rationalized career diplomats viz a viz political appointments at a ratio of 60:40 respectively would take care of both interests efficiently<sup>14</sup>. Illustratively, the U.S has a legislation that governs appointment of ambassadors, heads of foreign Missions, Special Envoys among others. The Foreign Service Act of 1980 provides that positions such as Chief of Mission should normally be accorded to career members of the Service, though**

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<sup>13</sup> Hon. Gen. Jeje Odongo, 2021. Responses to issues arising from the meeting of the Committee on Foreign Affairs with the Ministry, 19<sup>th</sup> August, 2021. At Pg.8

<sup>14</sup> Office of the Clerk to Parliament, 2019. Report of the Sectoral Committee of Foreign Affairs on the Ministerial Policy Statement and Budget Estimates for Foreign Affairs Sector, FY 2019/2020

circumstances warrant appointments, from time to time, of qualified individuals who are not career members of the Service.

The policy and legal framework developed ought to strictly underline uniform emoluments and remuneration for all heads of Missions abroad and Ambassadors, whether career diplomats or political appointees. Otherwise, the country will continue to lose morale of workforce which eventually affects productivity. Additionally, the challenges of supplementary budgeting trigger more shocks to the economy.

Secondly, despite the uniqueness of foreign service, officers to the same should be rationally appointed through public service and not at the Ministry level. This will wipe out the reported cases of favouritism and nepotism in foreign service.

#### 6. Failure to ratify and domesticate key Conventions and Protocols

Uganda has characteristically failed to ratify and domesticate very important Conventions, Treaties and Protocols, most of which she has voted for and is signatory to. This demonstrates the country's lack of full commitment to those Treaties, Conventions and Protocols contrary to Objective **XXVIII of the National Objectives and Directive Principles of State Policy** which mandates respect for international law and treaty obligations. In that regard, as tabled below, most of the Treaties that Uganda has failed and/or neglected to ratify and domesticate relate to the protection and enforcement of fundamental rights and freedoms.

Uganda's Status of Ratification of The Core International Human Rights Instruments and Optional Protocols

#	Treaty	Signature/ Adoption	Ratification/ Accession	Comment
1.	International Convention for the Protection of All Persons from Enforced Disappearance (CPED)	2007		Ratifiable by Cabinet
2.	Optional Protocol to the Covenant on Economic, Social and Cultural Rights. (OP-ICESCR)	-	-	Ratifiable by Cabinet
3.	Second Optional Protocol to the International Covenant on Civil and	-	-	Ratifiable by Cabinet

	Political Rights, aiming at the abolition of the death penalty (OP2-ICCPR)			
4.	Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP-CEDAW)	-	-	Ratifiable by Cabinet
5.	Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP-CRC-IC)	-	-	Ratifiable by Cabinet
6.	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)	-	-	Ratifiable by Cabinet
7.	Convention on the Political Rights of Women			Ratifiable by Cabinet
8.	Convention on the Reduction of Statelessness	-	-	Ratifiable by Cabinet
9.	Slavery Convention of 1926	-	-	Ratifiable by Cabinet
10	Hague Convention on the protection of Children and Cooperation in Respect of Inter-country Adoption	-	-	Ratifiable by Cabinet
11	ILO Domestic Workers Convention, 2011 (No. 189)	-	-	Ratifiable by Cabinet
12.	Convention for the Elimination of Mercenarism in Africa	2004	-	Ratifiable by Cabinet
13.	Revised African Union Convention on the Conservation of Nature and Natural Resources	18 Dec 2003	-	Ratifiable by Cabinet
14.	Protocol on the Prevention and Combating of Terrorism	6 Dec 2004	-	Ratifiable by Cabinet

15.	African Union Non-Aggression and Common Defence Pact	-	-	Ratifiable by Cabinet
16.	African Charter on Democracy, Elections and Governance	16 Dec 2008	-	Ratifiable by Cabinet
17.	Statutes of the Economic, Social and Cultural Council	2004	-	Ratifiable by Cabinet
18.	Protocol on the Court of Justice of the African Union	18/12/03	-	Ratifiable by Cabinet
19.	Protocol on the Statute of the African Court of Justice and Human Rights	1 <sup>st</sup> July 2008	-	Ratifiable by Cabinet
20.	Charter for African Cultural Renaissance	-	-	Ratifiable by Cabinet
21.	Protocol on the Rights of Older Persons	31 <sup>st</sup> Jan 2016	-	Ratifiable by Cabinet
22.	African Convention on the Conservation of Nature and Natural Resources (Revised Version)	December 18, 2003	-	Ratifiable by Cabinet
23.	Protocol to the OAU Convention on the Prevention and Combating of Terrorism	December 06, 2004	-	Ratifiable by Cabinet
24.	Charter for African Cultural Renaissance		-	Ratifiable by Cabinet
25.	Protocol on the Statute of the African Court of Justice and Human Rights	July 01, 2008	-	Ratifiable by Cabinet
26.	African Charter on Statistics	January 22, 2014	-	Ratifiable by Cabinet

28.	Protocol on the African Investment Bank	June 30, 2009	-	Ratifiable by Cabinet
29.	Revised African Maritime Transport Charter	July 26, 2010	-	Ratifiable by Cabinet
30.	Revised African Maritime Transport Charter	June 27, 2014	-	Ratifiable by Cabinet
31.	Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights	June 27, 2014	-	Ratifiable by Cabinet
32.	Protocol on the Establishment on the African Monetary Fund and the Statute of the African Monetary Fund	June 27, 2014	-	Ratifiable by Cabinet
33.	African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development	June 27, 2014	-	Ratifiable by Cabinet
34.	Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament	June 27, 2014	-	Ratifiable by Cabinet
35.	Protocol on Immunities and Privileges	Nov. 30, 2015	-	Ratifiable by Cabinet
36.	Protocol on Cooperation on Meteorological Services		-	Ratifiable by Cabinet
37.	Protocol on the Extension of Jurisdiction of the EACJ.		-	Ratifiable by Cabinet
38.	East African Community Double Taxation Agreement	30 Sept., 2015	-	Ratifiable by Cabinet
39.	Treaty on Prohibition of Nuclear Weapons		-	Ratifiable by Cabinet

Source: Office of the Leader of the Opposition



The table above shows some of the Treaties and Protocols that Uganda voted for, in some cases signed but is yet to ratify. All the Treaties listed are only ratifiable by Cabinet pursuant to S. 2 of the Ratification of Treaties Act. None of them has been ratified or acceded as case maybe and domesticated.

In international law and practice, the mere signing or voting in favour of the treaty means concurrence with the content of the Treaty, and by no means the country's consent to be bound by the Treaty.

Ratification, on the other hand, serves to pledge to the world that the country will be subject to an enduring international obligation of ensuring the promotion and enforcement of fundamental Human Rights and Freedoms, the government of the day notwithstanding.

Ratifying a treaty helps to further buttress municipal law by providing internationally agreed upon parameters and standards. In most cases, the ratifying country commits to the universal monitoring mechanisms, like annual reporting, which seek to enhance accountability as well as affording individual or collective aggrieved citizens an avenue for filing complaints.

In the premises therefore, failure and/or refusal by Uganda to ratify and domesticate Treaties and Protocols she has voted for and in some instances signed demonstrates her unenthusiastic approach towards the international community, thereby negatively impacting the image of the country on the international arena.

Note that the function of determining Uganda's foreign policy is primarily and exclusively the Executive's. Article 123 of the Constitution bestows the duty of executing treaties, conventions and agreements in the president or any person so authorized by the president.

The ratification of those treaties is only done under Article 123(2) of the Constitution and the Ratification of Treaties Act, Cap. 204 which provides for the procedure of ratifying Treaties and Protocols.

The Act, under S.2, provides that Cabinet shall primarily ratify Treaties except those that relate to *armistice, neutrality or peace, or in the case of a Treaty in respect of which the Attorney General has certified in writing, that its implementation in Uganda would require an amendment of the Constitution.*

In a global village more characterised by growing international relations, commitments and obligations especially in as far as the protection, promotion and enforcement of fundamental human rights and freedoms is concerned, international law has become more relevant than ever before. This is because it bears significant implication on domestic relations, laws and policies.

Thus, Parliaments are currently continuing to take keen interest in their governments' international or foreign policies to that end.<sup>15</sup>

In the circumstances, therefore, the dictates of democracy demand that people are involved in the same and Parliament checks the prerogative of the Executive.

In the United Kingdom, for instance, Parliament has a Statutory role of ratifying treaties<sup>16</sup>. The British Government is duty-bound to lay treaties, with an Explanatory Memorandum, before Parliament for twenty-one (21) sitting days before it can ratify them. Note that whereas the Parliament may not debate, vote or amend the treaties, the House of Commons can block ratification of any treaty indefinitely<sup>17</sup>.

Relatedly, in Australia, the Executive plays its role of advancing the country's foreign policy, except that Parliament reviews any steps taken before ratification of treaties.

*"Under this practice, any action relating to a treaty, such as ratification, is tabled in Parliament for a period of at least 15 sitting days before the Government takes action. When tabled in Parliament, the text of the proposed treaty is accompanied by a national interest analysis (NIA), which explains why the Government considers it appropriate to ratify" – UN Department of Economic and Social Affairs Disability.*<sup>18</sup>

A relevant Committee of Parliament evaluates the National Interest Analysis, taking into account methodologies it may deem fit, before

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<sup>15</sup> United Nations Department of Economic and Social Affairs Disability, 2007. Handbook for Parliamentarians on the Convention of Rights of Persons with Disabilities and its Optional Protocol, 2007.

<sup>16</sup> Constitutional Reform and Governance Act, 2010

<sup>17</sup> House of Commons Library, 2017. Parliament's role in ratifying treaties, Briefing Paper No. 5855, 17<sup>th</sup> February, 2017.

<sup>18</sup> Ibid.

making its recommendations on whether the country should ratify or take other steps.

It is noteworthy that in as much as the Australian government may disregard the recommendations of the Committee, that happens in very rare cases. Secondly, there are well laid down principles policy to check the prerogative of the Executive's in as far as unilaterally committing the country in perpetuity in concerned.

In our local context, Parliament can only receive ratified Treaties. In exceptional instances as provided for under Section 2 (b) of the Ratification of Treaties Act, where Parliament can ratify, it only does so after negotiations have ended and parties have already signed the same.

The only other statutory exception to the Executive's unilateral power to ratify treaties is under S. 76 of the Value Added Tax Act, Cap. 349 which requires Parliamentary approval of a treaty or agreement relating to tax exemptions or reliefs even after such a treaty has been ratified by the Cabinet.

In the premises therefore, it is prudent to review the policy where Cabinet enjoys all the powers of negotiating, voting, signing and ratifying treaties on behalf of Uganda without parliamentary checks except as earlier articulated.

#### **Alternative**

**The Ratification of Treaties Act ought to be amended to provide for Parliamentary ratification of Treaties. Parliament ought to have full powers of ratifying treaties.**

**The country's failure to ratify and domesticate key Conventions and Treaties that Uganda has participated in negotiating poses a threefold risk-**

- i. jeopardizing diplomatic relations through the Executive's lukewarm commitment to her international obligations;**
- ii. the country is not afforded dynamic mechanisms of enforcement of fundamental human rights and freedoms and the law generally as agreed upon in those Conventions and Treaties; and**
- iii. Uganda invests money in the negotiations of these treaties, let alone subscription and membership fees for being state party where need be.**

**The country gains no diplomatic advantage if there is no tangible outcome from those engagements.**

*Currently, Parliament can only ratify where the treaty relates to armistice, neutrality or peace or in the case of a treaty in respect of which the Attorney General has certified in writing that its implementation in Uganda would require an amendment of the Constitution.*

**S. 2 of the Ratification of Treaties Act, Cap 204 should be amended to provide that Parliament shall have the power to ratify all treaties that Uganda has an interest in, not Cabinet.**

#### **7. Limited budget for Parliamentary oversight.**

For the second year running, the Parliamentary Committee on Foreign Affairs is not allocated funding to carryout oversight over the Missions Abroad. The budget funding for the Ministry and Missions to travel abroad has also been scrapped<sup>19</sup>. This poses risk of no supervision and oversight for the funds allocated for government projects and programmes. For instance, in the current Financial Year, the Committee was unable to conduct oversight visits especially to Missions which are conducting construction projects. Parliament, therefore, cannot competently ascertain that the projects are under-going as funded using public resources.

In the same vein, Missions abroad didn't interface with the Committee to present their Budget Framework Papers as mandated by S. 45(5) of the Public Finance Management Act. Seventeen (17) of the Missions abroad didn't send through their work-plans.

In the circumstances, without adequate budgeting for both the Committee to carry-out its oversight role and the Ministry together with the Missions Abroad to be able to interface with the Committee, there is no supervision and guarantee for value for money translating into Parliament breaching its own core function of playing the over-sight role.

#### **Alternative**

**The Constitution under Article 164 (3) mandates Parliament to carryout oversight over MDAs that are appropriated public money to ensure that the same is put to use accordingly and that there are outcomes. The Committee on Foreign Affairs provided for under R. 187 (2) (k) is mandated to carryout oversight and monitor the line Ministry and Missions Abroad.**

**However, where money is not appropriated for the Committee to perform the said tasks, the Committee is unable to carry out its Constitutional mandate.**

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<sup>19</sup> Minister of Finance, 2021. The National Budget Framework Paper 2022/2023 and MTEF, December 2021.

Accordingly, it is highly imperative that appropriate funding be apportioned for the Committee to able to carry out its mandate, otherwise, Uganda stands to lose billions of monies that is appropriated to the Missions abroad. For instance, in the current Financial Year, Missions Abroad were appropriated Ug. X 222.478Billion. Without oversight, only God knows how much of this money is being rightly put to use.

#### **Chapter 4: Conclusion**

Uganda's foreign policy is anchored on national security, national prosperity and well being of the citizens. In all instances, the interests of Ugandans should be primary during the execution of the country's foreign policy. The gaps in policy that have been identified ought to be bridged for a cohesive and coordinated promotion of the Uganda agenda.

For God and My Country.