

SENIOR 3: TERM 1

THEME 3: UGANDA

TOPIC 01: THE STRUCTURE OF GOVERNMENT

Learning outcomes (objectives)

By the end of the topic, the learners should be able to:

- Know the main differences between a country, nation, state and government (k)
- Understand and show the structure of Uganda's government with the arms of government (v,k,s)
- Appreciate the best structure for a good government (s,u)
- Understand other systems of government in East Africa (u)
- Compare the Ugandan system of government with other partner states of the East African Community (u)
- Compare the Ugandan system of government with other states like Ghana, the United States of America, and China and make suggestions which can make our system of government better

Support materials:

Cabinet, parliament and judicial charts, the constitution, the dictionary, reference books, relevant photos, audio clips, video recordings, library archives, relevant newspaper cuttings, organograms, manila papers, a pen, notebook etc

Activity 1.0

Using the dictionary or the internet, define the following terms; country, nation, state and government and show whether or not your country is a state or nation.

Using your study groups, write down the characteristics of a state and a nation.

Definition of key terms

a) Nation

A nation is defined as 'a community of persons not constituting a state but bound by common descent, language, history and others. It can also be regarded as 'a large body of people united by common descent, history, culture, or language, inhabiting a particular country or territory'. We can also look at a nation as "a community of people living in the same geographical area with clearly demarcated boundaries".

There are two types of a nation, namely monolithic (homogenous) and heterogeneous nations. Homogenous nations are composed same group of people, same culture, same origin and same language while heterogeneous nations are composed of different ethnic groups, different languages and people of different historical backgrounds.

Characteristics of a homogenous nation:

A nation has the following characteristics

- It has a common language
- It has a common culture, custom,
- Common descent (history), origin
- Common territory in which they live
- It has its national economy

Characteristics of heterogeneous nations:

- There are different languages spoken by the people
- The people have no common ancestry
- The people practice a variety of cultures which may be different

b) State

A state is 'a politically organized body of people usually occupying a definite territory especially one that is sovereign'. It can also be defined as 'a government or politically organized society having a particular character'. A state may also be defined as the supreme public power within a sovereign political entity. A state can also be regarded as "a public power machinery with a mandate to protect and control people together with their property within a territory".

We can also define a state as "a centralized political structure with a permanent bureaucracy, a capital town, and a ruler who exercises control over a large area". In modern times the head of most states are rulers or leaders elected by universal adult suffrage.

The key characteristics of a state:

The following are the key characteristics of a state:

- A state has people (inhabitants, occupants), who are normally referred to as the populace who live in (occupy) it
- It has clearly demarcated territory or boundary which is internationally recognized
- A state has a government run by a group of people who lead it. It also has an organization or a political party which is normally referred to as the ruling party
- A state is normally sovereign or independent and is not under direct foreign domination or complete political influence.
- It posses and is mandated to use instruments of coercion like the institution of the police and the army to maintain law and order and provide defense to its territorial boundaries and the citizenry where necessary.

c) A Government

Government may be defined as an institution of the state that is primarily concerned with governance and the general well-being of the people within its governance.

A government is also defined as 'a system or group of people or authority governing an organized community or a state'. Simply put, a government is a group of people who control (rule a country) at a given period of time. It's therefore the ruling agency of the state. A government normally consists of three branches namely; the legislature, executive and the judiciary which co-exist but play their roles independently.

A government can also be viewed as 'the means by which organizational policies are enforced, as well as a mechanism for determining the policy'. Each government has a kind of constitution which guides it, a statement of its governing principles and philosophy of governance. In most cases it is formed by the party that wins in an election which is normally held periodically.

The structure of Uganda government.

Activity 1.1

Through the use of the internet or your small discussion groups of five, find out the structure of the government of Uganda and show the composition of both the central and local governments. Using the same or other sources of information write down the three major arms of government and show their roles. Why do you think these arms of government are independent while at the same time interdependent and complementary to each other?

Uganda is a presidential republic in which the President is the head of state while the Prime Minister is the head of government business in parliament. The president of the republic of Uganda is elected through universal adult suffrage after every five years, however there are no presidential term limits. The country practices a multi-party system. Executive power is exercised by the government headed by the president who appoints and fires the cabinet ministers.

Uganda operates a unicameral parliamentary (legislative) system headed by the speaker of parliament. This means that there is only chamber of parliament unlike other countries which have both the senate and the lower house of assembly.

In Ugandan judiciary operates as an independent branch of government and it is composed of the magistrate's courts, high court, court of appeal (which organizes itself as the Constitutional Court of Uganda when hearing constitutional issues), and the Supreme Court headed by the Chief Justice. Judges for the High Court are appointed by the president; Judges for the Court of Appeal are appointed by the president and approved by the legislature.

These branches of government namely the Executive, the Legislature and the Judiciary are supposed to operate independently while at the same time complementing each other

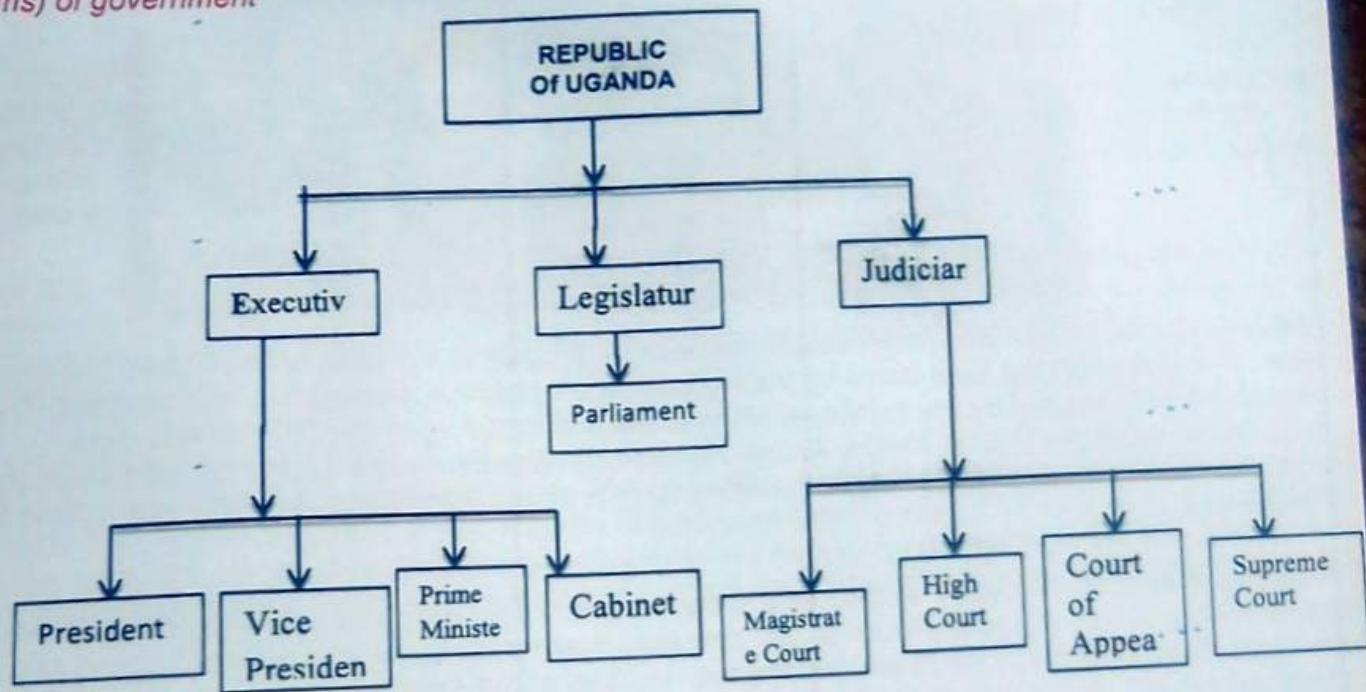


Symbol of justice and equality before the law

Activity 1.2

History and Political Education Senior Three by Unamido Amone

A diagram showing the organizational structure (organizational tree/organogram) of the branches (arms) of government



The three arms of government and their functions.

Government cannot function properly unless there exists some structures and organs. Most independent states adopt a structure involving the government existing through different arms and at different levels.

In most political systems based on the principle of separation of powers like the case of Uganda, authority is distributed among several branches or arms of government. This is normally done in an attempt to prevent the concentration of power in the hands of a single group of people, abuse of authority and domination. In such a system, the government is constituted by three arms of government namely, the executive, judiciary and legislature each playing a clearly defined role as provided for in the constitution..

These arms perform different responsibilities are aimed at ensuring that governance is attained at a level that is mostly beneficial to the people. The following are the roles and functions of the three arms of government:

1) The Executive arm of government in Uganda



This arm of government which administers the country. It governs the state and enforces law and order. It ensures that the laws made by the legislature are properly executed by its members. The executive arm is headed by the President of the state. It is made up of the Cabinet and uses enforcement agencies like the Police, Armed Forces and different ministries and parastatals in order to govern. This arm wields the greatest power within the government because of the role it plays in governance.

The head of this arm is usually elected by the electorates. When the head gets into power, it makes appointments for the different ministries and parastatals and also appoints a cabinet. The President is the head of the Armed Forces or the Commander in Chief of the Armed Forces. This arm of government also carries on ceremonial functions as well in representation of the state.

Uganda's cabinet as of 2022 comprises of 34 Cabinet ministers and 50 Ministers of State all appointed by the president but with approval of the parliament.

The role of the Executive branch of government:

The Executive plays the following roles:

a) *The role of governance, implementation and enforcement of law and order.*

The major function of the Executive branch of government is the implementation of laws. After laws have been made in a state by the parliament, these laws must be implemented if they are to have any purpose. The executive is therefore concerned with this function. It ensures that the laws are implemented, obeyed and that order is maintained in the society. In systems where the separation of powers is emphasized, the executive does not pass laws or interpret them. Instead, the Executive enforces the law as written by the legislature and interpreted by the judiciary. Hence, whenever a breach of law takes place, it is the responsibility of the executive to plug the breach and bring the offenders to book. However, the Executive can be the source of certain types of law, such as a decree (like it was the case during Idi Amin's regime) or an executive order. In order to implement the laws, maintain law and order and defend the country, the Executive organizes and uses the institution of and the instruments of coercion like the police force and the armed forces.

b) *The role of making appointments to key government offices and positions:*

The Executive arm of government under chief executive (The President) plays a key role in making all major appointments to key positions in the country with the approval of the parliament. For instance, the President of the republic of Uganda appoints the Chief Justice and other judges of the Supreme

and High Court, cabinet ministers, ambassadors, Inspector General of Government (IGG) and IGP among others. This role is a constitutional mandate of the President only.

c) The role of making and signing treaties with other countries or organizations

The Executive is constitutionally mandated to decide which treaties are to be signed with which other countries and international organizations. It further negotiates the treaties in accordance with the procedure defined by international law and also in accordance with the provisions the constitution of the state as well as the interests of the country.

Generally, each treaty is supposed to be signed by a member of the Executive for the purposes of collective responsibility. Most of the treaties also require ratification by the legislature (parliament) of the State. It is again the responsibility of the executive to secure legislative approval for the treaties signed by it.

d) The role defence, war and peace:

This is one of the key roles of the executive. The Executive is constitutionally mandated to defend and preserve the unity, independence and integrity of the country and protect it in the event of an external aggression or war. The executive therefore organizes the military for the defense of the state, it prepares for and fights the war, where necessary, and it negotiates and signs peace settlement after every war or major conflicts.

The Executive is also responsible for judging the nature of the threat to the security of the country. It has the prime responsibility to take all such steps as are needed in the interest of the security and integrity of the state depending on the threats detected. The chief executive of the state is also the supreme commander of the armed forces of the state and has the mandate to declare war when and whenever deemed necessary.

e) The role of conducting foreign/international (diplomatic) relations:

The Executive plays the role of conducting foreign and diplomatic relations with other countries. Globalization has increased interdependence among states hence increasing the rate of diplomatic relations among countries of the world. It has therefore become important for governments to formulate and conduct foreign policies which promote the interests of their countries.

In conducting foreign policies, the Executive formulates the goals of national interests and fixes their priorities. It first formulates the foreign policy of the nation and then implements it for securing the defined goals of national interests. To ensure that the foreign policies work well, the executive appoints ambassadors, high commissioners and other plenipotentiaries of the state to other countries (states) of the world to represent its interests.

f) Policy-making role:

The Executive is responsible for carrying out functions for securing the socio-economic-cultural development of its people. It formulates policies, prepares and implements short-term and long-term plans for the benefit of the citizens.

g) Executive functions relating to Law-making:

Whereas law-making is primarily the function of the legislature, the executive through the cabinet ministers also play a role in law making through introducing bills to the parliament.

Most of the bills introduced for legislation in parliament are done by the executive and in most times the legislature spends more time passing governmental bills. The bills passed by the legislature become laws only after these are signed by the Head of the State (executive).

h) Law-making under the system of Delegated Legislation:

The system of delegated legislation has considerably increased the law-making role of the executive. Under this system, the legislature delegates some of its law-making powers to the executive. The executive then makes rules on the basis of these powers. The amount of delegated legislation made by the executive far out-weighs the laws passed by the legislature.

i) Financial Functions:

The Executive has a financial role to play in a country. Much as the legislature is the custodian of all finances, in actual practice however, it's the executive which exercises a number of financial functions. For instance, the executive has the responsibility to prepare the budget; it proposes the levy of new taxes or changes in tax structure and administration. It collects and spends the money as sanctioned by the legislature.

Besides, the Executive arm of government decides the ways and means through which the money (revenue) is to be collected and spent. It further takes suitable measures for regulating the production and distribution of goods, money supply, prices and exports and imports. The executive is also responsible for contracting foreign loans, negotiating foreign aid and maintaining the financial credibility of the state through appropriate micro and macroeconomic policies.

j) Semi-judicial functions and roles of the executive:

The Executive plays a semi judicial role of appointing judges of the High Court, the Principle Judge, the Chief Judge as well as judges of the Supreme Court. This is by far the best method for ensuring the independence of judiciary in a democratic dispensation. In almost all democratic systems, the chief executive has the power to appoint judges. Furthermore, he has the prerogative of mercy. This means he has the right to grant pardon, reprieve and amnesty to criminals including those who have been sentenced to death.

k) The role of grant of titles and honors:

The Executive grants titles and bestows honors to the people in recognition to their meritorious services to the nation. Such persons who do commendable work in their respective spheres of activity—Art, Science and technology, Literature to mention but a few are granted titles and meritorious awards by the executive.

The executive also grants titles to such military personnel who show exemplary courage and devotion to duty during war or peace. Every year in February during Tareeh Sita and Independence Day (October 9th) celebrations, meritorious awards are given to those who have made exemplary contributions to the country. Even ordinary citizens are granted honors in recognition of their meritorious work for and contribution to the society. Examples of people who have ever received meritorious awards are the late Dr. Martin Lukwya of Lacor Hospital in Gulu City who died while fighting Ebola outbreak and Dr Joseph Epodoi a consultant surgeon of Soroti referral Hospital who together with a team of doctors successfully separated Siamese twins who had been rejected by Mulago national referral hospital in 2021. All decisions in this respect are taken by the Executive making it the most powerful arm of government.

History and Political Education Senior Three by Uganda Curriculum

1) The role of checking on other arms of government:

The Executive also carries out checks on other arms of government. The laws made by the legislature do not become laws until they have been assented to by the head of the executive arm, similarly, the President has the power to make some judicial appointments. All of these serve as ways to ensure that the executive carries on checks on the other arms of government.

2) The Parliament / the legislative arm of government (Legislature)



The Legislature or the Parliament is the arm of government which is primarily concerned with the law making process in the country. The Legislature ensures that laws are made and reviewed from time to time to ensure that the state is governed in a manner that will ensure respect of law and order within the society. The Legislature also ensures that laws which require amendments and review to bring them in line with prevalent circumstances are constantly reviewed.

It's also an institution which controls the finances of the state. It ensures that the budget of the state is passed as at when due and that money is available to finance the budget. General oversight and check on the other arms of the government is usually carried out by the legislature. This may include the doing of acts like voting on major appointments and approving these appointments into other arms of government, and occasional review of the activities of the other arms.

The Legislature may be unicameral or bicameral. A unicameral Legislature is one that is made up of a single house. There are no tiers to this type of legislature. On the other hand, a bicameral Legislature is one that is made up of two tiers or levels namely the Senate and House of Representatives. Members of the legislature are usually appointed by the citizens through elections after the state has been demarcated into different constituencies depending on the size and the population.

As of 2022, the Parliament of Uganda is comprised of 529 members drawn from the ruling party (NRM) as well as the opposition. The 529 Members of Parliament of the Republic of Uganda are distributed as follows:

- 353 Constituency Representatives each representing an equivalent of a county,
- 146 Women Representatives each representing a district
- 5 Representatives of the youth each representing a region
- 10 Army (UPDF) representatives,
- 5 representatives of persons living with disabilities
- 5 representatives of the elderly.

- 13 ex-officio members (nominated members of parliament without voting rights)
- 5 representatives of workers.

P The Speaker of Parliament is the leader of the legislature and chairperson of the Parliamentary Commission which is mandated to conduct strategic and organizational guidance of Parliament. He/she is deputized by the Deputy Speaker of Parliament.

Functions, duties and powers of Legislature in East African Countries.

N **H** **S** **m** **N** **re** **pr** **di** **T** **I** **o** **s** **m** **t** **A** **P** **I** **to** **L** **D** **o** **T** **p** **a** **d** **tr** **I** **t** **P** **C** **O** **F** **A** **t** **C** **1** **Comprehensive Study Guide for Senior Three, the new lower Curriculum** **12**

The primary function of Parliament is to make laws. It ensures that laws are made when due, with due regards being given to the Constitution on the law making process. Parliament carries out this function by debating the bills proposed by the Executive. (Bills are proposed laws).

Another important function of the legislature is to amend and review laws. Laws are made to regulate the activities of people within the state. People and society are constantly changing, so the law must also be in constant flux if it is to be effective and relevant because laws are not cast in stones! The Legislature makes sure that this is done by constantly amending and reviewing laws whenever deemed necessary.

Parliament provides checks on the other arms of government like the executive and the judiciary. This is to ensure that the other arms of government work in accordance with the guiding laws and rules and for the benefit of the people. The Legislature therefore carries out activities like voting on the budget prepared by the executive arm, reviewing ministerial appointments made by the executive arm, reviewing judicial appointments made by the Judiciary among other functions.

Parliament provides resources that are required for the smooth running of the Government by providing legislative sanctions and approval of the government budget and spending. Parliament also authorizes the Government to acquire loans in case it needs them for the purposes of development.

Parliament scrutinizes and looks into government policies as outlined in the state of the nation address by the head of state to ensure that they serve the interests of the country and the people. In so doing Parliament checks and challenges the work of government. Parliament also monitors the implementation of government policies and programs.

Parliament has a duty of protecting the constitution of the Republic of Uganda and promoting democratic ideals. This is done through ensuring periodic elections. The East African countries of Uganda, Kenya and Tanzania normally go to the polls after every five years.

It has powers to declare a war or grant assistance for the military when the country is threatened by wars. Besides even during natural disasters when the country is threatened by landslides, floods, hunger, diseases like Ebola and Cholera that claims lives of many people, the Parliament makes quick response to have life of the people in the country saved.

Parliament is an institution with an obligation of developing, promoting and maintaining the spirit of nationalism among its members. Parliament does that ensuring that its sessions are opened with a national anthem, prayers and even rehearsing the countries' national motto, "For God and my Country".

The Parliament through the laws it passes ensures the protection of minority and disadvantaged groups in the country from any form of discrimination oppression and all other forms of abuses. These minority and disadvantaged groups may include among others street children, Albinos, widows, traditional leaders, homosexuals to mention but a few. It is the Parliament that ensures their safety and protection by emphasizing their rights and passing laws which protect them.

The Parliament of the Republic of Uganda ratifies treaties signed by the head of state for both diplomatic and economic purposes. It further extends advice and approval to the people appointed by the President in different offices like among others that of Ministers, vice president, Commissioner and Directors by assessing their performance abilities.

It promotes good behaviors in the nation through encouraging leaders and servants to observe the leadership code of conduct, professionals code as well as leadership ethics. Parliament has the powers to make rules, oversee and investigate government officers involved in corruption scandals or any other forms of abuse of office and ensuring proper behavior among the civil servants and leaders.

The parliament is a defender of human rights, privileges and democratic ideals in the country. It does this by condemning those people who violate human rights and it suggests the ways through which fundamental human right can be protected e.g in 2010, the East African Parliament made a resolution to the UN to have female genital mutilation abolished in East Africa. Parliament also stands up against the government in case it goes against democratic ideals in the country.

The Ugandan parliament also works hand in hand with other Parliaments within the region and outside of it to develop policies that provide and promote regional and global developments. For instance, the Ugandan parliament works with the East African Legislative Assembly for effective and smooth running of their countries. The Ugandan parliament is also a member of the Commonwealth parliamentary association.

Parliament represents the interests of all the citizens of the country. This is done through the members of the parliament that are elected from all over the country and such members of parliament work on behalf of those who vote for them into power.

It's an important institution in the fight against corruption. Parliament helps the government to fight corruption and misuse of public funds through the different committees in the parliament. In Uganda for instance, The Public Accounts Committee helps the government to question the public servants who are suspected to have misused, embezzled public funds or abused their office(s) in various ways.

It has a role to play in advising the president on issues that affect national development and the nation at large like health, security, Education to mention but a few. That is why sometimes parliamentary committees visit hospitals, schools etc to ascertain the facts on the ground and the extent to which services are being provided to the people for the welfare of the citizens of the country.

Another important role of Parliament is that of debating national issues. It debates national issues brought to its attention by the government or private members. It also debates any matter or incidents which has occurred in the country so long as it has a bearing on the welfare of the citizens.

Parliament vets the appointment of persons who have been nominated by the president to hold important offices of the state as provided for by the constitution. Such nominees include members of

- the cabinet (ministers), the Judges of the High Court, the Supreme Court Judges, the Chief Judge
- Principle Judge and many others.

P Hi Si C m N of Ni re pr di T ol sii m te A pr to le D ol T p a d th It P in F d U C It W h re F A n ni 3) The Judiciary/ the Judicial arm of government



This arm of government which interprets the laws in the country. Laws after they are made may not be very clearly understood, so when disputes arise with respect to these laws, the Judiciary arm of government ensures the interpretation of the law and resolution of these disputes. The Judiciary is headed by the Chief Justice who is responsible for the supervision and administration of all courts of law in the country. He is deputized by the Deputy Chief Justice who is also the head of the Court of Appeal. All High Court judges are appointed by the president whereas the judges of the Court of Appeal are appointed by the President but approved by the legislature

b The judiciary also serves as the custodian of the grand norm- Constitution. It ensures that its provisions are respected to the letter. The Judiciary is made up of different courts with different jurisdictions and hierarchy ranging from the Supreme Court to the Court of Appeal, to the High Courts.

le tt The structure of the judicial system in Uganda is as follows:

- The Supreme Court,
- Court of Appeal (which doubles as the Constitutional Court) ,
- the High Court,

in F The Constitution also allows Parliament to establish other courts as it sees necessary. To fulfill this necessity Parliament created the following courts:

- Industrial Court
- Magistrates Courts
- Military Courts (Court Martial)
- Tax Appeal Tribunals
- Local Council Courts
- Qadhi Courts

re Therefore, in Uganda, there are eight recognized courts of law.

Rank	Court	Core duties	Headed by
I (Highest)	Supreme Court	<ul style="list-style-type: none"> • Hears cases like Presidential Election petitions • Handles appeal cases from the High Court etc 	Chief Judge

History and Political Education Senior Three by Minister of Education

II (2 nd Highest)	Court of Appeal/ Constitutional Court	<ul style="list-style-type: none"> • Court of Appeal handles appeals • Constitutional Court is in charge with interpreting the Constitution 	Deputy Chief Judge
III High Court (3 rd Highest)	<p>It is divided into different divisions e.g</p> <ul style="list-style-type: none"> • Land • Commercial, and • Anti- Corruption Division 	Handles capital offences e.g murder, rape, aggravated defilement, corruption cases etc	Principal Judge
IV (Forth Highest)	Chief magistrates courts	Handle less serious (minor) cases <i>(see ahead for more details)</i>	Chief Magistrate
Magistrates courts, grade I (fifth highest)	Grade I Magistrate Court	<i>See ahead for more details</i>	Grade I Magistrate
Magistrates courts grade II (sixth highest)	Grade II Magistrate Courts	<i>See ahead for more details</i>	Grade II Magistrate
There are also other courts like the LC courts etc	LC Courts	<i>See ahead for more details</i>	LC Chairpersons

The Divisions under the High Court.

Below are the divisions that operate under the High Court in Uganda and their core functions.

Anti-corruption division; this division was established to handle all cases that are related to corruption, embezzlement and abuse of office.

Execution and bailiffs division; this division was established to carry on all court decisions and to enforce court orders. They are empowered a building illegally constructed on a disputed land once the court orders them to do so.

Industrial court; this division was established to handle labor disputes. For example it handles worker's complaints like things to do with wages, allowances, and their welfare among others.

The civil division; this division was established to handle all civil cases reported to it and it hears all appeal cases from the magistrates court. For example things to do with partnerships.

Criminal division; this division was established to handle all high level crime cases that are in the category of killings, murder, treason, rape, defilement and all cases related to these that are brought to it from the magistrates' courts.

Family division; this division was established to handle family issues like divorce, property inheritance, adoption of children to a couple without children among others.

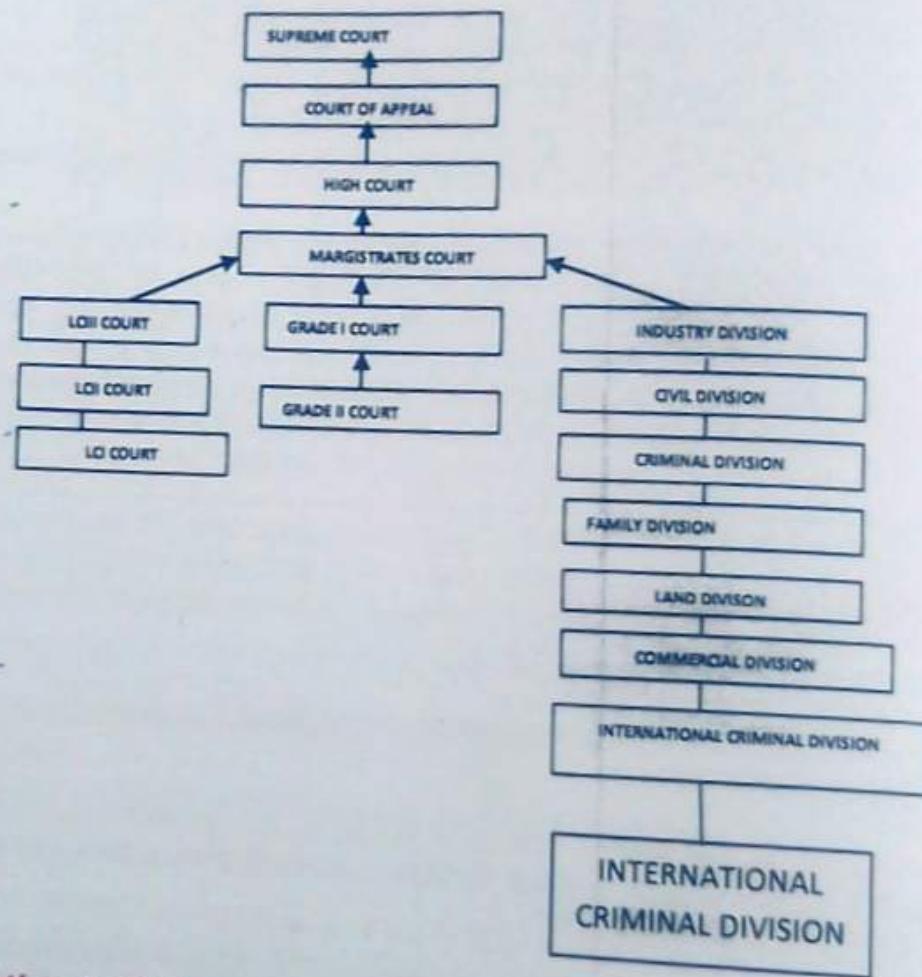
Land division; this division was established to handle all land related cases like lease, purchase, sale and control of all resources like minerals among others.

History and Political Education Senior Three by Uganda Curriculum

Commercial division: this division was established to handle all cases reported to it that involve finances. It deals with all economic, financial and commercial disputes in the country.

International criminal division: this division was set to handle cases reported to it related to international crimes. Its establishment has a base in the international criminal court (ICC) Rome Statute to which Uganda is signatory. It works hard in areas related to the promotion of human rights and the rule of law so as to ensure peace and security. It operates on international level.

The organizational structure (organogram) of the Judiciary in Uganda



Functions of the Judiciary

The Judiciary plays the following roles:-

The Judiciary is the arm of government which interprets the laws and the constitution for the benefit of the citizens of the country. One of the major functions of the Judiciary is therefore to interpret and apply laws to specific cases. In the course of deciding the disputes that come before it, the judges interpret and apply the laws. Every law needs a proper interpretation for it to be applied to every specific case. This function is performed by the Judiciary (judges). This is done by the judges of the Court of Appeal or constitutional court who are mandated to interpret the different Articles of the Constitution as well as the laws of the land for the public. This function is not carried out by this arm whenever it wishes, but only when it is called upon to do so by disputants.

The Judiciary hears all the criminal and civil cases in the country and passes judgment in accordance with the evidence adduced in the courts of law. This evidence may help acquit or convict the accused thereby ensuring fair judgment. The Judiciary is therefore the only institution of government with the mandate to try and convict suspects.

The Judiciary witnesses the installation of the new Government after the election of the new president. The Chief Justice is constitutionally mandated to swear in the new President, Speaker of Parliament as well as the Deputy Speaker of Parliament. Besides, it also witnesses the signing of major International Treaties between or among countries. In the absence of the President, the Vice President and the Speaker of Parliament, the Chief Justice takes over the running of the state until the next President is elected.

It advises Government on legal issues in order to promote the rule of law. The Judiciary does this through the office of the Attorney General (AG) and members of the Judicial Service Commission (USC). They ensure that the Government operates and acts constitutionally and within the law.

The Judiciary checks on the other arms of government. In a bid to ensure that no arm of government is given excessive and uncontrolled power, the Constitution provides for checks and balances for the different arms of government. The Judiciary among is not left out. It has the power to review the actions of both the legislature and executive through judicial review and can at the end of the review, declare the said actions legal or void. The Judiciary further advises both the Executive and the Legislature (Parliament) to work within the limits of their powers or authority whenever they go astray thereby promoting the doctrine of separation of powers.

The Judiciary promotes the rule of law and contributes to the maintenance of law and order in society through proper administration of laws throughout the country using different organs like the Police, Courts of law and the Army to enforce its decisions. In this way justice is done, safety and stability is maintained in the country.

The Judiciary settles disputes among the citizens themselves and between the citizens and the state. The presence of disputes is an integral part of the lives of humans. So it is only natural that disputes are bound to arise from business relationships, domestic relations and even professional relationships. When they arise, the Judiciary is the arm of government which ensures that they are settled amicably. The judicial system therefore provides a mechanism for resolving disputes between citizens, between citizens and the government, between two state governments and between the centre and state governments. Aggrieved parties are normally encouraged to go to the courts of law to solve their differences.

The Judiciary also performs law-making functions. While interpreting the existing laws the judiciary also performs the role of a lawmaker 'judge-made' laws are common to all systems of jurisprudence worldwide. Such occasions arise when the provisions of the existing laws may be ambiguous, or sometimes two or more laws appear to be in conflict under a given circumstance. Herein the Judiciary plays an important role in determining what the law is and when two laws apparently conflict, which shall prevail. In this context, we fully realize the judiciary playing an important role of law making.

The Judiciary protects the rights of the citizens and other people from inhuman treatment like imprisonment without trial, detention for a long period of time beyond the period provided for in the constitution and many other forms of extra-judicial abuses.

The Judiciary hears all the criminal and civil cases in the country and passes judgment in accordance with the evidence adduced in the courts of law. This evidence may help acquit or convict the accused thereby ensuring fair judgment. The Judiciary is therefore the only institution of government with the mandate to try and convict suspects.

The Judiciary witnesses the installation of the new Government after the election of the new president. The Chief Justice is constitutionally mandated to swear in the new President, Speaker of Parliament as well as the Deputy Speaker of Parliament. Besides, it also witnesses the signing of major International Treaties between or among countries. In the absence of the President, the Vice President and the Speaker of Parliament, the Chief Justice takes over the running of the state until the next President is elected.

It advises Government on legal issues in order to promote the rule of law. The Judiciary does this through the office of the Attorney General (AG) and members of the Judicial Service Commission (USC). They ensure that the Government operates and acts constitutionally and within the law.

The Judiciary checks on the other arms of government. In a bid to ensure that no arm of government is given excessive and uncontrolled power, the Constitution provides for checks and balances for the different arms of government. The Judiciary among is not left out. It has the power to review the actions of both the legislature and executive through judicial review and can at the end of the review, declare the said actions legal or void. The Judiciary further advises both the Executive and the Legislature (Parliament) to work within the limits of their powers or authority whenever they go astray thereby promoting the doctrine of separation of powers.

The Judiciary promotes the rule of law and contributes to the maintenance of law and order in society through proper administration of laws throughout the country using different organs like the Police, Courts of law and the Army to enforce its decisions. In this way justice is done, safety and stability is maintained in the country.

The Judiciary settles disputes among the citizens themselves and between the citizens and the state. The presence of disputes is an integral part of the lives of humans. So it is only natural that disputes are bound to arise from business relationships, domestic relations and even professional relationships. When they arise, the Judiciary is the arm of government which ensures that they are settled amicably. The judicial system therefore provides a mechanism for resolving disputes between citizens, between citizens and the government, between two state governments and between the centre and state governments. Aggrieved parties are normally encouraged to go to the courts of law to solve their differences.

The Judiciary also performs law making function. While interpreting the existing laws the judiciary also performs the role of a lawmaker. Judge made laws are common to all systems of jurisprudence worldwide. Such occasions arise when the provisions of the existing laws may be ambiguous, or sometimes two or more laws appear to be in conflict under a given circumstance. Herein the Judiciary plays an important role in determining what the law is and when two laws apparently conflict, which shall prevail. In this context, we fully realize the judiciary playing an important role of law making.

The Judiciary protects the rights of the citizens and other people from inhuman treatment like imprisonment without trial, detention for a long period of time beyond the period provided for in the constitution and many other forms of extra-judicial abuses.

The Judiciary is the guardian protector of the Constitution of the State. It safeguards the Constitution and upholds democratic principles. It's the duty of the judiciary to ensure that the sanctity of the constitution is respected as provided for in the constitution. Its also incumbent upon the judiciary to ensure that democratic principles are upheld and respected by those in authority.

The Judiciary plays a role in authenticating relationships, partnerships and marriage: It does this through the courts of law like family courts that deal with issues. The judiciary can sanction or dissolve civil marriage or relationships.

The Judiciary determines the guilt or innocence of those accused of violating the criminal laws of the state by giving them a fair hearing and passing judgment according to the evidence and defense adduced. Depending on the defense provided, the judges may punish or acquit the accused.

The Judiciary supervises the general work of the Courts of law all over the country and it provides recommendations for improvement where loopholes exist for the proper and improved administration of justice in the society (country)

Other systems of government in East Africa

Activity 1.3

Evaluate the structure of the East African systems of government and suggest changes or improvements that would benefit the citizens of these countries

There is no one or single type or system of government that applies to all the countries of East Africa. The systems of government tend to differ from one country to another. However, the most widespread form of government in East Africa is the presidential republic. In a presidential republic, an elected official – the president – operates independently of the legislature and the judiciary as the executive authority (though these branches complement each other). In East Africa, presidential republics vary in regards to the level of power entrusted to the electorate.

Below is the case by case presentation of the systems of government of some of the countries of East Africa:

a) *The system of government in Kenya.*

Kenya functions under a devolved system of government with two levels of government namely, the national and the county government. The national government comprises of the Judiciary, the Executive, and the Legislature as its major branches of the government.

The National Government in Kenya:

The National government of Kenya comprises of the Judiciary, the Executive, and the Legislature as mentioned above. The Executive arm of government in Kenya is headed by the president who is elected for a maximum of two five-year terms.

The president, who exercises executive powers, is the head of both the state and the government. He works with a cabinet comprising of the deputy president and cabinet secretaries who are in charge of various ministries. The executive is in-charge of policy formulations and implementation of various government projects.

In Kenya, the legislative powers are vested on the Senate and the National Assembly. The two houses play an oversight role as well as debating of bills before the presidential ascent. The two legislative assemblies are each headed by a Speaker

In Kenya, the Judiciary, which is independent of the other two arms of government, is headed by the Chief Justice who also presides over the Supreme Court which has the responsibility of interpreting the Constitution and whose decisions are final and cannot be challenged by anyone.

The County Government in Kenya:-

The county government in Kenya is the second level of government under the Kenya's constitution. There are 47 county governments each headed by a governor. The governors are elected for a maximum of two five-year terms. Just like the president, governors also appoint county executives who are in-charge of the various county portfolios including health, infrastructure, finance, and other sectors of development.

The governors are responsible for the management of county resources including revenue collections and supervision of the development projects. The county assembly which comprises of the elected ward representatives together with the Senate plays an oversight role and is also responsible for budgeting and approval of projects to be carried out by the county government.

b) The system of government in Tanzania

Tanzania is a unitary presidential democratic republic, in which the president of the country serves as the nation's head of both state and government. The country has a multi-party system with the Chama Cha Mapinduzi party, which means Revolutionary State Party, dominating politics of the country.

While the government of Tanzania exercises executive power, legislative power is vested in both parliament and the government. The country's judicial branch is independent of both the legislature and the executive.

Executive branch of Government in Tanzania

The head of the executive branch is the president of Tanzania, who is elected to the presidency by direct popular vote to serve a term of 5 years. The prime minister of Tanzania is appointed by the president and is the leader of government business in parliament.

The president appoints the cabinet from the members of parliament. The country's constitution permits the president to nominate ten members to the parliament who are non-elected, but who are eligible to be cabinet members.

Legislative branch of Government in Tanzania

The Republic of Tanzania has a unicameral national assembly, also known as Bunge, which consists of 324 seats, 236 of which are elected by popular vote. Bunge allocates 75 seats to women who are in turn chosen in proportion to their electoral vote share by their parties.

Members of the national assembly serve for a term of 5 years. Besides enacting laws that apply to the entire United Republic of Tanzania, which includes the autonomous island of Zanzibar; the national assembly enacts laws applicable to mainland Tanzania. On the other hand, the island of Zanzibar has a house of representatives which is responsible for making laws that only apply to the island. The Zanzibar House of Representatives consists of 81 seats, and members are directly elected by universal suffrage to serve a term of 5 years.

Initially, the house of representatives had 76 members, including an Attorney General who is appointed by the president, five ex-officio members, ten members appointed by the president of Zanzibar, and 50 members who are elected by the public. Originally, only 10 seats were allocated for

women, but in May 2002 the number was increased to 15, which brought the total number of members to 81.

The Judiciary in Tanzania

The Republic of Tanzania's legal system borrows from the British common law and incorporates traditional and Islamic laws. The 1977 Constitution of the United Republic of Tanzania gives the judiciary the authority and responsibility to administer justice. Article 107A and 107B of the country's constitution gives authority to the judiciary, and expressly states the independence of the judiciary. The judiciary in Tanzania is composed of the Court of Appeal of Tanzania, which is the highest court in the country. The second highest is the High Court of Tanzania, and the High Court of Zanzibar. The court of appeal has jurisdiction over Tanzania mainland and Zanzibar, and the constitution provides three other jurisdictions, which include appellate, review, and revision of jurisdictions. Other courts in the country include district courts, resident magistrate courts, Kadhi's Court, Kadhi's Court of Appeal and primary courts.

c) The type of government in Rwanda.

A brief history of Rwanda

Rwanda was part of German East Africa from 1885 to 1919, when the Belgians took over. The colonial powers administered the colony through kings and favored the ethnic Tutsis in administration. It later gained its independence in 1962.

Prior to independence in 1959, the majority Hutu ethnic group staged the 1959 Rwanda Revolution which overthrew the ruling Tutsi aristocracy. In the following years, many Tutsis were murdered, and more than 150,000 were exiled as refugees into neighboring countries like Uganda. Later, the children of these refugees formed an insurgent organization known as the Rwandan Patriotic Front (RPF) and started a civil war in 1990, which took them back to Rwanda.

The RPF, headed by President Paul Kagame, has been the dominant political force in Rwanda's politics since 1994. The country has been on a mission to rebuild itself after the devastating ravages of war witnessed during the genocide of 1994.

Executive branch of government in Rwanda

Rwanda is a presidential republic with a president who is the head of both the state and the government, as well as commander in chief of the country's armed forces. The president is elected directly by universal adult suffrage to serve for a seven-year term and can be elected for a maximum of two terms.

The president and the cabinet hold the executive powers in the country. The president appoints the Prime Minister and members of the cabinet. The cabinet is directly accountable to the parliament, according to the constitution of the country. Some of the president's duties include negotiating and approving treaties, creating policy in collaboration with the cabinet, declaring a state of crisis or war and signing presidential orders.

The responsibilities of the Prime Minister include coordinating the functioning of the cabinet, ensuring the implementation of law, and formulating government programs together with other members of cabinet. The Prime Minister also presides over cabinet meetings when the president is absent, assigns duties to ministers of state, and may appoint military officers and civil officers whenever need arises.

The Legislature in Rwanda

Rwanda has a bicameral parliamentary system made up of the Senate and the Chamber of Deputies. The senate has 26 members who are either appointed or elected for an eight-year term. 12 members are chosen by sectoral or provincial councils, and another eight are selected by Rwanda's president to make sure that historically marginalized communities are represented. Four members are elected by the Forum of Political Parties, while two are chosen by university staff. The Chamber of Deputies consists of 80 deputies who sit in the chamber. 53 deputies are elected via proportional representation, while provincial councils elect 24 deputies. One deputy is chosen by the Federation of the Associations of the Disabled, while two receive their appointment from the National Youth Council.

The Judiciary in Rwanda

The highest court in the country is the Supreme Court, which is made up of the chief justice, deputy chief justices, and 15 judges who are organized into panels of three judges.

The high court consists of the court president, vice president, and 24 judges who are structured into five chambers. The president, in consultation with the cabinet and the Superior Council of the Judiciary (SCJ), nominates judges of the Supreme Court, who in turn must be approved by the senate. The chief justice and its deputy are appointed to serve for a single, non-renewable 8-year term.

The president appoints a president and vice president of the High Court, and these appointments need to be approved by the senate. Other than the Supreme Court and the High Court, the country has commercial courts, high commercial courts, primary courts, intermediate courts, military specialized courts, and Gacaca Court.

The Gacaca Court began operations in 2001 after being founded by the National Unity Government, to give audience to genocide cases against the Tutsis. The president nominates the judges after consultation with the cabinet, as well as with the Superior Council of the Judiciary. Nominated judges are to be approved by the senate.

Administrative structures of Rwanda

Rwanda is divided into five provinces, also known as intara, which are further divided into thirty districts or akarere. The five provinces are: Northern Province, Western Province, Southern Province, Eastern Province, and Kigali Province.

The main branches and type of government in Rwanda is summarized in the table below:-

Executive	President is the main executive head, while prime minister is the head of the Council of Ministers.	President is elected by plurality vote and prime minister is appointed by president	President: 7 years; Prime Minister: Not specified
Judicial	Highest and independent judicial power.	Nominated by president and appointed by Senate.	8 years
Legislative	Bicameral legislative body, with the senate being the upper house.	Senate has 12 members indirectly elected by regional governing councils, 8 members appointed by the president, 4 members appointed by the Political Organizations Forum, and 2 members are selected by Institutions of higher learning. Chamber of Deputies has	Senate: 8 years; Chamber of Deputies: 5 years

		53 members elected through a closed-list proportional representation system and 27 members indirectly elected by special interest groups. Supreme Court judges are nominated by the president of the republic and approved by the Senate.	
--	--	---	--

A table showing a comparison of systems of government between Uganda and other partner states in the East Africa Community. (Similarities and differences of the systems of government in East Africa)

Type of gov't	Uganda	Kenya	Tanzania	Rwanda
Type of government	Presidential republic	Devolved presidential republic	Presidential republic	Presidential republic
Executive	President elected for five year open term no term limits	President elected for five year restricted two terms only	President elected for five year restricted two terms only	President elected for seven year restricted two terms only
Parliament (Legislature)	Unicameral parliament	Bicameral parliament (Senate and National Assembly)	Unicameral parliament (Bunge)	Bicameral parliament (Senate and Chamber of Deputies)
Judiciary	Hierarchy of courts headed by the Chief Justice of the Supreme Court	Hierarchy of courts headed by the Chief Justice of the Supreme Court	Hierarchy of courts (Court of Appeal – Highest Court)	Hierarchy of courts headed by the Chief Justice of the Supreme Court

Suggest the changes in the system of government of Uganda that would benefit the citizens.

- Adhering to or re-introducing presidential term limits to limit the chances of unlimited and everlasting dictatorship and misrule in future incase the country happens to have a dictator elected to the high office of the presidency.
- Conducting free and fair elections that reflect the will of the people at all levels of electioneering
- Having a smaller but an effective legislature but a not a crowd of lawmakers whose impact is not felt to save the tax payers colossal expenditure arising from recurrent expenditure
- Avoiding to have a bloated government with appointees like RDCS, Presidential advisors who don't even advise the president
- Avoiding creating many unnecessary administrative units and centres of power like the districts whose costs of administration have to be charged on the national treasury.
- Having a judicial system which is truly independent and can deliver justice to the people without fear or favor.
- Stopping state interference in the judiciary and the legislature so that they execute their roles independently
- Avoiding to have cadre judges, cadre military officers whose non partisanship is questionable
- Instituting judicial reforms to repeal colonial laws that are still in our law books

- Recruitment of more judges to clear backlog of court cases
- Proper funding of the judiciary and the judges to reduce temptations of bribery and corruption of the judges.
- A bicameral parliamentary system would provide checks and balances and ensure a balanced parliamentary power.

Systems of government in Africa.

Activity 1.4

Using the internet or relevant text books, identify other systems of government in Africa and draw a comparative table noting the similarities and differences between the system of government of those countries and your country.

Using the same source of information, Identify the similarities and differences between Uganda's system with that of Ghana, USA and China pointing out what Uganda can learn from those systems

Africa is a continent of 54 countries. Despite its cultural and economic diversity, Africa practices only four different types of government namely; presidential and parliamentary republics, semi-presidential republics and monarchies. The details of these are here below explained.

Presidential Republics

This is the most widespread form of government in Africa. In a presidential republic, an elected official – the president – operates independently of the legislature as the executive authority. In Africa, presidential republics vary in regards to the level of power entrusted to the electorate.

Some countries, such as Nigeria, operate as true constitutional republics, with transparent elections and leaders beholden to the people. Others, such as Angola, function as virtual autocracies, with presidents who maintain power through force or coercion.

Presidents on the continent have sometimes been installed by military coup or civil war rather than elections. Twenty-six African nations, including Zambia, Sudan, Kenya, Chad, Republic of the Congo and Zimbabwe, have presidential republic governments.

Parliamentary Republics

In this system, executive authority resides in a cabinet of ministers, rather than the president. These ministers are elected to the parliament, which provides popular oversight to the cabinet's power. Seven African nations possess parliamentary republic governments. These are Ethiopia, Somalia, Botswana, South Africa, Libya and Mauritius.

Semi-presidential Republics

A semi-presidential government combines elements of presidential and parliamentary systems. Semi-presidential governments have popularly elected presidents that serve as heads of state, and also cabinets beholden to the legislature. Semi-presidential systems exist in 17 countries in Africa. Examples of semi – presidential republics Egypt, Algeria, Madagascar, Niger, Mali, Rwanda, Tunisia, Djibouti, Uganda and Equatorial Guinea all function as semi-presidential republics.

Traditional Monarchies

Monarchical type of government now exist in only three countries. These are:- Lesotho, this country functions as a constitutional monarchy, with the king as the head of state and a prime minister as head of government. Another constitutional monarchy, Morocco, also has a hereditary king who shares power with an elected parliament. Swaziland, a small country in Southern Africa became a nation under the mid-19th century rule of King Mswati II. The king of Swaziland, the last absolute monarch in Africa, oversees all aspects of his country's economy and military, and appoints a prime minister and cabinet to serve as advisors.

A 1 The system (structure) of government in Ghana

the Ghana practices parliamentary democracy, council of state, and an independent judiciary. The government is elected by universal suffrage by people who will have attained the voting age of 18 years old age.

T The executive in Ghana is headed by a president assisted by the cabinet. The president is mainly appointed by the cabinet with the approval of the parliament.

E Judicial system in Ghana

F The judicial branch of government in Ghana is based on the 1992 constitution, customary law, and British common law. Court hierarchy consists of Supreme Court of Ghana (highest of courts of appeal), and high courts of justice. Beneath these bodies are circuit, magisterial, and traditional courts. Extrajudicial institutions include public tribunals. Since independence, courts are relatively independent; this independence continues under the Republic. Lower courts are being redefined and reorganised under the Republic.

S Some case studies of systems of government and how these systems can help us improve our own system

The executive branch of government in Ghana

Ghana is a presidential republic headed by a president elected through universal adult suffrage for a four year renewable term of office. The president is the head of state and commander in chief of the armed forces of Ghana. He appoints the Vice – president, cabinet and a council of ministers with the approval of the parliament.

The judiciary in Ghana

Supreme Court (consists of a chief justice and 12 justices) is the highest court of justice in the country. It is headed by the Chief Justice appointed by the president in consultation with the Council of State (a small advisory body of prominent citizens) and with the approval of Parliament; other justices are appointed by the president upon the advice of the Judicial Council (an 18-member independent body of judicial, military and police officials, and presidential nominees) and on the advice of the State; justices can retire at age 60, with compulsory retirement at age 70.

Subordinate (lower) courts in Ghana are: Court of Appeal; High Court; Circuit Court; District Courts; Magistrate Courts; and traditional courts.

Traditional Monarchies

Monarchical type of government now exist in only three countries. These are:- Lesotho, this country functions as a constitutional monarchy, with the king as the head of state and a prime minister as head of government. Another constitutional monarchy, Morocco, also has a hereditary king who shares power with an elected parliament. Swaziland, a small country in Southern Africa, became a nation under the mid-19th century rule of King Mswati II. The king of Swaziland, the last absolute monarch in Africa, oversees all aspects of his country's economy and military, and appoints a prime minister and cabinet to serve as advisors.

A th *The system (structure) of government in Ghana*

Ghana practices parliamentary democracy, council of state, and an independent judiciary. The government is elected by universal suffrage by people who will have attained the voting age of 18 years old age.

The executive in Ghana is headed by a president assisted by the cabinet. The president is mandated to appoint the cabinet with the approval of the parliament.

E Judicial system in Ghana

The judicial branch of government in Ghana is based on the 1992 constitution, customary (traditional) law, and British common law. Court hierarchy consists of Supreme Court of Ghana (highest court), courts of appeal, and high courts of justice. Beneath these bodies are circuit, magisterial, and traditional courts. Extrajudicial institutions include public tribunals. Since independence, courts are relatively independent; this independence continues under the Republic. Lower courts are being redefined and reorganised under the Republic.

Some case studies of systems of government and how these systems can help us improve on our own system

S The executive branch of government in Ghana

Ghana is a presidential republic headed by a president elected through universal adult suffrage for a four year renewable term of office. The president is the head of state and commander in chief of the armed forces of Ghana. He appoints the Vice - president, cabinet and a council of ministers with the approval of the parliament

The judiciary in Ghana

- Supreme Court (consists of a chief justice and 12 justices) is the highest court of justice in Ghana
- is headed by the Chief Justice appointed by the president in consultation with the Council of State
- small advisory body of prominent citizens) and with the approval of Parliament; other justices appointed by the president upon the advice of the Judicial Council (an 18-member independent body of judicial, military and police officials, and presidential nominees) and on the advice of the Council of State; justices can retire at age 60, with compulsory retirement at age 70
- Subordinate (lower) courts in Ghana are: Court of Appeal; High Court; Circuit Court; District Court; regional tribunals.

The legislative system in Ghana

Ghana has a unicameral Legislature composed of 275 Members of Parliament from single-member constituencies with an Executive President who appoints Ministers majority of whom by the Constitution have to come from Parliament.

A term of the Parliament of Ghana spans over a period of four (4) years from the first Sitting day following a general election as stipulated the 1992 Constitution.

The system of government of the United States of America

There are three branches of the government in the US. These are the *Executive*, (President and about 5,000,000 workers), *Legislature* (Senate and House of Representatives or the Congress) and *Judiciary* (Supreme Court and lower Courts). The President of the United States administers the *Executive Branch* of our government.

The US Government

The US is a republic composed of 50 states, a number of territories, and a district, Washington D.C., which is also the country's capital city. There are two major political parties that dominate the politics of the US. These are the Democratic and Republican parties. However, there are other minority political parties which are rarely given recognition.

As head of the executive branch of government, the president is also the head of the federal government of the US. However, each state forms its government for administration purposes. The powers of the state governments are exercised within restricted state boundaries. The most powerful figures in the states are the governors. The federal government of the US has three branches: the executive, the legislature, and the judiciary. The powers, roles, and limitations of the three branches are highlighted in the US constitution. The three branches of the government are as discussed below.

The Executive in the United States of America

The head of the executive branch of the federal government is the president. The president is the most powerful figure in the government. She or he is both the head of the government and state. The president is assisted by the vice president who is elected as the running mate in a general election. The powers and functions of the president are, however, limited by the constitution.

The responsibilities of the president include serving as the Commander-in-chief of the armed forces and appointment of the members of the cabinet. The president is limited to a maximum of two terms of four years each.

The Legislature in the United States of America

The parliament of the United States is bicameral composing of two parliamentary houses, the Senate and the House of Representatives (Congress). The House of Representatives (Congress) is composed of 435 members with each member representing a congressional district. The state with the highest population has the highest number of representatives. The delegates representing the territories of the US are also members of the House of Representatives.

The Senate is composed of 100 members. Each of the 50 states elect two members to the Senate regardless of the geographical size or population. The senators are elected after every six years. The Senate approves the president's appointees by ensuring that the appointees are eligible to hold the public office.

The Judiciary in the United States of America

The judiciary of the United States is independent of influences from the Legislature and the Executive. It is made up of the Supreme Court, federal courts, other minority courts, and the organizations that support them. The judiciary is responsible for upholding, explaining, and applying laws. It is also responsible for hearing of cases and making legal decisions.

System of government in China

There are three branches of government in China. These are, the executive, legislative, and judicial branches, all of which are answerable to the Communist Party of China (CPC) which monopolizes power in the country.

The executive includes the President of China, who is the country's head of state and the cabinet appointed by the president.

Another important organ of China's government is the Central Military Commission (CMC). It is a panel made up of 12 members, who have the final say on all matters related to China's armed forces known as the People's Liberation Army. There are actually two CMCs, one being a state institution and the other being an organ of the CPC, but both have identical memberships.

In addition to being the head of the CPC and the President of China, Xi Jinping is also the chair of the CMC, which controls the largest military force in the world, consisting of approximately 2.5 million personnel.

The Legislature in China

The State Council is responsible to China's legislative branch, known as the National People's Congress (NPC).

The NPC is composed of nearly three thousand delegates, making it the largest parliament in the world. These delegates are elected by China's provinces, autonomous regions, and municipalities.

There are also delegates from the country's military. The delegates are elected to five year terms. Though the NPC is meant to be the most powerful political body in China, according to the country's constitution, it is little more than a rubber stamp.

The full congress meets only once a year, and is simply expected to give a stamp of approval to the legislation put before them by the State Council.

The Judiciary in China.

The people's courts are judicial organs exercising judicial power on behalf of the states. According to the Constitution and the Organic Law of the People's Courts of 1979 as amended in 1983, China practices a system of courts characterized by "four levels and two instances of trials". These are: Supreme, High, Intermediate and Primary courts

- Supreme People's Court (SPC) in Beijing, which is the highest level and the premier appellate forum of the land and court of last resort. It supervises the administration of justice by all subordinate "local" and "special" people's courts. It also sets up six circuit courts seat outside of the state capital, which acts in the same capacity, to hear cross-provincial cases within respect jurisdiction.
- Local people's courts (the courts of the first instance). They handle criminal and civil cases. These people's courts make up the remaining three levels of the court system and consist of the

"people's courts" at the level of the provinces, autonomous regions, and special municipalities; "intermediate people's courts" at the level of prefectures, autonomous prefectures, and municipalities; and "primary people's courts" at the level of autonomous counties, towns, and municipal districts.

- Courts of Special Jurisdiction (special courts) comprises the Military Courts (military), Railway Transport Court of China (railroad transportation) and Maritime Courts (water transportation), Internet Courts, Intellectual Property Courts and Financial Court. Except for the Military Courts, all other courts of special jurisdiction falls under the general jurisdiction of its respective high court.

Local departments of justice can revoke the license of lawyers, this power is used to target lawyers who challenge the authority of the state, particularly human rights lawyers.

What can Uganda learn from other systems of government like the Ghana and the United States of America? And what are the best structures of government?

Uganda can learn the following:-

- The importance of the principle of the separation of powers of the institutions of the state like the executive, the legislature and the judiciary
- The need for the independence of the structures of government from undue influence from the state
- Need for a system that demands for accountability from the decision makers and those who are elected or appointed to run the country
- Checks and balances as result of the strength of the institutions of state like the parliament and the judiciary
- Peaceful and genuine transfer of power properly managed by the institutions which are responsible for proper and well arranged transition
- Equality before the law and proper and fair justice administration through the existence of competent and independent courts of law
- The need for good systems and functional institutions which promote peace and stability, prosperity and justice in the society
- Presidential term limits to avoid dictators who never want to leave power once they ascend to the presidency
- Political stability which arises as a result of the existence of functional institutions which work in the interests of the people

(The best structure for a good government is the one that promotes the principles and values listed above)

Activity of integration

The Pagara community in which you live has a structure of government of some sort right from the family, LCI, LCII, LCIII etc. However residents keep complaining that cases referred to local leaders are never satisfactorily addressed. They are also dissatisfied with the way the cases emanating from their communities are handled by the courts at district level. In one of the meetings with their area Member of Parliament Hon. Mapesa, they raised the issue affecting their comrade Baluku, who had spent three years in custody without trial. Other complaints they raised included lack service provision to the locals.

Task.

- a) If you were the leader of Pagara community show how you would address the concerns of these locals during your term of office.
- b) Using the example of Comrade Baluku why do you think there is failure to timely address the judicial issues raised by the Pagara community? And if you were the Chief Justice of this country, how would you address this concern?
- c) Write a comprehensive report suggesting how service provision to Pagara community can be improved upon.
- d) Write down five roles that Hon. Mapesa, Member of Parliament representing the people of Pagara plays

Revision questions.

- i) Why do you think it is necessary to ensure the independence of the major arms of government?
- ii) Draw an organogram of the judicial system in Uganda and define the role played by each of the judicial organs that you have drawn.
- iii) Show the pros and cons of having the size of our cabinet and parliament. Which size of the cabinet and parliament would you recommend and why?
- iv) Draw a table showing the difference between a nation, state and a government and show the characteristics of functional government.
- v) Why do you think the US system of governance is admired by many countries around the world and which lessons do you think we can draw from their system?

Project Work.

Using the students' cabinet in your school, design a small cabinet magazine or bulletin with the following information:

- i) Cabinet profile and photo gallery
- ii) Responsibilities of each cabinet minister
- iii) Cabinet manifesto
- iv) Their achievements
- v) What they should have done but didn't do

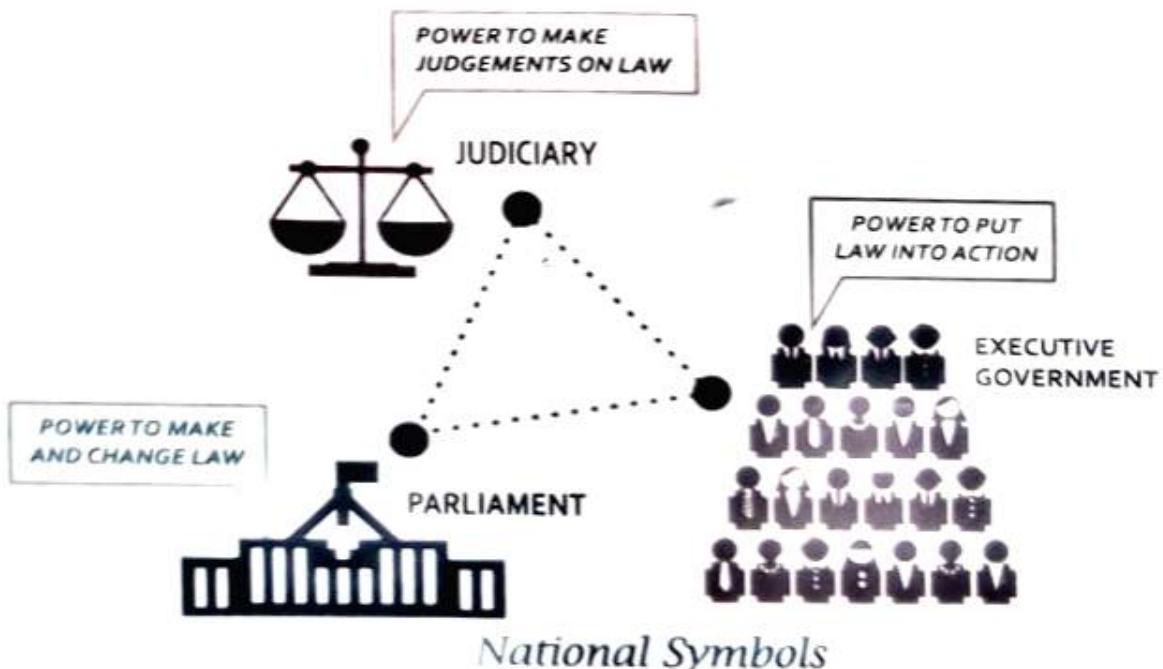
HISTORY AND POLITICAL EDUCATION

The New Lower Secondary Curriculum

Book Three

Arms of government

SEPARATION of POWERS



A COMPREHENSIVE STUDY GUIDE FOR SENIOR

BY

Viniansio Amone Odelle

0772-326303 / 0772-531392 0703-757469

amoneodelle@gmail.com