

ANNEX IV: Interim Statement



Commonwealth Observer Group

Uganda Presidential and Parliamentary Elections 2011

INTERIM STATEMENT

Dame Billie Miller
Chairperson of the Commonwealth Observer Group

The Commonwealth was invited by the Government of Uganda to observe the 2011 elections, and the Secretary-General of the Commonwealth constituted an Observer Group supported by a staff team from the Secretariat. I am honoured to have been asked to Chair the Group, which has been present in the country since 10 February 2011. During this period we have met with the Electoral Commission, some presidential candidates, representatives of political parties, civil society, media, the police, Commonwealth High Commissions as well as other international and national observers.

Commonwealth teams were based in eight locations around the country. Our teams observed the voting, counting and results aggregation and also met with electoral officials, national and international observers and other stakeholders at the District level in order to build up a larger picture regarding the conduct of the process. This is an interim statement and it is issued prior to the formal declaration of the election results. We will issue a Final Report containing our conclusions on the entire process at a later stage.

Key Findings

- The 18 February Presidential and Parliamentary Elections in Uganda were the country's 2nd multi-party elections. It is clear that in some respects the country is still in the process of consolidating its multi-party political system. There was a largely peaceful campaign and a reasonably calm Election Day in most areas but regrettably marred by localised incidents of violence.
- However, some serious concerns remain which mirror findings highlighted after the 2006 elections. Of particular note is the lack of a level playing field and the "commercialisation of politics", both of which will need to be addressed.

- It is encouraging that during the election campaign basic freedoms, including freedom of association, freedom of movement and assembly, were generally provided for. Parties conducted extremely active national campaigns which attracted large crowds. The campaign was generally peaceful, though some localised incidents were reported. The Electoral Commission (EC) coordinated the campaign schedules and thereby contributed to the generally peaceful conduct of the campaign by ensuring party rallies did not overlap.
- The 2011 elections were contested by more candidates compared to previous polls. But the lack of a level playing field and strong advantage of incumbency compromised the competitive nature of the polls. The ruling party in Uganda is by far the largest and best-resourced party and following many years in power, elements of the state structure are synonymous with the party. Further, reports regarding the "commercialisation of politics" by the distribution of vast amounts of money and gifts are most disturbing.
- The EC undertook to improve the voter register with an extensive update and cleaning exercise aided by the use of Information Technology. Overall the register shows some improvement, but it is clear that it remains a work-in-progress with some names still missing and some voters lacking awareness of their place of poll. It is regrettable that the National Identification Card was not made ready for use during these elections.
- On the day of the elections, our teams reported a reasonably calm process in the majority of areas, but with some localised incidents. We also noted reports of some other serious incidents of violence, which is deplorable. Our teams reported that in most areas the voting process proceeded reasonably well. The main problems encountered related to the widespread late delivery of materials and late opening of many polling stations; inconsistent application of procedures by polling officials and instances of voters not finding their names on the list, the scale of which varied. In some areas the nature of the presence of security forces, particularly the military, was a concern.
- Our teams followed the count at polling stations and tabulation in a number of Districts. Overall, the polling station count was transparent, but again inconsistencies were observed, notably in the completion of documentation. At the District level, the process was again transparent and proceeded smoothly, but the poor completion of paperwork at polling stations became evident.
- The new results aggregation system is welcomed as it helps increase transparency and the National Tally Centre provided access to timely and transparent information. During the tabulation, Observers did report tensions in Mbale outside the District office, reflecting tensions encountered in the area during voting, but elsewhere the process was calm.
- We continue to follow the process and our Final Report containing our conclusions and recommendations will be made public in a few weeks.

Election Campaign

The election campaign was generally calm, with Presidential and Parliamentary candidates holding meetings across the country. The Electoral Commission's coordination of campaign schedules to help to avoid direct clashes between party supporters was a great help in this regard. While a number of isolated incidents were reported these were the exception and not the norm, which is heartening. However, media monitoring reports indicate that the ruling party enjoyed a large advantage in coverage by state-owned radio and TV.

The main concern regarding the campaign, and indeed regarding the overall character of the election, was the lack of a level playing field, the use of money and abuse of incumbency in the process. The magnitude of resources that was deployed by the ruling National Resistance Movement (NRM), its huge level of funding and overwhelming advantage of incumbency, once again, challenged the notion of a level playing field in the entire process. Indeed, the 'money factor' and widespread allegations of bribery, and other more subtle forms of buying allegiance were key features of the political campaign by some, if not all, the parties. By all accounts, the 2011 elections were Uganda's most expensive ever. It is therefore important that for the future serious thought be given to election campaign financing and political party fundraising.

This is more so given that there are virtually no checks on the levels of campaign financing and expenditure due to the cash-based nature of the campaign and the lack of stringent campaign financing regulations, both of which facilitate the use of illicit payments to voters as inducements and has the potential to undermine their free will.

Electoral Framework and Management of the Electoral Process

The legal framework provides the basic conditions for a competitive election. However, in some ways it still reflects the pre-multi-party era. For instance, EC and senior District officials are directly appointed by the President. This has raised questions about their ability to be independent.

The late changes to the legal framework for the elections impacted on some of the Election Commission's preparations. But overall it stuck to its published road map. The Election Commission held numerous meetings with stakeholders from political parties and civil society, but there were still complaints of lack of information on all issues. Further, the poor voting and counting procedures showed that the Election Commission had not adequately trained its staff.

The voter register remains a work-in-progress. While some improvements have been made following cleaning of the list and public verification exercises, many anomalies remained. The extent of this varies from area to area but the phenomena are consistent. The absence of voter cards or some other regulated form of ID together with the inaccuracies in the voters register opened the process up to abuse and disenfranchisement.

Voting, Counting and Results

Reports received from Commonwealth Observers indicate that, in general, the voting and counting at the polling station levels were conducted in a largely calm and orderly manner. There were reports of localized disturbances, such as in Sironko near Mbale, but overall things were calm. Our teams reported that many polling stations opened late, several hours

late in some instances. Once opened, polling was conducted calmly with agents and observers present. The open layout provided for transparency, but it became clear that polling officials had different and varying levels of understanding of procedures. For instance, in quite a few cases ballot boxes were not sealed, ink was being applied differently and the count was handled in varying ways.

With regard to the voter register, Observers reported that the list was present in all cases, many agents had a copy and the photos seemed to be of a reasonable standard. The main concern with the list was the instances of missing names, with voters being denied the vote or re-directed to try elsewhere. While the vast majority did find their name, we received numerous reports of people searching from place to place for their name despite having registered or despite other family members being registered and allowed to vote at the same place. The extent of this problem did vary between areas, but in Gulu for instance Observers reported a higher frequency of missing names, causing serious inconvenience or disenfranchisement. Also in Gulu, there was concern in areas where the military was prevalent that turnout was noticeably lower than other areas.

The method for counting votes in front of a crowd provides for a high level of transparency so long as the crowd remains orderly. However, while poll officials undoubtedly worked hard over a long period, the manner in which the paperwork from the polling station count was completed was inconsistent and lax.

This Statement reflects improvements which were welcome and encouraging. However there remain shortcomings which must be addressed.

Kampala, 20 February 2011

For media enquiries, please contact Mr. Manoah Esipisu at + 256 753067306 or m.esipisu@commonwealth.int

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.

ISBN 978-1-84929-056-2



9 781849 290562

COMMONWEALTH SECRETARIAT