



**Role of Government on the
Electoral Reform Agenda-
Platforms for Engagement**

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Mind Map

- ❑ Conceptualization/Issues *In Limine*
- ❑ Debunking Electoral Reform (ER)
- ❑ Debunking Gvt Architectural Design thru Lenses of Reform
- ❑ What is Gvt role in Reform
- ❑ What has Gvt Done?
- ❑ Inescapable Truths of State Craft and ER
- ❑ Ethical Issues & Take Home Value for EMB and Non-State Actors
- ❑ Window for Engagement

Conceptualisation/Issues *In Limine*

- ❑ Broad Question- Latitude to navigate as I want-But Focused on enhancing dialogue.
- ❑ MoJLPA- Delivers public goods and services in the JLOS.
- ❑ We are a State Actor in Administration of Justice including Electoral justice
- ❑ My Minister administers the Electoral Act, and incidental regulatory tools attendant in the citadel of electoral justice.
- ❑ Our lexicon is anchored on law as a vehicle to establish and strengthen institutions, prescribe procedures for the good of the greatest number

Debunking ER

- ❑ ER operationalisable thru 3 Modalities: Political Reforms (PR); Administrative Reforms (AR) and Legal Reforms (LR)
- ❑ **PR-** Political Environment Change where Electoral Stakeholders operate- Factor on autonomy on your EMB (ZEC)
- ❑ **AR-** changes on the day-to-day work of ZEC
- ❑ **LR-** Constitutional changes, Electoral laws (other close to delivery of Electoral Justice: Political Party Financing, Media, Law & Order) and incidental ,regulations.

Debunking Gvt

□ Gvt- Broad View- Arch Design

- *Executive (Gvt); (Chap 5)*

- *Legislature; (Chap 6)*

- *Judiciary (Chapt 8)*

□ In NPM- 4th Arm- ICs; Media & Non-State Actors

- The Narrow View- Gvt as the Executive

- Will have bias towards the narrow view- Since other organs are represented.

Gvt Role in Reform (Narrow View)

- ❑ Delivering the Constitutional Framework
- ❑ Constitutional Implementation & Development- ER Provisions (Chapter 6; Chapter 7; Chapter 12; Chapter 8- Constitutional Validity of Elections
- ❑ Legislative Alignment and Development
- ❑ Institutional Building (IB) as enabler of ER- Paris Principles- Parliamentary Oversight in IB (SROC)
- ❑ Agenda Setting in ER- Pres & Cabinet, Prvt/Member Bills
- ❑ Law Enforcement
- ❑ Mobilising Multi-Stakeholderism/Consulting
- ❑ Administrative adjustments- Decentralisation, BVR, Multi-Party mechanisms, Good Practices (BVR), Technical Support

Gvt Role in Reform (Broad View)

- Judicial oversight-PII, Constitutional Validity Applications to ConCourt, *Amicus Curie*
- Legislative Oversight
- Chapter 12 Oversight- ICs

What has Gvt Done

- ❑ Gvt has delivered the new Constitution-Inclusive Gvt- Hallmark of a progressive ER agenda
- ❑ In many a cases- Agenda Setting- Regulations (Pres Powers TMA)
- ❑ Constitutional Implementation- Alignment, Institutions, Interpretation of Legal Text)
- ❑ **Alignment**
 - ❑ **Presidential Powers (Temporary Measures) (Amendment of Electoral Act) Regulations, 2013.**
 - ❑ **Electoral Amendment Act, No. 6 of 2014**
 - ❑ **Part VI of the GLAA of 2016**
 - ❑ **Electoral Amendment No 6 of 2018**

Inescapable Truths- (State Craft & Electoral Reforms)

- ❑ **Government** and **Legislature** are direct creatures of Politics.
- ❑ *Who then pulls us out of quagmire!!!!*
- ❑ **The Sui Generis Group**
 - ❑ Independent Commissions & Inst to Combat Crime
 - ❑ Judiciary
- ❑ **PFE** the **BULLET TRAIN**
 - ❑ EMB-ZEC
 - ❑ Non-State Actors (CSOs, Academia, Think Tanks, IGOs (EU, UN) e.t.c

ETHICAL ISSUES & TAKE HOME FOR NON-STATE ACTORS & EMB

- ❑ Give precedence to early engagement in meticulous post-election review processes-
avoid ambushes
- ❑ Delineate clear plans & timelines for engagement
- ❑ Guaranteed adequate and timely funding of engagement activities:
- ❑ Carry out research to ensure adequate knowledge/capacities
- ❑ Multi-Stakeholderism/ Wide-ranging and Inclusive consultations

ETHICAL ISSUES & TAKE HOME FOR NON-STATE ACTORS & EMB

- ❑ Smart Partnership with interparty platforms
- ❑ Smart & Regular Engagements with decision-makers- Avoid status of *Brutum Fulmen* (Harmless Thunderbolt)
- ❑ **Stay neutral—and be perceived as such!! – Calibrate your Bias Perception Index**
- ❑ Incorporate a gender perspective- Cross Cutting Issue
- ❑ **Remain true to ER fundamental principles to nurture escalation of political will-Chapter 7**

Window for Engagement

- ❑ Hearings- Pre-Bill Stage by Ministries
- ❑ Hearings- Parliament stage (Portfolio Committees)
- ❑ Petitioning the Executive
- ❑ Petition Parliament- Sec 141 & 149
- ❑ Judiciary- Constitutional Validity test of Election outcomes- Concourt
- ❑ Lobbying- Prvt Member Bills
- ❑ Advocacy
- ❑ Coercion



COMRADELY