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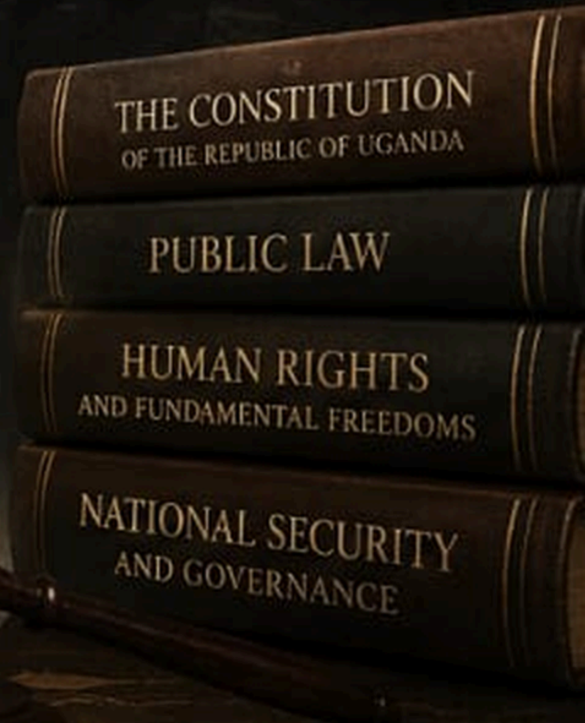
THE GARRISON STATE

Militarisation of Governance in Uganda: Law, Power, and the Future of Constitutional Democracy



ISAAC CHRISTOPHER LUBOGO

THE GARRISON STATE

Militarisation of Governance in Uganda:

Law, Power, and the Future of Constitutional Democracy

By

Isaac Christopher Lubogo

Suigeneris Publishers

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First Edition, 2026

To the soldiers of the National Resistance Army who laid down the gun so that a Constitution could be picked up;

and to every Ugandan magistrate, clerk, and citizen who still insists, quietly and without ceremony, that the law and not the rank must have the final word.

“The Constitution of Uganda is the supreme law of the land. It shall have binding force on all authorities and persons throughout Uganda.”

— Article 2, Constitution of the Republic of Uganda, 1995

“The Uganda People’s Defence Forces shall be non-partisan, national in character, patriotic, professional, disciplined, productive and subordinate to the civilian authority as established under this Constitution.”

— Article 208(2), Constitution of the Republic of Uganda, 1995

“The garrison state is not the state that has fallen to soldiers. It is the state that has fallen to a way of thinking soldiers are trained to have.”

— Working formulation, after Harold D. Lasswell (1941)

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Preface

I did not set out to write a book about soldiers. I set out, as I have in most of my work, to write about the Constitution — about what it says, about what it is made to mean in practice, and about the distance that so often opens between the two. It was in tracing that distance, ministry by ministry and statute by statute, that the subject of this book found me rather than the other way around.

Uganda's 1995 Constitution is, on its face, an unambiguous document. It declares itself supreme over all authorities and persons. It establishes a Defence Force that is expressly required to be subordinate to civilian authority. It separates the judicial power from the executive and the legislative. These are not obscure provisions buried in a schedule; they sit at the centre of the constitutional text, and no serious reader of Ugandan public law disputes their meaning. And yet anyone who has watched a Cabinet reshuffle, read a Court Martial ruling, or followed the slow argument between the Supreme Court and Parliament over who may try a civilian, knows that the meaning of a constitutional text and the practice of a constitutional state are not always the same animal.

This book is an attempt to describe that animal honestly. It is not a pamphlet against the Uganda People's Defence Forces, whose sacrifice in 1986 I regard, as I hope this book makes clear, as a genuine historical achievement and not a rhetorical one. Nor is it a brief for any political faction, current or former. It is a lawyer's inquiry into a structural condition: what happens, constitutionally speaking, when the instrument that was raised to protect the constitutional order begins, gradually and through entirely lawful-looking appointments and statutes, to participate

in governing it.

I have tried throughout to distinguish argument from accusation. Where the evidence is a judgment of the Constitutional Court or the Supreme Court, I cite the judgment. Where it is a provision of the Constitution or the UPDF Act, I cite the provision. Where the matter is genuinely contested — and much of it is — I have tried to say so, and to show the reader both sides of the contest rather than only the side that flatters the thesis. A book that wishes to be taken seriously by the bench cannot afford to be careless with its footnotes, and I have tried, chapter by chapter, to earn that seriousness rather than assume it.

This is, finally, a book written from within the tradition I call Ubuntu constitutionalism — the conviction that constitutional orders exist to hold communities together in dignity, and that any organ of state, however necessary its origin, forfeits its legitimacy the moment it mistakes the protection of the people for the rule over them. It is in that spirit, and not in the spirit of grievance, that the chapters which follow are offered.

Isaac Christopher Lubogo

Kampala

Prologue: The Long Walk to the Nile

On the 26th of January 1986, the fighters of the National Resistance Army came down out of the bush and into Kampala. They came in lorries that had seen five years of war, past a population that had itself seen very little else since 1971, and what they brought with them — alongside the exhaustion and the discipline of a guerrilla army that had held together where so many others had not — was a promise. The promise was not merely of a new government. It was of a different kind of state: one governed by law rather than by the standing orders of whichever army happened to control the capital.

That promise mattered because of what had come before it. Since the overthrow of the first Obote government in 1971, Uganda had been governed, in substance if not always in form, by the gun. Constitutions were suspended or simply ignored. Parliament sat at the pleasure of whoever held Kampala. The judiciary, where it survived at all, did so by avoiding the questions that mattered. By 1986 an entire generation of Ugandans had reached adulthood having never seen a peaceful transfer of power.

It is against that background, and only against that background, that the Constitution of 1995 should be read. Article 2 of that Constitution does not merely state a legal abstraction when it declares the Constitution supreme over all authorities and persons; it states the precise opposite of the previous quarter-century of Ugandan history. Article 208, which establishes the Uganda People's Defence Forces and requires them to be subordinate to civilian authority, was not drafted by people unaware of what an unsubordinated army had already done to the country. The 1995 Constitution is, among other things, a document

written by survivors of a garrison state, addressed to the possibility that one might return.

This book asks whether that possibility has, in fact, returned — not through the crude instrument of a coup, which the drafters of 1995 anticipated and the current Constitution is reasonably well defended against, but through a subtler and more legally interesting route: the steady normalisation of military personnel in civilian office, military commercial entities in the national economy, and military courts in matters that the Constitution's own architecture reserves for the ordinary courts of judicature.

The reader will meet, in the chapters that follow, a recurring legal drama that is not hypothetical. In 2021 the Constitutional Court held that the General Court Martial lacked jurisdiction to try civilians and lacked the independence and impartiality that Article 28 of the Constitution demands of any tribunal trying a criminal charge.[1] The Attorney General appealed. On the 31st of January 2025, the Supreme Court — in a judgment that took years to arrive and that several members of the legal profession have publicly questioned for the length of that delay — affirmed the Constitutional Court's position and ordered the transfer of pending civilian trials out of the military courts.[2] The reaction was immediate and instructive: the President publicly criticised the ruling, and within months Parliament had passed, and the President had signed,

[1]Kabaziguruka v Attorney General, Constitutional Petition No. 45 of 2016, [2021] UGCC 45 (1 July 2021), holding that the General Court Martial lacked jurisdiction over civilians and did not meet the independence and impartiality standard required by Article 28 of the Constitution.

[2]Attorney General v Kabaziguruka, Constitutional Appeal No. 2 of 2021, [2025] UGSC 1 (31 January 2025), affirming the Constitutional Court and declaring sections 2, 119 and 179 of the UPDF Act, 2005 unconstitutional insofar as they purported to subject civilians to trial before military courts.

an amendment to the UPDF Act restoring military jurisdiction over civilians in defined circumstances.[3]

That sequence — judicial restraint, executive resistance, legislative reversal — is not a footnote to this book's argument. It is close to the argument itself, rendered in real time by institutions that did not know they were illustrating a thesis. A constitutional democracy is not undone by the absence of courts willing to rule against the garrison; Uganda's courts, on this question, ruled clearly and twice. It is tested, instead, by what happens after such a ruling — by whether the other branches treat a settled constitutional question as settled, or treat it as the opening move in a negotiation to be reversed by ordinary statute.

None of this is offered to diminish the NRA's historical achievement, which this book does not dispute and has no wish to relitigate. It is offered because peace secured by an army and peace sustained by institutions are not the same peace, and a country is entitled to ask, thirty years into a constitutional order, which of the two it currently has. That is the question this book attempts to answer with the only tools a lawyer properly has: the text of the Constitution, the statutes made under it, and the judgments of the courts asked to interpret it.

[3]The Uganda Peoples' Defence Forces (Amendment) Act, 2025, passed by Parliament on 20 May 2025 and assented to on 16 June 2025, restored limited Court Martial jurisdiction over civilians in specified circumstances, including possession of military equipment and aiding soldiers in the commission of an offence.

PART I

THEORETICAL FRAMEWORKS AND THE CONSTITUTIONAL PRISM

Establishing the analytical lens through which Uganda's civil-military arrangement is examined

Chapter 1: Conceptualising the Garrison State in the Twenty-First Century

1.1 Harold Lasswell and the Classical Garrison State Thesis

The term “garrison state” enters the literature of political science through Harold D. Lasswell's 1941 essay, written against the immediate background of a world organising itself for total war. Lasswell's concern was not Africa, still substantially under colonial administration at the time, nor was it any particular constitutional order; it was a structural prediction about the direction in which industrialised states under sustained security pressure would tend to move. His thesis was that prolonged preparation for violence produces a distinctive elite — the “specialists on violence” — whose claim to authority rests not on electoral mandate or technical administrative competence but on the management of coercion itself, and that as the salience of external threat grows, this class tends to displace the “specialists on bargaining” who dominate liberal, commercially organised polities.

It is worth being precise about what Lasswell did and did not claim, because the term has since acquired a looseness in popular use that obscures its analytical value. Lasswell did not equate the garrison state with military dictatorship in the crude sense of a junta seizing the radio station and suspending the constitution. His garrison state could retain the outward forms of civilian government — a legislature, a judiciary, even elections — while the substantive direction of policy and the disposition of the state's resources moved steadily under the logic and personnel of the security apparatus. This distinction between form and substance is the single most useful idea this book borrows from Lasswell, and it will recur, in one guise or another, in every chapter that

follows.

The second idea worth preserving from the 1941 essay is Lasswell's insistence that the garrison state is a tendency rather than an event. It does not arrive by decree. It arrives by accretion — a security exception here, a commercial concession to a defence-linked enterprise there, a court martial jurisdiction quietly extended to cover an additional category of civilian offence — until the accumulated weight of these individually defensible decisions has produced a state whose civilian institutions persist in name while increasingly answering, in practice, to a security logic they were designed to constrain.

1.2 Beyond the Cold War: Militarisation in Post-Colonial Developmental States

Lasswell wrote for an audience contemplating Germany, Japan, and eventually the United States and the Soviet Union; he did not write with sub-Saharan Africa's post-colonial trajectory in view, and a faithful application of his framework to Uganda requires adaptation rather than simple transplantation. The relevant adaptation, developed by a subsequent generation of scholars of African militarism, is the observation that in many post-colonial states the armed forces did not merely threaten to displace civilian governance from outside; they were, from the moment of independence, frequently the most coherent, best-resourced, and most nationally organised institution the new state possessed. Where the civil service was thin, the party system fractious, and the colonial administrative inheritance designed for extraction rather than self-government, the army was often the one body capable of acting, however crudely, in the name of the nation as a whole.

This is the seed of what might be called the developmental militarism

variant of the garrison state — a configuration in which the armed forces present themselves, often with some sincerity, not as usurpers of civilian authority but as its necessary scaffolding during a period of state-building that the civilian institutions are not yet capable of sustaining alone. The difficulty, as this book will argue at length in Part III, is that scaffolding has a notorious tendency to outlast the building it was erected to support, and the line between an army that builds civilian capacity and an army that substitutes for it is far easier to state in theory than to police in the budget of an actual ministry.

1.3 Defining the Spectrum: Military Professionalism, Military Intervention, and Military Influence

Before this book can responsibly describe Uganda's present arrangement, it must define its terms with more care than the term “militarisation” ordinarily receives in public commentary. Three distinct conditions are commonly conflated under that single word, and the conflation does real analytical damage.

Military professionalism describes an armed force that confines itself to the defence and security functions assigned to it by law, maintains a clear hierarchy of accountability to civilian political authority, and whose officers do not, while serving, hold civilian administrative or legislative office. This is the condition Article 208(2) of Uganda's Constitution describes when it requires the Defence Forces to be “non-partisan, national in character, patriotic, professional, disciplined, productive and subordinate to the civilian authority.” Each of those adjectives is doing legal work; “professional” and “subordinate” are not decorative.

Military intervention, at the opposite end of the spectrum, describes the direct and acknowledged seizure of governmental authority by the

armed forces — the coup d'état in its classical form, with constitutions suspended and the chain of military command substituted openly for the chain of civilian accountability. Uganda's own history between 1971 and 1985, discussed in Part II of this book, is a history substantially organised around this condition, and it is precisely the condition the 1995 Constitution was drafted to foreclose.

Between these two poles lies a third condition, less dramatic than intervention and less innocent than professionalism, which this book will call military influence in civil administration: a state of affairs in which the formal constitutional architecture of civilian supremacy remains intact — Parliament sits, courts hold sessions, ministers are gazetted in the ordinary way — while serving or recently serving military officers occupy a disproportionate and growing share of the civilian administrative, commercial, and security-adjacent offices of the state, without any constitutional amendment having authorised the shift and without any single decision being dramatic enough, on its own, to register as a constitutional crisis. Part III of this book will argue, with the specific evidence of executive appointments, parliamentary representation, and commercial enterprise, that this third condition is the one that best describes Uganda's contemporary arrangement, and that it is analytically distinct from — and in some respects more difficult to remedy than — the cruder condition of outright military intervention that came before it.

1.4 The African Variation: When the Liberator's Army Becomes the Ruling Party's Vanguard

There is a final complication specific to liberation-era African states that deserves its own heading, because it bears directly on Uganda's

case and on the rhetorical difficulty any critique of militarisation faces in such states. Where an armed movement has fought a genuine war of liberation — against colonial rule, against a tyrannical predecessor regime, or both — the resulting army carries a moral authority that an army raised by ordinary peacetime conscription or professional recruitment does not. Its veterans are, quite legitimately, regarded as founders of the modern state rather than merely servants of it. This moral authority is not manufactured propaganda; in Uganda's case, as the Prologue to this book acknowledges, it reflects a genuine and very recent history of suffering and sacrifice.

The analytical danger lies in what is done with that authority once the war has ended. A liberation army's founding role can be honoured permanently — through memorials, through veterans' welfare, through an honoured place in the national narrative — without that role being converted into a permanent claim on the civilian organs of state. The two are logically separable, but they are not always kept separate in practice, and the rhetorical move from “this army liberated the nation” to “this army must therefore continue to govern alongside, or even instead of, the civilian institutions it helped install” is one of the most common and most under-examined manoeuvres in post-liberation African constitutionalism. Chapter 6 of this book will trace how that manoeuvre was made, specifically and documentably, in Uganda's own transition from bush war to constitutional government. The remainder of Part I first builds the comparative and doctrinal apparatus needed to examine it without simply asserting it.

Chapter 2: Constitutional Supremacy and the Security Imperative

2.1 The Doctrine of Absolute Supremacy: Article 2 in Text and Practice

Article 2 of the 1995 Constitution states, in terms that admit no qualifying clause, that the Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout the country, and that any law or custom inconsistent with any of its provisions is, to the extent of the inconsistency, void. There is no carved-out exception for matters of national security, no separate tier of constitutional force reserved for the defence establishment, and no textual basis for treating the Uganda People's Defence Forces as anything other than one more authority bound, like every other organ of the state, by the supreme law.

This textual clarity is important to state plainly, because much of the practical argument this book will later examine — over Court Martial jurisdiction, over the propriety of military officers in civilian ministerial office, over the deference courts have at times shown to executive security claims — proceeds not from any ambiguity in Article 2 itself but from arguments about what other, more specific provisions of the Constitution are taken to permit notwithstanding Article 2's supremacy. The doctrinal question this chapter exists to frame is therefore not whether the Constitution is supreme — that much is settled — but how courts and political actors have reasoned when a specific security-related provision appears, on one reading, to create room for departure from ordinary constitutional constraint.

2.2 Security Imperatives and the Limits of Necessity

Reasoning

No constitutional system anywhere disputes that the state may, in defined and reviewable circumstances, take measures in the name of security that it could not take in the ordinary course of civilian administration. Uganda's own Constitution makes express provision for states of emergency under Chapter Twelve, subject to parliamentary approval and time limits, precisely so that such measures are channelled through a known and bounded constitutional procedure rather than asserted as an open-ended executive prerogative. The doctrinal danger this book is concerned with is not the existence of a security exception — every mature constitutional order has one — but the informal expansion of security reasoning into domains the Constitution's own emergency provisions were drafted to occupy exclusively. When a security justification is invoked to support an executive or military action outside the formal emergency-powers framework, the correct constitutional question is not whether security is a legitimate concern — it always is — but whether the Constitution itself authorises that particular actor to act on that concern through that particular channel.

This is the analytical lens through which Chapter 10 of this book will later examine the conduct of the Chieftaincy of Military Intelligence and related bodies in matters of civilian arrest and detention, and it is the lens through which Chapters 11 and 12 will examine the jurisdiction of the General Court Martial over civilians. In each case the question is not whether Uganda faces genuine security concerns — it self-evidently does — but whether the specific institutional response chosen has travelled through the constitutional channel the framers actually built for it, or through an improvised channel justified by reference to security in the abstract.

2.3 Article 208 and the Question of Implied Constraint

Article 208 establishes the Uganda People's Defence Forces and, in its second clause, requires them to be non-partisan, national in character, patriotic, professional, disciplined, productive, and subordinate to the civilian authority established under the Constitution. Article 209 sets out the functions of the Defence Forces, and Article 210 vests in Parliament the power to make laws regulating the UPDF, including its composition, organisation, and discipline.

Two observations follow directly from this text and will matter throughout the remainder of this book. The first is that subordination to civilian authority is not a political aspiration recited in the Constitution's preamble; it is an operative clause of Chapter Twelve, sitting in the same constitutional register as the provisions establishing the army itself. The second is that the word “professional” in Article 208(2) is doing independent work alongside “subordinate”: an armed force can in principle remain formally subordinate to civilian command while ceasing, in practice, to be professional in the sense the framers intended — confined, that is, to a defined defence and security function rather than dispersed across the ordinary civilian administration of the state. Chapter 7 of this book will argue that it is precisely this second, less litigated dimension of Article 208(2) — professionalism as a constraint on function, distinct from subordination as a constraint on command — that is placed under the greatest strain when serving military officers are appointed to substantive civilian ministerial portfolios.

2.4 Constituent Power and Constituted Power in the Ugandan Context

A final doctrinal distinction belongs in this chapter because it will

recur, implicitly, in the book's concluding argument: the distinction, developed in continental constitutional theory and increasingly familiar in African constitutional scholarship, between the constituent power that establishes a constitutional order in the first instance and the constituted powers — the legislature, the executive, the judiciary, and, in Uganda's case, the Defence Forces — that the constitutional order subsequently creates and limits. The National Resistance Army of 1981 to 1986 exercised something close to constituent power: it was the force whose victory cleared the ground on which the 1995 constitutional settlement could be negotiated and adopted. But the Uganda People's Defence Forces of the post-1995 constitutional order is, by contrast, a constituted power — a creature of Articles 208 to 210, owing its legal existence and its powers entirely to the Constitution it is bound to obey, in exactly the same manner as the Cabinet or the High Court.

The conflation of these two distinct legal personalities — the historical NRA that helped found the order, and the constitutional UPDF that the order subsequently created and bound — is, this book will suggest, one of the quieter sources of the garrison tendency examined in the chapters ahead. An institution that continues, decades after a constitutional settlement, to draw on the moral authority of its founding role is apt to forget, or to encourage others to forget, that it now holds that role only by grace of the very constituted order it once helped bring into being, and on that order's terms rather than its own.

Chapter 3: Comparative Civil-Military Relations in Africa

3.1 South Africa: Professionalisation as Constitutional Design

South Africa's transition from apartheid offers the clearest African example of civil-military relations deliberately re-engineered through constitutional design rather than left to evolve informally. The integration of the former liberation armies — including the African National Congress's Umkhonto we Sizwe — with the apartheid-era South African Defence Force into a single South African National Defence Force was negotiated as an explicit institutional settlement, with civilian parliamentary oversight committees, a constitutionally entrenched role for the Minister of Defence, and a deliberate doctrine confining the SANDF to defence and, in narrowly defined circumstances, internal deployment under civilian authorisation. Whatever the SANDF's subsequent operational difficulties, the constitutional design itself reflects a conscious choice to prevent any single armed faction — liberation movement or former state army alike — from converting its historical role into an unaccountable civilian function.

3.2 Rwanda: Developmental Militarism and the Blurred Line

Rwanda presents a more complicated comparator, and one of particular relevance to Uganda given the shared history of the two countries' liberation movements. The Rwanda Defence Force, like the UPDF, traces its institutional lineage to a victorious liberation army — in Rwanda's case, the Rwandan Patriotic Front — and Rwandan governance since 1994 has been organised around a close, often formally acknowledged, fusion of party, military, and developmental state apparatus. Rwanda's defenders point to genuine and measurable gains

in security, administrative capacity, and economic growth achieved under this model; its critics point to the near-total absence of any meaningful separation between the ruling party, the security establishment, and the institutions of civilian government. Rwanda is useful to this book not as a model to be endorsed or condemned wholesale, but as the clearest available illustration of developmental militarism functioning at a high level of administrative competence — a reminder that the garrison state, in Lasswell's sense, is not necessarily synonymous with administrative failure, and that competence is no substitute for constitutional accountability.

3.3 Nigeria: The Cyclical Praetorian Pattern

Nigeria offers the comparator most often invoked, somewhat loosely, in Ugandan public commentary, and it deserves more careful treatment than that loose invocation usually receives. Between 1966 and 1999, Nigeria experienced repeated direct military takeovers interspersed with brief civilian interregnums, a pattern political scientists have described as a praetorian cycle: each return to civilian rule lacked sufficient institutional consolidation to prevent the next intervention, and each subsequent military government justified itself, in turn, by reference to the failures of the civilian government it had displaced. Nigeria's post-1999 Fourth Republic has, notably, avoided a further direct coup for over two decades — the longest unbroken civilian interval in the country's post-independence history — which suggests that praetorian cycles, while historically persistent, are not constitutionally inevitable once certain thresholds of civilian institutional consolidation are crossed. The Nigerian case is instructive to this book chiefly as a caution against complacency: the absence of a coup is not, by itself, evidence of civilian supremacy, and Part III of this book will argue that Uganda's relevant risk

in the present period is not a Nigerian-style intervention but the subtler condition of military influence in civil administration described in Chapter 1.

3.4 Locating Uganda on the Spectrum

Read against these three comparators, Uganda's contemporary arrangement resists easy classification under any single model. It shares with Rwanda a liberation-army lineage and a developmental ideology that has, at various points, blurred the line between party, military, and state. It shares with Nigeria's pre-1999 history a documented record of direct military intervention, though that record belongs substantially to the period before 1986 examined in Part II of this book rather than to the present constitutional order. And it shares with South Africa, at the level of constitutional text if not always of constitutional practice, an express commitment to civilian supremacy and military professionalism written into the foundational document itself.

This book's working classification, developed and defended in the chapters that follow, is that Uganda since 1995 occupies a hybrid position best described as constitutional in form and increasingly garrisoned in practice: a state whose founding text unambiguously commits to the South African model of professionalised, subordinate civil-military relations, but whose subsequent administrative practice — examined in granular, citable detail in Part III — has drifted, appointment by appointment and statute by statute, toward the developmental-militarist fusion more characteristic of Rwanda. Whether that drift is reversible, and by what specific constitutional and legislative means, is the question to which the remainder of this book is addressed.

PART II

THE HISTORICAL GENESIS OF MILITARY POWER IN UGANDA

From colonial inheritance to the bush war and the promise of 1986

Chapter 4: The Colonial Construction of the Warrior Class

4.1 The King's African Rifles and the Inheritance of 1962

Uganda's post-independence military did not spring into being in October 1962. It was inherited, almost intact, from the colonial King's African Rifles, the British regiment raised in 1902 to garrison the East African territories. At independence, Uganda's national army was constituted as the Uganda Rifles, a direct reorganisation of the KAR's Fourth Battalion. This was not a minor administrative continuity; it meant that the new nation's armed forces carried forward, unexamined and unreformed, the recruitment patterns, command culture, and institutional habits of an organisation built for an entirely different purpose — the maintenance of colonial order rather than the defence of a self-governing republic.

The Fourth Battalion's composition was itself a product of deliberate colonial policy. The British colonial administration, like its counterparts elsewhere in the empire, operated on an informal but consequential doctrine of "martial races" — the belief that certain ethnic groups possessed an innate aptitude for soldiering that others lacked. In the Ugandan case this doctrine concentrated recruitment heavily in the north of the territory: soldiers from northern Uganda dominated the KAR's Ugandan battalion, with recruits of Nubian background especially overrepresented in the early decades, a concentration that thinned but did not disappear as the force Africanised in its later years.

4.2 The Consequences of a Lopsided Inheritance

The significance of this inheritance only becomes fully visible in hindsight. A national army recruited disproportionately from one region

of a multi-ethnic, multi-kingdom territory was always going to be a politically loaded instrument the moment colonial rule ended and the question of who would control that instrument became a live political stake. It is no accident that the ethnic geography of Uganda's officer corps at independence tracked so closely onto the ethnic geography of the political crises that followed within the decade: an army drawn heavily from the north stood ready to be employed, recalibrated, and ultimately weaponised by whichever political faction could secure its loyalty.

This is not an argument that colonial recruitment policy alone produced Uganda's subsequent military politics; Chapter 5 will show that political choices made by Uganda's own post-independence leaders did at least as much damage as anything inherited from the colonial period. But the colonial inheritance set the initial conditions, and initial conditions matter. An army built by a colonial power for the purposes of internal security and external garrison duty, rather than national defence understood in the modern constitutional sense, arrived at independence with no settled tradition of subordination to a sovereign Ugandan Parliament, because no such Parliament had existed for it to be subordinate to. The constitutional culture of civilian supremacy that Article 208 would eventually try to entrench in 1995 had, in 1962, no precedent within the institution it was meant to govern.

4.3 Force as Administrative Habit

The KAR's role in colonial Uganda extended well beyond external defence. Colonial military forces across British East Africa were the standing instrument of last resort for the suppression of resistance to colonial administration, deployed wherever colonial authority faced

organised challenge. The lesson absorbed by the institution, across six decades of colonial service, was that the use of organised force against the civilian population was a normal and legitimate instrument of governance whenever the governing authority judged it necessary — a lesson with no inbuilt mechanism for asking whether the governing authority in question was itself legitimate.

This is the precise habit of mind that a constitutional order built on civilian supremacy must work hardest to unlearn in an inherited colonial army, and it is the habit of mind that, as the next two chapters will show, Uganda's post-independence governments did the least to unlearn and, in important respects, actively reinforced.

Chapter 5: The Post-Independence Conundrum, 1962–1985

5.1 Obote I and the 1966 Crisis

Milton Obote became Uganda's first executive head of government in 1962 at the head of a coalition between the Uganda People's Congress and the Buganda-based Kabaka Yekka party — an alliance built on convenience rather than shared conviction, and one that came under sustained strain almost immediately. The rupture arrived in 1966, when Obote moved against the very kingdom whose party had helped bring him to power: the 1962 Constitution was set aside, the monarchies including Buganda's were abolished, and Obote assumed a presidency with sweeping executive authority, all secured by the deployment of the army under the command of the then Army Commander, Idi Amin.

The legal aftermath of that crisis produced one of Ugandan constitutional law's most consequential early decisions: Uganda v. Commissioner of Prisons, Ex parte Matovu. The case arose from a habeas corpus application by a Saza chief detained under the new regime's emergency powers regulations, and it required the High Court, sitting as a panel of three judges, to decide whether the 1966 Constitution — produced by what was, on any ordinary reading, an extra-constitutional seizure of power — could nonetheless be treated as legally valid. The Court, drawing on Hans Kelsen's theory of revolutionary legality, held that it could: where a new constitutional order has succeeded in establishing effective control over the state, has faced no successful counter-revolution, and has secured a degree of international recognition, the court would treat that order as the new governing legal framework and decline to inquire further into the legitimacy of its origin.

The doctrinal label usually attached to this reasoning is the political question doctrine, and its significance for the present book is direct: Matovu established, at the founding moment of Uganda's independent constitutional jurisprudence, that the judiciary would treat a successful exercise of force against the existing constitutional order as a matter substantially beyond its competence to second-guess. That posture would recur, repeatedly and consequentially, throughout the remainder of the period this chapter examines, and its echo — considerably softened, but not entirely silenced — will be visible again in Chapter 12's discussion of Attorney General v. Tinyefuza three decades later.

5.2 The Amin Years: The Collapse of Civilian Jurisdiction

Idi Amin's seizure of power in January 1971 removed any remaining ambiguity about where ultimate authority in Uganda resided. Amin's eight years in power were marked by systematic extrajudicial violence against political and ethnic opponents, the catastrophic 1972 expulsion of Uganda's Asian commercial class with consequent economic collapse, and the wholesale substitution of military decree for ordinary legislative and judicial process. Whatever academic debate exists over the precise mechanisms of Amin's rule, there is no serious dispute that civilian constitutional government, in any meaningful sense, ceased to exist in Uganda for the duration of his rule.

The enduring significance of the Amin period for this book's argument is less about the atrocities themselves, which have been documented at length elsewhere, than about the lesson Uganda drew from them. Amin's rule demonstrated, with total and catastrophic clarity, what an army wholly unconstrained by civilian institutions could do to a state. That demonstration would become the foundational moral justification for

everything the NRA claimed to stand against when it took up arms a decade later — and, as Chapter 6 will examine, the foundational moral capital the NRA would continue to draw upon long after the immediate threat of an Amin-style military dictatorship had receded.

5.3 Obote II and the Militarisation of Patronage

Obote's return to the presidency following the contested 1980 elections inaugurated a second period of military entanglement in governance, organised this time around the Uganda National Liberation Army. The UNLA's senior ranks drew heavily on the same northern ethnic networks — particularly Acholi and Langi communities — that had historically dominated the colonial-era officer corps, producing an army whose loyalty was substantially organised along patronage and ethnic lines rather than national institutional lines. The UNLA's conduct during the counter-insurgency against the nascent NRA, particularly in the Luwero Triangle, became one of the defining atrocities of the period and a central piece of the NRA's subsequent moral claim to having liberated the country from a predatory military establishment.

5.4 The Hollowing of Civilian Institutions

Across the whole 1962–1985 period, the pattern this chapter has traced at the level of the army was mirrored by a parallel hollowing of every other major civilian institution of state. The civil service was steadily converted from a career bureaucracy into a patronage apparatus; the judiciary's independence was repeatedly tested and repeatedly found wanting under direct political pressure; Parliament was suspended, sidelined, or reduced to formal ratification of decisions taken elsewhere. By 1985, Uganda possessed a state in which the army was not simply the most powerful institution among several competing

centres of authority — it was, in any meaningful sense, the only institution left standing. That is the precise vacuum into which the National Resistance Army would step in January 1986, and it is the vacuum that Chapter 6 must be read against.

Chapter 6: The NRA/M Bush War and Politico-Military Ideology

6.1 A Different Kind of Army

The National Resistance Army that fought its way to Kampala between 1981 and 1986 was not organised on the model of a conventional professional military, and this is not incidental to the argument of this book — it is, in important respects, the seed of the very condition this book sets out to examine. The NRA was conceived from its earliest days as what its own leadership termed a politico-military organisation: an armed force in which every fighter was understood to be simultaneously a soldier and a political cadre, trained not only in the use of arms but in the movement's political programme, and tasked with carrying that programme to the civilian populations under the NRA's control.

The NRA's foundational political document, generally known as the Ten-Point Programme, set out commitments to democracy, security, national unity, an independent economy, and the restoration of the rule of law. Whatever the programme's ultimate record of fulfilment — a question this book does not attempt to adjudicate in full — its institutional function in the bush war is clear: it provided the ideological glue that allowed a guerrilla force to win sustained civilian cooperation in contested territory, and it embedded, from the movement's very founding, the idea that there was no meaningful distinction between the NRA's military and political functions.

6.2 The Fusion Made Permanent

This fusion of political and military function was a genuine source of the NRA's discipline and effectiveness during the war itself; political

education and military command were not, in the bush, rival claims on an officer's loyalty but complementary aspects of the same role. The difficulty this book identifies is what happened to that fusion once the war ended and the NRA became the government of Uganda rather than an insurgent challenger to it. A politico-military structure that makes good operational sense for a guerrilla army fighting for survival in contested terrain does not automatically convert into a sound constitutional design for a peacetime state with a permanent, professional, constitutionally subordinate defence force. The NRA's transition from movement to government carried the fusion forward largely unexamined, and Chapter 7 of this book will trace, in granular legal detail, precisely how that carry-over manifested in the post-1995 constitutional order.

6.3 The Promise of 26 January 1986

When Yoweri Museveni addressed the nation from Kampala in January 1986, the language he used was deliberately and explicitly constitutionalist: a promise that the rule of law, the security of person and property, and constitutional governance would replace the preceding quarter-century of military and authoritarian rule. That promise is not this book's invention, and it is not advanced cynically; it is the standard against which the remainder of this book measures the subsequent three decades of Ugandan governance, and it is worth recording here, before that measurement begins, that the promise was a serious and historically significant one, made against a backdrop — traced in Chapter 5 — that gave it genuine moral weight.

6.4 The Movement System as Institutional Compromise

The governance structure the NRA built after 1986 — the Movement

system, with political parties suspended in favour of a single broad national movement, and a parallel structure of Resistance Councils providing grassroots representation — was, on its own terms, an attempt to translate the bush war's fusion of political and military organisation into a peacetime governing framework. It provided, by most measures, a genuine period of stabilisation and reconstruction after the catastrophic instability of the preceding period. It also, however, entrenched the NRA's political-military leadership as a more or less permanent governing class, with the military's senior command continuing to occupy a privileged and largely unreviewable position within that class long after the immediate security justification for such a position had become harder to sustain.

The remainder of this book is, in substantial part, an examination of what became of that privileged position once Uganda returned to multiparty constitutional government under the 1995 Constitution — a Constitution that, as Chapter 2 has already shown, expressly requires the army's subordination to civilian authority, and that the NRA's own leadership was instrumental in drafting and adopting. The question Part III now turns to is how a movement that helped write the rules of civilian supremacy into Uganda's supreme law has, in the decades since, related to those same rules in practice.

PART III

CONTEMPORARY MANIFESTATIONS OF THE GARRISON STATE

The executive, the legislature, the treasury, and the intelligence services examined in evidence

Chapter 7: The General in the Ministerial Office

7.1 Correcting the Constitutional Citation

Before this chapter can make its argument, it must correct an error that has circulated widely enough in public commentary on this subject to warrant a direct response. The President's power to appoint Ministers is frequently attributed, including in earlier drafts of this very book, to "Article 99(2)" of the Constitution. There is no such provision bearing that content. The President's appointment power over Cabinet Ministers and other Ministers rests on Articles 113(1) and 114(1) respectively, exercised together with Articles 108(1)–(2) governing the Vice-President and 108A(1) governing the Prime Minister, all subject to parliamentary approval. This is not a pedantic correction: a constitutional argument that misidentifies the very provision it is built on cannot be relied upon, however sound its underlying intuition. The argument that follows is built on the correct foundation.

7.2 No Textual Bar, and No Need to Invent One

Articles 113 and 114, properly read, impose no express bar on the appointment of a serving military officer to a civilian ministerial portfolio. This book does not need to manufacture an implied prohibition to make its point, and Chapter 2 has already explained why an implied-prohibition argument resting on creative inference from Article 208(2) alone would be analytically weaker than the textual record actually requires. The stronger and more defensible claim is this: Article 208(2) requires the Defence Forces to remain "professional" as well as "subordinate," and the practice this chapter documents tests the professionalism limb of that clause directly, regardless of whether any separate prohibition can be read into Articles 113 or 114.

7.3 The Practice, Precisely Stated

The practice in question is not hypothetical, and it is not confined to a single ministry or a single period. General Edward Katumba Wamala, a four-star general and former Chief of Defence Forces, served as Minister of Works and Transport from 2019, and was moved by presidential reshuffle in 2026 to the Ministry of Public Service — a portfolio change that kept him in Cabinet without any apparent requirement that he first divest his military commission. Major General Kahinda Otafiire has held the Ministry of Water and Environment in the Cabinet sworn in for the 2026–2031 term. These are not isolated or historical examples; they are current appointments, gazetted under the President's own cited constitutional authority, sitting in the Cabinet of the day this book was completed.

The point this chapter presses is not that these officers are unqualified or that their service has been dishonourable — this book has no basis for and makes no such claim. The point is structural: a four-star general who has commanded the UPDF's land forces and served as Chief of Defence Forces, moved between civilian ministries by ordinary Cabinet reshuffle, exemplifies precisely the condition Chapter 1 of this book defined as military influence in civil administration — the persistence of full military rank and institutional identity inside a civilian executive office, with no textual requirement of retirement, resignation, or cooling-off, and no public indication that any such step is contemplated as standard practice.

7.4 The Professionalism Test Applied

Article 208(2)'s requirement that the Defence Forces remain professional is, on the analysis developed in Chapter 2, a constraint on

function and not merely a constraint on the chain of command. A General who retains his commission while administering a civilian ministry's budget, policy, and personnel is not, in any function-based sense, confined to the defence and security role that the word "professional" in Article 208(2) was drafted to describe. Whether that General also retains a vote in Parliament under Article 78(1)(c) — as several of the officers named above have, at various points in their careers, also held — compounds the difficulty without being a separate or additional constitutional violation in itself; it is the same underlying condition, recurring across two different constitutional provisions.

7.5 Conclusion: A Narrower Claim, Soundly Made

This chapter has deliberately advanced a narrower claim than earlier, looser treatments of this subject have attempted. It does not claim that Articles 113 and 114 are violated by the appointment of a serving officer to civilian office; the constitutional text simply does not say that. It claims instead that such appointments, documented here by name, rank, and date, place real and continuing strain on the professionalism requirement of Article 208(2), and that this strain is a legitimate and evidenced — rather than inferred — manifestation of the garrison condition this book as a whole sets out to describe. Part V will return to this finding when it proposes, through the Lubogo Model developed in Chapter 13, a concrete legislative mechanism — a defined cooling-off period prior to civilian ministerial appointment — addressed precisely to the practice this chapter has documented.

Chapter 8: The Military in the Legislature

8.1 Article 78 and the Army's Seat in Parliament

Article 78(1) of the Constitution sets out the composition of Parliament. Alongside members directly elected from constituencies and one woman representative per district, clause (1)(c) provides for "such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine," while clause (1)(d) separately provides that the Vice-President and Ministers who are not already elected members of Parliament shall sit as ex officio members "without the right to vote on any issue requiring a vote in Parliament."

This textual distinction matters a great deal, and it has not always been observed with precision in public commentary on the subject. The army's ten parliamentary seats, currently filled under the Parliamentary Elections Act framework, are not "ex officio" seats in the limited, non-voting sense that Article 78(1)(d) reserves for unelected ministers. They are full seats under Article 78(1)(c), carrying the ordinary voting rights of any other member of Parliament. The conflation of these two distinct categories — treating all military-linked parliamentary presence as a single "ex officio" phenomenon — obscures rather than illuminates the actual constitutional anomaly, which lies not in any want of voting rights but in the method by which the army's ten voting representatives are chosen.

8.2 The Selectorate Problem

Uganda's ordinary members of Parliament answer, in the most direct sense the electoral system allows, to the constituents who elect them. The army's ten parliamentary representatives answer to a fundamentally

different selectorate: they are chosen by the UPDF's own Defence Forces Council, an internal military electoral college composed of the High Command, service chiefs, division and brigade commanders, and other senior officers, sitting under the chairmanship of the President in his capacity as Commander-in-Chief. The election of the army's representatives to the current Parliament returned, among others, the Chief of Defence Forces and other senior generals — a roster that includes figures occupying the very highest ranks of the military hierarchy, elected by their own chain of command to sit and vote in the civilian legislature that is, on paper, meant to exercise oversight over that same hierarchy.

President Museveni's own description of the purpose served by these seats is worth recording without embellishment, because it states the institutional logic more candidly than any external critique could: the army's parliamentary representatives, on his account, exist to serve as “conveyor belts and listening posts” within the legislature — a formulation that casts the arrangement not as a check on military power exercised through Parliament, but as a channel through which the military's perspective and interests are carried into Parliament's deliberations, with the selectorate for that channel remaining entirely internal to the institution being represented.

8.3 Voting on the Defence Budget

Because the army's ten representatives sit as ordinary voting members under Article 78(1)(c), nothing in the constitutional text requires their recusal from votes touching the defence budget, UPDF conditions of service, or oversight motions concerning military conduct — matters in which they have about as direct a personal and institutional

stake as a legislator can have. This is the genuine conflict-of-interest problem this chapter identifies, and it is sharper, not softer, once the Article 78(1)(d) red herring is set aside: these are not powerless observers granted a courtesy seat: they are full voting members, selected by the institution whose funding and conduct they are then asked to scrutinise, sitting in numbers — ten seats, several held by the most senior officers in the chain of command — sufficient to matter on a closely contested vote.

8.4 Conclusion: A Narrower and Sharper Reform Target

The reform implication that follows from this more precise account differs from the one a looser reading of the Constitution might suggest. The problem is not that the army sits in Parliament without a vote when commentary assumes otherwise; the deeper problem is that it sits with a full vote, selected by itself, on the same budgetary and oversight questions where its institutional interest is most direct. Any serious legislative reform of Article 78(1)(c) representation — a subject this book returns to in Part V — must therefore address either the selectorate (who chooses the army's representatives) or the scope of their voting rights on defence-specific matters, and not simply gesture, as some prior commentary has, at the wrong constitutional clause.

Chapter 9: The Economic Barracks

9.1 The National Enterprise Corporation: Constitutional Basis and Commercial Reach

The National Enterprise Corporation was established in 1989 by an Act of Parliament as the commercial arm of the Ministry of Defence and Veteran Affairs and the Uganda Peoples' Defence Forces, tasked with producing goods and services for the benefit of the Defence Forces, UPDF veterans, and the general public. NEC traces its constitutional mandate to Article 209(d), which lists among the functions of the Defence Forces the engagement in “productive activities for the development of Uganda.” This is worth stating plainly, because it corrects a common misconception in public commentary on the subject: NEC's commercial activity is not a constitutional gap or a legal vacuum exploited without authority. It rests on an express constitutional function, deliberately included in Chapter Twelve of the 1995 Constitution.

The substantive question this chapter is concerned with is therefore not whether NEC has legal authority to exist — it plainly does — but how far the “productive activities” mandate of Article 209(d) can properly stretch before it ceases to describe a defence force's development-oriented sideline and begins to describe a general-purpose commercial conglomerate operating under the institutional shelter of the military. NEC's subsidiaries today span construction and engineering, agro-processing, bottled water, armoured vehicle assembly, helicopter maintenance, and private security services — a portfolio considerably broader than the original 1989 conception of a defence-adjacent production unit, and one whose governance sits with a board appointed by the Ministry of Defence and Veteran Affairs rather than through any of

the ordinary public-enterprise oversight channels that govern comparable civilian parastatals.

9.2 Procurement, Audit, and the Boundaries of Civilian Oversight

The Public Finance Management Act, 2015 is the principal statute governing the management of public funds, and the Public Procurement and Disposal of Public Assets Act governs the ordinary tendering process for government contracts. Neither statute contains an express, clearly drawn carve-out addressing how military-linked commercial entities such as NEC are to be treated for purposes of procurement transparency and audit — a genuine legislative gap, though a narrower one than blanket claims of a total “legal vacuum” suggest, since the Auditor General's constitutional mandate under Article 163 to audit the accounts of all public authorities is not, on its face, excluded from reaching a statutory corporation such as NEC merely because its parent ministry is Defence.

The more precise and more defensible version of this chapter's argument is therefore an argument about practice rather than pure legal vacuum: that the practical exercise of audit and procurement oversight over NEC's expanding commercial footprint has not kept pace with the scale and diversification of that footprint, and that the institutional habit of treating anything adjacent to the Ministry of Defence as presumptively a matter of operational security — whether or not the activity in question (bottled water, tractor assembly, private security contracting) has any genuine connection to operational security at all — has been allowed to substitute for, rather than coexist with, ordinary public financial accountability.

9.3 The Fiduciary Question

Every public officer in Uganda, military or civilian, exercises authority over public resources as a trustee for the public rather than as a personal or institutional entitlement. The question this chapter poses is not whether the men and women who administer NEC are personally dishonest — this book makes no such claim and has no evidentiary basis on which to make it — but whether the institutional design surrounding a defence-linked commercial conglomerate of NEC's present scale provides the structural safeguards that fiduciary responsibility over public resources ordinarily demands: competitive, externally verifiable procurement; routine and published audit; and a governance structure answerable to a body broader than the ministry whose budget the conglomerate is, in part, designed to supplement. On the evidence available, those structural safeguards remain materially weaker for NEC's commercial operations than for comparable civilian state enterprises, and that asymmetry — grounded in a real constitutional mandate but extended well past its original scope — is the legitimate target of the reform proposals advanced in Part V of this book.

Chapter 10: The Intelligence State

10.1 Mapping the Intelligence Architecture

Uganda's intelligence architecture includes the Chieftaincy of Military Intelligence, the internal and external security organisations established under Chapter Twelve of the Constitution, and the ordinary Criminal Investigations Directorate of the Uganda Police Force. The constitutional text itself contemplates the existence of intelligence services and places them, like every other organ of the security sector, within Chapter Twelve's general requirement that security organisations observe human rights and operate under the law. The difficulty this chapter examines is not the existence of military intelligence as an institution — every functioning state maintains one — but the practice of that institution exercising functions, including the arrest, interrogation, and detention of civilians, that fall more naturally within the jurisdiction the Constitution assigns to the civilian Uganda Police Force.

10.2 The 48-Hour Rule and Its Uneven Application

Article 23(4)(b) of the Constitution requires that a person arrested on reasonable suspicion of a criminal offence be brought before a court as soon as possible and in any case not later than forty-eight hours from the time of arrest. This is among the most concrete and least ambiguous safeguards in the entire Bill of Rights, and its violation is correspondingly well documented: in 2018 alone, the Uganda Human Rights Commission registered 323 separate complaints concerning detention beyond the constitutional forty-eight-hour limit. The data on which institution is principally responsible for these violations complicates any simple narrative of military overreach: of the complaints in which a specific agency was identified, the overwhelming majority —

296 of 323 — were lodged against the Uganda Police Force, with only fourteen against the UPDF.

This data point deserves to be stated honestly rather than explained away, because it changes the shape of the argument this chapter is entitled to make. The ordinary 48-hour violation, on the available evidence, is principally a problem of an overstretched and under-resourced civilian police force, not a hallmark of military intelligence overreach. The distinct and more serious problem this chapter is concerned with is not the volume of detention-period violations but their character in a narrower category of politically sensitive cases — cases in which detention is conducted by or at the direction of intelligence services rather than ordinary police, in facilities outside the standard police custodial estate, and accompanied by an invocation of national security that makes habeas corpus relief considerably harder to obtain in practice even where it remains available in principle.

10.3 Judicial Caution and the Echo of Matovu

Chapter 5 of this book traced the origin of Ugandan judicial deference to claims of extra-legal necessity to the 1966 decision in Ex parte Matovu, in which the High Court declined to inquire into the legality of a successful constitutional rupture on essentially Kelsenian grounds. That posture of restraint did not disappear with the adoption of a new and more rights-protective Constitution in 1995; it resurfaced, considerably softened but recognisably descended from the same instinct, three decades later in Attorney General v. Tinyefuza, when Major General David Tinyefuza sought to resign his commission after publicly criticising the UPDF's conduct before a parliamentary committee and found his resignation blocked by the military's own internal regulations.

It is worth recording, in fairness to the Ugandan judiciary, that the courts in Tinyefuza ultimately ruled substantially in the General's favour on questions of parliamentary privilege and freedom of expression — a result that complicates any account of Ugandan courts as simply and uniformly deferential on military matters. What the case does illustrate, more precisely, is the judiciary's continuing caution about prescribing remedies that would require it to directly countermand an internal military command decision, even while it remains willing to vindicate the constitutional rights of the individual officer caught within that decision.

10.4 Conclusion: A Narrower, Better-Evidenced Concern

The intelligence state this chapter describes is real, but it is a narrower and more precisely bounded phenomenon than a sweeping claim of total military capture of the justice system would suggest. It consists, on the evidence assembled here, of a small but consequential category of politically significant detentions conducted outside the ordinary police custodial framework, defended by reference to national security in terms the courts have shown a continuing, though not absolute, reluctance to test — a reluctance whose jurisprudential ancestry runs back through Tinyefuza to Matovu, and whose remedy, as Part V will argue, lies less in any single judgment than in the cumulative discipline of a judiciary willing to draw the same precise distinctions this chapter has tried to draw between genuine operational security and its invocation as a general-purpose shield.

PART IV

THE LEGAL MACHINERY: STATUTES AND COURTS

The UPDF Act and the judiciary's uneven, but not uniform, record of restraint

Chapter 11: The UPDF Act, 2005

11.1 Section 119: Who Is Subject to Military Law

Section 119(1) of the UPDF Act, 2005 defines the class of “persons subject to military law.” That class plainly includes serving officers and soldiers, as one would expect of any military code. The provision that has generated the greatest constitutional controversy is found in paragraphs (g) and (h): a civilian who aids or abets a person subject to military law in the commission of a service offence, or who is found in unlawful possession of arms, ammunition, or equipment ordinarily a monopoly of the Defence Forces, is thereby brought within the definition of a person subject to military law — and, by that route, within the jurisdiction of the General Court Martial established under section 197, which carries unlimited original jurisdiction to try offences under the Act, including the service offences enumerated in section 179.

This is the precise statutory mechanism by which ordinary civilians — charged, for example, with possession of a firearm whose specification matches an item on the Defence Forces' standard equipment list — have found themselves tried not before a magistrate or the High Court but before a General Court Martial composed of serving officers. The mechanism does not require any connection to the military beyond the alleged offence itself; an applicant in one reported High Court matter was brought within section 119(1)(h)'s reach on the strength of the model number of a pistol he was alleged to possess, regardless of the fact that police, prisons, and licensed private security firms also lawfully hold similar weapons.

11.2 The Constitutional Challenge: From Kabaziguruka to the Supreme Court

The constitutionality of this arrangement was tested directly in Kabaziguruka v. Attorney General, in which the Constitutional Court held, in 2021, that the General Court Martial lacked the independence and impartiality that Article 28 requires of any body trying a criminal charge, given that its members are drawn from and answerable to the UPDF High Command rather than to any independent judicial appointments process. The Attorney General's appeal produced, after a lengthy delay that drew its own public criticism, the Supreme Court's 2025 judgment affirming the Constitutional Court's position: Chief Justice Owiny-Dollo's lead judgment held that military courts lack the independence and structural safeguards the Constitution requires, since their authority derives from the UPDF High Command rather than from any process insulated from that command, and the Court ordered pending civilian trials transferred out of the military court system. The judgment further proposed, as a longer-term structural reform, transforming the General Court Martial into a division of the High Court, with judges assigned by the Chief Justice and a strictly limited role for military assessors.

11.3 The Legislative Reversal

The political aftermath of the Supreme Court's ruling, already introduced in this book's Prologue, deserves full statutory treatment here. President Museveni publicly criticised the judgment, and Parliament passed the Uganda Peoples' Defence Forces (Amendment) Bill, 2025 within months, restoring military court jurisdiction over civilians in defined “exceptional circumstances.” The Bill, assented to in June 2025, was not a simple reversal: it also introduced a Directorate of Military Prosecutions to professionalise charging decisions, established a clearer appellate hierarchy running from Unit Court Martial through Division Court Martial to the General Court Martial and onward to the

Court of Appeal and ultimately the Supreme Court, and required that any death sentence imposed by a military court be confirmed by the Supreme Court before execution. A parliamentary minority report, authored during the Bill's passage, objected that one clause re-enacted, in substantially the same terms, a provision the Supreme Court had already struck down — an objection the Bill's sponsors did not concede but that remains, at the time of this book's completion, the subject of fresh Constitutional Court litigation brought by the National Unity Platform and other petitioners.

11.4 A Sword Sharpened, Not Sheathed

The UPDF Act's history across this single decade illustrates, with unusual clarity, the central thesis of this book. A statute is challenged, a court finds it constitutionally deficient on careful and well-reasoned grounds, and the political response is not acceptance but recalibration — the same underlying jurisdictional reach preserved, with procedural refinements added to make that reach more defensible on appeal rather than abandoned. Whether the 2025 Amendment Act survives the fresh constitutional challenge already filed against it is a question this book cannot answer in advance of judgment. What can be said with confidence, on the documentary record assembled in this chapter, is that the UPDF Act has functioned, across its life, considerably more as a sword extending military jurisdiction outward toward the civilian population than as a shield confining military justice to its own ranks — and that each judicial attempt to sheathe that sword has been met, to date, with a legislative effort to resharpen it.

Chapter 12: The Judiciary and the Garrison Impulse

12.1 A Jurisprudential Line, Not a Single Doctrine

The temptation in writing this chapter is to search for a single doctrine — a Ugandan equivalent of the political question doctrine, fully formed and consistently applied — that explains the judiciary's posture toward the military across six decades. The honest account, assembled from the cases this book has examined, is less tidy than that. What exists instead is a recognisable lineage of judicial instinct, expressed differently in each generation, running from Ex parte Matovu's 1966 acceptance of revolutionary legality, through the considerably more rights-protective but still cautious reasoning in Attorney General v. Tinyefuza, to the genuinely assertive and carefully constructed reasoning of the Constitutional Court and Supreme Court in Kabaziguruka.

12.2 Matovu: The Founding Instinct

Chapter 5 has already examined Ex parte Matovu's holding in detail: the High Court's acceptance, on Kelsenian grounds, that a constitutional order achieving effective control could be treated as legally valid regardless of the means by which it arose. The case's continuing relevance to this chapter is structural rather than doctrinal — it establishes that Ugandan courts, from the very first significant test of the post-independence settlement, have been willing to treat the brute fact of effective political and military control as a consideration bearing on what they will and will not adjudicate.

12.3 Tinyefuza: Restraint and Vindication in the Same Judgment

Attorney General v. Tinyefuza complicates any simple narrative of judicial capitulation. Major General David Tinyefuza, after publicly criticising the UPDF's conduct of the Northern Uganda insurgency before a parliamentary committee, found his attempt to resign his commission blocked by the army's own internal regulations. The Constitutional Court and, on appeal, the Supreme Court were asked to rule on whether his parliamentary testimony was privileged and whether compelling him to remain in the army against his wishes amounted to forced labour within the meaning of Article 25. The courts ruled substantially in his favour on the privilege and free-expression questions, while showing continuing caution about directly ordering the military to release him from a command decision internal to its own chain of authority. The case is best read, in the context of this book's argument, as evidence that Ugandan courts have been willing to vindicate the individual rights of an officer caught within a military command decision, while remaining considerably more reluctant to substitute their own judgment for that of the command structure itself.

12.4 Kabaziguruka: The Line Finally Tested and Held

Kabaziguruka v. Attorney General represents, on the evidence this book has assembled, the clearest and most consequential departure from the cautious lineage traced above. Both the Constitutional Court in 2021 and the Supreme Court in 2025 held, in reasoned and carefully constructed judgments, that the General Court Martial's structural dependence on the UPDF High Command for its composition and authority renders it incapable of meeting the independence and impartiality standard Article 28 demands, and both courts ordered concrete relief — the cessation and transfer of pending civilian trials — rather than confining themselves to declaratory language. Whatever else

this book has found cause to criticise in Uganda's civil-military arrangement, it would be a disservice to the judiciary's own record to omit that, on this specific and highly consequential question, the courts did not defer.

12.5 The Unresolved Question: What Happens After the Ruling

The genuinely difficult question this chapter must end with is not whether Ugandan courts are capable of ruling against military overreach — Kabaziguruka answers that question affirmatively — but what institutional weight such a ruling carries once delivered. The swift legislative reversal examined in Chapter 11, achieved through an ordinary Act of Parliament within months of the Supreme Court's judgment, suggests that a single judicial victory, however well reasoned, does not by itself settle a constitutional question against a sufficiently motivated legislature and executive. The remedy this book proposes in Part V is accordingly not a plea for greater judicial courage — the courts have, on this evidence, already shown it — but for the kind of statutory entrenchment that would make a future legislative reversal considerably harder to achieve than a simple majority vote.

PART V

THE FUTURE OF CONSTITUTIONAL DEMOCRACY

From diagnosis to a programme of closure

Chapter 13: The Lubogo Model of Civil-Military Equilibrium

13.1 From Diagnosis to Design

The preceding chapters have tried to establish, with as much precision as the available legal and documentary record permits, where Uganda's constitutional order departs from the civilian supremacy its own founding text requires: a selectorate problem in Parliament's army seats, a commercial mandate stretched well past its original constitutional scope, and an intelligence and judicial culture still answering, faintly but recognisably, to the precedent set in 1966. This chapter proposes a coherent reform model addressed to each of those specific findings rather than to militarisation in the abstract. I call it the Lubogo Model of Civil-Military Equilibrium, and it rests on a deliberately narrow premise: that the 1995 Constitution's own commitments to supremacy and civilian control are sound, and that what is required is not a new constitutional philosophy but the closing of specific, identifiable gaps between that philosophy and the statutory and institutional practice built up around it.

13.2 Reforming the Article 78(1)(c) Selectorate

Chapter 8 identified the central defect in the army's parliamentary representation as a problem of selectorate rather than of voting rights as such: ten seats, filled by an internal Defence Forces Council answerable to the Commander-in-Chief, sitting with full voting rights on matters including the defence budget. The Lubogo Model proposes that Parliament exercise its express power under Article 78(2) — the decennial review clause — to either retire the army's reserved seats entirely, on the South African model of a professional force with no

reserved legislative representation, or, short of full retirement, to legislate a standing recusal rule confining the army's representatives from voting on any question of defence appropriation, UPDF conditions of service, or oversight of military conduct, leaving them full voting rights on all other parliamentary business. Either reform requires no constitutional amendment beyond the ordinary exercise of the review power Article 78(2) already grants Parliament.

13.3 Closing the NEC Oversight Gap

Chapter 9 located the National Enterprise Corporation's accountability problem not in any absence of legal authority — its Article 209(d) mandate is real — but in the gap between that mandate's original development-oriented conception and its present commercial scope, compounded by an audit and procurement environment that has not been adapted to track that growth. The Lubogo Model proposes a statutory amendment to the Public Finance Management Act expressly confirming the Auditor General's Article 163 jurisdiction over NEC and its subsidiaries, with audit reports laid before Parliament's Public Accounts Committee on the same published timetable as any other statutory corporation, and a requirement that any NEC subsidiary whose primary business is not defence-specific manufacture be subjected to ordinary PPDA procurement rules rather than internal military procurement procedures.

13.4 A Judicial Standard for Security Claims

Chapter 10 traced a continuing judicial caution about testing executive and military invocations of national security, with roots reaching back to Ex parte Matovu. The Lubogo Model does not propose to legislate away judicial discretion, which would be both impractical and

constitutionally inappropriate. It proposes instead a narrower procedural reform: a statutory requirement, enforceable on judicial review, that any invocation of national security to justify detention outside the ordinary 48-hour framework be accompanied by a specific, written certification identifying the particular security interest at stake, subject to in-camera judicial scrutiny of that certification's substance rather than acceptance of the bare assertion. This would not eliminate the executive certificate as a tool of government; it would convert it from an unreviewable assertion into a reviewable one, restoring to the judiciary the function Article 28's fair hearing guarantee already implies it should be exercising.

13.5 Conclusion: A Programme of Closure, Not Confrontation

Each of these three proposals shares a common design feature deliberately chosen for this book's argument: none requires a constitutional amendment, a wholesale institutional abolition, or a frontal confrontation with the military as an institution. Each closes a specific, evidenced gap between a constitutional commitment already on the books and a statutory or administrative practice that has drifted from it. This is, I think, the only realistic path to reform available to a state in Uganda's position: not the dismantling of an army that has, whatever its subsequent institutional overreach, a genuine claim to having ended a previous and considerably worse period of military rule, but the patient, statute-by-statute closing of the space within which that overreach has been allowed to grow.

Chapter 14: Civil Society, Academia, and the Fourth Estate

14.1 The Limits and Achievements of Strategic Litigation

Constitutional litigation has been the single most effective tool available to Ugandan civil society for testing the boundaries this book has traced, and its record is genuinely mixed rather than uniformly disappointing. Kabaziguruka v. Attorney General, discussed at length in this book's Prologue and returned to in the chapters on the judiciary, stands as proof that strategic constitutional litigation can, even on a question touching the military directly, produce a clear and consequential ruling from both the Constitutional Court and the Supreme Court. Tinyefuza stands as further proof, on a different question, that even a serving general's challenge to his own institution's internal discipline can succeed before a court willing to take seriously its fair-hearing and free-expression obligations. The honest qualification this chapter must add, examined already in Chapter 10, is that such victories have not always translated into durable institutional change: the legislative reversal that followed Kabaziguruka within months of the Supreme Court's ruling is the clearest illustration available of how a sound judicial outcome can be substantially undone by a subsequent ordinary statute, absent the kind of statutory entrenchment Chapter 13 proposes.

14.2 Academic Freedom and the Study of the Garrison State

This book is itself, in a modest way, evidence for the proposition this section advances: that sustained, citation-disciplined academic engagement with Uganda's civil-military arrangement remains possible, and that the path to influence lies through rigour rather than rhetoric.

Ugandan legal academia has produced, over the three decades since 1995, a substantial body of serious scholarship on precisely the questions this book examines — the jurisdiction of courts martial, the constitutional status of the political question doctrine descended from Matovu, the proper construction of Article 78 — much of it cited in the chapters above. The principal obstacle facing that scholarship is not a formal prohibition on the subject matter but the slower, more diffuse pressure of self-censorship that accompanies any sustained academic focus on the military in a state where the military retains the institutional weight this book has documented. The remedy available to individual scholars is not heroism but precision: an argument built on verified citation and careful doctrinal distinction is considerably harder to dismiss, and considerably safer to advance, than one built on rhetorical force alone.

14.3 Ghana's Civil Society as a Comparative Lesson

Chapter 3 located Ghana as the African comparator that achieved the fullest civilianisation of a previously coup-prone military, and it is worth returning to that comparison here with the specific detail the present chapter is concerned with. Ghana's path out of recurrent military intervention ran through five coups between 1966 and 1981 and a final, decisive PNDC-led military government before the 1992 Constitution and the Fourth Republic it inaugurated. The element of that transition most relevant to this chapter is not the constitutional text alone but what followed it: the 2000 election, in which the incumbent NDC lost to the opposition NPP's John Kufuor, and the peaceful transfer of power that followed on 7 January 2001 — widely regarded as Ghana's first nonviolent transfer of power between rival political parties, achieved without any intervention by a military that had, only two decades earlier,

been the dominant actor in Ghanaian politics. Ghana's civil society, churches, and professional associations are widely credited with having sustained the domestic pressure for that 1992 transition during the preceding decade, even though the decisive transition itself was substantially elite-led from within the outgoing PNDC government. The lesson for Uganda's own civil society is neither triumphalist nor despairing: sustained civic pressure was necessary but not, on its own, sufficient in the Ghanaian case; it required a subsequent electoral test that the incumbent was willing to lose. Whether Uganda's civil society can help build the conditions for an equivalent test remains, at the time of this book's writing, an open question rather than a settled one.

14.4 Conclusion: The Long Discipline

Civil society, academia, and an independent press are, on the evidence this chapter has assembled, necessary but slow-acting forces against the garrison tendency this book has traced. They do not substitute for the statutory and institutional reforms Chapter 13 proposes; they are, rather, the social precondition without which any government would have the political space to revisit those reforms once enacted, exactly as Parliament revisited the Supreme Court's Kabaziguruka ruling within months of its delivery. The case this book makes, in the end, is not that Uganda's garrison tendency is inevitable, nor that it has yet been overcome. It is that the path between those two positions runs through precisely the kind of patient, evidenced, institution-by-institution argument this book has tried to model rather than through any single dramatic act of either capitulation or confrontation.

Chapter 15: Drafting the Post-Garrison Constitution

15.1 The Case Against a Wholesale Rewrite

It would be a mistake, and this book has tried throughout to avoid it, to conclude from the preceding fourteen chapters that Uganda requires a wholly new constitutional settlement. The 1995 Constitution's own commitments — supremacy under Article 2, civilian subordination of the military under Article 208(2), the fair hearing guarantee of Article 28, the Auditor General's audit jurisdiction under Article 163 — are sound, and this book's argument throughout has been that practice has drifted from text rather than that the text itself is defective. The reform proposals that follow are accordingly drafted as amendments and statutory insertions addressed to specific, evidenced gaps, in the spirit of the Lubogo Model set out in Chapter 13, rather than as a call for a new Constituent Assembly.

15.2 A Targeted Amendment to Article 78

Chapter 8 identified the selectorate by which the army's ten parliamentary representatives are chosen — the UPDF's own Defence Forces Council — as the precise structural defect requiring remedy, rather than the bare existence of military representation as such. This book proposes that Parliament, exercising its existing review power under Article 78(2), enact either the full retirement of reserved army seats or, short of that, a standing recusal rule under its own rules of procedure barring the army's representatives from voting on defence appropriations, UPDF conditions of service, or any motion concerning oversight of military conduct.

15.3 A Statutory Cooling-Off Requirement

Chapter 7's documented practice of serving four-star generals moving directly between senior UPDF command and civilian ministerial office calls for a clear statutory rule rather than continued reliance on the inferential professionalism argument this book has had to construct from Article 208(2) alone. This book proposes a statutory amendment, most naturally inserted into the UPDF Act itself, requiring any officer above the rank of Colonel to formally retire their commission a minimum of two years before accepting appointment to any civilian ministerial portfolio outside the Ministry of Defence and Veteran Affairs itself.

15.4 Entrenching the Kabaziguruka Holding

Chapter 11 documented how swiftly an ordinary Act of Parliament reversed the practical effect of the Supreme Court's 2025 ruling in Kabaziguruka. The clearest available lesson is that a constitutional principle vindicated only by judicial interpretation, and not also reflected in the entrenched text of the Constitution itself, remains vulnerable to reversal by simple legislative majority. This book proposes a focused constitutional amendment to Article 28, adding an express clause providing that no person not subject to military law by reason of active service in the Defence Forces may be tried before a military tribunal, with the narrow exceptions for aiding, abetting, or unlawful possession offences under the UPDF Act subjected to mandatory High Court committal review before any military court may assume jurisdiction.

15.5 Audit Jurisdiction Over Defence-Linked Commercial Entities

Chapter 9 found NEC's Article 209(d) constitutional mandate to be genuine but stretched considerably past its 1989 conception, with audit

and procurement oversight failing to track that growth. This book proposes a statutory amendment to the Public Finance Management Act expressly naming NEC and any subsidiary in which it holds a controlling interest as a body subject to the Auditor General's ordinary audit cycle and to the Public Accounts Committee's ordinary reporting timetable, with PPDA procurement rules applying to any subsidiary whose primary business is not the manufacture of military equipment.

15.6 Conclusion: A Constitution Completed, Not Replaced

Each proposal in this chapter targets a specific finding from the eleven chapters of evidence that precede it. None requires the dismantling of the UPDF, the dishonouring of its founding role, or a confrontation this book has no wish to provoke. What they require, collectively, is the patient legislative discipline of closing gaps between a constitutional text already committed to civilian supremacy and a three-decade practice that has, chapter by documented chapter, drifted from it. That is the modest, achievable, and entirely constitutional programme this book's final chapter, the Conclusion that follows, draws together under a single doctrinal name.

Conclusion: The Doctrine of Constitutional Sequentialism

A Doctrine Earned, Not Asserted

This book began with a promise made on the steps of Kampala on the 26th of January 1986, and it has spent fourteen chapters testing that promise against the documentary record of the four decades that followed. It is time, in this concluding chapter, to state plainly what that record supports and to give it a name.

The doctrine I propose, and which I call Constitutional Sequentialism, holds that the legitimacy of an armed force's role in a constitutional order is strictly sequential rather than perpetual. A military's foundational legitimacy — the moral and historical authority earned by ending a prior period of disorder, tyranny, or civil war — extends only to the first sequence of state-building: securing the territory and the population sufficiently for a constitutional order to be negotiated, adopted, and begun. Once that constitutional order exists and has been in operation, the military's legitimate role contracts to the constituted function the new constitution actually assigns it — in Uganda's case, the defence and security function of Articles 208 to 210, exercised in professional subordination to civilian authority. A military that continues, beyond this point, to occupy civilian ministerial office, to vote on its own appropriations through a self-selected parliamentary delegation, to operate a diversified commercial conglomerate under a stretched constitutional mandate, or to extend its own courts' jurisdiction over the civilian population it once liberated, has moved from the first sequence to an unauthorised second sequence — from the founding force that secured the constitutional order to a standing faction operating within

and against it.

Why This Book Has Resisted the Easier Argument

It would have been easier, and considerably shorter, to write a book arguing that Uganda's military has simply seized the civilian state. That book would not have survived contact with the evidence. The Constitutional Court and Supreme Court ruled against military overreach in Kabaziguruka, and ruled with real consequence. A serving general's free expression rights were vindicated, however cautiously, in Tinyefuza. The National Enterprise Corporation operates under a genuine constitutional mandate, not a forged one. The army's parliamentary seats exist because the 1995 Constituent Assembly, composed substantially of civilians with every reason to fear a returning garrison state, chose to include them, reportedly as a deliberate acknowledgment of the army's role in ending the previous two decades of disorder. Each of these facts complicates a simple capture narrative, and each has been stated plainly in the chapters above rather than minimised in service of a cleaner argument.

What the evidence supports instead is the more precise and, I think, more useful claim that Constitutional Sequentialism names: not capture, but drift — a series of individually defensible decisions, each traceable to a real constitutional provision or a real historical justification, whose cumulative effect over three decades has been to keep the military's institutional presence in civilian life considerably larger, in scope and duration, than the first-sequence logic of its founding legitimacy can continue to justify.

The Lubogo Doctrine and the Lubogo Model, Together

Constitutional Sequentialism is a diagnostic doctrine; the Lubogo

Model set out in Chapter 13 and translated into specific drafting proposals in Chapter 15 is its remedial counterpart. The two are designed to work together: Sequentialism identifies which present arrangements belong to an expired first sequence and should therefore be wound down — the self-selected parliamentary seats, the ministerial appointments without cooling-off, the commercial mandate exercised without first-sequence-appropriate oversight — and the Model supplies the specific statutory and constitutional mechanisms by which that winding-down can occur without requiring the military's wholesale exclusion from a national life it genuinely helped rebuild.

A Final Word

Uganda is not a garrison state in Lasswell's full and totalising sense; this book has found no evidence that the specialists on violence have displaced civilian government in its entirety, and a great deal of evidence — the Kabaziguruka litigation chief among it — that Uganda's civilian institutions retain genuine capacity to check military overreach when properly tested. Nor, however, is Uganda the fully civilianised constitutional democracy its founding text describes. It occupies the harder middle position this book has tried to document precisely: a state in which the first sequence of legitimate military founding has not yet been formally closed, thirty years after the constitutional order it helped establish came into force. Closing that sequence — not through confrontation, but through the patient statutory work this book's final chapters have proposed — is the unfinished constitutional business this book leaves to its readers, in Parliament, on the bench, and in the country at large, to complete.

Appendix A: Selected Constitutional Provisions (Chapter Twelve, 1995 Constitution)

Article 208(1): There shall be armed forces to be known as the Uganda Peoples' Defence Forces.

Article 208(2): The Uganda Peoples' Defence Forces shall be non-partisan, national in character, patriotic, professional, disciplined, productive and subordinate to the civilian authority as established under this Constitution.

Article 209: The functions of the Defence Forces are to preserve and defend the sovereignty and territorial integrity of Uganda; to cooperate with civilian authority in emergency situations and in cases of natural disasters; to foster harmony and understanding between the Defence Forces and civilians; and to engage in productive activities for the development of Uganda.

Article 210: Parliament shall make laws regulating the Uganda Peoples' Defence Forces, and, in particular, providing for the composition and disciplinary code of the Defence Forces; the terms and conditions of service of members of the Defence Forces; and the deployment of troops outside Uganda.

Article 78(1)(c)–(d) (Composition of Parliament): Parliament shall consist of members directly elected to represent constituencies; one woman representative for every district; such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine; and the Vice-President and Ministers, who, if not already elected members of Parliament, shall be ex officio members without the right to vote on any issue requiring a vote in

Parliament.

Article 28(1) (Right to a Fair Hearing): In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.

Article 163 (Auditor General): There shall be an Auditor General who shall audit and report on the public accounts of Uganda and of all public offices, including the courts, the central and local government administrations, universities, and public institutions of like nature, and any public corporation or other body or organisation established by an Act of Parliament.

Appendix B: Timeline of Constitutional Suspension and Military Intervention in Uganda

1962: Independence from the United Kingdom under the 1962 Constitution.

1966: Prime Minister Milton Obote suspends the 1962 Constitution, abolishes the constitutional kingdoms, and assumes the presidency under the so-called “pigeonhole constitution”.

1967: A new Republican Constitution is promulgated, formally ending the kingdoms' constitutional status.

1971: Idi Amin seizes power in a military coup; Legal Notice No. 1 of 1971 suspends key constitutional provisions, including the supremacy clause, enabling rule by decree.

1979: Amin is overthrown following the Uganda–Tanzania War; a series of short-lived interim governments follows.

1980: Disputed elections return Milton Obote to power for a second term.

1981–1986: The National Resistance Army wages its bush war against the Obote II and subsequent military governments.

1985: A military coup led by General Tito Okello Lutwa removes Obote for a second time.

1986: The NRA enters Kampala on 26 January, ending the Okello government.

1995: The current Constitution of the Republic of Uganda is promulgated on 8 October, following a Constituent Assembly process.

2005: Constitutional amendments remove presidential term limits and provide for a multiparty political system; the UPDF Act, 2005 is enacted.

2021: The Constitutional Court rules in Kabaziguruka v. Attorney General that the General Court Martial lacks jurisdiction over civilians.

2025: The Supreme Court affirms the Constitutional Court in Attorney General v. Kabaziguruka on 31 January; Parliament passes the UPDF (Amendment) Act restoring limited military court jurisdiction over civilians, assented to on 16 June.

Appendix C: Glossary of Terms

Garrison State — A polity, after Harold Lasswell, in which specialists in organised violence exercise disproportionate and growing influence over governance, whether or not the formal institutions of civilian government remain outwardly intact.

Praetorianism — A condition in which the military regards itself, and is in practice treated, as an arbiter of political outcomes rather than an instrument subordinate to civilian political authority.

Political Question Doctrine — The judicial practice of declining to adjudicate certain questions on the ground that they are more properly resolved through the political process than through judicial determination.

Constituent Power (Pouvoir Constituant) — The original authority by which a people establishes a constitutional order, as distinct from the constituted powers that order subsequently creates and limits.

Constituted Power (Pouvoir Constitué) — The authority exercised by an organ of state created and bounded by an existing constitution, such as the legislature, the judiciary, or a constitutionally established defence force.

Court Martial — A tribunal established under military law to try persons subject to that law for service offences, distinct in composition and appointment process from the ordinary civilian courts of judicature.

Selectorate — The body or process by which a representative is chosen; used in this book to distinguish the ordinary civilian electorate from the internal military electoral college that selects Uganda's army representatives in Parliament.

Constitutional Sequentialism — The doctrine, original to this book, that an armed force's legitimate role in a constitutional order is confined to the founding sequence of securing the conditions for that order's establishment, and contracts thereafter to the constituted function the resulting constitution assigns it.

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