



**OFFICE OF THE  
LEADER OF THE OPPOSITION**

**THE ALTERNATIVE POLICY STATEMENT FOR THE SECTOR OF DEFENCE AND VETERAN  
AFFAIRS**

*— FY 2022/23*

**PRESENTED UNDER RULE 147 OF THE RULES OF PROCEDURE**

**ODUR JONATHAN (MP)  
SHADOW MINISTER  
FOR  
DEFENCE AND VETERAN AFFAIRS**

**MARCH, 2022**

## Table of Contents

Abbreviations and Acronyms .....	3
Executive Summary .....	4
<b>Chapter 1: Background to Alternative Policy Statement</b>	
1. Legal Provisions for presenting Alternative Policy Statement .....	6
2. Sector Overview .....	6
3. Statement Outline .....	7
<b>Chapter 2: Situational Analysis of Ministerial Policy Statement</b>	
1. Budget analysis .....	8
<b>Chapter 3: Emerging issues and proposed Alternatives .....</b>	<b>10</b>
<b>Chapter 4: Conclusion .....</b>	<b>19</b>

## Abbreviations and Acronyms

ADF	Allied Democratic Forces
AMISOM	African Mission in Somalia
APS	Alternative Policy Statement
DRC	democratic Republic of Congo
MoDVA	Ministry of Defence and Veteran Affairs
MPS	Ministerial Policy Statement
NBFP	National Budget Framework Paper
NEC	National Enterprise Corporation
PFMA	Public Finance Management Act, 2015
UPDF	Uganda People's Defence Forces
UPF	Uganda Police Force
VFM	Value for Money

## Executive Summary

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 Defence and Veteran 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 CFR and the NBFP.

The following are the policy gaps identified in the sector of Defence and Veteran affairs together with the proposed alternative policy intervention-

1. Open-ended deployments of UPDF in foreign countries  
The government deployed the UPDF in foreign countries on open-ended engagements where there is no ascertained schedule of deployment. Moreover, like in the current deployment in DRC, without parliamentary sanction as required under S.49 of the UPDF Act.  
Alternative; Amend the UPDF Act to provide for stringent mechanisms of deploying UPDF abroad, clearly specifying timelines within which to seek Parliamentary approval;
2. Uncoordinated engagement of UPDF in national development  
Engaging the military in development of the country at the time when there is no war is pertinent for national growth. the engagement has got to be specifically targeted lest the economy becomes militarized. Current engagement of UPDF in development is haphazard. The president has severally bestowed contracts for public infrastructure unto the UPDF Engineering/Construction Brigade, albeit illegally. National Enterprise Corporation which is currently implementing the president's illegal directives ought to bid for public contracts like any other commercial entity.  
Alternative: urgent need to formulate a policy guideline for UPDF engagement in national development. Amend the NEC Act to offer NEC a

regulatory framework in as far as public contracts are concerned. NEC ought to bid for public contracts like any other commercial entity;

3. Chronic internal insecurity

The reactionary UPDF are deployed else where leaving the territorial integrity of the country at stake. For instance, heavily armed rustlers cross the Ugandan borderlines with South Sudan and Kenya to rustle and plunder the livestock of the Karamajong in the country. The UPDF has very minimal presence in Karamoja, but are politically deployed in urban areas to stifle opposition especially during elections.

Alternative: all security personnel co-opted during elections should be at the command of the Electoral Commission for that time to avoid politically inspired deployments and repression of the opposition. Government should disarm the Karamajong and urge neighbouring countries to equally disarm their communities to effectively curb rustling in the region;

4. Welfare of service men and women

The UPDF face welfare challenges like poor healthcare system, poor housing, phasing out boarding section in army schools. MoDVA disbanded the boarding section in Army schools leaving school-going children of UPDF personnel exposed to various challenges especially when soldiers are on long-term duty like in Somalia or DRC currently.

Alternative: Re-introduce boarding section in Army Schools;

5. Criminal justice system under Military Court Martial

The presiding officer of Court Martial is a serving soldier who is bound by the military chain of command with the president as the Commander in Chief. The Chairman of the Court Martial is appointed by the president on short-term renewable contract. This casts in doubt the independence of the Court Martial in order to dispense free, fair and impartial justice.

Alternative: the UPDF Act should be amended to provide for a civilian Judicial Officer to preside over that court. The said judicial officer should be appointed the same way High Court Judges are.

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

### **1. Legal Provisions for presenting 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 Defence and Veteran Affairs.

This Alternative Ministerial Policy Statement was arrived at as a result of a review of the Ministerial Policy Statement of the Ministry of Defence and Veteran Affairs (MoDVA), Vote 004 for the FY 2022/2023.

This Statement pursues credible, cost-effective alternative policy proposals to fill the gaps left and/or ignored by the current government. Ultimately, lasting and credible security of all Ugandans and their property will propel the economy to a boom should our propositions be taken-on.

### **1. Sector Overview**

The sub-sector of Defence and Veteran Affairs is mandated to ensure a secure, peaceful and stable Uganda. Whereas the sector plays a critical role in ensuring that there is an enabling environment for other sectors to flourish and for the socio-economic transformation of the country, Uganda is marred with increasing insecurity through actual terror attacks, assassinations, porous borders, poor welfare of armed forces, overwhelming numbers of political prisoners, missing Ugandans, military violence, poor military justice system among others.

In November, 2021, Uganda People's Defence Forces deployed the Democratic Republic of Congo to fight the Allied democratic Forces (ADF) insurgents in the Eastern part of the country. To-date, the Executive arm of government has not formally laid the matter before Parliament for sanctioning as required under Article 210 of the Constitution and Section 39(2) of the UPDF Act, 2005.

Uganda has deplorably become a military state. Gradually, the UPDF has taken over the running of key civilian offices. The Police Force has for a long time been led by serving Military officials, the supervision of the National Agricultural Advisory Services is run by the Military under the Operation Wealth Creation, the President in July, 2021 directed that school and health center construction projects be granted to the Military Brigade on Construction, albeit illegally while at the same

time, grappling with the need to capitalise the National Enterprise Corporation, an economic arm of the UPDF.

The dispensation of justice in military court martial is systemically not aligned to the constitution and tenets of natural justice. The independence of the Court Martial is risked by the direct command chain in the military. Current structures do not ensure dispensation of justice in military courts.

### **3. Statement Outline**

**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.

## Chapter 2: Situational Analysis of Ministerial Policy Statement

### 1. Budget analysis

#### VOTE: 004 MoDVA

	<b>Approved FY 2021/22</b>	<b>Proposed FY 2022/23</b>	<b>% age in FY 2022 Vs 2021/22</b>	<b>% Budget Share 2022/23</b>
Total Recurrent	1,385.2	1,380.0	-0.4%	41%
Wage	610.4	610.427	0%	18%
Non-Wage	774.7	769.585	-1%	23%
GoU	2,467.4	1,972.917	-20%	
External Fin	406.9	393.015		
Arrears	-	11.501	100%	
Total	3,445.6	3,757.444	-3%	100%

According to the table above the total budget allocations for the next FY have dropped by Ug x 311.844Billion. The biggest cuts are under Development budget line (20%).

Non-alignment with the National Development Plan III

The National Development Plan III, under the Performance Implementation Action Plan (PIAP) Program Financing Framework, provides for annualized cost by sub-program which allocations under every Ministerial Policy Statement must be aligned to.

Table showing Program Funding Framework according to the NDPIII



Vote	Sub programs	2020/21	2021/22	2022/23
6-MoDVA	National Defence	4,197.18	3,682.22	3,299.49
6-MoDVA	Policy Planning and Support Services	341.558	155.96	155.96
	<b>Sub Total for Vote 004</b>	<b>4,538.74</b>	<b>3,838.18</b>	<b>3,455.45</b>

Source: National Development Plan III PIAP

From the table above, by the FY 2022/2023, the total budget allocation should be Ug X 3,455.45Billion. The MPS allocations are Ug X 3,757.444Billion for FY 2022/23 which represents Ug X 301.994Billion budgeting over and above the NDPIII projections.

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

The Minister of Finance, Planning and Economic Development did not lay a revised Charter for Fiscal responsibility which should have been a bedrock to the National Budget Framework Paper. The revised NBFP was also not presented to this House.

A revised NBFP was equally not presented which underlines disregard of statutory provisions on the part of the Minister and Cabinet generally. Consequently, there was no check on 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**

The Sector of Defence and Veteran Affairs is grappling with maintaining lasting peace, security and order both within the country and in the region.

#### **1. Open-ended UPDF Deployments**

The government of Uganda has deployed UPDF soldiers in Somalia under the AMISOM since March 2007 to-date.

Additionally, the government illegally deployed UPDF soldiers in South Sudan in 2013<sup>1</sup> in an open-ended operation which was neither lawful under the Constitution Article 210, UPDF Act- SS. 39-40 nor under the international law.

The government, following the twin bombing of Kampala in November 2021, deployed UPDF soldiers in Eastern Democratic Republic of Congo, another open-ended deployment.

These deployments come at a huge cost met by the tax payer in addition to casualties. For instance, the Ministry of Defence and Veteran Affairs is seeking for Ug. X 247 Million per day to sustain the deployment in DRC<sup>2</sup>.

The deployments come without Parliamentary sanction as provided for under Article 210 of the Constitution of Uganda and section 39 of the UPDF Act. To-date, Parliamentary sanction is yet to be sought by the executive since November 2021 deployment in DRC.

This is at the backdrop of the International Court of Justice, on the 09<sup>th</sup> day of February, 2022, awarding the DRC \$225 Million for damage to persons, which includes loss of life, rape, recruitment of child soldiers and displacement of civilians against Uganda's invasion of Eastern Congo<sup>3</sup>.

#### **Alternative policy proposal**

**The UPDF Act ought to be amended to provide for a more certain and comprehensive mechanism of seeking Parliamentary sanction for foreign deployments of the UPDF.**

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<sup>1</sup> Leader of the Opposition, 2014. Statement by the Leader of the Opposition in Parliament on the UPDF Deployment in South Sudan and on the Status of Forces Agreement, May 2014.

<sup>2</sup> MoDVA, 2022. Presentation of the Ministry of Defence and Veteran Affairs to the Committee on Defence and Internal Affairs on the Budget Framework Paper, 2022/2023, January 2022.

<sup>3</sup> The International Court of Justice, 2022. Armed Activities on the Congo (democratic Republic of Congo V. Uganda) Judgment, February 2022.

With our weak law on ratifying deployments of the UPDF out of Uganda during the time when Parliament is in session, the Executive is playing its cards. S. 39 of the UPDF Act does not provide for timelines of seeking parliamentary approval when Parliament is in session.

The UPDF Act ought to be amended to provide for those strict timelines and a sanction for the breach of the same. This is so that government briefs and seeks Parliamentary sanction in specific time, detailing deployment period - from start to end, the cost implication as well as the benefit accruing from the deployment.

Note that, owing to refusal and/or failure by the Executive to seek Parliamentary sanction for deploying in the DRC, the money sought by the Ministry of Defence and Veteran Affairs was summarily not granted by the Parliament<sup>4</sup>.

The MoDVA armed with an uncommon privilege of classified budgeting, Uganda will continue to lose money through the Executive circumventing parliamentary decisions with classified and supplementary expenditure if the law is not tightened to provide for strict timelines within which to seek Parliamentary approval.

Owing and alive to the risk of preempting security and military strategies in the circumstances, the amendment of the law will ably cater for that. For instance, the briefing and seeking Parliamentary approval can well be in camera.

## **2. Uncoordinated engagement of the UPDF in national development**

The UPDF have been engaged in national development programmes since 1989 when the National Enterprise Corporation (NEC) was established under the National Enterprise Corporation Act as a commercial wing parastatal under the UPDF.

Whereas it is necessary to economically engage the Army during the time when the country is not at war, that engagement ought not to interfere with the Army's cardinal role of defending the country's territorial sovereignty and ensuring security of persons and property.

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<sup>4</sup> Budget Committee, 2022. Report of the Budget Committee on the National Budget framework Paper FY 2022/2023 – FY 2026/2027

Secondly, the involvement of the army in national development ought to be conveniently intended so that the engagement does not result in militarisation of public service.

Stretched dependence on the military often leads to the erosion of the public and private sectors instead of empowering and nurturing them to gain sustainability. In Uganda for instance, President Museveni's administration has increasingly demonstrated bias towards and reliance on the Military take-over of vital positions in public service, namely-

- i. The Military, under Operation Wealth Creation, have taken over supervision of agricultural extension services from National Agricultural Advisory Services (NAADS) under the Single Spine Agricultural Extension System<sup>5</sup> allegedly because of corruption of civil servants;
- ii. the Fishing industry is regulated by the Fishing Protection Unit of the UPDF;
- iii. the UPDF are currently implementing President Museveni's decrees of awarding all public school and hospital construction projects to the UPDF Engineering Brigade<sup>6</sup> together with other high-profile national road construction projects;
- iv. Serving soldiers constantly appear on the cabinet list of President Museveni's, currently in Works and Transport, and Internal Affairs portfolios;
- v. Until recently, the Uganda Police Force has been led by serving UPDF soldiers since 2001.

All these and more strategic deployments of the Military in civilian gaps ultimately serve to conveniently militarise key public service positions and thus entrench military power over civilian leadership. This is a dangerous setback to the democratization efforts the country is taking.

The engagement of the military in national development, therefore, ought to be based on clear policy guidance and interventions to safeguard against militarisation. Under the current administration, it is the other way round.

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<sup>5</sup> V. R. Rubarema, PS – MAAIF, January, 2015: Letter to the PS Ministry of Public Service; Implementation of the Single Spine Agricultural Extension System, 06<sup>th</sup> January, 2015.

<sup>6</sup> Yoweri Museveni, July, 2021: Directive on the use of the Army Brigade to undertake Government Construction Projects, Letter addressed to the Minister of Education and Sports and the Minister of Health, 01<sup>st</sup> July, 2021.

The government has haphazardly deployed the military in key infrastructure construction projects, albeit without policy and legal guidelines. The awarding of construction of public schools and health centers projects to the Military Engineering Brigade is itself offensive to the law.

The directive offends the Public Procurement and Disposal of Public Assets Authority Act and Regulations made under it which govern procurement and disposal of public assets.

The law lays down a clear cycle through which a procurement project has to under-go, lest there is no safeguard against corruption and misuse of public resources. The Engineering Brigade of the UPDF does not amount to a Procuring and Disposing Entity to that can take-on public procurement projects as defined under S. 3 of the PPDA Act.

Secondly, the directive is akin to the concept of Force Account Mechanism in procurement which is provided for under S. 95A of the PPDA Act. Force Account mechanism means undertaking the works of a Procuring and Disposing Entity (PDE) using the personnel and equipment of the PDE or of another PDE. Force Account mechanism is only resorted to in emergency situations where there is no contractor willing to take on the project.

Unfortunately, the directive of President Museveni does not amount to a Force Account, and gravely offends the PPDA and its Regulations.

Alive to the illegalities of implementing the directive of the president, the Ministry of Defence and Veteran Affairs is instead procuring equipment and entering Memoranda of Understanding with various Ministries to implement the same under the National Enterprise Corporation<sup>7</sup>

currently, there is no regulatory framework under the NEC Statute within which the Corporation, together with the Engineering Brigade can implement the decrees of President Museveni or taking on public projects generally while safeguarding transparency, accountability and against conflict of interest.

NEC being a commercial parastatal under the Public Enterprise Reform and Divestiture Act, 1993, should, like any other entity, competitively apply for public tenders and contracts and the law takes its course.

Additionally, MoDVA seeks to capitalise NEC. The Auditor General noted that generally NEC made profits in the FY 2020/2021 particularly profits were

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<sup>7</sup> Ministry of Defence and Veteran Affairs, 2022. Presentation to the Committee on Defence and Internal Affairs on the National Budget Framework Paper FY 2022/2023, January 2022.

posted by NEC Luweero and NEC Uzima, while the ratios of most other enterprises under NEC are under-utilising their assets, meaning that they are not making enough income from their assets<sup>8</sup>. Therefore, it is strikingly uneconomical to capitalise an enterprise that is making profit, let alone underutilising her assets.

To avoid the risks and overcome challenges first mentioned above, and ensure that the tax-payer's money is not is wasted, the engagement of the UPDF requires stringent policy and legal safeguards, not the hit-or-miss directives currently planned.

### **Alternative**

**The engagement of the Military in national development is vital for any country especially at the time when there is no war. The engagement fully utilizes scarce resources like manpower while ensuring cheaper projects because of already paid workforce and feeding and accommodation outlays which stimulates faster growth in developing economies like our own.**

**Currently, however, there is no legal and policy framework to smoothly enable engagement of the military in national development. The National Enterprise Corporation Act does not elaborately provide for such engagements. It being a government parastatal even gives rise to issues of conflict of interest.**

**There is need for a policy to regulate the engagement of UPDF in national development as well as a legal framework before the Army. The NEC Act ought to be amended to give NEC a backing to bid for and possibly be awarded public contracts like any private entity. Lest the economy will continue to lose out on cheaper labour and possibly output if the UPDF are not optimally utilized at the time Uganda is not at war.**

### **3. Chronic Internal Insecurity**

The country has become insecure for her citizens and leaders.

The presidential and general elections of 2021 were characterised by unprecedented military and police brutality meted out especially on the

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<sup>8</sup> Auditor General, 2021. Consolidated Auditor General's Report for FY 2020/2021

political opponents of the National Resistance Movement by security operatives as has been observed in every election cycle.

To-date, some of the abductees have not been traced at all, dead or alive<sup>9</sup>, headlining the state of insecurity in the country.

The security state is relatedly very deplorable in Karamoja sub-region because of among others, poor internal and weak cross-border security. Owing to unregulated cross-border trade, illicit arms are being traded in despite the disarmament endeavors<sup>10</sup>.

Consequently, districts of Moroto, Kaabong and Karenga and generally the entire sub-region face heightened insecurity from cattle rustling by warring Karamojong groups and cross-border rustlers from Turkana – eastern Kenya and South Sudan<sup>11</sup>.

The UPDF's National Focal Point (NFP) on small arms and light weapons and the government generally have prioritised disarming the Karamajong of Uganda and not urging neighbouring countries to undertake a similar program in Kenya and South Sudan.

In the circumstances, some Karamajong groups have acquired guns from war-stricken South Sudan through our porous borders.

Whereas the UPDF has physical presence in the sub-region, insecurity has continued to subsist. The Karamoja Parliamentary Group assert that the UPDF currently deployed in the sub-region are sustaining the insecurity because some of them illegally benefit from it. It is asserted that the recovered cattle disappear at UPDF barracks<sup>12</sup> further exposing state operatives as causing the insecurity themselves.

Over the last one year, Uganda faced further incidents of insecurity and actual terror attacks<sup>13</sup> in which several people were fatally hit and others sustained numerous injuries from ADF and ISIS terror-attacks.

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<sup>9</sup> Hon. Mathias Mpuuga, 2021. List of National Unity Platform supporters who were abducted by Security Agencies before, during and after the 2021 elections, 04<sup>th</sup> March, 2021.

<sup>10</sup> **UPDF, 2022.** UPDF intensifies campaign on 'Voluntary Surrender' of small arms and light weapons in Kotido District, 28<sup>th</sup> January, 2022. <http://www.defence.go.ug/home/newsandevents/85.0> last accessed on Friday, 04<sup>th</sup> Feb., 2022.

<sup>11</sup> Ibid

<sup>12</sup> Hon. Achia Remigio. 2021. Karamoja MPs call for new approach to tackle insecurity, 07<sup>th</sup> December, 2021. <https://www.parliament.go.ug/news/5477/karamoja-mps-call-new-approach-tackle-insecurity>

<sup>13</sup> Commissioner of Police, Enanga Fred, 2021. Up-date on the Continuous Counter-Terror Operations, November 22, 2021.

In the same vein, security status of the country continued to deteriorate after elections of 2021 with “Bijambiya” (machete-wielding) groups terrorising the people of Central Uganda especially in Greater Masaka<sup>14</sup>. The UPDF is preoccupied in ensuring peace in Somalia under AMISOM and is now engaged in other commercial activities. For instance, under a presidential initiative Operation Wealth Creation, National Enterprise Corporation that engages over 2,000 soldiers in its Engineering and Construction Brigade<sup>15</sup> among others.

This greatly interferes with the primary obligation of the UPDF which is efficient and effective defence of the country both internally and maintaining her territorial integrity.

### **Alternative**

**In a bid to regulate and subsequently curb politically inspired electoral violence, all security personnel deployed in elections should be at the command and order of the Electoral Commission<sup>16</sup>. Subsequently, an amendment of the Electoral Commission Act to reflect the same would curb the politically inspired violence.**

**Additionally, the government ought to urge neighbouring countries of Kenya and South Sudan to equally carryout disarmament programmes in their respective countries to strategically curb armed cattle rustling in the region. Otherwise, Ugandans will continue to die and lose their cattle to cross-border rustlers.**

#### 4. Welfare of service men and women

The welfare of the armed forces and their families has most often been flagged as a policy issue that they grapple with<sup>17</sup>. This ranges from poor housing facilities, poor healthcare services, low pay and the problems associated with the 2013 phasing out of the boarding section in Military

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<sup>14</sup> Uganda Police Force; Further Update on the Vicious Murders in Masaka and Lwengo, September 06<sup>th</sup>, 2021. Last accessed on [www.upf.go.ug](http://www.upf.go.ug) on the 24<sup>th</sup> of January, 2022.

<sup>15</sup> Ministry of Defence and Veteran Affairs, 2022. Presentation of the Ministry of Defence and Veteran Affairs on the BFP FY 2022/2023, 24<sup>th</sup> January, 2022.

<sup>16</sup> Mathias Mpuuga, MP, 2021. Statement on the shrinking Operational Space of Civil Society Organisations, November, 2021.

<sup>17</sup> Office of the Clerk to Parliament, 2019. Report of the Committee on Defence and Internal Affairs on the Ministerial Policy Statements and Budget estimates for FY 2020.



schools<sup>18</sup>. All these issues have been and are collectively a contributory to lack of morale consequently leading to the deterioration of peace and security.

### **Alternative**

**Government ought to consider boarding sections in Army schools. That way, while soldiers are away on duty, they have an assurance and security that their children are attending school. In 2013, the MoDVA phased out boarding section in Army schools because they were apparently expensive but the burden and inconvenience especially soldiers on long-term missions away from home like in Somalia and recently DRC go through would require their children being catered for in boarding schools.**

## **5. Criminal justice under the Military Court Martial**

The UPDF has fast been eroded of its core principles and values as enunciated under Article 208(2) of the Constitution of Uganda. The ruling government, to this end, has failed to demonstrate its capacity and willingness to reign in on errant individuals and redirect the entire institution towards creating a peaceful and secure environment from which humanity and economic activity can thrive. Economic growth can only be guaranteed and boosted in a free and democratic society where the parameters for justice are the same for everyone.

The institution charged with dispensing justice in the Military – Court Martial, is not an independent one as the dictates of Article 28(1) of the Constitution provide.

Justice is dispensed by serving soldiers within the Military. A court presided over by a person who is not professionally trained to administer justice cannot materially observe its core mandate. In Sudan for instance, the Central Court Martial and the Major field Court are comprised of among others, a legal officer at a specific rank<sup>19</sup>. Whereas this does not necessarily ensure independence and professionalism of the courts martial, there is at least a safeguard in as far as comprehending complex legal issues through trial.

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<sup>18</sup> Ibid.

<sup>19</sup> Sections 55-57 of the Armed Forces Act, 2007

Relatedly, in Ghana, a Judge Advocate- the judicial officer who presides over the General Court Martial is appointed by the Chief Justice<sup>20</sup>. Whereas under S. 73A, the President of Ghana may appoint a Judge Advocate General to preside over General Court Martial, it is in consultation with the Chief Justice. The conditions of service of the Judge Advocate General are mostly similar as those applicable to a Judge of the High Court or Court of Appeal Judges.

All these are safeguards for ensuring the independence and impartiality of the General court Martial in the first place.

Additionally, in Uganda, the prosecutors in the military justice system are equally under the same institution, serving soldiers whose hands are tied by the chain of command in the military.

In the circumstances, it is not unlikely that proper justice can be administered justly for all Ugandans – armed personnel or civilians who are tried by the Court Martial under the current legal framework. Since most of the cases are criminal in nature, there is unquantifiable loss, but hundreds of Ugandans have been and continue to be tried by court martial which lacks competence, independence and impartiality contrary to the constitution and international law. This gravely violates fundamental fair trial rights of not only civilians but soldiers too<sup>21</sup>.

### **Alternative**

**The UPDF Act ought to be amended to provide for a more professional Court Martial, chaired by a trained lawyer cum Judge. The Judge should be appointed the same way High Court are appointed.**

**This will ensure fair hearing and dispensation of proper justice in courts martial as well as saving Ugandans who appear before Courts Martial for various charges a lot of unquantifiable resources, time and justice.**

## **Chapter 4: Conclusion.**

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<sup>20</sup> Sections 68 and 73 of the Armed Forces Act of Ghana

<sup>21</sup> Federico Andrué-Guzmán, International Commission of Jurists, 2005. Military Jurisdiction and International Law- International Jurisprudence and Doctrine on Human rights, 2005.

Cognizant of the fact that ensuring security is a collective effort, if the government bridged the identified gaps, citizens of Uganda would feel confident in the security and defence apparatus. Consequently, in concert, all Ugandans would strive to ensure lasting security, peace and tranquility in Uganda.

The State is further urged to put the interests of the citizens at the forefront in the making of any security decision.

For God and My Country.