



GUILD PRESIDENTS' FORUM ON GOVERNANCE (GPFOG)

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The Committee on Legal and Parliamentary Affairs,
Thru: The Clerk to Parliament of Uganda,
P.O Box 7178,
Kampala (U).

Dear Sir,

R.E: VIEWS BY YOUTH LEADERS UNDER THE GUILD PRESIDENTS' FORUM ON OIL GOVERNANCE ON AMMENDMENT OF ARTICLE 102(B) OF THE UGANDA CONSTITUTION

The Guild Presidents' Forum on Oil Governance (GPFOG), a youth-led association of current and former Guild Presidents, Guild Ministers and youth leaders in institutions of higher learning across Uganda, thanks your committee for the work being done to gather views of Ugandans on the proposed amendment of Article 102(b) of the Uganda Constitution (1995).

Over the past three years, GPFOG has empowered youth leaders to practice, promote and advocate for good governance of Uganda. Among others, with our partners, we have empowered over 11,000 youth across Uganda to participate in and promote good governance in Uganda for the common good.

We have also engaged with various duty bearers including the Ministry of Energy, Ministry of Education, the Uganda Human Rights Commission (UHRC), the Inspectorate of Government (IG), the National Environment Authority (NEMA) and others to promote good governance in which Uganda's human, natural and other resources are sustainably utilised for socio-economic development.

Having seen the media advertisement in which your Committee called upon the general public to present their views on the proposed amendment of Article 102(b) of the Uganda Constitution,

GPFOG held a meeting on November 21, 2017 in Kampala in which youth leaders expressed their opinions on the proposed amendment.

Honourable, in the meeting, the youth recommended that your Committee should protect and defend our Constitution as mandated of every Ugandan under Article 4(a) of the Uganda Constitution by rejecting the proposed amendment to Article 102(b).

Further, the youth leaders recommended that your Committee advises parliament to urgently put in place constitutional provisions to make Article 102 (b) more difficult to amend.

Below are deliberations from our meeting from which the above recommendations and others arose.

Observations

1. First, the youth noted that out of all the East African nations of Uganda, Kenya and Tanzania, Uganda is the only country that does not have terms limits that would guarantee transfer of power from one president to another. The youth recalled that the executive manipulated parliament in 2005 to amend Article 105 of the Uganda Constitution to lift presidential term limits and today, it seeks to amend Article 102(b) of the Constitution to lift the presidential age limits. They noted that should parliament allow to be manipulated this time round, lifting of the presidential age limits would create life presidencies, the types of which all of Uganda's presidents from independence to date have tried to perpetuate and have resulted in violence. The youth noted that they cannot allow Uganda's democracy to be threatened again through removal of the only remaining safeguard against life presidencies from the Constitution. They called on your Committee to play the patriotic role of rejecting the proposed amendment to Article 102 (b).
2. Recalling that some proponents of the amendment of Article 102 (b) have argued that elections are an effective guard against life presidencies and can ensure democracy, the youth noted that this argument is flawed as elections in Uganda are never fully free and fair. This is evidenced by the fact that after the 2001 and 2006 presidential petitions, the Supreme Court confirmed that those elections were not free and fair. After the 2016 elections, election observers declared that there was no fair play in the elections. Moreover,

they said, even President Museveni did not agree with the 1980 elections, resulting in his use of violent means to attain power. This violence must be avoided at all costs by retaining of Article 102 (b) in the Constitution, the youth said. Already, the youth recalled, attempts to amend Article 102 (b) have resulted in violence, leading to loss of lives such as that of Rukungiri youth Edison Nasaira, violence against MPs such as Simeo Nsubuga, Ibrahim Abiriga and Godfrey Kiwanda among others in addition to destruction of property.

3. Honourable, the youth leaders questioned why the promoters of lifting of the presidential age limits from the Constitution think that the office of the presidency is different from others in public service. They noted that all public servants have a retirement age and that it was thoughtful of the 1995 Constituent Assembly to put in place a retirement age for the first ranked public servant in Uganda, the president. They noted that as all human beings, presidents too grow old, tired and ran out of good ideas, necessitating newer persons to take over power.
4. The youth requested that your Committee looks to Zimbabwe for inspiration on why presidents too must retire and to understand why Article 102 (b) was made in good faith and not to discriminate against the young and old. The youth noted that former Zimbabwean president, 93-year-old Robert Mugabe, was so frail that he failed to address the food and economic crisis his country faced. Consequently, at his downfall, jubilant crowds rejoiced with hopes that a newer president would address their problems.
5. Honourable, the youth leaders were also greatly concerned of the impact lifting of the presidential age limit would have on the economy, employment, social services, the environment and others. At 78% of the total population, youth in Uganda are faced with a crippling 83% unemployment rate, poor education, poor health services, land grabbing, a degraded environment that is increasingly failing to support agriculture and others. These problems are contributed to by a highly corrupt and an inefficient government which stands to become more corrupt and inefficient as President Yoweri Museveni, who has declared his interest in having the presidential age limits removed, rewards those who made it possible for Article 102 (b) to be amended. It will be recalled that persons such as Hon.

Evelyne Anite who barred competition for the NRM presidential flagbearer position for the 2016 presidential elections are ministers today. Such political patronage, which will worsen if the proposed amendment to Article 102 (b) is passed, will encourage more corruption, resulting in increased poverty, poor access to social services, conflicts, environmental degradation and other evils.

6. Already, over Shs. 18.5 billion has been spent yet Ugandan youth and indeed other Ugandans are faced with many problems. This excessive spending came at a time when doctors, lawyers, teachers and almost every civil servant is on strike or was threatening industrial action due to poor pay and lack of tools to provide critical services to Ugandans. It also came at a time when Ugandans are faced with insecurity where threatening letters are being dropped and are creating fear amongst citizens such as those in Masaka. How does lifting of the presidential age limits offer Ugandans better health services, education, employment and address our problems? Can a president who has ruled Uganda for 31 years and has failed to address Ugandans' problems create the social and economic progress we need? They cannot.
7. Finally Honourble, the youth noted that too many bad laws that undermine democracy have been put in place including the Non-Governmental Organisations Act (2016), the Public Order Management Act (2013), the Computer Misuse Act (2011) and others. The youth strongly opined that no more bad laws should be put in place especially at this point in time when Uganda seeks to exploit her oil by 2020. The youth leaders noted that lack of democracy, shrinking civic space, poverty, corruption and other evils characterise oil-producing countries in Africa. They called on your Committee to ensure that strong and good laws that promote democracy, citizen participation in governance and a robust civil society are promoted.

Recommendations

Based on the above, the youth leaders recommend the following:

- (i) That the Committee on Legal and Parliamentary Affairs rejects any amendments to Article 102(b) of the Uganda Constitution to promote political, social, economic and environmental progress of our country.

- (ii) To guard against future tampering with the Article, that the Committee recommends that through consultation with citizens, parliament puts in place constitutional provisions that make amendments to Article 102 (b) difficult.
- (iii) That the Committee on Legal and Parliamentary Affairs promotes the re-instatement of term limits to buttress efforts aimed at guarding against life presidencies and the political, economic, social and environmental problems they pose.
- (iv) That all Ugandans including ministers, MPs, CSOs, the media, the youth and other stakeholders use constitutional means to stop to any plans to amend the Constitution to lift the presidential age limits.
- (v) Finally, the Committee and all Ugandans should work to realise the amendment of the above-mentioned laws including the Non-Governmental Organisations Act (2016), the Public Order Management Act (2013) and the Computer Misuse Act (2011) that contravene democratic principles.

For God and my country,

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Yoram Banyenzaki,
Chairperson, Guild Presidents' Forum on Oil Governance (GPFOG)