



**NATIONAL CONSULTATION ON
FREE & FAIR ELECTIONS**

Our Country | My Duty

UGANDA CITIZENS' COMPACT ON FREE AND FAIR ELECTIONS

ADOPTED AT
THE NATIONAL CONSULTATION
ON FREE AND FAIR ELECTIONS

Kampala, 24 - 26 NOVEMBER 2014





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WE THE PEOPLE OF UGANDA;

Assembled in Kampala on this 26th day of November, 2014

RECALLING that, in the history of Uganda since independence, no president or political party has peacefully transferred power to another;

RECOGNISING the importance of holding credible, regular and genuinely free and fair elections, as a critical mechanism by which the people can determine the nature of their governance, and good governance as the foundation for peace, stability and economic prosperity of our country;

COMMITTED to building a better future for ourselves, our children and grand children and a strong nation, in which our common destinies, shared dreams and aspirations are protected, without distinction as to ethnicity, religion, birth, creed, religion, political affiliation or other status;

CONSIDERING the electoral reform proposals by the Coordinating Team for the Free and Fair Elections Campaign, the Citizens Coalition on Electoral Democracy (CCEDU), the Interparty Political Organizations for Dialogue (IPOD), the Electoral Commission (EC), the National Consultative Forum (NCF), the Cabinet, the Citizens' Manifesto process and other concerned Ugandans;

ACKNOWLEDGING also that more than 3000 leaders participated in a series of consultations on free and fair elections held in the following regions: Toro, Bukedi, Teso, Kigezi, Busoga, Sebei, Ankole, Bugisu, Buganda, Karamoja, Bunyoro, Acholi, Lango and West Nile.

SOLEMNLY AGREE AND DECLARE AS FOLLOWS:



1. New Electoral Commission

- 1.1. A new independent and impartial Electoral Commission must be established. The selection of commissioners and the Electoral Commission staff must follow a process of open application, public hearings and scrutiny conducted by the Judicial Service Commission. The successful applicants should be finally vetted by parliament and upon approval, be submitted to the President for issuance of instruments of appointment. No commissioners to the commission should be beholden to any political affiliation.
- 1.2. Commissioners should serve for a guaranteed one, non-renewable seven (7) years term.
- 1.3. A commissioner may only be removed from office in exceptional circumstances for gross misconduct or incompetence. Such removal process should follow the same criteria and procedure applied in the removal of a High Court judge.
- 1.4. The new Electoral Commission must carry out a complete overhaul and review of existing staff of the commission including the returning and presiding officers.
- 1.5. The selection of secretariat staff of the Electoral Commission at all levels as well as that of the returning and presiding officers and polling assistants must go through a competitive recruitment process which should be open to the public at all stages.



2. Ensuring integrity of the voting process

- 2.1. The new electoral commission must compile a new, clean and verifiable register of voters, which should include eligible Ugandan voters in the diaspora. This should be done in a manner that is

completely transparent and accurate. In pursuant of this noble cause, more related stern measures must be taken to ensure that violations of the rights of citizens to register to vote, incidences of unlawful or fraudulent registration, and fraudulent removal or any other alterations of persons identifications from the voters register are stopped. In the event of violations, expeditious measures must be put in place to remedy the wrong.

- 2.2. The new voters register should be comprehensive, inclusive, and up-to-date; compiled through a transparent process with full participation of stakeholders, particularly political parties, civil society, and the public.
- 2.3. The new voters register must be accessible to all as a public document that can be inspected at no-cost. It must be displayed at selected public places and all electoral commission offices. Before the new register is finalised, two (2) months period of public display must be allowed for the public, political parties, and potential candidates to verify, object to or seek to add eligible names. The final, clean and verified register must be ready six (6) months before elections day.
- 2.4. A comprehensive and continuing civic and voter education programme should be developed and funded from the national budget.
- 2.5. The voting for LC III, LCV, Parliament and President should be conducted on one day to avoid influence peddling and patronage in the electoral process.



3.

Role of security forces and militia groups

- 3.1. The military should have no involvement whatsoever in the electoral process and should remain focused on its constitutional duty of securing our borders and defending our sovereignty. Ensuring law and order during elections should be exclusively the responsibility of the regular police. The police personnel deployed to provide security, law and order during the elections period should be placed under the supervision and direction of the Electoral Commission.
- 3.2. The role of the police should be strictly to act impartially to ensure public order. The Electoral Commission should monitor and direct police operations regarding elections during the campaigns and in all other aspects of the electoral process.
- 3.3. The military and the police should vote in regular polling stations as any other ordinary citizen; they must not bear arms or wear uniforms in this process.
- 3.4. The movement and deployment of the army should be restricted and monitored in the period before, during and after the elections, under arrangements agreed upon as part of the reforms enacted to implement these proposals.
- 3.5. The formation and deployment of any militia (informal armed groups constituted outside the laws) is absolutely illegal; this prohibition must be strictly enforced in practice.
- 3.6. Stakeholders should agree to codes of conduct for security forces during the campaigns and elections. The Electoral Commission should then independently, strictly monitor and secure compliance with the agreed codes of conduct.
- 3.7. The Chief of Defence Forces must be in charge of all men and women in service.

- 3.8. The President should relinquish tactical command and control of the armed forces to the Joint Chiefs, and must not serve as chairman of UPDF High Command. Membership in UPDF High Command should not be personal to holder.
- 3.9. An Independent Security Services Commission should be established as part of the implementation process of these reforms. The Independent Security Services Commission should be vested with the mandate to determine discipline, promotions, commissions; as well as handle complaints and all other matters related to the army, police, intelligence agencies and all other security agencies.

4. Integrity of the campaign process

- 4.1. A mechanism must be established to monitor and prevent raids for funds from the central bank, ministries, and international assistance accounts, in the period before and during elections campaign.
- 4.2. An office of Comptroller of Budget should be established, to keep track of money trails and prevent diversion of funds from treasury, ministries, etc., for partisan political purposes and activities.
- 4.3. Restrictions should be placed on resort to supplementary appropriations in the period of two financial years preceding general elections.
- 4.4. In the period of two financial years preceding general elections, classified appropriations and appropriations for the presidency and State House should be restricted and strictly monitored, including funds that facilitate presidential patronage.

- 4.5. Public servants should resign their positions at least 6 months before their being nominated to contest in an election.
- 4.6. All public officials nominated to contest an election should hand over public assets in their possession before they proceed for campaign.
- 4.7. The constitution expressly prohibition any political party from using state resources such as statehouse to conduct business that is purely for the political party.

5. Addressing the system of patronage

- 5.1. Independent commissions, agencies, regulatory bodies and independent offices should have separate selection, approval and appointment processes that are based on the principles of open competition and public scrutiny through public hearings. These bodies include:
 - i) All Service Commissions;
 - ii) Electoral Commission
 - iii) Salaries and Remuneration Commission
 - iv) Local Government Finance Commission
 - v) Uganda Land Commission
 - vi) Human Rights Commission
 - vii) Uganda Revenue Authority (URA)
 - viii) Bank of Uganda (BOU)
 - ix) National Environment Management Authority (NEMA)

- 5.2. The role of parliament in the appointments process should be restricted to providing oversight on the appointments process through an opening and transparent vetting process while the role of the president should be limited to issuance of instruments of appointment with strict rules regarding the exercise of veto powers.
- 5.3. An independent body should be vested with the power and responsibility to advertise, interview and conduct public hearings with regard to appointment of commissioners for constitutional bodies.
- 5.4. The role of parliament should be restricted to final vetting of the selected persons and the power of the president should be restricted to issuing the instruments of appointment for persons who have gone through this appointment process.
- 5.5. Creation of any political offices not provided for in the Constitution, by the President, should be approved by Parliament.
- 5.6. No new political offices (under 5.5 above) shall be created in the last year of the term of President.
- 5.7. Any presidential donation above 500 currency units shall require the prior approval of a relevant parliamentary committee.
- 5.8. The annual budget for presidential donations shall not exceed 0.5% of the budget for the Office of the President for any given financial year.
- 5.9. Current 'regional' ministries and the so-called ministry for 'mobilization' should be abolished. Ministries should be organized as specialized fields (departments) for providing defined public service.
- 5.10. An independent salaries and remuneration board should be established and vested with powers to determine the salaries, allowances or any other emoluments of public servants including political leaders such as president, ministers, MPs and local government political leaders.

- 5.11. Cabinet ministers should not be members of parliament and in case an MP is appointed to cabinet, such MP should resign his or her seat before taking over the cabinet position.

6. Separating the state from a ruling party

- 6.1. LC I and LC II elections must be held within a prescribed timeframe and parliament should appropriate funds to make sure that this process is conducted as a matter of priority to cure the illegalities that have been declared by courts.
- 6.2. Elections of LC I (village) and LC II (parish) committees should be conducted on a multi-party basis.
- 6.3. The patriotism secretariat under the president's office should be abolished and patriotism training should be integrated in the education curriculum.
- 6.4. The office of the Resident District Commissioner (RDC) should be abolished or transformed into a public service job to be managed by the public service commission. This is especially so since Chief Administrative Officers (CAOs) are now appointed by Central Government.
- 6.5. The National Institute for Political Education (NRM Political School) at Kyankwanzi should be abolished. Instead, there should be established, under an Act of Parliament, a National Institute for Administration, under an independent Board of Directors. This should be registered under the National Council for Higher Education (NCHE) and its curriculum approved.



7. Demarcation of electoral boundaries

- 7.1. For purposes of the next general elections, all administrative units, i.e. districts, counties, and sub-counties, should be frozen at the level of the 2011 elections.
- 7.2. The responsibility for creating new electoral constituencies should only be exercised by the electoral commission, applying current criteria under the law.
- 7.3. In demarcating constituencies, the Electoral Commission should judiciously take into account population size, geographical size, number of voters, financial implications and the management of the electoral exercise.
- 7.4. The law should not tie electoral constituencies to administrative units such as districts or municipalities.
- 7.5. The size of Parliament should be reduced in keeping with the modest resources of the State.



8. Freedoms to organise and assemble

- 8.1. The Public Order Management Act (POMA) must be repealed.
- 8.2. The Police (Amendment) Act (2006) must be amended and brought into full conformity with the Bill of Rights under Chapter Four of the Constitution.
- 8.3. Police operating procedures in ensuring public order in the context of campaigns and throughout the electoral process, should be transparent and made public.

- 8.4. The guidelines for public order management prepared by the Uganda Human Rights Commission in 2007 should be operationalized.
- 8.5. The media oversight agencies should be required to establish a bipartisan ad hoc committee to assume oversight role over the media to operate for a period of one year preceding any general election and to ensure that all competing parties have equal access to the media. Such a Committee should be enjoined to produce and publish a report on compliance with requirements to equal access to the media.
- 8.6. There should be penalties for media houses that fail to comply with the constitutional requirement for equal, fair and balanced coverage, including use of the licensing regime to secure compliance.

9.

Selection of presiding officers

- 9.1. The selection of presiding officers and polling assistants should follow the principles of transparent competitive and merit-based recruitment.
- 9.2. In order to qualify for selection, a person must not be or have been:
 - i) An executive or member of a political party's NEC or Secretariat
 - ii) Run for elective political office on political party ticket in the last five (5) years.
 - iii) Convicted of electoral crime or serious misconduct or crime involving moral turpitude.
 - iv) An RDC, DISO, GISO, a member of the security services or militia, or an appointee charged with partisan political responsibility or leader of a party in the last (5) five years.

10. Processing of electoral materials

The processing and procurement of electoral materials, including designing, printing and distribution of all materials should, at all levels and stages, ensure the participation, scrutiny and observation of key stakeholders, particularly political parties, civil society, election observers and the media.

11. Ensuring integrity of tallying process

- 11.1. Polling station committees must be set up; they should be composed of political parties, civil society, and the presiding/returning officers, to monitor the voting, counting, and tallying process and deal with complaints and disputes in the voting and tallying process, including the determination of valid, invalid, or spoiled ballots.
- 11.2. Votes must be counted and tabulated accurately and transparently in the presence of stakeholders, i.e. political parties, civil society, observers, the media and the public.
- 11.3. Votes must be counted and announced at polling stations in the presence of political parties, elections observers, civil society, and the public. Observers and representatives of political parties and candidates and the media must be given certified tabulation and tally sheets.
- 11.4. Media must be permitted to report in real time, votes counted and winners announced at polling stations and certified by the presiding officer/polling assistant. Representatives of political parties and candidates must be free to publicize certified results and tally sheets from polling stations.

- 11.5. All results, including presidential, parliamentary and local council results, must be declared at the constituency level.

12. An independent and credible judiciary to adjudicate election disputes

- 12.1. A credible and independent judiciary should be realized which is able to competently and credibly adjudicate all electoral disputes as they arise expeditiously. Members of the judiciary should be subjected to an open process of selection and appointment, including public scrutiny. The constitution should guarantee non-interference by any other authority in the exercise of judicial authority by judicial officers. The remuneration of judges should be such as to ensure their independence.
- 12.2. Provisions in the law that require subjective evaluation by judges, on whether particular violations and electoral malpractices were 'substantial' and in 'a manner' that would alter the results of an election, entail the exercise of subjective rather than legal judgement. For this reason, Section 59 of the Presidential Elections Act, which contains this provision, should be amended accordingly.

13. Internal democracy of political parties

The Electoral Commission should closely monitor all political parties for compliance with constitutional and electoral law relating to internal democracy in those entities. This includes adherence to the requirements of holding regular delegates conferences.



14. Relationship between Citizens and their MPs and political parties

- 14.1. A member of parliament primarily represents the voters in his or her constituency.
- 14.2. A member who has been expelled from the party should not lose his or her seat in parliament on that basis.
- 14.3. Internal party disciplinary procedures should not be used to oust the will of the voters.



15. Representation of special interest groups

- 15.1. Representation of special interest groups of women, youth and disabled should be maintained as a form of affirmative action.
- 15.2. The process of electing representatives of persons with disabilities should be reformed to make it more accountable to the constituents they are designated to represent. PWDs should use regional electoral colleges to elect one woman and one male. The Persons with Disabilities Act should be amended to cater for the elections of PWDs at the municipality level.
- 15.3. All MPs representing special interest groups should be eligible for re-election only once (should serve up to two terms of office only) whether in parliament or local councils.
- 15.4. The workers should be removed from special interest group representation since issues of workers can be represented by all MPs.
- 15.5. The army representatives should be removed from Parliament.

16. Funding for local governments and service delivery

- 16.1. Local governments should receive their funding directly from the consolidated fund as a percentage of the national budget. This will enhance their autonomy and authority to deal with issues of service delivery. The money should not be conditional and the disbursements must be timely, to allow for utilization of the same. Funds returned to consolidated fund should be accounted for and should not be reallocated without the approval of parliament.
- 16.2. The proposed share of the national budget to be allocated to local governments should be in the range of 30-40 percent based on serious negotiations and budget amendment by parliament.

17. Tenure of Office of President

The tenure of Office of the President should be restored to two five-year terms and must be entrenched in the Constitution.

18. Implementation of the Compact

We adopt this compact as our solemn commitment to undertake the following actions to guarantee its implementation.

- 18.1. We will present a copy of this compact as our petition to our national parliament for our MPs to enact these proposals into appropriate legislation within the next two months in order to create the necessary infrastructure for conducting a free and fair election.

- 18.2. A Citizens Task Force comprised of the Eminent Persons Group of conveners and the convening Civil Society Organizations shall formally present this Compact to the Speaker of Parliament and secure her support to the reform process.
- 18.3. The Coordinating Team and the Conveners shall immediately convene and establish a mechanism for ensuring full implementation of this Compact.
- 18.4. All citizens' organizations and groups, and civic leaders commit to popularize the Compact and mobilize all citizens across the country to support and advocate for the reform proposals contained in this Compact.
- 18.5. All the political parties, civil society organizations and political leaders and religious leaders participating in this National Consultation commit themselves to use their structures to mobilize support from the grassroots to support these reform proposals.
- 18.6. This compact will be translated into major local languages and disseminated widely to all citizens to enable them own the reform proposals agreed at this National consultation.
- 18.7. All forms of lobbying, mobilization and organization shall be used to ensure that citizens demand for the full implementation of this compact.

For God and my Country

November 26, 2014

Kampala-Uganda



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