



BUGANDA CONSULTATIVE FORUM REPORT

Brovad Hotel, Masaka District

23-24 October, 2014

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Abbreviations

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| BRCF: | Bunyoro Regional Consultative Forum |
| DP: | Democratic Party |
| EC: | Electoral Commission |
| EIA: | Environmental Impact Assessment |
| FDC: | Forum for Democratic Change |
| FFE: | Free and Fair Elections |
| JEEMA: | Justice Forum Party |
| JSC: | Judicial Service Commission |
| LC: | Local Council |
| MICOD: | Mid-Western Regional Centre for Democracy and Human Rights |
| NAWOU: | National Association of Women Associations of Uganda |
| NDI: | National Democratic Institute |
| NGO: | Nongovernmental Organization |
| NEMA: | National Environment Management Authority |
| NRM: | National Resistance Movement |
| POMA: | Public Order Management Act 2013 |
| PSC: | Public Service Commission |
| RDC: | Resident District Commissioner |
| UGMP: | Uganda Governance Monitoring Platform |
| UNNGOF: | Uganda National NGO Forum |
| UPC: | Uganda People's Congress |
| UPE: | Universal Primary Education |
| UPDF: | Uganda Peoples Defense Forces |
| UPPE: | Universal Post-Primary Education |

1.0 INTRODUCTION

The Buganda West (Masaka, Kalungu, Rakai, Kalangala, Lwengo, Bukomansimbi) Consultative Forum on Free and Fair Elections was convened in Masaka Municipality from October 23rd to 24th, 2014. It was organized by Masaka NGO Forum in partnership with Uganda National NGO Forum. Participants included district officials, local and political party leaders, religious leaders, Educationists and academia, representatives of traditional institutions, the business community, NGOs and Civil Society Organizations, political party representatives from JEEMA, NRM, FDC, DP, UPC, and the Uganda Federal Alliance.



Map of Uganda showing territorial extent of Buganda

Key resolutions made included the need to change from presidential or republican system to parliamentary system, the enforcement of mechanisms like party constitutions and party disciplinary committees to ensure internal democracy, senior party officers to resign their positions once they take up senior government offices to avoid conflict of interest and keep cohesion in party affairs, scrapping all the president's powers in constitutional commissions members' appointments, the empowerment of citizens to use their vote wisely, the independence of the electoral commission, and compelling all public servants including the Army to relinquish their positions a year before nominations for elective political posts, inter alia.

2.0 ORGANIZATION OF THE FORUM

The forum was organized by Masaka NGO Forum in partnership with Uganda National NGO Forum. A keynote presentation on the history of elections and citizen action in the country set the pace for the Forum after which an open session was conducted during which participants offered feedback to the presentations and discussions.

Thereafter, the participants were split into group sessions for detailed discussions on a select twenty one issues as contained in the Guiding Document. The outcomes of the group work sessions were then subjected to open plenary.

3.0 BACKGROUND

Buganda is a subnational kingdom within Uganda. The kingdom of the Ganda people, Buganda is the largest of the traditional kingdoms in present-day Uganda, comprising all of Uganda's Central Region, including the Ugandan capital Kampala.

Buganda has a long and extensive history. Unified in the fourteenth century under the first king Kato Kintu, the founder of Buganda's Kintu Dynasty, Buganda grew to become one of the largest and most powerful states in East Africa during the eighteenth and nineteenth centuries.



Flag of Buganda Kingdom

Ganda culture tolerates social diversity more easily than many other African societies. Even before the arrival of Europeans, many Ganda villages included residents from outside Buganda. Given this background, it is important that Buganda took part in the regional consultations because of the potential of a peaceful coexistence that it portends both for itself and the greater Uganda in which she finds herself. Indeed, as was discussed in the presentation on the Making of Uganda, the destiny of the kingdom of Buganda is hinged to the destiny of Uganda, thereby necessitating cooperation and mutual understanding between the two historical entities.

4.0 PERSPECTIVES ON ISSUES

Political parties

It was recommended that all members of political parties should pay membership and subscription fees to their respective party monthly and annually. It was also resolved that political parties should have a party Constitution which should be strengthened and implemented. All elective positions in political parties should have attached term limits. Party disciplinary committees should be strong and independent so that they are able to ensure adherence to rules. All persons who serve in senior positions should resign their offices once they get to government offices like president, vice, speaker and prime minister. Further, each political party should have laws that restrict division along sectarian lines.

Equal access to state media for all presidential candidates as stipulated by Article 87

The president should relinquish the presidency during elections so that all candidates have equal access to media, There should be a transitional government to enable all candidates a leveled ground in accessing all other resources amongst which is state owned media, The electoral commission should fine all the media houses that block some candidates from accessing them.

Powers of appointments to constitutional commissions

The broad and cross-cutting presidential power to appoint needs to be reduced with a view to establishing an independent body of trustees to appoint members of these commissions subject to parliamentary approval; these independent bodies, it was argued, are a more democratic option as opposed to nearly unfettered presidential power to appoint heads and members of nearly every other para-statal, state enterprise and statutory authorities.

Age Qualification for the President

The group found that the status quo of at least thirty five and not more than seventy years of age should be retained as the age limit requirement for any person contesting for the position of the Office of the President.

Electoral Commission

It was recommended that the Electoral Commission (EC) should be well facilitated to perform their constitutionally-mandated roles. Prospective EC employees should apply and be taken through an elaborate selection process conducted by a competent institution; this Electoral Commission Vetting Committee should constitute religious leaders, academicians, professional bodies and political parties. The tenure for all those who serve on the EC should serve a five year term of office renewable only once. The position of Chairperson of the EC should have the qualifications necessary to be a High Court judge while the other members of the Commission should have a minimum of a bachelor's degree. Finally, as a means of improving its own internal efficiency, the EC should constitute its own trained force to keep law and order during election periods.

Form of Government

This matter was highly contested but at the end of the deliberations, the following recommendations were made: Uganda should adopt the parliamentary system of government because this system is most appropriate in terms of service delivery and accountability to the electorate. This system affords parliament more functions and enables parliament powers to forestall the possibility of an overbearing executive or president undermining the authority and/mandate of other institutions. Adoption of a parliamentary system of government should be followed by massive sensitizations of the public to create awareness on how the system operates.

5.0 CONCLUSION

The Buganda West Consultative Forum successfully convened a meeting that was representative of the constituencies that make up the region. Besides garnering citizen ownership of the process, the Forum provides a sustainable avenue through which citizens can deliberate over matters of regional and national import. Indeed, the inclusion of Buganda West brings into the fold the perennial questions surrounding the relationship between Uganda as a republic and Buganda as a cultural entity, something that has not been comprehensively approached by previous attempts towards resolving these long-standing questions. Insofar as the specific matter of electoral and constitutional reforms is concerned, this is an opportunity to expand the ownership and support of the reform process with as many stakeholders (from various constituencies) as possible.

6.0 ANNEXTURES

Annexure One: Outcome Document

FREE AND FAIR ELECTIONS

Buganda west regional consultation

Outcome document

| Issue | Proposal |
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| <p>Issue # 1: Political parties</p> | <p>All political party members should pay subscription and membership fees to the party monthly and annually respectively</p> <p>All parties should have a party constitution which should be strengthened and implemented</p> <p>All political parties should have a very strong and independent disciplinary committee to ensure discipline in a political party</p> <p>Each party should have laws that restrict divisions along sectarian lines</p> <p>Every member of a political party should have equal opportunity to elect or be elected on any political position</p> <p>Leadership in political parties should be on merit</p> <p>Each political party should have term limits for their elective positions</p> <p>Citizens should hold their members of parliament accountable to strictly enforce the act that provides for funding of political parties.</p> |
| <p>Issue # 2: Representation of special interest groups</p> | <p>Members were divided and analyzed the issue of special interest groups' representation threefold: All special interest groups should be maintained in parliament; All of them should be abolished; All except for the army and workers reps should be retained.</p> <p>These groups should be elected through political parties</p> |
| <p>Issue # 3: Access to media</p> | <p>The president should relinquish the presidency during elections so that all candidates have equal access to media.</p> <p>There should be a transitional government to enable all candidates a leveled ground in accessing all other resources amongst which is state owned media.</p> <p>The electoral commission should fine all the media houses that block some candidates from accessing them</p> |

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| | <p>The electoral commission should compel state and private owned media to present to them their programming covering all the presidential candidates</p> |
| <p>Issue # 4: Powers of appointment to constitutional commissions</p> | <p>The presidential power as far as appointments of members of these commissions should be scrapped</p> <p>There should be establishment of an independent body of trustees to appoint members of these commissions that are later approved by parliament</p> |
| <p>Issue # 5: Freedom to organize and assemble</p> | <p>The current environment is not conducive to exercise the freedoms to organize and assemble</p> <p>The POMA should be amended and remove the provisions that require police to give permission to those who intend to assemble</p> <p>Police officers who abuse their powers should be prosecuted in the courts of laws as individuals</p> |
| <p>Issue # 6: Independent candidates</p> | <p>The issue of independent candidates was very contentious, some members believed that we are in a multiparty dispensation and thus individuals who want to contest for an election should belong to a political party while another section believes that each citizen has a constitutional right to contest in an election regardless of whether they belong to a political party or not.</p> |
| <p>Issue # 7: Relationship between citizens and their MPs and political parties</p> | <p>When a political party dismisses a member of parliament from his party, he or she should not lose his or her seat in parliament</p> <p>If an MP is elected on a party ticket and crosses to another party, he or she should lose his or her seat in parliament</p> <p>A member of parliament is elected as a representative of the people not political parties</p> |
| <p>Issue # 8: Age qualification for a president</p> | <p>The age qualification for a president should be maintained at a minimum of 35/40 and maximum of 70/75 years of age</p> |
| <p>Issue # 9: Funding for local governments and service delivery</p> | <p>The ministry of finance should directly transfer the funds to the local governments and the line ministries should monitor how these resources are used</p> <p>Local government allocation from the national budget should be increased from 15% to 40%</p> |

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| | <p>The revenue authority should collect all the tax revenues even at the local level to reduce on corruption and leakages</p> <p>All councilors at all levels should be facilitated by the funds from the central government.</p> <p>Local governments should introduce electronic ways of carrying out business at the local level to reduce on manipulation by the human resource</p> <p>The law should be amended to provide for confiscation of property of the corrupt officials</p> |
| <p>Issue # 10: protection from deprivation of property</p> | <p>All citizens who seek to acquire land should do it in an open market</p> <p>Foreigners who seek to acquire land for investment purposes should have partnerships with citizens</p> <p>There should be a control mechanism by government to deter foreigners from acquiring land in Uganda</p> <p>All the land regardless of whether it has permanent structures or not should be fairly compensated</p> |
| <p>Issue # 11: Electoral commission</p> | <p>The electoral commission should be well facilitated to perform their roles</p> <p>The president should not have powers in appointment of commissioners</p> <p>EC members should apply and a process of selection and interviews should be conducted by a competent body</p> <p>There should be an Electoral commission vetting committee that constitutes religious leaders, academicians, professional bodies and political parties</p> <p>The electoral commission should serve for a five year term of office renewable only once</p> <p>The chairperson, vice and secretary of the electoral commission should be at a level of a high court judge while the other members of the commission should have a minimum of a bachelor's degree.</p> <p>The electoral commission should constitute its own trained force to keep law and order during election periods</p> |
| <p>Issue # 12: Demarcation of constituencies and the</p> | <p>The electoral commission should work closely with the Uganda bureau of statistics to demarcate constituencies according to the population in</p> |

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| <p>number of members of parliament</p> | <p>an area.</p> <p>The number of people who should make a constituency should be 250 thousand people.</p> |
| <p>Issue # 13: Requirement for public servants and serving officers of the security services to retire before being nominated for office</p> | <p>All public servants should resign a year before being nominated to any elective office</p> <p>In the event that they lose an election, they are free to re-apply for the position they held</p> <p>All serving officers of the armed forces should also resign before being nominated to take up elective positions</p> |
| <p>Issue # 14: Salaries and remuneration's commission</p> | <p>Membership to this board can be drawn from retired civil servants at the level of commissioners, professional bodies and trade and workers' union</p> <p>The secretary to this board should be secretary to the treasury</p> <p>The board should constitute only 5 members</p> |
| <p>Issue # 15: The role of the military</p> | <p>The military should not be allowed to engage in management of elective politics but are free to exercise their constitutional mandate of voting</p> |
| <p>Issue # 16: Getting our votes counted</p> | <p>The voters register should be a public document which must be published in media, internet and displayed in public places 6 months to the elections</p> <p>Village local councils and the community leadership should be instrumental in the creation of the voters registers</p> <p>All political parties should be involved in the voter registration processes through availing regular updates to them</p> <p>The process of registration of the new entrants to the register should be different from the register updating process</p> <p>The voters register should be updated to make sure that the dead or those who migrate are removed from the register</p> <p>Citizens should be sensitized to make sure they monitor the voter's registration and verification process.</p> <p>The electoral commission should recruit competent staff to carry out the electoral process</p> <p>There's need of an independent validation process to ascertain the credibility of the national voters' register</p> |

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| <p>Issue # 17: Nomination fees and facilitation of presidential candidates</p> | <p>The nomination fees for a presidential candidate should be 10 million and the facilitation fees should be 112 million</p> <p>All the facilitated candidates should provide accountabilities on how the resources were used since it is tax payers money</p> |
| <p>Issue # 18: Use of public funds and resources during elections</p> | <p>All public servants should first resign their positions a year prior to elections</p> |
| <p>Issue # 19: Votes required for the winner of a presidential election to be declared president</p> | <p>The votes required for a winner of a presidential election should be maintained at 51% and above</p> |
| <p>Issue # 20: Form of government</p> | <p>Uganda should adopt the parliamentary system of government(on vote 59 to 38) since this system helps give quick feed back to the electorate</p> <p>This system also makes parliament more functional and gives the citizens opportunity to vote the persons that have potential to elect a potential government</p> <p>It also allows the parliament powers to with draw the powers of the president unlike with the presidential system</p> <p>If Uganda adopts the a parliamentary system, there should be massive sensitizations of the public to create awareness on how the system operates</p> |
| <p>Issue # 21: Tenure of office of the president</p> | <p>The issue was controversial; some people proposed 7 years for a presidential term of office since we are in the east African community and save the public spent through frequent elections while others proposed 5 years because it helps the citizens to do away with bad leaders.</p> <p>There should be restoration of the two term limits for the president</p> |