

**TIME TO REFORM UGANDA'S CONSTITUTIONAL AND ELECTORAL SYSTEM!**  
A Citizens' Memorandum to Members of Parliament On the Constitutional Amendment Bill, 2019.

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**PREAMBLE**

We thank you for inviting us to present our analysis and input into the Constitutional Amendment Bill, 2019 that is currently being scrutinized by the Legal and Parliamentary Affairs Committee. Given the situation surrounding Bill and the constitutional amendment process, we do recognize the difficult task that the Committee and the rest of the Members of Parliament have to generate laws that will embody the spirit of a democratic dispensation and stand the test of time.

We take this meeting as yet another opportunity to reiterate the messages that we have for long championed in our campaign for meaningful constitutional and electoral reforms that would make government more accountable, transparent and guarantee the citizens' right to participate in the governance processes. Ours is simply a contribution towards putting Uganda on a positive democratic trajectory.

This is not our first time to appear before the Legal and Parliamentary Affairs Committee to share our views on aspects to reform our constitution and electoral laws. While reviewing the five electoral reform bills tabled by the Attorney General in June 2019, we realized that several proposals required the amendment of the constitution to be affected. This constitutional amendment process thus provides a perfect opportunity to deal with the proposed reforms. We, therefore, urge this Committee to treat both the submission we are going to make and the process of constitutional reform, with the seriousness it deserves.

This analysis and input we are presenting today are developed by Civil Society after a review of Constitutional Amendment Bill, 2019 presented to this house by the Hon. Winfred Niwagaba. A team of experts from the Civil Society reviewed the Bill to make well-reasoned recommendations. In reviewing the bill, the experts were aware of the electoral amendment bills that are already under discussion by Parliament and thus referred to them for further guidance.

We also reviewed the Citizens' Compact for Free and Fair Elections; the African Charter on Democracy, Elections, and Governance; the Citizens' Electoral Reform Agenda; other recommendations for electoral reform such as the Supreme Court Recommendations in Presidential Election Petition No. 1 of 2016; the Domestic and International Election Observers' Reports; among others. We also worked closely with civil society groups across the country to conduct stakeholder consultations and collect additional views on the Bill before Parliament. We are therefore convinced that the content we are presenting to you today has been developed through deep analysis and wide consultations.

**INTRODUCTION**

For a very long time, Uganda was lauded for having one of the most progressive democratic Constitutions in Africa. On promulgation in 1995, the constitution was received with lots of excitement and optimism, both locally and globally. The provision for review every ten years, created a calendrical process of constitutional renewal and leadership transitions. However, two and half decades later, Uganda's constitution is yet to have a comprehensive review to cater to the learnings that have been registered over time and enable Ugandans to enjoy the much-anticipated benefits from constitutional reform. At best, Ugandans have witnessed piecemeal amendments (such as the 2005 amendment to remove presidential term

limits and the 2017 amendment to remove the age limit provisions) which were passed amidst controversy and citizen protests.

The news that parliament had granted leave to one of its members (Hon. Wilfred Niwagabba) to table a private members' bill to amend several provisions of the constitution brought a breath of fresh air in Uganda's quest for comprehensive constitutional reforms. Now before the Legal and Parliamentary Affairs Committee, different sections of society are discussing the proposals as well as preparing to make their voices heard on this important subject. As an interested stakeholder, the Civil Society has conducted a comprehensive analysis of the proposals as well as consulted with different interest groups to galvanize citizen views on the same. This memorandum and the attached matrix are a collective voice of members and actors within our space.

## **OUR APPEAL**

We appreciate the spirit with which this committee has elected to involve citizens in its processes, first through public consultations on the recently finalized election-related bills, and then planned citizen engagements on this Bill. This not only strengthens the process but also restores citizen confidence in the institution of parliament as well as builds citizen ownership of the process. We, however, note that none of the previously scheduled consultative meetings on this bill has taken place so far. We would like to request the committee to consider maintaining this process as it presents an opportunity for citizens to express their views on the proposed amendments.

It is also imperative to recall that a similar process was conducted in the build-up to the 2016 elections, unfortunately, most of the progressive reform proposals obtained from the consultations and hearings could not be adopted (apparently) because of lack of time. This was regrettable, especially considering that a lot of taxpayers' money was spent on this exercise. Aware that the institution of Parliament is enjoined by the Constitution to enact laws that promote constitutional governance in Uganda, we urge you to take it as your priority to enact reforms that can guarantee democratic practice and regular, free and fair elections as provided in Article 1 of the Constitution.

We also take note that Uganda's Electoral Commission is already in advanced stages on its road map to the 2021 General Elections, yet some of the proposed amendment has a significant effect on the nature of our electoral process. Aware that there are time limitations, we invite you to consider these proposals without necessarily tying them to the current electoral cycle but rather for posterity.

Honorable Members, allow us to proceed and present to you a **matrix of our analysis** against the proposals in the Constitutional Amendment Bill, 2019. In the matrix, we point out the proposals, which we agree with within the Bill. We then proceed to point out the clauses that we don't find as progressive and provide alternative text for the same. We then give the justification for our alternative text.

I will invite my colleagues to present the proposals.

**-FOR GOD AND MY COUNTRY-**