

**WORKSHOP ON THE CONSTITUTIONAL AMENDMENT BILL:  
THE TRANSITION TO A MULTIPARTY POLITICAL SYSTEM OF  
GOVERNANCE IN UGANDA.**

**Subject: “IMPLEMENTING THE MANDATES IN THE NEW  
CONSTITUTIONAL ORDER”**

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## **1.0: INTRODUCTION:**

I find the theme of this workshop very pertinent. However, I believe the topic given to me would have been more appropriately discussed after the amendment of the Constitution and passage of the electoral enabling laws.

I am saying this because at this stage, we are not yet certain that we shall change the political system from a Movement to a Multiparty system. However, the political roadmap to the transition is already in place and we can assume, de facto, that we shall go full scale multiparty.

The political history of Uganda has been punctuated by chapters of multiparty activity, dictatorships and non-party governance. What happened during these periods has greatly influenced the thinking of the population.

## **2.0: CURRENT MANDATE OF THE ELECTORAL COMMISSION:**

In 1995, a new Constitution was promulgated after wide consultations. The Electoral Commission was established under Article 60 of the 1995 Uganda Constitution and mandated to undertake the following:-

- (a) Ensure that regular, free and fair elections are held;
- (b) Organize, conduct and supervise elections and referenda;
- (c) Demarcate constituencies;
- (d) Ascertain, publish and declare in writing under seal the results of the elections and referenda; to compile, maintain, revise and up-date the voters' registers;
- (e) Hear and determine election complaints arising before and during polling;
- (f) Formulate and implement civic educational programmes relating to elections, and;
- (g) Perform such other functions as may be prescribed by Parliament by law.

The Electoral Commission anticipates that the above mandate will not change much under the new Constitutional Order. However, a multiparty political order may call for new strategies to operationalise

the mandate so as to ensure a level playing field for all political players and to develop mutual respect and cooperation with them.

The Electoral Commission is guided by the Vision to “*Promote Peaceful Continuity of Governance through an Impeccable Electoral Process.*”, and the Mission of “*Regular, Free and Fair Elections and Referenda.*”

Under the (1995) Constitution of Uganda aspiring candidates to various political offices have been standing on individual merit. Under this dispensation, the following elections have been held:-

- (i) **1996:**The first ever direct Presidential Election followed by the Parliamentary election which were both direct and indirect and national elections.
- (ii) **1997/98:** The first ever-Local Government’s Council elections.
- (iii) **2000:** In accordance with the Constitution of Uganda (1995), the 2<sup>nd</sup> Referendum in Uganda (but the first national one) on the system of governance was purportedly boycotted by the Multiparty Advocates.
- (iv) **2001:** Second direct and indirect general national elections for President and Members of Parliament.
- (v) **2001/02:** The 2<sup>nd</sup> Local Government’s Councils’ Elections.

Besides the above, Commission has over the years conducted various elections and by-elections.

### **3:0 THE SIGNIFICANCE OF ELECTIONS.**

- (a) From the point of view of an individual voter, elections are the means by which he/she takes his/her share of political power by voting the representative or political party of his/her choice;
- (b) By means of elections, the voters collectively bring the decision makers under popular control, a control that is ever present in the minds of the representatives because any part of their behaviour in office or in the case of aspiring candidates, out of the office, may affect their chances at the next election;

- (c) The election result is an authorization of the representatives to make decisions on behalf of their voters, to lead within the broad spectrum of policy platforms, if there is one, subject to the sanction of the next election. The result invests the representatives and decision makers with legitimacy, that is, lawful authority.

#### **4.0 THE ROLE OF THE ELECTORAL COMMISSION UNDER THE NEW CONSTITUTIONAL ORDER**

One of the critical variables for the success or failure of democracy and/or democratic transition to power is the administration of elections. In developing countries like Uganda, with low levels of literacy, administration of elections is not an easy task. This is so because technical problems eventually assume political dimensions which then threaten the credibility of the whole electoral process.

In elections, like in any other competitive ventures, there must be winners and losers. Therefore, there is need for all of us to learn to accept the verdict of the polls or seek redress in the courts of law instead of inciting election violence.

Elections are not merely activities or the events on polling day. Elections are a process that goes through the stages of planning, registration, cut-off date for registration of voters, display period, retrieval and cleaning the voters' register, nomination of candidates, campaigns, polling and post polling day activities. In any of these stages, credibility of the institution is paramount. The Commission shall ensure transparency, accountability and impartiality at each stage of the electoral process so that the stakeholders can have trust and confidence in the process and the results of the elections. The Commission hopes to achieve this by building relationship and cooperation with all the stakeholders.

Currently, Uganda has a total of 945,351 elective positions from the presidential to village committee elections. In summary, the Electoral Commission is expected to carry out the following elections:-

- Presidential elections (1)
- Parliament (296)
- District Councils (1,874)

- Municipality/City Division Councils (502)
- Sub-County/Town/Municipal Division Councils (14,702)
- County Councils (170)
- Parish/Ward Committees (5,329)
- Village/Cell Committees (45,118)
- Committees for Special Interest Groups that include Youth, Women and PWDs classified in:-
  - District/City Division (1,120)
  - Municipality/Division (342)
  - Sub County/Town/Municipality Division (18,259)
  - County Division (1,512)
  - Parish/Ward Division (90,098)
  - Village/Cell Division (766,028)

Before all the above elections can be conducted, the Electoral Commission is responsible for:-

- ✓ Demarcation of constituencies and electoral areas;
- ✓ Establishment of polling stations (20,000 polling stations expected by 2006);
- ✓ Registration of voters (currently, the total number of registered voters is 8.2m people. However, this number is bound to increase due to the ongoing continuous voter registration and enthusiasm that will be enhanced by political parties to attract more eligible voters to participate and be registered for the 2006 polls.)
- ✓ Up date of the voters' register;
- ✓ Display of the voters' register;
- ✓ Campaign management;
- ✓ Consultative meetings with stakeholders;
- ✓ Preparation and distribution of election materials;
- ✓ Polling day activities, tallying and announcement of results, and;
- ✓ Post election activities

## **5.0: STRATEGIES OF THE ELECTORAL COMMISSION IN DELIVERING ITS CONSTITUTIONAL MANDATE**

Despite the fact that there are numerous challenges that have to be overcome along the political transition, the Commission has on a positive note, devised a number of strategies that have been tested through a number of elections and by-elections conducted since

2002. With the cooperation of all of you, it is hoped that these measures will contribute to the conduct of free and fair elections under a new political dispensation. The new measures include the following, among others:-

1. Use of photo-bearing voters register for the forthcoming elections;
2. Plans to distribute voters' cards to be used with effect from 2006;
3. Timely involvement and regular consultation with stakeholders in the planning and delivery processes;
4. Strengthened cooperation with Uganda Police who will assume responsibility for all security matters at all polling stations;
5. Transparent recruitment and training of field election officials and candidate agents. Cooperation of the political parties will be very beneficial to this country in election monitoring;
6. Voter education and training with the help of transparently accredited organisations;
7. Strong denunciation of all forms of electoral violence;
8. Thumbnail inking is to be done prior to ballot casting to minimise double/multiple voting habits;
9. Limiting convoys at nominations and during campaigns to minimise clashes amongst intending/contesting candidates and their supporters;
10. Use of security seals on Declaration of Results Envelopes to counteract tampering with results before tallying, including serialising the form(s) and the results delivery envelopes;
11. Introduction of Complaints' Desks at National and District levels;

Since the next cycle of elections is likely to be under the new Constitutional Order, the Commission plans to introduce more strategies that will include:-

- a) Inter party/EC Forum for regular consultations
- b) Development of a Code of Conduct for Political Parties in consultation with them for collective ownership

It is anticipated that elections under the new Constitutional Order will comprise of Presidential, Parliamentary, District Women Members of Parliament and LCV Chairpersons, all to be conducted on the same

day by universal adult suffrage. A total of 353 elective positions will have to be filled on one day. This unique mode of polling will have a great impact on time.

From research carried out by the Commission, an average of 6 minutes is required for a voter to go through all the 4 ballot boxes. A great deal of time will be required for vote counting, tallying and declaration of results.

To address the time constraint introduced by the 4-in-1 voting, the Commission plans to reduce the number of voters per polling station so as to complete voting in time. The Commission's plan is to increase the polling stations from 17,000 to 20,000. More space will also be required at the polling station to accommodate the increased number of polling officials, agents and the voting layout compliant with the legal requirements. With the pilot studies conducted on the quadruple voting, the Commission hopes to handle the task ahead effectively.

## **6.0 CONSTRAINTS/CHALLENGES FACED BY THE ELECTORAL COMMISSION**

The Commission has encountered a number of challenges in the past and it is almost certain that the same may again be encountered in preparation for the forthcoming multiparty elections. These challenges include the following, among others:-

### **➤ Shortfalls and late release of funds**

By law, Article 66 Clause 1 – 4 (1995 Uganda Constitution), the EC should be provided with adequate resources to facilitate effective performance of its duties and functions. However, in the past, the EC has encountered severe budget cuts in its annual/operational budgets as well as late release of funds to carry out even preparatory activities like adequate human resource development, continuous voter registration, effective voter education and sensitisation, training and “professionalising” the field election officials, among others. Initially, the Commission had budgeted for approx. U.Shs 38bn/= for the 2004/2005 Referendum but approx. U.Shs. 22bn/= was approved for the activity.

The Commission has budgeted approx. U.Shs. 63bn/= for the 2005/2006 general elections which is yet to be approved by Government.

➤ **Late enactment of electoral and enabling laws**

Late enactment of electoral and enabling laws greatly hampers effective voter education and sensitisation. It also forces the Commission to manage elections in a crisis manner since the law dictates all modes of action/implementation. It is the Commission's plea that the concerned authorities speed up the process and enact the laws early enough (at least 6 months before a major election) so that they are internalised by the implementers/stakeholders. Already, it is evident that this complex transitional period together with the implementation of the roadmap are way behind schedule and yet at the end of the day, it is the Commission which is normally blamed for failure to conduct free and fair elections. I, therefore, appeal to you all stakeholders to bear your individual responsibilities and support the Commission in any way possible to ensure that the systems needed to nurture democracy are not ignored at any stage.

➤ **Inadequate Voter Education**

In order to allow maximum participation in elections, the Commission must ensure that adequate voter education is passed on to the electorate, if they are to make choices from an informed position.

There will be a critical need to have sustained voter education for the electorate to appreciate the changes in the electoral process within the new order.

➤ **Behaviour of the candidates pursuing leadership positions**

Some candidates pursue unacceptable courses of action, especially during campaigns. The Electoral Commission promises a firm stand against this unbecoming behaviour. In trying to address this problem, the Commission has drawn up ***Draft Guidelines for Political Parties***, comprising of extracts from the Codes of Conduct for Political Parties of South Africa, Kenya and Ghana. To strengthen the Draft Guidelines for Political Parties, the Commission is ready to receive input and/or comments for discussion through continuous dialoguing with all respective players in the anticipated new Constitutional Order.

## **6.0 CONCLUSION**

The Electoral Commission wishes to reiterate its commitment to fulfil its Constitutional mandate in an impartial and transparent manner. The Commission urges all stakeholders to join hands with the EC in making this dream a reality. This can only be achieved if all stakeholders take an interest to learn more and work with the EC.

I appeal to all stakeholders to give the Electoral Commission a chance to demonstrate its resolve. We admit that the Electoral Commission can sometimes make mistakes, but as partners in this cause and process, we need to support, learn from, and correct each other regularly. Together we can build a democracy knowing that unity is strength.

As stakeholders, let us be committed to peaceful co-existence regardless of the Constitutional Order, we must learn to accept both success and defeat honourably.

For God and My Country,

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