



# Citizens Action for the Restoration of Presidential Term Limits

Together we Must

## 1. Introduction

The demand for restoration of term limits is a popular demand from the people of Uganda across the country, from all walks of life: men and women, youth and children, people of all religions and faith traditions, fishermen and women, farmers, workers and teachers, businesspeople and politicians. This demand can be traced to the 1995 Constitution making process, when Ugandans asked the Odoki Commission to ensure that presidential term limits were instituted in the Constitution. Accordingly, the Constituency Assembly debated the merits of this proposal and agreed to it, and the two 5-Year terms for the President, the highest office in the country, was entrenched in the 1995 Constitution of the Republic of Uganda.

The act by the 7th Parliament in 2005 which passed an amendment to remove presidential term limits was therefore a betrayal of the nation in spite of several citizen petitions and submissions written by various civil society and regional groups notably, the women's movement and the Uganda, NGOs, Professional Associations, political parties, the Uganda Joint Christian Council (UJCC) in opposition to the removal of presidential term limits. It is not a wonder that the democratic governance gains and hopes ushered in by the 1995 Constitution have since been continuously undermined. Uganda is at cross-roads; the people and country stand on the edge of despair and fear that things could get worse rather than better.

In the light of the negative impact of the 2005 Constitutional amendment that removed presidential term limits from the Constitution on the overall democratic governance of Uganda, various groups and initiatives have called on the Government to initiate a processes to review that amendment with a view to restoring the term limits. Notable among many others are: *the African Peer Review Mechanism (APRM) Country Assessment Report (November 2007)* and subsequently *Uganda Country Review Report*, released in January 2009; the *Citizens Manifesto*, published in 2010, the Inter-Religious Council of Uganda (IRCU), at its post-2011 Elections Conference identified the issue of Presidential Term Limits as one of the outstanding contentious governance questions in Uganda, the Citizens Coalition on the Electoral Democracy in Uganda (CCEDU) on its part has placed the restoration of **presidential** term limits the number one issue in its post-2011 Citizens' Elections reform agenda. A number of MPs in the 9th Parliament have added their voice and asked their colleagues to expeditiously work towards amending the Constitution to restore Presidential Term Limits.

## 2. Mission and Goal for Restoring Presidential Term Limits

The restoration of presidential term limits in our constitution is one of the fundamental building blocks for a stable, peaceful and democratic country with a prosperous people. The campaign for the restoration of presidential term limits is motivated by the mission of:

*Restoring hope and guaranteeing a future for a peaceful and prosperous Uganda through Transforming Leadership and Governance*

The immediate goal of the Campaign is to ensure that:

*Parliament Passes a Constitutional Amendment to Restore Term Limits by Independence Day of 2012*

It is important that we all achieve this goal in the set time frame so that we, as a nation, can move on to other important critical governance reforms and pursue the social, economic and political transformation agenda to build a just and prosperous country. By delivering this independence gift to Ugandan's, the 9th Parliament will secure its place in Uganda's history for building one of the pillars for successful transfer of power from one president to another.

## 3. Why Presidential Term Limits are Critical for Uganda

The campaign for the restoration of **presidential** term limits is justified on important considerations informed by our history, current national and regional realities, as well as future aspirations of the people of Uganda. There are at least 4 critical reasons why parliament should move expeditiously to amend the constitution and restore presidential term limits. These are: correcting mistakes in our history; fulfilling citizen aspirations and building active citizenship; overcoming present and future challenges in politics and governance, and finally; ensuring Uganda's right positioning within the East African Community agenda.

### 3.1 Correcting Mistakes in our History

The three important justifications under these are:

- **Lifting Presidential Term Limits was a mistake!** The removal of **presidential** term limits in 2005 before that provision could even be tested was a mistake that must be corrected. The contentious Ushs 5,000,000 that was given to Members of Parliament ostensibly to 'consult' their constituents remains a dark spot on the integrity of the institution of our Parliament. By restoring **presidential** term limits, the 9th Parliament can go into the annals of history for good and reclaim the reputation of the institution of Parliament.
- **Restoring Confidence in our Constitution and Institutions:** Historically, institutions of the state and our various constitutions have been hijacked by overbearing presidents who don't respect them. Presidential term limits will restore the sanctity of the 1995 Constitution and raise confidence in the institutions of the state.
- **Managing Leadership Transitions:** The unpredictability of leadership transitions in Uganda and the extremely high cost of violent change from one president to another in chaotic episodes have led to the unenviable record where none of our ex-presidents lives happily after stepping down from the presidency. The restoration of **presidential** term limits in our constitution will present an incredible opportunity to all future Presidents to hand over power peacefully, thereby guaranteeing peaceful transition that has hitherto eluded Uganda.

### 3.2 Fulfilling Citizen Aspirations and Building Active Citizenship

- **Implementing People's Will:** Ugandans have consistently spoken about and demanded for term limits in the Constitution. By responding to the calls to restore presidential limits, Parliament will have discharged its ultimate role as the guarantor of the constitution and the will of the people in accordance with Article 1 of the Constitution. Restoration of Presidential term limits will be a fulfillment of people's aspirations as demanded in the constitution making process, as articulated in several petitions on the same, as well as expressions in the *Country Assessment Report of the APRM in (November 2007)*, *Citizens Manifesto*, the CCEDU's Electoral Reform Agenda and other initiatives as reflected in hundreds of opinions pieces in the media and elsewhere.
- **Empowerment and Active Citizenship:** The process of citizen mobilization to demand for the restoration of *presidential* term limits is conceived to be an empowering venture that will instill belief in citizens that they can reclaim their power and safeguard public interests. The restoration of term limits will consummate this symbol of active citizenship and define the supremacy of citizen power as the only source of legitimate authority exercised by leaders.

### 3.3 Overcoming Present and Future Challenges in our Politics and Governance

- **Mitigate Regime Longevity:** When leaders overstay in power, they tend to undermine institutions and undo the positive things they have tirelessly worked for. This is not just evident in Uganda, but in many African countries such Zimbabwe, Equatorial Guinea, Angola, Cameroon and Togo as well. Restoration of *presidential* term limits will institute controls against adverse effects of overstaying in power. It will also ensure the emergence of new leaders, with new energy and ideas just like we see in countries like Tanzania, Kenya, South Africa and Botswana or the newly emerging democracies and economic power houses in Latin America.
- **Building and Strengthening Institutions:** For a fragile state like Uganda with weak institutions, term limits will institute the much needed constitutional guarantee against the consolidation of personal rule and patronage politics in the face of poverty and a relatively weak citizenry.
- **Instilling Political Discipline and Stability:** The restoration of *presidential* term limits will instill political discipline in the office of the president as leaders that occupy that office will be cognizant of the day they exit and need to leave a positive legacy. This in turn will give confidence and hope in citizens who may not necessarily agree with a particular president because a known exit timeframe is determined. This is likely to reduce the temptation to forcefully remove a sitting president.

### 3.4 Securing Uganda's Reputation in the East African Community

- **Achieve Harmony in the East African Community:** All other four EAC partner states have presidential term limits, which have contributed to national stability in the states where it has been tested by peaceful transfer of power from one president to another. EAC partner states have committed to the same standards on governance and convergence on issues related to integration. Indeed, a 2011 EAC report on political federation by an East African team of experts adopted by the Summit in November 2011 indicates that citizens are concerned about disparity in political systems and partner states constitutions, and would like to see more convergence. Restoration of presidential term limits will demonstrate Uganda's commitment to regional goals and ensure that Uganda has the same legal framework for ensuring predictability and certainty in leadership transition with regard to the offices of the President.
- **Building trust between EAC partner states and citizens about political integration:** Integration of East African partner states since 1999 has focused on market integration, yet the lack of strong regional organs to enforce regional decisions in partner states has held back progress in implementation. This has undermined confidence in the integration

project as well as achievement of benefits of integration. Fears of East Africans about democratic deficits at national level is a barrier to political integration and the lack of presidential term limits in Uganda has emerged as a significant factor, eroding trust about its intentions and role in political integration. Restoration of presidential term limits will enhance the building of trust between the EAC partner states and nationals, which is a necessary foundation for establishing a political federation, as it will indicate commitment to common regional standards of good governance.

#### 4. How will we achieve the immediate goal of restoring Presidential Term Limits?

Many options for achieving the goal have been advanced: holding a referendum; organizing protests; and, pursuing legislative amendment of the Constitution by parliament. There is no doubt that the most cost-effective and realistic option is amendment of the Constitution by Parliament. There is no need for a referendum on this issue, for not only would it be too costly a venture, but it is unnecessary because: first, it was through parliament that presidential term limits were removed and so it should be the same avenue through which it is restored. Moreover, all citizens were not consulted in a referendum when term limits were being removed and **secondly**, Ugandans have already spoken on this matter and there is therefore no need to waste tax-payers money in a referendum adventure.

It is essential therefore that:

- **Citizens** formally demand of their MPs to deliver on this goal by speaking to them and writing petitions on the same;
- **Non-state institutions and all Civil Society Organizations** - religious and cultural, trade and commerce, professional associations and trade unions should also take their stand in support of this goal;
- **The President** pronounces himself in support of the restoration of term limits campaign and the immediate goal of restoring term limits in the constitution by the time of our 50th independence anniversary on 9th October 2012;
- **All members of Parliament and Political Parties** commit to restore Presidential Term Limits; and finally;
- **Parliament** amends the relevant act by 30 September 2012, the anniversary of the date when Presidential Term Limits were removed from the Constitution.

#### 5. Conclusion

The restoration for term limits for the office of the President in the Constitution is the people's demand, historic, enduring, necessary and urgent. It is an essential element of the wider agenda for the transformation of leadership and governance, in order to restore hope and guarantee a future of peaceful and prosperous Uganda. We must all stand together to ensure it is done. We must stand on the right side of history, regardless of how hard, hot or cold it will be. Moreover, the power belongs to the people - to us all; to us together. We all have a duty to reclaim the aspirations of our fallen heroes who struggled against slave trade and inhumane treatment, who fought against colonialism, dictatorships and imperial presidents. We must do it to secure a future and a hope for our children and our children's children.

Restoration of Presidential Term Limits will be Uganda's Perfect Independence Anniversary Gift on October 9, 2012 when we will celebrate 50 years as a nation. The gift of establishing the building blocks for a stable and economically prosperous country can no longer be negotiated. We can only demand of our MPs and the President to seize the opportunity and step forward, and show leadership above self by supporting the restoration of presidential term limits and our perfect independence celebrations gift.