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**EXISTING LAWS.** "You can domesticate any international convention in many ways. One of them is to enact laws and policies that implement the same objectives of the said convention. We have elaborate and clear electoral laws that provide for free and fair periodic elections." **INFORMATION AND NATIONAL GUIDANCE MINISTER FRANK TUMWEBAZE**

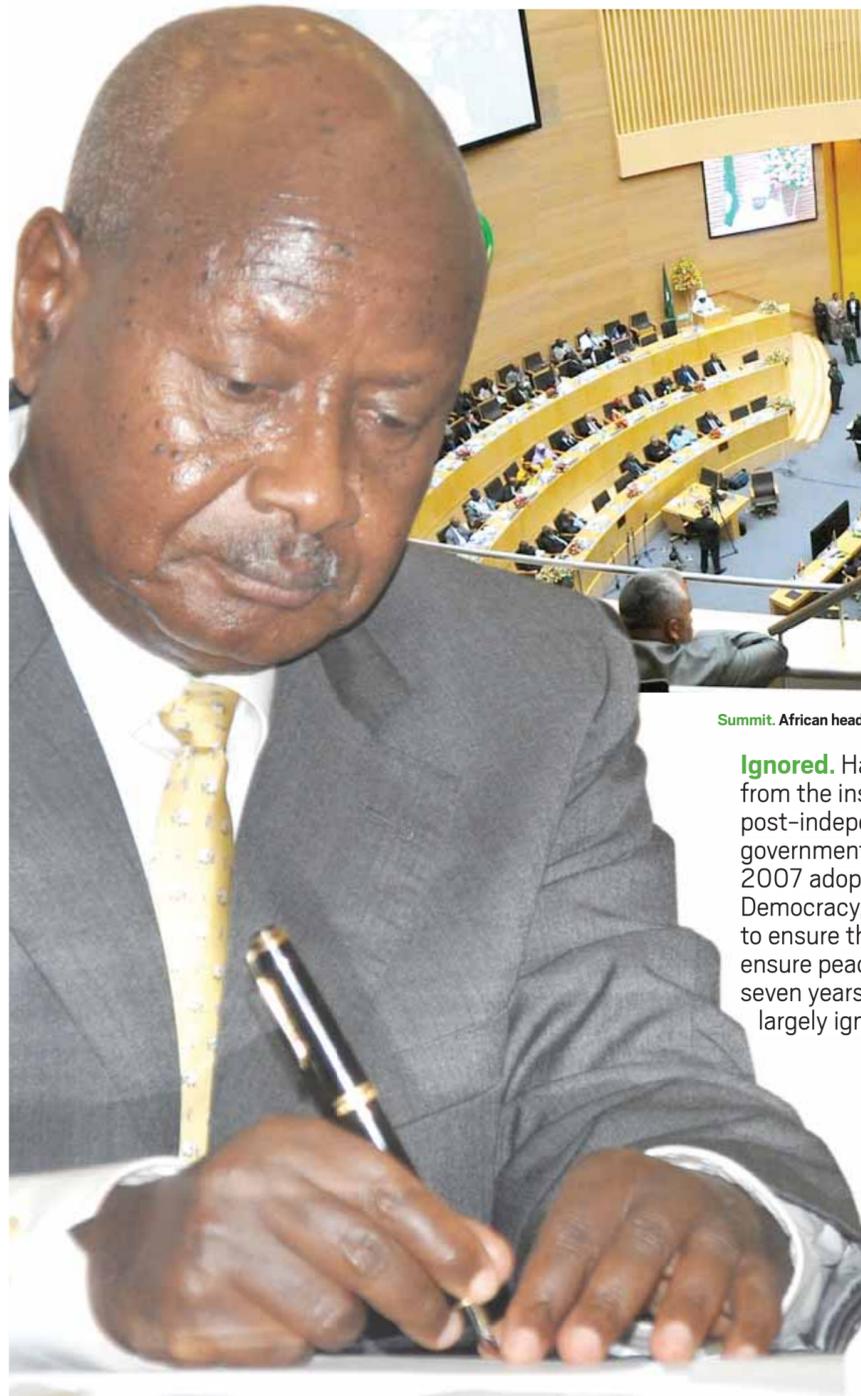
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THE AU ADOPTED THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE IN ADDIS ABABA, ETHIOPIA, ON JANUARY 30, 2007.

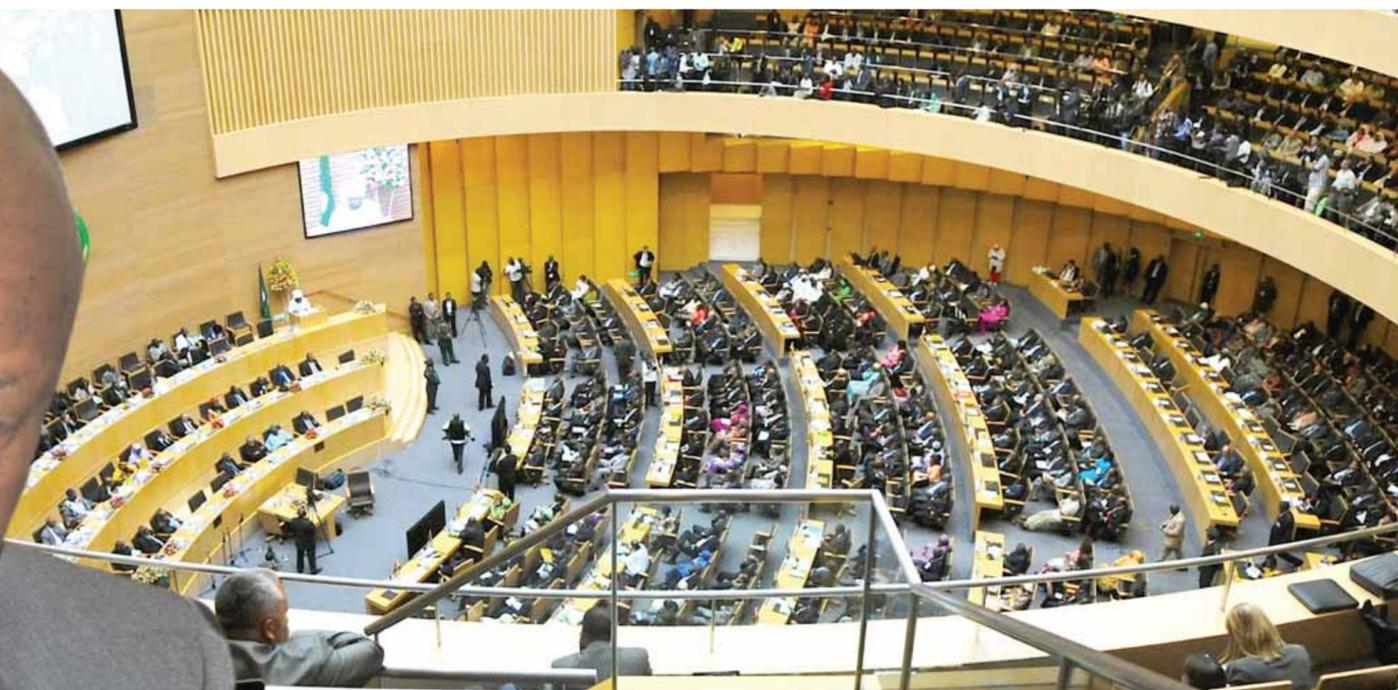


**AFRAID.** "Domesticating ACDEG means increasing the democratic accountability threshold; it is clear that we have a number of African leaders who loathe being held accountable." **MR CRISPIN KAHERU, COORDINATOR CCEDU**

# Seven years later, African leaders move slow on democracy treaty



**Signature.** President Museveni signs a document. Uganda was the fourth country to append its signature on ACDEG on December 12, 2008.



**Summit.** African heads of state meet at the African Union headquarters in Addis Ababa, Ethiopia, recently. FILE PHOTOS

**Ignored.** Having paid a heavy price from the insecurity resulting from post-independence change of governments, African governments in 2007 adopted an African Charter on Democracy, Elections and Governance to ensure they hold regular elections to ensure peaceful transfer of power. But seven years later, the charter has been largely ignored.

BY MISAIRI THEMBO KAHUNGU  
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Let us all unite and celebrate together, the victories won for our liberation. Let us dedicate ourselves to rise together, to defend our liberty and unity. O sons and daughters of Africa, flesh of the sun and flesh of the sky, let us make Africa the tree of life." these are the opening phrases of the African Union (AU) anthem.

With such wording accepted and approved by the AU, it means that all the member states approved moving in unison in implementing protocols, charters and treaties signed for the fulfilment of the objectives enshrined in the continental bloc's constitutive act.

The continent, having paid a heavy price from the insecurity resulting from post-independence change of governments, has hit a milestone in rallying member states to ensure they hold regular elections to ensure peaceful transfer of power.

To actualise that move, the AU adopted the African Charter on Democracy, Elections and Governance (ACDEG) in Addis Ababa, Ethiopia, on January 30, 2007. The ACDEG then entered into force five years later on February 12, 2012, after at least 15 nations had appended their signatures to it.

With ACDEG in force, it was expected that governments and other stakeholders in the member states would ensure that the elections are held regularly, not only as a free and fair exercise, but following a democratic process.

Most African countries subscribe to the multiparty dispensation where citizens have every right to belong to, or vote for a particular party during elections at all levels.

But, have the African countries, despite most of them holding elections, lived to the expectations of ACDEG?

**Fallen short**

According to the status of ACDEG as posted on the AU website as of August 28, not all the member states have signed, ratified, domesticated

and reported on the charter.

Out of the 55 AU member states, 46 had signed the charter, 35 had ratified and deposited the report on the local parliamentary process whereas Togo is the only country that has at least reported on the implementation of ACDEG.

The charter takes its inspiration and roots from several UN resolutions, as well as in a number of declarations and decisions of the Organisation of African Unity (now AU). Some of these are: the 1999 Algiers Decision on Unconstitutional Changes of Government in Africa; the 2000 Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government; the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; and, the 2003 Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

**How Uganda fares**

Uganda was the fourth country to append its signature on ACDEG on December 12, 2008, a move that created hope among people who were already disgusted by the way elections were being conducted in the country.

This was just two years after President Museveni had won a disputed 2006 elections. Mr Museveni was

taking the oath for the third term despite having been in power from January 1986 (when he came to power through a guerrilla war).

For Mr Museveni to be eligible to contest for a third term, Parliament in 2005 changed the Constitution to remove the two term limit. And in 2017, the Constitution was again changed to remove Article 102b which provided for presidential age limit.

With the Supreme Court ruling early this year that Parliament acted lawfully to amend the Constitution by approving a Private Member's Bill moved by Igara West MP Raphael Magyezi, the President will contest for the sixth elective term in 2021.

Despite not ratifying the ACDEG, Uganda is one of the countries that have held regular elections, though the quality of the polls have always been questioned.

The entire Chapter 7 of ACDEG is on the commitment by the AU member states to hold regular democratic elections. Uganda, like majority of the countries, have a testimony of holding regular elections, but whether these processes are democratic, free and fair are subject to an audit in each country.

Article 17 provides that: "State parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa."

It also provides for establishing and strengthening independent and impartial national electoral bodies responsible for the management of elections; establishing and strengthening national mechanisms that redress election-related disputes in a timely manner; ensuring fair and equitable access by contesting parties and candidates to state controlled media during elections; and ensuring that there is a binding code of conduct governing legally recognised political stakeholders, government and other political actors prior, during and after elections.

**Warning**

Some political analysts have warned that the 2021 elections may see more violence, undemocratic processes and lead to bad governance as government is trying to brush off the widening Opposition. Since 2001, Mr Museveni has known his former physician Kizza Besigye as the main rival, but the coming on the scene by musician-cum-politician Robert Kyagulanyi, also known as Bobi Wine, seems to be rallying together the youth in Uganda.

Mr Bobi Wine has already tested the brutality of the regime when he was arrested and tortured by the army on August 11 last year during the campaigns for the Arua Municipality by-election.

The Kyadondo East MP, who has made no secret of his intentions to challenge Mr Museveni in 2021, is currently facing charges of treason with more than 30 others, including four other MPs, as a result of the Arua clashes in which they are accused of stoning the President's car.

Information and National Guidance minister Frank Tumwebaze says Uganda has not ratified and domesticated the charter because the country has several laws that provide for free and fair elections.

"You can domesticate any international convention in many ways. One of them is to enact laws and policies that implement the same objectives of the said convention. We have elaborate and clear electoral laws that provide for free and fair periodic elections, our Constitution is very precise too," Mr Tumwebaze says.

Currently the youth, with support from ActionAid Uganda, are leading a crusade to have ACDEG ratified and domesticated in Uganda.

Under the East African Youth Leaders Forum on ACDEG, Uganda Chapter, they petitioned Parliament seeking expedited process to have the charter ratified so as to open up the shrinking political space.

Handing over the petition to Deputy Speaker of Parliament Jacob Oulanyah, Mr Primus Bahigi, the manager global platform at ActionAid Uganda, stated that Uganda is lagging behind other African states in ensuring that its citizens participate in free and fair elections.

"In the spirit of fostering transparent, free and fair elections pursuant to Article 17 and sub-article 4.2 of ACDEG, we urge our MPs through you to put in place and implement measures to curb intimidation of the elector-



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DEPUTY SPEAKER JACOB OULANYAH

ates and duty bearers in electoral and media institutions, and further champion for the meaningful participation of young people in governance processes as enshrined in Articles 31 and 32 of ACDEG," the petition reads in part.

The youth say with the ratification and domestication of ACDEG, Uganda will be able to match the rest of the continent in achieving the African Union's Agenda 2063 and also the Sustainable Development Goal 16 by 2030.

Currently, government has made it difficult for the youth to contest for top positions in leadership by hiking the nomination fees one pays to the Electoral Commission.

Parliament in 2015, in a move seen as MPs trying to reclaim their seats, increased the nomination fees for parliamentary candidates from Shs200,000 to Shs3m and the fee for presidential candidates from Shs8m to Shs20m.

Mr Oulanyah told the youth that Parliament has not yet legislated on ratification of ACDEG because they don't know if the motion needs to originate from Cabinet, or from within the legislators, but added that some countries rushed to sign international treaties and charters but later found that they conflict with local laws.

"On the charter, I don't know its implication because I have not read it. But I think there are issues that need review and we will find out the details. So, we need to understand the implication of ACDEG and see whether it can be ratified by Parliament or Cabinet," Mr Oulanyah said.

**African with ACDEG**

Africa is the only continent that remains with a block of long-serving presidents. Most of these presidents have organised elections through electoral bodies that they appoint themselves.

"This is not the ilk that would subject itself to commitments of ACDEG. For some of these, domesticating ACDEG is like signing one's own out-of-power warrant."

Mr Kaheru, who has had the privilege of monitoring elections across Africa, believes that it will be hard to achieve the AU goal of continental integration. He adds that it is unfortunate that the leaders, most of whom have been attending the AU summits since they came to power, do not value ACDEG.

"Slow domestication of ACDEG has rendered the achievement of democratic quality very complicated. I think some countries have refused to appreciate the eminence of democratic governance as key to achieving continental goals of an integrated, prosperous and peaceful Africa," he says.

Just last week, Mr Batlakoa Makong, the Africa Peer Review Mechanism (APRM) liaison officer to the AU, told journalists in Addis Ababa that the habit of changing constitutions by African governments is failing implementation of ACDEG. "The governments are changing the constitutions a few years to the elections. We are succumbing to domestic legal frameworks in member states," Mr Makong said.

year rule. Sudan's Omar al-Bashir, who won with a "landslide victory" in 2018 saw his 30-year rule come to an end when he was ousted on April 11 by the military that yielded to pressure from citizens who were demonstrating over the rising of prices of bread.

Currently, the league of long-serving presidents includes Equatorial Guinea's Teodoro Obiang Nguema (40 years); Cameroon's Paul Biya (36 years); Congo Brazzaville's Denis Sassou Nguesso (35 years in two stints); Uganda's Yoweri Museveni (33 years); Chad's Idriss Deby (29 years); and Eritrea's Isaias Afewerki (26 years).

On term limits in Africa, Uganda government's spokesperson Tumwebaze says such an arrangement should not be imposed on leaders because it is not universally tenable as a yardstick for democracy.

"Term limits have never been a universally accepted benchmark for building a democratic culture. That is why many countries don't have them," he says.

Mr Crispin Kaheru, the coordinator of the Citizens Coalition for Electoral Democracy in Uganda (CCEDU), says the reason most of African countries have been reluctant to domesticate ACDEG is because of the fear to open up democratic space.

He says most of the heads of state around the continent feel that in aligning their local laws with ACDEG, they will be held accountable both by their citizens and Africa as a whole.

"Domesticating ACDEG means increasing the democratic accountability threshold; it is clear that we have a number of African leaders who loathe being held accountable. Some manipulate elections, they profit from being stronger than their institutions, and they thrive on human rights violations," Mr Kaheru says.

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