



## **EAST AFRICAN COMMUNITY**

### **THE 5<sup>TH</sup> EAC ANNUAL CONFERENCE ON GOOD GOVERNANCE**

#### **THEME: DELIVERING PEACEFUL AND CREDIBLE ELECTIONS FOR SUSTAINABLE REGIONAL INTERGRATION-THE ROLE OF KEY STAKEHOLDERS**

**14<sup>TH</sup> -15<sup>TH</sup> NOVEMBER 2014**

**ROYAL PALACE HOTEL -BUJUMBURA, BURUNDI**

#### **SUMMARY OF RECOMMENDATIONS AND RESOLUTIONS OF THE 5<sup>TH</sup> EAC CONFERENCE ON GOOD GOVERNANCE**

##### **1.0 INTRODUCTION**

The 5<sup>th</sup> EAC Conference on Good Governance took place at Royal Palace Hotel- in Bujumbura, Burundi on 14<sup>th</sup> - 15<sup>th</sup> November, 2014. The Conference was officially opened by H.E Hon. Prosper Bazombanza, the First Vice President of the Republic of Burundi. Hon. Ernest Mberamiheto and Mr. Charles Njoroge the Deputy Secretary General Political Federation East African Community also addressed the Conference. In attendance were; Ministers for Home Affairs, Internal Security, Chairpersons of Electoral Commissions, Members of National Parliaments, East African Court of Justice, East African Legislative Assembly, Chief Justices, Judiciary, Human Rights Commissions, and Members of National Assemblies and Senate. It was also attended by representatives from Regional Economic Communities, Civil Society Organizations, Private Sector Organizations and the EAC Youth Ambassador's Platform.

## 1.1 Opening Remarks

Mr. Charles Njoroge, the Deputy Secretary General for Political Federation (DSG-PF) in his welcoming remarks, thanked the Ministry of EAC Affairs for mobilizing national participation and welcomed the participants to the 5<sup>th</sup> EAC Conference on Good Governance. He noted that the Conference was a viable attempt to galvanize the notion of upholding principles of democratic governance, rule of law, respect of human rights, peaceful co-existence, and peaceful resolution of conflicts among stakeholders. Mr. Njoroge highlighted the coverage of the EAC program on Good Governance and the thematic areas where regional institutional arrangements had been established to articulate their respective issues for consideration by the policy-making organs of the Community. He reiterated that the process towards political federation was imminent with the Summit's decision in April 2014 to initiate the drafting of the EAC Federal Constitution. The Deputy Secretary General urged the participants to engage in open discussions and to share information and experiences to arrive at recommendations on ways through which regional institutions would enhance credible and peaceful elections.

HE Ernest Mberamiheto, the Minister for the Office of the President responsible for Good Governance and Privatization, welcomed the participants to the Conference and commended the EAC Secretariat for convening the 5<sup>th</sup> EAC Conference on Good Governance in the Republic of Burundi. The Minister commended the interventions being undertaken by the Community in promoting peace and security and promoting good democratic governance. The Minister noted that in order to ensure a smooth running of the electoral process, a consensual electoral code, and a roadmap that involves all stakeholders to continuously engage in political dialogue was essential to strengthening the participation of all citizens as well as the functioning of Political Parties. He expressed optimism that the subject of deliberations would inform the state of play in the political integration agenda add value to the process of fostering efficient elections in the region.

H.E Hon Prosper Bazombanza, the First Vice President of the Republic of Burundi and the Guest of Honor to the 5<sup>th</sup> Conference on Good Governance in Bujumbura, Burundi welcomed the participants to the Republic of Burundi, and to the conference. He begun by underscoring the important role of good governance as one of the fundamental principles guiding the EAC Integration. He noted that the theme of the conference, ***“Delivering Peaceful and Credible Elections for Sustainable Regional Integration-the role of Key Stakeholders”***, blended in well with the EAC vision of attaining a prosperous, competitive and political united East Africa. He called for an unwavering commitment to entrench a culture of democracy, and the conduct of free and fair elections by independent and impartial national Electoral Management Bodies as a preventive measure against instability and conflict. H.E noted that the theme of the conference was timely at a time when Burundi was approaching Elections, recalling that the African Continent over the last decade had witnessed escalating election related violence and political instability which had posed major challenges to democratic consolidation, and peace and security during elections. He reiterated the involvement of all key stakeholders in a regional approach as important for a peaceful and credible electoral process and in the mitigation of costly conflicts. He concluded by wishing all participants a homely stay in Burundi.

## **1.2 The Objectives and the theme of the Conference**

The EAC Annual Conference on Good Governance is a regional forum deliberately established at the high policy making level at both national and regional levels. Each Conference is themed on a topical issue from among the pillars of the EAC Good Governance Program. The Conference is a platform that brings together leadership from national and regional institutions of governance to dialogue, share information and map out innovative strategies to address the impediments to promoting good governance and regional integration.

The theme of this year's Conference is, ***“Delivering peaceful and credible elections for sustainable regional integration-the role of key stakeholders”***.

The theme of 5<sup>th</sup> EAC Conference was anchored on the premises that democratic processes have a diversity of key stakeholders who play a crucial role in ensuring peaceful elections. It considered the broader political environment in the region noting that weaknesses in democratic governance structures often result in violent conflicts. The conference observed functioning democratic governance structures and institutions as vital to ensuring meaningful and sustainable peace, security and economic development, which in turn becomes a facilitator for regional integration. Security sector transformations were thought of as having a critical role to play in the promotion of the rule of law and in strengthening political governance, which made the security sector a crucial partner in the process of democratic consolidation. The conference provided an opportunity to dialogue on the challenges national elections pose and their possible mitigation frameworks to minimize threats to regional security, stability and development. By sharing experiences, challenges and possible solutions, it was hoped that the role of divergent stakeholders in attaining free, fair, peaceful and credible elections would be achieved. The Conference served as a forum where practitioners, experts and policy makers shared their experiences and accumulated knowledge on elections to promote stronger governance and contribute to resolving electoral related conflicts.

The following thematic presentations were made: -

- a) Strengthening the effectiveness of electoral management bodies in the conduct of peaceful and credible elections;
- b) Leveraging the role of security agencies in the pursuit of peaceful elections and resolving electoral conflicts;
- c) Upholding the Rule of law and access to justice in the democratization processes;
- d) The role of CSOs, political parties and the youth in the pursuit of peaceful elections; and

- e) Preventive diplomacy and the role of the “*Panel of the Wise*” in ensuring peaceful elections and democratic development. The experiences from regional organizations.

The summary of presentations, deliberations at plenary sessions will be contained in a detailed with presentations annexed.

## **2.0 SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS**

### **2.1 Strengthening the effectiveness of Election Management Bodies in the Conduct of Peaceful and Credible Election**

Peaceful elections, election integrity and security of the vote are key for consolidation of democratic governance. Recognizing the fact that the success of any election is a function of concerted efforts by different stakeholders who play a complimentary role. The presentation examined issues related to independence and interdependence of key institutions in the election cycle that facilitate or hinder effectiveness and performance of EMBs in fostering peaceful and credible elections. This presentation explored the need to review legislations to enhance independence of the EMBs in all relevant aspects, including their establishment being entrenched in the constitution as opposed to in other laws such as acts of parliament which are easy to amend. In quest for peaceful elections, the Conference observed that effective EMBs are critical to ensuring peaceful and credible elections.

**The Conference recommended that: -**

- a) The Establishment of EMBs should be entrenched in the constitution rather than an ordinary law. This will insulate the Commission from interference;**
- b) The process and mode of appointment of EMB commissioners to be inclusive and participatory. The Conference observed that different processes exist in the sub-region in the appointment of the commissioners;**
- c) The security of tenure of office for the EMB Commissioners to be clearly spelt out; and**
- d) The EMBs should be accorded financial and operational autonomy to be able to carry out their mandate in an impartial manner. Expenses of the EMBs should be charged to the consolidated fund.**

## **2.2 Leveraging the role of Security Agencies in the pursuit of peaceful elections and Resolving Electoral Conflict.**

There is general consensus that elections are prone to conflict, especially when the political stakes are high and when mechanisms for resolving electoral disputes are not well developed and institutionalized. Given the cause and effect relationship between electoral processes, conflicts and development, it is imperative to engage all stakeholders who have a role to play in ensuring peaceful elections and strengthening of democratization processes. Elections turn into violence that leads to political instability and human insecurity. It is from this background that the role and importance of the security sector in enhancing peaceful elections was found critical. There is need for a common understanding in the utilization of the broad range of skills that are scattered across the different actors necessary for ensuring the security and integrity of elections. The Conference observed the nexus between electoral related conflicts and the role of security agencies. The following were recommended to ensure that the security agencies play an important role in peaceful elections.

**The Conference recommended that: -**

- a) There is a need to depoliticize security agencies to guarantee their impartiality to the electoral process;**
- b) Security agencies should be adequately trained in the electoral process and security, and to work in synergy with the EMBs; and**
- c) Security agencies should develop early warning systems in collaboration with EMBs and other stakeholders in order to mitigate incidences of electoral conflicts before they occur.**

## **2.3 Upholding the Rule of Law and Access to Justice in the Democratization Processes.**

The judiciary is charged with upholding constitutionalism and the rule of law, and effectiveness of administration of justice has a direct impact on the probity of the electoral process. A neutral and non partisan judiciary is vital through the entire electoral cycle by managing petitions and other electoral conflicts. The presentation provided an opportunity for the Judiciary and other stakeholders to critically reflect on how best electoral petitions are handled in a timely and just manner in ensuring timely justice. It also examined the prevailing legal frameworks and legislations related to electoral petitions and explored how they affect dispensation of justice. The Conference observed the important role that the judiciary plays in electoral dispute resolution. The role-played by the judiciary in safeguarding fundamental rights and freedoms access to justice and constitutionalism within the context of elections was highlighted.

**The Conference recommended that: -**

- a) Independence of the judiciary through mode of appointment, security of tenure of judges and financial autonomy should be guaranteed in the constitution;**
- b) Mechanisms for speedy and expeditious resolution of electoral disputes should be strengthened;**
- c) Judicial officers should remain independent and impartial in determining electoral disputes; and**
- d) Induction workshops should be convened for judicial officers to appraise them on political and electoral processes.**

#### **2.4 The role of the CSOs, media, political parties and the youth in the pursuit of peaceful elections.**

There is no doubt on the role of the CSOs, Youth and Political Parties in the electoral process. Depending on the context of every country, these stakeholders can work together with the electoral management bodies and the security sector to complement the process and forestall conflict or they can exacerbate the situation process to foment conflicts. Capacity development of political parties to embrace internal democracy, develop codes of conduct, inculcate the culture of democratic principles among the youth, encourage women and youth to vie for political leadership positions

The Conference observed the important role that CSOs media and youth and political parties play in enhancing the credibility, integrity and inclusiveness in electoral process.

**The Conference recommended that: -**

- a) There should be an enabling legal framework for establishment and engagement of the CSOs media, youth and political parties in the electoral process;**
- b) The freedom of the media should be guaranteed in the constitution and enabling laws;**
- c) The media should ensure objective and impartial coverage and reporting;**
- d) Political parties should be strengthened and institutionalized**

**to play a responsive and constructive role in the democratic process including elections;**

- e) The Partner States should review the political parties funding policy to accommodate and promote a level playing field;**
- f) Multi-party liaison committees should be established to provide a dialogue platform in order to promote inclusive and peaceful elections;**
- g) Political parties should be encouraged to practice and promote inter and intra party democracy;**
- h) The EAC should assert a structural and proactive engagement of political parties; and**
- i) The regional bodies and Partner States should promote partnerships and strategic alliances with CSOs for civic engagement in the electoral process.**

## **2.5 Preventive Diplomacy and role of the Panel of Wise in ensuring Peaceful Elections and democratic Development.**

While some of the EAC Partner States have early warning mechanisms in place, electoral conflicts require a whole spectrum of preventive diplomacy including panels of the wise and other track two diplomacy measures. The operationalization of the early warning and preventive diplomacy calls for concerted efforts amongst different actors, data collection and dialogue at the highest political leadership to foster messages of tolerance and diversity. EAC partner states should enhance deploying eminent persons to help in resolving structural problems in order to ensure consolidation of democracy and peace building measures. The Conference observed the important role played by preventive diplomacy measures including the panel of the wise in mitigating electoral conflicts.

**The Conference recommended that;**

- a) The panel of the wise/ eminent persons and similar mechanisms of the RECs should be deployed in the early stages of the electoral cycle depending on the context of an election. This would enable them to contribute to reforms of the legal frameworks and other structural changes for peaceful electoral processes.**

**Done at Royal Palace Hotel in Bujumbura, Burundi this 15<sup>th</sup>  
November 2014**

**East African Community  
EAC Secretariat  
November 2014**