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## Background to the formation of the Interim Electoral Commission

Uganda is a small country located in Eastern Africa. It has a population of about 18 million people and gained independence in 1962. It was colonised by the British and inherited a system of governance that was quite strange to them. During pre-colonial times Uganda had elaborate systems of governance, rule of law and justice. But from independence abuse of human rights, injustice and suspension of the rule of law characterised the country.

Uganda's first Constitution was formulated by the 'Munster Commission' and was further discussed at the London Conference of September, 1961. This was the first instance that the right of the Ugandans to formulate their own Constitution was denied. This Constitution also had provisions for federal states, Districts and the territory of Mbale.

In 1966 Apollo Milton Obote abrogated the 1962 Constitution, deposed the President who was Kabaka Muteesa II and declared himself executive president. He imposed an Interim Constitution of 1966 and coerced parliament to approve it. This Constitution increased the executive powers of the President and that marked the beginning of political instability.

Furthermore, Obote produced an amended version of the 1966 Constitution, in 1967. It was termed as the Pigeon Hole Constitution. This was the third Constitution of Uganda being made without the participation of the people. Parties attempted to oppose this Constitution". This ushered in an era of turmoil and anarchy. The 1967 Constitution brought with it the abolition of kingdoms and the declaration of Uganda as a Republic. Enormous powers were invested in the President and local governments lost all their powers to the centre.

The period 1967 - 1985 was a very difficult one in Uganda, Coups and wars characterised Uganda, in 1969 Uganda became a one party state. In 1971 Idi Amin declared himself life president and enforced the 'reign of terror'. Turmoil and Anarchy was the basic characteristic of this period. People in power were ignorant of the law. This was a period when constitutional abuse was at its peak and many undemocratic insertions were put in the constitution.

In 1980 elections were held and election rigging was alleged. The National Resistance Movement (NRM) took to the bush as a result of the rigging and began an armed struggle.

In 1986 a military junta was overthrown and the NRM administration assumed state power. It committed itself to ushering in democratic rule and constitutional governance, and one of the aspects of the democratic process involved the making of a people's constitution. Thus on 21st December, 1988 Parliament enacted statute No.5 of 1988 which established the Uganda Constitutional Commission and gave it the responsibility of starting the process of developing a new constitution. Between 1988 - 1992 the Uganda Constitutional Commission traversed the entire country collecting views and proposals from all categories of Ugandans as to what they wanted included in the new constitution. They prepared a draft constitution from the over 16,900 memoranda collected and handed over their report and draft constitution to government in 1992.

In July 1993, Parliament enacted the Constituent Assembly Statute No.6 providing for the establishment of the Commission for the Constituent Assembly charged with the responsibility of organising and conducting elections for Delegates to the Constituent Assembly who would scrutinise, debate, enact and promulgate a new Constitution using the Draft Constitution as their working document.

The Constituent Assembly Delegates elections were held on march 28th 1994 by Universal Adult Suffrage, special interest groups, such as the workers, the youth, disabled, women and the army, also elected delegates to the Constituent Assembly. These elections were viewed by International observers, local monitors and the general public, and all agreed that these were indeed free and fair.

The Constituent Assembly used the Draft Constitution as their working document. They spent 16 months debating. On 8th October 1995, the New Constitution of the Republic of Uganda was enacted.

Article 264 of the New Constitution provides for the creation of an Interim Electoral Commission which is responsible for organising both Presidential and Parliamentary Elections. Clause (2) of Article 263 states that these elections should be held within nine (9) months from the promulgation of the New Constitution. In this connection, the Members of Parliament that will be elected will be charged with the responsibility of passing laws to give effect to the provisions in the new Constitution.

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## How the Interim Electoral Commission works

### 1. Organisational Structure

(a) The Interim Electoral Commission statute provides that the Commission shall consist of a Chairman, Deputy Chairperson and five Commissioners appointed by the President on the advice of the Cabinet and with the approval of the Legislature. The Commission consists of

Mr. Stephen B. Akabway - Chairman  
Mrs. F. Nkurukenda - Deputy Chairperson  
Hajji A. Kasujja - Commissioner  
Mrs. M. Sekaggya - Commissioner  
Mrs. S.N. Bbumba - Commissioner  
Mr. P. Idro - Commissioner  
Mr. C. Owor - Commissioner

(b) The Commission has a Secretary who is to be a public officer appointed by the Commission on the advice of the Public Service Commission. He performs duties assigned to him by the Commission subject to section (4) of the Statute.

(c) The Commission has other officers and Employees as follows.

#### Administration

Ms E. Kiwanuka - Under Secretary  
Mrs. J. Byamugisha - Principal Asst. Secretary  
Mr. Lino Musana - Principal Asst. Secretary  
Mr. P.E. Alele - Senior Asst. Secretary  
Ms E. Kukiriza - Senior Personnel Officer  
Mr. D.M. Byakutaga - Personal Assistant to C/IEC

#### (d) Legal Section

Ms A. Nkonge - Senior State Attorney  
Mr. L. Kamugisha - Senior State Attorney

#### (f) Public Relations Section

Mr. I. Kadoma - Public Relations Officer

#### (g) Civic Education

Mr. P.J.K. Byakagaba - Co-ordinator/Civic Education

#### (h) Documentation/Computerisation Section

Mr. J. Wamala - Documentation Officer

#### **Computerisation Section**

Mr. Timothy Waiswa - Statistician

(i) Civic Education

Mr. P.J.K. Byakagaba- Civic Education Officer

(j) Secretarial Section

Mrs. A. Kego - Senior Personal Secretary  
 Ms V.A. Asiima - Senior Personal Secretary  
 Ms J. Kalema - Senior Personal Secretary  
 Ms J. Muhereza -Senior Personal Secretary  
 Ms M. Birungi -Senior Personal Secretary  
 I Ms B. Nambasa -Senior Personal Secretary

In addition to the Commission staff, there are field staff and members who help the Commission in carrying out its duties in the various Districts. These include Chief Administrative Officers formally known as Returning Officers. They co-ordinate and supervise with their Local Councils (LC's) in their various districts, in carrying out electoral activities/duties. The Commission has a minimum of thirty nine (39) Chief Administrative Officers in the whole country. These are:

(**CAO**= Chief Administrative Officer

**AG. CAO**= Acting Chief Administrative Officer.)

	<b>Name</b>	<b>Designation</b>	<b>Electoral District</b>
1	Faust Iwwitingol	CAO	APAC
2	Reuben Settumba	CAO	ARUA
3	Francis Onyai	AG. CAO	BUNDIBGYO
4	Johnson Bitarabeh	CAO	BUSHENYI
5	Achel Owor	CAO	GULU
6	Tom Obong jok	AG. CAO	HOIMA
7	Teddy Muhumza	CAO	IGANGA
8	Eustace Gakwandi	CAO	JINJA
9	Gladys Aserua	CAO	KABALE
10	Owen Muhenda Rujumba	AG. CAO	KABAROLE
11	Gordon Mwesigye	TOWN CLERK	KAMPALA
12	Olive Nakyanzi	CAO	KALANGALA
13	Abdul Isodo	CAO	KAMULI
14	John Kashaka Muhanguzi	CAO	KAPCHORWA
15	Edgar Mbahamiza	AG. CAO	KASESE
16	Simon Kimono	CAO	KIBAALE
17	Gwokto Achora	AG. CAO	KIBOGA
18	Abdul Musbya Kiganda	CAO	KISORO

19	George Otim Omech	CAO	KITGUM
20	Sam Ogenwroth	CAO	KOTIDO
21	Rose Ochom	CAO	KUMI
22	Alfred Ochen-Lalur	AG. CAO	LIRA
23	Simon Bigairwe Mpiira	CAO	LUWERO
24	Joseph Bbale	CAO	MASAKA
25	Margaret Gimogoi W.	CAO	MASINDI
26	Peace Onzia	CAO	MBALE
27	Charles Mukupe	CAO	MBARARA
28	Samuel Katehangwa	CAO	MOROTO
29	Silver Oboth	CAO	MOYO
30	John Biretwa	CAO	MPIGI
31	Isaac Modoi	CAO	MUBENDE
32	Sam Kisense	CAO	MSJKONO
33	Deo Oitamong	CAO	NEBBI
34	Monday Mabale	AG. CAO	NTUNGAMO
35	Nathan Kayongo	CAO	PALLISA
36	Vincent Semakula S.	CAO	RAKAI
37	Frank Ntaho	CAO	RUKUNGIRI
38	Agrippina Amuge Akol	CAO	SOROTI
39	Ezra Okurut	CAO	TORORO

## 2. General Functions of the Commission

1. Ensure free and fair elections
2. Organise, conduct and supervise elections.
3. Demarcate Constituencies.
4. Ascertain, publish, and declare in writing results of elections
5. Compile, revise, maintain and update the Voters' Register.
6. Listen to and determine election complaints,
7. Formulate and implement civic education programmes.
8. Perform any other functions prescribed by the Statute.

## 3. Principles of Work

- Decisions of the Commission are by consensus achieved through meetings.
- The Commission is Independent in the performance of its functions, and is not subject to the Direction or Control of any person or Authority - (According to the Interim Provisions Statute).

**Article 264, section 12, sub-section (1)** of the Parliamentary Statute gives the following powers to the Commission:

- To appoint a polling day for any election subject to any law;
- To design, print, distribute and control the use of ballot papers;
- To provide and distribute ballot papers;
- To create polling divisions and establish and operate polling stations;
- Take measures for ensuring that the entire electoral process is conducted under free and fair conditions;
- To establish secure conditions necessary for the conduct of any election in accordance with this statute;
- To promote through appropriate means civic education of citizens of Uganda, and voting procedures of any election, including sign language where possible.
- Ensure that candidates campaign in any orderly and organised manner.

**Section 12(2)** The Commission shall, without prejudice to subsection (1) of this section, have the following powers -

- to appoint a polling day for any election subject to any law;
- to design, print, distribute and control the use of ballot papers;
- to provide and distribute ballot boxes;
- to create polling divisions and establish and operate polling stations;
- to take measures for ensuring that the entire electoral process is conducted under conditions of fairness;
- to establish secure conditions necessary for the conduct of any election in accordance with this Statute;
- to promote, through appropriate means, civic education of the citizens of Uganda on the purpose, and voting procedures, of any election, including where practicable, the use of sign language;
- to ensure that the candidates campaign in an orderly and organised manner;
- to accredit any non-partisan individual, group of individuals or an institution or association, to carry out voter education subject to guidelines determined by the Commission and published in the Gazette;
- to ensure compliance by all election officers and candidates with the provisions of this Statute;
- to pay such allowances, as the Minister responsible for finance may approve, to election officers, and other persons assisting the Commission in carrying out the purposes of this Statute;
- subject to paragraph (m), and in consultation with the Minister, to engage on such terms as the Commission may determine, the services of any person whose special expertise may be required for the proper discharge of the functions of the Commission;
- to pay to any person engaged under paragraph (1) remuneration at such rates as may be determined by the Commission in consultation with the Minister responsible for finance; and
- to discharge such other functions as are conferred upon the Commission by this Statute or any other law made under this Statute or as are necessary for the proper carrying out of the purposes of this Statute.

**Section 12(3)** In the discharge of its functions under this section, the Commission shall ensure that polling day for the election of the President precedes that of the Parliamentary elections.

## Constituencies

**Section 13.(1) Subject to article 263 and 264** of the Constitution, for the purposes of article 63 of the Constitution, Uganda shall be divided into two hundred and fourteen constituencies for the election of members of Parliament as specified in the First Schedule to this Statute; and each constituency shall be represented by one member of Parliament.

**Section 13(2)** The Minister may, on the recommendation of the Commission and with the approval of the Legislature, by statutory instrument, amend the First Schedule to this Statute.

#### **Assignment of duties by commission, etc.**

**Section 14.(1)** The Commission may assign to any election officer, member of staff of the Commission or - any organisation or institution or group, such duties for promoting the discharge of the functions of the Commission as the Commission may think fit and subject to such conditions and restrictions as the Commission may direct.

**Section 14 (2)** The Commission may revoke or transfer to any person, organisation, institution or group or assume the performance of any duties assigned by it under subsection (1) of this section.

**Section 14 (3)** The Commission may also where necessary assume the performance of any function of an election officer under this Statute.

#### **Power of the Commission to resolve complaints**

**Section 15.(1)** Any complaint submitted in writing alleging any irregularity with any aspect of the electoral process at any stage, if not satisfactorily resolved at a lower level of authority, shall be examined and decided by the Commission and where the irregularity is confirmed, the Commission shall take necessary action to correct the irregularity and any effects it may have caused.

**Section 15 (2)** An appeal shall lie to the High Court against a decision of the Commission confirming or rejecting the existence of an irregularity and the appeal shall be made by way of a petition, supported by a affidavits of evidence, which shall clearly specify the declaration the High Court is being requested to make.

**Section 15 (3)** On hearing a petition under subsection (2) the High Court may make such order as it thinks fit and its decision shall be final.

**Section 15 (4)** The High Court shall proceed to hear and determine an appeal under this section as expeditiously as possible and may, for that purpose suspend any other matter pending before it.

#### **Power to accredit observers and monitors.**

**Section 16 (1)** The Commission may, at any election, accredit any individual, group or institution to act as election observers or monitors.

**Section 16 (2)** The Commission may issue guidelines to observers and monitors or other persons, groups or institutions involved in the electoral process.

**Section 16 (3)** No person, group or institution shall observe or monitor any election unless the

person, group or institution, has obtained prior accreditation from the Commission.

**Section 16 (4)** Any person who contravenes subsection (3) commits an offence.

### **Discretionary powers of the Commission**

**Section 17.(1)** Where, during the course of an election, it appears to the Commission that, by person f any mistake, miscalculation, emergency or unusual or unforeseen circumstance, any of the provisions of this Statute do not accord with the exigencies of the situation, the Commission may by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of the provisions of this Statute as may be required to achieve the purposes of this Statute to such extent as the Commission considers necessary to meet the exigencies of the situation.

**Section 17.(2)** The Commission shall not exercise its discretion under subsection (1) in such a manner as to permit a nomination paper to be received by a returning officer after four o'clock in the afternoon on nomination days or subject to subsection (4) of section 58 of this Statute, to permit a vote to be cast before or after the hours fixed in this Statute for the opening and closing of the poll.

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## **The Task Forces of the Interim Electoral Commission**

Task forces were put in place to handle all aspects of work in the Commission so as to ensure thoroughness and efficiency.

The four major task forces are Logistics, Finance and Administration, Civic Education and Training, and Planning. Within these task forces there are other smaller committees, to ease the workload further and to reduce the duration within which tasks are accomplished. Below are the details of the different task forces:

### **1. Logistics**

The task force is charged with:

- Identification of election materials;
- Ensuring availability and the efficient and effective utilisation of election materials;
- Effective collection, processing and distribution of data relating to election;
- Formulating and implementing work plans for the entire election process;
- Development of information systems, statistical research and maintenance of standards in collection, analysis and publication of adequate, valid, reliable and timely statistical information regarding elections.
- Tendering legal/technical advice to the commission.
- Distributing and Retrieving Electoral materials in the Districts.

The Sub-committees under this task force include:

- Legal affairs sub-committee



- Documentation/Computerisation
- Transport/Communications sub-committee
- Procurement sub-committee
- Publicity and protocol sub-committee.

### **Members of the Logistics Task Force**

	<b>Designation</b>
Mrs. M. Sekaggya	Commissioner
Mr. C. Owor	Commissioner
Mr. A. Muwonge	Secretary
Ms E. Kiwanuka	Under Secretary
Mrs. J. Byamugisha	Principal Assistant Secretary
Mr. L. Musana	Principal Assistant Secretary
Mr. P.E. Alele	Senior Principal Assistant Secretary
Ms A. Nkonge	Senior State Attorney
Mr. L Kamugisha	Senior State Attorney
Mr. I. Kadoma	Public Relations Officer
Ms E. Kukiriza	Senior Personnel Officer
Mr. R. Sekabembe	Special Assistant
Mr. Joshua Wamala	Documentation Officer
Ms. Imelda Atai	Systems Analyst
Mr. Timothy Wakabi	Statistician
Mr. Benon Tusasirwe	Supplies Officer
Mr. S. Omitta	Computer Programmer/Manager
Mr. D. Kanakulya	Accountant
Mr. E.K. Nsubuga	Radio Technician

## **2. Finance and Administration**

The Finance and Administration task force is charged with:

- Ensuring timely preparation of budgetary estimates;
- Monitoring utilisation of funds;
- Managing of support services such as, procurement, transport and stores;
- Adhering to Government financial and personnel policies and regulations;
- Managing the Commission's physical assets;
- Overseeing issues relating to staff welfare;
- Directing, controlling and coordinating administrative matters;
- Appraising and supervising staff.

### **Members of the Finance and Administration Task Force**

	<b>Designation</b>
Mr. A. Muwonge	Secretary/Chairman
Mrs. S.N. Bbumba	Commissioner
Hajji A. Kasujja	Commissioner
Mr. P. Idro	Commissioner
Ms E Kiwanuka	Under Secretary
Mr. I. Kadoma	Public Relations Officer
Mrs. J. Byamugisha	Principal Assistant Secretary
Mr. L. Musana	Principal Assistant Secretary
Mr. P.E. Alele	Senior Assistant Secretary
Mr. D.M. Byakutaga	Personal Assistant t Chairman/IEC
Mr. D. Kanakulya	Accountant
Mr. R. Sekabembe	Special Assistant.

### **3. Civic Education Training**

The task force for a Civic Education and Training is charged with:

- Conceiving, designing and circulating voter education materials like posters, brochures, and manuals;
- Electronic and print media advertisements;
- Supervision of voter education programmes being carried out by NGOs, that is approval of the voter education materials and issuing of voter education guidelines;
- Conception, designing and production of training materials;
- Designing and coordination of training programmes.

#### **Members of the Civic Education and Training Task Force**

Mrs. F. Nkurukenda	Deputy Chairperson/Chairperson
Mrs. M. Sekaggya	Commissioner
Mr. C. Owor	Commissioner
Hajji A. Kasujja	Commissioner
Ms A. Nkonge	Senior State Attorney
Mr. L Kamugisha	Senior State Attorney
Mr. I. Kadoma	Public Relations Officer
Mr. R. Sekabembe	Special Assistant
Mr. D.M. Byakutaga	Personal Assistant to Chairman
Mr. P.J.K. Byakagaba	Coordinator/Civic Education
Mr. Silver Baraza	Graphic Designer
Mr. C.W. Ochola	Asst. Coordinator/Civic Education
Ms R. Kasagala	Asst. Coordinator/Civic Education
Mr. Charles Mashete	Asst. Coordinator/Civic Education
Mr. Sam Kiwanuka	Asst. Graphic Designer
Ms Teddy Mugote	Asst. Public Relations Officer

#### **4. Planning**

The Planning Task Force works closely with the other task forces, and sub-committees. It is charged with:

- Forecasting activities required by the Commission
- Working out a general plan and identifying activities within that plan;
- Working out the time frame for the activities of the Commission;
- Identifying the resources required for those activities, and integrating it in the general plan;
- Identifying alternative approaches to be taken for various activities;
- Identifying the concepts in the execution of different methods of action by the Commission;
- Keeping staff informed of schedules and activities, in order to meet the targets in time and within the budget.

#### **Members of the planning committee**

Mr. P. Idro	Commissioner/Chairman
Mrs. F. Nkurukenda	Deputy Chairperson/Chairperson
Mrs. S. Bbumba	Commissioner
Mrs. M. Sekaggya	Commissioner
Mr. C. Owor	Commissioner
Hajji A. Kasujja	Commissioner
Ms E. Kiwanuka	Under Secretary
Mr. I. Kadoma	Public Relations Officer
Mrs. C. Bannerman	Inter/Consultant/Civic Education
Mr. J. Mugaju	National Consultant/Logistics
Mrs. R. Mugerwa	National Consultant/Informatics
Mrs. J Byamugisha	Principal Assistant Secretary
Mr. Lino Musana	Principal Assistant Secretary
Mr. P.E. Alele	Senior Principal Assistant Secretary
Mr. T. Wakabi	Statistician
Ms Imelda Atai	System Analyst
Mr. S. Omitta	Computer Programmer/Manager.

### **The Plenary**

This brings together all the task forces. It is chaired by the Chairman/Interim Electoral Commission and is attended by all senior members of staff of the Commission.

The plenary convenes every fortnight to review the work of the task forces as well as adopt, or make changes in their decisions. It has to approve the decisions although in times of emergencies, the task forces can act immediately.

The main aim here is to develop the spirit of teamwork and to ensure success of the Commission's work.

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## **Future Propects and Plans of the Interim Electoral Commission in Uganda**

The Interim Electoral Commission has got facilities which it plans to improve and extend to further build its capacity to handle election matters.

### **Computer Facilities**

The Interim Electoral Commission has a central computer facility with a total of 66 Desktop computers, 6 Laptop computers, 26 Printers, 27 Uninterrupted power supply (Ups) units, 1 Scanjet and 2 External tape backup systems.

## **Photocopying Facilities**

There is also a central photocopying facility with 10 units, 6 of which are of model 5385 with a capacity of 85 copies per minute, mainly used in the production of the voters register display materials. These 6 units are in good working condition. The rest, with a capacity of about 50 copies per minute, do not work consistently due to breakdowns.

The Commission has also got some communication facilities.

The Commission Communication has a Radio Call System operating in the HF band with 6 channels allocated to the Commission by the Frequency allocation committee. Channels 1 to 4 are very clear, whereas 5 and 6 are noisy and faint and hardly used.

There are 39 districts in Uganda of which 27 are equipped with radio call systems for the Interim Electoral Commission. Of these, 5 use electric power while the rest are solar powered. There are also mobile radio call systems connected to some of the Commission's vehicles.

## **Future Prospects**

### **Transport**

The Commission has 41 vehicles of which 26 are stationed at the Headquarters and 15 in the Districts.

The Interim Electoral Commission has got plans to further build the Commission's capacity to handle election matters in the country.

This has been the first time in Uganda's history that Presidential elections are being held. There shall also be parliamentary elections, Local Council Election and elections for special groups such as the Women, Disabled, Workers, the Army and the Youth.

In view of this, the most important planned target for the Commission is to foster neutrality and impartiality in the electoral process.

The Commission also plans to execute a civic education programme with an aim of improving the general understanding of the electoral process and the constitution, by the general public.

The Commission plans to decentralise the process of updating the voters register by putting in place computers in districts so as to facilitate faster and more efficient registration of voters in future.

The Commission has also got plans for an improved and more efficient communication system to facilitate co-ordination with the Electoral Districts. There are plans to computerise the radio communication system. Presently, the Commission uses voice calling to all its stations in the districts. However, there are plans to equip some stations with data communication, many districts at the moment have fax machines.

The delivering of sensitive election materials is also an important aspect of the future plans of the Commission. The Commission plans to improve and expand its storage facilities and also ensure that these storage facilities are secure, for the storage of all election materials. The Commission currently rents a warehouse but plans to acquire its own warehouse.

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