

UGANDA PEOPLES CONGRESS

NATIONAL HEADQUARTERS

PRESS RELEASE ON MONDAY 19TH DECEMBER 2011

On November 22nd, 2008, the UPC Annual Delegates Conference amended the Party Constitution when it passed a new Constitution for the Party. This new Constitution was only published in Uganda Gazette of 5th December, 2011, Vol. CIV No.72 as Gazette General Notice No. 678 of 2011.

Under Section 11 (3) of the Political Party and Organization Act, the changes have been approved by the Electoral Commission and published in the Uganda Gazette. This therefore means that the new Constitution came into force on 5th December 2011.

On 12th December 2011, the Party President Mr. Olara Otunnu purported to sack the Secretary General Mr. John Odit and the Secretary for Policy and National Mobilization Mr. David Pulkol without giving any reasons for the abrupt and unwarranted action. This action of Mr. Olara Otunnu was unconstitutional as it breached the provisions of Article 26 of the new Constitution. Article 26 of the new UPC Constitution, which is a Transitional Provision, states that: "When this Constitution comes into force, all persons holding offices under the previous Constitution shall continue to hold offices until new elections are held under this Constitution."

The Party has been operating under the 1970 Constitution which Mr. Otunnu himself inherited. All his appointments of National Officials and other Party officials were done pursuant to the 1970 Constitution. On the 5th of December, 2011, all these officials who were appointed by Mr. Otunnu were frozen in their positions by Article 26 until new elections are held under the new Constitution. Clearly the framers of the 2008 Constitutional amendment in their wisdom wanted and intended that all elected and appointed officials to continue in their positions when the constitutional amendment came into force in order to fully implement the new Constitution and hold elections to set up the structures in order avoid any disruptions in the institutional memory of the Party.

The only power given to the Party President to sack national officials, now called Party Cabinet, is in Article 14.3 (2)(b). This Article gives power to the President "to dismiss or replace any of the members so nominated by him and approved by the Delegates Conference PROVIDED that any such replacement must be approved by the next National Council Meeting following the replacement". What this means is that only those cabinet members appointed under the new Constitution can be dismissed and replaced.

Mr. John Odit and Mr. David Pulkol are both holders of offices who were appointed under the old Constitution and when they were appointed, their appointments were not required to be approved by the Delegates Conference which would have brought them under the ambit of Article 14.3 (2)(b) of the new Constitution. On the contrary their appointment was under the old Constitution and so their positions are preserved by Article 26 of the new Constitution until new elections are held. Since the Constitution came into force on December 5th 2011, no new elections have been held. The purported sackings of John Odit and David Pulkol was therefore unconstitutional and are null and void.

I urge the Party President Dr. Olara Otunnu to recognize, respect, defend and uphold the supremacy of the Party Constitution at all times as is required by Article 5.2(1). In the same vein, I call on all party members to remain calm, united and always ready to defend and uphold the supremacy of the Party Constitution.

A week ago, we informed you that we would defy Mr. Otunnu's action of sacking our two colleagues, and we have calmly and peacefully done this despite Mr. Otunnu's persistent provocative and aggressive actions including that of deploying his personal militia at the entrance of the party offices on 6th Floor, Uganda House who ruthlessly prevent party members from gaining entrance to party offices. Members of the press have also been victims of Otunnu's militia including companies contracted by our donors to supply office furniture and equipments such as Crown Agents Ltd, Malaysian Furniture, Nina Interior Designers and DSTV, to the party headquarters. Despite Otunnu's belligerent action, we shall continue with Party national mobilization and other programmes as had been planned much earlier.

Due to the current prevailing situation in the party and mindful of the fact that, just a few weeks ago, the National Party Leaders decided that National Council be called early next year, I am exercising my mandate as the UPC National Chairman to call the National Council of the Party in January 2012 to enable this organ pronounce itself on these developments and the way forward. In the meantime, I urge all party members to remain united and to fight for the best interests of the party.

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