

Performance of Workers and Youth Members of Parliament in Uganda 1995-2015



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Youth Members of Parliament
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LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|---------|--|
| AFL-CIO | American Federation of Labour and Congress of Industrial Organisations |
| AGOA | African Growth and Opportunity Act |
| AIDS | Acquired Immune Deficiency Syndrome |
| AWU | Allied Workers' Union |
| AYDL | African Youth Development Link |
| BOU | Bank of Uganda |
| CA | Constituent Assembly |
| CAO | Chief Administrative Officer |
| CCM | Chama Cha Mapinduzi |
| CGC | Central Governing Council |
| COFTU | Central Organisation of Free Trade Unions |
| DP | Democratic Party |
| EAC | East African Community |
| EACMP | East African Common Market Protocol |
| EOC | Equal Opportunities Commission |
| FES | Friedrich Ebert Stiftung |
| FGD(s) | Focus Group Discussion |
| FUE | Federation of Uganda Employers |
| GOU | Government of Uganda |
| HIV | Human immunodeficiency virus |
| ILO | International Labour Organisation |
| ITGWLF | International Textile, Garment, Leather Workers' Federation |
| KcK | Kituo cha Katiba |
| KY | Kabaka Yekka |
| MoFPED | Ministry of Finance, Planning and Economic Development |
| MoGLSD | Ministry of Gender, Labour and Social Development |
| MoUs | Memoranda of Understanding |
| MP(s) | Members of Parliament |
| MUASA | Makerere University Academic Staff Association |
| NA | National Assembly |
| NAADS | National Agriculture Advisory Development Services |
| NDP | National Development Plan |
| NGO(s) | Non Governmental Organisation |
| NOTU | National Organisation of Trade Unions |
| NPA | National Planning Authority |
| NRA | National Resistance Army |
| NRC | National Resistance Council |
| NRM | National Resistance Movement |
| NSSF | National Social Security Fund |
| NUEI | National Union of Education Institutions |
| NUPAW | National Union of Plantation and Agricultural Workers |
| NUSAF | Northern Uganda Social Action Fund |
| NUSU | National Union of Students of Uganda |

| | |
|------------|---|
| NUYO | National Union of Youth Organisations |
| NYC | National Youth Council |
| PAYE | Pay as You Earn |
| PLA | Platform for Labour Action |
| PWDs | Persons with Disabilities |
| RDC | Resident District Commissioner |
| SWICCO | South Western Initiative for Community Counselling Organisation |
| TANU | Tanganyika African National Union |
| UHRC | Uganda Human Rights Commission |
| UK | United Kingdom |
| ULRC | Uganda Law Reform Commission |
| ULS | Uganda Law Society |
| UNATU | Uganda National Teachers Union |
| UNDP | United Nations Development Programme |
| UNSA | The Uganda National Students' Association |
| UPC | Uganda People's Congress |
| UPDF | Uganda Peoples Defence Forces |
| UPE | Universal Primary Education |
| URA | Uganda Revenue Authority |
| US | United States |
| USA | United States of America |
| USE | Universal Secondary Education |
| UTGL & AWU | Uganda Textile, Garment, Leather and Allied Workers' Union |
| UTUC | Uganda Trade Union Congress |
| UYONET | Uganda Youth Network |
| WB | World Bank |
| YES | Youth Enterprise (Credit) Scheme |
| YLP | Youth Livelihood Programme |

FOREWORD

Special interest group representation in parliament is one of the unique features of Uganda's 1995 Constitution. It also distinguishes Uganda's parliament from the rest in the East African region. Although workers were privileged to have had two representatives in the 1989 Constituent Assembly that debated Uganda's 1995 constitution, special interest group representation in parliament was embedded as an affirmative action measure. The 289-member Constituent Assembly included the youth, women, persons with disability (PWD), workers and the army. The youth, women and PWDs were largely included to overcome historical imbalances and marginalisation in society, while for the army and workers; it was because of the historical role they played in Uganda's political trajectory. This representation was however subjected to review ten years after the commencement of the Constitution and every five years thereafter for purposes of retaining, increasing or abolishing any such representation.

Whereas this review has not escaped parliament since, there is recent and growing concern over the relevance of special interest groups especially with regard to their effectiveness in serving the interests and needs of their constituencies as well as over the process of their review. The mode of review has been through motions in parliament supported by show of hands. This coupled with the historic value of averting discrimination with which special interest groups have been associated, necessitated Kituo cha Katiba: Eastern Africa Centre for Constitutional Development (KcK) with support from the Friedrich-Ebert-Stiftung (FES) in 2015 to undertake a study *An Appraisal of Two Decades of Advancing Rights and Interests of Youth and Workers under the 1995 Uganda Constitution*. The study examined more closely the role of the youth and workers Members of Parliament in promoting and advancing the rights and interest of their constituencies as envisaged under the 1995 Constitution, government policies and programme and relevant laws. It also examined linkages between the special interest members of parliament and the role of constitutional bodies in protecting the two special interest groups.

The findings of the study are a collation of relevant literature on the subject and the views of various key stakeholders in seven districts of Uganda. They were shared and discussed with various key stakeholders from across the country and benchmarks for assessing the performance in parliament of youth and workers MPs evolved as a final output.

It is FES and KcK's earnest belief and hope that both the findings and benchmarks from this project will constitute a useful tool for both the constituents and Youth and Workers MPs in strengthening the legislative role of the MPs as well as accountability to their constituencies.

We would like to register our deepest appreciation to the consultants who conducted the study; all the respondents for their useful insights and candidness during the study,

and the invaluable contributions of all stakeholders who participated in the validation workshop and successive dialogues that concretised the study findings.

Edith Kibalama

Executive Director

Kituo cha Katiba

1.0 INTRODUCTION

This study intends to review and appraise the legislative role of workers' and youth Members of Parliament (MPs) in promoting and advancing the rights and interests of their constituencies, namely workers and youth, as envisaged under the 1995 Constitution, government policies and programmes, and relevant laws.

In particular, this study intends to achieve the following:

1. Assess the performance of youth and workers' MPs in the Parliament of Uganda in executing their mandate, especially in advancing the rights and interests of the two special groups over the past two decades;
2. Assess the impact of their work in advancing the rights and interests of youth and workers in terms of legal, policy and programme reform;
3. Examine linkages between special interest MPs and the role of constitutional bodies in protecting the two special interest groups;
4. Assess available mechanisms of consulting and obtaining feedback from workers and youth and their effectiveness, including linkages with local governments;
5. Assess the work and impact of constitutional bodies in advancing the rights and interests of youth and workers and exploring the practical linkages between legislative representation, constitutional bodies and the parent ministry, that is the Ministry of Gender, Labour and Social Development (MoGLSD), in advancing the rights and interests of youth and workers;
6. Use any other available measures to assess performance;
7. Provide recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through legislative representation, including mode of elections, benchmarks for measuring performance of the MPs; methods of consultation, outreach and feedback with the respective constituencies; and structural linkages with key stakeholder institutions/bodies.¹

¹ See Terms of Reference by Kituo cha Katiba (KcK) and Friedrich Ebert Stiftung (FES).

1.1 METHODOLOGY

This work was undertaken relying on various methodologies, including but not limited to a review of secondary literature, government policy documents, reports of constitutional bodies as well as the Constitution of Uganda and other relevant laws. In addition, extensive interviews and Focus Group Discussions (FGDs) were undertaken in Kampala, Mbarara, Masaka, Gulu, Lira, Jinja and Mbale.

The secondary literature, as will be seen below, was rather limited as very few authors have shown interest in the relationship between representatives of special interest groups in parliament and their constituencies, particularly in the case of workers and youth. What has been significant are the official government policy documents and the annual and special reports of the constitutional bodies, that is the Uganda Human Rights Commission (UHRC), the Uganda Equal Opportunities Commission (EOC) and the Uganda Law Reform Commission (ULRC). At the centre of this study is the Ministry of Gender, Labour and Social Development (MoGLSD) since the docket for workers and youth falls under it. Indeed even the EOC is under the general superintendence of this ministry.

Interview and FGD respondents fell into several categories and included the following:

i) Kampala

- Current and former members of parliament for workers and youth: 5
- Members of Parliament who are chairs of specific committees: 3
- Trade Union leaders both under National Organisation of Trade Unions (NOTU) and Central Organisation of Free Trade Unions (COFTU): 4
- Retired Trade Union leaders: 3
- Academicians: 3
- Opinion leaders: 4
- Leaders of civil society including the Uganda Law Society (ULS), Platform for Labour Action (PLA) and others: 3
- Youth Councillors: 3

There were also five FGDs in Kampala composed of university students, unemployed youth, workers, National Youth Council (NYC) leaders and leaders of trade unions.

ii) Mbarara, Masaka, Gulu, Lira, Jinja and Mbale

- Resident District Commissioners (RDCs) or their deputies
- The Chief Administrative Officers (CAO) or their deputies

- The District Labour Officer
- The District Speaker
- The District Community Development Officer
- Youth Councillors at district level: 2 for each district
- Some relevant non- governmental organisations (NGOs), for instance, the South Western Initiative for Community Counselling Organisation (SWICCO) in Mbarara.
- Trade Union leaders. These included: the Branch Chairperson, National Union of Education Institutions (NUEI), Mbarara University; the Planning and Organising Secretary, Uganda National Teachers' Union (UNATU), Masaka Branch; and the Branch Secretary, National Union of Plantation and Agricultural Workers (NUPAW), Kakira Sugar Works.

iii) Focus Group Discussions (FGDs) in Mbarara, Masaka, Gulu, Lira, Jinja and Mbale

The FGDs had six or seven participants each who were categorised as follows: workers, the unemployed youth, students (secondary school, university and tertiary institutions), youth and plantation workers (particularly in Masaka and Jinja at Kakira Sugar Works factory).

For both the interviews and FGDs, a questionnaire was used as a guide and is annexed hereto as Appendix "I"

iv) Personnel in the Constitutional Bodies, Parliament and Ministry of Gender, Labour and Social Development

Interviews were conducted with key informants from academia, some NGOs, key staff in parliament's Committee of Gender, Labour and Social Development, the National Planning Authority (NPA) and key staff in the Uganda Human Rights Commission (UHRC), the Equal Opportunities Commission (EOC), the Uganda Reform Commission (ULRC), the Ministry of Gender, Labour and Social Development (MoGLSD), the Federation of Uganda Employers (FUE), PLA, NYC, academia, parliamentary officials in the Committee on Gender, Labour and Social Development, and the Uganda Youth Network (UYONET). Interview guides were used in interviewing these respondents. All the relevant appendices for the different respondents are annexed to this Report as appendices II – VII.

2.0 LITERATURE REVIEW

2.1 WORKERS

There is considerable literature on the general role of workers and the youth in Uganda's political processes and participation in Parliament or legislative processes. However the literature is rather limited regarding the legislative roles of workers and youth in Uganda's history, which representation only began in 1989.

Under the 1962 Independence Constitution, the 1966 Interim Constitution and the 1967 Republican Constitution, there was no particular provision relating to the representation of workers or youth (or for that matter any other interest group) in Parliament. The assumption was that all interests and interest groups would be represented through the existing political parties – which in the 1960s were the Democratic Party (DP), Uganda Peoples' Congress (UPC) and the short-lived Kabaka Yekka (KY). The composition of parliament in Uganda thereafter, was determined by the prevailing political ideology or ideologies and the different political contestations in the country. The literature in this area therefore, must be reviewed in this context and specifically in terms of the prevailing political ideologies between 1962 to 1986, and thereafter by the specific ideologies and interests of the National Resistance Movement (NRM) (1996 - 1995), the so called Movement System (1995 - 2006), and the current multiparty political system, at least in the formal legal-constitutional sense (2006 to date).

Under the 1962, 1966 and 1967 constitutions, there were no restrictions on whether or not a worker or trade unionist could become a member of Parliament (MP). There were only general formal requirements as to who qualified to become an MP. Under the 1967 Constitution for instance, any person was qualified to be a member of Parliament/National Assembly if that person was:

- a) ... a citizen of Uganda who has attained the age of twenty-one years; and
- b) ... is able to speak and, unless incapacitated by blindness or other physical cause, to read the official language well enough to take an active part in the proceedings of the Assembly.

The prohibitions or disqualifications for membership of the National Assembly (NA) did not include being a worker, trade union leader, or a youth (unless one was below 21 years).

As far as workers were concerned, the most important provisions regarding whether they or their trade union leaders could become MPs are to be found in the Trade Union Acts. The first Act to deal with this matter was the Trade Unions Act of 1970. Under Section 22(5) of that Act, no MP would become a trade union official. In other words, once one was a trade union leader, they could not become an MP. This was intended under the Move to the Left Strategy of 1968 to ensure that there was separation between workers' organisations (trade unions), co-operatives, youth organisations, women organisations, public service and the UPC party. However, all these were to be under the control of UPC, the ruling party, in an attempt to create a corporatist one party state.

However, with the fall of the UPC - Obote I regime following the Idi Amin Dada coup in 1971, the provisions of the Trade Unions Act were changed, and Section 22(5) of the 1970 Trade Unions Act was repealed. This meant that an MP could, therefore, be a trade union official and vice versa. But this was a mere academic provision because under Idi Amin (1971 - 1979), there was no parliament and Amin and his proteges ruled by decree. The only provision under the Trade Unions Decree of 1976 (which later became the Trade Unions Act, Cap 223, Laws of Uganda, 2000) that is relevant was Section 21(4) which provided as follows:

No person shall hold office in the National Organisation of Trade Unions (NOTU) or in a registered trade union on a full time basis if he or she is employed in any other Institution where such a person is paid a regular salary.

This particular provision did not necessarily mean that a trade union leader could not become an MP; rather, it stopped such leader who was a full time trade union leader from getting another job "on a regular salary". It may be argued that being an MP is a political undertaking and not employment.

The next relevant law was the Trade Union Laws (Miscellaneous Amendments) Statute of 1993. This law, as we shall see, expanded the space for unionisation by workers and could not prohibit membership of workers or trade union leaders to become MPs, as the major aim behind it was to ensure workers' representation in Parliament, albeit in the NRM's corporatist strategy.

It is in the above context that we should assess the existing literature on workers' representation in Parliament.

2.2 YOUTH

In Uganda's history, the question of youth representation in parliament did not arise until the advent of the NRM regime in 1986. Instead, what had happened earlier in the politics of the 1960s and early 1970s (UPC – Obote I) and the early 1980s (UPC – Obote II), was that the youth participated in the political process through their

political parties. As earlier noted, the major parties during these periods were UPC and DP.

The most politically active youth were in the UPC mainly because it was a ruling party on two occasions, 1962 – 1971 and 1980 – 1985. In the 1960s, the UPC youth members were organised under the UPC Youth League. This was later replaced by the National Union of Youth Organisations (NUYO) and the National Union of Students of Uganda (NUSU) for the youth that were not in school and those in school respectively. Between 1968 and 1971 under the Move to the Left Strategy, the UPC tried to organise all its interest groups – including cooperatives, trade unions, women, youth and public servants – in a corporatist strategy under an emerging one-party state, similar to that of Tanzania's Tanganyika African National Union (TANU) party, which later became Chama cha Mapinduzi (CCM) in 1977. This corporatist strategy was to be resurrected by the NRM from 1986 to date.

The DP did not have an active youth wing in the 1960s or in the 1980s. But from 1986, when the NRM took power, despite the ban on political parties, DP created an active youth wing called the DP Young Democrats. This youth wing has been very active and has kept the party alive under difficult circumstances.

The representation of youth in parliament is, therefore, essentially an NRM creation that came under a one-party/no party/movement system. It came as part and parcel of its corporatist strategy that includes: the army, women, the disabled, workers and youth in parliamentary representation.

2.3 WORKERS AND YOUTH REPRESENTATION

2.3.1 Workers' Representation

Several writings have dealt with aspects of workers' representation in parliament from 1962 to date. Available literature from 1990 covers the way workers were represented in parliament between 1962 and 1987.² Between 1962 and 1970, Humphreys Luande was an MP and at the same time President of UTUC (Uganda Trade Union Congress), though on the ticket of UPC as a party. He was, therefore, not in parliament as a workers' representative, but rather as an ordinary MP representing Kampala East. Indeed he found it contradictory to be a member of UPC and at the same time a trade union leader when, between 1962 and 1965, a number of pieces of legislation relating to trade unions and labour disputes were passed, to which he strongly objected, as he regarded them anti-workers. He therefore resigned from UPC and became an independent MP.

In 2001, a working paper by Barya dealt with the issue of, among others, workers representation in parliament. It was observed in that paper that under Statute 1 of

2 J.J. Barya 1990

1989, i.e. Legal Notice No.1 of 1986 (Amendment) Statute 1989, the composition of the National Resistance Council (NRC) was expanded to include constituency representatives (one for each county); ten National Resistance Army (NRA) soldiers; a woman representative per district; five youth representatives “elected by an organised youth organisation representing all youth in Uganda”; twenty members appointed by the President on the recommendation of the NRC; and “three workers’ representatives elected by an organisation representing all workers in Uganda”. While the NRM wanted initially to create a new organisation for workers through which workers’ MPs would be elected, trade union leaders, through NOTU, objected to the proposal and eventually NOTU became the constituency for workers through which workers’ MPs would be elected both to the NRC and eventually the Constituent Assembly (CA) (J.J. Barya 2001: 8). The paper also argued that in this respect, the trade union movement, at that point at least, “was able to maintain its organic autonomy from the government, and to thwart the government’s attempt to by-pass it or replace it as the legitimate representative of organised workers in Uganda” (Ibid). Nonetheless, the paper concluded that while the 1993 trade union law and the constitutional provisions on freedom of association were quite an advancement for workers, “these legal rights are contradicted in practical terms by the neo-liberal economic policies that emphasise market forces as the major determinant of employer - employee relations, and industrial relations in general”.

On the other hand, in a later publication of 2010³, a number of issues regarding the relationship between workers’ MPs and the NRM regime were raised. These included the fact that the MPs were not organisationally linked to the NOTU Constitution or the electorate, and were therefore not accountable to NOTU or the workers. Even COFTU, which was formed as a breakaway from NOTU, tends to take positions contradictory to those of NOTU. And under the so called Movement System, workers were represented in the National Executive Committee of the NRM “and were therefore part and parcel of the regime”. By 2006, when multiparty politics was reintroduced in Uganda, four of the five workers’ MPs joined the NRM. Only one remained independent (J.J. Barya 2010: 97). In 2005, trade union leaders contested for the position of workers’ MPs and all those that were returned having each been facilitated with Ug. Shs. 10,000,000/= by the NRM party, were members of the NRM. They were therefore expected to support NRM positions and not necessarily positions, laws, policies or programmes in favour of workers. The paper concluded as follows:

This means, therefore that although the five workers’ representatives are supposed to represent NOTU and COFTU as well as all workers in Uganda, as members of NRM - O they will be pressured to support NRM - O and government interest in Parliament, to the detriment of NOTU/COFTU and workers’ interests in general. They therefore see themselves more as agents of NRM - O and the government than of workers and the trade union movement. They raise issues related to workers’ interests only in so far as such issues do not antagonise the government or the president. The return to multiparty politics

3 J.J. Barya, 2010

has therefore, in the initial stages at least, further emasculated the trade union movement and put its leadership in a patron - client relationship with the state.⁴

Aside from the above literature, there has been no systematic study of the role, performance and effectiveness, or otherwise, of workers' and youth MPs, especially in advancing the rights and interests of these two specific interest groups – the youth and workers.

While some literature exists on workers and trade unionists, it is concerned with issues other than parliamentary representation. For instance S. Angeret dealt solely with trade union law and its exposition from a practitioner's point of view.⁵ On the other hand R. Gonsalves wrote a useful thesis on the politics of trade unions and industrial relations up to 1971, but did not deal with the issues currently under investigation.⁶ As observed from above, Barya, the current author of this work, has also dealt with trade unions and workers' freedom of association, but not the issue of legislative representation.⁷

A study by Arthur Bainomugisha and Elijah Mushemeza in 2006 purported to offer "an independent review of the performance of special interest groups in parliament". However, it covered mainly the army, women and persons with disabilities (PWDs). It did not cover workers and the youth representatives and without much evidence concluded that "the representatives of special interest groups have tried to bring the issues of their constituencies, be they environmental or other civic interests, to the floor of parliament", but noting that "these groups like the rest of parliament operate under serious challenges some of them originating from Uganda's political history and also because of a strong executive which makes it hard for it to exercise autonomy, authority and independence to perform well".⁸

Regarding workers and youth representatives, the study concluded again without much evidence that:

The youth and workers representatives should be phased out since this category is no longer marginalised and can get their peers to represent them by competing through the universal adult suffrage. This study found a strong case for maintaining five MPs representing Persons with Disabilities. Indeed, the representatives of this group have advanced the collective interests of their constituencies regardless of their political leanings⁹

4 J.J Barya 2010: 97

5 S. Angeret 1998

6 R. Gonsalves 1974

7 J.J. Barya 2001

8 Arthur Bainomugisha and Elijah Mushemeza 2006: 47

9 Ibid, p. 44

2.3.2 Youth Representation

The issue of youth representation has been canvassed only in a few writings. Most of the writings concern the nature of youth participation in politics and especially through political parties rather than parliament. For instance, Akiiki B. Mujaju (1973) dealt with the demise of the UPC Youth League and the rise of NUYO as part and parcel of youth participation in the affairs of the ruling party between 1962 and 1971. Therefore, the kind of literature regarding youth representation in government and particularly in parliament arises mainly under the NRM government from 1986 onwards.

Starting in 1986, the NRM banned other political parties and tried to garner political advantage for itself, and also created a corporatist state under the so-called no party/one-party/movement system. The thinking of the NRM leaders was to be rationalised by the Odoki Constitutional Commission which issued its report in 1993 (Republic of Uganda, 1993). Two views were canvassed by the Odoki Commission regarding the interest groups.

The first view opposed interest group representation in parliament. This view goes as follows:

The issue of interest groups aroused much debate in the people's views coming to the Commission. Many opposed any interest group representation, saying it would debase the principle of democratic representation. Some people would get more representation than the normal elector. Others noted that direct election of people's representatives would in any event tend to bring people from different sections of society to Parliament, including people from 'interest groups'. Others said that any interest group could organise and lobby support for their programmes from elected representatives. Some argued that if the possibility of such representation is opened, the categories with a case for representation may be too long to exhaust. (Republic of Uganda, 1993: 296)

The second view which supported interest group representation was:

Those supporting interest group representation presented two main sets of arguments. A minority argument was that representatives of a wide range of interest groups should be included so as to ensure the broadest possible commitment of all social forces to the new society have long been marginalised and excluded from the mainstream of political and social life. It was difficult for them to have their needs recognised through the normal decision-making and political processes. The groups most commonly mentioned were women,

youth and workers, though others were suggested less frequently. (Republic of Uganda 1993: 296).

Although the Odoki Constitutional Commission recommended representation of all the four interest groups: the army, women, youth and workers, the justification for such representation may not have been borne out by the experience of the representation this study has undertaken. It appears that this special interest group representation may be playing more of a political legitimisation role for the regime than actually advancing the interests of these special interest groups, as this study will show.

An attempt was also made by Arthur Bainomugisha and Elijah Mushemeza (2006), as already seen, to deal with the performance of special interest groups in parliament. Unfortunately, they concentrated on the army and women, and did not make any clear and specific findings on youth and workers' representation, although there was an attempt to generalise their findings to apply all the interest groups.

A recent study by the Uganda Youth Network (UYONET) and African Youth Development Link (AYDL) on the challenges and opportunities for effective youth representation in Parliament is probably the most relevant study on the role of youth MPs in Uganda. One of the major conclusions it arrived at was that:

Though the constitutional provisions for youth representation as an interest group provide an opportunity for youth to articulate their interests in the national legislative body, fusion of the interest group with the government creates opportunities for co-option of youth leadership by the government. Under such contexts, the youth as an interest group cannot challenge the status quo in terms of power relations that define their vulnerability in the first place.¹⁰

It is, therefore, clear that while some work has been done on the origin and political purpose of including special interest groups in parliament right from 1989 and on PWDs, the army and women, there is still a dearth of literature on workers' and youth representation. This study will therefore go a long way in assessing the performance of youth and workers' MPs, the impact of their work, and the linkages they may have, not only between their constituencies and themselves but also with constitutional bodies such as the UHRC, and their parent ministry, the MoGLSD, in advancing the rights and interests of young people, workers and the unemployed.

10 Uganda Youth Network and African Youth Development Link 2014: "Representative Democracy and Special Interest Group Representation – A Performance Audit of the Youth MPs in the 9th Parliament of Uganda", July 2014

3.0 THE LEGISLATIVE ROLE OF WORKERS' AND YOUTH MPS IN PARLIAMENT 1995 - 2015

The mandate of workers' and youth members of parliament is provided for in the Constitution, albeit only in general terms. Under Article 78 of the Constitution, Parliament is constituted of:

- a) members directly elected to represent constituencies;
- b) one woman representative for every district;
- c) such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine; and
- d) the Vice President and Ministers, who, if not already elected members of Parliament, shall be ex-officio members of Parliament without the right to vote on any issue requiring a vote in Parliament."

There are no specific functions for special interest MPs under the Constitution. Instead, the Constitution has a general provision that, "Parliament shall have power to make laws on any matter for the peace, order, development and good governance of Uganda" (Article 79(1)) and an obligation to "protect this Constitution and promote the democratic governance of Uganda" (Article 79(3).

However, the general assumption is that these special interest groups have specific interests which should be protected. Whereas it is possible to identify special interests for workers, women, youth and PWDs, it was generally agreed that the army should have no presence in parliament because it is part and parcel of the Executive. In fact, one of the leaders of workers, Chris Kahirita, Chairman General of COFTU, was of the view that if the political system was functioning well with legitimacy and credibility there would be no need for representation for any special interest groups. With regard to the army he argued that "the army should not be in Parliament. If they claim that they fought in the liberation war 1981 – 1986, even other Ugandans contributed to that liberation. Moreover under the NRM, the army is actually and effectively the ruling organ".¹¹

In order to determine the interests that workers' and youth MPs should be representing in parliament, it is necessary to look at various sources, including government documentation and policies as well as the views of workers, the youth and several respondents for this study.

¹¹ Interview with Chris Kahirita, Chairman – General, COFTU

Workers' and youth MPs have been elected under the Parliamentary Elections (Special Interest Groups) Regulations of 2001, which were amended in 2011 under the Parliamentary Elections (Special Interest Groups) (Amendment) Regulations No. 6 of 2011. Under the said Regulations:

The representatives of workers in Parliament shall be elected in accordance with the Constitutions of the two registered federations of labour unions namely; the National Organisation of Trade Unions (NOTU) and the Central Organisation of Free Trade Unions (COFTU) by their extraordinary delegates' conferences whose composition shall be that of their annual delegates' conferences under the relevant articles of the Constitutions of the respective federations of labour unions forming electoral colleges as prescribed by this regulation. (Regulation 12, as amended).

The Regulations further provide that NOTU gets three representatives, while COFTU gets one and that a woman workers' MP is elected by "delegates' conferences of both NOTU and COFTU each drawing equal numbers" (Regulation 12 (7)).

On the other hand, the five youth MPs are also elected under the same law with each of the four regions of Uganda, namely; Northern, Eastern, Central and Western Regions electing one youth MP. A female youth member of parliament is elected in the following manner:

The electoral college for electing the female representative of the youth in Parliament shall be the National Youth Council as defined in section 5 of the National Youth Council Act (as amended by section 4 of the National Youth Council (Amendment) Act, 2003, (Act No. 12 of 2003).

However, in Constitutional Petitions No. 37, No. 40 and No. 48 of 2010 (consolidated) – that is Robinson Kasozi –vs- Attorney General (Petition No. 37), Legal Actions for Persons with Disability –vs- Attorney General, Electoral Commission and NUDIPU (Petition No. 40) and Moses Mauku and Catherine Aneno –vs- Attorney General (Petition No. 48)¹² – the Constitutional Court on 29th September, 2015, annulled all the laws for election to Parliament of the army, workers and youth representatives, on account of being unconstitutional and void because they contravened Articles 2, 59 (1) and 78 (4) of the Constitution. Article 2 provides for the supremacy of the Constitution and states that "if any ...law or ...custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void". Art. 78 (4) provides that Parliament "shall by law prescribe the procedure for elections of the representatives referred to in clause 1(b) and (c) of this Article".

12 Constitutional Petitions (consolidated) No. 37, 40 and 48 of 2010. The unanimous judgment was delivered on 29th September, 2015.

Government did not appeal the decision of the Constitutional Court, but instead

drafted a Bill which has been passed into an Act, namely the Parliamentary Elections (Amendment) (No.2) Act No. 25 of 2015. This Act provides for the election of youth MPs without any changes in the electorate.¹³ The female youth representative in Parliament is to be elected by an electoral college being the National Youth Council constituted in accordance with Section 4 of the National Youth Council Act.¹⁴

On the other hand, the election of Workers' MPs has been partially changed under the 2015 Act. The following now constitute the electoral college for this category of MPs:

- (i) 10 National Executive Committee Members of NOTU and 10 National Executive Committee Members of COFTU;
- (ii) The Chairperson, General Secretary and Treasurer of every registered Labour Union;
- (iii) Seven delegates nominated by every registered Labour Union;
- (iv) 10 delegates representing non Unionised workers from each of the four regions of Uganda that is Central, Eastern, Northern and Western regions, making a total of 40 delegates for non unionised workers.¹⁵

This therefore means that the electoral college for workers' MPs is constituted of 440 delegates, since both NOTU and COFTU have 20 unions affiliated to them and each of these centres will bring 200 delegates. It is also worth noting that although non unionised workers will be represented in the electoral college, they will be 40 out of the 440 delegates, and will be in a minority compared to the Union representatives.

It is further noted that this change in the way youth and workers' MPs are elected does not detract from the purpose of this research, as the amendment in the law does not address the fundamental questions and issues that have given rise to this study.

3.1 RIGHTS, INTERESTS AND CONCERNS OF THE YOUTH AND WORKERS

3.1.1 Youth

In 2004, the MoGLSD issued the National Youth Policy in which it acknowledged that "while the 1960s saw dynamic youth programmes in Uganda, the strengths of these programmes were dependant on the heavy investment by government and NGOs" and that "they tried to address the broad range of social and economic needs of the youth,

¹³ See Sections 8B and 8C of Act 25 of 2015.

¹⁴ See Section 8F of Act 25 of 2015.

¹⁵ See Section 8G of Act 25 of 2015

they were rural focused and provided opportunities for the most disadvantaged out of the school youth” (MOGLSD 2004:2). The government goes ahead to admit in the same policy document that:

While the NRM government put in place structures to empower the youth, socially and economically, these have not been accompanied by sufficient resources. Both the department responsible for youth and the National Youth Council lack adequate resources. While a number of measures have been adopted to address the concerns of the youth such as the skills and enterprise development programmes, the Youth Enterprise (Credit) Scheme (YES), these efforts are still insufficient to meet the varied needs of the majority of youth.¹⁶

The policy also observed that Government Policy on decentralisation had “transferred responsibilities of youth service provisions and resourcing to local authorities, thus calling for new methods and techniques to youth development.”¹⁷

The policy further identifies the youth as making up the majority of Uganda’s population. It identified the major problems, interests and issues confronting the youth, particularly in terms of poverty and unemployment, education and training requirements, health, participation in decision-making, culture and crime. The major interests and concerns in the Policy can be categorised as follows:

- i) Poverty and unemployment Poverty, unemployment and underemployment “are the main problems affecting the youth”.¹⁸
- ii) A poor education system characterised by: better training opportunities for urban rather than rural areas, lack of equity and accessibility to education and a shortage of personnel with quality practical skills and training. The Policy does not mention the well known fact that with the introduction of UPE and USE and the privatisation and commercialisation of education, to a large extent, the quality of education at all levels has greatly deteriorated.
- iii) Inadequate health facilities to deal with the health problems and needs of the youth, especially “sexual and reproductive health, substance/drug abuse and mental health. Teenage pregnancy stands at 43% as at 1995.”¹⁹
- iv) Limited participation by the youth in leadership, management and decision-making processes in spite of the enactment of the National Youth Council Statute in 1993 with youth organs from the village level to the national level.²⁰

16 Ibid, p. 4

17 Ibid, p. 4

18 Ibid, p. 6

19 Ibid, p. 8

20 Ibid, p. 9

- v) Lack of opportunity for planned and programmed leisure, sports and recreation activities and facilities, which has partly led to the development of certain negative habits, the influence of western culture and the declining influence of traditional control and cultural identity.
- vi) Involvement in crime, especially by male youth, as a result of internal conflicts, unemployment, redundancy and poverty, which has led to increased juvenile delinquencies, street youths, sex workers, drug addicts and orphans.²¹

In 2011, the MoGLSD with technical support from the International Labour Organisation (ILO), also issued the National Employment Policy for Uganda. The policy acknowledged that unemployment was a very big problem, stating that:

The only way to survive, generate value and prosper today and in the future is to become more innovative and productive. Lack of access to decent and remunerative employment, lowers self-esteem; leads to denial of basic needs of the individual and the family thus perpetuating the vicious circle of poverty. The most direct impact of unemployment, low skill, low productivity and poor working conditions on the economy is the loss in terms of output of goods and services. The consequences of unemployment and underemployment could be seriously damaging as a potential source industrial unrest, instability and increased crime rate. (MoGLSD 2011: iii)

As a result, it was proposed that it was “important that Government works towards the goal of decent and remunerative employment for all women and men seeking such work in conditions of freedom, equity, security and human dignity” (ibid.). The policy also recognised “the twin challenge of poverty and unemployment in spite of impressive economic growth” (ibid. 40).

The main implementation agency for the National Employment Policy is the Ministry of Gender, Labour and Social Development, which is expected to work closely with the ministries responsible for Finance, Planning and Economic Development; Tourism, Trade and Industry; Local Government; Education and Sports; Works and Transport; Agriculture, Animal Industries and Fisheries; Energy and Mineral Development; and Information and Communication Technology, to ensure “the integration of employment issues in the implementation of the National Development Plan and the National Core Projects of the NDP” (ibid. 34). The policy also established a National Employment Council to include all the above ministries as members, in addition to the ministries of Public Service; Health; Lands, Housing and Urban Development; Internal Affairs and Immigration; and for East African Community Affairs, as well as the National Planning Authority (NPA), the Uganda Bureau of Statistics, the Uganda Investment Authority and, significantly, the FUE, NOTU and COFTU (Ibid. 37 – 38).

²¹ Ibid, p. 11

Although the employers' and workers' organisations have a clear role in the National Employment Policy, no specific role was envisaged for workers' and youth MPs. Regarding the latter two, the policy states:

The Federation of Uganda Employers (FUE) and Labour Unions as social partners shall co-operate with the ministry responsible for labour and other relevant bodies in monitoring the achievement of the objectives of this policy and in dissemination. Both employer associations and labour unions shall be encouraged to include a larger number of members from small-scale unregistered enterprises, including employers with one or two workers and casual/seasonal union members. (Ibid. 37).

The respondents in this study were able to identify the interests of youth, emphasising the need to address poverty, unemployment, quality education and social problems. In other words, most of the respondents generally agreed with the content of the National Youth Policy as summarised above, as well as the challenges of unemployment and poverty identified in the National Employment Policy for Uganda.

The FGD of students in Mbarara was able to identify the major problems of youth, particularly those in schools, to include: poor learning conditions, high school fees in some government schools such as Ntare School, where up to (U) Shs. 1.3 million is required per term, poor or dilapidated structures, part-time or very few teachers, incompetent and poorly trained teachers (for instance, those who merely give students notes to copy) and teachers staying very far from school.

On the other hand, the employed and unemployed youth in their FGD group in Mbarara, regarded the problems of youth as high unemployment, harassment by employers for those lucky to be employed, high school fees in both secondary schools and universities, a theoretical curriculum that is not responsive to current needs, poor Universal Primary Education (UPE) and Universal Secondary Education (USE) schools, the privatisation and commercialisation of education leading to money hungry owners being the majority, and a poor health system that does not specialize in the needs of the population for instance, children, youth, the elderly or special diseases and conditions.

Several respondents were of the view that the role of the youth MPs is not different from other MPs, and that youth MPs are not necessary as their work can be done by mainstream or ordinary constituency-based MPs.

3.1.2 Workers

The rights, interests and concerns of workers are generally well documented. They have been articulated by organised labour in trade unions and have also been a subject of numerous studies both locally and internationally. These rights and interests may be summarised as follows:

i) The right to work

The right to work is recognised under the National Objectives and Directive Principles of State Policy in Uganda's Constitution (Article XIV), as part and parcel of social and economic rights. In fact, one of the biggest problems confronting the people of Uganda is unemployment and underemployment, which has led the violation of the right to work for many, especially the youth.

ii) Freedom of Association

Under Articles 29 (1)(e) and 40(3)(a) of the Constitution, every worker has the right to freedom of association including freedom to form or join a trade union of one's choice "for the promotion and protection of his or her economic and social interests". In addition, workers have a right to "collective bargaining and representation" (Article 40(3)(b)) and the right "to withdraw ... labour according to law" (Article 40(3)(c)).

iii) Terms and conditions of work

Acceptable terms and conditions of work, including the right to work under satisfactory, safe and health conditions, equal pay for equal work without discrimination and satisfactory working conditions, including hours and days of rest and leave (Article 40).

iv) Women's rights at work

With respect to women workers, it is also constitutionally recognised that "the employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law" (Article 40(4)). In addition, it has also been recognised that there is sexual harassment at work, which Uganda's Employment Act now criminalises (Section 7).

v) Social Security, Social Protection and Workers' Rights on Termination of Employment

There are also other interests and concerns of workers related to conditions of work, conditions under which employment is terminated and rights on the termination of employment or on retirement. This is particularly important because some work is hazardous and requires not only protection, but also compensation in case of injury, disablement or death, such as is required under the Workers' Compensation Act (Cap. 225, Laws of Uganda). More specifically, one of the major concerns of workers is security of employment against unfair or unlawful terminations and dismissals, forms of compensation on termination and, above all, the need for social security and social protection.

vi) The minimum wage question

The Minimum Wages Advisory Boards and Wages Councils Act (Cap. 221, Laws of Uganda) sets the law on minimum wages in Uganda. However, the NRM Government, under the president's leadership and insistence, has refused to implement this Act. Government argues that a minimum wage is anti-economic growth and anti-investment. The NRM Government has twice (in 1995 and 2015) appointed minimum wage boards, but has not implemented their recommendations. On both occasions, the boards were appointed as a result of pressure from the ILO and not as a result of heeding to workers' demands or interests.

vii) Casualisation of labour

One of the major problems facing workers in Uganda is the casualisation of labour and degradation of terms and conditions of work. Casualisation became rampant following privatisation of public enterprises and the retrenchment of the state. Most of the jobs being created on Uganda's employment market are of a casual nature, even where the people being employed are skilled and qualified. Casualisation is, therefore, one of the major ways in which Ugandans are being exploited because casual workers are treated as people without any labour rights. They are denied rights such as those found in the Labour Unions Act (freedom of association, in trade unions), the Employment Act (hours of work, leave, maternity leave, repatriation, severance and proper termination procedures) or the Occupational Safety and Health Act (a healthy and protected working environment). In addition to casualisation, major companies especially telecommunication multinationals have now resorted to so-called contracting out or outsourcing as a new way of managing and using labour. This method of management denies the outsourced workers their labour rights.

Apart from the National Employment Policy for Uganda and the National Youth Policy referred to above, which are also of relevance to workers, their rights and interests, the MoGLSD also prepared the National Tripartite Charter on Labour Relations. The Charter was signed on 23rd May, 2013, by the FUE, NOTU and COFTU on the one hand and the Government of Uganda (GoU) on the other. This Charter envisages tripartite co-operation between the Government, the employers and the trade unions. All three parties agreed among others:

1. To promote, respect and protect the rights of workers as enshrined in Article 2, 20, 29 and 40 of the Constitution of the Republic of Uganda.
2. To respect democratic principles, settle all differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration in accordance with the laid down machinery.
3. To create a vibrant social security sector that provides for the welfare

of workers, retired persons, the unemployed, orphans, the sick, persons with disabilities, youths and other disadvantaged groups.

4. To promote policies that will enhance skills and human resource training and development for competitiveness; encourage local and foreign investment for the creation of more quality and decent jobs that bring about socio-economic transformation.
5. To strengthen the statutory tripartite bodies as a fora to regularly meet, discuss and advise on labour administration issues.
6. To abide by the provisions contained in the laws of Uganda, the East African Common Market Protocol (EACMP) and regulations made thereunder on the free movement of labour and ILO Labour standards in respect of fundamental principles and rights at work.” (Republic of Uganda 2013: 10).

It should also be noted that among other things, the Government agreed “to provide mechanisms for dialogue, tripartite consultations and negotiations to enable the parties to implement the terms of this charter”; “to develop and implement policies on employment and labour issues in consultation with social partners and other stakeholders, which enhance productivity and industrial harmony in the workplace”; and also “to provide an enabling environment for workers to negotiate for a living wage as reflected in the National Employment Policy and the ILO Recommendation on Social Protection” (Ibid. 12). Furthermore, the Government agreed “to strengthen the statutory bodies such as the Industrial Court, the Minimum Wages Advisory Board, the Labour Advisory Board and the National Tripartite Council, as tripartite fora” (Ibid. 13).

3.2 THE IMPACT OF YOUTH AND WORKERS’ MPS IN ADVANCING THE RIGHTS AND INTERESTS OF THE YOUTH AND WORKERS

3.2.1 Impact of Youth MPs

There is evidence that since the passing of the 1995 Constitution, the youth MPs have made a modest contribution with regard to the passing of some laws, motions and policies in conjunction with the MoGLSD. Some youth MPs have also been active in other issues to which other MPs have also contributed, but overall, their contribution seems to have been rather limited. Indeed, the respondents in this study were almost unanimous in their view that youth MPs have not played their role in parliament.

One of the respondents, the Acting. Secretary, District Service Commission, Lira had this to say regarding the youth:

Their major concern is unemployment. This comes from many factors: lack of jobs, lack of proper skills and training, lack of opportunities to find the jobs. All these need to be addressed by the MPs through policy and laws. There are also social issues of the youths such as alcoholism and gambling, which is a major problem in this district. There is also the issue of drug abuse mainly marijuana and mairungi. No one has handled this.

On the other hand, the District Community Development Officer, Mbarara District, argued that the needs and challenges of the youth are overwhelming and include: unemployment, underemployment, proper education and the casualisation of labour. Yet, youth MPs cannot and have not pushed for the rights, concerns and issues of the youth. He contended that this is partly because one youth MP for a whole region cannot accomplish this task. To him, it should be the responsibility for the entire government, not a mere five youth MPs, to address the challenges that face the youth. In any event, he argued, “the college method used to vote youth MPs is not conducive for democracy. It is full of corruption and all the competitors use money to bribe voters.” He further added that unfortunately, “the constituency of the youth MP is a moving target because all the youth members are always in transit from childhood to adulthood, moving from one location to another looking for jobs and opportunities, etc.”

One former workers’ MP was of the view that the youth MPs were participating in parliamentary business and politics generally, which does not amount to representation. “The youth MPs never raise anything against government.” According to the Executive Director of SWICCO in Mbarara, Julius Kuzirimpe, the youth have very many problems that are indeed sensitive, but “I don’t think they are useful in Parliament as they represent only their own views” and “the youth councils which elect them and The Uganda National Student’s Association (UNSA) only make noise but have no input into programmes of government and are very easily compromised by government”. Equally, the FGDs in Mbarara were of the view that workers’ MPs are not useful and that this provision has led to many young people anxiously waiting to become MPs instead of looking for gainful employment, yet there are only five positions for youth MPs.

Some respondents also argued that making young people MPs is a disservice to them because once they fail to return to parliament, they are unwilling to accept other types of employment because they have become used to a lot of money as MPs, which is not available in other forms of employment.²²

Those respondents who saw some usefulness in having youth MPs were of the view that the constituencies were too big and that the methods of dealing with youth could be reformed, including getting in touch with local council governments as well as

²² Masaka FGDs and Jinja FGDs.

existing youth council structures. In addition, they argued that there should be term limits, for instance, one term for youth MP so that they know in advance that they have to look for other forms of work after five years and can also use their presence in parliament to mobilise fellow youth to engage in other forms of occupation rather than mere politics and politicking.²³

Recent research shows that there have been some attempts by youth MPs to address the challenges and concerns of the youth. The youth MPs in the 9th Parliament (2011–2016) contributed to the National Youth Manifesto 2011–2016, which highlights four major policy issues concerning youth, namely: youth participation in decision making, improvement in health, education and employment.²⁴ During the 9th Parliament, the youth MPs also contributed to the setting up of the Youth Venture Capital Fund worth US\$ 25 billion, aimed at supporting the growth of business ventures owned by youths aged between 18 and 35 years. However, this fund has not benefitted the majority of the youth because of challenges in accessing it.²⁵ In addition, the youth MPs influenced the conceptualisation and passing of the Higher Education Financing Act of 2011, which sets up the students' loan scheme to enable academically deserving but financially needy students to access higher education. Its success has not been fully tested to date.

One of the youth MPs, Monica Amoding, moved a motion seeking leave to prepare and present a private members' bill, the National Youth Enterprise Bill of 2013, intended to regulate and put in place guidelines for youth funds aimed at job creation or self-owned businesses. The Bill would also establish a National Youth Enterprise Fund as a semi-autonomous institution with a clear operational, funding and management structure.²⁶ The 9th Parliament youth MPs also contributed to the formation of the Youth Livelihood Programme (YLP) under the parent Ministry of Gender, Labour and Social Development. This is a five-year development programme that seeks to alleviate poverty and unemployment among the youth. It has three components: skills development, livelihood support, and institutional support. The funds are advanced to youth interest groups in the form of a revolving fund.²⁷ Whether the performance of this fund in fulfilling its mandate and objectives is yet to be fully assessed.

There are, nonetheless, many challenges that face the youth MPs. One of them is integral to the structure and character of Uganda's current political system, which is based on patronage and commercialisation of politics. As one study found:

Many youth at the grassroots level tend to overwhelm their youth MPs with demands for meeting personal monetary concerns such as school fees, condolence fees, health care costs among others. This was considered the biggest challenge according to the Youth MP, and this makes them shun going for the consultative meetings. Consultative meetings are the channel through which youth input

23 Fr. Alex Nkubito, Chaplain at St. Bruno Ssaza Parish, Masaka Town.

24 Uganda Youth Network (UYONET) and African Youth Development Link (AYDL) 2014: 2

25 UYONET and AYDL 2014: 23

26 See Pesa Times, 9th April 2013

27 See Ministry of Gender, Labour and Social Development website, mglsd.go.ug. See also UYONET and AYDL 2014: 24

into the national policy making processes, and MPs need such facts on the ground in order to present issues on the floor of the parliament. Without traversing the different districts under the areas of representation, youth MPs may not be able to articulate the different area-specific concerns in the national policy making processes.²⁸

Overall, youth MPs have generally not been effective in executing their mandate of advancing the rights and interests of youths and have therefore had little impact. The programmes, laws and policies in which they have been involved are important for youth, but their impact on the interests, rights, problems and concerns of youth in the country is yet to be assessed. Some of the reasons for their very limited success are because they deal with too big a constituency, have no proper accountability structures, and have no political incentive to be accountable to their electorate, since no youth MP attempts a second term. Instead, they strive to go to geographical constituencies and therefore concentrate on having some presence and impact only in their home areas. As we show later, the respondents were almost unanimous in their view that the rights, interests and concerns of youth can be handled by government in its various programmes, by political parties and by the mainstream MPs who should represent the interests of all their constituents, including the youth.

3.2.2 Impact of workers' MPs

With respect to workers' MPs, while some work has been done, it seems there is hardly any justification to suggest that they have had any significant impact on the rights, interests and concerns of workers and the unemployed.

One of the former workers' MPs, Martin Wandera (2001–2006), was of the view that while workers representation seemed to be useful and exciting at the beginning – especially during the NRC (National Resistance Council), the CA (Constituent Assembly) days and between 1996 and 2006 during the time of the Movement System – its usefulness greatly deteriorated in the so-called multi-party era (2006 to date).

In 1993, the Trade Union Laws (Miscellaneous Amendments) Statute No. 10 of 1993 was passed by the NRC, the interim parliament at that time. However, this was not a result of workers' representation in parliament, but rather the desire of the regime to incorporate workers within its corporatist agenda (See J.J. Barya 2001). The NRM Government had wanted to have the youth, workers and disabled (apart from the army and women) represented in the NRC as special interest groups under Legal Notice No. 1 of 1986, as amended in 1989. Workers were then given a slot of three MPs. Before

1993, many workers were excluded from joining trade unions including: all public servants (except junior and support staff), workers in the Bank of Uganda (BoU) and those that had been excluded by private employers opposed to unionisation.

28 UYONET and AYDL, Ibid, p.25

The NRM regime had also wanted to create a separate workers' structure or organisation similar to the youth councils, in order to use it to elect workers' representatives to parliament. The Trade Unions led by the only Labour Centre then, NOTU, objected strongly to this and argued that NOTU appeared not to be representative because its affiliates were being prevented from recruiting more workers under the then Trade Unions Decree of 1976 (J.J Barya 2001, Ibid.). The Government was then forced to open up the space for unionisation, and it was because of this that civil servants, BoU staff and other public servants (with the exception of the Uganda Peoples Defence Forces (UPDF), heads of department in Government and government parastatals, labour officers and supervisors and managers) were allowed to unionise.

It could therefore be said that it was the trade union movement and its struggles that led to the passing of this law even before workers' MPs were in parliament, rather than the NRC. It is also a fact that the then fairly strong and focused trade union movement was able to thwart government's intention of bypassing the trade union movement and using a government-created structure, whose major purpose was not so much the expansion of organisational and associational space for workers, but rather to fulfil its intention of incorporating workers within the NRM government structures as part of its no party (or one-party) state structure (for details see J.J Barya 2001).

In certain instances, workers' MPs have opposed motions proposed by a fellow workers' MP. For instance, in March, 2005²⁹, Martin Wandera raised a motion regarding the laying off of workers at the Uganda Revenue Authority (URA). He was, however, opposed by the other workers' MPs, including: Teo Ssentongo, Charles Bakabulindi (a Minister for Sports), Sam Lyomoki and Joram Pajobo. Another former workers' MP argued that:

Charles Bakabulindi for instance, has become a problem because he is more interested in remaining a minister than serving workers. The Workers' MPs no longer stand for anything. They are more interested in being MPs as a career and a job than representing workers and workers' interests. They are not guided by any pro-worker ideology

The major achievement by the workers' representatives in parliament was the passing of four labour laws in 2006. However, the manner in which these laws were passed and the impetus from international trade unions and the United States (US) Government show that the laws were passed as a result of the trade union movement's pressure, buttressed by international trade union solidarity, more so than the inherent strength and usefulness of workers' MPs in Parliament. The struggle to reform labour laws had been on since the end of the Idi Amin regime, mainly from the UPC – Obote II period. The process ended in 2006, with the significant involvement of three social partners – the International Labour Organisation (ILO), United Nations Development Programme (UNDP) and World Bank (WB) – and others. The process highlighted

29 See Hansard, Official Report, 23rd March 2005

conflicts of interest, a lack of coordination among the various players, and the broad assumptions regarding what these laws constituted. A lot of time and resources, both technical and financial, were spent on hiring experts, hosting seminars and workshops and printing materials, among other expenditures, before the laws were finally enacted.

3.2.3 The labour law reform process

Under pressure from the trade unions, the ILO was invited by Government in 1987 to assist Uganda with a tripartite revision of the labour legislation, which was even then considered antiquated, and to ensure ILO compliance. As such, Professor Brian Napier, a Law Professor and practicing Barrister from the United Kingdom (UK), was commissioned to assist and facilitate the process. The labour laws that needed to be repealed included: the Employment Decree 1975, Trade Union Decree 1974, Factories Act 1964 and Trades Dispute (Arbitration and Settlement) Act Cap 224. A commission of 13, comprising tripartite representation from the Ministry of Labour (Government), the employers' organisation (Federation of Uganda Employers- FUE) and workers' organisation (NOTU) was set up. Consensus was reached between the social partners to repeal the four above-mentioned Acts and to be compliant with both nationally and internationally accepted minimum labour standards.

Stacey (1990)³⁰ noted that the agreement was concluded in 1996/7 on all four bills and the exercise included the drafting and negotiation between the social partners on every clause in the proposed legislation so that final draft bills could be prepared. While the Ministry of Labour, with ILO assistance, was conducting its review of the labour legislation, the Ministry of Justice sought assistance from the WB in updating its commercial laws which included a brief on labour legislation. To that end, consultants were engaged by the WB to update the same labour laws that the Ministry of Labour and ILO had already updated. Thus the WB exercise was executed without reference to the work already done by the Ministry of Labour, the trade unions and the employers' federation.

According to a policy rejoinder by NOTU, in 1998, the WB had classified all labour laws as commercial laws, giving the authority of revision to the Ministry of Finance, Planning and Economic Development (MoFPED), and urging the ministry to ensure flexibility in the new laws³¹. Out of this mandate from the WB came the labour aspect of the Deregulation Project, which dealt with a number of regulatory issues. The proposed revisions by the Deregulation Project led to the drafting of four new bills. However, the labour movement did not agree with many of the proposed changes.

NOTU's scathing policy rejoinder to the proposed changes charges, "The Deregulation Project would rather (sic) this function of offering workers adequate social protection was left out by the Government."³² Of course, it is not surprising that the Deregulation

³⁰ Stacey, 1999: Commonwealth Trade Union Report.

³¹ Uganda Labour Resource Centre, 2011: Baseline Survey on the Implementation of New Labour Laws in Uganda – A Case Study of Kampala, Wakiso, Jinja, Gulu and Mbarara Districts, May, 2011, commissioned by FES

³² Uganda Labour Resource Centre (ULRC), Ibid, p. 20

Project would seek to deregulate, especially in the labour market. However, as the rejoinder says, “the Deregulation Project paper begins and ends on a wrong premise... that all what matters for job creation is low costs of operation for the employer” (Ibid).

Ogaram (2003)³³ observed that during a consultation session, disagreement between MoGLSD representing labour and MoFPED could be found in seven areas: (1) collective terminations and severance pay; (2) waiver of prescribed standards; (3) penalties on default; (4) rights and duties in employment; (5) powers of the minister; (6) rights and responsibilities of registered organisations; and (7) industrial court. In each instance, MoFPED favoured flexibility for employers so that labour laws were either weaker or had less impact in terms of enforcement. MoGLSD, on the other hand, favoured a strengthening of labour laws by affirming various rights.

The divergence was most apparent on the issue of rights and responsibilities for the unions. In this area, there was utter disagreement on the right to strike, the right to be recognised, and the obligation for employers to bargain collectively with trade unions. All the above led to frustration of trade unions, as manifested in a NOTU Memorandum to the President in 2004, which read in part:

We have been informed that the impasse between the Ministry of Finance and that responsible for labour is on three areas namely: (i) the proposal to remove the right to withdraw labour which is a constitutional provision (Article 40(3) (c)), (ii) the proposal to abolish the Industrial Court and be replaced by normal courts of law and (iii) the proposal to massive lay-offs by employers without prior and adequate arrangement for workers (quoted in Uganda Labour Resource Centre 2011: 21).

Furthermore, on various May Labour Day celebrations between 1995 and 2005, the trade unions, through their umbrella organisations, raised the urgent need to amend the labour laws.

Study by the United Nations Development Programme (UNDP)

To resolve the impasse, the UNDP was invited in 1999 to assist in reconciling the two parallel exercises undertaken by the different ministries within the Ugandan Government and the different international bodies. The Ministry of Labour, the employers' federation and the trade unions were unanimous in seeking to reject outright the WB-sponsored Employment and Industrial Relations draft legislation in its entirety, and sought the earliest possible enactment and implementation of the ILO-sponsored draft legislation, which had been agreed upon by the three social partners. The draft labour laws were ready in 2001.³⁴

33 David Ogaram, 2003: Labour Review – Status Report on Bills presented at a Consultation Workshop for Trade Union Leaders, March 2003

34 The current author, J.J Barya was involved in the drafting of the four labour laws in 2001.

The new proposals sponsored by the ILO sought to overhaul the old law, to give meaningful and unrestricted rights of freedom of association to workers, a better and more efficient labour dispute settlement process, expanded safety and health rights at work and, above all, created new labour rights in the employment relationship.

The passing of the four labour bills

Considering all of the above mentioned obstacles in passing the new labour laws and the fact that they were hurriedly debated and passed in March, 2006, as we show below, raises several questions with regards to the Government's commitment towards this undertaking.

As we have argued earlier, the bills were passed due to pressure by the US Government on the Ugandan Government, courtesy of the US African Growth and Opportunity Act (AGOA). In 2007, it was argued:

AGOA had been taken advantage of by the Ugandan Government which supported some investors from Sri Lanka to set up the Apparel Tri-Star Ltd, a private company in Kampala employing more than two thousand (2,000) female workers in the textile factory. The Uganda Textile, Garment, Leather and Allied Workers' Union (UTGL & AWU) had mobilised over 90 percent of the workforce at Tri Star by June 2003 to join the union. The company refused to recognise the union, claiming that the union had to certify that it was representative of 51 percent of the workers at Tri-Star" as stipulated by the old Trade Unions Act still binding then. (Barya 2007:25)

A complaint was filed with the ILO and the ILO Committee on Freedom of Association gave a damning report and requested, inter alia, that Government take steps to amend the Trade Unions Act to bring it "unto conformity with the freedom of association principles."³⁵

The Uganda Textile, Garment, Leather and Allied Workers' Union continued its international campaign for union recognition and enlisted the support of the American Federation of Labour and Congress of Industrial Organisations (AFL-CIO) and the International Textile, Garment, Leather Workers' Federation (ITGWLF). These two international unions took up the matter with the US Government. In particular, the AFL-CIO urged the US Government to expel Uganda from AGOA for not respecting labour rights. (J.J Barya 2007: 25).

In the meantime, the Ugandan Government, led by the deputy Attorney General together with the Chairman General of NOTU, the Labour Commissioner at the

³⁵ Quoted in J.J. Barya 2007

MoGLSD and the Chairman of FUE, went to the US Congress to negotiate the stay of Uganda in AGOA. During that December 2005 meeting, the American Government gave the Ugandan Government an ultimatum to pass all pending labour laws by March 2006, or to risk being struck off the AGOA list. Faced with this threat, Government mobilised parliament to scrutinise the bills before the 23rd February 2006 vote for the presidential and parliamentary election, despite the ongoing campaigns. Following the national elections, and in a record time of only three days between 27th and 29th March, 2006, all four bills were tabled, debated and passed with minor amendments.

Having been passed in a record three days, the debate on the Bills was not a serious one, although some important issues were raised. The said debate was preceded by the presentation, consideration and adoption of the Select Committee Report on the Adequacy of Industrial Relations in Uganda³⁶. That Report followed a Parliamentary debate on industrial unrest at Apparel Tri-Star (U) Ltd that had occurred between October and November, 2003. However, from this time until the Government began to face pressure from the trade unions and the US Government, the issue had been shelved until December 2005, when the threat of being struck off the AGOA list by the US Government was about to materialise. The Select Committee Report dealt with the allegations raised by the workers at Tri-Star, examined the existing labour policies and laws, and assessed their compliance with international conventions and treaties such as AGOA, to which Uganda was party, and their conformity with the Constitution of Uganda.

Interestingly, the Report was not debated at all and instead the Speaker proposed as follows:

I suggest that when members are handling these other bills (the four labour bills) they should take into account what has been recommended in the Report. (Ibid. 16685)

Accordingly, all the stages through which the four bills had to pass, including: the 2nd Reading, Committee Stage and the final passing of the bills, were completed in a mere three days, alongside other business. The bills included: the Employment Bill of 2005, the Occupational Safety and Health Bill of 2005, the Labour Disputes (Arbitration and Settlement) Bill of 2005 and the Labour Unions Bill of 2005. Only three workers' MPs contributed: Joram Pajobo, Sam Lyomoki and Charles Bakabulindi. At the end of the debate, which had begun in the morning of 27th March, 2006 and ended just after midday on 29th March, 2006, the Speaker casually remarked:

The Bill (the last one was the Labour Unions Bill 2005) has been passed and this concludes the four important Bills which we were

told to pass. Thank you very much (Applause). Now I think the workers are happy; they are going to organise themselves. And I

36 See Hansard, Official Report, 5th Session – 3rd Meeting 21st – 30th March, 2006, p.16680.

want to congratulate the members representing workers in the House for having achieved this for your electorate. (Ibid. 16760)

Although the Bills were passed due to pressure from the trade union movement, international trade union solidarity and pressure from the American Government, it remained to be seen whether Government was committed to having the laws implemented and enforced. This is because Government (and particularly the President) had been forced to pass these laws, but was essentially opposed to them.

4.0 THE RELATIONSHIP BETWEEN WORKERS AND YOUTH MPS, THE MINISTRY OF GENDER, LABOUR AND SOCIAL DEVELOPMENT AND CONSTITUTIONAL BODIES

4.1 IMPACT OF THE CONSTITUTIONAL BODIES IN ADVANCING THE RIGHTS AND INTERESTS OF THE YOUTH AND WORKERS

This study looked at three constitutional bodies: the Uganda Human Rights Commission (UHRC), the Uganda Law Reform Commission (ULRC) and the Equal Opportunities Commission (EOC). Uganda's 1995 Constitution provides for the establishment of the UHRC under article 51, the EOC under article 32(3) and the ULRC in article 248(1).

The mandate of UHRC, as provided for under article 51 (1) of the 1995 Constitution, includes, among others, to promote and protect human rights through investigations of complaints made by any person or group of persons against any violation of human rights. The EOC is mandated to eliminate discrimination and inequalities against any individual or group of persons on the grounds of sex, age, color, ethnic origin, tribe, birth, religion and health status, social or economic standing, political opinion or disability, and take affirmative action in favor of groups of marginalised on the basis of gender, age, disability, or any other reason created by history, tradition or custom, for the purposes of redressing imbalances which exist against them. The ULRC is mandated to study and keep under constant review, the Acts and laws comprising the laws of Uganda with a view to make recommendations for their systematic improvement, development, modernisation and reform.

The respondents in this study acknowledged the contribution that constitutional bodies have made to the advancement of the rights and interests of youth and workers. It is, however, important to note that by the time the interviews were conducted, none of the constitutional bodies had done an evaluation on their work on youth and workers.

Youth

According to a respondent in the UHRC,³⁷ the youth have been a focus of the Commission because of their potential as leaders of tomorrow who, as such, need to be targeted with proper training. UHRC's focus on youth has involved carrying out sensitisation activities on their rights through radio talk shows; forming and monitoring Human Rights Clubs at schools; and barazas (public debates in communities) to address critically important issues such as corruption and integrity.

On the other hand, the Principal Legal Officer disclosed that the ULRC has not had the funds to actively engage the youth and, accordingly, it had not had direct interventions focused on them. However, it was learnt that during the consultative meetings on the

37 The Director, Directorate of Regional Services, UHRC, K. Byonabye.

electoral laws, the ULRC had carried out interviews with youth in Kayunga, Gulu, Wakiso and Karamoja Districts. The ULRC has also consulted with youth on the issue of internship and apprenticeship placements that affect them. The ULRC is reviewing the Employment Act to regulate this area, as they have found that some hotels employ interns for up to six months without pay. Furthermore, the ULRC is reviewing the Employment Act with a view to deal with, among others, incompetent District Labour Officers and the use of commercial officers who are not educated in labour matters. The proposed changes to the Employment Act would address the qualifications of labour officers. ULRC has made recommendations on the qualification of labour officers and the issue of internship to the MoGLSD.³⁸

The EOC has made its interventions in the Youth Livelihood Programme (YLP). It identified the gaps that foster discrimination and made recommendations to the relevant line ministries. The EOC has also played a role in educating the youth on their rights through their awareness programs. A respondent from the Parliamentary Committee of Gender, Labour and Social Development stated that among other programs/activities like the Northern Uganda Social Action Fund (NUSAF) I & II, Youth Development Scheme, National Agriculture Advisory Development Services (NAADS), and the promotion of children and youth programme, the rolling out of the Youth Livelihood Fund was the greatest contribution to the youth. The program was intended to empower youth in addressing the high unemployment levels amongst this demographic. The respondent from the Committee of Gender, Labour and Social Development noted that the beneficiaries of this fund are the untrained or uneducated youth who use the funds to buy boda bodas (motor bicycles). The procedure of accessing funds from YLF is also said to be strenuous, as it requires the youth to form groups with a maximum of 15 and minimum of 10 members. The supervision of these groups is also limited.³⁹

What then has been the contribution of the constitutional bodies in addressing the interests and rights of the youth and the workers in the last two decades? All the respondents interviewed agreed that education programs on community awareness on the rights of the youth formed an important part of the contribution of constitutional bodies/organisations in the promotion of youth interests in the last two decades. This is based on the belief that awareness of the rights of youth is the driving force to attaining these rights. The UHRC, in its annual reports, has been reporting on human rights violations. The 15th Annual Report, 2012,⁴⁰ for instance, which focussed on the right to work for inmates in detention, found that inmates' right to access meaningful remuneration for work done was being abused, and that the high level of youth unemployment in Uganda (which stood at an estimated 62% at the time of the report), poses a threat to the wellbeing of society.⁴¹ The UHRC noted that since 1997, there has been an increase in the rate of youth unemployment.

38 Interview with Ms. A. Jackie, Principal Legal Officer ULRC.

39 Interview with an officer in Parliament.

40 UHRC Annual Report 2012

41 Uganda Human Rights Special Report: Workers Rights: A perspective on the enjoyment of the rights of factory workers in Uganda, p.108.

Despite several government interventions to curb youth unemployment, huge challenges remain, including limited job opportunities, poor management of the government's youth interventions, academic courses that are not related to the needs of the job market, lack of comprehensive youth policies, underemployment, uncoordinated interventions in addressing youth unemployment and limited interest of the youth in agriculture.⁴²

Workers

As indicated above, the ULRC is reviewing the Employment Act to address existing gaps such as the qualification of District Labour Officers, and the Internship and Apprenticeship Regulations. The EOC continues to address the gaps in the YLP and to educate the youth on their rights.

The UHRC conducted a research study on factory workers in tea and sugar plantations. The resulting report highlighted the exploitation that these workers face. Workers have rights at work and a right to work. UHRC's 15th Annual Report of 2012 as earlier mentioned, for instance reported on the right to work for inmates in detention, and found that inmates' right to access meaningful remuneration for work done was being abused. It also revealed low minimum wages, inadequate representation of workers in trade unions, lack of awareness of the role of labour unions by workers, weak enforcement of occupational and safety standards in workplaces due to the shortage of District Labour Officers, disparities in remuneration for equal work based on discrimination on the grounds of sex and race, denial of rights to rest and leisure for some employees, lack of written particulars of employment (employment contracts) especially in the private and informal sectors, and lack of HIV/AIDS policies in workplaces.⁴³

Some examples of the denial of these important workers rights in private companies include: women who get maternity leave being fired, workers in internet cafes not being allowed to communicate on phone as these are confiscated as they enter the work place, and delays in the payment of private school teachers. UHRC has intervened in these instances to protect the workers.⁴⁴

UHRC is currently conducting research on domestic workers, with a focus on the minimum wage. Evaluation of the project has been done, but the report is yet to be launched. As such, it is hard to provide a clear picture of the impact of the interventions UHRC has made to advance the rights of the youth and workers.

The EOC has focused on salary discrepancies between government workers. It has also looked into employers' compliance with respect to equal opportunities. An example was given by one of the respondents of a Chinese firm that required a female

42 Ibid, p.112.

43 Ibid, pp.115- 118.

44 Interview with K. Byonabye, Director, UHRC.

employee to seek permission from her employer before conceiving, failure of which would amount to termination of the contract.⁴⁵ The EOC also carried out a baseline study on equal opportunities in Uganda in 2013.⁴⁶ Among others, the report looked at employment in selected Local Governments in Uganda and identified imbalances in the recruitment and posting of workers. The study indicated that a number of interventions or programs had been implemented for workers.

The EOC has made recommendations on the salary discrepancies at work to government, and has worked to sensitise and train workers on labour laws and their rights. The ULRC on the other hand, has forwarded recommendations to the MoGLSD to ensure that more qualified labour officers are recruited and well funded to adequately carry out their duties. The constant advocacy on the issues of minimum wage, social security reform and recognition of the rights of domestic workers was cited as a strong contribution by constitutional bodies/organisations to the concerns of workers.⁴⁷

However, it is important to note that although all the constitutional bodies have made some contributions in highlighting the rights and interests of the youth and workers, since their establishment they have not carried out impact assessments to evaluate whether the sporadic interventions they have made in this regard have had any impact.

4.2 STRUCTURAL LINKAGES BETWEEN THE CONSTITUTIONAL BODIES AND LEGISLATIVE REPRESENTATION IN PARLIAMENT

This section explores the linkages that exist between the constitutional bodies and the parliamentary Committee on Gender, Labour and Social Development.

The study found that there is a link – which is mainly collaborative – between the constitutional bodies and the committee on Gender, Labour and Social Development and the MoGLSD. This implies that the constitutional bodies engage the Committee on an ad hoc basis, as and when they intend to advance the interests of the youth.

The UHRC has a unit called the Vulnerable Persons Unit, which addresses issues of youth and workers, but has no department dedicated strictly to youth or workers. The UHRC Right to Health Unit also looks at the right to health, but has expanded to include other economic and social rights concerning workers and youth. The ULRC and EOC do not have special desks that handle issues of youth or workers. The relationship is based partnership strategies or networking, wherein the constitutional bodies map out a structure they use when they need to implement programs that require the input of youth and workers.

45 Interview with Senior Monitoring and Evaluation Officer, EOC.

46 The Equal Opportunities Commission 2013: A Baseline Report on the state of Equal Opportunities in Uganda.

47 Interview with Pridah P. Dianah, Legal Officer, Platform for Labour Action.

The constitutional bodies are created by law and, as a result, have to report back to parliament. By the very nature in which their representation is created, it is only logical that at some point in time, constitutional bodies created for the very purpose of advancing the rights and interests of workers have to relate with the Committee of Gender, Labour and Social Development in parliament.

According to the Labour Commissioner at MoGLSD,⁴⁸ the structural linkage between the ministry and the constitutional bodies is still weak and requires strengthening in order to share information. He proposes that these Commissions should be part of a working group in the labour sector to strengthen the sharing of information on field findings and to ensure that justice is extended to aggrieved workers and employers.

4.3 MECHANISMS FOR CONSULTATION AND FEEDBACK

The study examined the practical methods constitutional bodies use to interface with the youth and workers, in order to gauge the effectiveness of existing mechanisms for consultation and feedback. The study shows that the constitutional bodies use various mechanisms to intervene and address the issues that affect the youth and the workers. These include barazas, civic education (interaction with the communities and consultation), sensitisation workshops and involvement in various attempts to reform laws through consultative meetings.⁴⁹

The mandates of the constitutional bodies do not limit them to youth and workers. They address all issues that affect the country at large. It is for this reason that the constitutional bodies do not only have programs or interventions geared solely to these two interest groups. UHRC uses radio talk shows, community meetings and barazas to reach out to the youth and workers.⁵⁰ ULRC carried out consultations with youth and workers during the electoral reform process and has undertaken a review of the Employment Act. In both instances, however, such consultations were not limited to youth and workers.

The study shows that the constitutional bodies do not have formal mechanisms that exist for consultation and feedback with the youth and workers. It was observed ⁵¹ that the constitutional bodies interface with all those that fall within their mandate and deal with specific issues of youth and workers as and when they arise. It was proposed that the relationship between the constitutional bodies and the Committee of Gender, Labour and Social Development in parliament can be improved by way of developing Memoranda of Understanding (MoUs). These would go a long way in making the relationships better and formalizing the engagements between the Committee and the constitutional bodies. It was also emphasised that Committee members need to be open minded to human rights issues, especially in relation to the UHRC.

48 Interview with Mr. P. Okello, Ag. Labour Commissioner, MoGLSD.

49 Interview with Hon. Medi Kaggwa, Chairperson of UHRC.

50 Interview with K. Byonabye, Director, UHRC.

51 Interview with K. Byonabye, Ibid.

4.4 THE ROLE OF THE YOUTH AND WORKERS' MPS

The study examined the importance of the youth and workers' MPs, focusing on whether this representation is necessary. The majority of the interview respondents in the constitutional bodies and academia agreed that the youth and workers' MPs are relevant.

One of the respondents⁵² from academia was of the view that these MPs advance the interests of these specific groups because they speak on their behalf and represent them. He noted that the youth represent a huge demographic that cannot be simply pushed aside, and added that workers' MPs advance the interests of this specific groups as they are critical for the economic development of the country. The respondent further argued that this space is important for them to articulate their views so that the representatives can advance the views of youth and workers in every piece of legislation that passes through parliament.

A respondent from the UHRC emphasised that the representation of youth and workers is important because of the marginalisation of these groups.⁵³ The majority of the respondents from the constitutional bodies interviewed were of the view that the youth and workers' MPs are relevant and play a role in advancing the rights and interest of these groups.

That said, however, the respondents recognised the challenges that exist, noting, for example, that the mode of selection of the workers' representatives by electoral colleges of trade unions is not participatory. Workers do not have a direct influence on who becomes an MP. The Commissioner for Labour, at the time of the interview, stated that the MoGLSD intends to amend the electoral law to introduce non-unionised workers to implement the judgment of the constitutional court which ruled that regulations are inconsistent with the constitution. The new law will provide for both unionised and non-unionised workers to participate in the election of workers MP.⁵⁴

Respondents pointed out that the workers' MPs have not exhaustively dealt with or addressed the issue of the minimum wage and other important matters. There were also concerns that of the five workers' MPs, only one is active. When workers strike, MPs do not come out clearly to address their issues; MPs serve other interests than those of the workers; and the youth MPs, like the women MPs, have very large constituencies but are paid the same emoluments as other MPs. The youth MPs cannot reach all the youth in Uganda.

MPs should ideally be representing their constituents, but on the contrary, they often front their own interests, leaving their constituents abandoned. For example, some respondents noted that some youth and workers' MPs in reality do not care for the majority of the people they should be representing and, as such, their representation is more in name than in reality.

52 Interview with Dr. Busingye Kabumba, School of Law, Makerere University.

53 Interview with K. Byonabye, *Supra*.

54 This issue has already been highlighted, *supra*. At the time of writing this report, the law had already been passed as discussed in Section 3.0 of this report. However this law has created other challenges that need further review.

4.5 THE MANDATE OF THE CONSTITUTIONAL BODIES VIS-À-VIS LEGISLATIVE REPRESENTATION

The findings of the research suggest that the constitutional bodies understand their mandate and know what they are supposed to do. UHRC's mandate is to promote and protect human rights. The EOC has a mandate to eliminate discrimination and marginalisation against individuals or group of persons on the grounds of sex, age, political opinion, race, colour or any other reason created by history. The ULRC's mandate is to revise and reform laws.

The constitutional bodies were able to identify the rights and interests of workers and youth. They maintained, however, that these were not special, but rather general, as every Ugandan has rights provided for in the bill of rights in the Constitution, whether or not they are youth or workers. The research findings show that while the legislative representatives, the MPs and the constitutional bodies know their respective mandates, it is not clear to them how they should interface with each other to advance the interests of youth and workers. The constitutional bodies mainly interface with the MoGLSD and rarely with the Committee of Gender, Youth and Social Development in parliament or with youth and workers' MPs.

The constitutional bodies understand the mandate of legislative representation as one where MPs should advance the views of youth and workers in every piece of legislation that passes through parliament. However, this is not properly done as the youth and workers' MPs vote on a partisan basis and not necessarily on the issues that affect their constituency or as articulated by the constitutional bodies.

4.6 STRUCTURAL LINKAGES BETWEEN THE CONSTITUTIONAL BODIES AND YOUTH AND WORKERS' MPS

The findings of the study with regard to linkages between constitutional bodies and youth and workers' MPs are outlined here below.

Legal status

The 1995 Constitution and the Acts of Parliament that established these constitutional bodies makes them independent, at least theoretically, and as such each body acts independent of the other. Furthermore the research findings indicate that there is no legal linkage between the constitutional bodies and the youth and workers' MPs. The linkages are usually ad hoc and not prescribed by law.

Policy and Programmes

ULRC has not specifically targeted youth in its interventions, but during a review of electoral laws, interviews carried out included the youth, especially in the districts of

Kayunga, Gulu, Wakiso and Karamoja. This interface only took place at sub county level,⁵⁵ and the project looked specifically at creating awareness on their rights. UHRC did not have a special project that targeted youth. EOC has taken an interest in the YLP and operation wealth creation, and has trained and educated youth to identify the gaps and has reported these gaps to MoGLSD. In its baseline report of 2013⁵⁶, the EOC cites the specific challenges the youth face in accessing equal opportunities.

Interface between constitutional bodies and the Parent Ministry

MoGLSD has three directorates, namely; the Directorate of Labour, Employment and Occupational Safety and Health, the Directorate of Gender and Community Development, and the Directorate of Social Protection.

The Directorate of Labour, Employment and Occupational Safety and Health performs most of the labour administration functions. It is divided into three departments each headed by a commissioner. These are the Department of Labour, Industrial Relations and Productivity, the Department of Occupational Health and Safety, and the Department of Employment Services. The Department of Labour, Industrial Relations and Productivity is responsible for formulating, implementing and enforcing labour policies and laws related to working conditions. Inspection of occupational safety and health issues falls under the responsibility of the Department of Occupational Health and Safety. According to the Labour Commissioner, MoGLSD has interfaced with the constitutional bodies in the following ways: MoGLSD is leading current efforts to amend the labour laws jointly with ULRC. MoGLSD and UHRC are involved in referral of labour cases to each other, though he noted that there are no referrals from UHRC to the Industrial Court. MoGLSD and EOC have capacity building trainings together.⁵⁷

The youth and workers' MPs, the parliamentary Committee on Gender, Labour and Social Development and the MoGLSD have some linkages, but these are ad hoc. This means that these only emerge when there is an issue that has arisen which requires the input of the Ministry and the Committee. Collaboration with the Committee on Gender, Labour, and Social Development is mainly in reporting human rights issues. For instance on the issue of liberalisation of the social security and pension sector reforms, there was an interface with workers' MPs, the parliamentary Committee on Gender, Labour and Social Development and the ULRC in trying to find common ground, although no such consensus has been reached among trade unions, employers and government thus far (due to an impasse between the Ministry of Finance and the MoGLSD).

⁵⁵ Interview with Ms. A. Jackie, Principal Legal Officer, ULRC.

⁵⁶ The Equal Opportunities Commission, 2013: A Baseline Report on the State of Equal Opportunities in Uganda, pp. 24-25.

⁵⁷ Interview Mr. P. Okello, Supra.

The level of interface between the EOC and the youth and workers' MPs is also almost nonexistent. This is especially the case because the EOC, in terms of physical presence, is still very young and is not yet fully operational, save for constituting its own membership and some staff as it starts to take its first steps in executing its mandate.

There is a high level of interface between the MoGLSD and the constitutional bodies. This is because the ministry is both a policy maker and an implementer and, as such, has a number of points of interface with various stakeholders, including constitutional bodies, NGOs, Parliament, and the common citizenry. However, there is no organic link and sustained interface between workers' and youth MPs and the constitutional bodies.

Regarding workers, UHRC has interfaced with FUE and as seen above, written a special report on factory workers in tea and sugar plantations, as well as made observations on the rights and interests of workers and the unemployed.⁵⁸ ULRC is actively engaging the youth and workers on issues of apprenticeship and internship placements to ensure that they develop laws that protect them.

In summary, the mandate of the constitutional bodies in relation to the rights and interests of youth and workers is clear. There is a desire within these constitutional bodies to promote and protect the rights and interests of youth and workers. However, the relationship between them and the MPs is still ad hoc and is further curtailed by their limited funding. Hence, less priority is given to the issues of youth and workers; and consequently, workers' and youth issues have somewhat been undermined as other competing interests take prominence.

58 UHRC 2012.

5.0 ARE THESE MPs NEEDED? VACILLATION FROM REFORM OF ELECTIONS, MODE OF OPERATION AND FACILITATION, TO COMPLETE ABOLITION

The preceding sections in this work dealt with the legislative role of workers' and youth MPs in parliament as well as the relationship between workers' and youth MPs, the MoGLSD and the three (3) constitutional bodies. This last substantive section will deal with the specific question of whether youth and workers' MPs should remain in place at all, and if so, what changes or modifications would be necessary to ensure their effectiveness as far as their mandates – assumed or otherwise – are concerned.

As indicated under the subsection on methodology, the evidence under this Section is mainly from interviews of current and former MPs representing workers and youth, trade union leaders, workers and the unemployed, the youth (mainly students), CAOs, opinion leaders, some NGO leaders, youth councillors, labour officers and other sources. In addition, a number of FGDs were held in Kampala, Mbarara, Masaka, Gulu, Lira, Mbale and Jinja for workers, the unemployed and the youth.

From the above interviews with key informants and FGDs, there was a vacillation between a proposal that workers' and youth MPs are useful, but had several significant limitations and that a number of reforms were necessary to facilitate them properly fulfil their mandates, to the total opposite which advanced that these MPs serve no useful purpose and their positions in parliament should be abolished. In summary, the views obtained from the field were:

- i) Some of the respondents had never heard of these MPs at all and therefore could not say whether they were useful or not.
- ii) Those who thought they were or could be useful noted that their constituencies were too big, that they therefore needed more facilitation than the constituency-based MPs or that in the case of youth MPs, their constituencies should be reduced to a manageable size.
- iii) Others argued that although these MPs were useful, they did not consult their constituencies or report to them, that there were no proper mechanisms for such consultation and where they existed, the mechanisms were not used or are rarely used.
- iv) Some of those who thought that these MPs were or could be useful argued that in order for them to be effective they needed to be independent of the government and of any political party or other institutional interest, and should be autonomous and strictly serve their constituencies.

- v) The majority of the respondents took the position that both interest groups' MPs were not useful at all because:
 - a) they serve their own interests and not the interests of those that elect them or those they should be representing;
 - b) they serve the interests of the ruling regime or the NRM party as an organisation;
 - c) there are no mechanisms for holding them accountable.

We provide a detailed analysis of these differing opinions below.

5.1 ARE WORKERS' AND YOUTH MPS STILL NEEDED?

A sample of these opinions from the respondents and FGDs will suffice. Some prominent trade union leaders were of the view that these interests groups belong to an era of the no-party system or the Movement System (1986 – 2005) where there were no groups, organisations or parties to aggregate the interests of different social groups or classes. According to a former workers' MP:

The workers' MPs no longer stand for anything. Even other MPs, like workers' MPs, look at being an MP as a job. There is no ideology. Worse still being re-elected as an MP generally under the current regime and a workers' MP in particular does not depend upon what you do in Parliament. It does not depend upon your effectiveness as an MP. What you need is money and lobbying the electoral college.⁵⁹

He also argued that workers' MPs are very weak and feeble and cannot stand strongly on their own because they look at their positions as a privilege or gift from government which can be withdrawn at any time. Indeed, this is constitutionally possible because Article 78 (1) which establishes special interest groups is followed by Article 78 (2) of the Constitution which provides as follows:

Upon the expiration of a period of ten years after the commencement of this Constitution and thereafter, every five years, Parliament shall review the representation under clause (1)(b) and (c) of this article for the purposes of retaining, increasing or abolishing any such representation and any other matter incidental to it.

Therefore, there is always a possibility of this Article being invoked to remove some or all special interest groups from parliament. According to Martin Wandera, also

⁵⁹ Interview with a former Workers' MP.

a former workers' MP, most workers' MPs fear this possibility and say "ebifo bino basobola okubigyawo", meaning "these positions could always be removed anytime". Accordingly, workers' MPs are timid when workers' issues are raised inside or outside parliament. And as earlier noted, they at times even oppose what is directly in the interests of workers.

The CAO, Lira, was of the view that workers' and youth MPs performance can be rated at a mere 30%. He argued that trade unions are more effective than workers' MPs and gave examples of the Uganda National Teachers Union (UNATU) and Makerere University Academic Staff Association (MUASA). He contended:

I think the money blinds them and they forget what took them to parliament. On the other hand, as a student of political science, I think special interest groups are not a thing for a multi-party system. They have all those representatives who can handle their issues and the workers or youth should be able to bring their issues through party manifestos. That is what happens in developed countries.

On his part, a senior leader of COFTU argued vehemently that there should not be any workers' MPs because they are not representing workers' interests in parliament. He argued:

Workers' MPs are elected by two union centres NOTU and COFTU. But these MPs do not represent the interests of these centres or of the workers, and workers are not sufficiently educated and conscious to demand anything from them. When they go to Parliament they forget about the centres and the unions that elect them. For instance, it is wrong for Charles Bakabulindi to be a Minister because now he is representing the interests of government and NRM and not those of workers.⁶⁰

He further argued that instead of having workers' MPs, trade union leaders and workers should work to strengthen the trade union movement. He noted:

If you had a strong labour movement the government would have to consult you and take your power into account. These MPs positions have weakened the labour movement because now trade union leaders are struggling to become party flag bearers in NOTU and COFTU, leading to the division of workers. You now have unqualified people as leaders. Flag bearers are given money

⁶⁰ As already indicated in the preceding sections following the amendment of the law for electing workers' MPs, the national centres, NOTU and COFTU are no longer relevant since they also merely send delegates to the electoral college like all other trade unions affiliated to them. In addition, non-unionised workers have also been introduced to the electoral college and this therefore opens up the electoral college to infiltration by individuals that have no interest in workers' affairs in an organized and collective manner which trade unions should be doing.

to campaign within NOTU and COFTU. The interest groups in parliament, similar to constituency-based MPs, have a vested interest to remain in parliament as a job not as a service to their constituency, the workers. In fact our parliament is no longer parliament. It is like Owino Market.⁶¹

The same leader was very categorical on the problems workers' MPs have created for the trade union movement. He boldly stated:

Workers' MPs don't consult NOTU and COFTU organs. Instead, they are continuously campaigning. Some MPs pay subscriptions for some unions. And this in turn cripples the unions. Patronage is the order of the day as in the NRM government. Workers' MPs have killed trade unionism.⁶²

The deleterious effect of workers' MPs could be clearly seen in the recently concluded elections held on 10th and 11th March 2016. The stakes were so high that a lot of money had to be used to influence the electoral college of 460 delegates. Trade union sources indicate that some of the contestants used not less than one billion Uganda shillings each to achieve victory!⁶³ A number of contestants also came as delegates of trade unions when they have never been trade unionists! Trade union members also smuggled themselves in under the arrangement of non-unionised workers. Eventually, the elections were held in a charged, compromised and unfair manner to the extent that the election of all the 5 workers' MPs is being contested through two election petitions in the High Court. These are: Paul Mutambi Wepukhulu and 5 others v. Electoral Commission and 6 others,⁶⁴ and Mary Tunde v. Agnes Kunihira & Electoral Commission⁶⁵

The Chairperson of the National Union of Education Institutions (NUEI), Mbarara University Branch, Charles Kakuru, an experienced trade unionist, was also of the view that it is better to have strong trade unions than MPs. He contended:

If all unions were active, it would be much better than having workers' MPs. It is better to have strong trade unions than MPs. UNATU is strong and is mainly funded by primary school teachers. When workers' MPs reach parliament, they forget about their constituencies. Our government is owned by one person, President Museveni. There are no systems in government. If systems were working from down upwards unions would be strong. For President Museveni, anything like trade unions, which is against government is seen to be against him personally. Government is therefore

61 Interview with a senior trade unionist from COFTU.

62 Ibid.

63 NOTU, COFTU and individual trade union sources, anonymous.

64 High Court Election Petition No. 006 of 2016, Kampala

65 High Court Election Petition No. 21 of 2016, Kampala

working hard to make unions weak, “zigume niziburabura”.⁶⁶ The workers’ MPs are therefore not necessary. We have been involved in several industrial actions but they don’t support us. For instance, Charles Bakabulindi, a Workers’ MP and Minister always tells us ‘let us not fight government; let us not be seen as rebels’.⁶⁷

In most FGDs, the dominant view was that these MPs are not necessary. For instance, students, workers and unemployed youth in Gulu were of the view that:

The fact that they have been there for years and we did not see anything tangible, we can say they are not necessary. We can live without them.

They added:

Some workers’ MPs used to represent the views of workers, but today they are silent. Maybe the next group of MPs will represent the views of workers. I haven’t seen any form of special interest representatives cause an impact. Look at women, workers, army, youth, they are all the same. We do not need them. It is a waste of money.

One respondent stated:

I do not know anything about workers’ and youth MPs. Yes, I hear they are there, they live in Kampala, that is all. Like all MPs, youth MPs are active when looking for votes. After that they disappear. I do not know what they do.

One of the major problems identified was that their role as MPs is limited by the NRM caucus, which is used to influence parliament. That, in turn, becomes a rubber stamp for NRM caucus decisions. A Gulu FGD discussant asserted:

They are like any other MPs. Their role is limited. You see in that House apart from a few opposition MPs who will come and debate, the rest discuss NRM issues. The issues are pre-determined for them by their party. I do not see much whether they are youth or workers or other types of MPs. Even if we did not have parliament for the last five years the country would still be where it is today. We would still have the same impunity, the same corruption, the same levels of poverty and the same lack of trust in government. The little they

⁶⁶ “Let them remain weak, unfocused.”

⁶⁷ Interview with Charles Kakuru, Chairperson, Mbarara University Branch of the National Union of Educational Institutions (NUEI)

have done is passing labour laws but these are hardly implemented.⁶⁸

The District Speaker of Lira recommended:

I don't think the youth and workers' MPs should remain in parliament. They are a waste of resources. What can they do that other MPs cannot do? We already have too big a parliament, we need it reduced. We are creating new districts and new constituencies, and all this is an increase in administrative expenditure without an actual impact.

Let us reduce the size of parliament to cut on the size of public expenditure. Such money can be invested in development programs that will actually help the youths and workers and bring real tangible results.⁶⁹

However, one of the workers' MPs argued that although the concept of workers' MPs has both positive and negative connotations, there is some clear strength and necessity for these MPs. Hon. Sam Lyomoki argued, for instance, that so far both NOTU and COFTU do not have a legislative or programmatic agenda for their MPs or rules on accountability, but that COFTU is working on regulations for representatives in parliament or of different Boards.⁷⁰

He was also able to point out that some of the achievements that workers' MPs have recorded include better remuneration for teachers and health workers, specifically the enhancement of remuneration for doctors at Health Centre IVs. Additional achievements include the increase in the number of workers at district level, whereby workers will now have two councillors at every district; the rise in the threshold for Pay as You Earn (PAYE) from Shs. 130,000/= to 235,000/=; a number of private members' Bills such as the Occupational Health and Safety Act, 2006; opposition to the unacceptable disbandment of the National Social Security Fund (NSSF), which made the President halt the liberalisation project in the social security sector⁷¹; and currently the Bill on the Minimum Wage Boards.⁷² He added that a number of positive petitions have been presented by workers' MPs such as the petition on workers being exported to Iraq, on the recruitment of health workers, and others.

One of the workers' MPs, Hon. Charles Bakkabulindi further emphasised the importance of workers' MPs and noted that they are critical at the policymaking level, including their presence and representation on numerous Boards, in ensuring that recalcitrant employers recognise trade unions. He noted that while many employers

68 Views from the FDG discussion, Gulu.

69 Interview with the District Speaker, Lira.

70 Interview with Hon. Sam Lyomoki, 17th January, 2016.

71 See "Nobody has convinced me to liberalise pension sector – Museveni", news.ugo.co.ug, 30 December, 2015

72 Interview with Hon. Sam Lyomoki, *Supra*.

still refuse to recognise trade unions, recognition has been achieved in the horticultural and hospitality industries due to his efforts.⁷³

Workers' MPs were also almost unanimous in their view that for special interests groups to be effective, workers' MPs in particular should be delinked from any political party and should strictly represent the interests of their constituencies. This would remove them from the patronage system of a ruling political party and the hazards of having to conform with the whip of the NRM caucus as it is today. Indeed, the biggest fear of workers' MPs is to be targeted by the ruling party/government and to be "decampaigned" and thrown out of parliament at a subsequent election.

5.2 THE SIZE OF CONSTITUENCIES

One of the major arguments for those who believe that these MPs are useful and necessary was that their constituencies were too big. For instance, youth councillors in Mbarara argued that a youth MP for Western Uganda covers 26 districts and that it was impossible to represent such a big constituency with so many youths. The two councillors argued that "the youth MPs should be retained and increased in order to be effective". On the other hand, they also argued that it was necessary to reduce the size of parliament in order to have a fewer, but more effective MPs. They argued that "a big parliament brings in all sorts of people. MPs are no longer honourable. It is a job and survival for the fittest".

With respect to workers' MPs, a few respondents also argued that five MPs could not represent all the workers, and that more MPs for workers were probably necessary. But all the respondents realised that Uganda's Parliament was too big and doing so would essentially be a waste of money. It is for this reason that many proposed that other MPs can actually represent workers and youth, as long as both workers and youth are organised to put forward their demands and interests. With respect to workers, most respondents were of the view that since most people are workers or self-employed, their interests can be represented and articulated by constituency MPs and that trade unions should do their work as representatives of workers in negotiation with employers and government.

A number of people were in fact surprised to learn that Charles Bakabulindi was a workers' MP. They only knew him as a minister for Sports. The Planning and Organising Secretary of UNATU Masaka Branch, who is also a Headmaster of a Primary School, did not know that Charles Bakabulindi was a workers' MP. This goes to show that the representation by workers' MPs was not really effective or visible as far as workers and workers' leaders are concerned.

73 Interview with Hon. Charles Bakabulindi, 20th January, 2016

5.3 DO WORKERS' AND YOUTH MPs REPRESENT GOVERNMENT INTERESTS?

There was a strong view that even if theoretically workers' and youth MPs were necessary and would be useful in representing their constituencies, the nature and character of the current NRM regime does not allow them to carry out this role effectively. These MPs are seen as either government representatives or agents of government, rather than as representatives of the youth and workers. The Planning and Organising Secretary of UNATU Masaka Branch had this to say:

I know Sam Lyomoki as a workers' MP. But I did not know that Charles Bakabulindi was a workers' MP. I know him as a Minister of Sports and whenever he met us as trade union leaders he never mentioned that he was a workers' MP. We have met many times but he never discloses this. When we had a strike last year (2014) he was on the team of government with two Ministers of Education and the Permanent Secretary trying to convince us to abandon the strike. He agreed that it was our right to strike but that government would look at our issues in the future. It was clear that he was not on our side. Even when we have other issues, the workers' MPs hardly voice our grievances. And this is why when we had issues and went on strike demanding salary increases and better terms and conditions of work, we bypassed the workers' MPs and faced government directly as a union, having realised their weaknesses.⁷⁴

This UNATU Branch Secretary added that:

These people go to parliament when they are poor. Then they forget their constituencies. The people suffering are workers at lower levels in the Primary Schools, support staff and others. These are not represented by the MPs. We need trade union leaders from below. However, these are too poor to stand for elections and low education is also a problem.⁷⁵

Equally, workers at Kakira Sugar Works in Jinja disclosed that they had only heard about Sam Lyomoki, the current MP, and Bruno Pajobo, a former MP, because the latter was from their union, i.e. the National Union of Plantation Workers – Uganda. They had also heard about Charles Bakabulindi as a Minister but never as a workers' MP. They strongly argued that workers' issues and grievances are not being aired by the MPs. For instance, they argued that there is no minimum wage, income tax (PAYE) is too high, retirement benefits should not be taxed, expatriates exploit local workers (especially Indians) and there is too much casualisation of labour. They were therefore of the view that if workers' MPs were to remain, they should be voted for by all workers and not just an electoral college. They stated: "colleges are there to bribe delegates. The delegates are few and easy to bribe."

⁷⁴ Interview with the Planning and Organising Secretary, UNATU, Masaka Branch.

⁷⁵ Ibid.

5.4 INDEPENDENCE OF WORKERS' AND YOUTH MPS

A significant body of opinion from the respondents advanced that in order for the youth and workers' MPs to be effective, amidst the challenges they face, they needed to be independent. For instance, the Speaker of Gulu District was of the view that workers' MPs have not fulfilled their mandate. He stated:

On performance, I would give them 20%. They never consult workers. They never come down to the ground. They are basically Kampala people. Once they are voted, they do not come back. I always see them being diverted to other things. They are more interested in party politics than issues of special interest groups.⁷⁶

On the other hand, the Labour Officer, Gulu District, was of the view that whereas workers' MPs know what their role should be, since they are from trade unions, they hardly fulfil that role. He stated:

They have not performed as expected. The majority have left their expected roles of protecting workers' and youth interests and gone to do other things. Others have just decided to keep quiet. They do not say or do anything except attending parliament once in a while. The silent MP is as good as the one who has not attended parliament. Lyomoki and Karuhanga used to be very active. Of course the events around rebel MPs and the oil debate could have influenced their silence because government was tough on them. But again that was oil. It had nothing to do with youth or workers.⁷⁷

The acting Secretary for the District Service Commission in Lira was also of the view that "special interest groups should be separated from political parties". Equally, the District Speaker, Lira District, recommended:

We should make MPs more independent from their parties; at present the ruling party is over-dominating the MPs. They do not have any independent mind outside the party. They cannot decide for the country but for the party.

A District Youth Councillor, Lira District, with nine years of experience as a youth leader was very clear. He argued:

Youth MPs are always diverted into other things. I think they easily get taken up by things for their party and other politics. For

⁷⁶ Interview with Gulu District Speaker.

⁷⁷ Interview with the Labour Officer, Gulu District.

instance, the youth MP for Northern Uganda, she is into the sole candidate business and nothing about the youth. I think they either concentrate on their interests or things they think will benefit them as individuals and not as youth or the rest of the youth.⁷⁸

The FGD for students and the unemployed in Lira expressed a similar view. One participant in the group observed as follows:

No, ever since I became an adult, I have never heard youth MPs do anything. I remember sometime back the youth MP used to debate especially on oil things, but that is all. Now he is silent, even all the other MPs are silent.

I think they have focused on other things other than youth issues. Look at the youth representative for Northern Region. She is into the sole candidate, she has never consulted any of us to see if we are interested in that issue or even ask for our support. I think the MPs just present their views and not the views of youth.⁷⁹

Some workers' MPs also recognise that there are several challenges of interest group representation in parliament. Speaking on condition of anonymity, they agreed that the method of representation and the electoral college are problematic because the college is too small and subject to manipulation. They also disclosed that there is a lot of intrigue and struggle for the position of workers' MP among trade union leaders. In particular, some workers' MPs observed the following serious limitations:

- (i) Because of the nature of the current politics, which is based on patronage, many trade union leaders have been forced to support the NRM government and are therefore forced to be part of the patron-client relationship that NRM deploys.
- (ii) In turn, in order to survive, MPs also patronise trade union leaders and workers to ensure that the leaders of specific trade unions are their supporters.
- (iii) A weak or non-existent union can continue to sponsor a member of parliament where the MP is effectively in control of such a union and for instance pays for its running costs, salaries of some employees and even subscription to NOTU or COFTU.

⁷⁸ Interview with a District Youth Councilor, Lira District.

⁷⁹ FGD for students and unemployed in Lira.

- (iv) The electoral college method, where only about 400 trade union leaders have been electing workers' MPs, is subject to manipulation and bribery and is not conducive to a democratic process. The patronage system and the culture of political corruption of the NRM government have also engulfed the trade union movement!

6.0 ACCOUNTABILITY: REPORTING AND FEEDBACK MECHANISMS

There are existing mechanisms that workers' and youth MPs could use for feedback purposes with their constituencies.

6.1 WORKERS' MEMBERS OF PARLIAMENT

Workers' MPs are members of the Central Governing Council (CGC) of NOTU. They are also members of the NOTU Annual Delegates Conference.⁸⁰ But this is not the case with COFTU. Hon. Lyomoki attends COFTU meetings as the Secretary General of COFTU, not as an MP. Therefore, the MPs should be able to consult and/or report to the CGC of NOTU. The Council is an avenue open to MPs to intervene in the workplace, in terms and conditions of service, health and safety issues and industrial disputes.

Although the above mechanisms are open to the workers' MPs, they have generally not taken advantage of them. According to Martin Wandera, the biggest challenge for workers' MPs is that both NOTU and COFTU "do not have a legislative agenda under which they will be held accountable". In other words, they do what they want. On the other hand, the trade unions themselves, and NOTU and COFTU in particular as national labour centres, are too weak and disorganised to hold the workers' MPs accountable. Even more unfortunate, many trade union leaders now strive to become MPs instead of concentrating on strengthening the labour movement.

It was further revealed that many trade union leaders are members of the NRM Workers' League. The League is organised purely by the NRM and the two labour centres are not involved. So instead of concentrating on trade union work, the workers' MPs are usually involved in politicking so as to use their positions in the NRM Workers' League to become NRM trade union flag bearers to enter parliament "allegedly representing workers". In this regard, Chris Kahirita, the COFTU Chairman General lamented: "Now all interest groups in parliament, including workers' MPs, have a vested interest wanting to remain in parliament as a job". Workers' MPs in parliament have therefore become a problem to the labour movement. In fact, two MPs, Charles Bakabulindi and Sam Lyomoki, have been workers' MPs for 20 years now – since 1996. Since 2001, Teo Ssentongo has been a workers' representative in parliament. And all the current MPs (namely, Charles Bakabulindi, Teo Ssentongo, Sam Lyomoki, Rwakajara), with the exception of Mary Tunde, who is a compromise candidate, were allegedly returned unopposed as NRM Workers' MP flag bearers on 30th October, 2015 at Nambole during the NRM Delegates Conference.

80 See the Constitutions of NOTU and COFTU, also interview with Chris Kahirita, Chairman – General, COFTU.

6.2 YOUTH MEMBERS OF PARLIAMENT

Youth MPs are elected through the National Youth Council (NYC) structures through an electoral college as provided for under the National Youth Act (Cap 319 Laws of Uganda). Under that law, there are village youth councils, parish/ward youth councils, sub-county/division/town youth councils and the district youth council. (See Sec. 5). At the national level, there is a National Youth Delegates Conference, the National Youth Executive Committee and a Secretariat (See Secs. 7 – 10). All these bodies are funded by the government and, in particular, from the Consolidated Fund (Sec. 18). However, our field findings reveal that the NYC structure is not used by the youth MPs, nor do the MPs use the existing local government structures.

The general consensus among interview and FGD respondents was that the constituency covered by the youth MPs is too big and the existing structures are generally dormant and only become active during elections. A student observer in an FGD in Gulu had this to say:

We rarely engage those people; they are there just to occupy office. I think it is a two way system, those people never come to us, so we can blame them for not telling us what their roles are so that we can engage them. On the other hand, we never engage them, we do not move to their offices or ask them anything. That is why we have this gap between the youths and their leaders. The youths rarely care about these structures.⁸¹

In an FGD for students and unemployed youth in Lira, one of them asserted:

No, there are no feedback mechanisms. I do not know how to approach my MP if I wanted to. There is basically a gap between the MPs and the youth.

There are no formal feedback mechanisms unless you know them. For example, I am a member of the youth executive. I campaigned for the youth MP and I have her contact. When I need her I can call her. However, I have never called her. Basically I have never found reason to call her.

There are no set feedback systems. I met her in a workshop once and I think it is the only one for youths organised in the region for the last 5 years. Even then she came to open and left.⁸²

81 A student in an FGD in Gulu

82 A member of the youth executive in Lira in an FGD discussion for students and unemployed youth.

The FGD group for the unemployed and a few workers in Lira also made an interesting commentary on the feedback mechanisms. One of them presented the following general view:

No, there are no mechanisms. It is up to the individual MP to find what to do. I think partly the reason we do not have this feedback is because the area they cover is too big. For example, youth MPs cannot afford to have an office in every constituency or sub-county they represent. That will be too big for them.⁸³

However, the respondent was quick to add:

Even if the constituencies were small, I don't think it would solve anything. Look at the other MPs who have smaller constituencies. After elections they disappear to Kampala and you will never hear from them till the next elections. It is no wonder people get money from them during elections because that is the only time you have to ask for something and you get it.⁸⁴

As mentioned earlier, with respect to the interface between constitutional bodies and workers and youth MPs, there is little linkage although the constitutional bodies are clear that their mandate includes the promotion and protection of the rights and interests of youths. There is a desire within the constitutional bodies to promote those rights and interests, but this desire is curtailed by limited funding and resources.

Similarly, the reporting and feedback mechanisms between workers' and youth MPs and their constituencies do exist, but are either not used or difficult to use, and above all, are not amenable to make these MPs accountable to their huge constituencies. All the workers' MPs are under the patronage of the ruling NRM party and the regime itself. The workers' MPs have a vested interest in remaining in parliament as a job and the sitting MPs have been there for more than two terms (except Rwakajara who is in his first term). Some of them have been MPs for workers since 1996, a period of about 20 years! Youth MPs on the other hand, have no incentive to report back to their constituencies because they ordinarily do not seek re-election. They strive to go for their home area constituencies. Therefore, whether reporting mechanisms exist or not is generally irrelevant to them.

None of the constituencies, whether workers or youth, has any political, programmatic or legislative agenda which they put to their representatives in parliament to implement. Therefore, holding their representatives accountable can hardly arise because there is no basis on which to do so. At the end of the day, youth and workers' MPs serve mainly personal interests – including careerism in politics – and the interests of the ruling NRM regime, under whose patronage the majority have placed themselves.

83 Ibid.

84 Ibid.

7.0 CONCLUSIONS AND RECOMMENDATIONS

The study set out to assess the performance of youth and workers' MPs in advancing the rights and interests of workers and youth since 1996. It also assessed the impact of their work in advancing those interests, especially with regard to the relevant laws, policies and programmes. The study also examined the linkages between workers and youth MPs and constitutional bodies in protecting the rights and interests of these special interest groups. Finally, the study evaluated the effectiveness of the available mechanisms for consulting and obtaining feedback from workers' and youth MPs.

7.1 CONCLUSIONS

We summarise our conclusions as follows.

First, there was some distinction in terms of performance between workers' and youth MPs especially in their legislative role. The youth members of parliament have generally been less effective than workers' MPs in executing their mandate, i.e. advancing the rights and interests of youth. They have had only limited success and some of the initiatives they have participated in are yet to be fully reviewed in order to assess impact. Their limited success is because, as we saw, they deal with too big a constituency, have no proper accountability structures, and have no political incentive to be accountable to their electorate since no youth MP attempts a second term. Instead, they strive to go to mainstream constituencies and therefore concentrate on having some presence and impact in their home areas. Most respondents were of the view that the rights, interests and concerns of youth can be handled by government in its various programmes, by political parties and by the mainstream MPs who should represent the interests of all their constituents, including the youth. They therefore saw no reason to have youth MPs.

On the other hand, there was some limited form of performance at the parliamentary level as far as workers' MPs are concerned. Their performance was deemed to be better, surprisingly, in relative terms under the no party/Movement System (1993 – 2006) because they did not have to conform to the dictates of government. The political system was the so-called individual merit system. There were no organisational constraints. However, under the multi-party system (2006 – 2015) they have all come under the patronage system of the NRM regime with, therefore, little or no independence from government and fearing to push for the rights and interests of their constituencies. They are always operating under the fear that the positions of special interests MPs could be removed at any time (*Ebifo bino basobola okubigyawo*), or that the NRM/government structure will campaign against them and push them out of parliament. Indeed as one senior trade unionist put it:

Workers' MPs don't consult NOTU and COFTU organs. Instead they are continuously campaigning. Some MPs pay subscriptions

for some unions. And this in turn cripples the unions. Patronage is the order of the day as in the NRM government. Workers' MPs have killed trade unionism.⁸⁵

In fact workers' MPs have on occasion opposed motions or issues raised on the floor of parliament that should have been in the interests of workers. During industrial disputes and strikes, they have not always come out firmly on the side of the workers. Instead, they are at times used to persuade workers on strike such as the teachers in UNATU, to compromise and abandon their struggles for better terms and conditions of work. However, some of the improvements in workers' terms and conditions of service, especially in the public service – such as the teachers and health workers, horticulture and hospitality workplaces – have benefited from a measure of solidarity and lobbying by workers MPs.

On other occasions where workers' MPs have pushed for workers' interests, such as in the passing of the 2006 labour laws, the main impetus was not from them as such but rather from the work and solidarity of the trade union movement. The labour laws of 2006 were passed as a result of pressure from Uganda's Textile Union (UTG & AWU), NOTU, the International Textile, Garment, Leather Workers' Federation (ITGLWF), the AFL-CIO and the latter's pressure on the US Government to expel Uganda from AGOA for not respecting labour rights and passing the relevant laws. It is therefore clear that a better organised and strong labour movement is more important to identifying and advancing the causes, rights and interests of workers than a mere presence of workers' MPs in parliament, especially when the workers' MPs are not autonomous from the ruling NRM party, government and the state.

On the one hand, the youth MPs have only had a few initiatives related to advancing the rights and interests of the youth in terms of their legislative mandate or on policies and programmes put up by government. These include the setting up of the Youth Venture Capital Fund, the passing of the Higher Education Financing Act 2011 (on the students' loan scheme), the formation of the Youth Livelihood Programme (YLP) and the preparation of a private members' bill, the National Youth Enterprise Bill 2013. On the other hand, the workers' MPs have had limited impact in terms of advancing workers' rights and interests. Until recently, even with MP Rwakajara's private bill, they have failed for instance to advance the cause of the minimum wage. They have not pushed for reducing the rampant unemployment in the country, nor have they ensured that the relatively positive labour laws of 2006 are actually enforced. Equally, they have had no impact on the rampant lay-offs in places of work, casualisation of labour, hazardous working conditions, employers' contracting out work and the refusal by most employers to recognise trade unions, contrary to the provisions of the Labour Unions Act 2006.

Our second conclusion is that there have been limited linkages between special interest group MPs, particularly for workers and youth, with constitutional bodies such as the

85 Supra.

Uganda Human Rights Commission, the Equal Opportunities Commission and the Uganda Law Reform Commission. Instead, it is the MoGLSD that has a direct mandate to deal with issues of workers and youth. However, linkages between workers' and youth MPs with their parent ministry is also limited. Most policy initiatives come from the Ministry itself or the trade unions, and not from the workers' or youth MPs. This goes to show that the broader organisation of youth and workers in the trade union movement may be more useful than the struggle for electing a mere five MPs for workers and youth respectively.

The third conclusion is that the existing mechanisms for consultation and obtaining feedback from workers' and youth MPs to their constituencies are either ineffective or have not been used at all. The constituencies themselves are not sufficiently organised to demand accountability from their MPs; and the MPs are very disconnected from the youth and workers as well as their interests, rights and concerns.

Our fourth conclusion is that as a result of the above findings, the general view is that both workers' and youth MPs are not needed and that Article 78 (2) of the Constitution should be invoked to abolish their representation in parliament. As one Chief Administrative Officer observed:

I think the money blinds them and they forget what took them to parliament. On the other hand, as a student of political science, I think special interest groups are not a thing for a multi party system, they have all those representatives who can handle their issues and the workers or youth should be able to bring their issues through party manifestos. That is what happens in developed countries.⁸⁶

Our fifth finding is that workers' and youth MPs generally do not represent the interests of their constituencies but rather their own (seeing the position of the MP as a job and not a service) and represent government interests rather than those of the workers and youth. Interest in these positions is also a reflection of rampant unemployment and lack of opportunities for Ugandans and especially the huge Ugandan young population.

Finally, the few respondents who found merit in having workers' and youth MPs were of the view that their constituencies are too big, and that if they were to be effective, their method of election would have to be changed to a more representative method (including universal suffrage) and that they should be independent of any political party and particularly the ruling NRM party, to avoid conflict of interest. It should also be on the basis of a clear programmatic and legislative agenda arrived at and agreed on with their constituencies, that they would then be held accountable.

⁸⁶ Supra.

7.2 RECOMMENDATIONS

From the conclusions above, we would recommend the following changes as far as youth and workers' representation in parliament is concerned:

1. Both youth and workers' MPs are not necessary as they have been found not to effectively represent workers' or youth interests. Our first and overarching recommendation, therefore, is that Article 78 (2)⁸⁷ of the Constitution should be invoked to abolish their representation in parliament.
2. In the event that workers' and youth MPs are retained in parliament, it would be necessary to have specific mandates from each of their electorates as far as a programmatic and legislative agenda, agreed upon with their constituencies, is concerned. This is because there is a need for benchmarks which then can be used to ensure that the MPs perform and are accountable to the electorate. This would also form a basis for measuring performance and accountability.
3. Instead of having youth and workers' MPs, efforts should be made to strengthen the trade union movement and youth organisations. This is because the study has found that whatever minimum achievements have been made for workers has been a result of the work and solidarity of the trade union movement, rather than workers' MPs. In fact workers' representation in parliament has instead divided, confused and weakened the trade union movement.
4. The issue of whether the existing mechanisms for consultation and feedback are useful or not does not seriously arise because by design they cannot be effective. Therefore efforts, as indicated above, should be put in strengthening autonomous organisations of workers and youth rather than seeking to reform the relationship between workers' or youth MPs and their constituencies.
5. This work is not sufficient to state and conclude whether other interest groups – that is the army, women, and people with disabilities – should continue to be represented in parliament, as our study focused on youth and workers' representation. However, what is clear is that there is no need for army representation because the army is part and parcel of the executive in the same way police, prisons and public servants are. This was confirmed by respondents and most participants in the stakeholders' meetings.
6. It was also specifically recommended by the respondents and participants in the stakeholders' meetings (particularly for youth MPs) that if the special interest groups are to be retained in parliament, they should be clearly separated from

⁸⁷ The provision in that Article is that every five years parliament should review the special interest group representation in parliament "for purposes of retaining, increasing or abolishing any such representation and any other matter incidental to it".

any political party, particularly the ruling party and should be non-partisan and only advocate for and advance the interests of their constituents.

7. In general, special interest groups in parliament belong to an arrangement of a one-party state or the so-called Movement System in place before 2006. It would appear, therefore, that it is better to strengthen political parties and the multi-party system so that whatever interests of a political, socio-economic or cultural nature there are or that arise can be dealt with in the broader political system depending upon what values, interests and ideology a particular party stands for. The youth and workers, through their own organisations and associations, can then put demands to the political parties or associate themselves with a particular political party that appears to advance their interests. In fact, the youth and workers in particular (and specifically the workers, as youth is not a permanent condition) could think of forming their own political parties instead of being subsumed under a particular party that may not be interested in their rights, causes and interests.

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APPENDIX – I

QUESTIONNAIRE/INTERVIEW GUIDE ON WORKERS' AND YOUTH MPs'
REPRESENTATIVE ROLE IN PARLIAMENT

Respondents' background

1. Name;
2. Organisation;

3. Are you male or female?

| | | |
|----|--------|--|
| a. | Male | |
| b. | Female | |

4. LC I (Village) Sub-county District

5. What is your age

| | | |
|----|------------|--|
| a. | 18 – 35 | |
| b. | 36 – 50 | |
| c. | 51 – 60 | |
| d. | 61 – above | |

6. What is your marital status?

| | | |
|----|-----------|--|
| a. | Single | |
| b. | Married | |
| c. | Divorced | |
| d. | Widowed | |
| e. | Separated | |

7. What is the highest level of education you have completed?

| | | |
|----|-----------------------|--|
| a. | Secondary | |
| b. | Diploma | |
| c. | Degree | |
| d. | Higher Degree | |
| e. | Other (please specify | |

8. Are you employed?

8A. If your answer is yes above, which form of employment are you in?

9. How long have you worked for this organisation?

| | | |
|----|------------------|--|
| a. | Less than 1 Year | |
| b. | 1 – 3 Years | |
| c. | 4 – 6 Years | |
| d. | Over 7 Years | |

10. Which of the following group of employees do you belong to?

| | | |
|----|--------------------------|--|
| a. | Senior Management | |
| b. | Line Manager/Team Leader | |
| c. | Staff/Worker | |

Performance of youth and workers' MP

11. Do you think special representatives such as youth and workers' MPs are necessary? (Please give explanation for your answer)
12. In your view what do you think is the role of these MPs in parliament?
What in your view is their mandate?
13. Do you think youths and workers' MPs represent the needs of their constituencies (the youth and the workers)?
- 13A. If yes in the question above, please explain how you think they represent their views (use examples where necessary)
- 13B. If no in the question above, please explain how you think they have failed to represent their consequences (use examples where necessary)
14. In your view, how do you think youth and workers' MPs can best represent their constituencies?
15. What in your view are the major interests of workers/youths?
16. How best do you think the youths/workers could be represented?

Mechanisms for feedback

17. Are there any mechanisms to reach youth or workers' MPs you are aware of? Please explain the mechanism(s)
18. Do you think the mechanisms mentioned above are effective in reaching the youths and the workers? Please give reasons for your answer
19. Are you aware of the following consultative bodies/mechanisms?
Yes or No?

a. For youth

- i. Youth councils from the village to the district level
- ii. The national youth council
- iii. Uganda National Students' Association
- iv. Youth NGOs
- v. Political party youth leagues
- vi. Ministry of gender, labour and social development
- vii. Ministry of Education

b. For Workers

- i. Trade Unions
- ii. Labour Related NGOs
- iii. Political Party workers' leagues
- iv. District Labour Office
- v. Ministry of gender, labour and social development

- 19A. What are their functions?
20. Have you ever been consulted by a youth or workers' MP?
- 20 A. If yes, please provide details of the consultations, (when was this, what is the name of the MP and what was the subject of the consultation)
21. Have you heard of any consultations conducted by the workers' or the youth MPs? Please give details of the consultations.
22. Do you think the youth and workers' MPs are doing enough to consult their constituencies (i.e. young people, students, unemployed youths and workers)? Please give reasons for your answer
23. Should youths/workers' representatives remain in parliament or should they be removed? Give reasons for your answer
24. Should women, PWDs and the Army representatives remain in Parliament or should they be removed? Give reasons for your answer.
25. How should the different/various interests in the country be reflected and represented in parliament? In other words how should parliament be constituted? (Do we need proportional representation in parliament?)
26. In your view, how can the gap between youth MPs and Workers' MPs and their constituencies be reduced to enable them reach those

constituencies?

27. What mechanisms/recommendations would you make which should be put in place to make youth and workers' MPs more effective in their role in parliament?

APPENDIX II

INTERVIEW SCHEDULE

MoGLSD

The participation in this interview is entirely voluntary and responses will be treated with strict confidence.

| | |
|-------------------------------|--|
| Date of the interview: | |
| Place: | |
| Interviewee: | |
| Position: | |
| Organization: | |

- A. **Assess the impact of the work of constitutional bodies for the 20 years period in advancing the rights and interests of youth and workers.**
 1. What is your mandate?
 2. What has MGLSD done in the last 2 decades in advancing the rights of;
 - a) youth?
 - b) Workers?
 - b) What are the rights of:
 - a) Youth?
 - c) Workers?
 3. What has MGLSD done in the last 2 decades in advancing the interests of;
 - a) the workers?
 - b) the Youth?
 - b) What are these interests of;
 - a) workers?
 - b) youth?
 4. As the department that handle Youth/workers/commissions how have you interfaced with UHRC/ULRC/EOC?
 5. What haven't you done that should have been done to advance the rights and interests of;

- a) Youth
- b) Workers

6. Why haven't you been able to do so?
 7. What are the alternative ways of improving your work in relation to the promotion and protection of the rights and interests of the youth?
 8. What do you think has been your impact in relation to your mandate to protect the interest and rights of workers?
 9. What do you think has been your impact in relation to your mandate to protect the interest and rights of youth?
- B. Explore practical linkages between the legislative representation, constitutional bodies and parent ministry in advancing the rights of youth and workers.**
1. Why do you think workers and youth are represented in parliament
 2. Do you think this is the best way to deal with the issues of youth and workers?
 3. Do you think they should be represented in parliament? Yes/No
 4. If No why and what are the alternatives?
 5. If Yes, Is this the best method of representation?
 6. Is there any link/relationship between;
 - a) Youth Committee and UHRC and the parent ministry. Yes/No, If No, why?
 - b) Youth Committee and ULRC and the parent ministry. Yes/No, If No, why?
 - c) Youth Committee and EOC and the parent ministry. Yes/No, If No, why?
 - d) Workers Committee and UHRC and the parent ministry. Yes/No, If No, why?
 - e) Workers Committee and ULRC and the parent ministry. Yes/No, If No, why?
 - f) Workers Committee and EOC and the parent ministry. Yes/No, If No, why?
 7. What is the link/ relationship between;
 - a) Youth Committee and UHRC and the parent ministry.
 - b) Youth Committee and ULRC and the parent ministry.
 - c) Youth Committee and EOC and the parent ministry.
 - d) Workers Committee and UHRC and the parent ministry.
 - e) Workers Committee and ULRC and the parent ministry.
 - f) Workers Committee and EOC and the parent ministry.
 8. What linkages are working?
 9. What needs to be done to improve on the relationship between;
 - a) Youth Committee and UHRC and the parent ministry.

- b) Youth Committee and ULRC and the parent ministry.
 - c) Youth Committee and EOC and the parent ministry.
 - d) Workers Committee and UHRC and the parent ministry.
 - e) Workers Committee and ULRC and the parent ministry.
 - f) Workers Committee and EOC and the parent ministry.
- C. **Identify practical recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through the constitutional bodies taking into account mandate, structure and funding.**
1. Do you know what the interests and rights of the:
 - a) Youth?
 - b) Workers?
 2. What practical ways do you use to interface with the:
 - a) Youth?
 - b) Workers?
 3. Given your current mandate, structure and funding are you able to deliver on the promotion and protection of the interests of:
 - a) Youth Yes/No
 - If Yes. How?
 - If No, Why?
 - b) Workers Yes/No
 - If Yes, How?
 - If No, Why?
 4. What do you recommend for a more robust approach on how to protect the rights and interests of:
 - a) Youth
 - b) Workers

APPENDIX III INTERVIEW SCHEDULE MPs

The participation in this interview is entirely voluntary and responses will be treated with strict confidence.

| | |
|-------------------------------|--|
| Date of the interview: | |
| Place: | |
| Interviewee: | |
| Position: | |
| Organization: | |

- A. Assess the impact of the work of constitutional bodies for the 20 years period in advancing the rights and interests of youth and workers.
 1. What is the mandate of your committee?
 2. What has the committee done in the last 2 decades in advancing the rights of;
 - a) youth?
 - b) Workers?
 3. What are the rights of;
 - a) Youth?
 - b) Workers?
 4. What has the committee done in the last 2 decades in advancing the interests of;
 - a) the workers?
 - b) the Youth?
 5. What are these interests of;
 - a) workers?
 - b) youth?
 6. As the committee how have you interfaced with UHRC/ULRC/EOC?

- B. Explore practical linkages between the legislative representation, constitutional bodies and parent ministry in advancing the rights of youth and workers.**
1. Do you think special representatives such as youth and workers' MPs are necessary? (Please give explanation for your answer)
 2. In your view what do you think is the role of these MPs in parliament?
 3. What in your view is their mandate?
 4. Do you think youths and workers' MPs represent the needs of their constituencies (the youth and the workers)?
 5. if yes in the question above, please explain how you think they represent their views (use examples where necessary)
 6. If no in the question above, please explain how you think they have failed to represent their consequences (use examples where necessary)
 7. In your view, how do you think youth and workers' MPs can best represent their constituencies?
 8. What in your view are the major interests of workers/youths?
 9. How best do you think the youths/workers could be represented?
 10. Are you aware of the following consultative bodies/mechanisms
Yes or No?
 - a). For youth
 - viii. Youth councils from the village to the district level
 - ix. The national youth council
 - x. Uganda National Students' Association
 - xi. Youth NGOs
 - xii. Political party youth leagues
 - xiii. Ministry of gender, labour and social development
 - xiv. Ministry of Education

- b). For Workers
 - vi. Trade Unions
 - vii. Labour Related NGOs
 - viii. Political Party workers' leagues
 - ix. District Labour Office
 - x. Ministry of gender, labour and social development
- 11. What are their functions?
- 12. Have you ever been consulted by a youth or workers' MP?
- C. **Identify practical recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through the constitutional bodies taking into account mandate, structure and funding.**
 - 1. Do you know what the interests and rights of the:
 - a) Youth?
 - b) Workers?
 - 2. What practical ways do you use to interface with the:
 - a) Youth?
 - b) Workers?
 - 3. Given your current mandate, structure and funding are you able to deliver on the promotion and protection of the interests of:
 - a) Youth Yes/No
 - If Yes. How?
 - If No, Why?
 - b) Workers Yes/No
 - If Yes, How?
 - If No, Why?
 - 4. What do you recommend for a more robust approach on how to protect the rights and interests of:
 - a) Youth
 - b) Workers

APPENDIX IV

INTERVIEW SCHEDULE

EOC

The participation in this interview is entirely voluntary and responses will be treated with strict confidence.

| | |
|-------------------------------|--|
| Date of the interview: | |
| Place: | |
| Interviewee: | |
| Position: | |
| Organization: | |

- A. Assess the impact of the work of constitutional bodies for the 20 years period in advancing the rights and interests of youth and workers.
 1. What is your mandate?
 2. What has your organization done in the last 2 decades in advancing the rights of;
 - a) youth?
 - a) Workers?
 - b) What are the rights of:
 - a) Youth?
 - b) Workers?
 3. What has your organization done in the last 2 decades in advancing the interests of;
 - a) the workers?
 - b) the Youth?
 - b) What are these interests of;
 - a) workers?
 - b) youth?

4. Do you specifically have a department or desk that handles:
 - a) Youth
 - b) Workers
5. What haven't you done that should have been done to advance the rights and interests of;
 - a) Youth
 - b) Workers
6. Why haven't you been able to do so?
7. What are the alternative ways of improving their work in relation to the promotion and protection of the rights and interests of the youth?
8. What are the alternative ways of improving their work in relation to the promotion and protection of the rights and interests of the workers?
9. What do you think has been your impact in relation to your mandate to protect the interest and rights of youth?
10. What do you think has been your impact in relation to your mandate to protect the interest and rights of workers?
- B. Explore practical linkages between the legislative representation, constitutional bodies and parent ministry in advancing the rights of youth and workers.**
 1. Why do you think workers and youth are represented in parliament
 2. Do you think they should be represented in parliament? Yes/No
 3. If No why and what are the alternatives?
 4. If Yes, Is this the best method of representation?
 5. Is there any link/relationship between;
 - a) Youth Committee and EOC and the parent ministry. Yes/No If No, why?
 - b) Workers Committee and EOC and the parent ministry. Yes/No If No, why?

6. What is the link/ relationship between;
 - a) Youth Committee and EOC and the parent ministry.
 - b) Workers Committee and EOC and the parent ministry.
7. What linkages are working?
8. What needs to be done to improve on the relationship between;
 - a) Youth Committee and EOC and the parent ministry.
 - b) Workers Committee and EOC and the parent ministry.
- C. **Identify practical recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through the constitutional bodies taking into account mandate, structure and funding.**
 1. Do you know what the interests and rights of the:
 - a) Youth?
 - b) Workers?
 2. What practical ways do you use to interface with the:
 - a) Youth?
 - b) Workers?
 3. Given your current mandate, structure and funding are you able to deliver on the promotion and protection of the interests of:
 - a) Youth Yes/No
If Yes. How?
If No, Why?
 - b) Workers Yes/No
If Yes, How?
If No, Why?
 4. What do you recommend for a more robust approach on how to protect the rights and interests of:
 - a) Youth
 - b) Workers

APPENDIX V

INTERVIEW SCHEDULE

ULRC

The participation in this interview is entirely voluntary and responses will be treated with strict confidence.

| | |
|-------------------------------|--|
| Date of the interview: | |
| Place: | |
| Interviewee: | |
| Position: | |
| Organization: | |

- A. **Assess the impact of the work of constitutional bodies for the 20 years period in advancing the rights and interests of youth and workers.**
 1. What is your mandate?
 2. What has your organization done in the last 2 decades in advancing the rights of;
 - a) youth?
 - b) Workers?
 - c) What are the rights of:
 - i) Youth?
 - ii) Workers?
 3. What has your organization done in the last 2 decades in advancing the interests of;
 - a) the workers?
 - b) the Youth?
 - c) What are these interests of;
 - i) workers?
 - ii) youth?

4. Do you specifically have a department or desk that handles:
 - a) Youth
 - b) Workers
5. What haven't you done that should have been done to advance the rights and interests of;
 - a) Youth
 - b) Workers
6. Why haven't you been able to do so?
7. What are the alternative ways of improving their work in relation to the promotion and protection of the rights and interests of the youth?
8. What are the alternative ways of improving their work in relation to the promotion and protection of the rights and interests of the workers?
9. What do you think has been your impact in relation to your mandate to protect the interest and rights of youth?
10. What do you think has been your impact in relation to your mandate to protect the interest and rights of workers?
- B. Explore practical linkages between the legislative representation, constitutional bodies and parent ministry in advancing the rights of youth and workers.**
 1. Why do you think workers and youth are represented in parliament
 2. Do you think they should be represented in parliament? Yes/No
 3. If No why and what are the alternatives?
 4. If Yes, Is this the best method of representation?
 5. Is there any link/relationship between;
 - a) Youth Committee and ULRC and the parent ministry. Yes/No If No, why?
 - b) Workers Committee and ULRC and the parent ministry. Yes/No If No, why?

6. What is the link/ relationship between;
 - a) Youth Committee and ULRC and the parent ministry.
 - b) Workers Committee and ULRC and the parent ministry.
7. What linkages are working?
8. What needs to be done to improve on the relationship between;
 - a) Youth Committee and ULRC and the parent ministry.
 - b) Workers Committee and ULRC and the parent ministry.
- C. **Identify practical recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through the constitutional bodies taking into account mandate, structure and funding.**
 1. Do you know what the interests and rights of the:
 - a) Youth?
 - b) Workers?
 2. What practical ways do you use to interface with the:
 - a) Youth?
 - b) Workers?
 3. Given your current mandate, structure and funding are you able to deliver on the promotion and protection of the interests of:
 - a) Youth Yes/No
If Yes. How?
If No, Why?
 - b) Workers Yes/No
If Yes, How?
If No, Why?
 4. What do you recommend for a more robust approach on how to protect the rights and interests of:
 - a) Youth
 - b) Workers

APPENDIX VI

INTERVIEW SCHEDULE

UHRC

The participation in this interview is entirely voluntary and responses will be treated with strict confidence.

| | |
|-------------------------------|--|
| Date of the interview: | |
| Place: | |
| Interviewee: | |
| Position: | |
| Organization: | |

- A. **Assess the impact of the work of constitutional bodies for the 20 years period in advancing the rights and interests of youth and workers.**
 1. What is your mandate?
 2. What has your organization done in the last 2 decades in advancing the rights and interests of the youth?
 3. What has your organization done in the last 2 decades in advancing the rights and interests of the workers?
 4. Do you specifically have a department or desk that handles:
 - a) Youth
 - b) Workers
 5. What haven't you done that should have been done to advance the rights and interests of;
 - a) Youth
 - b) Workers
 6. Why haven't you been able to do so?
 7. What are the alternative ways of improving their work in relation to the promotion and protection of the rights and interests of the youth?

8. What are the alternative ways of improving their work in relation to the promotion and protection of the rights and interests of the youth?
9. What do you think has been your impact in relation to your mandate to protect the interest and rights of youth?
10. What do you think has been your impact in relation to your mandate to protect the interest and rights of youth?
- B. Explore practical linkages between the legislative representation, constitutional bodies and parent ministry in advancing the rights of youth and workers.**
 1. Why do you think workers and youth are represented in parliament
 2. Do you think they should be represented in parliament? Yes/No
 3. If No why and what are the alternatives?
 4. If Yes, Is this the best method of representation?
 5. Is there any link/relationship between;
 6. Youth Committee and UHRC and the parent ministry. Yes/No If No, why?
 7. Youth Committee and ULRC and the parent ministry. Yes/No If No, why?
 8. Youth Committee and EOC and the parent ministry. Yes/No If No, why?
 9. Workers Committee and UHRC and the parent ministry. Yes/No If No, why?
 10. Workers Committee and ULRC and the parent ministry. Yes/No If No, why?
 11. Workers Committee and EOC and the parent ministry. Yes/No If No, why?
 - a. What is the link/ relationship between;
 - b. Youth Committee and UHRC and the parent ministry.
 - c. Youth Committee and ULRC and the parent ministry.
 - d. Youth Committee and EOC and the parent ministry.

- e. Workers Committee and UHRC and the parent ministry.
 - f. Workers Committee and ULRC and the parent ministry.
 - g. Workers Committee and EOC and the parent ministry.
12. What linkages are working?
- a. What needs to be done to improve on the relationship between;
 - b. Youth Committee and UHRC and the parent ministry.
 - c. Youth Committee and ULRC and the parent ministry.
 - d. Youth Committee and EOC and the parent ministry.
 - e. Workers Committee and UHRC and the parent ministry.
 - f. Workers Committee and ULRC and the parent ministry.
 - g. Workers Committee and EOC and the parent ministry.
- C. **Identify practical recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through the constitutional bodies taking into account mandate, structure and funding.**
1. Do you know what the interests and rights of the:
- a) Youth?
 - b) Workers?
2. What practical ways do you use to interface with the:
- a) Youth?
 - b) Workers?
3. Given your current mandate, structure and funding are you able to deliver on the promotion and protection of the interests of:
- a) Youth Yes/No
 - If Yes. How?
 - If No, Why?
 - b) Workers Yes/No
 - If Yes, How?
 - If No, Why?
4. What do you recommend for a more robust approach on how to protect the rights and interests of:
- a) Youth
 - b) Workers

APPENDIX VII

INTERVIEW SCHEDULE

Trade Unions, NGOs and Academics

The participation in this interview is entirely voluntary and responses will be treated with strict confidence.

| | |
|-------------------------------|--|
| Date of the interview: | |
| Place: | |
| Interviewee: | |
| Position: | |
| Organization: | |

- A. **Assess the impact of the work of constitutional bodies for the 20 years period in advancing the rights and interests of youth and workers.**
 1. Do you know the interests and rights of;
 - a) Youth Yes/No
If yes, what are they?
 - b) Workers Yes/ No
If yes, what are they?
 2. What has your organization done in the last 2 decades in advancing the rights and interests of the youth?
 3. What has your organization done in the last 2 decades in advancing the rights and interests of the workers?
 4. Have you interfaced with Youth Committee in parliament on issues of the rights and interests of that group? Yes/No. If yes, how?
 5. Have you interfaced with Workers Committee in parliament on issues of the rights and interests of that group? Yes/No. If yes, how?
 6. Is the Youth Committee relevant? Yes/No. If No, why?
 7. Is the Workers Committee relevant? Yes/No. If No, why?

8. Have you interfaced with UHRC on the interest of Youth? Yes/No. How?
9. Have you interfaced with ULRC on the interest of Youth? Yes/No. How?
10. Have you interfaced with EOC on the interest of Youth? Yes/No. How?
11. Have you interfaced with the parent ministry on the interest of Youth?
Yes/No. How?
12. Have you interfaced with UHRC on the interest of Workers? Yes/No. How?
13. Have you interfaced with ULRC on the interest of Workers? Yes/No. How?
14. Have you interfaced with EOC on the interest of Workers? Yes/No. How?
15. Have you interfaced with parent ministry on the interest of Workers?
Yes/No. How?
16. How has the UHRC in your opinion performed to the attainment of
the rights and interests of:
 - a) Youth
 - b) Workers
17. How has the ULRC in your opinion performed to the attainment of the
rights and interests of:
 - a) Youth
 - b) Workers
18. How has the EOC in your opinion performed to the attainment of the
rights and interests of:
 - a) Youth
 - b) Workers
- B. Explore practical linkages between the legislative representation,
constitutional bodies and parent ministry in advancing the rights
of youth and workers.**
 1. Why do you think workers and youth are represented in parliament

2. Do you think they should be represented in parliament? Yes/No
 - a). If No why and what are the alternatives?
 - b). If Yes, Is this the best method of representation?

- C. **Identify practical recommendations for a more robust and meaningful approach on how rights and interests of youth and workers can be delivered through the constitutional bodies taking into account mandate, structure and funding.**

32. What do you recommend for a more robust approach on how to protect the rights and interests of:
 - a) Youth
 - b) Workers?

APPENDIX VIII

LIST OF RESPONDENTS AND KEY INFORMANTS

| Category | Targeted Number | Name and contact |
|--|-----------------|---|
| Respondents | | |
| Kampala | | |
| Workers MPs (current) | 5 | <ol style="list-style-type: none"> 1. S. Lyomoki 2. B. Bakabulindi 3. Rwakajara 4. Agnes Kunihira 5. Margaret Rwabushaija |
| Former workers' MPs | 5 | <ol style="list-style-type: none"> 1. Martin Wandera 2. Mudirikati Mukasa 3. Amandrua (jinja) 4. Pajobo Bruno 5. G. S. Alipa |
| Former Youth MPs | 5 | <ol style="list-style-type: none"> 1. G. Karuhanga (attended seminar) 2. Anite Evelyn 3. Peter Ogwang 4. Patrick Nakabale (attended seminar) 5. Monica Amoding |
| Current Youth MPs | 2 | <ol style="list-style-type: none"> 1. Anne Adeke 2. Mwine Mpaka |
| Chairperson committee on gender, labour and social development | 1 | 1. Hon Komuhangi Margret (alternative we can get vice chair Hon ArinaitweRwakajara) |
| MP for the Disabled (man and woman) | 2 | <ol style="list-style-type: none"> 1. Babadri Margret 2. Nokorach |
| NOTU | 3 | <ol style="list-style-type: none"> 1. Wilson Owere (chairperson) (attended seminars) 2. Werikhe (GS) 3. Research Director |
| COFTU | 3 | <ol style="list-style-type: none"> 1. Sam Lyomoki 2. Chris Kahirita 3. Another COFTU official |

| | | |
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| Trade union leaders (UNATU, UMWU, Transport Union, NUEI, URWU, Textile | 6 | 1. UNATU – James Tweheyo (sent representative to seminar) 2. Transport Union – G Aziz 3. NUEI – Musa Okello 4. URWU – V. Byemaro 5. Textile – Ms. Aneno 6. UMWA – Lyomwoki |
| Trade union leaders (former/retired) | 5 | 1. Bruno Pajobo (Lugazi) 2. Amandra (Jinja) 3. Sam Wuuma 4. Mudirikat Mukasa 5. Robinson Kasozi |
| Federation of Uganda Employers (FUE) | 1 | Rosemary Ssenabulya |
| Ministry of Labour and Gender Development (commissioners for youth, labour) | 3 | 1. Labour Commissioner 2. Dr David Ogaram 3. Claudio Olweny |
| NRM youth league | 1 | Attended seminars |
| NRM workers' league | 1 | Attended seminars |
| FDC youth league | 1 | Attended seminars |
| FDC workers' league | 1 | Attended seminars |
| DP Youth League (UYD) | 1 | Attended seminars |
| DP Worker's league | 1 | Attended seminars |
| Academia (social sciences, political science) | 5 | 1. Prof E Mushemeza 2. Dr S. S. Kayunga (attended seminar) 3. Prof Josephine Ahikire 4. Prof Oloka-Onyango 5. Dr. Kabumba Busingye |
| District labour officers, Kampala (central and Nakawa, these are the most busy divisions) | 2 | 1. Kampala Central 2. Nakawa Division |
| Opinion leaders | 6 | 1. Fr Arinaitwe – UJCC 2. Dan Muliika – former Katikiro – Buganda, former trade unionist 3. P. K. Ssemwogerere – DP 4. Prof Kakonge – UPC 5. Hon Ssewungu – teacher 6. Hon Wafula Ogutu – leader of opposition |
| FDGs | | |



| | | |
|---|----|--|
| Unionized workers | 10 | Teachers and railway workers |
| non-unionized workers | 10 | Mukwano and Taxi drivers/hotel workers |
| Employed youths | 10 | |
| unemployed youths | 10 | |
| Students | 15 | |
| National youth council (Ntinda) | 5 | Attended seminars |
| Other districts | | |
| Key informants | | |
| RDCs | 10 | |
| CAOs | 10 | |
| District Labour Officer | 10 | |
| District speakers | 10 | |
| Members of the District service commission | 20 | |
| District youth representatives | 20 | |
| Trade union leaders | 10 | |
| CBOs and NGOs | 20 | |
| Focus Group Discussants | | |
| Workers in the district | 50 | |
| Employed youths | 50 | |
| Unemployed youths | 50 | |
| Students | 50 | |
| Plantation workers (Jinja and Masaka) | 30 | |



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