



THE ROAD TO 2016 CITIZENS' PERCEPTIONS OF UGANDA'S FORTHCOMING ELECTIONS

A SYNTHESIS REPORT

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List of Acronyms

DP	Democratic Party
EC	Electoral Commission
FBO	Faith Based Organization
FDC	Forum for Democratic Change
HURIPEC	Human Rights and Peace Centre
IPC	Inter Party Cooperation
IPOD	Inter Party Organization for Dialogue
IRCU	Inter Religious Council of Uganda
KACITA	Kampala City Traders Association
KAP	Kalangala Action Plan
KCK	Kituo Cha Katiba
NAADS	National Agriculture Advisory Services
NGO	Non-Government Organization
NPA	National Planning Authority
NRM	National Resistance Movement
POMA	Public Order Management Act
RDC	Resident District Commissioner
TDA	The Democratic Alliance
TJS	Truth and Justice Solidarity
UHRC	Uganda Human Rights Commission
UPC	Uganda People Congress

Editorial Brief

This report is a synthesis of the findings of a nationwide survey and a fact -finding mission that were undertaken by the Human Rights and Peace Centre (HURIPEC) of the School of Law, Makerere University and Kituo Cha Katiba: Eastern Africa Centre for Constitutional Development (KcK) under a project entitled: *The Road to 2016: Citizens Perceptions of Uganda's Forthcoming Elections*. The report covers the period August – December 2015.

The project seeks to contribute towards Uganda's democratisation process by providing a critical assessment and evaluation of the pre-election environment in Uganda and to test citizen perception to elections in general and the 2016 elections in particular. It interrogated key electoral issues through targeted questions. Views were collected from Ugandans from across the country and from selected parts of the northern, western, north western, eastern, north eastern; central and southern regions of Uganda.

This report, a result of the findings from the Survey and Mission, adopts a slightly different approach from the many produced in the run-up to the 2016 election. The project reached out to both urban and rural based audiences, taking the perceptions of a cross-section of the Ugandan citizenry about what they perceived to be the most critical issues of concern in the count-down to the polling.

These range from the status of citizens as bearers of rights in elections in Uganda; the meaning of elections to an 'average' Ugandan; components of a free, fair and credible election; the work of public entities such as the Electoral Commission, Uganda Human Rights Commission and the Judiciary. The views of special interest groups such as political parties, civil society, academia, religious and cultural institutions, development partners, youth and women were purposely targeted. A more qualitative than quantitative approach of discerning information was adopted. Accordingly, respondent's views expressed in this report are, as much as possible, captured in their original form.

The report demonstrates that Ugandans are in a state of anxiety and concern about what the February 18th 2016 franchise will bring, including the structural weaknesses, lack of preparedness and obvious disunity amongst political parties; the failure of legal and structural reform; the signs of un readiness of the state-mandated election monitoring body – the Electoral Commission and the obvious mishandling of the voter registration exercise; as well as the resounding alarm that the playing field is not level. Many were also fearful of the threat of electoral violence.

On the other hand, state agencies in charge of the management of the 2016 election brushed aside charges that the Electoral Commission will not deliver a free and fair election. Team interactions with various stakeholders such as the Uganda Police Force allayed the fears expressed by the public of insecurity and violence. The Police, which carries the mandate of security preservation, stated that it was possessed of both the will and the means to address

any concerns which may be presented in this arena that would threaten peace and security in the country.

All in all, citizens' perceptions cannot be overlooked or underestimated. On a large part, an election is about what people observe and what this leads them to believe. Addressing those perceptions is thus an important aspect of leveling the electoral playing field because confidence gives credibility to the process and provides a foundation on which election observers can make valid and grounded assessments.

We are grateful to the Open Society Institute for the support that enabled us to successfully implement the Citizen Perceptions project. We are confident that the project outcomes will provide a useful resource to various stakeholders and contribute towards a peaceful electoral period for 2016 and beyond, as well as deepen the democratisation process in Uganda.

Dr. Zahara Nampewo
Director, HURIPEC

Ms. Edith Kibalama
Executive Director, KcK

Executive Summary

Since independence in 1962, Uganda has faced a number of governance challenges. Although elections were used as the main mechanism for the determination of its political leaders, electoral processes in the country have faced a number of challenges. Indeed, Uganda has experienced spells of dictatorship—civilian and military—in which elections have been suspended and replaced with autocratic regimes, such that for a period of eighteen years (from 1962 until 1980), Ugandans were simply denied the right to vote. Questions have been raised as to whether or not elections in Uganda meet globally-accepted standards of freeness and fairness. Although considerable hope attended the 1986 assumption of power by the National Resistance Movement (NRM), concerns still remain about the extent to which an election in Uganda can actually deliver the legitimate expectations of those who cast their vote. The sum effect is that elections have lost meaning and public confidence in them has dwindled. For a considerable number of people elections are an opportunistic venture—a chance by which to make money, and where poor and impecunious citizens receive hand-outs in exchange for the ballot. Serious concerns abound as to whether voters actually retain the ability to choose their leaders through elections, as bribery, intimidation and chicanery have become the order of the franchise. Aside from the usual questions regarding the levelness of the electoral field, many observers are also concerned as to whether the vote will be peaceful and violence free. To compound matters, the legal framework governing the right to vote has in many respects become outdated.

People's perceptions with respect to the freeness and fairness of an electoral exercise are a critical factor in determining whether there is confidence in the process. For this reason, the Human Rights & Peace Centre (HURIPeC) and Kituo Cha Katiba (KcK) set out to establish the perceptions of citizens about Uganda's 2016 elections. The joint project set out to contribute towards Uganda's democratic process by providing a critical assessment and evaluation of the pre-election conditions and the potential contribution of these conditions to the 2016 elections. From the Literature Review, Field Survey, Fact-Finding Mission and regional workshop held, the following broad conclusions were made regarding people's perceptions about the coming franchise.

i. The importance and role of elections in a democracy

The Survey established that a majority of Ugandans appreciate the importance of elections and their relevance in advancing democracy. In spite of this, the risk of voter apathy was very much alive, fuelled mainly by the general feeling that elections in the current context had failed to deliver democracy. There was also the belief that some people were using elections for selfish reasons, and as a source of money since the vote had become a commodity for sale.

ii. Vote buying and voter bribery

One of the issues perceived as greatly undermining democracy was vote buying and bribery even though, some voices openly condemned voter bribery. For many voters, election time was the time to get rich. It was also indicated that the practice was associated with both the

Ruling Party and the opposition, and that money was already taking center stage in the run-up to 2016 elections. Without vote buying Ugandans would vote differently.

iii. Election Financing

Linked to the issue of vote buying is that of election finance. Political parties have largely failed to build firm financial bases through internal structures, and largely depend on donations and the resources of their leaders for support. There is a need to seriously consider the issue of political party financing. Among other issues, the current legal framework governing the area is inadequate as it excludes parties not represented in Parliament.

iv. Intimidation and violence

Intimidation and violence are perceived to a certain extent to have become part and parcel of electoral processes in Uganda. There was also a perception that terrible things would happen to those who support opposition figures. Indeed, incidents of intimidation affected the Survey Team itself. In Amuru, the Survey team was threatened with arrest and intimidated by the NRM District Chairman. For some respondents, heavy military deployment during elections is an act of intimidation. The Police however argued that human resource deficiencies compelled a reliance on the army in certain instances. Violence was also described to be happening at the instigation of political party supporters with cases of clashes between rival parties reported. Fears of possible violence during the 2016 elections were associated with the re-emergence of militia groups, including Kakooza Mutale's much-feared Kalangala Action Plan. As a way of averting violence, one important lesson that respondents drew from the Kenyan experience was the need to have an election monitoring body which inspired a sense of impartiality and confidence.

v. Integrity of elections and vote rigging

From the Survey, the fairness and integrity of the vote is in doubt, arising from, among others, perceptions that the method of appointment of the Electoral Commission (EC) is not neutral and that the monitoring body lacks independence. Other things which nourish these perceptions include the fact that results are not announced at the polling station in the case of presidential elections, with fears that alterations could occur between the polling station and the place where the results are ultimately announced. The use of state resources by the incumbent was also characterised as a form of vote rigging since it gave the incumbent an unfair advantage over the other candidates. The demarcation of constituencies was also earmarked as form of rigging, with perceptions that the Ruling Party had manipulated constituencies in ways that would influence the outcome of the vote in its favour.

vi. Preparedness of political parties

The general perception was that all political parties—the ruling NRM inclusive—were lacking in ideological grounding and were consequently not adequately prepared for the 2016 elections. Some respondents believed that political parties do not talk about the real issues that affect the people and were only bent on removing President Museveni from power. The general perception is that the NRM has not allowed political parties to flourish and operate independently which has resulted into an unfair advantage in favour of the NRM to the detriment of other parties. Overall, it is considered that the many rifts within the

parties have undermined party cohesion and to a considerable degree affected party organisation. A minority position downplayed the effect of intra-party conflicts on the ground that such conflicts are inevitable and not necessarily bad as all institutions undergo a development cycle. The Democratic Alliance (TDA) was viewed by some as having a lot of potential when compared to earlier attempts to unite parties. At the same time, there were views that as with previous attempts, TDA would not yield much. Some people were not clear if TDA would move beyond personalities and if they had capacity to mobilize the people to support their cause.

vii. The Role of Uganda Police Force

The perception regarding the role of the Police in electoral matters was that it was partisan and applied the law in ways which favoured the incumbent. Many people felt that the Police had overstepped its traditional role by entering the electoral arena. Some respondents were of the view that the Force was independent when dealing with crime that had no political connotations but lost it whenever crime appears to have political connotations. In some quarters, the Inspector General of Police was viewed as an NRM cadre, basing this on public proclamations during the previous election by President Museveni about General Kale Kayihura being a good NRM cadre. However, police officers interviewed were of the view that the Police was doing a good job of maintaining law and order in policing the electoral process to ensure that the law is followed.

viii. Role of the Electoral Commission (EC)

Generally, the citizen respondents were of the view that the EC lacks independence, which was partly to the mechanism of appointment. On the question of preparedness for elections, there was a sharp disparity in perception, depending on the political leaning of the respondent. A good number of NRM-leaning respondents considered the country prepared and ready for elections. Those with opposition leanings thought otherwise. Voices from the Commission itself asserted that it was well prepared for the 2016 elections. At the time of the Survey, the EC had not generated a voter's register but had given indications that it would rely on data captured during the ID registration processes, which some experts deemed unconstitutional.

ix. Local Government structures

Local Government structures remain key actors in aiding the electoral process. In some cases they provide the EC with logistical support among others through the office of the Chief Administrative Officer (CAO). Perceptions on the role of these structures lead to the conclusion that they have become objects of gerrymandering by the Ruling Party. This is mainly seen with respect to the creation of new local government units, such as districts and counties. This has happened mainly a few months to elections and results into new electoral constituencies being created. The Ruling Party has also taken advantage of other local government structures such as LC 1s in what is a fusion of party and state.

Connected to the local structures are the Resident District Commissioners (RDCs), who are also viewed as a symbol of the fusion between the ruling NRM and the state. RDCs have disrupted opposition activities in the guise of promoting security.

x. Civil society organizations (CSOs)

CSOs, especially non-governmental organisations, are playing an important role in electoral matters. CSOs have engaged in advocacy for constitutional and electoral reform, drafting of the citizen's manifesto, civic education, election observation and monitoring, compiling reports on elections, and through promoting peace and nonviolence during elections. However, it was only NGOs that were playing this role, while other civic formations such as sports associations, women associations and trade unions, among others had kept away. The relationship between the state and NGOs posed the biggest challenge to the operations of CSOs and in making their contribution to democracy. The state has used the law on some occasions to attack NGOs and intimidate them into abandoning their civic roles.

xi. Faith Based Organisations

The perceptions on the role of Faith-Based Organisations (FBOs) have characterised FBOs variously. Some are to a certain extent viewed as being critical of government and contributing to building democracy and a credible electoral system. Others are however viewed as having absconded from whipping Government in line.

xii. The Judiciary

There were also perceptions obtained on the role the Judiciary has played. The Judiciary is perceived to have made proposals for the improvement of the electoral laws. There are perceptions that the Uganda Judiciary has faced a number of challenges, ranging logistical and human resource challenges to being one of the most corrupt public institutions. For these reasons, preparedness of the Judiciary to adjudicate electoral disputes in 2016 was doubted, with respondents pointing not only to the questionable independence of the Judiciary but also to its capacity in terms of human resource.

xiii. Academia

Academia is perceived to have an active role in shaping the politics of the country. However, the general belief is that this was not happening. The vibrant debates and discourses that used to be ignited by the Academy have long been lost, as is the guidance which came with this role. It was felt that there is an opportunity to be taken advantage of, and that the academia needs to revitalize its role in this regard.

xiv. Development partners

Whereas the work of development partners is generally appreciated in promoting governance in Uganda in certain respects, these partners were perceived as double-faced with their own interests to protect, which determined their responses to the key issues involved in the election. On some occasions giving a nod to conditions which undermine democracy and ignoring infractions of the rule of law and the electoral process, including condoning corruption especially by the ruling party and state actors, were some of the examples highlighted.

Recommendations

i. Inspire confidence in the electoral processes

There is an urgent need to restore people's confidence in the electoral processes by addressing the factors which have created perceptions that have eroded this confidence. It is unfortunate that calls for comprehensive reforms of the electoral laws were ignored by Government and yet a lot of citizen efforts had been taken in mobilizing reform. As Ugandans prepare to elect a new Government, it is important for the next Parliament and all institutions involved in making legislative reforms take seriously the need for electoral reforms.

ii. Deal with the phenomenon of vote "buying"

It is important for those institutions involved in the enforcement of electoral laws, foremost among them being the EC, supported by the Police, to take seriously the implementation of the laws which outlaw the practice of vote buying. In addition to criminal sanctions, vote buying should be punished by the enactment of laws prohibiting culprits found guilty of such practices from taking part in subsequent elections.

iii. Implement comprehensive civic education

There is a need for comprehensive civic education, which should include voter education as one of the ways of empowering voters. It is important to ensure that voter education by the EC is a continuous process right up to the day of the vote, which is not an *ad hoc* or last-minute exercise.

iv. Make multi-party and competitive politics work

Political parties should be helped to overcome the internal institutional challenges they face. It is also important that all stakeholders, including Government, political parties and the citizens embrace the competitiveness in electoral matters in good faith, in a cordial and free manner.

xv. Stemming violence in elections

Violence is increasingly taking a center stage in electoral matters in Uganda. There is an urgent need to deal with this problem. Foremost, there is need to stop all Government orchestrated violence by such institutions as the Police and other security agencies. The creation of militias and other para-military groups should be stopped forthwith.

Introduction

Like many post-independent African countries, Uganda has struggled to build a state based on democracy, respect for human rights and adherence to the rule of law. Uganda's experimentation with democratic governance has not achieved the ideal result of full democratization of the country. This has not resulted from mainly unforeseen circumstances but from deliberate moves to frustrate the democratization processes. One area where this is visible has been with respect to the failure to hold free, fair and credible elections. The importance of elections as a component of liberal democracy need not be overemphasized. Democracy is based on free choice at the hands of those who yield, or at the very least should yield power: *the People*. For such choice to be exercised effectively there must be debates in a free atmosphere, which results into different contestants "selling" what they have prepared to provide to the people and for a democratic choice to be made free of intimidation, chicanery or mismanagement. It is in this context that elections become relevant and the reason why countries have committed to regular elections as an element of good governance. Regular, free and fair elections serve a number of purposes that include checking the potential excesses by the top level officers of government and are an opportunity for the holding of open debates on pertinent political and social issues on which people hold divergent views.¹ It is also argued that through elections contentious political controversies may be settled peacefully.²

Under the *African Charter on Democracy, Elections and Governance*,³ African countries have committed to the principle of holding regular, transparent, free and fair elections.⁴ The parties to the Charter also recognise popular participation through universal suffrage as the inalienable right of the people.⁵ It is on the same basis that the Universal Declaration of Human Rights (UDHR) guarantees everyone the right to take part in the government of his (or her) country, directly or through freely chosen representatives, by providing that:

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.⁶

The African Charter on Democracy goes ahead to enumerate the things states must do to ensure "transparent, free and fair elections." These include: (a) establish and strengthen independent and impartial national electoral bodies responsible for the management of elections; (b) establish and strengthen national mechanisms that redress election related disputes in a timely manner; (c) ensure fair and equitable access by contesting parties and

¹ United Nations System Staff College and Zentrum für Internationale Friedenseinsätze *The Role of Elections in Peace Processes: When and How they advance Stability or Exacerbate Conflicts*, (2010), at 9.

² Id.

³ Adopted by the 8th Session of the Assembly of Heads of State of the African Union on 8th January 2007.

⁴ Article 3(4).

⁵ Article 4(2).

⁶ Article 21(1).

candidates to state controlled media during elections; and (d) ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections.

It is against the above background that the role of elections in post-independent Uganda should be understood. The struggle against colonial rule was in essence a struggle for self-determination, which is the ability of a people to manage their affairs and control their economic, social and political destiny. For this to be achieved, it was necessary to have a system through which people would be able to freely determine the socio-economic and political direction in which they want to progress. In this regard, there was no system rivaling elections. A newly independent Uganda embraced elections as the mechanism for choosing its leaders. The question to be answered though is: What has Uganda's experience with elections been? Have elections delivered self-determination/democracy? What are the citizen's perceptions as far as elections are concerned? As we head for the 2016 presidential and parliamentary elections, is the ground ripe for transparent, free and fair elections? What are roles of different actors in the electoral process? Is there a genuine commitment to ensuring that the verdict of the people is actually met and effected? And most importantly, we need to ask whether—given the manner in which the proverbial “playing field” is anything but level, *Do elections matter anymore in Uganda?*

In the quest for answers to the above questions, the Human Rights and Peace Centre (HURIPEC) of the School of Law, Makerere University and Kituo Cha Katiba: Eastern Africa Centre for Constitutional Development (KcK) designed a project entitled: *The Road to 2016: Citizens Perceptions of Uganda's Forthcoming Elections*. The overall objective of the Project is to contribute towards Uganda's democratic process by establishing people's perceptions and proposals on various issues to do with elections as the country prepares for the 2016 elections.

The specific objectives of the project include:

- i) To provide a forum for Ugandans to air out their views on various key issues relating to elections in general and the upcoming 2016 general elections in particular;
- ii) To initiate a dialogue with key stakeholders with varied interests and views on the key governance and human rights issues that will influence the upcoming 2016 elections;
- iii) To examine the relevance of the role of citizens as bearers of rights in the electoral process in Uganda;
- iv) To enable critical actors in the region to share experiences and best practices with their counterparts in Uganda and to learn from each other's best practices and mistakes;

- v) To provide up-to-date analytical information about the pre-electoral process, and
- vi) To recommend the measures necessary to be taken in order to ensure peaceful, free and fair elections.

Project Methodology

The Project methodology was informed by the Project design which involved the construction of four key components: *A literature review; a survey of citizen's perceptions on the 2016 pre-election contexts; a fact-finding mission; and a regional stakeholders experience-sharing workshop.*

The *Literature Review* involved two component parts, the first being an analysis of Uganda's socio-political context, reflecting on its democratisation process with specific reference to the role of elections. The review looked at selected institutions with the aim of understanding how these contribute toward and impact on the outcomes of elections and their impact on the democratisation process, and sought to answer the following questions:

- *What are the factors propelling or undermining the consolidation of democracy in the country?*
- *What is the explanation of the various outcomes of elections in Uganda?*
- *Have elections deepened or undermined democracy in Uganda?*

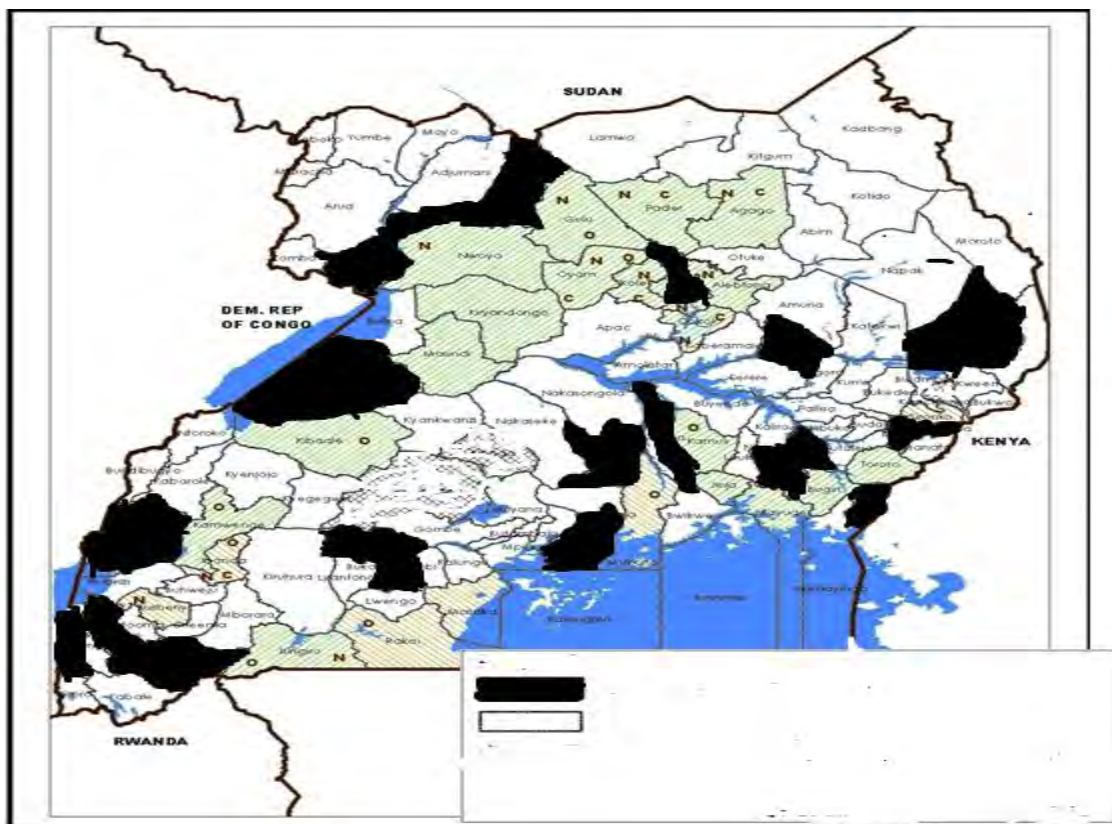
The second component involved an examination of the normative and institutional legal framework as it pertains to elections. The pertinent question which was to be answered was one of how equipped/appropriate the legal and institutional framework was to address the contentious legal, social, political and other problematic aspects that may arise in the election processes? In other words, has the law facilitated or hindered free and fair elections in Uganda? Was the law the magic bullet that could cure all election-related anomalies in Uganda?

The *Survey on citizen's perceptions of elections and on the forthcoming 2016 general elections* was designed to garner and document the perceptions of a cross-section of Ugandans on various issues relating to elections in general and on the upcoming 2016 elections in particular. The aim here was to explore aspects such as the meaning of elections to the 'average' Ugandan, pros and cons of elections of leaders, the role of central and local government leaders, and the relevance of public entities such as the Electoral Commission, the Uganda Police and local government structures. The methodology used in the Study involved the utilisation of key informant interviews and Focus Group discussions which were conducted with a number of respondents across the country. The general interview guide approach was used, in addition to one-on-one interviews and focus group interviews.

For the purposes of field survey, the country was divided into nine (9) regions based on the geo-political distribution of the population. The nine regions included Central, Western, Rwenzori, Bunyoro, West Nile, Mid-North, Karamoja, Bukedi and Bugisu.

Two districts were purposively selected from each region, based on the previous experiences with election, particularly the one relating to the 2011 Presidential and Parliamentary elections. The key considerations for selection of the districts were based on a number of factors including: (a) performance of different political parties a balance being made to ensure that the study covered both ruling party and opposition strong-holds; (b) experience in past elections based on level of election political activity in the district; (c) level of election violence (or lack of it) based on past elections; and (d) Whether the district went through a by-election, consideration being given to at least one district that went through a bye-election to gauge the differences in responses and activity in a bye-election. The districts in which the Survey was conducted included: Lira, Soroti, Hoima, Luwero, Sembabule, Kampala, Kayunga, Mbale, Iganga. Busia, Nebbi, Ntungamo, Rukungiri, Kanungu, Kasese, Kapchorwa and Nakapiripirit.

Map Showing Districts Surveyed



The *Fact-finding Mission* was designed to collect information on critical governance and human rights issues that will influence the 2016 elections and to recommend measures to ensure peaceful elections. The mission, which consisted of a multi-disciplinary team of

experts (See Annex A), interrogated key questions such as the role of militarization in elections, including use of militias; state instigated electoral violence; the role of different key stakeholders in the elections access to and freedom of the media; the status of opposition parties; internal party democracy and factionalism; impact of political coalitions on elections; finance, corruption and elections; election readiness and preparedness; electoral legal reforms; ; and how the 2016 will differ from previous elections. Unlike the *Survey Mission*, the *Fact-finding Mission* targeted carefully selected key informants, comprising mainly of opinion leaders selected from a wide spectrum of stakeholders from government, Parliament, the Judiciary, political parties, NGOs, faith-based organisations, the media, cultural institutions, academia, the youth, women and development partners.

The *Regional Stakeholders Experience Sharing Workshop* which was held in October 2015 and brought together participants from Uganda, Kenya and Tanzania, with the goal of sharing experiences, best practices and lessons from the region, mainly from Kenya, a country with a lot to offer from its political transition since 2007. Tanzania was targeted having gone through an election a few days before the convening of the Workshop. Of particular interest were questions such as how the media, civil society, the Kenya National Commission for Human Rights (KNCHR), and the Independent Electoral Commission (IEC) of Kenya and similar structures in Tanzania diffused violence during the 2013 Kenya elections and 2015 Tanzanian elections. Delving into the Kenyan and Tanzanian experiences, perspectives on Uganda's election context were discussed by way of background, provided by representatives from the media, academia, NGOs with experience in election issues, the EC, the Uganda Police and the Uganda Human Rights Commission (UHRC).

The findings of the Project were shared and reviewed at a workshop held on 15th December 2015. Participants at this Workshop made a number of proposals, some of which have been incorporated into this report. The participants were drawn from a variety of stakeholders, including academic, police, civil society, media, political leaders and participants in the Survey and Fact-Finding missions.

Uganda's Experience with Elections: A Historical Synopsis

The Elections

Since the pre-independence era, Uganda has had a history of unfair elections and militarization has been a key feature of the country's politics. The trend of general elections has been characterized by vote rigging, vote buying, wide-spread violence, militarization, limited citizen awareness of elections and widespread corruption accompanying the franchise. Rights such as those to free expression and assembly have suffered at the instigation of state agents during elections. It is a mark of the situation that no election was held between the pre-independence poll in April 1962 and December 1980 following the removal of Idi Amin.

Of the five general elections that have taken place since independence, four have been during the regime of the National Resistance Movement (NRM) government.⁷ The first general election after independence was held in 1980, becoming the country's first multi-party and presidential election. Coming in the wake of the overthrow of Idi Amin, expectations from these elections were that finally the country would revert to democracy. The expectations were however dashed, pre-election activities included violence and the arbitrary exclusion of some candidates, mainly the non-Uganda Peoples Congress (UPC) ones, from the election. The powers of the Electoral Commission were usurped by the Military Commission, which, it is alleged rigged, the election in favour of the UPC. The 1980 elections were not only a failed experimentation with multi-party democracy but the beginning of the militarization of politics as epitomized by assumption of electoral authority by the Paulo Muwanga Military Commission.

The next elections after 1980 were the 1989 elections to the National Resistance Council (NRC). In these elections, only a short introductory speech would be made by all candidates on the same platform, and candidates were barred from identifying themselves with any political party. Voters had to line up behind their preferred candidates. The 1994 elections, in were intended to elect representatives to the Constituent Assembly (CA), and unlike the NRC elections, were based on secret ballot. Nonetheless, political parties were still barred from taking part. The 1996 elections were still held under the Movement system with no-party participation. The elections were characterised by violence and unveiled threats against the opposition and its supporters. Similarly, the 2001 elections were held under the no-party system, though different from the previous to the extent that the NRM's Museveni for the first time faced a real challenge from Reform Agenda's Kiiza Besigye. The outcome

⁷ The first post independence election in Uganda was that of October 1963 by which Sir Edward Muteesa II became the first President of independent Uganda. The others include the 1980, 1996, 2001, 2006 and the February 2011 general elections.

of the election was contested. Although the Supreme Court held that the elections were characterised by a number of irregularities, these did not substantially affect the outcome of the elections. The Court confirmed that there was evidence of multiple voting by single voters, pre-ticked ballot papers and the harassment of voters.⁸

The 2006 elections came as the first after reversion to multi-party democracy, following a referendum and constitutional amendment which also saw the removal of presidential term limits. As in 2006, the 2011 elections were held under the multi-party system; so too will the 2016 elections. It has been argued that in most states undergoing democratic transition, the second multi-party elections represent a step toward consolidating democracy, while the third election leads to the consolidation.⁹ On the basis of this assumption, one would argue that the 2006 and 2011 elections need to be scrutinised to determine whether there were achievements to consolidating democracy between these two elections. The period in the run up to the 2006 elections witnessed interesting events. Besigye, the most viable contender for presidency against the Ruling Party candidate, was arrested on flimsy charges of rape as soon as he landed from exile in South Africa where he had sheltered since 2001. The Attorney General had advised that being on remand, Besigye was disqualified from nomination as a presidential candidate, this was notwithstanding the fact that the Constitution guaranteed the right to be presumed innocent.

The 2011 elections still raised the question whether Uganda had adequately prepared itself for multi-party democracy, let alone a peaceful transition from one leadership/political party to another through elections. The period before the elections among others showed the weaknesses political parties faced internally, epitomized by the failure to build internal institutional frameworks. Party primaries, including those of the ruling NRM, were marred by irregularities. In its summation, the European Union Election Observation Mission (EU EOM) concluded that the 2011 general elections, although showing some improvements, were marred by avoidable administrative and logistical failures which led to an unacceptable number of Ugandan citizens being disenfranchised.¹⁰ According to the EU EOM, the power of incumbency was exercised in such a way as to severely compromise the playing field between the competing candidates and political parties. With respect to violence, the EU concluded that notwithstanding a number of incidents of violence and intimidation, especially on Election Day, the electoral campaign and polling day were generally conducted in a peaceful manner. The EU was of the opinion that restraint in campaign rhetoric contributed to this improved campaign environment.

Widespread allegations of vote buying and bribery of voters, especially by NRM representatives, were reported by all EU EOM observers deployed across the country, who however also observed that it was difficult on some occasions to distinguish between bribing voters and “facilitating” party supporters. However, runaway inflation which followed the elections and instigated the walk-to-work demonstrations, confirmed the extent of “monetisation” of the elections. Security forces reacted to the demonstrations with brutality,

⁸ See *Besigye v Museveni & Anor* Presidential Election Petition No. 1 of 2001.

⁹ Sabiti Makara, *Elections in Uganda*, research conducted as part of the activities of this Project.

¹⁰ European Union Election Observer Mission, *Uganda, Final Report: General Elections 18 February 2011* (March 2011).

resulting in a number of fatalities. Among others, the EU EOM recommended that in advance of future elections, the election legal framework would require reform to be fully in line with Uganda's international, regional and constitutional commitments and obligations.

The sum effect from all the elections above is a mixture of gains and successes, with increasingly interest by the public in elections but which are characterised with a number of irregularities. For a considerable number, elections are an opportunistic venture - a money making spree at which citizens look forward to earning an easy buck and getting hand-outs for survival. Above all, citizens have largely lost the ability to choose their leaders through elections. Democracy through elections has become elusive. The goals of elections have moved from the possibility of regime change or reform, to regime consolidation for those in power. As a result, elections have ceased being the basis of electing popular government.

The Legal Framework

The legal standards governing the conduct of elections can be extracted from international and regional instruments, which have found their way into the national instruments, with the latter being required to conform to the former. Article 25(a) of the *International Covenant on Civil and Political Rights* (ICCPR) provides for every Citizens' right to take part in public affairs directly or through a validly chosen representative. Article 25(b) extends this right to the possibility of all citizens to vote, or stand and be voted for elective positions in elections that are periodic. Replicating the UDHR, Article 25(b) provides for "... universal and equal suffrage...by secret ballot..." The *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) calls upon states parties to actively take steps to ensure that women are not discriminated against in participation in political and public life of their countries. At the regional level, the *Constitutive Act of the African Union* in article 3 commits one of its objectives to promoting democratic principles and institutions, popular participation and good governance. As indicated above, the *African Charter on Democracy, Elections and Governance*, although not yet ratified by Uganda, enunciates relevant principles in this regard and cannot be ignored. The Charter shows that there is a high level of connectedness between electoral democracy, human rights, peace and security.

With respect to the East Africa sub-region, Article 6 of the *Treaty for the Establishment of the East African Community*, defines the fundamental principles of the Community to include the principle of good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the *African Charter on Human and Peoples' Rights*.

Since gaining independence, Uganda has suffered from the absence of an entrenched culture of rule of law which has created a situation that the law is only used when convenient to do so. For most of the time, the rule of law has been replaced with militarism and use of brute force, with the phrase "orders from above" in some cases being stronger than the law. This

is notwithstanding the fact that the country has promulgated a number of laws on electoral and related matters. At the moment, the electoral laws are found in the Constitution, 1995 (as amended), the Electoral Commission Act cap 140, the Presidential Elections Act, 2005, the Parliamentary Elections Act, 2005, and the Local Government Act, Cap 243, supported by a number of regulations in statutory instruments. These laws regulate a number of issues, including: the period of elections, terms of elected leaders, qualifications of candidates, qualification and registration of voters, campaign requirements and restrictions, constitution of the Electoral Commission (EC), counting of votes and announcing of results, among others. Each election cycle calls for the review of the legal framework in place, in some instances resulting in reform. However, even though there have been a number of reviews and amendments of the law, several loopholes and contradictions have not been addressed.

In recent times, the most comprehensive proposals from legal reforms came as part of the *Uganda Compact for Free and Fair Elections*.¹¹ The Compact addressed and made proposals on a number of issues. Ensuring the integrity of the voting process under which a proposal is made that LC I and LC III elections be done the same day. On the role of security agencies and militias, it is proposed that an Independent Security Commission with powers to promote, discipline and entertain complaints be established. Proposals are also made regarding the integrity of campaigns requiring the restriction of classified appropriations and monitoring those to state house. To deal with the system of patronage, it is proposed that there should be a system to ensure that appointment to public commissions, agencies and regulatory bodies is transparent, open and competitive. The Compact also contains proposals on special interest groups, with suggestions that workers' and army MPs be removed from Parliament. Proposals are made to regulate the relationship between state and ruling party by among others abolishing the office of Resident District Commissioner (RDC) and closing the National Institute for Political Education. On the integrity of the vote tallying process, it is proposed that all results should be declared at constituency level. Also proposed is the restoration of presidential term limits to 2 five-year terms.

In addition to the Citizen's Compact, a number of groups appeared before Parliament and made proposals for wide ranging reforms, including Kituo Cha Katiba, which *inter alia* proposed the following:

- (a) members of the Electoral Commission be publically vetted and appointed by independent body;
- (b) the number of constituencies be reduced to manageable size;
- (c) all elective candidates should have equal opportunity to access the media;
- (d) introduce a system of one woman and one man per constituency;
- (e) disqualify from elections persons judicially found to be guilty of electoral irregularities;
- (f) The Speaker should not be member of parliament;
- (g) introduce provision on presidential running-mate; and

¹¹ National Consultation on Free and Fair Elections *Uganda Compact for Free and Fair Elections* (November 2014), available at < <http://ngoforum.or.ug/wp-content/uploads/downloads/2015/01/Citizens-Compact-on-free-and-fair-elections-2-1.pdf>> (accessed on 11th October 2015).

(h) introduce a system of proportional representation.¹²

Unfortunately, although the above proposals had been prepared at the instigation of Government, in August 2015, Parliament passed the Constitutional (Amendment) Act of 2015 which ignored all the varied proposals. The cosmetic nature of the amendment is glaring, as it ignored the suggestions on composition, and the more transparent appointment of members of the EC among others.¹³ Instead, The Act, introduces a new clause 8 to Article 60 of the Constitution which giving the President power to appoint members of a tribunal to handle matters relating to removal of the members of the EC. In addition, the President can remove a member of the Commission if the tribunal he appoints recommends so.¹⁴

It is against the context above that people's perceptions on elections and democracy as established by the survey should be understood.

Citizen's Perceptions and Opinions

To gauge citizen's perceptions the Study conducted a *Survey on citizen's perceptions of the forthcoming 2016 elections*, which sought to establish citizens perceptions on the following issues:

- (a) The importance and role of elections in a democracy;
- (b) Vote buying;
- (c) Intimidation and violence before, during and after elections;
- (d) Vote rigging, and
- (e) the role of different institutions involved in elections, including the Police, Uganda Human Rights Commission, EC, CSOs, faith-based organisations, academic and development partners, local government; and political parties and their readiness for the 2016 elections.

The Survey was complimented by the Fact-Finding Mission, which, as already indicated, targeted selected stakeholders and opinion leaders and was conducted by a multi-disciplinary team. The outcomes of the Survey and Fact-finding Mission are presented below. Reference is also made to the views that emerged from discussions at the regional workshop, and to those from the stakeholder dissemination convening that took place in December 2015.

¹² See Kituo Cha Katiba: East African Centre for Constitutional Development *Constitutional Amendments Reference Book* (2014).

¹³ See the Citizen's compact on free and fair elections (supra), section 1 page 5.

¹⁴ See Constitutional (Amendment) Act, No 7 of 2015, section 1.

The 2016 Elections context

Before delving into the perceptions and views obtained from both the Survey and Fact-finding mission, it is important to understand the context in the run up to the 2016 general elections and, particularly, the context at the time the Survey and Fact-finding Mission were conducted. This is because the political events at the time could have played a role in shaping people's perceptions. Also relevant to the context are the events which characterised the 2011 elections and the period thereafter. The events/developments are abbreviated as follows:

2011 and its immediate aftermath

- The run up to the 2011 elections although generally peaceful was characterized by some incidents of violence, seen mainly after the irregularities which characterized the NRM primaries and the emergence of the para-military group "Kiboko Squad" which worked on some occasions alongside the Police.
- The 2011 elections were characterized by vote buying and were followed with runaway inflation which invaded the country. A huge largely unexplained supplementary budget was passed a few months to the election day.
- The 2011 post-election period was characterized with the walk-to-work demonstrations which were cramped down by the security forces in some cases in an unprofessional manner involving use of brute force.

Inter-Election Period (2011 - 2015)

- This period witnessed increased narrowing of civic and political space with the promulgation of the Public Order and Management Act, 2013, in respect of which the Police is accused of applying selectively to limit the freedoms of association and assembly, particularly against the political opposition.

The period was characterised with the Kyankwazi resolution that Museveni will be the sole candidate for the NRM.

- Proposals for legal reforms to guarantee free and fair elections were in August 2014 ignored when Parliament passed a constitutional amendment that does not match the wide-range of proposals made by the public.
- The announcement by ex-premier John Patrick Amama Mbabazi of his candidature reinvigorated the interest to vote by a population that has previously been descending into apathy.

Pre-2016 period

- Although it has not given the intended results, the attempt by opposition political parties and independent candidate Amama Mbabazi to field one Presidential candidate under The Democratic Alliance (TDA) has been the most exuberant attempt at unity by the opposition.
- Pushed by a big youthful population and the power of digital media, electioneering has become more digitised than ever before as seen in the vibrant use of electronic and social media.
- The recruitment of the Police of crime preventers, in some cases commissioning them adorned in NRM colours, in addition to the emergence of such para-military groups as Kalangala action plan and *solida*.
- There have been some incidents of violence, although these are isolated and in some cases may not be connected to elections. These include the tribal clashes in the Rwenzururu region between the Bakonjo and Bamba in 2014 and the several clashes between "landlords" and "squatters". In some cases land disputes being between citizens and the state as was the case in Amuru;
- Political parties have exhibited an acute lack of internal organisation and democracy with the failure to put in place democratically elected leaders in the Uganda Peoples' Congress (UPC), the NRM and the with the factions in the Democratic Party (DP).
- The lack of clarity regarding the generation of the voter's register and voter registration, the Electoral Commission having not clarified what data would be used to generate the register and whether or not persons not registered for the national ID would vote;

A Synthesis of Citizen's Perceptions, Views and Opinions

The Importance and role of elections in a democracy

The Survey established that a majority of Ugandans appreciate the importance of elections and their relevance in advancing democracy. Citizens are aware that voting is about being presented with different choices and for the people to make decisions based on convictions about which individual or party would be best suited for the contested post. This is in addition to elections being a process through which people choose those who will be their voice and make decisions on their behalf to ensure service delivery. In some places, it was felt that elections provide the community with the opportunity to hold leaders accountable on the previous promises and as a way of assessing the performance of Government. While there was a general perception that elections contribute to democracy, since the most

popular person wins the vote, it was also felt by some respondents in such places as Nebbi and Busia that the most popular persons may not necessarily be the best. One respondent in Kampala associated the "institutional decay" we have in the country to "incompetent leaders" who simply take up political offices "to eat" from them. According to some respondents, it was those who were good at telling lies and splashing money that won the day. The failure by the electorate to weed out such leaders, according to a respondent in Lira, was associated with the lack of civic education, which leaves "citizens to do things they do not understand," in addition to the sense of hopelessness which has forced citizens to listen to anyone who tells lies. Some people perceive the failure to adequately fund civic education as deliberately intended to have ignorant voters who cannot meaningfully take part in elections or easily demand for accountability.

The above notwithstanding, some people considered election time as the opportunity to make money from the different candidates vying for elective positions. For these people, elections presented them with the opportunity to "hold their leaders accountable" by making them pay back. In these circles, there was a perception that elections result into a lot of money circulating in the economy during campaigns as a result of handouts. Such windfall should be fully taken advantage of. For example, some respondents in Iganga and Busia observed that it is only at election time that contestants dole out cash and gifts to their people. After elections, the elected candidates never return to the community. For this reason, voters had to take maximum advantage of the election period. In Kanungu, a respondent opined thus:¹⁵

You cannot win an election in this area (Kanungu) if you have not paid something. Everyone expects you to give them something and the one who gives most takes the day. People give soap, salt, sugar, matchboxes, waragi (local brew) or Bushera (local porridge) in order to be voted. That has become so normal that everyone is expected to pay something.

For some respondents, particularly in Kampala, as much as they appreciated the role of elections and their relevance, they exhibited a sense of frustration because to them the defects in the electoral system deprived them of the genuine opportunity to vote their leaders.

We no longer think voting makes sense. Remember that it is the Electoral Commission which decides who wins not us. When we voted Kasibante, after a week he was removed from Parliament We voted the Lord Mayor and he too was removed from office.

(Select voices from FGD in Kampala, conducted at Rumour Restaurant, on 31.07.2015).

¹⁵ FDG in Kanungu on 8th August 2015

The general feeling in many places was that in Uganda elections had failed to bring about democracy, the result of vote buying, intimidation, rigging and violence. Politicians had also failed to understand that elections should not result in hatred. It was the view that instead of learning from the opposition, the Government had taken to fighting them. The result was that "even us voters become enemies forever."¹⁶

In Rukungiri, some respondents doubted whether elections could deliver democracy in a militarised state where elections are always characterised by a heavy deployment of security personnel as a way of intimidating voters. Yet, some respondents in Iganga, Kanungu and Rukungiri thought that the biggest threat to democracy was the lack of internal party democracy.

The more youthful respondents to the survey appeared to be especially afflicted by a sense of hopelessness. The more elderly respondents generally exhibited a sense of hope and believed the current leadership had performed well in contrast to the youth who were yearning for change.

From the Fact-Finding Mission, there were mixed views regarding the possibility of voter apathy during the 2016 elections. There was a degree of hope that this time round more people would vote. This was connected to the fairly high turn up for voter registration and the huge crowds which participated in the pre-election events of the three main contenders, namely Yoweri Museveni (NRM), Dr. Besigye (FDC) and Amama Mbabazi (Go Forward). On the other hand, some respondents were quite skeptical about the voter turn up for the next election. Of special concern was how the 40% who did not vote in the 2011 election and the 3 million new voters would be mobilized to vote. Coupled with this was the prevalent view that the elite generally do not vote. There was also fear that the failed electoral reforms could aggravate voter apathy. Hopelessness as to whether a change of leadership especially at the level of the presidency was possible, was also real.

By way of conclusion, the results above show that generally, people appreciate the importance of elections and the role that they play in the promotion of democracy. In spite of this, the risk of voter apathy was very much alive fuelled mainly by the general feeling that elections in the current context had failed to deliver democracy and consequently, there was no reason to participate in the ensuing franchise. This notwithstanding, people are still taking part in pre and election matters as we approach the 2016 elections. For some people though, participation has been for selfish reasons, based on the belief that there is money to make during the election period. This perception has been nurtured by the conduct of politicians by engaging in voter bribery and vote buying, a point taken up in the next subsection.

¹⁶ Per an elderly respondent in the Luweero Town FDG, conducted at Christina Hotel, Luweero Town Council on 22.7.2015.

Voter bribery - The "sin" of vote buying

One issue which came out from the Survey as undermining the quality of elections was the problem of voter bribery. The Survey established that voter bribery had become so entrenched in the political system to such an extent that without bribery one cannot be expected to win an election. One respondent questioned why such an “obvious question” was being asked: “if you are Ugandans you should know this”,¹⁷ the respondent told the Survey team. As indicated above, for some voters, election time is the time to get rich, “you either get rich now or never” was the statement made by a respondent in Soroti.¹⁸ Politicians were using various modes of bribing voters, including buying votes for cash, distributing consumables such as sugar, soap and paraffin (especially in the rural areas) or such items as motorcycles and motorcycles accessories for cyclists (boda-boda riders) in urban areas. Some respondents associated the practice of bribery to the incumbent President, who has been publicly seen dishing out money to prospective voters, sometimes in sacks and on other occasions in brown envelopes.

The opinions from the Fact-finding Mission associated the problem of voter bribery to the rampant levels of poverty which it was said had forced desperate and poor people to look to politicians for hand-outs.¹⁹ The Fact-finding Mission established the view that the practice was associated with both the ruling-party and the opposition, although it appeared more rampant with Ruling Party candidates who appeared more resourced than their opposition counter-parts. The general perception here was that the Ruling Party was using state resources as the source of its funds to bribery voters. It was argued that among others that this had resulted from the fusion of the state and the ruling party.²⁰ Bribes are perceived to have on many occasions come as Presidential donations to different social or community activities.

There are strong views on the effect of the practice on the country's democracy. Many respondents approached as part of the Fact-finding mission argued that elections have been so monetized to the extent that election on merit is rare, with the strength of candidates being judged by how much they pay in bribes.²¹ There was a perception that for some politicians, becoming a political leader was a job and not a service. A respondent in Kayunga opined: *‘We have a lot to improve especially people’s perceptions-because some politicians take politics as a matter of life and death (a job) they don’t go with a spirit of serving the people’.*²² In Amuru, a Respondent observed thus:

¹⁷ Per a respondent in an FGD in Lira Town. Similar views were voiced by youth in Hoima town. For Lira, the older communities members (men) were blaming the youth for selling their country. The elders opined that the youth felt that this was their time to get rich. For Hoima, the youth interviewed were sad that at that time, presidential candidate Amama Mbabazi was being stopped from moving around (to Mbale). They (youth) thought that would ‘block’ the money that Mbabazi would be coming with to the constituencies. They are ready to get rich now, or never.

¹⁸ Per a respondent at the FGD with only males in rural Soroti, at the Katine Sub-County Headquarters.

¹⁹ Human Rights & Peace Centre *The Road to 2016: Citizens’ Perception on Uganda’s Forthcoming Elections: Report of A Fact Finding Mission* (November 2015), at p 36.

²⁰ Mission Report (note 15 above), at p 4.

²¹ Mission Report (note 15 above), at p 36.

²² Per a female respondent in the town FGD, Kayunga Town Council, Kayunga District.

Majority of people who were voted in office, where voted because they gave materials such as salt, sugar, soap and so on. But there are politicians, who command respect like Regan Okumu and Norbert Mao among others, who even without salt voters are still able to vote for (Respondent Amuru).

According to many respondents, money took center stage in the run-up to 2016 elections. There were reports that the bribery of voters started soon into the vote-canvassing period, especially in the run-up to the political party primaries, with a number of individuals positioning themselves as campaigners or agents for whoever was willing to avail them with money. It was asserted that money is going to be a determinant factor in the 2016 elections, and the press was quoted to have defined Mbabazi's capability as a presidential candidate in terms of money.²³ Some of the respondents pointed out that the major criteria for the TDA joint candidature was the ability to garner support, influence the state apparatus, but critically the ability to mobilize resources and finances for the presidential campaign. According to some respondents, this was the selling point that qualified Amama Mbabazi as a top contender.

As the 2016 elections edge closer, there is general perception that Mbabazi has so much money accumulated over years of working at the top echelons of government, which gave him global and local business connections. This perception has led a number of leading opposition politicians to associate with him, many with the hope that he will fuel their political campaigns. At his secretariat, Plot 29 Nakasero road, there is already an influx of people from various parts of the country asking for money to do one thing or another.

Excerpt from Edris Kiggundu, *“Where is Amama's Money?”* The Observer, 23 October 2015.

The Fact-finding Mission established that vote bribery was becoming sophisticated and had gone beyond the well-known methods traditionally employed which is vote buying through small household items. The new forms included institutional donations which are timed to coincide with the campaign period.²⁴ It was contended that there is nothing wrong with charity but the intention of the giver matters. One respondent observed thus: ~~in~~ Uganda, this intention is sometimes doubted because receiving gifts from opposition leaders is castigated, is seen as political, and is not viewed the same way if they came from the President”.²⁵ One of the institutions which was perceived has been caught in this trap of institutional bribery is the Church, to such an extent that many times the consecration of new

²³ Mission Report (note 15 above), at p 33.

²⁴ Mission Report (note 15 above), at p 34.

²⁵-To a respondent in an interview at the IRC-U offices, August 17th, 2015.

bishops does not start until the President arrives and is expected to make a donation, many times a vehicle. There are of course contrary views expressed on the issue. Thus, one respondent argued that receiving such gifts was a right: “If Bishops are given, why not Muslims? We also pay taxes—it is a right”.²⁶ There was therefore a sense of entitlement from sections of the religious leadership, which may or may not be connected to how they then influence their followers to exercise their voting rights.

Several respondents openly condemned voter bribery. Individual religious leaders the Fact-finding Mission talked to decried the practice as negative and were quick to point out that envelopes and Pajeros were given to religious leaders as individuals and not to the churches or mosques as institutions.²⁷ The Mission was in fact informed that churches through a pastoral letter prepared on the upcoming elections, had strongly protested corruption during elections and prohibited the use of churches as platforms for campaigns. In addition to the voter buying, a more sophisticated form of voter bribery appears in the form of influence peddling, with politicians making voters believe that they can use their political connections to deliver services to the people. Many times, the name of the President is used in proving those connections. Such acts delude the people into believing that the social services they receive are not an entitlement but are only provided because of one’s connection with people in government. Voters are then hoodwinked into voting for those who they think have the necessary connections to personalities in power.

From the survey and mission interactions the conclusion on the issue of voter bribery is that without the practice of vote buying Ugandans would vote differently. There was equally strong unease among sections of people interviewed that the rampant use of money by the State would scuttle opposition efforts of having joint candidates in the 2016 elections. Others contended that the highly monetized nature of Uganda’s elections would deny groups that do not have money such as the youth and women the right to vie for political office.

Election Financing

Linked to the issue of vote buying is that of election financing, also addressed during the Fact-finding Mission. It was established that opposition political parties were finding it hard to take part in elections because of financing problems. The parties have themselves failed to build strong resource and financial bases within their structures, and largely depend on donations. However, financing provided externally, among others from the Interparty Organization for Dialogue (IPOD), was helping finance some activities of political parties. The Netherlands Institute for Electoral Democracy was also providing some funding.²⁸

One matter of concern raised and worth highlighting was related to the role of political party leaders in the financing of elections. On some occasions, politicians have relied on their

²⁶ To a respondent in an interview at the Uganda Moslem Supreme Council, August 28th 2015.

²⁷ Mission Report (note 15 above), at p 35.

²⁸ Mission Report (note 15 above), at p 33

party presidents for finances to facilitate their elections. The example was given of how some members of Parliament asked for money from President Museveni in return for their support of the sole candidate project which preoccupied the party early in 2015. The danger with this practice is that it personalises parties, which is indeed one of the major shortcomings of parties in Uganda and which partly explains the failure to institutionalise them.

The deduction from the above context is that there is a need to seriously look at the financing of political parties, especially since the current legal framework is inadequate. Section 14A of the Political Parties and Organisations Act provide that Government shall contribute funds or other public resources towards the activities of political parties or organisations represented in Parliament. The section provides among others that Government support in respect of elections parties on equal basis between all parties but shall be based on numerical strength of the parties in Parliament in respect of normal day to day activities.²⁹ The funds provides, according to the law shall be subject to audit by the Auditor General”.³⁰ However, the fact that political parties not in Parliament are not facilitated means that they are left on the periphery, and effectively unable to become competitive in the electoral arena without such facilitation. Additionally, there could be political parties without representation in Parliament and yet they are represented in district councils. These too should benefit from the funding.

Intimidation and Violence

The different facets of this project all established the fact that voter intimidation had to a certain extent become an established part of Uganda's electoral processes. Incidents of direct violence have also been recorded and there is an ever prevalent fear of violence erupting anytime in the country. Intimidation has come in various forms, including insinuations that electing opposition politicians will drag the country back to violence, or even that the ruling party would not let go of power if it lost the election, but would instead resort to violence. There is also a general perception that terrible things would happen to those who support opposition figures, including either being beaten or imprisoned. A respondent from Hoima said that they feared being agents of other political parties for fear of being imprisoned: "even when Mbabazi comes, we shall fear to go there. Why do we die? When we get imprisoned, Mbabazi or Besigye will not get us out".fn Indicators of the fear of victimization were seen in some places during the Survey. In Amuru, the Survey team was threatened with arrest and intimidated by NRM District Chairman in the presence of the District Police Commander (DPC) who stood by without intervention. Indeed, the Team was not allowed to conduct interviews in the District. The NRM Chairperson complained about the focus of the research and the possibility of the researchers being *Mbabazi lawyers*. He said:

²⁹ See section 14 A(c) of the Act.

³⁰ Section 14A(d).

I cannot allow this to happen here DPC. Mbabazi said he has 500 lawyers and we have been seeing only a few speaking on TV, that means others are these people pretending to be researchers but spying for Mbabazi. I know lawyers, they are very clever people. I would rather die but cannot allow the survey to continue in Amuru, because, I am ready to die for Mzee. These things they are asking people, like the independence of electoral commission are things Mzee does not want! If you cannot arrest them, I will call the Regional Police Commander. ‘ (Chairman NRM, Amuru).

In Hoima focus group discussants expressed their views freely and openly only after a male member of the group who was outspoken and appeared to support government in his views was out of the room, and would go mum whenever he returned to the room.³¹ Another illustration of intimidation was highlighted in a focus group discussion in Soroti, indicating that heavy military presence during elections is a source of intimidation for many voters.³² Concocted cases of treason brought against opposition aspirants were also cited in this thread of intimidation.³³

Violence was also described to be happening at the instigation of political party supporters, with cases of clashes between rival parties reported. The perception here is that the police was never neutral when such clashes happened, choosing instead to take action against opposition party supporters and sparing those of the Ruling Party. The infighting in political parties, including in the ruling party, was also cited as a possible cause of violence. From the Fact-finding Mission, the fears of possible violence during the 2016 elections were associated with the emergence of militia groups, including Kakooza Mutale's Kalangala Action Plan in addition to the massive recruitment of crime preventers and such opposition-instigated groups as *Solida*. In some circles, the possibility of violence was associated with a loss by the Ruling Party, which was believed would resort to violence in order to cling on to power. Some respondents thought that violence would break out once Museveni was out of power since it was only him who can hold the country together. It also emerged that violence has a gender dimension and was deemed to be partly responsible for the limited participation in electoral related events by women.³⁴ This is because women fear being in places where violence is likely to erupt. It was also opined that many women opted to belong to the NRM since it was safer there than with other parties.

In many circles, violence was associated with the youth, who at the moment form the largest portion of the population. It is also the youth who are the most affected by unemployment and thus vulnerable to being used by those who viewed violence as a tool for political/electoral gain. It has been argued though youth violence was a symbol of the

³¹ Focus Group Discussion, Hoima.

³² Focus Group Discussion, Katine Village, Katine Parish, Katine Sub-County, Soroti District, date: 16.7.2015.

³³ Interview with key respondent in Busia, 16th July 2015.

³⁴ Mission Report, (note 15 above), at p 38.

frustration this group is facing, which has forced it to view violence as the only way through which to express themselves in the face of marginalization.³⁵

At the Regional Workshop, a representative of the Uganda Police attributed the challenges in policing elections among others to the nature of politics in the country which is both competitive and "conflictual". In response to concerns about the presence of the Army during elections, the same representative attributed it to the human resource deficiencies of the Police, which forces the latter to seek the assistance of the military to provide the requisite assistance to the Police during elections. According to the Police representative, crime preventers too would be under the control of the police and were described as citizens of goodwill stepping up to help the police.

The lessons on violence that could be learnt from the 2007 and 2013 Kenyan elections were also discussed at the Regional Workshop. The 2007 Kenyan elections resulted into violence of a magnitude Kenya had never witnessed before, with over 1,000 people confirmed dead and thousands more displaced. One of the lessons learnt from the Kenyan experience was the need to have an election monitoring body which inspired a sense of impartiality and confidence. The election monitoring body was perceived by the many Kenyans as impartial and biased towards the ruling Kibaki government. Indeed, one of the factors that triggered violence was the hurried swearing in of Mwai Kibabki at a time when it was clear there were many irregularities with the outcome of the election, including issues with vote tallying and transmission of results. Additionally, prior to and during the 2007 elections, some political parties in Kenya were run by persons who promoted nepotism and did not have any regard for the rule of law. This fomented hatred which flared into violence.

Following the reforms brought in by the 2010 Constitution, the Independent Electoral Boundary Commission (IEBC) created a perception of independence and impartiality which calmed the nerves and diffused tensions which would have flared into violence. In addition to having a dispute resolution mechanism in place, the IEBC in 2013 was part of an inter-agency initiative composed various state agencies including security agencies mandated to identify and monitor hotspots of violence and take action accordingly.

The Kenyan media in 2007 had also played an important role in spreading hate speech to such an extent that one of the persons charged with crimes against humanity at the International Criminal Court (ICC) following the 2007 violence is a journalist.³⁶ The 2013 experience with the media was however different. The media acted more cautiously in order to avoid spreading messages of hate, to such an extent that it descended into self-censorship.³⁷ Partnerships between the Media Council and the media also helped to build the capacity of the media on election reporting and helped to ensure the effective and ethical monitoring of the media. Internal editorial guidelines have also been developed. The Council also worked with the IEBC to accredit journalists for election reporting.

³⁵ Participant at *Citizens' Perceptions Of Uganda's Forthcoming Elections Validation Seminar* held on 15th December 2015 at Royal Suites in Kampala, organised by Kituo Cha Katiba and the Human Rights & Peace Centre.

³⁶ See ICC Case of *The Prosecutor v. William Ruto and Arap Sang*, ICC-01/09-01/11.

³⁷ This can be seen from the mode of reporting taken especially that is generally non-confrontation especially to sensitive matters concerning the State.

Nonetheless, the unregulated social media still remained a problem and was now and again characterized with messages that had the potential to provoke violence.

The integrity of elections and vote rigging

In order to meet the requirements of Article 25 of the ICCPR, an election must be genuine and should guarantee the free expression of the will of people. For this to be happen, the vote should be protected from any acts of rigging. Actual or perceived rigging could not only be a trigger for violence but it could also demoralize voters and result into prolonged voter apathy. The Kenyan 2007 experience teaches that perceptions of rigging could be a matter of life and death. From the Survey, the fairness and integrity of the forthcoming vote is in doubt, based on a number of factors: First, are perceptions regarding the method of appointment of the EC. Respondents in Lira, Luwero and Hoima shared in the perception that rigging of the vote would obviously take place since the EC was appointed by the President. A rhetorical question was asked by one respondent: "What do you expect?".³⁸ The perception was entrenched by people's own experiences, with some hinting that they have previously reported to polling stations only to find that unknown persons had voted in their names.³⁹ This is in addition to cases where people have registered as voters, checked the Register to confirm their registration, only to learn during the polling day that their name was not on the Register. Other experiences included people being tossed from one polling station to the next on polling day, with some giving up after moving about from station to station. Some had experienced or been involved in multiple voting. In Hoima, a respondent confessed that he had voted twice in the previous election⁴⁰ and another had seen "someone putting 5 ballot papers in the basin while the police is watching".⁴¹

Other things which nourish the perceptions include the fact that results are not announced at the polling station in the case of presidential elections, with fears that alterations could occur between the polling station and the place where the results are ultimately announced. In Sembabule district, one respondent was of the view that results should be announced at every district "for easy follow up".⁴² It was also thought that the positioning of polling centers in military barracks tended to distort the results among others because these places are not accessible to opposition politicians. The use of state resources by the incumbent was characterised as a form of rigging since it gave the incumbent an unfair advantage against

³⁸ This was asked in most FGDs, such as that held in Sembabule village an FGD held on 28th July 2015 for youth boys and in Hoima for young women. In Lira, most members of the FGD reiterated the same. According to them, if the Electoral Commission is appointed by the president, and it is his government that pays them, then it cannot be expected to be fair or impartial. (see FGD, in Lira Municipality, held at Gracious Palace Hotel, on July 15, 2015.

³⁹ A Chorus answer from the Luweero Town FGD, conducted at Christina Hotel, Luweero Town Council on 22.7.2015. At least 2 youths confirmed this when they claim to have found their names already ticked as having voted and yet they hadn't. In Hoima Village FGD at Kitoba sub county premises, one respondent confessed that he voted twice. In the same FGD, members said that they have always seen people who put in more than one ballot paper in the ballot boxes but that they feared to report.

⁴⁰ Town focus group at the De-place Hotel Hoima on 21st of July 2015

⁴¹ Town focus group at the De-place Hotel Hoima on 21st of July 2015

⁴² Per a respondent in an FGD, held at Lugusulu Sub-County, Sembabule District, on 28.7.2015.

other candidates. For this reason, it was suggested that the incumbent resign his/her position before taking part in the campaigns.

The Demarcation of electoral constituencies

Another form of perceived "vote rigging", or at the very least an act of unfairly influencing the outcome of the election, results from the demarcation of constituencies. There is always a tendency on the part of the Ruling Party to create new constituencies, especially towards elections. At the time of this Survey, Government had tabled before Parliament proposals for the creation of 24 new districts and 39 new constituencies.⁴³ The perceptions established from the Fact-finding Mission were that this was an act of gerrymandering by the Ruling Party.⁴⁴ In other words, the creation of these new constituencies is a practice designed to ensure that there are new elective places in areas where the ruling party is sure to win the vote. In some cases, the constituencies followed individuals who would be considered more likely to win a new constituency and not in an existing one. Also, not only was the timing but also the legality, or even the constitutionality of the constituency creation questioned.

There were arguments that the power to demarcate constituencies is bestowed on the EC under the Constitution and not the Ministry of Local Government, which rendered the process of determining the new constituencies unconstitutional.⁴⁵ It was also advanced that good governance required that constituencies not be tampered with at least a year before elections. The EC however asserted that there were distinct roles for the EC, Ministry of Local Government and Parliament with regard to the demarcation of the boundaries of electoral units. The EC only creates constituencies a year after publication of the results of a population census. The EC argued that it had not done so since the results of the 2014 census were yet to be made official. The EC officials also added that the Ministry of Local government has total authority to create administrative units at village, county, parish and municipality level, which are approved by Parliament.⁴⁶ From this perspective, the EC's hands were tied because the new electoral units were disguised as counties so that they could be tabled by the Ministry of Local Government.⁴⁷

The EC itself admits that the creation of new constituencies comes as a challenge, especially when it is done late.⁴⁸ It not only requires going back to the drawing board to re-craft the electoral districts but has costs and logistical implications. It was for instance established that 43 new constituencies had been created.⁴⁹

⁴³ See Yasin Mugerwa 'Government tables 39 new constituencies' *Daily Monitor*, 16th July 2015.

⁴⁴ Mission Report (note 15 above), at p 18.

⁴⁵ Mission Report (note 15 above), at p 19.

⁴⁶ Mission Report (note 15 above), at p 19.

⁴⁷ As above.

⁴⁸ As above.

⁴⁹ See Henry Sekanjako and Moses Mulondo, 'Parliament approves 43 new constituencies' *New Vision*, 5th August 2015.

There was a recommendation that constituencies should not be demand driven. The decisions to create new districts/constituencies should be a technical and not a political one. Demarcation should happen after undertaking technical studies to inform decision-making. This will ensure a predictable process and assist in planning. Otherwise there were fears that re-demarcation of constituencies could become a pre-election event. It was advised therefore that demarcation of electoral units should not be done close to elections. In addition to the above, was a suggestion that the role of demarcating electoral units, since it affects planning, should be assigned to the National Planning Authority (NPA). The NPA should be configured accordingly to enable it take on the mandate.

The Role of Different Institutions Involved in Elections

There are number of players in an electoral process with each making a contribution to the outcome of the elections, including its integrity. The players include the voters, political parties, election observers and such state institutions as the Police, national human rights institutions, local government structures and, finally (but most importantly), the electoral management body. The actual working and efficiency of these bodies is as important as perceptions regarding their effectiveness and role. It is for this reason that the role of different institutions and the perceptions surrounding them are discussed below.

Political Parties and preparedness for the 2016 Elections

Political parties are expected to be ideologically grounded, institutionally well organised and prepared for elections. Generally, a country should possess strong political parties that are intimately linked up to the diverse interests in society. The role of political parties includes organizing and preparing for elections, sponsoring candidates through a transparent democratic process, nurturing internal democracy, and ensuring dialogue among different parties. Uganda's political history reflects a failure to establish a properly functional multi-party system, arising mostly from the deliberate stifling of political party growth by ruling governments. On some occasions, such repression has been accompanied by the outright persecution of personalities involved with political parties. For most of the time since independence, political parties have been criminalised and on some occasions demonised as being responsible for Uganda's political "chaos".

As we approach the 2016 elections, it is important to examine people's perceptions regarding the effectiveness of political parties and their preparedness for elections. Political parties prepare for elections by ensuring that they are in compliance with the legal requirements, possess structures and visibility throughout the country, and are able to recruit and mobilize members and the electorate. This is in addition to preparing party manifestos, conducting internal party or primary elections, and recruiting, as well as nominating candidates for elective positions at all levels. However, the general perception during the Mission was that all political parties—the ruling party inclusive—were not prepared adequately for the 2016

elections. The perception built from the opinions of respondents indicated a lack of ideological grounding for most parties, with one respondent describing parties as "ideologically bankrupt."⁵⁰ The Mission Team was informed that parties in Uganda were in the past aligned to parties in other democracies especially in Europe and Asia and espoused either socialism or capitalism, based on the ideological divide between East and West. It was pointed out that with the collapse of the Soviet Union that ushered in the unipolar world, political parties in Uganda no longer have these ideological leanings. Some respondents believed that political parties do not talk about the real issues that affect the people on a daily basis but were only bent on removing Museveni from power. In fact, some people castigated opposition political parties for failing to offer an alternative agenda beyond simply fighting Museveni.

In 2005, the country through a constitutional amendment formally reverted to the multi-party political system after many years of a no-party system. In spite of this, the general perception is that the NRM has not allowed political parties to flourish and operate independently. This has resulted into an unfair advantage in favour of the NRM to the detriment of other parties. According to some Survey respondents, the NRM does not give a fair chance to other parties because they do not want the parties to make public the failures of the NRM. The perception is also that the NRM has more money than other parties and was taking advantage of this. Many respondents of the Fact-finding Mission pointed to the lack of finances as the main underlying reason affecting the effective functionality and organizational ability of opposition parties. All the parties were said to be inadequately resourced. For the ruling party, strong accusations emerged during the Mission that it uses state resources for sustenance and campaigns to keep the incumbent in power, which in effect also means that the Party does not have enough finances of its own and would be unable to exist and effectively operate absent support from the state. The situation of opposition parties was said to be worse:

Weak opposition parties are the norm in dictatorships. They function in a lot difficulty. They cannot sustain themselves especially because they cannot generate resources. Nor can anyone write them a cheque. The terror is so intense anyone suspected of funding them pays heavily.

Respondent from civil society, 18 August 2015, Metropole Hotel.

Vote rigging, or what one Survey respondent described as "day light cheating" has also affected the competitiveness of opposition parties against the NRM. A youth respondent from an FGD in Sembabule village confessed: "I took part in elections in 2011 as a police constable, but votes which were not for the NRM most times were announced as invalid".⁵¹

⁵⁰ Team meeting with respondent from academia, 18 August 2015 at Metropole Hotel.

⁵¹ Per a male respondent in an FGD in Sembabule Town Council, on 28.7.2015.

The outcomes of the Fact-finding Mission also point to the lack of internal cohesion within the parties. The general perception is that the rifts within the parties have undermined party cohesion and to a considerable degree affected party organisation. There was also a view that divisions within opposition parties have destroyed internal mechanisms of identifying party candidates well before elections, which creates a potential failure for them to unite for regime change.

A number of factors were enumerated as being responsible for triggering intra-party conflict. According to some respondents, the internal differences that characterize political parties in Uganda today are historical. It is believed that divisions along religious and ethnic lines which saw the UPC closely associated with Protestants and DP and later Muslims to Catholics, still exist to some extent and may be responsible for intra-party conflicts.⁵² It was also asserted that each of the major parties such as the NRM, DP and UPC has core or historical members who control the party, and who time and again raise historical problems that bedevil their parties. There were also claims of infiltration of opposition parties by the regime in power, with the UPC being cited as a case in point. A minority position however downplayed the effect of intra-party conflicts as the factor responsible for the weakening of political parties. Some of the proponents of this position argued that conflicts in parties are inevitable and not necessarily bad. They argued that parties like institutions undergo a development cycle, they are born, grow and some collapse. Since most parties in Uganda are relatively new, it is to be expected that they are challenged by internal conflict.

Lack of internal democracy within political parties was another factor mentioned to explain the challenges parties are facing. A view expressed during the Mission linked the sacking of former Premier Amama Mbabazi to the lack of internal democracy within the ruling NRM party and specifically to the personalisation of the party by President Museveni. Indeed, reference was made to the undemocratic manner in which President Museveni was declared as the unopposed presidential candidate for the party. The internal organizational challenges facing especially opposition political parties in Uganda were also linked to the negative perceptions of years of being labeled as the cause of Uganda's problems during the first fifteen years of the NRM government. Under the guise of the no-party doctrine, the NRM systematically dismantled political party structures and recruited the best from the strongest political parties of UPC and DP. These actions robbed the parties of support, membership, structures, and resources and undermined their competitiveness.

From another perspective, it was observed that the existence of weak opposition political parties does not deter regime change or popular support from rising. As was plainly put –weaknesses in opposition parties is a given but not crippling”.⁵³ Besides, strong arguments were advanced to the effect that despite the many challenges opposition political parties face, their existence and more importantly, their continued strive, have not been in vain. Specifically, the involvement of and contestation of the 2001 election by the opposition parties was believed to have exposed –the lie about the Movement System” which resulted in a multi-party election in the subsequent 2006 election. Furthermore, notably, key figures

⁵² Mission Report (note 15 above), at p 45.

⁵³ Interview with senior member of academia, Metropole Hotel 20 August 2015.

such as Eriya Kategaya, Mugisha Muntu, Amanya Mushega, Miria Matembe, Augustine Ruzindana, John Kazoora, Sam Njuba and later Bidandi Ssali left Government over the removal of presidential term limits. Massive popular discontent in the country is also believed to have been as a result of these engagements. As was stated by one Fact-finding Mission Respondent, —. whereas there has not been a change of regime the country deserved, the awareness about the ills of the regime has greatly changed, which is a major step in the formation of a state.”⁵⁴

In addition to the above, views were sought and perceptions established on the potential of political party alliances. At the time of the Study, there was a beehive of activities around the operationalisation of The Democratic Alliance (TDA), seen by some as having a lot of potential when compared to previous attempts to unite parties. The example was given of the failed 2011 attempt with the Interparty Cooperation (IPC). The optimistic ones thought that the TDA was well organised and structured, judging among others from its founding Protocol, which dealt with a number of operational issues. Unlike with previous attempts, some civil society organisations had also come on board TDA. It was also believed that, unlike before, adequate provision had been made for the resolution of any disputes which would emerge.

On the other hand, there were views that as with previous attempts, TDA would not yield much. Some people were not clear if TDA would move beyond personalities and if they actually had the capacity to mobilize the people to support their cause. This skepticism was mainly due to past experiences, especially coalition efforts in 2006 and 2011 which failed. Others closely associated TDA with the weak opposition parties in Uganda that are fractured, grossly under resourced and lacking in internal democracy. Indeed, it was pointed out that —TDA can only be as good as the constituent elements it is composed [of].”⁵⁵ Other concerns related to the transparency of the TDA and especially the manner in which it admitted candidates but also of the candidates themselves. There were voices heard arguing that the TDA’s criteria of admitting members were not transparent.⁵⁶

As has been the case in previous elections, political parties are facing a number of challenges as they prepare for the 2016 elections. Factors which have undermined the effectiveness of the parties as identified above include resources inadequacies and intra-party conflicts. The biggest challenge however appears to be the deliberate stifling of the parties by Government. As is illustrated below, the perceptions surveyed lead to the conclusion that the Police has assumed a central role in this enterprise.

The Police

A discussion of elections in Uganda in recent times would be incomplete without a discussion of the role of the Uganda Police Force (UPF). By virtue of Article 212 of the

⁵⁴ Mission Report, (note 15 above), at p 47.

⁵⁵ Opposition Member of Parliament, interview held at Parliament of Uganda, 20 August 2015.

⁵⁶ Mission Report, (note 15 above), at p 52.

Constitution, the Police is mandated to: (a) to protect life and property; (b) to preserve law and order; (c) to prevent and detect crime; and (d) to cooperate with the civilian authority and other security organs established under the Constitution and with the population generally. It is necessary to establish the public perceptions regarding the role of the police in electoral matters.

A dominant view of the role of the police in electoral matters was that the Force is partisan and applies the law in ways which favour the incumbent. Many people felt that the Police had overstepped its role in many different respects. Some respondents were of the view that the Force was independent when dealing with crime that had no political connotations but acts differently whenever crime appears to have political connotations. At the same time, the perception was that the Police was ineffective when dealing with ordinary crimes but very effective when political issues are involved: "if you are dealing with political issues, [the police] will send [a] truck full of people", according to a respondent from Ntungamo.⁵⁷ In some quarters, the Inspector General of Police was viewed as an NRM cadre, based on public proclamations during the previous election by the President about Kale Kayihura. The manner in which the Police handled Amama Mbabazi's consultations before he was nominated as a presidential candidate entrenched the perception that the Police was partisan.

This is in addition to its approach in implementing the Public Order & Management Act, which was cited by many respondents as evidence of the partisan application of the law, with perceptions the Force was selectively applying the law. This was viewed by some Mission respondents as compromising the enjoyment of the freedoms of assembly, association and expression. The Police is accused of using the law to ensure that the opposition does not have access to the people, yet the NRM was being allowed to do so.

However, on its part, established from police officers interviewed during the Survey, was the view that the Police was doing a good job of maintaining law and order and policing the electoral process to ensure that the law is followed. Nonetheless, some officers interviewed highlighted some of the challenges they were facing, which included the difficulties associated with proving such crimes as vote buying, which the officers believed was widespread. The lack of evidence was attributed to the absence of witnesses to testify since many members of the public benefit from the practice. The other challenge cited by the police officers, and one which they indicated as the biggest, was the failure of political parties to follow the law and that whenever forced to, the parties would perceive the Police as partisan. This was a view shared by some respondents outside the Police, one respondent for instance argued that the opposition deliberately misinterprets the law and which puts it in conflict with the Police.⁵⁸ In these quarters, it was for instance argued that the Police has only applied the Public Order Management Act in those cases where politicians have not followed the law.

⁵⁷ Respondent from Ntungamo 3rd August 2015

⁵⁸ This was the view of a strong supporter of NRM working in the kingdom of Bunyoro in an FGD held in Hoima town. The mission team also had a similar view, voiced by a female respondent in an interview at the Uganda Human Rights Commission Headquarters in Kampala, in an interview on August 21, 2015.

The negative perceptions associated with the Police are worrying, yet these go beyond the role of the Force in election matters and extend to other areas, with the institution ranked as one of the most corrupt in the country. Unfortunately, the loss of confidence in the Force, which is also perceived as militarised, would make people think that it is a more viable venture to take the law into their own hands rather than rely on an inefficient, corrupt and partisan Police. This could have disastrous consequences both during elections and in other times. Indeed, the fact that sometimes the Police is more outspoken on electoral matters than the EC is a practice that needs to be checked since it creates the perception that the EC is not independent and not in charge of electoral matters. It is on this note that the independence and efficiency of the Commission needs to be examined as is done in the next sub-section.

The Electoral Commission

One of the factors that determine the integrity of an election is the presence of a competent, independent and impartial election management body. As the 2007 experience in Kenya shows, the incompetence, lack of independence and partiality of the electoral management body, real or perceived, can be a recipe for disaster. In Uganda, especially since the reversion to multi-party democracy, the independence, impartiality and competence of the EC have been matters of controversy. On many occasions, opposition figures have expressed the view that the EC lacks independence, which is among others linked to the fact that it is appointed by the President. Opposition figures have also argued that the EC is partial and has for long been rigging elections on behalf of the ruling NRM.⁵⁹ Indeed, at the time of the Survey and Fact-finding Mission, the question of the independence of the EC was the subject of intense public debate, instigated by a Constitutional Amendment Bill that proposed, *inter alia*, to change the name of the EC to the Independent Electoral Commission. It is for this reason that it was deemed necessary to establish the perceptions of citizens regarding the independence, impartiality and competence of the EC and its preparedness for the 2016 elections. Both the Survey Team and Mission Team interacted with some EC officials to establish their preparedness for the forthcoming elections.

The question of independence

Generally, the perceptions of citizens are to the effect that the EC lacks independence, which is among others attributed to the manner of its appointment. One respondent from Lira remarked: "EC is dead, it should be buried".⁶⁰ The lack of confidence in the institution was also attributed to the experiences of some respondents who said that they had observed returning officers engage in acts of rigging in previous elections. This has involved among other things, officials receiving bribes from candidates and their agents. Such observations are in addition to perceptions that the EC is soft when dealing with the NRM and hard on the opposition. The way the EC handled the issue of whether or not Amama Mbabazi could

⁵⁹ See *Besigye won 2006 polls - Sejusa*, Daily Monitor Newspaper, 17th December 2013.

⁶⁰ This was in an FGD in Lira town where respondents felt that the EC needs an overhaul.

consult was cited as an example, and one entrenching the perception of partiality. In some quarters, one of the indicators of such lack of confidence was based on the belief that the EC follows the instructions of the President who works through the Police in this regard. In Rukungiri, a Respondent raised the issue in the form of a rhetorical question:

How do you expect the EC to effectively work in the face of a strong and overpowering police? The police have taken over all decisions.

Participant in focus group discussion conducted in Hoima on 23 July 2015...

From the Fact-finding Mission, while some respondents commended the EC for its relative competence in the administration and management of elections, they blamed it for the narrow interpretation of its mandate, which they argued was mainly limited to organizing elections. It was argued that the EC was oblivious to key reforms that affected the electoral process and system, such as the use of state resources, the unlevel playing field, militarization, the fusion of the ruling NRM party with the state, access to the media, and the delineation of electoral boundaries and constituencies. Some respondents attributed this to a weak and biased leadership of the EC that does not want to antagonize the Ruling Party.

A number of proposals were made regarding things that could be done to enhance confidence in the EC, with views ranging from the establishment of an institution with representatives of different political parties, to an EC operated by officials drawn from outside the country.⁶¹ The proposal for outsiders was rejected in some quarters.⁶² From the Fact-finding Mission, views were sought on some of the proposals for reform of the EC, which included increasing the number of commissioners and having the EC appointed by the Judicial Service Commission (JSC). Some respondents downplayed the role of the JSC in vetting EC commissioners. Their contention was that since the EC is a multi-expertise institution, and the JSC is knowledgeable in matters of law, the latter was not competent to embrace this role. Instead, they found the Public Service Commission (PSC) better suited for this task.⁶³ Overall, voices from the EC dismissed a vetting process that involved a Commission which is itself appointed by the President, as this would not absolve such Commission of the influence of the President.

From the Fact-finding Mission, on the question of preparedness for elections, views from the respondents stood in sharp contrast depending on the political leanings of the respondents. A good number of ruling NRM leaning respondents considered the country prepared and ready for elections.⁶⁴ Some pointed out that except for a few surmountable challenges, the EC

⁶¹ Mission Report, (note 15 above), at p 21.

⁶² As above.

⁶³ Above.

⁶⁴ As above.

was on course with its roadmap and was assured of an adequate election budget from government. This position was disputed by opposition leaning respondents by arguing that electoral preparedness is skewed in favour of the incumbent and incumbent regime. A majority argued that the manner in which the EC handled some of the pre-election events pointed to its ill preparedness for the 2016 elections, but was also done to favour the incumbent. The *ad hoc* manner in which the EC changed its roadmap to some reflected a degree of lack of readiness. On its part, the EC affirmed readiness for the 2016 election, and expressed a satisfaction with the breadth of electoral laws, which they argued were adequate with or without amendment.⁶⁵

The question of efficiency and preparedness

Voices from the Commission itself asserted that the institution was well prepared for the 2016 elections. The district EC officials interviewed acclaimed the EC as one of the institutions enabling citizens to exercise their political rights.⁶⁶ However, from the interviews conducted with????, a number of issues were raised regarding the preparedness of the Commission. The first related to the phenomenon of voter education. By virtue of Article 61, the EC is required to formulate civic education programmes related to elections. The importance of civic education cannot be emphasised enough; it helps voters understand the meaning of elections, the electoral processes and what is expected of them as voters. Efficient voter education enables voters to exercise their rights and facilitates the process of making informed electoral decisions. The general perception is that the EC did not effectively discharge its mandate insofar as voter education was concerned, there being no signs of such education at the time of the Study. The lack of voter education was for instance linked to the prevalent confusion regarding the question of whether or not voting was to be based on the national identity cards or on voters' cards. Although some EC officials claimed that voter education was ongoing, a number of respondents indicated that what was being done was insufficient since it only involved radio and television adverts on the forthcoming elections and was not comprehensive education. It was also pointed out that not all people had access to either radios or televisions or both. Open forums with a chance to seek clarifications were proposed as more effective.

In addition to voter education, under (Article 61(g)), it is constitutionally the mandate of the EC to generate a voter's register to be used in elections. At the time of this study, the EC had not generated a voter's register but had given indications that it would rely on data captured during the ID registration processes. Opinion from respondents in the Fact-finding Mission suggests that this is constitutionally wrong since the EC is required to generate its own register. Among others, the perception is that the ID registration process was handled by security officials, yet these are not supposed to get anywhere close to the electoral process. This, coupled with previous issues around the voters' register in 2011, took away people's confidence on whether the EC would use a credible register in 2016. Previous

⁶⁵ Mission Report, (note 15 above), at page 21.

⁶⁶ Interview with Electoral Commission District Registrar for Lira, Charles Egimu, at Lira on 14th July 2015.

incidents cited included missing names on the Register and the delay in displaying the same for voters to verify their names; in addition to the fact that voters cards were never issued by the Commission.

The independence, impartiality and effectiveness of the EC are key issues in the forthcoming elections. Unfortunately, perceptions indicate a lack of independence and impartiality on the part of the Commission. The proposals for legal reform had presented the Government with a golden opportunity to reassure people of the independence of the EC and to restore the lost confidence in the institution. Unfortunately, the reform proposals were rejected by the Government, which action magnified the lack of confidence in the institution. Restoring this confidence is a matter of urgency.

The Local Government structures

The local government structures are key-stakeholders in elections, not just as having elected officials but also in terms of supporting the electoral process. For instance, due to the thinness of the EC on ground, local government structures, and particularly the Office of the Chief Administrative Officer (CAOs) is key in helping the EC logistically. In addition, the local structures in some cases work hand in hand with other institutions including the Police. It is for these reasons that the Study considered it appropriate to interact with some local government officials to establish not only their perceptions on elections but on their role.

The CAOs appreciated the fact that changes in the law have rendered their role in elections limited and restricted to providing logistical support and supervising civil servants working on election related matters.⁶⁷ Similarly, Local Council V Chairpersons appreciated the limited nature of their role. This role was limited to mobilising the citizens to take part in the elections and to sensitise them on other government structures.

The Fact-finding Mission established that there were some problems associated with the Resident District Commissions (RDCs) at the local level. These were described as one of the indicators of the fusion of the state and the NRM party. Singled out was the use of the security organs especially the RDCs and Internal Security Organization (ISO) agents at the district, sub-county and local levels to mobilize for elections and vet members for the 2014 NRM National Delegates Conference. RDCs were also cited in many cases of making it hard for opposition politicians to reach the local populations, in some cases by barring them from using local radio stations or holding rallies.

In addition to the above, the local government structures have been used as a tool for gerrymandering, which has come about through the creation of new constituencies in the form of districts and counties. These are believed to give the NRM considerable leverage against other parties in the local jurisdictions. The recent creation of more districts and other constituencies has already been alluded to. In light of these developments, the view

⁶⁷ Interview of Chief Administrative Office for Kayunga, Mr. Henry Ssebagala, August 10, 2015 at Kayunga District Local Council Offices].

from some respondents was that the new constituencies were designed for specific individuals in government in areas where a win for the Ruling Party was guaranteed, and in some cases for specific ethnic groups, all with the aim of aiding victory for the Ruling Party.⁶⁸

There was a mixture of views with respect to the perceptions of the officials on the elections, , with some of them being more candid than others who looked fearful about the impact of their views on their lives.. Some CAOs for instance feared the impact of views against some candidates if the person got elected. One CAO for instance noted: "Imagine speaking ill of a candidate and then he returns to the district as a chairman, how would you work?"⁶⁹

Civil Society Organizations, Faith Based Organizations and Cultural Institutions

The Study has established that civil society organizations, especially non-governmental organizations are playing an important role in electoral matters. CSOs have taken part in various activities intended to improve governance and also in preparation for the 2016 elections. These activities have ranged from advocacy for constitutional and electoral law reforms, the drafting of the Citizen's Manifesto,⁷⁰ civic education, elections observation and monitoring, compiling reports on elections, promoting peace and nonviolence during elections. It indeed emerged that CSOs were increasingly occupying the space of the weak political opposition. Yet, the role of CSOs was felt even outside the electoral period and included activities demanding for political accountability. However, this has come with a number of challenges. In the first place, it was only NGOs that were playing this role; other civic formations such sports associations, women associations and trade unions, among others had kept away. The relationship between the state and NGOs posed the biggest challenge to the operations of CSOs and in making their contribution to democracy. The state has used the law on some occasions to attack NGOs and intimidate them into abandoning their civic roles. Increasingly, the state has constrained civic space and is moving to strictly regulate NGOs. At the time of the Study, NGOs and Government were engaged in a brawl over a draft NGO amendment law which sought to impose stringent regulations on NGOs.⁷¹ Lastly, in some circles,⁷² CSOs are viewed as part of the problem, arising partly from their role in legitimizing flawed elections by encouraging people to take part, even when the electoral processes were glaringly irregular.

⁶⁸ Mission Report (note 15 above), at p 11.

⁶⁹ According to a Chief Administrative Officer who asked for anonymity.

⁷⁰ See Non-Governmental Organisations Forum, Power Belong to the Peoples! 2016-2021 Citizens' Manifesto, 2016 - 2021, available at <<http://www.kituoachakatiba.org/sites/default/files/publications/Citizen-Manifesto-2016-2021LR.pdf>> (accessed on 20th January 2016)

⁷¹ The Bill was passed into law on 15th November 2015 and awaits Presidential assent. Among others, the Bill gives the NGO Board wide ranging powers, including ability to refuse to register an NGO, to issue and/or revoke permits, and to restrict the employment of foreign nationals.

⁷² Busingye Kabumba, opinion given at *Citizens' Perceptions Of Uganda's Forthcoming Elections Validation Seminar* held on 15th December 2015 at Royal Suites in Kampala, organised by Kitu Cha Katiba and the Human Rights & Peace Centre.

Faith-Based Organizations

As is the case with CSOs, Faith Based Organizations (FBOs) were also playing a role in electoral matters and some of their members had views on the 2016 elections. FBOs play a very important role in some aspects of governance of the country. In fact, there are many examples of FBO leaders who have critiqued state practice, causing change in governance trends.⁷³ This is especially so because the Ugandan population is largely religious and holds religious leaders in high esteem. It was also established that clerics normally appeal to the faithful to participate in elections in a manner that gives praise to the religion; they usually preach against corruption as being contrary to religious teachings.

The Inter Religious Council of Uganda (IRCU) was a clear indication of how FBOs had overcome religious differences and come together to promote good governance and peace in the country. In spite of this, the view was expressed that FBOs had been compromised by the ruling government. President Museveni's approach to religious groups varies depending on each group's interests. For instance, it indicated that some have a particular liking for material wealth and the politicians exploit this through donations such as cars.⁷⁴ Others, are obsessed with power and the politicians have manipulated this group by ensuring they retain positions such as the vice presidency and chief justice position.⁷⁵ There also others in respect of which politicians have focused on a divisive approach through supporting one faction against others.⁷⁶ Some have absconded from confronting the failures of the government.⁷⁷ In fact, these ones have been perceived as largely biased, many of them holding prayer rallies for the politicians. These groups limit their public discourse to moral issues like homosexuality and indecent dresses like 'mini skirts', saying nothing on governance issues.⁷⁸

As regards cultural institutions, these have been constitutionally placed as non-political and non-partisan. In spite of this, their influence and political nature was very much alive. In seemingly apolitical manner, these institutions had involved themselves in activities that promote development. In some cases they had gone beyond this by promoting civic awareness, however, minimal this was by for instance encouraging their people to vote. It was established though that the fact that most cultural institutions were impecunious was being taken advantage by the state by giving them money in return for support.⁷⁹

The Judiciary

There are several other actors who have a key role to play in the electoral process, among them the Judiciary, Academia, the Donor community and the Private Sector. The Judiciary

⁷³ Mission Report (note 15 above), at p 60.

⁷⁴ Mission Report (note 15 above), at p 61.

⁷⁵ As above.

⁷⁶ As above.

⁷⁷ As above.

⁷⁸ Mission Report, (note 15 above), at p 61.

⁷⁹ Mission Report, (note 15 above), at p 68.

has been a key-player in Uganda's elections as the arm of the state which resolves disputes. In addition to adjudicating electoral disputes and determining a winner, the Judiciary has been key in interpreting and giving meaning to the electoral laws. Further to this, although one could say that this has been limited, the Judiciary has made proposals for the improvement of the electoral laws as was demonstrated in the case of adjudicating the 2006 *Besigye v. Museveni* Presidential Petition by the Supreme Court. In spite of this, the Judiciary has faced a number of challenges, ranging from logistical and human resource challenges to being one of the most corrupt public institutions. The Judiciary has faced serious integrity questions, including those around the extent of its independence from the executive arm of the state.

The Fact-Finding Mission established that the preparedness of the Judiciary to adjudicate electoral disputes in 2016 was doubted, with respondents pointing not only to the questionable independence of the Judiciary but also to its capacity in terms of human resource.⁸⁰ The failure of Government to appoint the requisite number of judicial officers was noted as a key concern.⁸¹ It was also indicated that the efficacy of the Judiciary is also affected by the recalcitrance of Government when faced with judicial directives.

Academia

The perceptions established from the Fact-Finding Mission was that while Academia is required to play an active role in shaping the politics of the country, this was not happening. The vibrant debates ignited by Academia have long been lost, as is the guidance which came with this. One of the explanations put forward to explain this was that the apathy that has gripped the general populace has not left out people in academia.⁸² This is in addition to the fact that active politics in Uganda was no longer a game for decent people and was characterised with high levels of hooliganism and money games, which had kept out many worthy persons, including academics. Another explanation offered was the fact that academics were busy surviving economically,⁸³ yet the limited government support to institutions of higher learning had effectively commercialised universities. Sometimes, rather than criticize, academics had chosen to partner with the state because of resources.⁸⁴ On the other side of the coin was the argument that it was unrealistic to expect academics to play a big role in the country's politics because of the structural/organizational weaknesses of academic institutions. In this regard, it was argued that academic associations are not political parties and they could thus only do so much. In fact, it was argued that the current role that academics play from time to time of presenting papers at the workshops of political parties and offering them guidance is satisfactory.⁸⁵ In this way, a few members of this class were influencing issues and offering leadership; this though, according to perceptions, was

⁸⁰ Mission Report, (note 15 above), at p 4.

⁸¹ As above.

⁸² Interview with member of civil society at Metropole Hotel, 17 August 2015.

⁸³ Mission Report, (note 15 above), at p 71.

⁸⁴ Supra note 78

⁸⁵ Mission Report, (note 15 above), at p 70.

limited to academics from Makerere University,⁸⁶ and most respondents felt that the academia needed to play a more active role.

Development partners

The donor community-otherwise referred to as development partners were also identified as key in the country's electoral processes. This community has to a certain extent facilitated electoral processes by providing resources for this purpose. The resources have been directed at both government and non-governmental entities. At the same, there were perceptions that some development partners as being double faced and having their own interests to protect.⁸⁷ They would therefore support the candidate that would protect their interests. It is believed by some participants that this is the reason some development partners have always supported the incumbent.⁸⁸

Private sector

On its part, the private sector was silent and largely kept away from what was considered to be political. At the same time, the private sector is perceived as being key especially in funding elections by providing huge sums of money in return for the protection of their business interests. It was noted that there are some private sector entities that playing a political role, as limited as this appeared. Reference was made to the Kampala City Traders Association (KACITA), followed by the observation that their rigorous role had recently declined.⁸⁹

⁸⁶ As above.

⁸⁷ Participant at *Citizens' Perceptions Of Uganda's Forthcoming Elections Validation Seminar* held on 15th December 2015 at Royal Suites in Kampala, organised by Kitu Cha Katiba and the Human Rights & Peace Centre.

⁸⁸ At the *Citizens' Perceptions Of Uganda's Forthcoming Elections Validation Seminar* held on 15th December 2015 at Royal Suites in Kampala, organised by Kitu Cha Katiba and the Human Rights & Peace Centre.

⁸⁹ Mission Report, (note 15 above), at p 72.

Conclusions, Deductions and Recommendations

Conclusion and deductions

Recovering from a history of military dictatorships and civil war, Uganda has taken some steps forward in building itself as a democracy. A new Constitution was adopted in 1995 under which elections at both national and local levels have become a regular feature of the country's democracy. Under the leadership of the NRM, the country has seen the rebuilding of institutions that support democracy, such as the EC, the Police, the UHRC and local government structures. In spite of these very positive developments, the country is struggling to entrench a culture of free, fair and credible elections. Although the country has held a number of elections, it is yet to perfect itself in terms of election preparation and instilling confidence in the fairness of the process and the integrity of the outcome. At least this is what people's perceptions show. From the Citizen's perceptions study, a number of conclusions and deductions can be drawn.

On a positive note, Ugandan citizens generally appreciated the importance of holding regular elections as a way of choosing leaders after being presented with various choices and ensuring that leaders are accountable. The worry though is with the belief that elections had lost value, arising among others from the commercialisation of the process, which has established a trend of vote "buying". Other problems associated with elections included vote rigging, intimidation and violence. This had resulted into voter apathy, as characterised by the turnout for the 2011 elections. There were however signs that the voter turn-out for the 2016 is likely to be higher. This is because of the excitement which the entry of candidate Amama Mbabazi was causing with a perceived possibility of change. There are also Ruling Party supporters who are determined to vote to retain the incumbent. It is also true that a section of the population has committed to taking part in elections as a way of getting money from politicians who during the election period are eager to dish out money. Voter bribery carried with it the risk of electing leaders who stand out as the highest bidders, and not those who have the necessary qualities to lead. There were indications that money was taking a centre stage as we approach the 18th February, 2016. The perception here was that the Ruling Party was more advantaged since it appeared to be better resourced.⁹⁰ In some sections, people believe that the Ruling Party was using public resources. The perceived impartiality of the EC was also affecting people's competence in electoral processes.

Although Uganda's elections have not been as violent as elections elsewhere, particularly as was the case with the 2007 Kenyan elections, they have nevertheless been with the subject of acts of violence and intimidation. The open association of the Ruling Party with paramilitary groups such as Kalangala Action Plan and the Kiboko Squad had entrenched these perceptions, with fears of possible violence with the recruitment of what appear to be Ruling

⁹⁰ Mission Report, (note 15 above), at p 35.

Party-leaning “crime preventers” by the Police. In addition, there is the perception that persons supporting the opposition would be subjected to persecution by the state.

The last minute creation of new constituencies is proving problematic, as it not only causes challenges for the EC by requiring the last minute re-demarcation of electoral areas, but it is also a costly exercise. The belief is that such last minute actions are a deliberate act of gerrymandering to favour the Ruling Party. Although ideally the demarcation of constituencies is supposed to be done by the EC, in this particular instance it was being done by the Ministry of Local Government under the guise of creating new administrative units which automatically results in new constituencies.

Different institutions are involved in the electoral process. Unfortunately, these institutions were not as effective as one would have expected them to be. The efficacy of political parties has been affected by the failure to build party structures, consolidate internal democracy and deal with the resource challenges they face. The political environment has made it hard for opposition parties to access grassroots communities and build structures at that level. In spite of this, the parties have put up opposition which is believed to have had an impact on how the Ruling Party is running the business of Government. The EC has also failed to carry out one of its core mandates, voter registration.

Although the Police appears prepared to handle cases of election-related violence, its effectiveness is likely to be affected by the lack of support from many sections of society resulting from the belief that the Force is partisan. The Police has selectively used public order laws to make it hard for opposition politicians to reach the people and drive their messages home. The inter-meddling into political and electoral matters in the guise of maintaining law order is among others seen on those occasions when the Police has acted like it is the spokesperson of the EC. The level of force used in dispersing gatherings of the political opposition has greatly alienated the Force. In addition, the Force is perceived as backing para-military groups such as Kalangala Action Plan, and recently in the form of crime preventers.

On its part, the EC has not been very effective in handling voter registration, which has resulted in confusion over the question of who is qualified to vote. Generally, many people interviewed doubt the independence and impartiality of the EC. The manner in which the Commission is constituted has not inspired confidence, based on the belief that it is hand-picked by the President, who later influences Parliament to rubber stamp the nominees. The rejection by Government of reforms that would have improved the impartiality of the Commission is also fueling this perception.

Unlike Academia, civil society organisations have been more active in electoral matters with heightened participation in the events related to the 2016 elections. The participation of civil society organisations has come in the form of promoting civic education, advocacy for constitutional and electoral reforms, election observation and of recent trying to organize the political opposition.

Recommendations

Inspire confidence in the electoral processes

There is an urgent need to restore people's confidence in the electoral processes by addressing the factors which have created perceptions that have eroded this confidence. It is unfortunate that calls for comprehensive reforms of the electoral laws were ignored by Government. As Ugandans prepare to elect a new Government, it is important for the next Parliament and all institutions involved in making legislative reforms to take seriously the need for electoral reforms.

The perceived lack of independence and the partiality of the EC has greatly eroded confidence in the electoral processes and is influencing voter apathy. A number of recommendations have been from several quarters, including by IPOD and through the Citizen's Compact to review the manner in which the EC is appointed. Unfortunately, Government has brushed aside these proposals, which has resulted into further loss of confidence in the EC. This, as experiences from Kenya, if not addressed can be a recipe for disaster. Although, as indicated above, the wide range of proposals for law reform were rejected, it still remains important to advocate for these changes, and for Government to take them seriously. The proposals in the Citizen's Compact which would guarantee the integrity of the process of vote tallying, reduce the influence of the Ruling party in state institutions, and recommendations from other circles need to be reconsidered in the near future.

Deal with vote "buying"

As indicated above, vote buying is undermining electoral democracy in the country and has even taken on sophisticated forms. As much as the law prohibits vote buying, provisions on this have not effectively been implemented. It is therefore important for those involved in the enforcement of the electoral laws, foremost among them being the EC supported by the Police, to take seriously the implementation of these laws. The current position of the law which allows persons found guilty of electoral malpractices, including voter buying, to take part in subsequent elections, including by-elections needs to be reviewed. In addition to criminal sanctions, vote buying should be punished with prohibiting culprits from taking part in subsequent elections. This, like other reforms proposed above, should be considered seriously as part of comprehensive reforms.

Implement comprehensive civic education

For future purposes, there is a need to implement comprehensive civic education, which should include voter education as one of the ways of empowering voters. From the Study, it was established that the EC had failed in its mandate of promoting voter education. The

UHRC has also not effectively discharged its mandate of promoting civic education. Comprehensive civic education is important in empowering voters, helping them understand the value of elections and reduce voter apathy, among others. It is important to ensure that voter education by the EC is a continuous process.

Make multi-party and competitive politics work

The 2005 reversion to multi-party democracy was a move in the right direction. However, there have been challenges in making this form of democracy work, mainly arising from the internal weaknesses political parties face, in addition to failing to build internal democracy. It is important that these weaknesses are addressed. It is also important that all stakeholders, including Government, political parties and the citizens embrace the competitiveness in electoral matters in good faith, in a cordial and violence free manner. The political opposition should be allowed to function without unreasonable hindrance and should be allowed to access the community. It is also important for political parties to build their capacity by building internal party structures, developing ideological positions, fundraising and moving beyond individual politics. This of course will require the support of various actors, including the state.

POSTSCRIPT

From the time of the conclusion of the Literature Review, Survey Mission, Regional Workshop and the Fact-finding mission, a number of developments occurred as the country inched closer to 2016. Among them, the following are the most significant:

- The Constitution (Amendment) Bill was passed into law as Act No. 12 of 2015, with the proposal to change the name of the EC to the Independent Electoral Commission being dropped. Generally, the Act falls short of a comprehensive reform of electoral laws and largely ignores people's views presented before Parliament.
- TDA failed to front a joint candidate, which arose mainly from the absence of compromise between Kizza Besigye's Forum for Democratic Change and Amama Mbabazi's Go-Forward.
- After reviewing its schedule, the EC nominated both presidential and parliament candidates on 3rd and 4th November 2015 and 2nd and 3rd December 2015 respectively. The EC was accused of revising its schedule to accommodate the Ruling Party by allowing it time to hold its Delegates Conference, even when the party had before holding the Conference communicated to the EC that Yoweri Museveni was its candidate for the Presidential election.
- The EC released the Voter's Register in December 2015, claiming that it had a total of 15,277,196 voters. The EC also proclaimed that anyone on the register even when they did not have the National Identity card would be allowed to vote. In an incident which is hard to understand, the EC refused to nominate Norbert Mao as a Parliamentary election candidate on the ground that he was not on the register. This was so even though Mao contested as a Presidential candidate in the 2011 elections and successfully as district chairperson in the 2006 elections.
- Presidential campaigns kicked off with 8 candidates, only one being female. Of all the candidates, Besigye, Mbabazi and Museveni have pulled the biggest crowds and the contest appears to be between these three.
- The Presidential campaigns have been characterised by some acts of violence, with the most visible being the Ntungamo incident where supporters of Amama Mbabazi attacked NRM supporters who appeared to have invaded the Go-Forward rally. The response of the Police has in some circles been viewed as partisan, as injured members of the NRM were seen being carried away in a Police helicopter commandeered by the Inspector General of Police. While some Go-Forward supporters have been charged although none has been prosecuted. None of those who instigated the attacks have faced any kind of legal process.
- Christopher Aine, the head of Amama Mbabazi's security detail went missing, with allegations from people in Mbabazi's campaign that he was kidnapped by security

personnel and statements from the Police that Aine is in hiding to avoid prosecution for election violence and assaulting police officers. There have also been accusations that Aine was murdered.

- The first live televised debate took place on 15th January 2016 with 7 candidates taking part and the incumbent and NRM candidate Yoweri Museveni skipping the debate. Whereas it was felt that holding this pioneer debate in itself was a big step in Uganda's road to democracy, many analysts felt that more substantive issues could have been handled. The absence of the incumbent also left many issues of national concern unresolved.
- Police has continued to be in the spotlight, among others accused of both bias and the use of violence when dealing with the opposition. The recruitment of crime preventers continued even when there was no legal framework for it. Interestingly, the Police Chief has made some interesting remarks in regard to the NRM not giving up power yet the current premier, also an NRM cadre voiced a dissenting view, stating that the NRM will hand over power peacefully to the opposition if the latter wins. Also, the police has continued to recruit, train and roll out crime preventers.
- One of the major challenges that has bedeviled the judiciary in recent times has been the inadequate number of judges. In September, 2015, five justices of the Court of Appeal were promoted to the Supreme Court and seven justices appointed to the Court of Appeal. Six out of the 7 judges appointed to the Court of Appeal were from the High Court. Although the appointments in part addressed the quorum issues at the Supreme Court, the choice of judges raised questions as several duly qualified justices of proven record were not appointed by the President. Critics argued that choice of judges was dictated by the politics of the day which generally favoured ruling party leaning judges and specifically excluded strong independent minded judges that were likely to deliver judgments against the incumbent in case presidential election petitions arose out of the 2016 elections. Furthermore, although the High Court lost 6 of its judges to the Court of Appeal, no replacements were made. This left the High Court with only 51 judges out of the required 82, yet, the court handles the bulk of the election petitions.

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ANNEX A – Study Teams

The mission team comprised of a high profile multi-disciplinary team of six (6) Ugandans who included the following:

1. Hon. Margaret Sekaggya - Former Chairperson, Uganda Human Rights Commission and Executive Director Human Rights Centre, Uganda (Head of Mission).
2. Bishop Mcleord Baker Ochola - Retired Bishop of Kitgum Diocese, Church of Uganda.
3. Prof. Sabiti Makara -Associate Professor, Department of Political Science, Makerere University.
4. Hon. Sarah Bagalaaliwo - Lawyer, woman entrepreneur and former member of the inaugural East African Legislative Assembly (EALA).
5. Dr. Rose Nakayi - Lecturer, School of law, Makerere University
6. Mr. Peter Edopu - Researcher and Managing Director, Peace and Security Institute of Africa (PSLA) and Tango Consult Ltd.

Dr. Rose Nakayi and Mr. Peter Edopu served as secretaries to the mission. The team was also complemented by Dr. Zahara Nampewo, Director HURIPEC and Ms. Edith Kibalama, Executive Director KcK.

The Survey Team comprised of the following:

1. Joyce Freda Apio
2. Peter Magelah Gwayaka
3. Ronald Kakungulu-Mayambala
4. Anna Kiiza Ninsiima
5. Isabella Ogwal

Interview Fact Finding Mission Schedule

DAY 1: MONDAY 17TH AUGUST, 2015 (MORNING)		
ENTIRE MISSION TEAM		
Time	Interviewee	Venue
9:00-10:00am	Mr. Godber Tumushabe, Executive Director, GLISS Cell:0752 841312	GLISS, Plot 10 Kyambogo View, Ministers village, Ntinda
10.00 -11.00am	Mr. Charles Odoobo Bichachi, Monitor Publications Cell:0752 500725	Metropole Hotel
11.00am -12.00 Noon	Prof. Frederick Jjuuko, School of Law, Makerere University Cell:0753 989231/0772 563581	Metropole Hotel
Noon-1:00pm	Prof. J. John Barya, School of Law, Makerere University Cell: 0772 647422	Metropole Hotel
1.00 pm- 2:00pm		

DAY 1: MONDAY 17TH AUGUST, 2015 (AFTERNOON)					
TEAM I			TEAM 2		
Time	Interviewee	Venue	Time	Interviewee	Venue
2:00-3:00pm	Hon. Cecilia Ogwal Cell: 073649140/ PA: Ms. Nyangoma Off: 0414 377140	Parliament	3:00pm-4:00pm	Rev. Fr. Dr. Sylvester Arinaitwe Rwomukubwe, Executive Secretary, UJCC Off: +256 414 580088 Cell: 0772848177 or 0700353752	UJCC offices, Nsambya
4:00 -5:00pm	Hon. Nobert Mao, President General, Democratic Party Cell: 0776 001211 PA Mr. Deo Hasubi Cell: 0712/0752 631777	Centre for Public Interest Law, 5 th Floor, NSSF Building	4:00 pm - 5:00pm	Dr. Livingstone Sewanyana Executive Director, Foundation for Human Rights Initiative Cell: 0752791963	FHRI Offices, Nsambya
5:00 -6:00pm					

DAY 2: TUESDAY 18TH AUGUST, 2015

TEAM 1			TEAM 2		
Time	Interviewee	Venue	Time	Interviewee	Venue
9:00-10:00am	Haji Nsereko Mutumba, Public Relations Officer, Uganda Muslim Supreme Council, old Kampala		10:00-11:00am	Owek. Charles Peter Mayiga, Katikkiro of Buganda Cell: 0712586513 Secretary, Mourine: 0774588492	Bulange Mengo
10:00-11:00am	Hon Reagan Okumu Cell: 0772402851	Parliament, 6 th Floor RM 15			
12noon-1:00pm	Hon. Betty Nambooze Cell: 0752/0782 388710	Parliament	12 noon-1:00pm	Haji Nsereko Mutumba, PRO, UMSC Cell: 0772409504 0701 409 504 Shk. Bakhit PA Mufti: Cell: 0776 754 136	Old Kampala Mosque
2:00-3:00pm	Mr. Peter Kibazo, Journalist, WBS and PRO, Uganda Management Institute Cell:0752 500500	Uganda Management Institute	2:00-3:00pm	Mr. Joseph Bossa, Lawyer and secretary General (UPC Olara Otunnu faction) Cell:0772505748	Metropole Hotel
3:00-4:00pm			3:00-4:00pm	Ms. Patricia Munaabi Babiiha, Executive Director, FOWODE Cell:0758670002	Metropole Hotel
4:00 -5:00 pm	Hon. Med Kaggwa, Former Chair, Uganda Human Rights Commission Cell: 0772 422116/ 0774 576240	Med Kaggwa & Co. Advocates, City Apartments, Opposite Sure House- Apartment No. 14	4:00 -5:00pm	Dr. Sallie Simba Kayunga, Lecturer, Political Science, MUK Cell: 0772 511564	Metropole Hotel
5:00-6.00pm					

DAY 3: WEDNESDAY, 19TH AUG 2015

TEAM 1			TEAM 2		
Time	Interviewee	Venue	Time	Interviewee	Venue
9:00-10:00am	Penelope Ssanyu Programme Officer Uganda Youth Network	Metropole Hotel	9:00-10:00am	Mr. Mwambutsya Ndebesa, Political Science, Makerere University Cell: 0752 635496	Metropole Hotel

10:00-11:00am				10:00-11:00am		
11:00 am-12 noon	Mr. Peter Kibazo. Journalist, WBS and PRO, Uganda Management Institute Cell: 0752 500500	UMI Offices		11:00am-12 noon	Sheikh Mahmoud Kibaate, Ag. Supreme Mufti Cell: 0793 776785	Kibuli Mosque
2:00-3:00 pm	H.E Kristian Shmidt, Head, EU Delegation in Uganda Off: 031 701000 0414 233708	EU Offices, Crested Towers		2:00-3:00 pm	Dr. Dick Odur - VP; Cell: 0718 789460 Mr. Opii Alira-Sec. Gen. People's Progressive Party PA Robert- Cell:0772 343012	PPP Offices, Ntinda
4:00-5:00pm	Hon. Paul Kawanga Ssemwogerere, Former President General, Democratic Party; Former minister and MP Cell: 0772 972349	His residence at Rubaga		4:00-5:00pm	Hon. Betty Kamywa, President, Uganda Federal Alliance and former member of parliament PA: Hassan Cell: 0774 313967	Metropole Hotel
				7:00-8:00pm	Gen Col. Kiiza Besigye Former President, Forum for Democratic Change	Katunguta Col. Kiiza Besigye Former President

DAY 4: THURSDAY, 20 TH AUGUST 2015						
TEAM 1			TEAM 2			
Time	Interviewee	Venue	Time	Interviewee	Venue	
9:00-10:00am	Mr. Nicholas De Torrente, Component Manager, Deepening Democracy, Democratic Governance Facility Cell: 0772 749330	UDB Building	9:00-10:00am	Mr. Joseph Bolpon, Representing HE Amb. Alison Blackburne, British High Commissioner to Uganda Off: 0312 312000, 0414 25704	Metropole Hotel	
10:00-11:00am			10:00-11:00am			
11:00-12 noon	Hon. Mr. Justice Yorokamu Bamwine, Principal Judge PA: Samuel Twakiire Cell: 0772 587900/ 0704 890898	High Court Building	11:00-12 noon	Hon. Phillip Katahoire, Secretary to Cabinet, Kingdom of Bunyoro Cell: 0782/751/0702 561867	Metropole Hotel	
	Mr. Kaggwa Njaka, Journalist, NBS TV		12 noon-1:00pm	Mohammed Ndifuna, Executive Director, Human Rights Network Uganda (HURINET-U)	Metropole Hotel	
3:00-4:00pm	Dr. Josephine Ahikire, Dean, School of Gender & Women Studies	Makerere University, School of Gender and		3:00-4:00 pm	Rev. Dr. Apostle Joseph Serwadd	Metropole Hotel

	Cell: 0752 667844	Women Studies			a Cell: 0772 407869	
5:00-6:00pm	Hon. Cecilia Ogwal Cell: 073649140 PA: Ms. Nyangoma Cell: 0704815877	Parliament		5.00-6:00pm	Iman Kasozi JEEMA Cell:070 3 001309 0774 313967	Metropole Hotel
DAY 5: FRIDAY, 21TH AUGUST 2015						
TEAM 1			TEAM 2			
Time	Interviewee	Venue		Time	Interviewee	Venue
8:00-8:45am	Mr. Richard Kavuma, Editor, Observer Newspaper Cell: 0770 646403	Metropole Hotel				
				9:00- 10:00am	Prof. Lwanga Lunyiigo Cell: 0772 463 849	Metropole Hotel
10:00-11:00am	Hon. Ken Lukyamuzi, Conservative Party Cell: 0752694597	Metroplol e Hotel				
11:00-12 noon	Mr. Henry Sekanjakko, New Vision Cell: 0782 029593	Metropole Hotel		11:00-12.00 noon.	Hon. Wafula Oguttu, Leader of Opposition in Parliament Cell: 0705 555361/ 0756 200060	Parliament, South wing Rm 106
12noon- 1:00pm	Hon. Medard Seggona, MP and Shadow Justice and Constitutional Affairs Minister Cell: 0772501324	Metropole Hotel				
2:00-3:00 pm	Mr. Charles Rwomushana, former member of CA, Political Analyst Cell: 0772 633808	Metropole Hotel		2.30- 3.30 pm	Mr. Gordon Mwesigye, Secretary, Uganda Human Rights Commission Cell: 0776018333	Uganda Human Rights Commission offices, Twed Plaza, Nakasero
3:00-4:00 pm	Hon. Miria Matembe Cell:0774 612019	Metropole Hotel				
				4:00- 5:00pm	Prime Minister of Acholi Cultural Trust	Metropole Hotel
5:00-6:00pm	Hon. Jame Akena President Elect Cell: 0752326256	Metropole Hotel				
	Shk. Kibante, Agg Supreme Mufti,				People's Progressive	

	<p>Kibuli faction.</p> <p>Haji. Muhamed Kisambira, Secretary General, office of the Supreme Mufti.</p>				<p>Party:</p> <p>David Opira, Sec. General;</p> <p>Jean Ngobi, Secretary Women Affairs;</p> <p>Robert Mugabe, Research and Documentation;</p> <p>James Okello, member and researcher;</p> <p>Sadaam Gayiira, personal Assistant of the chair and spokesman;</p> <p>Milka Kikomeko, member of the Electoral Commission of the party.</p>	
	<p>Mr. Joseph Bolton, Secretary Political Affairs, British High Commission.</p>				<p>Hon. Katahuire, Minister for Diaspora, Kingdom of Bunyoro</p>	
	<p>Mr. Muhamed Ndifuna, Executive Director, HURINET</p>					
	<p>Prof. Lwanga Lunyiigo, Presidential Adviser, prof of History.</p>				<p>Hon. Wafula Oguttu, leader of opposition in parliament of Uganda</p>	
	<p>Hon. Mike Sebalu, member of East African Legislative Assembly (EALA), Lead of President Museveni Campaign Team.</p>				<p>Electoral Commission Team;</p> <p>Chair of the E.C Prof. Badru Kiggundu;</p> <p>Head of Election Management, Joshua Wamala;</p> <p>Public Relations Officer, Mr. Jotham Taremwa;</p> <p>Principal Legal Officer, Akugonza.</p>	
	<p>Prof. Frederick Jjuuko, Constitutional Lawyer, TDA, former Chair, Uganda Constitutional Lawyer, School of Law, Makerere</p>				<p>UJCC</p> <p>Fr. Arinitwe, Executive Secretary;</p> <p>Ms. Gida Nalubega, Deputy Executive Secretary, Programmes;</p> <p>Fr. Joseph Oneka,</p>	

	University.				Human Rights and good Governance; Fr. Amanyire, Deputy Executive Secretary, Finance.	
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