

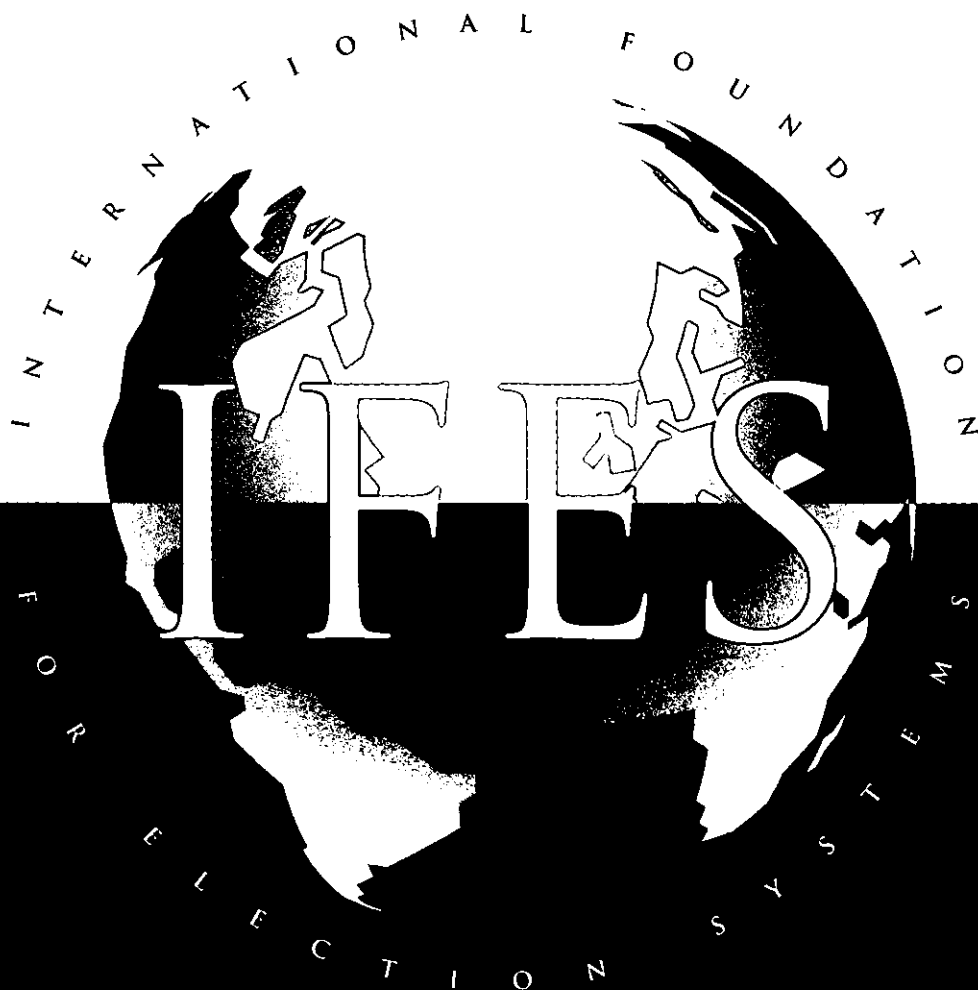
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**UGANDA:**  
**A PRE-ELECTION ASSESSMENT REPORT**

**January 17, 1996**

**Prepared By:**  
  
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A. List of Persons Interviewed

## EXECUTIVE SUMMARY

From November 19 to December 8, 1995, IFES conducted a pre-election assessment in Uganda with funding from the US Agency for International Development (USAID). The IFES team was asked to evaluate a number of factors affecting the conduct of that country's presidential and parliamentary elections, which must be held before the second week of July 1996.

The IFES assessment team was invited to Uganda to answer a series of three questions. The first is whether the technical capacity for organized, timely elections exists; the second, if the capacity exists, how the process can best be supported. These issues are empirical in nature and may be answered with a series of logical, quantifiable arguments. The third question is whether the outcome of the elections can and will be regarded as free and fair by international standards. This report has been prepared as a contribution to continued discussions on the Ugandan election process between political activists, election officials, education professionals and the international community.

The electoral and political events which have taken place in Uganda during the past two years have been described by the National Resistance Movement, particularly its leader, Ugandan President Yoweri Museveni as essential steps in a transition from dictatorship to democracy. Indeed, the restructuring of the government, the Constituent Assembly elections, and the resultant Constitution reflect the hard lessons of Uganda's history since independence combined with political developments on the international level. The Constitution represents a recognition of human rights around the world as expressed in numerous charters and agreements: Where other countries have granted these rights under internal or external pressure, the Ugandan Constitution creates a society based on the sovereignty of human rights. The parliament structure, which assigns seats to members of society which might not otherwise have a voice in government, is a recognition that the privilege of decision-making does not exist for one group in society to extend or withhold. Within the context of African political development, the Ugandan constitution strives to treat all of its citizens as equal under the law, and deserving of state protection of

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fundamental human rights. With this report, IFES provides an examination of several technical factors affecting the elections, and combines this information with a panoramic view of the political will of the Ugandan people, and the level of their participation in the process.

This report is organized into eight sections. Section I, the Introduction, establishes the basis of the IFES mission. Section II presents international criteria for free and fair elections as a framework for the IFES team's analysis. Section III provides the historical context of this period of the Ugandan political transition. Section IV details the constitution, electoral law issues, and the composition and duties of the Electoral Commission. Section V discusses the tasks which remain between now and the elections, and details the technical capacity for the accomplishment of those tasks. Section VI deals with the comparison of the established aspects of free and fair elections to the current political realities, and reports on the influence of various actors in the process. Finally, sections VII and VIII are the presentation of IFES' conclusions and recommendations.

The promulgation of a new constitution (which outlines the new political and electoral system of Uganda) in early October will be followed in mid-January by the promulgation of electoral acts for the presidential and parliamentary elections. The National Resistance Council approved an Electoral Commission three days prior to the team's departure. At this time, preparations for the elections have begun in a number of different areas. Ugandans and members of the international community resident in Uganda are involved in campaign activities, civic education efforts and computerization of the voter register. The IFES team met with representatives of the donor community, NRM government officials, political party activists, gender activists and civic education organizations to understand their experiences with the Constituent Assembly elections and to gauge their strategies in anticipation of the 1996 elections. The groups were all asked how the Constitution and the forthcoming electoral law would affect their participation, and they were asked for their assessments of the process and their predictions of the future elections. In

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addition, IFES met with members of the Constituent Assembly Commission, one of whose members is retained in the new Electoral Commission.

The transition process in Uganda is characterized by a planned sequence of events. The National Resistance Movement has expressed reservations about the wholesale adaptation of a political system which could exacerbate the kind of cleavages in evidence prior to the 1980 elections, and which is blamed for the ensuing violence. The NRM has stated that it is committed to the return of economic resources and political power to the people of Uganda; this commitment is reflected in the new constitution. Nevertheless, the constitution also ensures that the NRM cedes its influence on and involvement with the government on its own flexible schedule. The 1996 elections cannot be regarded as a radical change in Ugandan democratic development. In the context of democratic transitions, the NRM strategy of gradual relaxation of the rules prior to elections falls on a spectrum between the experiences of Malawi, where political parties were allowed to organize and campaign (with increasing freedom between 1993 and May 1994), and Kenya, where political parties were systematically barred from organizing until just prior to the election, impeded from registering candidates, and ultimately outmaneuvered by the ruling party in the run-up to the elections.

IFES believes that the capacity for conducting elections which meet minimal international standards of freedom and fairness exists in Uganda. Given the level of confidence expressed in the Constituent Assembly Commission, it appears that Ugandans on all political sides plan to participate in the election and will, through that participation, add legitimacy to the process. Despite the restrictions on political party activity (to which the NRM is only nominally subject, since it is not a "real" political party), the Constitution provides a degree of room within which the parties may use their organizational capacity to advance the cause of individual candidates. It is important that the parties, either separately or together, review the Constitution thoroughly to develop a campaign strategy. Issues dealing with the regulation of campaign activities not



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addressed (or addressed vaguely) in the Constitution will need to be addressed clearly in the forthcoming Electoral Law. In addition, the Constitution and the coming Electoral Law present guidelines regarding the conduct of the current government of Uganda. The National Resistance Movement, which benefits from these instruments, will also need to be precise about how the instructions for the election are carried out. An abuse of the privilege of incumbency on the part of the NRM would leave it vulnerable, nationally and internationally, to fair accusations of malfeasance and attempts to further control the development of Uganda. It is anticipated that the both the NRM's and the opposition's strategy will be to interpret the relevant provisions of the Constitution and the Electoral Law as liberally as possible to develop a more balanced political atmosphere. Again, the high regard which the Ugandan politicians expressed for the Electoral Commission will be very important, as it may be the one steady, judicious voice that will be heard above the political clamor. The activities of all three groups deserve scrutiny from the international community during the pre-election period and for the next several years.

The decision by the international community to become involved in the Ugandan election process should temper direct and constructive criticism of the process leading to the elections with a commitment to monitor the schedule that the NRM has set out. By providing timely indications of support or areas which need to be addressed prior to continued support, the Ugandan people and the international community can assume the responsibility for the success of the development of democracy.

IFES recommends that continued international support of the 1996 elections be provided to the Ugandan people. The support should be accompanied with a stated intention to observe the developing process for the next several years. The international community should develop a capacity for continued monitoring and education on the election and democratic institution developments in the next three years. A mechanism for hearing of complaints related to political activity and their resolution; and a list of benchmarks for indications of where the transition is

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going should also be developed. Third, the Electoral Commission can best serve the public by raising the level of communication and information regarding the political developments of the election process, and making efficient use of its experience with the CA elections to prepare in the short time that remains before the 1996 elections. A level of involvement which supports the election process significantly will provide the United States Government with the opportunity to acknowledge the progress that has been made and to require increasing adherence to international standards. The Ugandan government may view that approach as a victory for their system, but the continued comparison of standards to practice will satisfy the international commitment to conditional assistance.

## **I. INTRODUCTION**

From November 19 to December 8, 1995, IFES conducted a pre-election assessment in Uganda under core funding from the US Agency for International Development (USAID). The IFES team was asked to evaluate a number of factors affecting the conduct of that country's presidential and parliamentary elections, which must be held before the second week of July 1996.

### **Objectives of the IFES Pre-Election Assessment**

The IFES assessment mission is the result of a request from USAID/Uganda and the US Embassy in Kampala for an objective evaluation of the factors surrounding the conduct of presidential and legislative elections in Uganda. Following the 1994 Constituent Assembly elections, the major actors in the process - political party leaders, Constituent Assembly Delegates, local nongovernmental organizations (NGOs) and the Constituent Assembly Commission - began to prepare for the expected general elections. Originally expected in December 1995, the continued deliberations of the Constituent Assembly through the summer of 1995 pushed the election date back into early or mid-1996. The new constitution, promulgated in early October 1995, provides for presidential and legislative elections under the National Resistance Movement political system. Within five years, the political system and the possibility of party registration and organization will be subject to a national referendum. These constitutional provisions (and the argument over their implicit and explicit directions) add to the continued controversy over the legitimacy of the transition period. In addition to determining the technical capacity of the electoral body to successfully administer the election, an evaluation of the Ugandan electoral process must examine the level of participation, interest and access of all political aspirants, and the Ugandan voters.

The international community has also begun to develop strategies for support of the elections. The IFES evaluation is intended to provide information which will primarily assist the US Government in its decision-making; however, the information and recommendations are directed

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to the international community at large, to the Interim Electoral Commission and to the other major participants in the election process.

**Methodology**

The IFES Pre-Election Assessment took place onsite from November 19 through December 8, 1995 in Uganda. The team consisted of Laurie Cooper, IFES Senior Program Officer for Africa and the Near East, and Jerry Henderson, an election administration specialist from Alabama specializing in voting rights and redistricting issues.

In conducting the assessment, Cooper and Henderson met with a number of political activists, senior government officials, members of major NGOs, and former Constituent Assembly Delegates. They interviewed members of the Electoral Commission, journalists, and religious leaders to discuss their particular involvement in the election process. Cooper and Henderson met with representatives of the United Nations Development Programme and representatives of the diplomatic corps resident in Uganda. In addition, the team reviewed the current Constitution, a draft of the electoral law, the Constituent Assembly Election Report, local and regional newspapers, and a number of briefing materials. They traveled to Apac and Mbarara on two occasions for consultations outside Kampala.

*Summary of IFES Activities in Uganda*

In May 1994, IFES assisted the Uganda Commission for the Constituent Assembly in the convening of a two-day post-election evaluation workshop, sited in Mbarara District, to assess the March 28 election process. The fifty workshop participants were selected from the senior level as well as field level election staff. IFES fielded Théophane Noël, an election administration specialist, and Keith Klein, IFES Director of Programs for Africa and the Near East, to serve as

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workshop facilitators. The IFES team further assisted the Constituent Assembly Commission by serving as the rapporteur of the workshop, organizing the record of proceedings and recommendations for later use by the Commission. To encourage the spirit of regional cooperation and information exchange, IFES sponsored the participation of Stephen Akabway, then the Commissioner of the Constituent Assembly, as a featured speaker at a similar workshop in Debre Zeyit, Ethiopia, from July 4-6, 1994. Since that time, IFES has maintained contact with the Commissioner through his participation in the November 1994 Colloquium for African Election Administrators, held in Victoria Falls, Zimbabwe. IFES was one of five host organizations for this colloquium.

Throughout the course of the assessment mission, the IFES team was ably assisted by Norman L. Olsen, Program and Policy Department Chief at USAID/Uganda; and by Dr. Judith Geist, Advisor on Elections, Democracy and Governance issues. Laurie Cooper and Jerry Henderson extend their thanks on behalf of IFES for their invaluable support and information. Further thanks go to the entire staff at the USAID mission for their help in providing office space, use of the library, and the informal "Ugandan perspective" on the election process.

## II. FREE AND FAIR ELECTIONS: INTERNATIONAL INDICATORS

In March 1994, the Inter-Parliamentary Union approved a Declaration on Criteria for Free and Fair Elections at its 154th session. This declaration represents the most recent attempt both at reflecting a consensus on what constitutes a free and fair election, and setting international standards for electoral regulations, voter registration, party activity and campaigns. The study which follows the declaration, entitled Free and Fair Elections: International Law and Practice, reviews the international legal precedents for establishing a set of elements of free, fair and genuine elections; it then uses the experience of international election-related organizations to illustrate the practice of these elements. IFES has used the theories presented in this study and its own experiences to conduct the Uganda pre-election assessment, and offers the following summary as a set of standards that may be discussed and applied in preparation of the 1996 and future elections.

The preamble of the declaration names the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as the basis for the assertion that "authority to govern shall be based on the will of the people as expressed in periodic and genuine elections." The criteria for free and fair elections are as follows:

- **Free and Fair Elections.** In any State the authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage.
- **Voting and Elections Rights.**
  1. Every adult citizen has the right to vote in elections, on a non-discriminatory basis.
  2. Every adult citizen has the right to access to an effective, impartial and non-discriminatory procedure for the registration of voters.
  3. No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the State's obligations under international law.

4. Every individual who is denied the right to vote or to be registered as a voter shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.
5. Every voter has the right to equal and effective access to a polling station in order to exercise his or her right to vote.
6. Every voter is entitled to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others.
7. The right to vote in secret is absolute and shall not be restricted in any manner whatsoever.

- **Candidature, Party and Campaign Rights and Responsibilities.**

1. Everyone has the right to take part in the government of their country and shall have an equal opportunity to become a candidate for election. The criteria for participation in government shall be determined in accordance with national constitutions and laws and shall not be inconsistent with the State's internal obligations.
2. Everyone has the right to join, or join together with others to establish, a political party or organization for the purpose of competing in an election.
3. Everyone individually and together with others has the right to: express political opinions without interference; seek, receive and impart information and to make an informed choice; move freely within the country in order to campaign for election; and campaign on an equal basis with other political parties, including the party forming the existing government.
4. Every candidate for election and every political party shall have an equal opportunity of access to the media, particularly the mass communications media, in order to put forward their political views.
5. The right of candidates to security with respect to their lives and property shall be recognized and protected.
6. Every individual and every political party has the right to the protection of the law and to a remedy for violation of political and electoral rights.

7. The above rights may only be subject to such restrictions of an exceptional nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order, the protection of public health or morals or the protection of the rights and freedoms of others and provided that they are consistent with States' obligations under international law. Permissible restrictions on candidature, the creation and activity of political parties and campaign rights shall not be applied so as to violate the principle of non-discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

8. Every individual or political party whose candidature, party or campaign rights are denied or restricted shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.

9. Candidature, party and campaign rights carry responsibilities to the community. In particular, no candidate or political party shall engage in violence.

10. Every candidate and political party competing in an election shall respect the rights and freedoms of others.

11. Every candidate and political party competing in an election shall accept the outcome of a free and fair election.

• **The Rights and Responsibilities of States**

1. States should take the necessary legislative steps and other measures, in accordance with their constitutional processes, to guarantee the rights and institutional framework for periodic and genuine, free and fair elections, in accordance with their obligations under international law. In particular, States should: establish an effective, impartial and non-discriminatory procedure for the registration of voters; establish clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such provisions are applied without distinction of any kind; provide for the formation and free functioning of political parties, possibly regulate the funding of political parties and electoral campaigns, ensure the separation of party and State, and establish the conditions for competition in legislative elections on an equitable basis; initiate or facilitate national programs of civic education, to ensure that the population are familiar with election procedures and issues.

2. In addition, States should take the necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals, including through the establishment of a neutral, impartial or balanced mechanism for the management of



elections. In so doing, they should, among other matters: ensure that those responsible for the various aspects of the election are trained and act impartially, and that coherent voting procedures are established and made known to the voting public; ensure the registration of voters, updating of electoral rolls and balloting procedures, with the assistance of national and international observers as appropriate; encourage parties, candidates and the media to accept and adopt a Code of Conduct to govern the election campaign and the polling period; ensure the integrity of the ballot through appropriate measures to prevent multiple voting or voting by those not entitled thereto; and ensure the integrity of the process for counting votes.

3. States shall respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction. In time of elections, the State and its organs should therefore ensure: that freedom of movement assembly, association and expression are respected, particularly in the context of political rallies and meetings; that parties and candidates are free to communicate their views to the electorate, and that they enjoy equality of access to State and public-service media; and that the necessary steps are taken to guarantee non-partisan coverage in State and public-service media.

4. In order that elections shall be fair, States should take the necessary measures to ensure that parties and candidates enjoy reasonable opportunities to present their electoral platform.

5. States should take all necessary and appropriate measures to ensure that the principle of the secret ballot is respected, and that voters are able to cast their ballots freely, without fear or intimidation.

6. Furthermore, State authorities should ensure that the ballot is conducted so as to avoid fraud or other illegality, that the security and the integrity of the process maintained, and that ballot counting is undertaken by trained personnel, subject to monitoring and/or impartial verification.

7. States should take all necessary and appropriate measures to ensure the transparency of the entire electoral process including, for example, through the presence of party agents and duly accredited observers.

8. States should take the necessary measures to ensure that parties, candidates and supporters enjoy equal security, and that State authorities take the necessary steps to prevent electoral violence.

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9. States should ensure that violations of human rights and complaints relating to the electoral process are determined promptly within the time frame of the electoral process and effectively by an independent and impartial authority , such as an electoral commission or the courts.

The detail to which the declaration goes serves as an indicator of the myriad issues involved in the assessment of an election process at all stages. It is important for every person involved in the Ugandan process to consider all of the factors in developing an opinion on this process. During the IFES team's visit, interviewees responded to the question, "Do you think the elections will be free and/or fair?" with answers that focused on one or two criteria and excluded others. Such a vision creates a distorted picture of a dynamic process and does not inspire changes in the behavior of any of the political actors.

Throughout the analysis, this report will address particular issues concerning the objectives of all criteria. From a technical standpoint, the previous Ugandan election experience suggests that there will be no problem related to meeting the first two criteria. However, the review of the Constitution, draft electoral bill and the substance of the interviews will show that the challenge of meeting the latter two criteria are not completely met in this election process.

### III. ORIGINS OF THE 1996 ELECTIONS

#### Historical Background

On October 8, 1995, the National Resistance Council approved the final draft of a constitution prepared by a 284-member Constituent Assembly. The present Constitution is the first document since 1967 which defines the country of Uganda and which expresses its current philosophical underpinning. Following independence in October 1962, Uganda's five kingdoms shared governance in a loose federation. However, in 1966, Sir Edward Frederick Mutesa II, the king of Buganda and the president of Uganda was deposed by Prime Minister Milton Obote, leader of the Uganda People's Congress (UPC). The 1967 constitution was primarily designed to remove the kingdoms from the political process, and to eliminate legal opposition to the Uganda People's Congress. In 1969, the National Assembly banned all political parties except the UPC, a ban which remained in place throughout the exile of President Obote, the bloody and internationally condemned rule of Major General 'Idi Amin Dada (1971-1979) and the brief tenures of Professor Yusuf Lule and Godfrey L. Binaisa (1979-May 1980). The return of Obote as President, and the UPC as the majority party in the National Assembly (an administration known as Obote II), was secured through elections on December 10 and 11, 1980. The restriction on political parties was relaxed somewhat prior to these elections, the UPC contesting with the Democratic Party (DP), the Uganda Patriotic Movement (UPM) and the Conservative Party (CP). The elections were denounced as fraudulent by the DP, and the Commonwealth International Observer Group reported a number of technical irregularities. Professor Lule of the UPM and Yoweri Museveni, Professor Lule's former Defense Minister, resigned from government to form the National Resistance Movement (NRM). The NRM, and its affiliated National Resistance Army (NRA) fought the Uganda National Liberation Army for the next six years. A July 1985 coup within the senior ranks of the military removed Obote for the second time; its leader, Brigadier General Tito Okello, installed former vice president Paulo Mawanga as Prime Minister. DP leader Paul Ssemogerere was named as the Minister of Interior. The NRA, refusing to join Okello's reconstructed army, continued to expand its control of the northern agricultural areas, and its

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power base in the southwest of Uganda. By the end of 1985, Museveni proclaimed an interim administration of the areas held by the NRA. He led a successful putsch against the Okello regime in January 1986. As Okello had done, Museveni moved quickly following his inauguration as President to include the leadership of all political groups in the new government. Ssemogerere was appointed as one of three deputy prime ministers in February 1988, and leaders from the north and east were invited to join the cabinet during the following year.

In 1989, the appointed National Resistance Council was converted to a mostly elective body, with a portion of the 214 seats still reserved for presidential appointments. One year later, the Council voted to extend its interim mandate, with Museveni as president, until January 1995. The Council, led by Museveni, proclaimed its intention to heal Uganda's economic and social wounds which religious, ethnic and political battles had inflicted since the end of the nineteenth century. This intention has served as the basis of the NRM's subsequent decisions to draft a new constitution, implement a new political system, and conduct "no-party" elections. In 1992, the constitutional commission of the NRC voted to extend the ban on political parties until 2000. The resolution came into force in January 1993. Museveni moved to reconcile decades-old differences with Uganda's monarchists through the approval of the restoration of the *kabaka* (king) of the Buganda. On July 31, 1993 Ronald Muwenda Mutebi, the son of Mutesa II, was crowned in a ceremony attended by Museveni. In addition, approval was provided for the coronation of Patrick Olimi Kaboyo as Kabaka of the Tooro kingdom, and for the installation of rulers of Bunyoro and Busoga. At present, only the Ankole kingdom does not have a ruler.

### **The 1995 Constitution of Uganda**

On May 14, 1993, President Museveni approved Constituent Assembly Statute No. 6. The statute was prepared in accordance with the Uganda Constitutional Commission Statute of 1988. The basis of the Constituent Assembly, in the words of the statute, is "in concert with the policy

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of involving the will of the people in the entire process of the national Constitution-making, that a truly representative Constituent Assembly be established to scrutinize, debate, finally redraft and enact the Constitution.” The structure of the Assembly was designated as follows:

**Composition of the Constituent Assembly**

<b>No. Of Members</b>	<b>Origin</b>
214	One per Electoral Area
39	One woman from each district
10	National Resistance Army
2	National Organization of Trade Unions
8	2 each from UPC, DP, CP and UPM
4	National Youth Council
1	National Union of Disabled People of Uganda
10	Presidential Appointment
288	Total

Decisions by the Constituent Assembly would be made by consensus. For fifteen months, the assembly debated on a number of issues in the prospective constitution, and made preparations to hold elections in December 1995. One controversial clause called for the complete dismantling of the federal system under which the kingdoms of Uganda had political influence. However, the debate reached a dramatic climax in late June 1995, when the Constituent Assembly refused to delete a clause in the draft constitution which identified the movement system of government as the unique political system. This was seen by the multiparty proponents as a rejection of the possibility of a multiparty political system. The multiparty supporters, known in the Constituent

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Assembly as the National Caucus for Democracy, were defeated 199 to 68 in a split vote with two abstentions. As a result, 64 members walked out of the debate and did not return for the final vote on the clause.

By late August, the Constituent Assembly voted to postpone the general elections from December 1995. The reason cited was the need for continued debate on the Constitution until October 1995, after which elections might be held within nine months. Although this vote was taken on the floor of the whole Assembly, opponents of the NRM saw the decision as yet another means to extend the protracted tenure which the NRM had set up in the Constitution. The Constituent Assembly was able to conclude its debates by its deadline of August 25. The new Constitution was enacted on September 22, 1995 and promulgated on October 8. During the previous five months, the constitution had been modified to allow the organization of political parties, as well as to include a bill of rights which was modeled on the UN Declaration of Universal Human Rights. However, a number of transitional provisions clearly reflected the intent of the NRM to control the administration of government for up to five years, and clearly outlawed the formation of new political parties before that deadline. The next elections would be contested by candidates who would run on "individual merit," prohibited from using their party affiliation as a part of their campaign strategies.

The international community registered varying levels of concern regarding the transitional provisions of the Constitution throughout the summer of 1995. On September 29, the British High Commissioner addressed the issue in a speech given at a seminar on the constitution. While giving appropriate credit to the strides made in the administration of the Constituent Assembly elections and the deliberations on the Constitution, the High Commissioner identified a number of situations which would have to improve before the concept of a level playing field could be applied to the Ugandan process. At a seminar hosted by the National Organization for Civic Education and Monitoring (NOCEM), the US Embassy Deputy Chief of Mission stated that "I

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cannot stand here and say that Uganda's new Constitution lives up to the promise of the process that created it...The burden is now on the government to demonstrate that it can pursue policies and devise an election law which ensures that there can be genuine competition for political power, despite the hobble of Article 269." President Museveni himself expressed general satisfaction with the Constitution, saying that it was a good political *Entandikwa* (the name of a revolving loan fund to benefit poor families), and that the Constitution reenfranchised the people of Uganda.

**Current Issues**

The new Constitution requires that presidential and parliamentary elections be held no later than nine months following the promulgation date. The latest date that the election may therefore be held is in early July. Election preparations are to begin following the passage of an electoral law. Given the time that remains prior to the election at this stage, it is essential that the law be approved so that preparations may begin as soon as possible.

The ambiguities in the Constitution regarding the definition of the National Resistance Movement, its powers and its guidelines complicate the construction of a logical argument to prove that the NRM has tilted the political and institutional tables in its favor. The fact that the Constitution embraces the movement system (whether it explicitly states that it also embraces the National Resistance Movement or not) throughout the body, and not just the Transitional Provisions, implies that the construction of the Constitution was more of a majoritarian than a consensual process.

#### **IV. CONSTITUTIONAL AND LEGAL FRAMEWORK OF THE 1996 ELECTIONS**

##### **Overview of the Constitution**

The Preamble, National Objectives and Directive: Principles of State Policy reflect the changing social, economic, cultural, and political realities of life in Uganda today. With respect to the developing election process in Uganda, articles of a political nature and specific principles are cited here for later reference:

- ▶ The state shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance.
- ▶ All the people of Uganda shall have access to leadership positions at all levels, subject to the Constitution.
- ▶ The state shall be guided by the principle of decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.
- ▶ The composition of Government shall be broadly representative of the national character and social diversity of the country.
- ▶ All political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organizations and practices.
- ▶ Civic organizations shall retain their autonomy in pursuit of their declared objectives.
- ▶ Everything shall be done to promote a culture of cooperation, understanding, appreciation, tolerance and respect for each other's customs, traditions and beliefs.

The Ugandan Constitution enshrines human rights in the body of its text, in recognition of the importance of this issue as part of the responsibility of every state. In particular:

- ▶ The state shall guarantee and respect institutions which are charged by the state with responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively.



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- ▶ The state shall guarantee and respect the independence of non-governmental organizations which protect and promote human rights.
- ▶ Every person shall have the right to freedom of speech and expression... freedom of thought, conscience and belief... freedom to practice any religion... freedom to assemble and to demonstrate with others peacefully... freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organizations.
- ▶ Women shall be accorded full and equal dignity of the person with men... The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement... Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.

*Political System*

The Constitution defines the nature, structure, and activities of political organizations in several articles. The first section of article 69 provides that "the people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda." The second section of the article defines the political systems from which the Ugandan people may choose: the movement political system; the multi-party political system; or any other democratic and representative political system.

Article 70.(1) defines the movement political *system* (but not necessarily the NRM itself) as broad based, inclusive and non-partisan. The system's political philosophy is based on the concepts of participatory democracy, accountability and transparency, access to leadership by all citizens, and individual merit as a basis for election.

The Constitution goes on to define guidelines for the formation and existence of political parties in Uganda. A partisan organization, according to article 71, must have "national character"; membership must not be based on gender, ethnic origin, religious belief "or other sectional

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division"; must be organized in conformity with the democratic principles enshrined in the Constitution; must conduct regular elections, again in accordance with the principles stated in the Constitution; must account financially for its funding sources; and may not compel persons to join it because of their other interests.

One key issue of this section is that although the term "movement political system" is styled as a means for Ugandans to choose their leaders, the wording of the article is of sufficiently political nature as to imply that the political philosophy of the system is more important than the means. Further, the name of the system informs a strong association with the National Resistance Movement. These sections of the Constitution define every governing institution in Uganda except the NRM. By not defining the NRM as a party, the Constitution exempts the NRM from the rules which will govern the activities of political parties. At the same time, the NRM's description of itself as a "nonpartisan" institution implies that it has the guiding ideology that is characteristic of a political party.

### *Legislature*

Chapter Six of the Constitution defines the composition and size of Parliament. As with the Constituent Assembly statute, the Parliament includes one representative from each electoral area; one woman from each district; other "representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine;" and the Vice President and Cabinet Ministers.

### *Executive*

Chapter Seven of the Constitution establishes the President of Uganda as the head of state, head of government and commander in chief of the armed forces. The President is elected by direct,

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universal suffrage, with more than 50% of the valid votes cast in an election. Following the election, the President submits the name of his or her Vice President for approval by Parliament. The President may name as many member to Cabinet as "may appear to the President to be reasonably necessary for the efficient running of the State."

*Judiciary*

The judicial branch of the Ugandan Government is to be guided by five main principles: justice delivered without respect to the contestants' economic or social status; justice delivered speedily; adequate compensation awarded to victims of wrongs; promotion of reconciliation between contestants; and "substantive justice administered without undue regard to technicalities."

The judiciary is described as an independent body consisting of the Supreme Court, the Court of Appeal, the High Court and civil courts which the Parliament may establish.

*Local Government*

The local government structure of Uganda, developed in Chapter 11 of the Constitution, is based on the principle of decentralization. Uganda is currently divided into 39 districts. Each district is to be administered by a directly elected district council. One third of the council membership in each district is to be reserved for women, and affirmative action policies are to be followed in respect of minorities and disabled persons.

The District Chairperson is the directly elected political head of the district, and the Council elects a speaker of the District Council who functions in a similar manner to the Speaker of Parliament. The Chairperson is to be assisted by a Resident District Commissioner, who is directly appointed by the President.

### *Defense Forces*

Chapter 12 defines the role and position of the two defense branches of Uganda, the Uganda Peoples' Defense Forces and the Uganda Police Force. The UPDF is to be nonpartisan and national in character and subordinate to civilian authority. The Uganda Police Force (and other police forces as Parliament may create) are to be of national composition and work in cooperation with civilian authorities. The Uganda Police Force is to be commanded by the Inspector General of Police, who is appointed by the President.

The final article in this chapter reminds the defense forces that it is their duty to observe and respect human rights and freedoms in the performance of their duties.

### *Transitional Provisions*

Articles 263 through 271 define the system and operations of the Uganda government from the date of the promulgation of the Constitution for an unspecified period. Article 263 states that the NRM government is to continue in office until a new government is elected. According to the Constitution, that would be for the interim nine-month period after the date of promulgation. The NRM Government is directed in Article 264 to appoint an Interim Electoral Commission, to develop laws for the next elections, and to make appropriate resources available to the Interim Electoral Commission. Other branches of government, such as the judiciary and the defense forces, are to remain as they are currently constructed.

Article 269 restricts the activities of political organizations *prior to the promulgation of campaign regulations as defined in the Electoral Law*. The restricted activities are the following:

- opening and operating branch offices;
- holding delegates' conferences;
- holding public rallies;

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- ▶ sponsoring, offering a platform to or otherwise campaigning for or against a candidate; and
- ▶ carrying on any activities *which may interfere with the movement political system* for the time being in force.

Article 270 states that all parties currently in existence may continue to exist and operate within the guidelines of the Constitution until the Electoral Law is promulgated. Article 271 directs that all elections take place within the movement system. While parties are not exactly barred from meeting and organizing in this Constitution, they are barred from performing most of the activities which parties conduct in order to function. In addition, the phrase in Article 269 which outlaws any activities which "may interfere" with the movement political system, defined in Articles 70 and 71 as a "nonpartisan, broad-based" entity, implies that activities of a political organization, based by definition on some type of partisan orientation, automatically may interfere with the movement political system, and as such are subject to legal restriction. The political party representatives interviewed by IFES identified articles 269 and 271 as the most egregious example of the tilted nature of the political playing field in the run-up to the 1996 Ugandan elections.

Article 271 goes on to describe the mechanism by which a new political system may be chosen. Two years before the expiration of the term of the Parliament which will be elected in the 1996 poll (which at the latest would be July 1999), any person (as opposed to a political party) may seek support for a political system of his or her choice, as long as the system falls within the guidelines of Article 69. The seeking of support may be conducted in preparation for a national referendum which will be held during the last month of the fourth year of the term of Parliament. Assuming a July 1996 election at the latest, the date of the referendum would be approximately May 2000.

The NRM government, that is, the people who make up the government who are by definition members of the NRM, hold their elected and appointed offices until the elections. Then a

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Parliament and president are elected under the movement political system, and a new government is elected. According to the NRM representatives, this does not mean that persons elected under the movement political system in 1996 will necessarily have to be members of the NRM before they are elected. According to the representatives of the UPC and the DP, this means that those persons elected in 1996 will probably be NRM (since they will have had the most efficient resources to reach the largest number of people) and will probably vote to continue the NRM political system through the next several years. This scenario is aggravated by the NRM's ambiguous status as a nonpartisan group of people who share the same general political philosophy, and the NRM's fundamental assumption that it embodies the overarching political interest.

Articles 269 and 270 both state that their directives are in effect until such time as an Electoral Law is promulgated. Although the amount of time between the promulgation of the Constitution and the mid-January expected date of the Electoral Law is not long, representatives of the political parties have taken umbrage at the suggestion that their current activities may not be continued under the Constitution. Another point worth considering is that the Electoral Law probably will not differ significantly from the election-related provisions in the Constitution. Therefore, there is justification for the political parties to read these provisions as a curtailment on their activities for some time to come. In contrast, the media reported throughout the IFES team's stay that representatives of the NRM were conducting campaign activities from addressing rallies to naming campaign teams. Since the NRM is not officially a party, it is presumably exempt from any regulation of party activities, yet its members are prepared to contest the election in the same manner as the representatives of the political parties.

*Comparison to Free and Fair Criteria*

Two criteria of free and fair elections, cited earlier, are applicable to the Constitution here. Within the standard of "Candidature, Party and Campaign Rights and Responsibilities," parts of Articles 269 and 270 contravene the concepts involved. Section 7 of the "Candidature" criterion states that the rights to take part in government, to join and establish political parties, and to express political opinions "may only be subject to such restrictions of an *exceptional* nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order...shall not be applied so as to violate the principle of non-discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Without making the case that Uganda is in a state of current public disorder, the constitution outlaws, at least temporarily, a number of internationally acceptable political activities.

The fourth criterion, "The Rights and Responsibilities of States," provides that "the State and its organs should therefore ensure: that freedom of movement, assembly, association and expression are respected, particularly in the context of political rallies and meetings; that parties and candidates are free to communicate their views to the electorate..." Again, articles 269 and 270 clearly state that such constitutional provisions which protect and guarantee those rights are temporarily suspended, without a compelling argument to support that decision.

**Specific Election Issues**

Article 103 details the procedures for declaration of the winner of a presidential election and the release of the results. A candidate who has gained more than 50% of the valid votes cast in an election shall be declared the winner. If no candidate gains more than 50% of the valid vote, a second round of elections will be held between the two candidates who have the highest number

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of votes within thirty days of the first election. In the second election, the candidate who obtains the highest number of votes is declared the winner.

Official results of the presidential election are to be released by the Electoral Commission within forty-eight hours of the close of the poll. In the case of a necessity for a second round, the election is to be held within thirty days of the declaration of results. The inauguration of the winner of the elections is either within 24 hours of the expiration of the term of the outgoing President, or within 24 hours of being declared the winner.

### **Electoral Commission**

Chapter Five of the Constitution, "Representation of the People," outlines the role, structure and functions of the Electoral Commission. The Commission consists of seven members, one of which serves as the Chair, another who serves as Deputy Chair. All Commissioners are nominated by the President and subject to approval by Parliament. The term of each Commissioner is seven years, with the possibility for one renewal. No current civil servants, such as Members of Parliament, Local Council members, or members at the executive level of any political organization may serve as Commissioners.

The functions of the Electoral Commission are set out thus:

- ▶ to ensure that regular, free and fair elections are held;
- ▶ to organize, conduct and supervise elections and referenda in accordance with the Constitution;
- ▶ to demarcate constituencies in accordance with the provisions of the Constitution;
- ▶ to ascertain, publish and declare in writing under its seal the results of the elections and referenda;
- ▶ to compile, maintain, revise and update the voters' register;
- ▶ to hear and determine election complaints arising before and during polling;
- ▶ to formulate and implement civic educational programs relating to elections; and



- ▶ to perform such other functions as may be prescribed in law by Parliament.

The Constitution describes the Commission as an independent body, which is not subject to the control of any other authority. In addition, the Commission shall be a self-accounting institution, to deal directly with the Ministry concerned with its finances. Parliament is directed by the Constitution to provide "adequate resources and facilities...to the Commission to enable it to perform its functions effectively."

The Electoral Commission is also mandated to deal with matters of Parliament such as investigations into motions of recall.

Section 67 of the Constitution deals with the responsibility of the Commission to announce elections and also with access to state media and other public resources. The Commission is "to ensure that elections are held at times **fixed and notified in advance to the public.**" Since the Parliament shall be dissolved no earlier than thirty days prior to the end of each five-year term, the Electoral Commission may reserve the right to determine as well as to announce the election date. The second and third clauses of the section prescribe access by all candidates to state media; and that presidential candidates will be accorded equal time and space on state media for campaign purposes. The fourth clause goes on to state that Parliament shall make laws regulating the use of state resources and institutions for campaign activities; it is assumed that the Electoral Commission is responsible for ensuring compliance with those laws. Because of the sensitive political nature of these clauses, it is imperative that the electoral law clearly define what powers and duties the Electoral Commission will have in the regulation of campaign activities. Furthermore, it should define, for the period of the elections, the Commission's relationship to the Ministry of Information and other ministries in which the use of official resources is relevant.

## Electoral Law

At the time of the IFES team's visit to Uganda, the electoral bill had not yet been tabled in Parliament. The latest information was that the law was in the chambers of the Attorney General or the Cabinet. Following the tabling, the Electoral Bill must go through two readings in Parliament before it becomes law. There was continued speculation as to whether a separate bill would be required for the parliamentary and presidential elections. Due to the short time remaining in the current parliamentary session, the earliest estimate of the tabling of the bill was mid-January. IFES was able to review an early, partial draft of a bill for parliamentary elections. As a basis for comparison, the team examined the relevant constitutional provisions and the law for the Constituent Assembly elections. Issues which are covered in this section may be more relevant to the Constitution or the previous election process, but also concern the administration of future elections.

The bill describes additional functions of the Commission:

- ▶ ballot design, printing, distribution and control;
- ▶ ballot box provision and distribution;
- ▶ establishment and operation of polling stations;
- ▶ ensuring that the election process is conducted under conditions of complete freedom and fairness;
- ▶ establishment of secure conditions necessary for the conduct of the election;
- ▶ ensuring that the candidates campaign in an open and organized manner;
- ▶ accreditation of any individual, group of individuals or association to observe or monitor elections; and
- ▶ to ensure compliance by all election officers and candidates with all of the provisions of the law.

### *Voter Registration and List Maintenance*

The draft bill extends the related provision in the Constitution to provide for a permanent voters' register. Between elections, the register is to be updated primarily through district level offices,

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run by the Returning Officer in each district. Prior to elections, additional staff persons will be hired through those offices to update the register. The register is to be displayed at the district offices for inspection and copying purposes, and will be organized by polling station. Individuals or groups are free to make copies or to make extracts from the register. The Commission may also print copies of the entire voters' register in Kampala. Copies of the entire voter register are available from the Commission for a fee.

The register will be displayed officially for fourteen days (with an option to increase to 21 days) in anticipation of an election. The period is to be gazetted by the Commission.

The punishable offenses in the section on voter registration are those of personation, registering under a false name, and impeding the registration of voters in any way.

Sections 62 and 63 of the Constitution define the delimitation of constituencies and general outlines for the process. Each county in Uganda shall be designated as a constituency and will elect at least one member of Parliament. Counties should be designated by geographical area, population density, boundaries of districts and means of communication. Each constituency should also be based on a population quota; that is, the number of the total population of Uganda divided by the current number of constituencies. A review of the constituency boundaries is to be carried out within twelve months of a national census.

Grievances regarding the drawing of constituency boundaries may be heard before a tribunal appointed by the Chief Justice. The Commission is bound to carry out the decision of the tribunal. However, a grievance may be brought before the High Court if the complainant is unsatisfied by the decision of the tribunal. The draft bill's provisions for the drawing of constituency boundaries are similar to the procedures outlined in the Constitution. Other complaints regarding irregularities should be submitted to the Commission in writing following an

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unsuccessful attempt made to resolve them at lower levels. Decisions made by the Commission may be appealed to the High Court.

The Electoral Commission may in case of emergency extend the time period prescribed for any action related to elections, and may increase the number of polling stations and staff. However, the Commission is not to use this discretionary power to extend the deadline on candidate registration, or to open the voting prior to the published time and dates for these activities.

It will be important for the Electoral Commission to do an effective job in publicizing the Electoral Law's guidelines on the regulation of campaign activities. While the Commission cannot police every incident as it happens, it can raise the level of awareness so that the policing is more of a universal responsibility. It also protects the Commission if it is pressured by any particular political interest.

## V. TASKS REMAINING BEFORE THE NEXT ELECTION

The Constituent Assembly election process was reviewed and evaluated by a number of financial, national and international sources. A great deal of this information was compiled in the Constituent Assembly Elections 1994: Official Report. Between this and the information gleaned from interviews, the IFES team understood the main issues or tasks to be performed in anticipation of the 1996 elections. The primary areas of concern were training and education procedures, timely acquisition of funds, and timely purchase of election equipment. The government tender system, through which the Commission purchased gasoline, trucks and boxes, took more time than promised, and delayed the acquisition of materials, distribution and transportation throughout the whole system. In addition to the financial issues, lack of sufficient time before the CA election was a problem in the training of election personnel in election procedures as well as in voter education efforts. However, it is anticipated that the experience gained during the CA elections will serve to facilitate the training sessions required for each election process. At the time of the IFES team's visit, the Commission was in the process of completing a computerized update of the voter register, one of the tasks that it identified at the conclusion of the CA election period. The IFES team met with the Constituent Assembly Commission three times during the assessment mission. Discussion on those occasions centered on the registration update process, which had started several months ago and which was due to be completed by the end of December. The absence of a final list of members of the Electoral Commission made many members and staff uncomfortable answering questions at the beginning of the mission. Furthermore, the staff was noncommittal about several technical issues which would presumably be clarified in the Electoral Law. In the last week of the IFES team's visit, however, the discussions were more substantive and dealt mostly with issues of communication between the Electoral Commission, election staff and the voters. With as little as six months before the general elections, it will be imperative for the Commission to determine its priorities, develop an elections calendar and decide which tasks can be performed more efficiently after the election.

## **Voter Registration**

At the conclusion of the Constituent Assembly deliberations, the Commission took up the task of updating and computerizing the voter register. This task was performed in order to add citizens who had become eligible to vote since the last election; to remove deceased voters; and to transfer the registration of voters who would be voting in a different place during the coming election. In addition, the Commission felt that a computerized register would be useful in eliminating a number of the problems that voters experienced in 1994. The computer printout would improve on the written register first because it would be controlled centrally. A master copy of the complete register would reside in Kampala. This in turn would facilitate the Commission's estimates of the amount of election materials which would be required and enable them to begin the ordering process as soon as their official mandate begins. Last year, confusion about the manner in which the registration books were to be filled out resulted in original editions of the register being kept at Kampala, with no copies for the polling stations. An increase in the capacity of the Commission to distribute copies of the register would enable the central and local election operations to continue uninterrupted.

As stated earlier, the Commission staff is in the process of entering data on all of the registered voters. Due to budget constraints, the staff who are working on the register are working one daily shift. However, Commissioner Akabway stated that the process would be complete by the beginning of 1996. The date for display of the register is to be determined by Parliament (via official gazette), and the register is to be made available at the polling station level. Voters who go to the polling stations to check their names on the register will be able to pick up their new cards (as necessary) at that time. Final corrections to the register are to be made within a week of the posting of the register.

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Commissioner Akabway mentioned that periodic announcements regarding the registration process had been made via the radio and the newspapers. However, most of the representatives with whom the team met were either unaware that registration was going on, or providing inaccurate information about the process. Since what is going on is an update rather than a formal registration, the number of voters who will be affected is relatively small. However, this apparent gap in knowledge will be exploited by the political parties to the disadvantage of the Electoral Commission during the coming months. It is important for the Commission to use its resources to inform all voters of their status and to encourage them to review the register when it becomes available.

**Delimitation of Constituencies**

The Constitution provides that a review of current constituency boundaries should take place within twelve months of a national census, that is, every ten years. A constituency delimitation exercise was carried out prior to the Constituent Assembly elections, and the results of the process were challenged on the sub-county level. At one point during the IFES mission, the concept of redrawing boundaries again was brought up. However, it appears that the conflicts which arose during the Constituent Assembly election process were resolved to the satisfaction of all concerned. At this time, the available resources might be better applied to immediate tasks, and the process of constituency delimitation postponed either to the next census or to some time between elections.

## 1996 Election Candidates

### *Campaign Activities*

The Constituent Assembly Statute and the draft bill provided basic information on the campaign process. However, the IFES team was unable to obtain concrete information on the rules or the methods of regulating campaigns. The issues of campaign activities, regulation and complaint resolution will be the most contentious and those on which the Electoral Commission will be most closely scrutinized. It is imperative that the final Electoral Law clearly define its terms regarding candidacies, political parties, legal and illegal (to some extent, ethical) campaign activities and access to voters. The Constitution's ambiguous definitions of these terms will further skew the advantage of some candidates; the Commission is currently the only organ within Uganda which will be trusted to provide clarification on the terms. Furthermore, the Commission will have to significantly raise the efforts that it puts into providing information on these rules to the public. At one point during the discussions, Commissioner Akabway expressed the need to be visible and available to resolve disputes throughout the campaign and election process. One way that this objective can be achieved is through the development of an informed electorate. The more people who are aware of the differences between legal, illegal and marginal campaign activities, the less likely such activities are to require personal attention.

Following the conclusion of the Constituent Assembly deliberations, an unofficial election campaign began. Members of the CA returned to their areas to highlight or to defend their performances during the past year. The news media carried reports of campaign teams being formed. At the time of the team's visit, it appeared that there were more advantages to potential candidates to begin campaigning, informally, than to attempt to accuse other candidates of campaigning illegally. As a result, a number of resources have been employed in the interim between the Constituent Assembly activities and the promulgation of the Electoral Law.



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However, neither the Constituent Assembly nor the Interim Electoral Commission has had the authority or guidelines to regulate these activities. During an interview with the Commission, the consensus was that the illegal activities would have to cease once the Electoral Law was in place. Nevertheless, the Commission will have difficulty in curbing activities which will have become routine by the time the campaign regulations are publicized.

The Commission might be assisted in its policing efforts if it developed a Code of Conduct which would be agreed by the candidates, and by any group of persons who organize to assist a candidate in his or her campaign. The Code could be developed by members of the Commission in cooperation with members of these groups; due to the requirement that candidates run campaigns on "individual merit," it would be impossible for every political interest to be involved in preparing the code.

*Election Procedure*

Details on the voting procedures followed during the Constituent Assembly election are documented in the Constituent Assembly Commission report. Neither the draft electoral bill nor the Constitution were specific about the methods which should be used during the coming elections. However, it is appropriate to reiterate three of the international criteria for free and fair elections, those of the right of voters to cast ballots in secret, the right of voters to equal and effective access to polling stations, and the obligation of the state to create the atmosphere in which the rights may be exercised. The procedure used during the CA elections, of polling stations set up outdoors to enable all persons interested to watch the process, may perhaps be modified to enhance secrecy in the voting. A number of interviewees complained that with two items on the ballot, it was fairly easy for persons to tell how voters were voting, since they had no way to conceal the movements of their hands. A cardboard folding screen, such as those which are used in Haiti and Canada, could be placed on a table and would conceal only the voter's arms

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and torso. In addition, a number of people complained that elderly, uncomfortable and otherwise incapacitated voters were "assisted" in the polling station by candidates' agents. In some cases, the voter announced for whom he or she intended to vote and was directed to the appropriate polling agent to cast a ballot. The procedure of assistance should only be carried out either by available polling station staff or by someone of the voter's own choosing.

### **Logistical Issues**

The Constituent Assembly Election Report identified a number of incidents in the registration, data entry, equipment distribution and vote processing procedures where a shortage of time or an underestimation of requirements created crises at the last minute. The thoroughness of the reports which have been generated from this process represent the first step in resolving most of the problems cited. With the current registration information and an election date projected most likely in June, the Electoral Commission can begin to determine when funds have to be available, from whom (the government or the international community) and by which deadlines; how many and in what increments ballots will be needed (the current overage of 5% may need to be increased, in light of the shortages reported last year); how many vehicles will be needed and repaired, in addition to other distribution questions.

### **Civic Education**

The Constitution and draft electoral bill state the obligation of the Electoral Commission to conduct civic education activities related to the upcoming election process. This implies that more than the minimum of information, such as the gazette and periodic radio announcements, are required. The Commission has the responsibility to encourage people to learn about and take part in the election process.

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Prior to the CA elections, two core civic education trainers for each district were briefed at the Uganda Management Institute. The training sessions used the materials which were developed for the training of election workers. The trainers then returned to their districts to train two district-level trainers, who in turn trained one trainer from each parish, for a total of approximately 4300 trainers throughout the country.

In addition to providing the pollworker information to the civic education trainers, the trainers were instructed to use the methods that they thought would be most efficient to get their messages across. The methods included addressing gatherings at church; traveling door-to-door and speaking at Resistance Council meetings. In addition, members of the Commission themselves traveled through the country to introduce themselves to the voters and to engage in voter education activities. Finally, five drama groups were contracted by the Commission to perform plays related to the elections in eight local languages.

The report cited lack of sufficient time in training and implementation , and underbudgeting for materials such as posters and air time, as problems with the civic education program. In addition, the persons whom the IFES team interviewed were concerned that while the civic educators in general were effective, a number of individuals were providing insufficient and biased information. As a result, some of the political activists (who had been candidates in the CA elections) felt that they had to provide basic information that could have been more objectively delivered by the Commission.

At present, the Commission expressed a desire to wait to develop a civic education program until the Electoral Law is approved. While this is important for the educators to learn the correct information about the registration and voting procedures, the time constraint as well as the more complex issues surrounding campaign activities will require more work on the part of core trainers and local educators in this election. Plans such as the recruitment of trainers, or design of

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a curriculum, should begin now, with the information to be added as the actual dates approach. A primary step will be to review the amount of funds dedicated to civic education efforts during the CA election and to increase the budget.

In general, the opinions of the Commission, local NGOs, members of the international community and party activists were that an improved civic education would involve more trainers who begin work early; more materials for educators to distribute throughout the country; and continuous instruction to the educators as well as to the voters. Special emphasis should be placed on impartial delivery of information, and impartial settings for civic education. For example, Resistance Council meetings should only be used for civic education purposes if the candidates also have access to them. The IFES team noted that the *chaka mchaka* meetings, generally to train NRM cadres, were described as "civic education" activities by NRM activists, and as propaganda by others.

### **Monitoring and Observation**

The draft bill states that the Electoral Commission, in accordance with the Constitution, has the power to accredit individuals, groups and institutions to serve as election observers or monitors. However, the second clause in this section states that no Ugandan citizen may be accredited as an observer. Although it may be inferred that this clause is intended to distinguish international observers from domestic monitors, there is no definition of either term in the Constitution or the draft bill. Unless this discrepancy is resolved, the possibility exists that this rule will be applied inconsistently and on a biased basis to Ugandan individuals or groups wishing to monitor the election. Among the criteria for free and fair elections, the protection of the rights of observers and monitors falls within the responsibility of the state. As such, the degree to which international observers and local monitors are free to perform their duties will be a subject of international scrutiny.

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During the IFES team's visit, one organization (National Organization for Civic Education and Monitoring) had become registered as an NGO. NOCEM monitored the elections in 1994, but was accused of providing biased information in its education and monitoring efforts. A number of political activists mentioned local groups which expressed an interest in monitoring. It is important that the Electoral Law recognize the contribution that local monitors make to the process in any election. While the Electoral Commission may not be able to intensively police the activities of the individual monitoring groups, it can set standards for accreditation and activities, and can include those standards in its civic education efforts. In the delicate area of compliance with campaign rules and regulations, a series of objective voices will be essential for the transmission and resolution of compliance and complaints.

## VI. POLITICAL PERSPECTIVES

In order to properly prepare for and conduct elections which at their outcome will be regarded as having been free and fair, both the political will and the organizational capacity must exist. The IFES team met with several individuals and heard differing opinions regarding the level of interest and their intentions to participate. The opinions were generally split along the question of whether the NRM (few distinctions were made here between the group and the system) would allow a fair process to take place, with the political parties the most pessimistic, followed by the NGOs and the media on one side; and the NRM representatives, the female delegates to the Constituent Assembly and the Electoral Commission ranging from optimistic to confident that the election process would take place in an atmosphere of cooperation.

### **The 1995 Constitution**

#### *National Resistance Movement*

Most of the senior level government officials with whom the IFES team met expressed satisfaction with the constitution as it was written. They felt that it offered clear guidelines regarding the legal and illegal campaign activities, and that where the Constitution was not clear, the Electoral Law would make appropriate distinctions. On the issue of political party organization, the impression was that the Constitution represented a compromise between the hard line delegates who wanted to permit the re-entry of the DP and UPC (and any new parties) into the election process, and other hard line delegates who associated those parties with the violence and the ethnic and religious conflicts that have characterized Uganda's history since independence. As such, the possibility that the NRM system and its proponents might remain in power for another five years was viewed as a step forward rather than a restriction on current activities. Without naming names, the officials stated that the Constitution and the law would be sufficient to control the behavior of most candidates, and conversely that all candidates were granted equal access to all areas of Uganda to campaign, as long as they stayed within the

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boundaries of the law. Deputy Prime Minister Eriya Kategaya stated succinctly that the NRM was trying to create a culture of rules, above which no one may operate.

*Women*

The female former Constituent Assembly Delegates (CADs) expressed general satisfaction with the Constitution and its affirmative action provisions. They felt that the current system of indirect elections for the women's seats should be replaced soon after this election, as the voters were already becoming suspicious about the implications of women gaining seats in Parliament with minimum qualifications.

*NOCEM*

Representatives of NOCEM felt that the Constitution represented a good deal of intelligent debate on the part of the Constituent Assembly delegates. Although many issues could have been resolved through bloc voting, most CADs took the time to conduct research before presenting their arguments on an issue. Most of all, the NOCEM representatives thought that the CADs acted independently.

Through their seminars to present the Constitution to voters, NOCEM reported that the participants feel a sense of ownership of the document which was not present in the early '60s. At this time, NOCEM had not developed a strategy on how to educate voters on the transitional provisions. However, the representatives indicated that they thought legal challenges to those provisions might be posed following the 60-day embargo on lawsuits related to the Constitution.

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*UJCC*

The Uganda Joint Christian Council representatives have concentrated their efforts in the past two months on sensitizing voters to the constitution, with explanations as to their rights. Their experience in the field has been of positive to negative reactions to the Constitution, mostly in the "multiparty" areas. Nevertheless, they reported a high level of interest on the part of the citizens they met.

*Uganda Peoples Congress*

The Uganda Peoples Congress representatives offered only negative comments about the constitution, but concentrated on the transitional provisions. Few if any comments were offered about the remaining two hundred and fifty articles, since they were completely subordinate to the transitional provisions. They felt that it was not up to the makers of the constitution to determine that political party legalization should be a referendum issue. The Constitution, in their eyes, was simply not viable.

*Democratic Party*

The DP representatives were more specific about their issues of disagreement with the Constitution. They appeared to be most concerned about the concept of "individual merit" and the fact that this was not defined last year or in the current Constitution.

**Electoral Law**

Discussions in this area centered on the expectation that the Electoral Law would provide specific guidelines on the use of financial resources.



*NRM*

Various NRM officials expressed the hope that the Electoral Law would be specific about campaign regulations, to the point of defining candidates' meetings, consultative meetings and rallies. Dr. Crispus Kiyonga, Minister of Internal Affairs, indicated that he was interested in ensuring that both the senior and local level police officers were aware of the procedures and rules for campaign activities; to this end, he would organize seminars encouraging the police to recognize their role as facilitators, or at most part of the arbitration system, as a means to interpret the Electoral Law. Many officials felt that the law should also define what resources could legitimately be used by incumbent candidates in their campaign activities; require public financial accounting of campaign expenses; and provide public financing of campaign activities. Some felt that there should be a ceiling on campaign expenditures.

*NOCEM*

The expectation that the Electoral Law would address campaign finance was echoed in this meeting. The group has prepared one training manual on civic education issues, but is eager to produce one on the electoral procedures as soon as the Electoral Law is promulgated. The primary concern with campaign finance is on how government resources may be distinguished from personal or universally allocated resources. Here, the representatives felt, is the most tangible evidence of the existence or absence of a level playing field.

*Democratic Party*

The DP representatives cited the need for the Electoral Law clarification of some of the concepts outlined in the Constitution. For example, the concept of "individual merit" is currently so ambiguous as to lose a good deal of meaning. If a candidate is able to organize other persons

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who carry his or her message out to outlying areas, or to conduct fundraising activities, or who provide transportation assistance, then that candidate has essentially organized a partisan organization. Hon. Omara Atubo added that the political parties have been prohibited from fundraising since 1985, so it is unlikely that the party systems can mobilize sufficient funds on their own.

*Electoral Commission*

Commissioner Akabway hoped that the law would be specific regarding the nomination process, specifically regarding the Commission's ability to prosecute related infractions as soon as possible. In general, the Commission should have more discretion to deal with campaign violations. The Electoral Law should also provide guidance on candidates' meetings, and other fora where candidates are granted equal access. In addition, the rights of special status voters, such as pollworkers, military and students, should be protected such that they can cast votes in their constituency.

**Campaign Activities**

The consensus among the persons interviewed was that campaign activities had already begun. It was difficult to discern the veracity or the degree of exaggeration in the interviewees' experiences; this issue points most clearly to the need for the Electoral Commission to produce information on the campaign regulations as soon as possible. An incident in which DP President Paul Ssemogerere was returning to Kampala was interpreted by the DP as travel for health reasons and as a fundraising effort. From the airport, an organized or spontaneous group escorted Ssemogerere to a rally. The motorcade was prevented from coming through the center of Kampala, and the rally was canceled. The official version of the incident was that there had been

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no permit for a motorcade, and the police who stopped it were unaware that a rally was planned. The unofficial version was that the interruption was politically motivated.

The IFES team also heard unsubstantiated allegations that money, bicycles and political favors were being exchanged in the ongoing activities.

All of the persons interviewed expressed satisfaction with the candidates' meeting format as a means for the individual candidates to present their issues on an equal footing with the voters. The women felt that this was a great advantage to them, whether they campaigned for the women's seats or not. Everyone stated that the meetings should be more frequent.

Commissioner Akabway indicated his intention to allow the candidates as much leeway as was reasonable in the scheduling of candidates' meetings and rallies. To avoid regular disputes, he stated that candidates should be allowed to schedule their own meetings by consensus. They could advise the Commission, and the local police force regarding the date and time of the meetings. This method seemed to work effectively during the CA elections.

### **Electoral Commission**

Stephen Akabway expressed that there is a commitment on the part of government to "free and fair elections." He did point out that there are people who are not registered but that the number was relatively few. He stated that all presidential candidates should be provided security, transportation, public funds, and equal time with respect to the public media. Chairman Akabway stated that the voting rights of particular individuals - based on functions and circumstances - should be protected, i.e., military personnel, polling officials, agents of candidates, and students. He said that the Commission is open to the public and information is being provided to the political parties and potential NGOs.

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Although some of the groups that IFES interviewed complained about the way that the register was handled during the CA elections (an issue covered in the Commission's report and in other studies), the consensus was that the Electoral Commission had operated fairly in the past, and that Stephen Akabway could be trusted to conduct an election in accordance with the law. The one objection among the NRC to his appointment came from the parliamentary representative from Koboko County, Arua, Mr. Benjamin Moro, who blamed the Commissioner for his own defeat in the CA on the basis of the announcement made on election day that persons with valid registration cards could vote even if their names did not appear on the register.

Below are the names and brief background summaries of the new members of the Interim Electoral Commission, prepared by Judith Geist.

**Stephen Bewseri Akabway**, 54, Chairman of the Elections Commission, formerly Chairman of the Constituent Assembly Commission, responsible for the administration of the Constituent Assembly elections in March, 1994 as well as the administration of the Constituent Assembly throughout the constitution-making exercise. Born in 1941, Ngora County, **Kumi** District. B.A. Dar es Salaam in the late 60s, a diploma in English Teaching from Nairobi University College, and a Fellow of Royal Arts (Edinburgh); an "old boy" of Ntare School (attended by Yoweri Museveni), where he was head prefect. Akabway is professionally a graduate teacher of linguistics and economics, was a Senior Inspector of Schools attached to the National Teachers College, Kyambogo, and served as a Senior Principal Revenue Officer for the Uganda Revenue Authority. A member of the Presidential Commission for Teso. Has written several school books in English and Ateso. Presently a member of the Charter Drafting Committee of the African Association of Election Administrators.

**Mrs. Florence Nkurukenda**, Deputy Chairperson, formerly the Women's representative for **Masindi** in the NRC (but who did not run for any seat in the CA). Mrs. Nkurukenda, 55, born in Kabale, is a graduate teacher with a B.A in fine arts and a diploma in education; was Deputy Minister of Local Government from 1989-1991 (and was reportedly one of the victims of the July 1991 "cabinet massacre"); and was, until her appointment, the chairperson of the Uganda women parliamentarians. Her name was bruited about as serving on Museveni's campaign

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team some weeks ago, but this was vigorously denied by the Minister of State for Constitutional Affairs as well as several of her female colleagues in political circles.

**Mr. Charles Owor**, most recently the CA delegate for Aswa County, **Gulu**, is a Makerere University law graduate and has a master of laws degree from the University of West Indies, Barbados. In the CA he was a member of Select Committee III, which handled the chapters in the executive, legislature and judiciary, and was also a member of the Legal and Drafting Committee. He is reported to be a "self-confessed UPC member and also a member of the National Caucus for Democracy.

**Haji Aziz Kasujja**, from Bukoto, **Masaka**, a banker with a B.A. degree who was employed over a long period by the former Libyan-Uganda Arab Bank (now Tropical Bank), has been a Presidential nominee to both the CA and the NRC, and was a member of the Odoki Commission which produced the draft constitution. He is reported to have fled into exile during Obote II and eventually to have joined the NRM struggle. He is a member of the National Advancement of Muslims (NAM) of Sheik Obeid Kamulegeya and a supporter of Sheik Rajab Kakooza's faction at Kibuli Mosque.

**Hajati Syda Namirembe Bbumba**, a senior banker with the Uganda Development Bank, has a bachelor of commerce degree from Makerere University. Prior to her appointment she was head of the finance division of the Uganda Development Bank. She is the chairperson of the Organization of Muslim University Women in Uganda.

**Mrs. Margaret Sekaggya**, a lecturer of law at the Law Development Center, has been a magistrate and was appointed as a researcher to assist the Constituent Assembly with legal issues.

**Mr. Philip Idro**, 42, is an economist from Makerere University. He is a former RC5 chairman, **Moyo** district, and was defeated during the 1989 elections, reportedly because he was not in close enough touch with the grassroots. It is indicated in the New Vision's summary of the appointees that he was one of the UPM's few contacts in the northwestern part of Uganda in the 1980s.

## **Women**

During the Constituent Assembly elections, 39 seats (one per district) were reserved for women. In addition, nine women ran and won regular Constituent Assembly seats. The reserved seats

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were indirectly elected, through an electoral college consisting of up to 1500 Subcounty Women's Council and Resistance Council (III) level members of each district. The Constitution retains the same structure of indirect representation by women in the new structure of Parliament. IFES was unable to obtain information on the type of election system which would be used for the 1996 women's seat elections, as it was not part of the draft bill.

The introduction of "affirmative action" seats in the major legislative body of a country is a significant step in an emerging political system. It recognizes that the simple recognition of the equality of all persons under the law does not always guarantee policies or behavior on the part of the constituents which reflect that equality.

### **Press and Media**

There are public and private media outlets engaged in the process of gathering and reporting news. There is a relative degree of freedom being exercised by those who are part of the media/press. In addition, there is a number of different political views being espoused by the various outlets. There are several daily newspapers, including the *New Vision* (a moderate publication of the NRM), *The Monitor* (more clearly pro-NRM), and *The Financial Times*. *Uganda Confidential* claims to report the inside story and contains the most controversial articles; its editor has been sued successfully on numerous occasions, yet he has been quoted as saying that he stands by his stories. Newspapers have a history of rapidly emerging and dissolving with a similar pace. During the IFES team's visit, a November 25 edition of the *New Vision* reported the resignation of ten journalists from *The Monitor*. Two weeks later, *The Monitor* ran a story stating that the journalists were launching a new newspaper. This new paper was not available by the time the IFES team left Kampala. Several regional papers are available outside Kampala; in addition, international publications such as the *Kenya Daily Nation* and *The EastAfrican* are sold in Kampala for about the same price as the local papers. Television channels (most only available

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in Kampala) include Uganda TV (state-owned), Sanyu TV (private), M-Net and Cablesat, international cable services which carry CNN International and BBC World Service. One state station, Radio Uganda (AM and FM), and two private stations, Radio Sanyu and Capital Radio operate in Kampala, and reception appeared to be fuzzy outside the district.

In Mbarara, the IFES team met with Jossy Muhangi, a reporter with the *New Vision* newspaper, to discuss issues of coverage and the coming elections. In his opinion, the level of news coverage has risen during the past several years; every day, at least one newspaper reports a story of an official who has been indicted for corruption. At the same time, he stated that there is a fair amount of censorship which goes on in the editorial office. Over the three weeks of the team's visit, coverage of the President, the NRM and the opposition seemed proportional to that in other national press. What can be occasionally interpreted as biased coverage of the President or senior-level officials is normal coverage of daily government activities. Furthermore, the editorials in the newspapers cited above reflected a relatively balanced viewpoint. It was unclear from the draft electoral bill or the Constitution whether the state newspapers, some of which are in the process of being privatized, would offer space to the candidates free or at reduced rates. Although Commissioner Akabway was confident that the state radio and television channels would offer air time to the candidates, there are currently no regulations or indications that the private stations will offer air time.

### **Donor Involvement**

The primary international representatives who have been involved in the developing constitution and election processes include the United States, the United Kingdom, Denmark, Germany, and the European Union. To a lesser extent, there have been contributions from the Netherlands, France, Sweden, Norway and Austria. Financial, equipment and personnel resources were loosely coordinated by the United Nations Development Programme. The Dutch, Swedes,

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Norwegians, French, Austrians, and Australians were involved to a lesser extent during the CA elections. The Japanese also provided \$2 million to the Commission just prior to the elections. A representative of Price Waterhouse was installed in the offices of the Constituent Assembly to provide accounting services to the Commission and the donor group. As a result, the Commission report on the CA elections includes a detail of all major expenditures. Chairman Akabway stated that not only did this procedure increase the confidence of the donor group, he also received funds which were returned by officials who could not account for their expenditure.

The UNDP Resident Representative expressed his intention to coordinate donor contributions again for the 1996 elections, and to follow the same accounting procedure as before. In addition, he stated the UNDP's desire to facilitate rather than to direct the activities of the various groups. During the recent donor group meetings, informal conversation regarding individual efforts has centered on civic education. Resident Representative Thomas had in July called the local NGOs together to encourage them to form a coalition, providing a single outlet for civic education contributions. Discussion remained informal through the IFES team's visit primarily because of the delays in the appointment of the Interim Electoral Commission, and because the draft electoral bills had not yet been circulated. During the donor group meeting, several representatives expressed concern that the electoral bills (or the law's promulgation) would be delayed too long for funds to be allocated prior to the elections. Given the bottlenecks which the Constituent Assembly Commission encountered in appropriating funds from the government, it is important that information regarding the elections be passed on to the donor group as soon as possible, so that contributions and disbursements may be timed to occur smoothly.



## VII. CONCLUSIONS

The purpose of the IFES pre-election assessment in Uganda was to determine whether the outcome of elections which are to be held under the 1995 Constitution can be regarded as free and fair. In doing so, the IFES team was asked to identify areas and issues which should be addressed, and by which organizations, prior to the elections. Fundamentally, IFES believes that the elections which are to be held will represent a step forward in the opening of the Ugandan political system. However, these elections do not represent the final step. For this reason, it is important that the commitment of local, national and international actors to participate at the levels they choose be accompanied by a commitment to remain critical of this process and observant of the officials chosen to carry out the process. Below, IFES presents its conclusions and recommended strategies as Uganda prepares for its next election.

The time constraint within which the 1996 elections will be organized is the single biggest impediment to the technical success of the election. The delays which were already experienced in the appointment of the Electoral Commission, and the continued delay in the release of the Electoral Law, have reduced the amount of time that can be spent in preparation, training and education. These factors are among the most important in a well-administered process; lack of sufficient planning and contingency planning for service or equipment delivery may result in an unreasonable delay in the election day proceedings. All of the persons with whom the IFES team interviewed mentioned the varying levels of training of the election officials. Pressure to gear all of the Electoral Commission's activities toward the day of elections could impair thorough briefing and remedial training sessions as appropriate. Members of the NGOs, the donor group and political activists expressed concern that the civic educators, who were also trained as local monitors, were either providing incorrect or biased information. The sooner that the rules for the election are known, the sooner steps can be taken to correct this problem. Furthermore, public perception of the reasons for the delay at this time can hurt the reputation of the Electoral Commission as well as the NRM government. Persons already suspicious of the motives involved in the transitional provisions of the Constitution can draw the conclusion that the government is

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deliberately creating a situation where elections will be impossible to organize by the date specified in the Constitution, and an opportunity for the current government to extend its tenure again.

The differences between the National Resistance Movement (its members and political philosophy), the National Resistance Council (composed of a majority of NRM members) and the movement political system are extremely subtle and may be lost to the casual observer. The political party representatives with whom the IFES team met have oversimplified a complex issue in their arguments that the transitional provisions of the Constitution favor the NRM and are antidemocratic; this is to be expected, since the contacts were brief. However, the candidates who run against the NRM (or eventually the political system) will need to continuously press the NRM to explain how it is separate from the government and from the political system. Concise, accurate representation of the entire Constitution and the Electoral Law will provide all candidates with the legal backing they need to conduct their activities as freely as possible. In addition, the uncertain party-or-nonparty status of the NRM should be retained as a focus of discussions throughout the transition process.

For its part, the members of the NRM will have to make an effort to appear to play by the same rules as the Constitution sets out for political parties, whether or not its leadership considers the group as a political party. The public perception of the "special" status of the NRM could change from benevolent to betrayed when the NRM emerges as the only force able to organize resources and campaign activities. While the senior officials are justified in stating that every candidate and person will be treated equally under the law, the onus will be on the NRM, rather than the opposition, to create and uphold that image. Issues such as scheduling of candidates' meetings, defining permissible and nonpermissible gatherings, and the freedom of all of the presidential candidates to travel throughout Uganda will be major areas of scrutiny by the opposition as well as the international community.

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The Electoral Commission, in addition to its regular duties, will be faced with a number of challenges as it regulates the activities of political campaigns. The degree to which the Commission can publicize, distinguish and regulate legal and illegal campaign activities, and to which it can encourage self-policing among the political activists and candidates, will provide substantial proof of the angle of the playing field.

The essential factor in preparing, participating in and evaluating this election is the incremental nature of the process. The coming elections signal a new phase in Ugandan political development, but not a new direction. In order for the direction to change, all of the political players will need to develop strategies for efforts beyond the election process. Whether the strategies involve creating support for an eventual political party, challenging the transitional provisions of the Constitution or strengthening existing parties, the coming election should not be regarded as more than a scheduled event in the overall political and social transformation of Uganda. These strategies must also include mechanisms for recording compliance or noncompliance with the directions of the Constitution and the transitional provisions, so that calls for change can be supported with logical, demonstrable justification.

## VIII. RECOMMENDATIONS

The IFES team recommendations are geared toward the increased participation of the Ugandan people in their political process. The NGO representatives indicated that their constitutional seminars offered the first chance for many citizens become familiar with their country's underlying national philosophy. During the years of the transitional provisions, political leaders should make efforts to involve more citizens in educational activities and encourage diverse opinions.

The most efficient way for those concerned to effect change in Uganda is to set reasonable goals, with benchmarks and interim objectives that are understood by all groups involved, and to make a commitment to review the benchmarks periodically and thoroughly. The Criteria for Free and Fair Elections listed in Section II of this report is a good example of the type of goals and objectives which are clear and practical for the government of Uganda and its international partners.

### **Civic Education**

Activities in the area of civic education should focus on the repeated delivery of simple, accurate information on the election process. Training programs, schedules of which can be outlined now, should take place early and in multiple sessions so that the Electoral Commission and NGOs can respond to events as they develop and incorporate relevant issues in the materials.

### **Candidate Activities**

IFES strongly encourages the political contestants as well as the Electoral Commission to familiarize themselves with the regulations on campaign activities in the forthcoming Electoral Law. A committee made up of a representative of the Commission and a range of political interests should develop behavior guidelines, a Code of Conduct for the candidates, and a schedule and format for candidates' meetings. The committee should also be prepared to assist

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the Commission in the hearing of campaign-related complaints, as well as providing information to candidates which may deter those activities which generate the most complaints.

The police and military personnel who will be involved as security in the campaign and election processes are eager to be sensitized to their role. To the degree possible, the Electoral Commission should provide training and educational materials or other resources for the senior defense and security officials to use in their training sessions.

Similarly, local government officials, Resistance Council members at all levels, and *chaka mchaka* educators should be continuously informed that there is no official role in the campaign for them. It is at this level that the distinction between the Movement, the government, and the political system need to be stressed.

### **Long-term Monitoring and Observation**

As stated earlier, the possibility the Ugandans will be prohibited from serving as monitors in the campaign and election processes is disturbing and should be followed up for a positive resolution. The presence of local monitors provides citizens with assurance that their participation is welcomed and that their complaints will be noted by fellow citizens. In addition, the Electoral Commission should move quickly to accredit monitors and long-term observers, so that they are able to note the activities which are already in progress.

Groups which train monitors and observers should use both the Electoral Law and international standards to determine their mandate and to carry out their duties. All groups should make their assignments known to the public, the political activists and the Electoral Commission.

## **Public Information**

The need for the Electoral Commission to devote more time and resources to its public relations sector cannot be exaggerated. In addition to establishing an "open door" policy of providing information to the political parties which request it, the Commission should be proactive in setting the election agenda. Regular press conferences, reproduction of civic education materials and the development of friendly relations now will increase the positive public impression of the Commission and help it to withstand the politically motivated challenges which are inevitable.

The Electoral Commission has an unusual advantage over similar bodies in other countries. Careful documentation, a number of post-election evaluation meetings and continued election-related work between the Constituent Assembly election and the coming elections will serve most effectively as tools for planning the task calendar, developing training sessions for election workers and civic education groups, and financing the process. The gathering of information should become a regular part of the post-election process, especially in five-year election cycles.

## **The Role of the International Community**

International election assistance fulfills the dual function of refining or strengthening the election process of a particular country, and of providing a level of validation for that country's political process. The political developments in Uganda during the past year illustrate the issues which arise when the technical capacity for conducting elections has been demonstrated, but the political will does not necessarily herald change. Supporting an election process in this situation is more difficult, as the subjective interpretation of such support will be a wholesale endorsement of the political system. For this reason, it is important that members of the international community clearly state the conditions under which support will be provided in this election; and as clearly state the conditions which will have to be met during the next several years. The international

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community will need to develop a strategy for meticulous observation of the way in which the Electoral Law and the transitional provisions of the Constitution are enforced between now and the envisioned referendum. The issues of particular concern include the ban on political party formation, organizing and campaign activities, and the continuing question of the status of the National Resistance Movement. Assistance efforts, whether they take place in the areas of civic education, equipment procurement or training, should be developed from a logical analysis of the events of 1994 and 1995, and should be proposed to the government of Uganda in the context of that analysis. Conditions for continued support of the election process, if there are to be, should be described at the beginning of the activities. A statement of objectives with an eye to a verifiable goal will assist the international community at later steps in Uganda's political development in determining appropriate assistance levels.

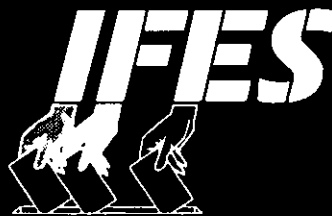
**APPENDIX A**



### **List of Persons Interviewed**

Stephen B. Akabway, Chairman, Uganda Interim Electoral Commission  
Grace Akello, Chair, Presidential Commission for Teso  
Hon. Omara Atubo, DP  
Mrs. Solomy Balungi Bossa, Chair, National Organization for Civic Education and Monitoring (NOCEM)  
Winnie Byanyima, former Constituent Assembly Delegate  
Donald B. Clark, Director, USAID/Uganda  
David B. Dunn, Deputy Director, East African Affairs, US Department of State  
Charles Egou-Engwau, Secretary, Presidential Commission for Teso  
Judith Geist, Advisor on Democracy and Governance Issues, USAID/Uganda  
Tezira Jamwa, former Constituent Assembly Delegate  
Gladys Kabahuma-Nduru, Deputy Commissioner for the Constituent Assembly  
Michael Kasembo, Uganda Joint Christian Council (UJCC)  
Hon. Eriya Katagaya, 1st Deputy Prime Minister  
Hon. Stephen Kavuma, Minister of State for Constitutional Affairs  
Robert K. Kitariko, Secretary General, Democratic Party (DP)  
Dr. Crispus Kiyonga, Minister of Internal Affairs  
Hon. Damiano Lubega, DP  
Christopher J. McMullen, Desk Officer for Kenya and Uganda, Department of State  
Jossy Muhangi, Journalist, *New Vision*  
Solome Mukisa, former Constituent Assembly Delegate  
J.N. Mulenga, National Deputy Chairman, DP  
Regina Lule Mutyoba, National Women's Caucus  
Patrick Mwonda, United Peoples Congress (UPC)  
Reverend James Ndyabahika, Secretary General, UJCC  
Sam Odaka, UPC  
Cecilia Ogwal, Assistant Secretary General, UPC  
Betty Akech Okellu, former Constituent Assembly Delegate  
Norman L. Olsen, Chief, Office of Program and Policy Development, USAID/Uganda  
Geoffrey A. Onegi-Obel, NOCEM  
Kalyenda Otoki, UPC  
Hope Kabirisi-Lube Renga, former Constituent Assembly Delegate  
Justin M. Sabiti, Chairman, Mbarara District RC 5  
Thomas Schjerbeck, Ambassador of Denmark  
Michael Southwick, Ambassador of the United States  
Anthony W. Ssekweyama, Deputy National Publicity Secretary, DP  
A. Babatunde Thomas, UNDP Resident Representative  
William G. Wanendeya, DP  
J.K. Zirabamzwale, Vice Chairman, NOCEM

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