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UGANDA'S ELECTORAL COMMISSION AND
THE
MANAGEMENT OF THE 2006 PRESIDENTIAL
ELECTIONS

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**UGANDA'S ELECTORAL COMMISSION AND THE
MANAGEMENT OF THE 2006 PRESIDENTIAL ELECTIONS**

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UGANDA'S ELECTORAL COMMISSION AND THE MANAGEMENT OF THE 2006 PRESIDENTIAL ELECTIONS.

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[(BA Social Sciences, First Class (Mak); PG Cert. Research, (CBR)]

MA (Public Administration and Management) Dissertation

Summary of Dissertation

The research investigated the role of Uganda's Electoral Commission in the management of the 2006 presidential elections. The study was based on the realization that the pursuit of electoral democracy requires that election management be undertaken by competent, independent and autonomous electoral bodies, because elections are an integral part of the democratization process. The way elections are managed matters; it affects the legitimacy and results of the electoral process, and determines voters' and other stakeholders' perceptions on whether leadership has been derived from the *consent of the governed* or just imposed onto them through unscrupulous actions.

Uganda's electoral history since 1958 has been characterized by repeated discontent with the electoral process. Most outstandingly, the 1980 elections were mismanaged, systematically rigged, and people's electoral choices thwarted. This ignited controversy to the extent that up to today, reflections on the 1980 elections mismanagement, and the post 1980 civil war, are still fresh.

The 1995 constitution was promulgated to right the wrongs committed by past governments and usher in a new democratic dispensation. But the constitution limited freedom of association in form of political parties, hence restricting democratic engagement at party level. This is not to say that multiparty system is the best form of democracy, for in African context, this is debatable. Elections held during the constitutional period (after 1995) have themselves not met international standards of freeness and fairness. Reports of election fraud and mismanagement in 1996 and 2001 are on record. Why have elections in Uganda continually failed to meet minimum standards? Why has there been continuous discontent with the electoral process from stakeholders? How was the Commission prepared to perform better in 2006? Why, then, the 2006 presidential elections for this research?

The 2006 elections were unique. They were preceded by 'dramatic' political and constitutional developments, notably the changing of the political system from the No-Party Movement system, to the Multi-Party dispensation (through an ambiguous and 'controversial' referendum held on July 28, 2005). There was removal of presidential term-limits by amending Article 105 (2) of the 1995 constitution. The Parliamentary and District Women MPs (whose constituency had also been increased from collegial to adult suffrage) elections were held on the same day with presidential elections. These developments had three implications for the 2006 presidential elections:

- The Electoral Commission (EC) was faced with a first multi-party contestation in two decades.
- While the incumbent's term would have ended in 2006, the removal of term limits brought him back into the limelight of political contestation, hence suspicions of incumbent advantages and a hot contestation.
- Multiple elections (polling) increased the managerial tasks before the Commission which had to manage three elections contemporaneously.
- Judging from the two above, and the 2001 experience, a hot contestation and more scrutiny from various stakeholders, was expected.

The 2006 EC was therefore expected to outperform previous election conducts and also cope with new challenges.

Most problematic, studies on democratization have paid little attention to the management of elections. Yet, only when electoral activities are conducted in a transparent, free and fair environment, can they ensure legitimacy of electoral outcomes, and allow voters exercise their franchise rights unhindered. This can be done when enough preparations have been put in place to allow for a free and fair conduct of the polls. But in trying to execute this mandate, electoral bodies face several challenges that affect their performance. Uganda's commission has always faced these challenges, notably since 1980.

The 2006 elections were unique in that they were ushering in a new political dispensation, and followed dramatic political developments. How the Commission was to contend with

challenges that have continually affected election management in this new experience would be an interesting discovery. Evidence of the Commission's work in the management of these elections, would be acquired through a critical analysis of the conduct of the electoral cycle, wherein the Commission's work is central. Such evidence was highly required. It could be acquired through research.

In essence, therefore, my objective was to examine the role of the EC in the democratization process through the management of the 2006 presidential elections. I specifically sought to: Examine the EC's preparations for the 2006 multi-party presidential elections; Investigate the Commission's role in the administration of the electoral cycle, right from voter registration to complaints handling; Examine challenges encountered by the EC in the conduct of these elections; and seek views on how future election management can be improved

In analyzing election management, I placed the 2006 elections in three perspectives:

- There are international norms and standards which elections are expected to meet: free and fair elections, a level playing field, an informed electorate, etc. But these are not easy to meet wholesome, in transitional democracies, and no election has been devoid of any deficiencies
- So, placing elections in Uganda's particular context, and judge over time to see if institutional learning has taken place, is imperative. Comparisons with the 2001 elections would provide important comparative analysis. But the 2001 elections were the first multi-party elections since 1980!
- Then I should judge them on the basis of perceptions of stakeholders: political party officials, contestants, monitors, observers, civil society, and government. When these views are collected from as many stakeholders as possible, then they could add valuable insight in the analysis. This would be possible by employing a relevant methodology, namely by following pre-election, election and post-election management of related activities, to judge the management of various activities (such as voter registration and budgeting, human resource deployment, etc, which precede polling; as well as post-polling responses to complaints arising from the elections, namely, election petitions).

To make my investigation tangible, I centered it around the electoral cycle (Elklit, 1999), which starts with setting of electoral rules and ends with post-election complaints handling. The cycle is a series of processes through which elections could be judged, but which allow us not to limit our analysis on polling-day activities.

How was I to carry out this research? I took the 2006 presidential elections as one case among the many held since 1995, but as a special case because of the political and constitutional developments that preceded it. I used this case to deeply investigate how electoral bodies can contribute to the democratization process. Using a Qualitative Methodology, I proceeded with the pre-election through election to the post-election phases. I used purposive sampling to arrive at key informants among stakeholders, interviewed them and held with others FGDs. I carried out observations, reviewed relevant documents and noted major developments occurring during the electoral process. Data was acquired from politicians, civil society groups that monitored the exercise, election observers, the press, EC staff, local leaders and voters on polling day, academicians who expressed their opinions on the electoral process, and relevant documents.

I discovered that the EC did a reasonably commendable job in election management by improving the voters' registration process, developing and operationalising the complaints handling mechanisms, using a consultative approach to arrive at decisions, and sticking to a consistent electoral time-tale.

The Commission was constrained in failure to curb campaign violence, breach of electoral laws by some candidates and their supporters/agents, financial limitations, delayed electoral laws, and mistrust from some political actors and other stakeholders.

I conclude that the Commission is on the positive direction toward institutional learning, though our elections did not meet all the international standards. The electoral process involves other stakeholders whose constitutional duties/roles supplement EC's work - and these actors must play their cards if the EC's work is to be appreciable and easier.

It is my recommendation that the EC continues working more closely with other stakeholders, and strives to reduce on the challenges that continue to affect election management. For researchers, voter-turn-up needs to be investigated, for to me, 69.2% turn-up is still low in an important election like the Presidential Election.

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MAP OF UGANDA

[From the EC web site, June 15, 2007]



DECLARATION

I, **Sabastiano RWENGABO**, declare that this is my original work and to the best of my knowledge, has never been submitted for an award of a Degree or any other award in any University or Institution.

Signature of Researcher Date:

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APPROVAL

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April 2008

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DEDICATION

I dedicate this Dissertation to my family; specifically my parents: my father Mr. Rutashoboroka Silverio, and my mother, Mrs. Kinareebire Susan Rutashoboroka. This work is equally dedicated to my brothers: Mr. Tibesigwa John-Xaverio Rutashoboroka, Mr. Busharizi Paul Rutashoboroka, Mr. Ntwirenabo Alaphael Rutashoboroka and Mr. Tumwekwatse Dominico Rutashoboroka; plus my sisters: Kansiime Resty (Mrs) and Kyosiimire Anastazia Rutashoboroka (Miss).

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LIST OF ABBREVIATIONS AND ACRONYMS

ACCU	Anti-Corruption Coalition of Uganda
EC	Electoral Commission
NGO(s)	Non-governmental Organisation(s)
GO(s)	Governmental Organisation(s)
PO(s)	People's Organisation(s)
ICT	Information, Communication and Technology
CSOs	Civil Society Organisations
Cf	Compare with/ Compared to
CMI	Christian Michelsen Institute (Bergen, Norway)
USAID	United States Agency for International Development
CIA	Central Intelligence Agency
GoU	Government of Uganda
PDG	Partners for Democracy and Governance
.....	
CLRC	Child Law Review Committee
SIs	Statutory Instruments
PEAP	Poverty Eradication Action Plan
DemGroup/	Democracy Monitoring Group
DEMGROUP	
FDC	Forum for Democratic Change
FGD(s)	Focus Group Discussion(s).
NRM/A	National Resistance Movement/ Army.
CEFIM	Coalition for Election Finance Monitoring
DP	Democratic Party

The G6	The Group of Six or G6 are the main opposition political parties in Uganda, which include: the Democratic Party, Uganda Peoples Congress, Conservative Party, Forum for Democratic Change, The Free Movement and Justice Forum
UPDF	Uganda People's Defence Forces
UP	Uganda Police – [includes Criminal Investigation Department (CID), Uganda Prisons Police, Local Government Police, Local Administration Police (LAP) and Police Constables, plus Military Police].
CMI	Chieftaincy of Military Intelligence, an intelligence and espionage branch of the UPDF.
VCCU	Violent Crime Crack Unit (replaced <i>Operation Wembley</i> which swept away armed robberies in Kampala and other towns. Was then commanded by Brig. Elly Kayanja - then Colonel)
PGB	Presidential Guard Brigade (expansion of former Presidential Protection Unit - PPU) charged with ensuring Security to the President, Vice President and tier families.
KAP	Kalangala Action Plan (commanded by Maj. Roland Kakooza – Mutale - before it was disbanded recently. Mutale was

the Presidential Advisor in Charge of Political Affairs.
Appeared nowhere in 2006 elections).

ISO; ESO	Internal Security Organisation and ESO is External Security Organisation.
JAT	Joint Anti-Terrorism Taskforce (formed between ISO, CMI, UPDF and Police to fight terrorism in Uganda).
PIN	Popular Intelligence Network (less known to ordinary citizens, and used by UPDF in combat operations).
PPDA	Public Procurement and Disposal of Public Assets Authority
UBC	Uganda Broadcasting Corporation (has a Television and Radion station)
UPC	Uganda People's Congress
JEEMA	Justice Forum
CP	Conservative Party
UPP	Uganda People's Party
UPM	Uganda Patriotic Movement

ABSTRACT

This study investigated the role of Uganda's Electoral Commission in the management of the 2006 Presidential Elections. The role of electoral bodies in managing national elections constitutes a central contribution to the democratisation process in any country. Since elections are a beginning of democratic transition (Bratton and van de Walle, 1997), the way they are administered affects their outcome and legitimacy of elected officials (Burnell, 2002; Elklit and Reynolds, 2002). While elections are political processes that need to be conducted according to the law (Bwengye, 1985; Tumwine-Mukubwa, 2004), an election involves administrative, managerial and technical processes, whose accomplishment requires the input of honest, competent, professional and unbiased officers who emphasize the legal and legitimate provisions in executing their duties. Beyond procedures and legal provisions, the behaviour and actions of elections administrators and other stakeholders also affects electoral outcomes. The study interrogates the place of election management in the democratisation debate using findings generated through qualitative methodology.

It was discovered that the Electoral Commission did a reasonably commendable job in election management through improved voters' register, complaints handling mechanisms, use of consultative approach to arrive at decisions, and following a consistent electoral time-table. This was possible because of internal improvements within the Commission as well as pressures from politicians, donors and the keen civil monitoring. The Commission was constrained by institutional inability to curb campaign-related violence, violation of electoral guidelines, incumbency advantages, non-compliance with electoral laws, financial limitations, de-enfranchisement of voters, delayed electoral laws and mistrust amongst politicians. Centrally, for the Commission to ensure free and fair elections, other stakeholders: government institutions, political parties, civil society, donors, as well as the general public, need to execute their respective constitutional mandates. It is recommended that the Commission works more closely with other stakeholders to ensure strict adherence to electoral laws, and reduce the challenges that have continuously affected election management.

**UGANDA'S ELECTORAL COMMISSION AND THE MANAGEMENT OF
THE 2006 PRESIDENTIAL ELECTIONS**

CHAPTER ONE:

INTRODUCTION

1.0 Introduction to the Problem

Studies on democratisation have sometimes ignored the election management aspect of the electoral and democratic evolution, to the extent that elections are merely dismissed as polling-day activities. Though elections must be conducted within a matrix of civil liberties characteristic of a democratic or democratising society, they are the principle and necessary condition for democracy, the first step without which democracy can not otherwise be born (Bratton and van de Walle, 1997:13). As elections are an essential (though not sufficient) ingredient of democratisation, they must be well conducted in a free and fair process. There is great need to include the role of electoral bodies in electoral processes. This chapter presents the background to the study, statement of the problem, objectives of the study, scope, and justification for the study.

1.1 Background to the Study

The pursuit of electoral democracy requires that election administration be entrusted to independent and autonomous electoral bodies or government departments. A reflective understanding of election management consists in analysing processes that underpin and interact with elections - hence election preparations, the voting process, and the outcomes. Electoral bodies play a central role in conducting elections, hence in democratisation, as elections are a

first step in the democratisation process (Bratton and van de Walle, 1997). The way elections are conducted affects their legitimacy and respect for electoral outcomes. Elections promote political equality when all eligible persons have a right to contest for power and voters allowed to vote freely. Political equality allows all citizens equal and effective opportunities to vote, and all votes counted as equal. Equality implies that elections are 'free and fair'; allowing citizens to go to the polls without fear of reprisal, and counting all votes as equal. Yet, free and fair elections are not enough, as they may deny citizens control over their destiny. "If citizens are to retain final control over the agenda, then elections must also be frequent. Implementation of free and fair elections is not obvious; there must be institutional mechanisms in place to allow this" (Dahl, 1998:95). The role of electoral bodies, therefore, is to allow citizens determine their political destinies, by exercising their voting rights or participating in governing their own affairs.

Post-colonial Africa has witnessed attempts at democratisation, in which elections were considered vital in promoting political equality, allowing citizens control over their destinies, and promoting legitimate governments (*a'la* Harrison, 1996; van Donge and Liviga, 1989; van Donge, 1995; Bratton and van de Wale, 1997; Bertelsen, et al, 1992; and Olowu et al, 1992). Success stories of improved election management have been recorded in Ghana and Zambia (Braxton, 1998; Lemarchand, 1998). Yet in some African countries elections have gone side by side with coups and conflicts (Makara, 2003), to the extent that the 21st century elections have sowed limited seeds of democratisation. Examples from Uganda in 2001; and DR Congo and Nigeria in 2007; reveal electoral contestations and clashes involving bloodshed, discontent (especially from the

opposition) with the electoral process, and political intolerance (Tumwine-Mukubwa, 2004; www.bbcnews.co.uk, 20-224/2007; *The New Vision*, Thursday, April 25, 2007). This leaves unanswered, the question of whether election failures are solely attributed to electoral bodies managing them.

Elections in Uganda have continuously been problematic. In 1958, Buganda boycotted the elections to LEGCO arguing that it needed a federal status if it was to take part in the elections. In 1961, vote rigging was witnessed (Aseka, 2005). The 1962 independence elections witnessed a merger between UPC and KY to defeat DP in a dramatic fashion. Post-colonial Uganda has undergone periods of bloodshed and endless conflicts, thwarting hopes of genuine electioneering. Between 1962 and 1980 (two decades) there was no election. The 1961 elections themselves were rigged (Aseka, 2005). The elections of 1980 were also rigged through gerrymandering of constituencies, unfair removal of Returning officers, and total usurping of the Commission's powers by the Military Commission then ruling (Bwengye, 1985). This led to a civil war that lasted till 1986. The 1994 Constituency Assembly elections witnessed direct fielding of favoured candidates by the government and openly campaigning for them. The Interim Electoral Commission could not reverse this influence. The 1995 constitution was promulgated, with high hopes, to reverse this unfortunate experience, and restore electoral democracy. The Movement government's promise to restore democracy was witnessed in making this constitution (Museveni, 1997). Electoral politics is one way of restoring democracy.

Uganda's post-1995 elections have not exonerated election administrators over persistent failures. One wonders whether failures in elections management are

attributed to election administrators. Should Uganda, as a transitional democracy, not be judged on the basis of international and ideal standards? Are electoral failures deliberate? Should elections in Uganda be placed in the country's particular context or be viewed in line with perceptions from stakeholders? To answer these questions, one finds that for elections to be free, fair, and contribute to the democratic process, they should be conducted in a manner that meets stakeholders' expectations. Uganda's post-colonial elections have limited people's hopes for electoral democracy. In many of her elections, the Commission's role has either been influenced by political elites for egoistic ends, or some aspects of efficient election management have not been realised (Bwengye, 1985; Makara et al, 2003, Tumwine-Mukubwa, 2004). This has happened even when there are constitutional and legal provisions guaranteeing the Commission's independence, autonomy and neutrality when executing its mandate. Post-1995 elections themselves have revealed the Commission facing difficulty in conducting democratic elections (Aseka, 2005). The role of the Electoral Commission is to conduct regular, free and fair elections (and referenda) in accordance with the constitution (Republic of Uganda, 1995).

Election management is a process, a cycle that starts as soon as previous elections end. It involves: demarcation of constituencies, setting of electoral laws, voter registration, education, pre-election preparations, voting day activities, counting, tallying and announcement of results, and post-election complaints handling (Elklit, 1999). Yet in executing this mandate, Electoral Commissions face challenges of failure to control government excesses, accusations of partiality, late enactment of electoral laws, and mistrust from politicians. These are

common in Uganda (Electoral Commission, 2001). Beyond the structural and legal provisions, therefore, it appears the behaviours and actions of individuals, as well as the processes through which elections are conducted, affect the electoral outcomes and their perceptions.

A Constitutional amendment process between 2003 and the July 2005 referendum paused new challenges for the Commission: to manage multiparty elections for the first time since 1980; correct the previous mistakes; and meet stakeholders' expectations, by exerting its autonomy and independence. The Commission had not operated under multiparty system since its establishment. Yet election management was its constitutional duty - to usher in a new leadership under a new dispensation, through creditable conduct of elections in order for outcomes to win broad acceptance and legitimacy. Was the electoral process transparent, free, fair and peaceful? Was there an environment where the chances of any candidate or party were not hindered or promoted, illegally and unfairly? Were electoral malpractices and irregularities eliminated in all stages of the electoral cycle to increase broad acceptability of electoral outcomes and, subsequently, post-election peace (*a'la* CDD-Ghana, 2003:5)?

Democratization in election context entails the continued realisation of regular free and fair elections conducted in a manner that is appreciated by all the stakeholders. It is here that the Electoral Commission plays a major role. Within this milieu, the Commission managed the 2006 elections in Uganda. A transparent, free and fair electoral process involves honesty on the part of election administrators. It calls for sufficient electoral preparations, elimination

of all forms of election fraud in the electoral cycle, and equitable treatment of all candidates/parties in the election. Here lies the problem.

1.2 Statement of the Problem.

Studies on democratisation have paid little attention to election management overlooking the task of administering the electoral process. Only when electoral activities are conducted in a transparent, free and fair environment, can they ensure legitimacy of electoral outcomes and contribute to the democratisation process by allowing people to exercise their franchise powers and determine their political destinies. The way elections are conducted matters; it allows the voters exercise their franchise rights and determines the legitimacy of elected office-holders. However, Electoral Commissions face challenges of mistrust from politicians, political interference, voter apathy, financial limitations, and excessive excitement from the public.

In Uganda's electoral history, the Electoral Commission has continuously faced the challenges of inability to curb campaign violence, government interference with Commission's work, delayed electoral laws, an unlevelled playing field, mistrust from politicians, limited funding, militarisation of elections, and violations of electoral laws. These challenges make it difficult, for the Commission to get credibility as a body entrusted with the management of elections. In 1980, the Electoral Commission failed to prevent constituency gerrymandering, alterations of election results, and was unable to stand against undue influences of the government of the day when election officials were dismissed and declaration of results taken over by the government (Bwengye, 1985). The post-1995 experience has seen the Commission fail to organise free

and fair elections too. Uganda's 2006 presidential elections followed constitutional and political changes from movement to multiparty politics, as well as the removal of presidential term limits. This seems to have made the work of the Commission more precarious. Yet, there was no concrete evidence on the Commission's management of these elections. The dire need for such evidence called for this study.

1.3. Objectives of the Study

The study seeks to examine the role of Electoral Commissions in the democratisation process, by examining the conduct of Uganda's 2006 Presidential elections. Specifically, the study seeks:

1. To understand the Commission's preparations for the 2006 presidential elections;
2. To analyse the role of the Commission in the management of the electoral cycle, right from voter registration to announcement of results;
3. To examine the challenges encountered by the Commission in the administration of 2006 transitional presidential elections in Uganda; and
4. To seek views on how future election management in Uganda can be improved.

1.4 Scope of the Study

The study focuses on Uganda's 2006 presidential elections after the July 2005 referendum. Attention will be paid to management of the electoral cycle; election complaints handling; and the challenges encountered by the Commission in conducting the elections. The study focuses on Kampala, where the Commission is headquartered and where most civil society groupings and political parties are

housed. Input from the rest of Uganda was acquired from secondary sources, mainly reports from Commission field officials, the press and Civil Society Organisations (mainly Democracy Monitoring Group - DEMGROU) that monitored the electoral process.

1.5 Significance of the Study

Uganda lasted from 1962 to 1980 without holding elections. Then the 1980 elections were mismanaged and plunged the country into civil war. The post war leadership ushered in a constitutional order from 1995 and we again witnessed elections. But even then elections have not fully resulted into a democratic dispensation to credit, as the 2001 experience shows. Why election management in Uganda has continuously been problematic is a matter worth investigating, for unless elections are well conducted, electoral democracy remains a mystery. This study provides an insight in how election management is an important aspect in the democratisation process; since the way elections are conducted determines their legitimacy. It opens an academic debate to inspire future researches in the same field for both comparative and critical purposes. Recommendations are given to the government, political parties, donors and the Electoral Commission on how to improve on election management in Uganda, basing on the findings generated. The researcher has produced a dissertation as part of the requirements for the award of a degree of MA (Public Administration and Management) of Makerere University.

1.6 Justification for the Study

Election management has been historically haphazard in Uganda, with instances of Commission failures and politicians' non-compliance with electoral laws and

regulations reported in almost every election since 1958. This is enough inspiration for a study on the role of the Electoral Commission in managing a National-level election, and what implications this election had for democratic transition. In addition, the 2006 elections followed dramatic political developments. There was the removal of Presidential Term-limits through a constitutional amendment. The opening of the political space after 20 years of no-party Movement rule following the July 28, 2005 referendum, ushered in a new multi-party dispensation. Increased donor and internal political pressures on the government to democratize was evident. There were also expectations of better performance from the Commission following new appointments in November 2002. The Commission had been accused of mismanaging the 2001 elections in which, the Supreme Court ruled, the Commission failed to ensure transparency of the electoral process, secrecy of the ballot and violated principles of free and fair elections.

These facts justified a study of this nature. Moreover, the slow pace of democratisation in Africa shows that where elections are to be held, note should be taken on how they were administered, and recommendations made on how best this can be improved in future. Election management is a sub-component of the democratisation process, and should be highlighted in modern studies. This is because the contribution of electoral bodies to democratic developments through election management is central to the entrenchment of a democratic ethos. All these considerations justified this study.

1.7 Organisation of the Dissertation

This Dissertation contains eight chapters. Chapter one, has outlined the introduction and background of the study, the statement of the problem and clearly spells out the problematique under investigation, states the objectives of the study, significance and justification. The next (second chapter) presents the literature reviewed and the third chapter outlines the methodology used to carry out the study. Chapter four presents the historical and legal reflections on election management in Uganda, centering on the post-1980 elections period, to provide a historical and legal framework of analysis.

Chapter five is the presentation, discussion and analysis of findings on the role of Electoral Commission in the management of the 2006 presidential elections, with great attention to the management of the electoral cycle. Chapter six analyses the management of election complaints and petitions. It draws implications for election management, of the 2006 Presidential Election Petition. Chapter Seven analyses the challenges faced by the Commission in executing its constitutional mandate.

Chapter eight presents the summary, conclusion and recommendations from the study.

The references are relevant readings used in this study. References are followed by appendices which contain relevant information and documents which could not be included in the main text of the report.

CHAPTER TWO

LITERATURE REVIEW.

2.0 Introduction

This chapter reviews available literature on election management in Uganda, looking at elections as a democratic undertaking, the legal dimension of election management; pre-election preparations; the management of the electoral cycle; and election complaints handling.

2.1 Election Management as a Democratic Undertaking

Alvarez and Hall (2006) reveal the irony that many people pay little attention to election administration, yet elections constitute channels through which the public makes primary decisions that affect all citizens and administrators, and where public preferences manifest themselves as decisions about who will run all levels of government and how. The historic irony is that election administration is where ill-equipped, poorly trained, part-time administrators are entrusted with an important democratic function; while this would have been given the attention it deserves (Alvarez and Hall, 2006:1). So, election administration is a democratic process that should be given due attention. Like other institutional players in the democratisation process, the Commission, as a principal agent of election administration, should ensure interdependence between leaders and the majority electorates supporting them (Hitchner and Harbold, 1965:99).

Contemporary leadership mandate derives from electoral processes that allow “citizens to govern themselves”, to “choose and remove leaders” (Bratton and van de Walle, 1997:12). The electoral process should be transparent, free, and fair,

taking take place in an environment where all parties/candidates have equal chances to win. It should be free from electoral malpractices and irregularities to increase broad acceptability of electoral outcomes (CDD-Ghana, 2003:5; Braxton, 1998). So, election administrators should conduct elections amidst civil liberties and curb authoritarian tendencies (Ottaway, p.7). This happens when electoral rules are respected. Therefore, in the context of elections, democratization implies the continued realisation of electoral choices to allow people determine their political and leadership destinies unhindered. It is a process where voters are allowed, regularly and freely, to choose their leaders in a process that is free of fraud and administered by an independent and trustworthy electoral body.

Dahl (1998) argues that elections allow political equality and give chance for every citizen to have control over the political agenda. To him the opportunity to vote should be given without hinderance. In an election, he maintains, every citizen must have an equal and effective opportunity to vote, and all votes must be counted as equal. Equality in voting derives from be regular free and fair elections. To be free means that citizens can go to the polls without fear of reprisal; and if they are to be fair, then all votes must be counted as equal (Dahl, 1998:95). This implies that citizens control their political destinies through elections conducted amidst institutional mechanisms to ensure the desired electoral process. A desired electoral process is the one in which every voter is free to exercise franchise power and election outcomes are accepted by all stakeholders. This calls for secrecy of the ballot, regularity of elections, holding all votes equal, and enhancing citizens' confidence in election administrators.

This means that there should be rules governing the election conduct, and these laws should be followed.

2.2 The Legal Dimension of Election Management in Uganda.

Elections are held according to the law, else they are a mockery. The essentials of effective election administration must insure that only the legally qualified people take part (Gillette and Harbold, 1965:295). There should be formal requirements regarding elections and the rights of all stakeholders. A free election is one in which severe restrictions do not exist on candidates' freedom to campaign and voters' rights of franchise (ibid). Impliedly, not only should there be laws regulating the conduct of stakeholders; there should be values and restrictions to ensure political equality without disadvantaging any of the stakeholders.

Uganda has a historical record of flawed elections, with partial fulfillment of legal provisions. The first formal legal provisions for election management in Uganda were contained in the Legislative Council (Elections) Ordinance - 1957, which laid down rules governing the 1958 elections (Engholm, 1958:1-34). In 1980, electoral legislations were made in accordance with the 1967 Republican Constitution, the Constitution (Amendment) Statute of 1980, and Legal Notice No.5 of 1980. The Commission's powers were derived from the National Assembly Act of 1964 (Republic of Uganda, 1981:1-5). Ironically, the history of electoral laws is not new, so is the history of flouting electoral laws.

During the post-1995 period, electoral laws were enacted in accordance with Article 103 of the 1995 constitution. The Commission, its independence, powers and functions derived from Chapter Five of the same constitution. The Electoral

Commission Act 1997 operationalises constitutional provisions. As Uganda has no standard electoral laws, every election comes with its own laws. In 1996 and 2001, Presidential and Parliamentary Elections Acts were enacted. Centrally, electoral laws provide that: a) elections be conducted by an independent, autonomous and impartial Electoral Commission; b) elections be conducted in accordance with the laws; and c) non-compliance with electoral laws is forbidden with threat of sanctions. But the Commission's stake in making these laws is unknown. Following electoral laws may not be enough; being part of them may. The Commission's role in making electoral laws needed to be investigated. The study found that while the electoral laws are sufficient, they were passed late, and the Commission has minimal contribution to their making.

2.3.0 Managing the Electoral Cycle: The Role of the Electoral Commission

The electoral cycle includes voter registration; voter education; nominations; campaigning; voting, tallying and announcement of results; and election complaints handling (Elklit, 1999). The Commission goes through this series of activities to administer elections. The most significant contribution of the Commission to the democratisation process falls here.

2.3.1 Voter Registration

This is a constitutional duty of the Commission. An election register is essential to the conduct of efficient polling. With a permanent system of registration, an updated register allows people exercise their voting rights (Gillete and Harbold, 1965:292). It is the central component of the electoral cycle. Appointed officials according to the law (Engholm, 1958) undertake registration. Voters must be

persons registered in accordance with the law (Bwengye, 1985:13), with their names registered in electoral rolls, which have to be updated and cleaned. Once voter registration is flawed, voters' democratic rights are violated.

Voter registration has paused endless challenges in Uganda, with instances of missing from the register, inflated register, and mismatched particulars recurring every election (Aseka, 2005:375-380; Electoral Commission, 1996:20; Makara *et al*, 2003:35-37; Republic of Uganda, 2002, 2006). This affects voters' free exercise of franchise rights. Tukahebwa (2003) has concluded that manipulation of the voters' register is one of the highly sophisticated methods of rigging. Whether in 2006 improvements were made in voter registration, was a researchable issue. The findings indicate that voter registration improved in 2006, but there is still along way to go.

2.3.2 Voter Education

This too is a duty of the Commission. There need for wide publication of information in a feasible format about the location of registration and voting stations to avoid confusion and de-motivation among the electorate, mainly in remote rural areas (Khosa and Muthien, 1999:6). Voter education, a vital component of elections, is in most cases de-emphasised, instead of being a continuous process, limiting voters' interest in the electoral process (Graham, 1999:95). Thus, while other electoral activities may be well coordinated and executed, where voter education is neglected, there is limited information and voter participation, reducing democratic participation.

Uganda's experience is informative of a neglected aspect of electioneering. In 1994 and 1996, the Civic Education Joint Coordination Unit carried out voter education effectively, though with some challenges: failure to traverse the country, fear of the war-torn Northern Uganda, and limited funding. These and new failures escalated in 2001 (Makara *et al*, 2003). Voter education continues to suffer neglect, due to factors worth investigating. Denying voters enough information renders the whole process a deception as voters cannot exercise voting rights amidst ignorance. Truly, election officials are duty-bound to carry out this role. Uganda's Commission did not make significant improvements in 2006 as this study reveals.

2.3.3 Nominations

Choice of candidates and parties eligible to stand in democratic elections depends on legal provisions. In most countries, candidates for nomination are members of political parties, but people can stand for nomination as independents (Engholm, 1958:4). In a democratic society, all persons satisfying legal provisions are eligible for nomination as candidates. Voters are limited to choosing between nominated candidates, making nomination a vital component of the electoral process (Gillette and Harbold, 1965:289). In 1996 and 2001 candidates were nominated on individual merit as per Article 70 (d) of the Constitution. Relevant laws provided the legal basis for nomination of candidates. This research reveals that the legal provisions for nominations were followed in Uganda's 2006 elections, and that the Commission's decision was taken amidst contention. This decision assists democracy in as much as it allows people the right to stand for elective offices.

2.3.4 Campaigning

Campaigning familiarises voters with symbols and manifestos of their candidates, in what Gillette and Harbold (1965) call *nursing the constituency*. During this period, care should be taken to ensure that “corrupt practices” do not interfere with voters’ choices (Engholm, 1958:29). Yet in Africa, illegal practices and electoral offences are common during campaigns: gerrymandering, intimidations, harassment of the opposition and massive fraud (Bratton and van de Wale, 1997; Bertelsen, Chole and Ibrahim, 1992; and Olowu et al, 1992). In 1980, Uganda experienced these malpractices to their fullest (Bwengye, 1985:115). These recurred in post-1995 period with incumbency advantages, state facilities, unbalanced media coverage, smear campaign language and an unlevelled ground, characterising campaigns (Aseka, 2005; Makara *et al*, 2003). Were improvement made in 2006 or the reverse?

Yet the Electoral Commission is legally mandated to ensure such peaceful, *democratising* campaigns (Republic of Uganda, 1995, 1997). Probably, one of the worst performed aspects of the electoral cycle in Uganda’s electoral history is management of campaigns. But why has the Commission consistently failed to ensure peaceful campaigns according to the law? To what extent this was reversed in 2006, was the target of this research. The Commission still has a long way to go in terms of administering peaceful and corruption-free campaigns.

2.3.5 Voting, Counting, Tallying and Announcement of Results

There are several methods of exercising franchise rights, but voting, based on registered voters, is the commonest. The Commission appoints, trains and deploys polling officials (Engholm, 1958), what Alvarez and Hall (2006) call

administrative *agents* in the electoral process. There should be attempts to allow a secret ballot; that ballots are honestly counted; and voting is free of corruption (ibid). An agreement should be reached without oppression (Sabine and Thorson, 1973), voters should assign office to a person of their choice.

DR Congo's and Nigeria's 2007 election experiences reveal the recent-most indication of polling irregularities in Africa in the present century (www.bbcnews.com; Amaike, 2007). Uganda has experienced massive irregularities and malpractices on polling days: intimidation, bribery, and harassments, that infringe on people's franchise and other democratic rights (Aseka, 2005:227; Makara *et al*, 2003; Commission, 2001; Bwengye, 1985). Lacking in the literature is how far the Commission strives to put these wrongs right, or whether the Commission sanctions them. As the Commission used a consultative approach, these irregularities were reduced in 2006, though some challenges still remain.

Vote-counting should be in the open to promote transparency and equality of votes. In 1958, this process was (supposed to be) carried out at the districts by Returning Officers in the presence of candidates' counting agents (Engholm, 1958:34) to ensure transparency of the vote. But it was violated in 1980 when government seized the Commission's powers (Aseka, 2005; Bwengye, 1985). The post-1995 period has witnessed open counting (Aseka, 2005). Where there have been queries, complaints are raised. Unless this process is done honestly and openly, trust in election administrators wanes, and democracy is threatened. This was the concern of the study about the 2006 presidential elections in Uganda.

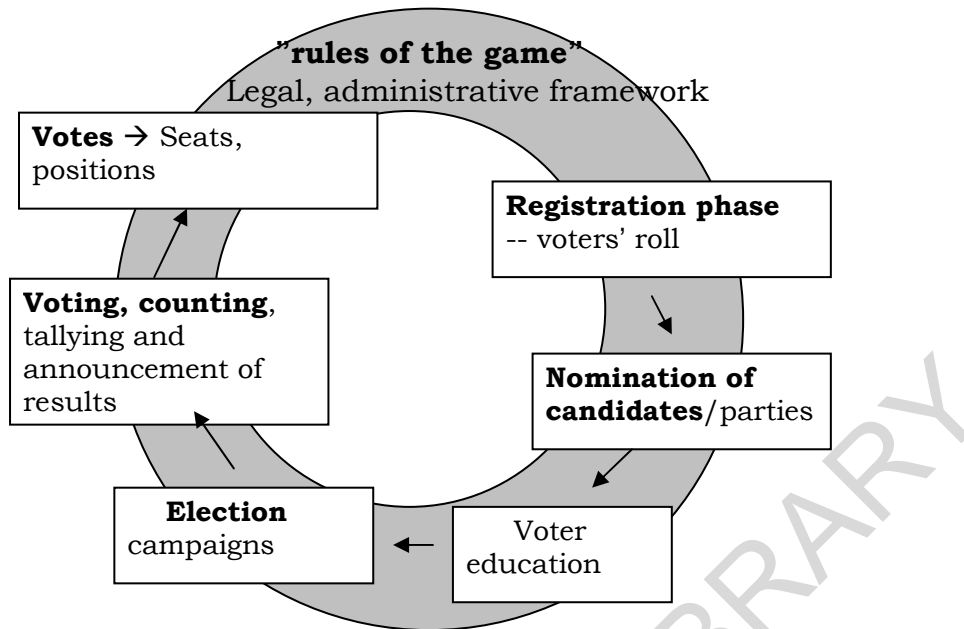
Vote-counting was open and corruption-free, though controversies arose about tallying of results.

2.4 Complaints Handling

Election complaints, wherever they arise, must be handled by tribunals tasked to do so in the Commission. Engholm (1958) realises that elections raise complaints and petitions that can be handled, either by the Commission or by courts of law. In Nigeria, election tribunals are tasked to determine election complaints, but have always failed to execute their mandate (Ebeku, 2003). In Ghana, the story is different, as the Commission has been able to perform to the expectations better than anywhere in Africa (Braxton, 1998). Common complaints in Uganda centre on voter registration, nominations, campaigns, polling activities and actions of security officials (Makara *et al*, 2003; Tumwine-Mukubwa, 2004). While the Constitution empowers the Commission to hear and determine election complaints arising before and during polling, information on their resolution remains unknown. This study was concerned with the complaints handling mechanisms used by the Commission in 2006. The Commission made a mark by developing and operationalising a complaints handling approach for the 2006 elections in Uganda.

All the above research gaps called for a more thorough study on the role of Uganda's Electoral Commission in conducting democratic elections. They also called for a better anchored study to investigate whether elections of 2006 were free and fair.

2.5 Conceptual Framework



(Adopted from Elklit, 1999:40)

This research is conceptualized as the process of managing elections through an electoral cycle that starts with the making of electoral laws and ends with announcement of results (for the case of a presidential election in presidential systems. Electoral laws (*rules of the game*) establish an administrative framework within which the electoral cycle is administered. The Electoral Commission constitutes this framework. The Commission *manages elections*, through a cycle of activities as: preparatory arrangements; voter registration to compile a voters' register; nomination of contestants or parties; voter education to pass on relevant information to the voters; administering campaigns; and counting and declaration of election outcomes, which spell the leadership. A well-managed electoral process leads to legal and *legitimate electoral outcomes*, and

vice versa, hence increasing people's confidence in electoral bodies, trust for elected leaders, and *entrench democratic values*.

All over Africa, where institutions have not been relied on to spearhead electoral democracy in election management, there has been discontent with electoral systems and outcomes. This has been witnessed in Nigeria and DR Congo in 2007 (www.bbcnews.co.uk;) and elsewhere in Africa over the years (Bratton and van de Walle, 1997). Yet Ghana's and Zambia's Commissions have been described as 'success stories' (Braxton, 1998; Lemarchand, 1998). The degree of success by Uganda's Commission in 2006 depended on its management of the electoral cycle.

2.6 Theoretical Framework

In a liberal democracy, government is a matter of continuous consultation, discussion, negotiation, and allowing for differing opinions. It is a set of institutions that allow public reflection and discussion. It is an organisation of power amidst constitutional guarantees and institutions, and derives this power "from the consent of the governed" (Sabine and Thorson, 1973:668-678). Consent of the governed is expressed through regular free and fair elections provided for in national constitutions, where universal suffrage is essential for effective representative government, and election administration insures that legally qualified people take part in elections free of corruption (Hitchner and Harbold, 1965:260-290).

To understand the 2006 Uganda elections, this study uses three perspectives. First, Elections, and their administration, are being judged according to *international norms and standards*. These standards include: fair conduct of the balloting and counting, opportunities for political parties to compete; equitable access to media; impartial electoral administration; fair rules; a political environment free of intimidation; and just resolution of election related grievances (Bjornlund 2004: 94). When electoral processes meet these standards, they are referred to as free and fair. Legitimacy of the electoral process hinges on stakeholders' perception that it has been conducted in a way that does not in advance ensure a certain outcome (Przeworski, 1991: 40-41), and meets these standards. To ensure legitimacy, the electoral process should be regulated by constitutional rules and special legislation, and by cultural norms developed to govern the behaviour of the actors. Underscoring the time dimension of an electoral process, it is increasingly argued that the electoral cycle begins immediately after the polling in the previous election (Elklit, 1999).

Yet political actors, civil society, local and international monitors and donors have often failed to acknowledge that electoral processes begin long before elections actually take place. Broadly speaking, the electoral cycle includes coherent steps that must be completed as fairly as possible, in order for an electoral process to be considered free and fair. It is in these steps that the role of the Electoral Commission can be judged. Thus, shifting from election-day events, increasingly, international norms have developed that recognise elections as long term processes involving a number of steps, ranging from the pre-election stages of rules setting, and registration via elections, to post-election settling of conflicts. The electoral cycle depicts elections as an ongoing process involving a

number of stages, institutions and stakeholders, adhering to this established international standard. The Commission is the central institution in the electoral cycle.

The second perspective is the call to *judge elections in countries' particular contexts*. Despite an emerging consensus at the theoretical level, the criteria developed by international fora and commentators remain broad aspirations (Bjornlund 2004: 94). Strides have been made to judge elections as long term processes and not just events that happen at five year intervals. But it remains problematic to hold new and transitional democracies to ideal norms and standards that even most established democracies have problems abiding by. Often, the problem relates to distinguishing the breaches from ideal norms and standards that are related to capacity of electoral bodies, and the intentional failures to abide by established principles of a free and fair election (Burnell 2001, Rakner and Svåsand 2005). In order to contextualise elections and to enable a distinction between capacity and intent, scholars have assessed electoral administration over time in order to establish whether institutional learning has taken place (Bratton and Posner 1999, Rakner and Svasand 2005). As the 2006 elections in Uganda were the first multiparty elections since 1980, comparisons to former electoral practices may be partially relevant. Nevertheless, the 2001 elections were also administered by an independent Electoral Commission. So, comparing the administration of the 2006 elections to the performance of the Electoral Commission in 2001 provides an intake to enable one establish whether the administrative performance improved.

A third qualitative measurement of electoral processes relates to *stakeholders' perceptions*. The extent, to which contestants and other stakeholders view electoral processes as legitimate, is essential in judging the quality of electoral processes. Stakeholders from the opposition, the incumbent, Electoral Commission, and civil society may provide important insights as to how elections are perceived, and thus, the legitimacy of the exercise. But, judgements about political processes may be subjective. Particularly in uncertain and weakly institutionalised regimes, stakeholder perceptions are influenced by limited trust in the impartiality of electoral bodies. So, for these perceptions to add valuable insights on the Commission's management of elections, they should be collected from various stakeholders about the whole electoral cycle.

Analysing the administration of the 2006 presidential elections in Uganda, the study combined these three analytical perspectives, to analyse the pre-election, election and post-election complaints handling roles of the Commission. Being highly political processes, the way elections are administered, is key to their outcome and legitimacy (Bratton and van de Walle, 1996). Central to election management, therefore, is the electoral cycle. In Uganda, election management is entrusted to an independent, autonomous and impartial Electoral Commission that is separated from government structures, according to the constitution (Articles 61-69). The Commission's ability to administer elections within the law; and its autonomy from political forces, are key factors explaining electoral outcomes and how the electoral process is perceived among stakeholders (Elklit and Reynolds, 2000). It is here that the Commission's democratic role is performed. Once the Commission is able to stand independently from all forces,

eliminate election fraud and exhibit professional and managerial competence throughout the electoral cycle, then elections will be free and fair. The Commission's contribution to the democratisation process lies with its ability to conduct elections that allow citizens free control over the political agenda by freely exercising their franchise rights (Dahl, 1998).

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CHAPTER THREE

METHODOLOGY FOR THE STUDY

3.0 Introduction

This sub-chapter points out the methods and techniques used in the study. Contained here are: research design, study population, sampling, research tools, data analysis and research ethical considerations, challenges faced and safeguards.

3.1 Research Design

Using a case study design, the study deeply investigated the election management for purposes of generalisation. It involves in-depth interviewing, observations and documentary reviews. Case studies allow for in-depth investigation of the study phenomenon for purposes of generalization. Focus was placed on the 2006 presidential elections, to understand how the work of the Commission contributed to the democratisation process. This design was preferred to get details of how elections were conducted, and point out what can be done to improve election management in Uganda. Though this design fell short of allowing for wider sources of data, like voters, it was found appropriate for qualitative studies of this nature, which seek to investigate deeply into the phenomenon under study.

3.2 Sampling Procedure

Non-probability (Purposive) sampling was used to select key informants. This involved choice of respondents on the basis of their knowledge on, and experience in, the subject of study. Given that the study was qualitative in nature,

generalisability and key informants' evidence were highly considered. Key informants' input was supplemented by secondary data.

3.3 Sample Size

The number of respondents was not limited, given that the study was qualitative in nature, involving purposive sampling. However, more than 66 key informants were selected to increase data sources. These included at least 10 from each category of respondents (20 election administrators, 12 politicians, 10 academicians, 08 election monitors). For Partners for Democracy and Governance (PGD) and Democracy Monitoring Group (DEMGROUP), few respondents, and written information, were considered. Two and four respondents were interviewed from PDG and DEMGROUP respectively. 06 complaints officers were also interviewed. Other sources of information were meetings, seminars/conferences and workshops reports. Here free deliberations and reports helped the researcher acquire more information.

3.4 Study Population (Data Sources)

Key informants included: Electoral Commission officers; political party leaders; leaders of Civil Society Organisations (mainly DEMGROUP, which monitored elections) and representatives from donors, who funded some of the electoral activities; as well as senior academicians, were vital sources of information. Non-key informants were voters and local leaders. The choice of these respondents was guided by reasons. Commission officers were directly involved in election management. So, they have great knowledge on elections and election management. Political party leaders from UPC, DP, FDC and NRM-O have been involved in election contestation, closely following the Commission's work. UPC

and DP have been taking part in elections since 1961. Both have tested national leadership/power. So, they have experience not only in elections, but also in leadership. The NRM evolved from the Movement which had led the country for two decades. Its leadership and state leadership did not change significantly. So, it had a central stake in helping or retarding the Commission's work. The FDC appears to be the strongest opposition party in the country today, having been formed by Movement cadres. It had much knowledge of Uganda's constitutional development as well as the workings of institutions of government. DEMGROU monitored the elections right from voter registration to announcement of results. So, they have knowledge of what happened during elections. PDG funded some electoral activities, and followed electoral events closely. They had an input to this study. Senior academicians from Makerere Institute of Social Research, Faculties of Social Science and Law, have been researching on democratisation and elections in Uganda. They were important sources of information. Voters and local leaders were selected for interview during polling and tallying process where elections were observed.

Secondary sources of data included: newspaper reports, Commission field officers' reports, minutes of Commission's meetings, workshops/seminars/conferences' reports, election monitors and observers' reports, internet sources (websites) and parties' memoranda. These sources provided reliable data about elections in Uganda. More literature was reviewed from journals, textbooks, government documents and reports to supplement field secondary data sources.

3.5 Research Instruments and Methods

Two key instruments were used: Interview Guides and Focus Group Discussion (FGD) guides. Interview Guides, were used with key informants (from the academia, Electoral Commission and political parties), through unstructured interviewing, to generate in-depth data. These are advantageous; they give chance for probing. FGD Guides were used with Civil Society Organisations and Electoral Commission senior officers, because together they would discuss their experiences in an informed manner, without referring to colleagues/juniors. Interview Guides and FGD guides measured variables of a qualitative nature, making them useful in this study. These were flexible and allowed for in-depth investigation. They were supplemented by observation guides earlier used during polling and the tallying process.

3.6 Data Analysis and Research Reporting

Data was analysed using *content analysis*. This involves development of themes and sub-themes in line with the objectives of the study, to categorise the various data in accordance with the themes. It allows for “thick description”. Here, direct quotations can be made where necessary, with emphasis placed on consistency and coherent flow of information. This is the method used in this study. Information would then be placed under the relevant theme or sub-theme. Relevant table extracts are included in this dissertation to give deeper meaning to the data presented.

3.7 Validity and Reliability

Validity of instruments was ensured by using qualitative instruments for a qualitative study. Validity of instruments means the ability of a research tool to

measure that which it is intended to measure (Simon, 1969). In this case, qualitative instruments were used to collect qualitative data and quantitative instruments used to collect quantitative data. Validity of instruments was judged, first on face value (face validity); and secondly through pre-testing to ensure internal validity. This was done to ensure that the instruments measure that which they were intended to measure. It was crowned by seeking approval from the supervisor before the instruments were finally deployed in the field.

Interview guides were used to conduct in-depth interviews, and Focus Group Discussion guides for Focus Group Discussions. Documents review was applied on relevant documents, like reports from field officials, minutes of Commission meetings, workshop reports, memos and complaints' records.

Reliability of the findings was ensured by collecting data from the many different sources above (1.12.4), with the view to making conclusions based on evidence. Reliability means that another person making a similar study in future using the same methodology gets similar findings (Simon, 1969; Sarantakos, 2003). Through a wide section of respondents (from among the various stakeholders), it is hoped that any other person using a qualitative methodology will generate similar findings, though they may not be the same since people's opinions change with time.

3.8 Ethical Considerations

A letter of introduction was acquired from the Department, and was presented to respondents to avoid suspicion and embarrassment. Explanation was made, that the research would not put respondents in any problem. Objectives of the study,

and the central academic purpose for which it was being conducted, were explained. Confidentiality is ensured by quoting only those respondents who allowed to be quoted. All these were made to avoid including respondents who would be unwilling to take part in the study, and avoid hurting respondents (Sarantakos, 2003). Considering the researcher's sponsorship (the Research Fellowship awarded by the Christian Michelsen Institute - Makerere Research Collaboration), it was imperative to write a dissertation on election management, let alone the researcher's interest in the subject. Care was also taken to avoid distortion of findings, fabrication of findings and making baseless conclusions.

3.9 Challenges Faced and Safeguards

Absence from office at the time of calling in was common. Prior arrangements and phone calls helped to avoid this. The study touched sensitive areas of political concern, which might raise suspicions, but clearance of the protocol and building rapport restored respondents' confidence. The number of respondents was limited (few), given that voters could not be interviewed. Care was however taken to get as much secondary data as possible to complement the primary data collected. Scheduling, timetabling, and mobilising personal resources safeguarded the researcher against time and financial constraints.

3.10 Limitations of the Study

Case studies have a main limitation of making conclusions based on single or few cases, a similar limitation to this case study. Another limitation relates to the study carried out in a short time to generate conclusions based on the whole electoral process. Sensitivity of the study, made the quotation of some sources difficult. Additionally, not big enough a number of voters have been interviewed

for their opinions. This has limited the representativity of all stakeholders, leading to data gathered from key informants and written sources, leaving out the voters whose input would have been significant.

However, the above limitations are countered. Attempts have been made to get data from as many respondents as possible, written sources, documentary reviews and observations. It is the hope of the researcher that these findings are rendered worthwhile by the use of relevant qualitative instruments to carry out a qualitative study, and the triangulative advantage of the different informants and secondary data sources, data collection methods, and the trust in the sources. For avoidance of doubt, there is need for more such studies in future to be able to generate comparative and critical findings so that the role of election management bodies can be brought out and incorporated in the democratisation debate.

CHAPTER FOUR

HISTORICAL AND LEGAL REFLECTIONS

4.0 Introduction

A critical reflection on the historical and legal experiences in Uganda's election administration is significant for a study such as this. Historically, Uganda's elections have been poorly administered. Yet legally, there have been electoral laws, which would have guided the Commission in executing its legal mandate. The institution appears to be overlooked by individuals whose actions in the end appear to be undemocratic. It is the argument of this chapter, that historical experiences should always guide the Commission in bettering the wrongs of the past experience, and the laws, which come every other election should be systematised and strengthened, with only minor amendments coming when need arises. This is why only the laws concerning the 2006 elections are considered here.

4.1 Historical Reflections

Pre-colonial and Colonial Uganda

Pre-colonial Uganda consisted of centralised and decentralised societies. In centralised societies, people held meetings to elect representatives to the King's Court or the communal council. Rulers, sometimes, appointed their favorites to such councils and where elections were conducted, it was by show of hands. The colonialist changed this arrangement, introduced a form of civilisation that resulted into the need to elect the legislative council of the colony. The 1921 Legislative Council (LEGCO) had no African at all, till 1945, when the first three African representatives were appointed. By 1958, the LEGCO had 63 members,

half of whom were Africans (Bwengye 1985:17). Not much, therefore, can be said on election management in Uganda before 1958.

The first plans to hold elections, which would result into increased African representation to LEGCO, materialised in October 1958¹. Ankole District Council, fearing a catholic-dominated electorate, rejected direct elections and appointed two protestant representatives to the council. Bugisu and Tooro too opted out of direct elections. These elections were, in a sense, partially accepted since three districts did not freely participate. So, Nkore and Bugisu sent three independent representatives who had not been elected. Soon after the LEGCO met, political developments involving the formation of political parties ensued (Karugire, 1996:42). Political confusion followed the 1958 elections. The Governor announced a constitutional committee on 4th January 1959², led by J.V. Wild. The Wild committee recommended that elections be held “throughout the whole protectorate on the common roll basis... as early as can be arranged in 1961” (Ibingira, 1973:69-70) culminating into the 1961 elections. Buganda boycotted the 1961 elections. She pressed for a federal status if she was to take part in the elections. Her demand was ignored. Buganda then boycotted the voter registration exercise. Defiance of the boycott amounted to disobeying the Kabaka. Only 4% of eligible voters in Buganda registered. The 1961 elections were not well managed as ballot papers disappeared in some parts unaccountably, while in other areas rigging was evident (Aseka, 2005).

¹ These elections were conducted on a district basis, with each district electing its own representatives to the Legislative Council.

² This committee, led by J.V. Wild, had majority of its members being African representatives to the LEGCO, but Kabaka’s government refused to appoint representatives to or even give evidence to this committee.

The following developments leading to the pre-independence elections (including the February 1962 Lukiiko elections) were interesting. Inter-party rivalries infiltrated election management. The *Lukiiko* (Buganda's Parliament) opted to appoint representatives to the National Assembly, instead of holding elections. The rest of Uganda voted in April 1962. The KY/UPC alliance³ helped Milton Obote (then President of UPC) to become Prime Minister. Uganda got independence on October 9, 1962, but "what went wrong in Uganda after independence" was to pave way for further democratic complications (Karugire 1996:45-48). Thus had ended a (1958-62) period during which no significant lessons were learnt from election management. Uganda was to witness a period of dictatorship with no elections till 1980.

Post-colonial Experiences

Karugire (1996) and Kabwegyere (1995) document the political developments that occurred in Uganda between 1962 and 1980. Political maneuvering, intimidation, inter- and intra-party fightings, suspicion, tribal sentiments, leadership crises, constitutional manoeuvres, Buganda's unalterable stand and coups, were the order of the day. The 1966 Kabaka crisis and the subsequent events crippled further hopes of electoral democracy in Uganda for the next decade or so. The 1967 Republication Constitution abolished kingdoms, ushering in a Republican government. The Prime Minister became president without being elected. Bwengye (1985:36) argues that Obote feared elections because he knew that UPC was electorally weak. From 1966, there was political instability

³ This was a political tactic of UPC notably Obote to woo the Mengo establishment to support the party in fighting against the DP.

punctuated by Amin's 1979 coup d'état. The expected 1971 elections had been interrupted by Amin's coup. Amin argued that before any general elections would be held, a new constitution would be worked out and accepted by the whole country. But "time to do this never came. He never referred to it again. Day after day, the promise of elections was forgotten" (Bwengye 1985: 37-8). He was dethroned militarily in 1979. Prof. Yusuf Lule succeeded Amin, only to be replaced by Godfrey L. Binaisa, 68 days later. Binaisa promised to bring general elections forward in October/November 1980 (Aseka, 2005:332; Bwengye, 1985:41-42; Museveni, 1997; Amaza, 1999; Gakwandi, 1999)⁴.

The 1980 Elections and Subsequent Experiences

The 1980 elections best explain post-Amin Uganda's election failures. They were organised under the umbrella of Uganda National Liberation Front (UNLF) with no party allowed to contest under its own banner. It should be noted that real power lay not with Binaisa, but with the Military Commission composed of mainly former exiles who had fought Amin⁵. The Commission was headed by Paul Muwanga. Obote colluded with Muwanga, who commanded control over the Military Commission, in which only Yoweri Museveni opposed Obote. As elections drew nearer, Obote returned from exile. UPC used its legislative supremacy to pass through crucial legislations concerning the 1980 elections (Aseka, 2005:335). By the time of polling, it was a by-gone conclusion as rigging had been clear.

⁴ Grace Ibingira believed "...it is the duty of all citizens in the (whole) country no matter to which political party they belong to help president Binaisa's government and the NEC so that they can effect the process of returning the country to an elected democratic government".

⁵ Still in Tanzania, Milton Obote wrote to Paul Muwanga who was Binaisa's minister for Internal Affairs, to start laying plans to foil the UNLF democratic set up, so as to prepare for a forceful seizure of power by the UPC (Bwengye, 1985).

The 1980 elections were systematically rigged. The UPC (led by Obote) and Muwanga trained their supporters to carry out the creeping rigging (Bwengye 1985:91-92). Rigging took the form of constituency gerrymandering, flawed voter registration; intimidation; harassment of the opposition in what was termed *Twareire* (We have already ‘eaten’/won, meaning that UPC won the elections before they were held) in Western Uganda; usurping the powers of the Electoral Commission, through declarations; flawed counting and tallying processes; violations of principles of secrecy of the ballot and transparency of the vote; alterations of results; and formation of youth gangs (*aba-youth*) to intimidate the opposition (Bwengye, 1985; Confidential Interviews, 2007). These elections “were actually won by DP which swept Buganda and Busoga with a landslide”. On December 11, 1980, Muwanga passed a decree that “barred returning officers from declaring any results unless such results were approved by Muwanga personally”. Constituency results were to be submitted not to the Electoral Commission but to Muwanga. Non-compliance to this decree carried a penalty of 70,000 dollars (Amaza, 1998:19; Bwengye, 1985). The Commission had been openly defiled but it did nothing to resist this development. So, in Bwengye’s conclusion, it sacrificed its independence by not pointing a finger at what the government (UPC) was doing. While the previous elections had not been free and fair, the 1980 elections appear to have sparked off a period of civil war and denied credit to the Electoral Commission. The Commission had been mandated by law to conduct a free and fair election that would save the country from the long period of dictatorship and warfare. It instead lost its mandate to politicians

and led to more warfare. Uganda Patriotic Movement (UPM) rejected these elections, and declared a guerrilla war which lasted till 1986.

The period 1981-86 was a period of warfare. Attempts by the Obote II government, (and later in 1985, the Tito Okello leadership) to end the war by peaceful means were fruitless. On January 26, 1986, the NRM/A captured power. During the bush war, The NRM/A had developed a Ten Point Program. The program, among others, promised a restoration of democracy, elective politics and a constitution (Museveni, 1997; Aseka, 2005:375). This promise sent a signal that electoral democracy would flourish in Uganda. From this promise Ugandans waited to witness free and fair elections. This explains the continued research interest in the role of the Electoral Commission in election management.

Elections during Museveni's NRM Leadership

In 1987 elections of the Resistance Councils (RCs) were held at village level. Village committees termed Resistance Committees One (RC1) had been born during the bush days and formed wherever the NRA captured. Delegates to these elections built up to the district level. In 1989, the National Resistance Council (NRC) elections were held to form a Parliament. These started from village to the National level. As one moved higher and higher, people's involvement reduced, as these were collegial elections. Voting was by lining behind the candidate of one's choice. These elections were not democratic but showed a drastic change - a fundamental change - for government did not interfere in the voting (Aseka, 2005:376). They signified a return to electoral politics, but this had been confined to local leadership.

Equally significant, during the NRM's early days was the formation of a Constitutional Commission in 1989, chaired by Justice Benjamin Odoki and the subsequent Constituent Assembly (CA) elections held March 28, 1994. During these elections, the interim electoral Commission did a fairly commendable job, but failed to contain the government which openly de-campaigned the opposition. The CA adopted a Constitution in October 1995, (Byarugaba 1997; Aseka 2005; Amaza, 1998; Kanyeihamba, 2002).

The 1995 constitution of Uganda: a) placed all power in the hands of the people [(article 1(1)-(4)], including franchise powers; b) established a two-term limit to the rule of an elected president, with each term taking five years [(Article 105(2)]; c) put political parties and their activities in abeyance until a referendum would be held and people decide to return to multiparty dispensation, (Article 74); and d) established an independent, autonomous and impartial Electoral Commission charged with the duty of managing and conducting elections and referenda (Articles 60-64). The Electoral Commission was once again at the forefront of election management. Now that the constitution was in place it was hoped that well-managed elections would ensue, hence democratization in Uganda. This explains the interest in Uganda's post-1995 elections.

Elections since 1995: The Constitutional Period

The first direct presidential elections were held in 1996 under the Movement system. These were followed by parliamentary elections. During these elections, important aspects of election management were not properly executed. Voter registration had loopholes. Campaign violence was witnessed. An additional 700 suspicious polling stations were created toward polling. The incumbent used

state facilities as well as money donated by supporters, making the ground not level. Most seriously, there was monetization of politics and bribery of voters (Makara *et al*, 2003:16-25).⁶ The 1996 elections left a lot to be desired both with regard to the role of the Electoral Commission and the willingness of the government to ensure a democratic political dispensation. Several researches agree on this (Isingoma 1998; Onyango, 1998; and Salaam, 1997) but fail to point out what the role of the Electoral Commission in election management is. They also fail to delink the Commission as an independent body from the rest of the government. Significantly though, the 1996 elections affected the way the future elections and referenda were to be conducted.

Political parties and donors continued with their opposition to the no-party Movement system, arguing that this crippled democracy (Aseka, 2005). Government agreed to hold a referendum to change the political system. A Referendum Bill was passed in 1997. But the referendum held in 2000 resulted into the continuation of the Movement system, as the Commission, once again, failed to contain government's open resistance to a return to multiparty politics. The 2001 presidential elections were also held under this system (Aseka, 2005).

⁶ In addition to the incumbent president Yoweri Kaguta Museveni, other presidential candidates were Paul Kawanga Ssemwogerere (of DP) and Mohammad Kibirige Mayanja (of JEEMA). Ssemwogerere represented the Inter-Political Forces Coalition, which was an amalgam of all political forces and parties opposed to the movement system. He had served in the NRM government as deputy Prime Minister for ten years. The fourth candidate, Herman Ssemujju, failed to raise the 2600 signatures of supporters from 26 districts as required by the Presidential (Interim Provisions) Elections Statute S.4(4).

⁷ The opposition, led by P.K Ssemwogerere petitioned the Constitutional Court challenging the mode of passing of the 1999 Referendum Act, and Court ruled, in 2003, that Parliament had wrongfully passed the Act. But government appealed the petition, and the decision of the Junior Court, which would otherwise have implied that the Movement system did not exist since the 2000 referendum, was reversed by the Court of Appeal. Otherwise, a constitutional crisis was looming.

The 2001 elections were hotly contested⁸. Dr. Kiiza Besigye paused the toughest electoral resistance against an incumbent president in the history of Uganda. The Electoral Commission faced a tough task of managing a hotly contested election. Indeed, several loopholes were recorded from management of these elections. The voters' register cast a lot of doubts as it was inflated. Campaigns were characterised by harassment, intimidation, military involvement, beatings and unlawful arrests. Polling day activities were not well managed either (Makara *et al*, 2003:291). In a Presidential Election Petition, filed by Besigye⁹, the Supreme Court was satisfied that the Commission had failed in voter registration, and that elections were "partially held in accordance with the principles laid down in the Presidential Elections Act 2000" (Tumwine-Mukuubwa, 2004). The president disbanded this Commission and appointed a new one in November 2002¹⁰. The "new" Commission was to conduct the 2005 referendum and the 2006 multiparty presidential elections. The 2001 experience had signified that there is need for much more effort in election management if electoral politics is to translate into democratization. Since then interest has been on how the Commission puts things right by preventing a recurrence of 1980 when poorly managed elections led to civil war. It has also been clear that the Commission must make

⁸ In addition to incumbent President Yoweri K. Museveni, other contenders were Rt. Col. Dr. Kiiza Besigye (Reform Agenda.) 45; Aggrey Awori (62); Francis Bwengye (from one of the DP factions), 59; Mahammad Mayanja Kibirige (of JEEMA), 51; and Karuhanga K. Chapaa (of National Democrats Forum), 49. Ssenkubuge Charles Siyasa, a Musician, was nominated but later dropped out. Dr. Kiiza Besigye had fallen off from the mainstream Movement and opposed the working of the government, and it had become clear by 1999, that he was oppositional, although he was a Movement historical from the Bush Days.

⁹ He sought the nullification of results and an order for reelection, citing many illegal practices and electoral offences. He also revealed the degree of intimidation, harassment and beating inflicted by PPU and Kalangala Action Plan (KAP).

¹⁰ This Followed the Parliamentary Committee report on the 2001 elections. The 'new' Commission is headed by Eng. Dr. Badru Kiggundu, a former lecturer of Civil Engineering at Makerere University, and deputized by Sr. Margaret Magoba from the previous commission.

improvements if its work is to win credibility and increase legitimacy of election outcomes.

Opening the Political Space to Multipartyism and the Pre-2006 Elections Period

In March 2003, the Movement's National Conference sat in Kyankwanzi and agreed to open up the political space to allow a return to multipartyism. This followed internal and donor pressures. A Constitutional Review Commission, led by Prof. Fredrick Ssempebwa, was appointed to gather views nationwide on possible amendments to the constitution. The Commission produced its report late 2003, and in response, government produced a White Paper in 2004. The White Paper emphasised the need to hold a referendum to change the political system; suggested the lifting of presidential terms; and spelt out the possible amendments to the constitution to be undertaken by Parliament (Republic of Uganda, 2004). The opposition and donors argued that a referendum was a waste of resources, that Shs. 22 billion would be used to provide a better service. The government insisted and a referendum was held on July 28, 2005. The 47% turn up in the referendum voted for a return to multiparty politics (Makara and Rwengabo, 2005)¹¹.

During the 2005 constitutional amendments period, Article 105(2) of the constitution was also amended and presidential terms lifted. The incumbent was eligible to contest again. There is a tendency to fear the incumbent in Africa. This

¹¹ The government and opposition were agreed to open up, but government's campaign against itself in favoring a return to a political order which the President himself had for long opposed, was very dramatic. It has been argued that the president was trying to use the referendum campaign to kickstart his campaigns for the 2006 elections.

is because incumbency carries with it unhindered access to state resources, and an ability of the ruling party to by-pass institutional checks. This makes it difficult for the opposition to trounce incumbents, and equally precarious for election administrators to ensure a level playing field.

The changing of the Movement from the 'Movement' to a multiparty system was a political attempt at legitimation, an attempt at *dynamic engagement*. Dynamic engagement is a new approach in management that may be applied in politics to explain the behaviours and actions of individuals in political circumstances. The approach argues that in the present era of dynamic social changes and continuous engagement within and without organisations and social systems, it is imperative that leaders of organisations respond to these rapid changes as appropriately as they can in order to forestall possibilities of being out-competed (Stoner, et al, 2005; Mullins, 2002). This is because leaders are no longer gurus of information and do not operate in a vacuum, but in an environment of continuous engagement that necessitates change. Impliedly, political leaders of the Movement System of government reasoned that it is important to shift to a multi-party dispensation without necessarily changing the name of the 'party' significantly, hence the National Resistance Movement Organisation. This proved helpful as it was not very much different from the Movement – both in name, composition and leadership. This is more so given that during the referendum, the government appeared to campaign against itself when the President favoured a change of the political system to a multiparty system, something he had opposed for years. Indeed the referendum was not well understood by the masses especially in rural areas, and considered it a way of 'letting go' those opposed to

Movement/Museveni policies (Makara and Rwengabo, 2005). But the new changes (whether necessitated by domestic or foreign pressures) had to be responded to in a way that would allow the Movement leadership retain their identity, at least in the eyes of the voting masses.

Would they (Movement political leaders) have formed a new party with a totally different name? Would they have rejoined their old parties that existed before 1971 and which resurfaced during the 1980 elections? How would this have translated for their election scores, when for years since 1986, they sounded opposed to multipartyism? Or was the Movement a disguised party all along? Answers to all these questions are not easy to adduce now; only that something crucial can be drawn from the President's message during the referendum campaign: *mubaleke bagende* (literary: "let them go"), that government and Movement supporters should let those opposed to the Movement system and ideology to go and form their political organisations and/or parties. And for the leadership to retain its unity and relevance to the masses, the Movement had to slightly turn itself into an organisation (as had been provided for in the Political Parties and Organisations Act, 2005) (Republic of Uganda, 2005). It is this change which, in my view, is explainable using dynamic engagement approach. For dynamic engagement allows political leaders to remain in control of both the changes and responses to them, hence forestalling possibilities of any political/electoral shock. So, after the July 28, 2005 referendum and other constitutional changes, the Movement government became a National Resistance Movement Organisation (NRM-O) that was relevant under a new multi-party political dispensation.

Four issues were clear from the July 28, 2005 referendum and the amendment of Article 105(2) of the constitution, about the 2006 presidential elections. First, the Electoral Commission was then set to hold multiparty general presidential elections for the first time. Secondly, the incumbent was going to contest, a situation which showed the possibility of a hot contestation and an unlevelled playing field. Thirdly, the Commission, being composed of Movement/government appointees, would be opposed and political parties would demand for representation. The Commission was not only tasked to fulfill its constitutional and legal mandate, but was also tasked to “outperform” the 2001 one, face a new multiparty experience, and restore various stakeholders’ confidence. Elections were held on February 23, 2006 under a multiparty political dispensation.

The Commission is constitutionally required to be independent, autonomous, and impartial in exercising its constitutional mandate. The autonomy and independence of electoral bodies, and the degree of their managerial competence in conducting elections, determine the degree to which election outcomes are respected. The 2001 experience showed that a lot needed to be done in election management. The 2006 elections were conducted under a multiparty dispensation, the first of its kind since 1980, and the very first direct multiparty presidential contest. The Commission was unfortunately seen as a ‘Movement Commission’. Cries from the opposition that they appoint representatives to this Commission fell on deaf ears. Since the 2006 Elections were held under a multiparty dispensation, following dramatic constitutional developments, notably, the opening of the political space and the lifting of presidential term limits, a lot was

expected from the Commission. Such is Uganda's electoral history the Commission was to contribute to.

4.2 The Current Uganda Electoral Commission

Information about the Electoral Commission in Uganda between 1957/8 and 1980 is scanty. Only during the controversial 1980 elections do we seem to see an established Electoral Commission doing a clearly assigned job, although its work was later usurped by the Military Commission (led by Paul Muwanga) in an attempt to rig elections (Bwengye, 1985). Between 1981 and 1987, there was no elections and therefore no such electoral body.

The 1987/89 Resistance Council elections were organised by an electoral committee. Uganda's post-1980 history saw an electoral body when an Interim Electoral Commission was appointed in 1993 to conduct the 1994 Constituent Assembly (CA) elections, following the recommendations of the Odoki Constitutional Commission. The 1995 constitution established the Electoral Commission as a constitutional body mandated to manage and conduct regular, free and fair elections and referenda in accordance with the constitution (Articles 60-68). This provision was operationalised in 1997 with the enactment of the Electoral Commission Act, Cap. 147.

The current Commission started in November 1995, a month after the promulgation of the Constitution, since the 1994 constituency Assembly elections had been conducted by an Interim Electoral Commission. Chairperson Stephen Besweri Akabwai, who headed the Interim Electoral Commission, still headed the new Commission, and was deputised by Ms Florence Nkurukenda. It is this

Commission that conducted the 1996 presidential, parliamentary and local government elections. Aziz K. Kasujja was appointed the next Chairperson of the now fully fledged Electoral Commission of Uganda before the 1996 elections. At the expiry of his contract, Stephen B. Akabwayi joined Uganda Revenue Authority. Commissioner Margaret Ssekajja was appointed chairperson of the Uganda Human Rights Commission.

The Kasujja Commission conducted the 2001/2002 Presidential, Parliamentary and Local Government elections. As already noted, the 2001 presidential and parliamentary elections were reportedly mismanaged, as recorded from the Presidential Election Petition No.1 of 2001, in which Dr Kiiza Besigye sought nullification of the electoral exercise. The Supreme Court too, was convinced that important aspects of election management had not been adhered to (Tumwine-Mukubwa, 2004). In November 2003, the President shuffled the Commission, retiring then Chairman, Aziz K. Kasujja. The details of the new Commission are appended (See Appendix III for the composition of Electoral Commissions since 1994).

The current Commission is constituted by a Chairperson and Vice Chairperson, with five Commissioners all appointed by the President. There is a Secretary who heads the technical team and is the Accounting Officer. It is departmental according to specific fields and activities, with two district officers (Registrar, His/Her Assistant) charged with voter registration and day-to-day running of Commission work at the district. These are assisted by two support staff (Copy Typist and Driver). The staffing is limited as it can not take on internal challenges and handle external pressures at the same time, especially during the peak of

electoral activities. The Commission relies on local governments' staff to run much of its field operations on the ground, notably tribunals, supervision of polling and mobilisation of voters.

The present Commission had a unique experience compared to previous Commissions for several reasons. First, since 1980, Uganda had never held multi-party elections, never had direct multi-party presidential elections in her history, and never held multiple elections of three-in-one polls as were experienced during the 2006 elections¹². Secondly, voter registration and other aspects of the electoral cycle, had historically posed considerable challenges to election administrators in Uganda, and had to be improved. Equally, the removal of presidential term-limits from the Constitution by amending Article 105(2) meant that the incumbent President was eligible to stand again after the expiry of his constitutional two five-year terms. This was expected to pose its own challenges to the Commission, notably, a hot contestation. Lastly, a more vibrant civil society, notably, the press and independent Civil Society Organisations (CSOs), were now more interested in the work of the Commission, and were being encouraged by donors and foreign researchers. For instance, Partners for Democracy and Governance's Election Support Unit was keenly following all electoral developments, while a Norwegian research institute, the Christian Michelsen Institute (CMI) had teamed up with some researchers from Makerere University to investigate the institutional and legal context of the elections way back in 2004, and had been keenly observing the process right from the July 2005 referendum. Historical experience affected the Commission's work that was

¹²Multiple elections were provided for in Constitutional Amendment No. 2 of 2005.

also a centre of focus for various groups. The behaviour and actions of officers within in the Commission was no longer secret; it was in the open. The way out for the “new Commission”, therefore, was to outperform the former Commission(s) by sticking to the Law.

The ‘New’ Electoral Commission

The new Commission inherited a tainted image left by its predecessors, notably the failures exhibited by the 2001 Commission. The public, politicians and other stakeholders perceived the EC as an incompetent, inefficient, ineffective and non-transparent organisation. This loss of confidence in the electoral body was costly to its function. It became central to debates during the opening of the political space for multiparty contest, which started in 2003, as well as the constitutional amendments including the lifting of presidential terms. Opposition parties doubted the credibility and impartiality of the Commission that was appointed under the Movement System. The new EC also faced the challenge of ensuring a conducive environment for elections as violence had been rampant in the 2001 elections.¹³ The new Commission also inherited operational challenges as the former Commission had failed to produce a reliable, computerised voters’ register.

The failures of the previous Commission, and the fact that this Electoral Commission was regarded as a ‘movement Commission’ - as it was appointed by the President before political parties were allowed to operate – put in doubt of

¹³ In an interview with the Chairman of the Electoral Commission, Eng. Badru Kiggundu, he suggested that the Commission had an immense duty to “clean” this image by cooperating with government and the police to ensure that the elections are properly secured. He argued that the numbers of police remain few, about 15,000, when the Polling Stations were 17,000.

many stakeholders, the Commission's credibility as an independent entity. Building confidence and proper working relations with political parties, civil society and other stakeholders was therefore a high priority for the EC¹⁴. By the 2006 elections, constitutionally, the Movement system of government had been replaced by a multiparty dispensation. This constitutiono-political change was not reflected in the composition of the Commission, although cries for the opposition to appoint representatives to the Commission were heard. This was seen as an attempt at disadvantaging the opposition, since, in Mwenda and Tangri's (2005) view:

Public appointments have been given not so much on the basis of merit, although that is a consideration but principally to the Movement loyalists. The holders of these positions have had access to... resources, which could be used to benefit themselves as well as to mobilize support for the movement...¹⁵

Lack of representation of various political parties and interest groups was an issue of concern for the opposition. Limited trust in the Commission as an impartial institution also contributed to the level of distrust expressed in most aspects of electoral administration. While cries for representation onto the Commission may have been plausible, it is not enough to say that a mixed Commission is necessarily the best. An official from the donor PDG argued that Ugandan Electoral Commission is normal compared to the Ghanaian

¹⁴ Personal interview EC Chairman and Secretary February 8, 2005.

¹⁵ Mwenda, A. M. and Tangri, R. (2005). "Patronage Politics, Donor Reforms and Regime Consolidation in Uganda", in African Affairs: The Journal of the Royal African Society. Vol. 104, No. 416. July 2005. pp. 449-467.

Commission which was appointed for life by President Jerry Rawlings; and as good as South African Independent Commission, which is appointed for life by the President.

There is no guarantee of a good Commission made up of many parties because it is like a Parliament which is divided along party lines. It takes long to arrive at decisions (e.g. Kenya's EC has 21 Commissioners; for Ghana they cease to be party members once appointed on the Commission; Tanzanian parties have representation on sub-committees formed by parties to work with the EC). (Interestingly,) Big political parties in Uganda think EC is in coalition with smaller parties, while smaller parties think it is in league with big ones; it is a situation of suspicion¹⁶.

This observation reveals the difficulty the Commission faced in satisfying a biased political community; and, the failure of the political community to appreciate the on-going developments and allow the Commission do its work uninterrupted. It is arguable that the Commission was over-pressed by politicians, something the donors themselves realise. The Commission operated within an experience of flawed electoral history. The political actors were less bent toward respecting it. It was also at task to make things better. The only remedy before the Commission, as its officers emphasized, was sticking to the Law.

¹⁶ Osborn Simon, 2006 (Partners for Democracy and Governance – PGB – Election Support Unit). Personal Interview.

4.2.0 The Legal Framework of the 2006 Elections

As already noted, the behaviour of political actors, as well that of actors within institutions charged with election management, affects the outcomes and legitimacy of the electoral process. Individual and institutional actions translate into a 'whole' that impacts on the process. The purpose of legal provisions in the electoral process is not to make the process simply legalistic, but to regulate the behaviours of actors within institutions, and confine their conduct within the law. Deviations from the legal provisions imply the unwillingness or inability of actors within institutions to act freely and fairly. This affects the electoral outcomes and their legitimacy, at least in the eyes of stakeholders.

Uganda has no standard electoral law. For every coming election, new laws have to be made. This means that once an election is held, that relevant law becomes useless. An official from the Legal Department of the Electoral Commission, while giving this researcher a Compendium of the 2006 Electoral Laws, said "this is no longer useful", and when asked why, she said "the elections are over. Shall we ever use it again...? Parliament will have to make other laws then"¹⁷. This attaches insignificance to public documents and laws to which tax payers' money and Parliament's time are spent. Commission reports on the 1996 and 2001 elections decry late enactment of electoral laws. But nothing has been done to better this. This scenario explains why the Commission's preparations delay, because previous laws are no longer useful. The constitutional provisions, it has started to surface, may be changed together with other laws. In 2006 the

¹⁷ Jennifer Angeyo; EC Legal Department. Personal Interview; June 14, 2007.

Constitutional Amendment process had ushered in changes in the Constitution as the following analysis reveals.

4.2.1 Constitutional Provisions.

Three fundamental provisions are discernible from the 1995 constitution (amended 2005) in relation to elections. One is the sovereignty of the people enshrined in Article 1(4), hence “The people [of Uganda] shall express their will and consent on who should govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda”. So any election conducted in Uganda should be carried with an ultimate goal of recognising this sovereignty. The extent to which people independently, willingly and freely exercise this sovereignty is a matter of debate.

Secondly, there is the right to vote (franchise power), contained in Article 59. Every 18-year old citizen has this right as long as he/she is registered as a voter. The state has a constitutional obligation “to ensure that all citizens qualified to vote register and exercise their right to vote” [Article 59(3)]. We realise that franchise power is a constitutional right for Ugandans, but is also optional. No punishment is inflicted upon a person who refuses to register as a voter. Hence even if only 10% of eligible voters register to vote and only 3% of these votes, the typical minority of Ugandan adults will have determined the country’s political destiny. The majority’s self-denial of franchise right (whatever the reasons for this refusal or apathy) may have significant implications. We have not experienced this since 1995, except in the 2005 referendum when only 47.2% turned up.

Thirdly, the constitution establishes and provides for the composition, powers and functions of an autonomous, independent and impartial Electoral Commission (Articles 60-68). The functions of the Commission spelt out, relate to the demarcation of constituencies, voter registration and voter education, and “to hear and determine election complaints arising before and during polling” [Article 61(f)]. Section 13 of The Constitution (Amendment) Act 11 of 2005, puts two clauses in the original Article 61, and provides that the Commission holds presidential (and other) elections “within the first 30 days of the last 90 days before the expiration of the term of the president”. It also provides for the holding of presidential and general parliamentary and local government council elections on the same day, “except where it is impracticable to do so”. Multiple elections were witnessed in 2006. Impliedly, by the time this constitutional amendment came into force, time before the Commission to meet the deadline was already limited, a reason why some electoral activities like voter registration had to be cut off when people still yearned for the service.

The Commission “shall be independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority” (Article 62). This independence was supplemented with autonomy, giving the Commission powers to deal directly with the Ministry of Finance, with its administrative expenses charged on the Consolidated Fund (Article 66). Despite this, the Commission’s budget is always ‘trimmed’ and it has to work with limited resources. For example, the Commission initially budgeted for Ug. Shs. 74,374,013,000/= (seventy four billion three hundred seventy four million,

thirteen thousand only) but government approved only 30,000,000,000/= (Thirty Billion shillings).

A fourth constitutional provision regarding presidential elections is the amendment of Article 7 and providing for a code of conduct for political organisations or parties, and for the establishment of the national consultative forum for political parties or organisations. This was vital in paving way for the establishment of the complaints' desk. The Commission, through consultations with relevant stakeholders, developed the code, but up to the time of writing (February 2007), Parliament had not passed the said code.

Article 102 spells out the qualifications of the president while article 103 explains the procedure for the election of the president. Very significant, however, 103(3) stresses that "The election of the president shall be held during the first 30 days of the last 90 days before the expiration of the term of the president", and gives some few exceptions. Notable is article 103(7), "the Commission shall ascertain, publish and declare in writing under its seal, the results of the presidential elections within 48 hours from the close of polling". So, the Commission has to contend with weather vagaries, transport and communication challenges, to meet this constitutional deadline. Moreover, even when a presidential election petition is filled, the Supreme Court must "declare its findings not later than 30 days from the date the petition is filed" [Article 104(3)].

The above constitutional provisions raise three fundamental questions which need to be answered in analysing the roles of the electoral Commission in managing a presidential election: a) what can the Commission do where a

constitutional provision is affected practical realities of the day? b) How can the Commission strengthen its capacity to avoid violating constitutional provisions? c) Which other institution can come to the Commission's rescue in case constitutional mistakes are made?

In attempting to answer these questions, it is evident that the Commission does not have to do what is practically possible, but must do what is constitutional, to survive the wrath of the law. Hence to meet the deadline, the Commission had to declare results from 19,585 stations (98.98% of polling stations), hence ignoring the remaining 201 stations. This (announcement of results) was done few minutes to the constitutional deadline. But the Commission was accused of doing this in the Besigye petition.

Equally important, the Commission requires internal self-organisation, alertness, competence, independence and "being its own patriot", to avoid violating constitutional provisions. That is why results could be declared from 98.98% of the polling stations. Lastly, political parties, the civil society, government and other stakeholders need to realise their moral and patriotic obligation to rescue the Commission in case it faces threats of derailing from constitutional provisions. Noteworthy, once any constitutional provision is violated, almost all other operational electoral laws are affected. The constitutional provisions are operationalised by relevant electoral laws enacted as elections draw near.

4.2.2 Operational (Enabling) Electoral Laws

They are called "operational" because they *operationalise* constitutional provisions; since the constitution is the supreme law. Enabling laws derive from

the constitutional provisions on elections. Relevant to the 2006 elections were laws like: The Electoral Commission Act, 1997; The Political Parties and Organisation's Act, 2005 (operationalising Article 70, 71, 72 and 73 of the Constitution); The Presidential Elections Act, 2005 (operationalising Articles 101,102, 103, 104 of the Constitution); The Press and Journalist Act, 1995; and The Electronic Media Act, 1996. These laws provide the legal framework for the management of presidential elections as well as the conduct of all stakeholders in the Electoral process. This sub-chapter makes an analytical outline of the Electoral Commission; Presidential Elections, and the Political Parties and Organisations Acts, in subsequent paragraphs.

The Electoral Commission Act, 1997

The Act commenced on 2nd May 1997. It spells out the functions of the Commission as a body-corporate entity with its own structures, staff, terms of employment and financial autonomy. All matters relating to the conduct of elections are vested in the Commission under Sec. 12 of the Act. The Commission has powers (under Sec. 15) to resolve complaints, with powers of appeal against the action of the Commission lying with the High Court. Important functions, such as voter registration, are provided for under the law (under Sec. 18, with subsequent Sections up to Sec. 29 spelling out the details of the process). Centrally, “the Commission shall compile, maintain and update, on a continuous basis, a national voters’ register... which shall include the names of all persons entitled to vote in any national or local government elections” [Sec. 18(1)]. This Section has been violated since 1996; with loopholes in voter registration reported every election after another.

The Act is elaborate on the appointment of field officials, demarcation of constituency boundaries as well as spelling out offences committed by persons hindering others from voting. This Act, though short, sufficiently establishes any operational benchmarks for the Commission's duties. But the fact that other laws have to be awaited for, the Commission, sometimes as was the case towards the 2006 elections, had to wait for such laws as The Political Parties and Organisations Act 2005 (PPOA).

The Political Parties and Organisations Act (PPOA) No. 17 of 2005

The Act was assented to on November 16, 2005 and came into force on November 21, 2005, few days to nominations. It should be remembered that the PPOA became a controversial law during the transitional period. It is not the duty of this research to go into the details of the legal battles that surrounded the PPOA since 2002, but what can be stated is that in its present form, the Act provides for registration of political parties/organisations, their conduct and other general provisions. The financing and functioning of political parties, their formation, registration, membership and organisations are provided for. A code of conduct for political parties/organisations is prescribed while the establishment of a national consultative forum is also provided for.

Two legal provisions in the PPOA are central to the role of the Electoral Commission in election administration. First, while under the older PPOA 2002, parties' registration was vested under the Registrar General, the 2005 PPOA provides that (Sec.4): "The Electoral Commission shall be responsible for the registration of political parties or organisations...". The Commission must maintain a register of parties under the law [Sec. 6(3)]. The method of

registration provided for under Sec. 7 is elaborate but bureaucratic, and gives the Commission additional drudgeries. The Commission has powers to cause parties to keep and provide edited accounts. In other words, supervision over political parties was vested with the Commission. Notable, however, the Commission has not fully taken on its oversight roles as majority of parties keep their financial sources a secret. No party has divulged its funding source for the 2006 presidential elections.

Secondly, the PPOA (Sec.19) also brings the Commission to the fore-front in forming a code of conduct for political parties. It also provides (Sec. 20) for a national consultative forum composed of party representatives, Electoral Commission representative (or the Chairperson), the Attorney General or his representative and the Secretary of the Commission who shall be the secretary of the forum. The functions of the forum [Sec. 20(4)] bring the Commission at the core of the parties' operations.

The Commission tried to cope with this new challenge by developing a code of conduct, but failed along the way, when Parliament failed to pass the draft code. Parliament's resolution on the matter was essential because there are legal sanctions for violation of the code, including de-registration of a political party by the High Court at the application made by the Electoral Commission. The National Inter-Party Liaison Committee and the District Election Coordination Committees were formed on the basis of the draft code of conduct. As the code of conduct was not passed before elections, the consultative forum lacked the legal framework, and left the Commission to 'muddle through' during elections, including contending with violators of the code. While registered political parties

fielded candidates for the presidency, independent candidates over whom the PPOA had limited control were regulated by The Presidential Elections Act, 2005.

Presidential Elections Act, No. 16 of 2005

This Act was also assented to on November 16, 2005, and came in force on November 21, 2005. The Act establishes a specific legal framework for the election of the president. The Electoral Commission is called upon to observe this law strictly, especially Sections 8-57. It spells out the manner in which election officials, aspiring candidates and their agents, voters and polling officials, should conduct themselves. In operationalising Articles 1(4) and 103 of the constitution, the Act [5.2(1), (2)], provides that “The election of the president shall be by universal adult suffrage through a secret ballot using one ballot box for all candidates...” It also provides that presidential elections shall “be held during the first thirty days of the last ninety days before the expiration of the term of the president.”

Qualifications of the President are spelt out in Sec.4 - these being related to citizenship, academic, moral, public as well as individual qualifications. Sponsorship of candidates, nomination requirements [Sec.10 (7)], declaration of candidates (Sections, 19-20) and campaigns are legally regulated. All candidates are entitled to equal treatment, complete and unhindered freedom of expression, as well as other rights, like equal access to state owned media (Sec.24). While this Act was not much different from the 2000 one, it was accommodative of the new multiparty political dispensation.

Evaluating Electoral Laws

Other general electoral legal provisions spell out what is legal or illegal, including provisions for voting, handling voting materials, security, complaints at polling as well as counting, tallying and announcement of results. Importantly [S.57(1) of the Presidential Elections Act, 2005)], “The Commission shall ascertain, publish and declare in writing under its seal the results of the presidential election within forty-eight hours from the close of polling.” While this provision guards against possible interference with election results, it puts election administrators on tension which may lead to avoidable mistakes. Election petitions are provided for under the law. The 2006 Besigye petition, in which evidence of violation of electoral laws was adduced, arises from the Act. Whoever the violators were, it is awaited to have an election in Uganda where there is totally no violation of the law. People’s regard for the law seems to be secondary, evidenced by the way they fearlessly involve in election offences and illegal practices, especially during campaigns (See Appendix XI on Electoral Laws).

The 2006 electoral laws in Uganda should have been given utmost consideration. The environment was volatile as a result of the political and constitutional changes preceding elections. Yet these laws in themselves were passed late. So, the Electoral Commission’s remedy was to stick to the Law irrespective of this problem. All preparations depended on these delayed laws. The process of election conduct relied on the acumen of electoral officials to balancer their capacity and constitutional deadlines they had to meet. Thus the law became only necessary to regulate, at least to some degree, the behaviours and actions of election stakeholders.

CHAPTER FIVE

PRESENTATION, DISCUSSION AND ANALYSIS OF FINDINGS

5.0 Introduction

Main findings on the 2006 presidential elections pointed out the implication of the role of electoral Commission in democratization process. This includes the preparatory setting of electoral rules, and the management of the Electoral Cycle. It is through the management of the cycle that the central work of election administrators is carried out. During this cycle care is needed to ensure an electoral process that allows citizens control over their destinies. The cycle starts well before polling and goes up to post-election handling of complaints and petitions (Elklit, 1999). The management of this cycle is a constitutional duty of the Commission (Republic of Uganda, 1995). It was discovered that the Commission performed better than in 2001, with improvements in the management of the electoral cycle. It was however constrained by late enactment of electoral laws and executive/incumbent advantages that limited a fair playing field.

5.1 Preparatory Setting of Electoral Laws: The Role of the Electoral Commission

The rules and regulations guiding the electoral process are key to the administration of elections. In the course of 2005, two fundamental changes of electoral laws were made which impacted on the 2006 presidential elections in Uganda. First, the presidential two-term limit was lifted by amending Article 105 (2) of the Constitution. This meant that the incumbent president, Yoweri Museveni, could stand as a candidate for another term. This made many Ugandans

expect a hot contest and some executive influence on the Commission. Secondly, the political system was changed from the Movement system to a multi-party dispensation through a controversial referendum held on July 28, 2005. The referendum was very controversial, with donors and the opposition arguing that it was a waste of resources, while the political system could be changed through a Parliamentary resolution in order to save the Ug. Shs. 22 billion. But the government insisted on the change through a referendum. On the other hand, the matter of changing to the multi-party dispensation was not controversial because both the opposition and the incumbent NRM-O favoured a change toward multipartyism.

Some respondents argued that the government insisted on the referendum to acquire political capital in preparation for the 2006 elections (Makara and Rwengabo, 2005), a view shared by the DEMGROU. Of the votes cast, 92.5% favoured a return to multi-party politics while 7.5% wanted to retain the movement system (Electoral Commission, 2005). This referendum opened the gates of preparations for the 2006 presidential elections. Commission Chairman, Eng. Dr Badru B. Kiggundu (as well as the Secretary, Mr Sam Rwakoojo) revealed that before the 2005 referendum, the Commission was “just preparing for a prospective event... whatever would come out was to guide the Commission’s work”. Any preparations outside this were just internal arrangements. Thus the Commission depended on Parliament for its preparations. This implies that delayed electoral laws affect the Commission’s work.

In addition to constitutional amendments, other statutory changes were made in 2005. The Political Parties and Organisations Act No. 18 of 2005 transferred

responsibility for party registration from the Registrar-General to the Electoral Commission; provided rules for party leadership elections and party funding; called for intra-party democracy; and adopted a code of conduct for political parties. The Parliamentary Elections Act No. 17 of 2005 generated debate on the representatives of special groups (army; workers; youth; and people with disabilities) but this arrangement was retained in the new multiparty constitutional framework. The Presidential Elections Act No. 16 of 2005 provided rules regarding the qualifications of presidential candidates, and procedures for their nomination, campaigning, polling, counting and tallying. All these laws were assented to on November 16, 2005 to take effect on November 21, 2005, few days to nominations. This late passage of electoral laws created a tight timetable for the administration of the 2006 elections. This had an adverse effect on the management of the electoral process as it constrained the establishment of operational structures at all levels. To illustrate: The laws were assented to November 16, 2005, came into force on November 21, 2005. Campaign guidelines were issued on December 1, 2005 and the campaigns started December 19. These guidelines had to be issued in accordance with the electoral laws.

The Electoral Commission (abbreviated as: EC) is mandated to make subsidiary legislations and election regulations and guidelines as the situation may require. Whenever relevant laws were to be enacted, the Commission's Legal Department would give its submission to Parliament. Thereafter, the EC would issue guidelines and regulations in accordance with the relevant laws passed by The House (EC Legal Department, Confidential Interviews, 2007). However, attempts

to convince government to allow the EC have full legislative powers over electoral laws were futile. As a result, the legal framework did not provide the EC with the means to act upon cases of violation of electoral laws, thus disabling EC's institutional capacity to curb electoral offences and independently set a timetable for elections¹⁸.

Before nominations, the EC sought to develop a Code of Conduct for security organisations and a *Code of Conduct for Political Parties and Organisations*. In consultations with the political parties registered, the EC finally reached a conclusion of the Code of Conduct in November 2005. The code was to be presented to the Attorney-General and subsequently to Parliament for approval. However, Parliament failed to pass the code. As a result, Inter-Party Liaison Committees at national, district and sub-county levels were formed on the basis of the draft code of conduct. At district level, the District Complaints Desk and Systems Officers acted as Secretaries to the District Election Liaison Committees (Electoral Commission, 2006; Complaints Officers' Recruitment documents. Also see *Daily Monitor*, November 8, 2006). Should there have been any legal query regarding the legal basis of the Liaison Committees, it is likely that the Commission would have been plunged in a legal fix. This could, however, not arise; because almost all political parties had been included in consultations that led to the establishment of the code, and were also members of the Liaison Committees. The fact that this code (draft) came out even before the PPOA was passed reveals that the Commission's reliance on Parliament for the enactment of

¹⁸ Personal interviews with the Chairman of EC, Dr Badru Kiggundu, 2006 revealed that the EC had argued for an adoption of a model similar to the one of the Ghana Electoral Commission, where the Commission has legislative powers and the mandate to act on breaches of the electoral laws.

electoral legal frame work constrains preparations and scheduling the Commission makes for the elections.

Most electoral laws were delayed. Only the Electoral Commission Act, 1997 existed. The Commission officers interviewed argued that while the relevant laws were practicable, they were passed late. The failure to pass the Code of Conduct for Political Parties was a result of delay in passing the PPOA, which provides for such a code. The timing of electoral laws was therefore inappropriate for the Commission, for it provided limited time for preparations. Thus, many activities (nominations and procurement of ballot papers) were delayed by late enactment of laws. In fact procurement of some materials was done hurriedly to meet the constitutional deadline. Interestingly, while the Commission has since 1996 been complaining of late enactment of electoral laws, nothing has been done to put this right. The Commission issued campaign guidelines eighteen days to the start of campaigns, equally late, though political parties were in constant consultation with the Commission. Aware that the laws might be passed late, the Commission undertook the electoral cycle (right from voter registration) well before these laws were in place, basing on the Electoral Commission Act, 1997. The law regulates the actions and behaviours of actors within institutions, so electoral laws regulate the activities of the Commission to avoid arbitrary actions.

5.2.0 Managing the Electoral Cycle

The 2006 elections were conducted through an *electoral cycle*. The electoral cycle is a series of activities ranging from the establishment of the rules of the game to the final post-election conflicts resolution. Jorgen Elklit (1999) argues that the electoral cycle starts with the setting of electoral rules and ends with complaints

handling. It thus involves: setting the rules of the game; voter registration process; voter education; nominations; administration of campaigns; and voting, counting, tallying and announcement of election results. Post-election handling of complaints and petitions is a continuous process throughout this cycle. The cycle should be done within the legal confines. As free elections constitute a vital (though not sufficient) ingredient of a democratic undertaking, it is imperative that they are conducted in a free and fair manner, where all components of the electoral cycle are well managed.

Arguably, the electoral cycle is the most important component of any electoral process, and requires careful administration. Little is known about the electoral cycle in terms of successive and coherent administration in Uganda. This chapter delves into the management of the electoral cycle during the 2006 presidential elections, and argues that the Electoral Commission did a commendable job in managing the cycle. Whereas there arose some loopholes, the Commission had tried as much as was practicable to involve all stakeholders, except in voter education where little work was done. Right from setting the rules of the game, the Commission was active.

5.2.1 Voter Registration: The Role of the Electoral Commission.

The voters' register forms a centre-piece of Election Management. In this regard, the Electoral Commission undertook to make a photograph-bearing voters' register in 2000 in preparation for the 2001 elections, but this could not be finalised. Voters were allowed to vote with neither cards nor photographs on the

register*. Whenever a by-election is to be held, the display exercise is done in that particular area. Voters must be persons registered in accordance with the law (Bwengye, 1985:13). These must have their names registered in electoral rolls, which have to be updated and cleaned. Appointed officials according to the law undertake registration (Engholm, 1958).

This is what the Electoral Commission did, aware that Uganda has a historical record of flawed voter registration. It was equally important to the Commission that the previous mistakes are avoided, although the then Public Relations Officer, Mr Okello Jabweri, argued that “the previous Commissions did their part and the current one did its part too...It is not in the interest of the current Commission to judge its predecessors”. This may be justified but also more of public relations, in addition to the Commission’s experience that some of its mistakes are rooted in broader environmental contexts beyond the control of the Commission. The Commission Chairman put it: “Politicians like taking shortcuts...The Commission can never intend to do things the wrong way”. All the same, voter registration had to be undertaken and improved, although considerable loopholes remained.

Between March and June 13, 2005, the Commission updated and displayed the Voters’ Register in preparation for the July 28, 2005 referendum. After the July 28, 2005 referendum, the Commission started on a new registration exercise. In August 2006, EC announced that the 2001 register was to be “put aside” and a new one formed. It was argued that the 2001 Register was not worth archival

* The 2001 Register, where 7,511,606 (69.7%) people voted, was criticised by politicians, saying it was inflated with ghost voters, the underage, non-citizens, and multiple registrations, which gave the incumbent a soft ground to rig votes.

storage, and had to be replaced with a new one. The 2001 register had 10,775,836 voters (Electoral Commission, 2001:14), 325,048 (3.11%) above the 2006 register. So, it had to be replaced.

Consequently, from September 29, 2005 to October 28, 2005 (30 days)** , the Commission carried out what was officially termed: ***Update of the Photograph-Bearing Voters' Register and Issuance of Photograph-Bearing Voters' Cards***. During this exercise, all eligible voters were required to update their particulars in the register; new voters were registered; and transfers, deletions, recording of missing and mismatched particulars, retaking of missing photographs and other improvements were undertaken. Hence, voter registration for the 2006 elections was carried out September/October 2005, for any voter who did not update one's particulars, or who failed to register during this and the subsequent update exercises, was not in the register by voting time. An additional 2,080,178 voters were registered during this exercise (Electoral Commission, 2006).

This exercise included update of the register, issuance of cards and taking of new photographs, by card issuance officers, photographers, and registration officials. Because of time constraints, the Commission requested field officials to submit returns as the exercise was going on, thus submission of returns in four different phases, that is on 18th, 21st, 26th October 2005 and on 5th November 2005. Update materials used included: 01 Camera per Parish; Camera Chargers; Camera Batteries; Tape Measures; Stamp pads; Back drops; Top plugs; and Inverters.

** The Commission is constitutionally required to display the voters' register for 21 days. But due to cries over failure to register by many voters and pressure from politicians, this was extended for an additional 09 days.

However, at the end of the exercise, several cameras were retrieved faulty and were sent back to the Headquarters.

During this exercise, the Commission faced some challenges: There were reports of buying of voters' cards but these could not be substantiated. Laxity by the voters in collecting their cards was common. Cases of uncollected cards for those who had transferred to new voting locations were reported. Cards of voters not resident, but born in the areas, were also not collected. These challenges resulted in a number of cards not being issued.

At the end of the September/October, 2005 update exercise on October 28, 2005, politicians pressed that the exercise be extended, arguing that many of their members had not registered. This pressure worsened when Dr Kiiza Besigye returned from exile, and even when the Commission extended, it could not finish registering the many voters who turned out to register "at the last hour".

Aware that voter registration (and therefore voting) in Uganda is optional, and the fact that there was a constitutional deadline looming ahead with many other things to attend to, the Commission could not do better. Politicians called for the extension of the registration exercise, but the EC argued that this required more funds. Commission Chairman, Badru Kiggundu also revealed that it was only when the March 12, 2006 constitutional deadline was extended that the registration exercise would be extended. The constitution required that the Commission holds presidential elections within 30 days between March 12 and May 12, 2006. Thus extension required a constitutional amendment, plus financial and other logistical adjustments. It was a real difficulty.

Between December 22, 2005 and January 11, 2006, the Commission displayed the voters' register. Sr Margaret Magoba, EC Vice Chairperson, revealed that at the start of the display exercise on December 22, 2005, the register had a total of 10,606,402 voters. This number, as was expected, decreased to 10,450,788 voters due to deletions recommended by Parish Tribunals. The 10,450,788 (90.42674 % of the Census estimate of 11,729,278 voters) was the total number of registered voters for the 2006 elections. This number was 325,048 (3.11%) less than the 2001 register. This number was a major improvement, since it has been argued that the 2001 register was inflated. Yet some loopholes remained.

First, not all registered voters were issued with cards or had their photographs in the register. In some cases, photographs and gender were mismatched. There were multiple registrations (despite EC's warning that such cases would be prosecuted). Some voters registered on more than one polling station but under different names. And there were some missing and wrong/mismatched photos. Cards for voters who registered in October 2005 were not issued early February 2006 as was expected, and Electoral Commission considered that persons vote without voters' cards as long as their particulars were in the register. On polling day (February 23, 2006), Commission Vice Chairperson, Sr Margaret Magoba advised, holding a voter's card was not enough to allow one to vote – the most important thing was to have one's particulars in the register. The National Voters' Register had a total of 340,130 missing photographs (3.25 % of the total number of registered voters) (Returning Officer, Kamuli district, 2006)¹⁹. A total of

¹⁹ Commission Vice Chairperson, Sr Margaret Magoba admitted that holding a voters' card was not enough to allow one to vote, but having one's particulars in the register.

6,880,484 (65.8399%) voters cast their votes in the February 23, 2006 Presidential and Parliamentary elections, meaning that 3,570,304 (34.16301%) voters never turned up²⁰. In 2001, 69.7% of registered voters turned up. Both politicians and observers have argued that many voters were missing from the register due to deletions made by the Commission. This, is an undeniable fact.

Deletions caused a lot of debate. It was argued that the Commission disenfranchised voters by deleting them from the register (FDC Sources). Deletions are made following recommendations of Parish Tribunals, consisting five members: The Parish Chief, an Elder, and three members of the L.C. 2 Committee, one of whom must be a woman. The Commission officials revealed that the work of Parish Tribunals in voter registration is constitutional and could not be avoided, but admitted the mistakes made by these tribunals when recommending deletions. Deletions are based on: the underage, foreigners, persons not resident in the parish, the dead, the non-existent (ghost voters), and multiple registers. The display exercise is a very important exercise when important manipulations of the voters' register can take place²¹. Whenever the Parish Tribunal recommends a deletion, the EC central Registry has no choice. Whether Tribunal Members are corrupted by local politicians for their selfish egos, or whether these tribunals act on intuition and guess work to determine who is deleted, remains unanswered.

²⁰ Also available in *Sunday Monitor*, February 26, 2006.

²¹ This view is admitted by the Head, Election Planning Department, Electoral Commission, Mr Tumwebaze-Mukiga. Politicians are also aware of this.

FDC's presidential candidate, Dr. Kiiza Besigye petitioned the Supreme Court, arguing, among other things, that the EC disenfranchised many people whose particulars were missing from the register. The Commonwealth observer team issued an interim statement (24th February 2006, Pg.1) saying, "Most seriously, a significant number of names were missing from the register..." DEMGROU and other observers had the same observation. Whereas all these arguments were admitted, the Commission argued that politicians were allowed to keep constant observation of the display exercise but they failed to do so, only to blame the Commission too late. In addition, it is not enough to argue that the Commission deleted voters of certain political leaning, since the Commission can not know who belongs to which political leaning. The donor community seems to have been satisfied with the Commission's voter registration attempts. For instance, Osborn Simon, Program Manager, Partners for Democracy and Governance (PDG)²² – Election Support Unit, opined that:

Constant extension of voter registration means that there shall be no register at the end. When the Commission extended for two days, people never turned up on Saturday but flocked EC offices on Sunday – the last day - a situation revealing the fact that Ugandans want to do things at the last moment.

This statement rich in meaning, for it is not enough to argue that persons who turned up to register at the last hour were all not aware that the exercise had been going on. The continued complaints over voter registration pauses the question of whether the Commission deliberately refuses to streamline voter registration, or

²² Partners for Democracy and Governance involves: European Union member states, USA, Japan, Norway, UNDP and World Bank as observer states. These provide the finance muscle of the organisation.

fails to execute its duty. The 2006 register was more improved than the 2001 one. It was not inflated. It was computerized. Though there were some deletions, the Commission needs to strengthen training of Parish Tribunal members during the display exercise so as to realize the best voter registration results (See Appendix VIII for Registered Voters).

5.2.2 Voter Education: The Role of the Commission

Voter education constitutes a challenge to election administrators. In South Africa, for instance, there was need for the wide publication of unambiguous information in the most feasible format about the location of registration and voting stations to avoid confusion and lack of motivation among the electorate, particularly in remote rural areas (Khosa and Muthien, 1999:6). Yet instead of voter education being a continuous process, it is in most cases de-emphasised, leading to limited interest in the electoral process, and invalid votes (Graham, 1999:95). Similar to the 2001 elections in Uganda, voter education was inadequate due to insufficient funding availed to the Electoral Commission. Considering that these were the first multiparty elections in two decades, and that for the first time, presidential, parliamentary and women representative elections were held at the same time, inadequate voter education resulted in low awareness about the electoral process amongst the voters. For the 2006 elections, voter education was carried out only two months before the elections. At the local level, most voter educators started their work a week before polling day. The lack of resources and the splitting of responsibility for voter education between the EC and accredited NGOs on the one hand, and civic education carried out by Uganda Human Rights Commission on the other, reduced the effectiveness of voter

education, as many ordinary Ugandans can not distinguish between civic education and voter education.

The relatively high number of 295,525 invalid votes (4.1% of all the votes cast) may in part be attributed to the low awareness about the electoral process, unlike in 2001 where 184,527 (2.5%) of votes were invalid. The turn-up of 7,230,456 [69.2 % of the voters; meaning that 3,220,332 (30.8%) registered voters did not turn-up to cast their vote], could in part be related to the limited voter education. Similarly, in 2001, only 7,511,606 (69.7%) of the 10,775,836 registered voters turned up to vote (Electoral Commission, 2001).

According to EC officials, voter education lacked adequate funding. The Commission used its resources to print voter education materials, make radio announcements and hold regular meetings with local leaders, political party representatives and the press, who would then be requested to pass on the information to others. In addition the Partners for Democracy and Governance (PDG)²³ – Election Support Unit, assisted some Civil Society Organisations which were carrying out voter education. Donors tasked the Commission to accredit independent CSOs which were then funded to carry out voter education. These CSOs applied and were vetted by the Commission and forwarded to the donors (See Appendix VIII). PDG also supported voter education by sponsoring voter education messages on radio stations. Corporate Gifts Consultants (CGC), a little known CSO, was funded but failed to fulfill its mandate in Eastern Uganda²⁴.

²³ PDG is a group of donor countries focusing on Democracy and governance (Osborn Simon, Program Manager, and PDG - Election Support Unit).

²⁴ The CSO found hard time trying to convince the Commission staff in Eastern Uganda to acknowledge that it had carried out voter education even when it had not. They refused.

Project Implementation and Management Centre (UPIMAC)²⁵ did some voter education but theirs too was insufficient. This CSO is situated on Kiira Road in Kamwokya (North-East of Kampala), and had carried out voter education during the July 2005 referendum, inadequately. However, the reason why it was again allowed to carry out voter education during the 2006 presidential elections remains unclear. UPIMAC's voter educators were concentrated in trading centres and along the roads playing loud music and addressing few people who turned up (Personal observation, Kamuli, Jinja and Iganga districts, February 2006).

Inadequate voter education resulted into low awareness about the electoral process amongst the voters. A survey by the International Republican Institute found that 47 percent of Ugandan voters were not aware that the elections were to take place on 23 February 2006 and only 33 percent were aware that presidential and parliamentary elections would take place concurrently (on the same day). IRI's study revealed how much voter education was wanting.²⁶

Only 53% of Ugandans know the presidential election will be held on the 23rd, and only 33% are aware that parliamentary elections will be held on the same date. Only 11% knew that local council (LC5) elections are scheduled for 28 February 2006.

(Source: International Republican Institute (IRI) survey, quoted in *The New Vision*, February 10, 2006).

²⁵ This Organisation had carried out voter education during the July 2005 referendum, but it had not performed to the expectations. Why the Commission accredited and forwarded it to the donors for further funding remains unclear.

²⁶ See *The New Vision*, February 10, 2006.

The Commission lacked the financial means to rectify this situation, and relied on donor support. For example, with PGD funding, the EC placed in the main newspapers a total of 122 pages of supplements indicating locations of the newly created 2,480 polling stations²⁷. These had become a point of contention with the opposition politicians alleging they could have been intended to give unfair advantage to the ruling party²⁸. The newspaper supplements and engagements with the representatives of political parties brought all sides to agree that the creation of new polling stations (during the reorganisation process in August 2005) was a legitimate concern by EC; that in some places, the polling stations were to congested; and the exercise was intended to enable the voting end in time, to avoid a recurrence of the 2001 experience when counting in some stations went till it was dark.

It is arguable that voter education, just like voter registration, continues to pose considerable challenges to the Electoral Commission. It was not sufficiently done in 2001 and this recurred in 2006. Even political parties failed to mobilise their supporters for elections. The Uganda Human Rights Commission failed to carry out Civic Education to supplement the Commission's little voter education. Other stakeholders as well, did not sufficiently carry out their respective assignments.

²⁷ Oppositional politicians argued that new polling stations created during the August 2005 reorganisation of polling stations, were suspect, but proof of this allegation could not be established. It was revealed by the Commission that this process was inevitable since Uganda's polling stations had never been reorganized since the 1994 CA elections. This was a clear explanation.

²⁸. For example, the spokesman of UPC – Joseph Ochieno put it this way, “The EC is not communicating well with us the political parties and the Ugandan electorate, this happened in 1996 when they introduced polling stations a few days to the elections”. The Election Director of FDC, Major Rubaramira-Ruranga was equally concerned. He was quoted by the press saying: “We are increasingly getting concerned by the creation of new polling stations” (*Daily Monitor* 16 January 2006).

5.2.3 Nominations of Presidential Candidates/Parties

Nominations are choices of which candidate or party is eligible to contest in an election. This was an important test to the Electoral Commission when the law had to be implemented to the letter and when all political “eyes” were widely open. A test was imposed; the Commission passed it with the nomination of Dr Kiiza Besigye. Some candidates satisfied the legal requirements and were nominated; some failed and were not nominated.

5.2.3.1 Conditions for Nomination of Presidential Candidates/Parties.

These conditions related to the 1995 constitution (Articles: 102 and 103); Electoral Commission Act, 1997; Political Parties and Organisations Act, 2005; and Presidential Elections Act, 2005 (Sections 4-14). Candidates/parties were required to submit nomination forms signed by themselves/parties’ fielded candidates. They had to provide nomination forms filled by at least one hundred (100) voters from each of at least 2/3 (two – thirds) of all districts of Uganda. They were to pay, in cash or bank draft (but not by cheque), Eight Million (8,000,000/=) shillings to the EC; had to be nominated by one person and seconded by (an) other(s). District supporters/seconders had to be registered voters, with their particulars tallying with those in EC records. Failure to meet these conditions plus other qualifications as specified by law²⁹ would render a candidate ineligible to be nominated. Indeed, some candidates failed to meet these requirements and were shown quits.

²⁹ See: Articles 102 – 103 of the 1995 Constitution, and Sections 4 – 14 of the Presidential Elections Act, 2005

Presidential Candidates were nominated between December 14th and 15th, 2005, at Mandela National Stadium - Namboole in Wakiso district. Convoys escorting candidates for the nomination were not allowed. Only 20 people were allowed to accompany candidates, and these had to bear invitation cards issued by the EC. Only 2 vehicles bearing stickers issued by EC were allowed to prevent disruption of the exercise. Mobile phones, cameras (except those of accredited journalists) were not allowed in the stadium (See *Daily Monitor*, Saturday December 10, 2005; *The New Vision*, December 9, 2005; Personal Observation, December 14-15, 2005). It is the nomination of Dr Kiiza Besigye that is most interesting about the 2006 presidential nominations.

The Nomination of Rtd. Col. Dr Kiiza Besigye (FDC)

The nomination of oppositional candidate and President of Forum for Democratic Change, Dr Kiiza Besigye (who was then in Prison on two charges of treason and rape, since his arrest on November 14, 2005) brought controversy. The Attorney General (AG), Prof. Kiddhu Makubuya, argued that Rtd Col. Dr. Kiiza Besigye had refused to denounce rebellion and was in prison on a serious crime of treason. His nomination would be “tainted with illegalities” and should not proceed. On December 7, 2005, the AG wrote a 6 – page letter to the EC, copied to the minister of Internal Affairs, Director of Public Prosecutions and Director of Prisons, stating that: “irrespective of the fact that Besigye was not yet proven guilty, his nomination would pause legal complications to the Commission, if after nomination, he is convicted of treason”³⁰.

³⁰ See: *Daily Monitor*, Saturday, December 10, 2005 for AG’s Letter

The AG's letter contradicted with the one of December 5, 2005, which State Minister for Justice and Constitutional Affairs, Hon. Adolph Mwesige, had written to Internal Affairs Minister, Dr. Ruhakana-Rugunda, saying "In my view there is no legal bar to prevent Dr. Kiiza Besigye from being nominated as Presidential Candidate". As this controversy stood unresolved, FDC was planning to seek a court injunction blocking the nomination process till the Besigye controversy was disposed of (*Daily Monitor*, Saturday, December 10, 2005). It appears, therefore, that there were divergent positions in government over the nomination of Dr Besigye.

The EC, meanwhile, invited Political party representatives and independent candidates for a briefing on the nomination exercise at the EC headquarters in Kampala on December 8, 2005 at 10:00 am. Representatives of the FDC also attended, although the nomination of their candidate was not yet clear.

FDC applied to prison officials to have Dr. Besigye's photos taken from within Luzira prison for his nomination papers, but the officials refused (*Daily Monitor*, Sunday, December 4, 2005). Consultations were later held between prison officials and Internal Affairs minister, and later with state minister for Justice and Constitutional Affairs to allow Besigye sign nomination forms and take photographs from within prison (*Daily Monitor*, Wednesday, December 7, 2005). This was allowed, and on December 7, 2005, the forms were signed and photographs taken. At this time, it was not yet clear whether FDC's candidate would be nominated.

The Attorney General clarified four days later, that his position on not nominating Besigye was not final (*Daily Monitor*, Monday, December 12, 2005). He maintained that it was not his decision, but that of the Commission to nominate or not nominate Besigye. The EC's legal Department sat on December 12, 2005 to determine whether the Besigye nomination was illegal or not³¹. Several newspaper writers opined that the EC was the final authority on all election issues; so the decision should be left to the Commission³² (*Daily Monitor*, Monday, December 12, 2005).

In response to the controversy, the EC resolved on a legal basis that Besigye was nomizable. It came out with an independent position against the AG's, and announced that Dr. Besigye could still be nominated as presidential candidate. Commission Chairman, Badru Kiggundu said of the EC position:

It is the considered view of the Electoral Commission that Dr. Kiiza Besigye, the president of Forum for Democratic Change who was charged with two counts of treason and rape under the Penal Code can still qualify to be nominated as Presidential Candidate... From the interpretation of Section 10 of the Presidential Elections Act, 2005, which sets out the procedure for nomination, it is the position of the Commission that one can be nominated in absentia by his or her party representatives or personal representatives in light of the fact that under a multiparty political dispensation, a candidate can be sponsored by a political organisation or party as the case may be under section 10(7) of the Presidential Elections Act, 2005. (See *Daily Monitor*, Tuesday, December 13, 2005).

³¹ EC's Legal Department was then Headed by Mr. Frank Nyakana

³² These included: Mr. Stephen Twinoburyo (Pretoria-South Africa); Julius Emeje (Tororo-Uganda); Amon B. Mbekiza (Kampala-Uganda); and Paget Kintu (Kampala-Uganda).

Interestingly, while this seemed an independent stand of the EC against government's position expressed by the AG, President Yoweri K. Museveni disowned the Attorney General saying "regarding criminality, you cannot be disqualified if you have not been convicted". Consequently, Dr. Kiiza Besigye was nominated on December 14, 2005 and declared candidate at 12:15pm (*Daily Monitor*, Wednesday, December 14; Thursday, December 15, 2005).

Respondents from the opposition argued that the Attorney-General was acting on the advice of the government to bar Besigye from challenging him in the elections. This argument was not verified, but could not be dismissed. The Attorney-General himself said that the fact that the Commission defied him shows how independent it is³³. Other NRM-O sources argued that this was not intended to bar Besigye, adding that the government did not, after all, question the Commission over the matter. Commission Secretary argued that the nomination of Besigye was based on Presidential Elections Act, 2005 which did not require some one to be there personally.

Confidential informants revealed that there was a sharp division within the Commission over the nomination, with some Commissioners supporting while others opposing the nomination. Those opposed to the nomination, the revelation goes, argued that they feared a possibility of having the nomination quashed by the Court, as some elements in the government were already threatening to appeal against the Besigye nomination. Those supporting this nomination argued that Dr Besigye was not yet convicted, and refusing to

³³ Prof Kiddu-Makubuya revealed this at the Electoral Commission Performance Evaluation Workshop, held at Speke Resort Munyanyo, on 4th-7th July, 2006.

nominate him would taint the whole process a travesty of justice. This side, it was argued, was supported by some officers in the Legal Department. Indeed changes in the EC's legal department were visible after the elections. Whether some officers were forced to quit due to this controversy, or their contracts had ended, remains unknown. One Commission official revealed that a senior official in the legal department had been "a controversial officer in the Commission". Rifts among Commissioners over the Besigye nomination also appeared in the press (*The Weekly Observer*, December 15, 2006).

It was further reported in the press that some people were already preparing for the petition against the Besigye nomination. Notably, the donors also pushed for the Besigye nomination from both within government/diplomatic circles and directly to the Electoral Commission, arguing that Besigye's cases were politically-motivated. The Commission's decision to nominate him was thus reached after wide consultations, pressures and a realisation that there was no legal bar against his nomination. Should the commission have taken a different stand, its independence would have been questioned.

5.2.3.2 End of Nominations: December 14-15, 2005

On December 14, 2005, only Besigye (FDC) was nominated. However, DP's John Ssebana Kizito and UPC's Miria Kalule Obote failed to meet nomination requirements, as some of their signatures from districts did not satisfy EC conditions. December 15, 2005 was the second last and the busier nomination day. Nominated on this date were: DP's John Ssebana Kizito; Hajji Nasser Ntege

Ssebagala (Independent)³⁴; Mrs. Maria Kalule Obote (UPC)³⁵; and Dr. Abed Bwanika. Museveni Yoweri Kaguta (NRM-O) was nominated at 2:10pm. At 12:55pm, Vicks Kingo, an independent candidate arrived unescorted and challenged the EC saying that the acquisition of signatures of 100 Ugandans from each of at least 2/3 of all districts of Uganda (46 districts) within two weeks was impossible. He said this required resources, which he did not have, and thus violated human rights. He protested threatening to submit a petition to the Uganda Human Rights Commission. Nothing beyond this protest followed his concern.

Other presidential hopefuls failed to satisfy the requirements and were not nominated. These included: Mr. Shafiq Mwanje (a blind whose supporters requested that since their candidate was blind, he should be given special consideration and spared of the trouble of hundreds of signatures, in vain)*; Hood Ssempebwa (Liberal Democratic Transparency); Sseminde Ben Israel; one Masaba of Uganda People's Party; Mwambazi James (independent); Mr. Watentena James (National Economics Party); Mr. Anselm Mwinyi (Society for

³⁴ Alhaji Nasser Ntege Ssebagala, failed to satisfy academic requirements (of A-Level or its equivalent) in 2001 and was not nominated. He later went to Ruskin College, London, to get sufficient academic requirements. After failing in DP Primaries, he decided to contest as an independent, parallel to DP's John Ssebana Kizito.

³⁵ This made Mrs. Miria Kalule Obote, wife to the Late President Milton Obote (founder and former President of UPC), the first ever-nominated Woman Presidential candidate in the history of Uganda. The NRM war, which brought President Yoweri Kaguta Museveni to power, was declared against her husband Milton Obote, following the rigged 1980 elections, and it was very dramatic that she was in the same Presidential race against Yoweri Museveni.

* In response, EC chairman (Day's Returning Officer) said *"the law does not mandate discrimination, try in five years time"* and look for signatures. *"The law cannot be bent"*.

Peace and Development Party); Mr. Emmanuel Tumusiime (Forum for Integrity in Leadership). The nomination exercise was declared closed at 4:22pm (Personal Observations, December 14 and 15, 2005).

The EC concluded “two exciting and history making days especially under the new dispensation”. At the end of the day, six presidential candidates had been nominated:

1. Rtd. Col. Dr. Kiiza Besigye - FDC
2. John Ssebana Kizito (Mr.) – DP
3. Mrs. Miria Kalule Obote - UPC
4. Al Haji Nasser Ntege Ssebagala - Independent
5. Dr. Abed Bwanika - Independent
6. Rtd. Gen. Yoweri Kaguta Museveni – NRM-O

The capacity of the Electoral Commission to stand firmly against several forces was expressed. Adherence to the law was the single-most important consideration, the Commission did. It had kept the nomination process under control and was willing to listen to other stakeholders. What happened in other components of the electoral cycle is another matter as the campaign experience showed the need for the Commission to enforce adherence to the law.

5.2.4 Campaigning for the 2006 Presidential Elections.

Campaigns commenced on the December 19, 2005 and were scheduled to end on February 21, 2006. The Electoral Commission issued campaign guidelines for Presidential elections on December 1, 2005. The guidelines barred candidates from holding public meetings except in accordance with a programme of

meetings submitted by the candidates to the Commission. A Final National Presidential Campaign programme was launched on the Commission website in December 2005. The guidelines also guaranteed the security of candidates. A directive was issued that all parties and candidates should conduct their campaigns between 7 am and 6 pm for security reasons. However, this directive was violated by all candidates/parties³⁶. Prof Patrick Rubaihayo (UPC) revealed that in one of the National Inter-party Liaison Committee meetings, it was agreed that campaigns start at 9:00 a.m., but the Commission announced the following day, that campaigns start at 7:00 a.m., something that annoyed the parties. Due to this annoyance, some members of the liaison committee stopped attending meetings and joined their candidates for campaigns.

The 2006 campaign period witnessed less violence than the 20001 campaigns. But the 2006 campaigns were characterised more by personal attacks than party agendas: Winnie Byanyima (wife to FDC's Kiiza Besigye) vowed to 'undress' Museveni unless the latter stopped hounding and maligning Besigye (*Daily Monitor*, February 10, 2006), but she was warned by government officials to keep her mum on Museveni secrets. DEMGROUP was reported on February 28, 2006, to have revealed that the elections were not free and fair, while international observers said elections were free and fair, but the transition had not been (*Daily Monitor*, February 25, 28, 2006). The Besigye petition also revealed how much personal attacks were predominant during campaigns, mainly between Museveni and Besigye. Only Abed Bwanika, according to respondents, concentrated on explanation of his manifesto and pointing out salient national issues.

³⁶ Both Besigye and Museveni violated this directive while campaigning in Bushenyi district.

The 2006 campaign process clearly illustrated the continuation of the movement structures and the imbalances between the incumbent and the opposition in terms of funding and media coverage. The marked presence of security forces and harassment of the main opposition candidate, Kiiza Besigye, also affected the campaign process. Besigye was also subject to several court cases, including those questioning his academic qualifications. *Daily Monitor*, February 6, 2006, reported that Moses Kizige had petitioned the High Court saying Besigye had used Primary Seven (P.7) papers of one Warren Kiiza to join Secondary School, and sought his candidature nullified. But the Commission dismissed this. Another case involved the Attorney-General, Asol Kabagambe and Abdullah Faraj, who questioned Besigye's candidature in the Constitutional Court, saying the Commission had ignored the Attorney-General's advice in nominating a person who was in prison on treason charges (*Daily Monitor, The New Vision*, February 18, and 19, 2006)³⁷. This may have justified the views of some Commissioners who had feared nominating him, arguing that this could plunge the Commission in a legal fix. These cases added to the already existing treason and rape cases Besigye was accused of. All these cases were thrown away by the Court, but disrupted Besigye's campaigns. It appeared, toward the end of campaigns, that the battle was between Museveni and Besigye, while other candidates were 'escorts'. The Commission bears little responsibility for the court cases surrounding Besigye during campaigns, as it had no hand in any of them.

³⁷ Consider *Kabagambe Asol, Faraj Abdullah and Attorney-General Versus the Electoral Commission; Constitutional Court Petition No. 1 of 2006*, in which the petitioners sought the nullification of Dr Beigye's nomination but their appeal was thrown out by the Constitutional Court.

The Commission lacked enough capacity to handle cases of election violence and malpractices, and to enforce adherence to the law. The managerial duties of the Commission were simply oversight as politicians battled their own destinies in ways that could even elude the Commission. The campaign period of two months was short, and gave advantage to the NRM who had been in power, while the opposition parties had only been free to mobilise support just after the 2005 referendum. Most interestingly, a former Commissioner, Hadijah Nassanga Miir, threatened to spill the beans of the 2001 election rigging, when Moses Byaruhanga (Special Presidential Assistant on Political Affairs), alleged that Commission officials had tried to rig for the opposition in 2001. It is therefore likely that there was rigging during the 2001 elections spearheaded by some Commission officials. These accusations and press battles never went beyond media report that pointed them out on February 19, 2006 (*Daily Monitor*, February 19, 2006).

5.2.4.1 The Role of Print and Electronic Media

Uganda Journalists Safety Committee, as part of the DEMGROUP election monitoring programme, launched a report on State Media Coverage of the 2006 elections in January 2006.³⁸ The exercise covered print and electronic media, state owned and private. The analysis indicated that the leading daily newspapers, both state-owned and private, gave close to equal coverage of the opposition and the incumbent. However, UBC TV's coverage was imbalanced with 88.5% of the prime news time being devoted to the incumbent. UBC Radio's

³⁸ The report measured print and electronic for candidates, political parties, Electoral Commission, police, UPDF, paramilitary and the executive. The qualitative analysis assessed whether the media portrayal was positive or negative to the promotion of candidates and parties. The media monitoring project was sponsored by the Election Support Unit and Partners for democracy.

coverage was also skewed in favour of the incumbent with 61% of the news coverage being devoted to NRM. The analysis of private radio stations showed an approximately equal coverage of the opposition and incumbent (Makara, et al, 2007, forthcoming).

The Human Rights Watch released their report February 14.³⁹ Based, among other things, on the media monitoring exercise of the DEMGROUP, the report concluded that the Uganda 2006 elections would not be free and fair because of an unlevelled playing field. The report also said that there was bias in campaign funding and media coverage. To Jemera Rome, The Uganda elections are in effect a multiparty contest in a single party state. “When the ruling party has unhindered access to government funds, illegally uses government assets such as vehicles to campaign and receives six times as much TV coverage as the opposition, there is no level playing field” (Jemera Rone, HRW’s East African Coordinator).

The print and electronic media did its part. Cases of campaign violence were reported almost everywhere they happened. But the imbalance expressed by the UBC Television and Radio was a violation of Sec. 23 (1) and 24 (1) of the Presidential Elections Act, 2005; Article 67(2), (3) of the 1995 constitution; as well as principles of democratic electioneering. No evidence of expression of discontent or complaint by the opposition to the Commission over the matter was established. Should this have been done, the Commission was at task to put

³⁹ The report was entitled, “In hope and Fear: Uganda’s Presidential and Parliamentary Polls”.

things better. The Commission had the powers to ask UBC to ensure a balanced media coverage as state-owned media, but this too was not done.

5.2.4.2 Violence during Campaigns

Despite the current Commission's efforts to improve election administration, election violence remained a critical challenge. Most election observers concurred that election-related violence had significantly reduced in 2006, but there were notable cases which the Commission failed to handle. For instance, Lt. Magara's shooting of FDC's supporters at Bulange on 3rd March 2006; reported intimidation of voters by Fox Odoi (a Presidential Assistant) in Tororo district; the harassment of NRM supporters in Kasese by the FDC supporters; the eruption of violence in Adjumani on February 11, 2006 after the death of Clara Vuni; the mounting of effigies around Kampala by FDC and NRM supporters that nearly led to violent eruptions; the covert intimidation carried out by state security agencies; plus several other incidences, reveal that violence still occurred, mainly inflicted on the opposition. The 2001 experience had recurred though to a less magnitude.

On February 20, 2006, UPDF trucks rammed into an FDC rally at Mukono, injuring several people (*Daily Monitor*, February 20, 2006), while on February 20, 2006, FDC crowds were tear-gassed at Lugogo while waiting for their candidate, on allegation that they arrived too early and were idle and disorderly. FDC supporters' offices were reportedly closed in Nyabushozi, and the person waylaid and beaten by NRM supporters reportedly led by Capt. Byabashaija (*Daily Monitor*, February 3, 6, 2006). On February 20, 2006, FDC fans nearly

spoilt Museveni's rally at Makerere University, till they were chased by the Police and the PGB (Personal observations, February 20, 2006). Police accused FDC of keeping petrol bombs planning to burn the city, as they had failed in the polls (*Daily Monitor*, February 26, 2006). Many other incidences of campaign violence occurred, signifying a lack of tolerance and harmonious living among Ugandans, and the institutional weaknesses on the part of the Commission and government to ensure a free and fair electoral game. Instances that were happening at night, like the Nyabushozi case reported by *Daily Monitor*, February 3, 6, 2006, were difficult for the Commission to handle, since they happened at night.

The Commission kept appealing to candidates to advise their supporters avoid violence. Government too did some thing to restrain violence that was escalating. State House ordered for the probe of Fox Odoi following his involvement in election violence, while Lt. Magara who shot FDC supporters at Mengo was charged in Court. The Commission admits that these acts occurred and were condemned by the Commission, calling upon Police to act appropriately (Electoral Commission, 2006:48). FDC Vice President, Proscovia Salaam Musumba, argued that "intimidation was not less than what people seem to perceive. It was covert and more subtle as government had been aware that many stakeholders expected a lot of violence" (Comments on the CMI-Makerere Research Collaboration Workshop, May, 2006). In support, a Makerere University lecturer, Dr Byaruhanga-Rukooko, said the campaigns may have appeared less violent and fairer, but below the surface, many things were happening. Muniini K. Mulera was of the same view when he argued that rigging

was going on but discreetly (*Daily Monitor*, February 28, 2006; See Appendix XV).

5.2.4.3 Use of Public Resources: Commission's Capacity to Question Funding Sources for Political Parties?

Section 27 (1) of the Presidential Elections Act, 2005, prohibits all candidates from using public resources for the purpose of campaigning. But the Act exempts the incumbent regarding the use of those resources ordinarily attached to his office [(Sec. 27(2)]. The Act requires the Minister of Public Service to lay before Parliament the resources in question. On January 2, 2006, the entitlements of the President were presented to the EC, suggesting an act of transparency in the use of public resources. However, the statement did not provide a detailed account of government uses of public funds. It therefore had limited use. Electoral laws allowed parties to solicit funds from sources not hostile to Uganda. It was however difficult to establish the source of funding for each of these parties. Candidates were believed to have been sponsored by their political parties except Abed Bwanika, who was an independent candidate. The Commission could not express any query to the candidates, since it did not know how much money each had.

The press tasked the NRM to explain why it was not declaring its funding as required by Sec. 12 of the Political Parties and Organisations Act, 2005. But Mr. Amama Mbabazi, the NRM General-Secretary, asserted that some of their financiers did not want their identities disclosed. Thus, although the NRM presidential candidate was better financed than his opponents, their sources of funding were never declared. The Coalition for Election Finance Monitoring

(CEFIM), a joint entity by the Anti-Corruption Coalition of Uganda (ACCU) and Transparency International, on 14 February 2006, gave a public statement expressing concern about the unfettered use of public resources by or on behalf of the incumbent presidential candidate. The EC did not attempt to address issues of campaign funding and incumbency advantages. Whether the NRM used state funds is not wholly deniable, since a history of misuse of government resources is undeniable and persons in positions of responsibility still pay allegiance to the appointing authority, as Mwenda and Tangri (2005) put it:

“Public appointments have been given not so much on the basis of merit, although that is a consideration but principally to the Movement loyalists. The holders of these positions have had access to large aid resources, which could be used to benefit themselves as well as to mobilize support for the movement...”⁴⁰

This form of corruption retards institutional development and performance, as some officers have the capacity to influence others within other institutions. Political corruption as pointed out by Mwenda and Tangri, breeds further corruption and reduces institutional autonomy. As Huntington writes, of a corrupt state/society: in their view, “Those who gain access to the most political power also have the more opportunities to gain access to the most wealth. Such a pattern of top-heavy corruption means a very low level of political institutionalisation, since the top political institutions in the society which should

⁴⁰ Mwenda, A. M. and Tangri, R. (2005). “Patronage Politics, donor Reforms and Regime Consolidation in Uganda”, in *African Affairs: The Journal of the Royal African Society*. Vol. 104, No. 416. July 2005. pp. 449-467

be most independent of outside influences are in fact most susceptible to such influences”⁴¹.

According to Sec.77 of the Electoral Commission Act, 1997, it is an offence to influence another person to vote or refrain from voting. However, instances of candidates and parties offering gifts and food at centres of worship and other social functions were reported in the Ugandan press and by the Civil Society Organisations monitoring the elections, (DEMGROUP, 2006). The researcher’s observation of the 2006 elections revealed that NRM took advantage of the Local Council (LC) structure to recruit, support and to finance the elections. In Ntungamo District, for instance, NRM’s campaigns were supported by volunteer groups known as “*Nyekundiire*” which means “Volunteer group” or “I do out of my own will”. One of the volunteers revealed that the funding for their activities came from Kampala-based business-people who financed the mobilisation teams. In Kamuli district, the yellow brigade of the NRM was seen doing hard campaign work, but its facilitators remain unknown. Interviews with former volunteers in Ntungamo district, suggests that NRM had approximately 2000 volunteers in Ntungamo. These were well financed and networked. Each LC 1 (village) had a committee of five “*Nyekundiire*” volunteers. This committee convened meetings in the villages and provided residents with lunch, soda and ‘some logistics’. Informal conversations with residents of Kamuli, Bushenyi, Kabarole and some Policemen in Mbarara (January, 2007) revealed that villagers who were active in campaigns were ‘well facilitated’.

⁴¹ Huntington, S.P. (n.d.:67). Political Order in Changing Societies.

In Ntungamo district (South-Western Uganda), people were offered approx. Ug. Sh 1,000= by the 'Nyekundiire' committee members. Each LC1 (village) received a minimum of Shs 100,000/= that was distributed to the local supporters. The local supporters, on receiving the financial gifts from these campaigners, were advised to vote in “**chain**” – vote NRM Presidential candidate, parliamentary candidate and NRM woman district representative in that order. So, while this research concentrates on presidential elections, it is possible that the strategy worked in all elections. There were similar such *nyekundiire* groups in Bushenyi, Kamuli and Iganga districts, although no evidence of financial facilitation to these other groups was established. In Muhokya sub-county, Kasese district, there was an FDC volunteer group which claimed to have been using resources generated from local voluntary supporters (Oral Interviews with voters in Kasese, January, 2007). Neither the NRM nor the Electoral Commission respondents, had any concrete information about this matter, but none of these could deny it. Mobilization, thus, went beyond the institutional capacity to detect the source of funding for campaign agents and party supporters, hence eluding the Commission

5.2.4.4 Public Servants in Partisan Politics

A Public Servant who wishes to engage in partisan politics is required by law to resign his or her job three months prior to elections. Public servants, who campaigned, as reported in the press, violated this provision. In many instances, Resident District Commissioners (RDCs) and District Internal Security Officers (DISOs) were actively involved in campaigning for President Museveni. Mwenda and Tangri (2005: *ibid*) reveal how public servants have always taken part in

partisan politics: “senior army officials and security officials have also been active in trying to maintain the government in power: for instance, they campaigned openly for President Museveni in the 2001 presidential elections”. This is not deniable. It was revealed from the opposition sources that several military officers campaigned for Museveni in 2006 despite the law forbidding the military from engaging in active partisan politics. *Daily Monitor*, February 2, 2006 reported that Lt. Gen. Salim Saleh had been made Museveni’s Chief Campaign Task Force Mobiliser (as he had been discharged from the UPDF on December 28, 2006), while he still commanded the Reserve Force. The Uganda press revealed that several public officers especially from the quasi-governmental organisations, like the Uganda Revenue Authority (URA), took leave to go to the villages to campaign for Museveni. Anonymous sources also revealed that some public officials ‘invested’ their own resources to campaign for presidential candidates, including some who donated to the FDC secretly⁴².

An Observation on Campaign Process

Clearly observing, the role of the Electoral Commission in curbing electoral violence was limited by both institutional constraints and the lack of a spirit of tolerance among politicians and their agents. This phenomenon still eludes the Judges of the Supreme Court when they are “constrained to comment on a number of matters which have given us great concern:... the continued involvement of the security forces in the conduct of elections”. The Commission needs to work more closely with other organs and exert its independence to reduce such actions.

⁴² However one public servant, a driver with Soroti district administration who flashed a V-sign of FDC was summarily interdicted for being partisan, (*Daily Monitor*, January 29, 2006).

In theory, campaigns provide a fair playing field for the conduct of the polls. This arises from all candidates' ability to freely access the electorate unhindered, and equal access to the media (state) for the purpose of campaigning. In transitional democracies like Uganda, where the state and the government/ruling party are fused, the incumbent enjoys unequalled advantage over the media and other state resources, mainly the financial resources, personnel and security system. This is what made the campaigns for the 2006 presidential elections to slightly deviate from the international norms and standards.

5.2.5 Voting, Counting and the Tallying of Votes

People exercise their franchise powers through voting (Tumwine-Mukubwa, 2004). The polling process for the 2006 Presidential elections was generally peaceful and orderly. By polling day, there were 19,788 polling stations countrywide, up from 16,477 stations in August 2005. After gazetting these stations (as required by the Presidential Elections Act, 2005), two stations were de-gazetted because voters had shifted from the area, giving a revised figure of 19,786 stations (Electoral Commission, 2006:20). It is very interesting that all voters could shift from their area, leaving a whole station vacant. Interestingly, this reveals how temporary some of our polling stations can be.

The layout of the polling stations followed the design suggested by the Electoral Commission. This facilitated a peaceful and orderly process. On the whole, the voting infrastructure was simple, transparent and effective. The voting day was not marked by significant military presence. The main problem was the

widespread cases of names missing from the voters' register, despite the fact that they carried voter registration cards. Both local and international observers found that substantial numbers of voters were disenfranchised. This issue was raised by Besigye in the Presidential Election Petition No. 1 of 2006, and the Supreme Court found it true. In some areas, like Lira and Amolatar, election materials reached late, and voting started around 9 a.m. Sufficient preparations helped the Commission have a full force of alert polling day officials, who ensured a smooth polling process, admitted by DEMGROU and other observers.

5.2.5.1 Agreeing to Voting Procedures

Members of opposition parties suspected the impartiality of the Commission. The Commission announced two fundamental directives toward elections: (i) that the order of counting and tallying votes cast at polling stations was to begin with Parliamentary candidates and end with presidential candidates, and (ii) that representatives of political parties/candidates would not be allowed in the computer tally-room. Reacting to the first directive, the opposition argued that there was no logic in tallying the less important votes for parliamentary candidates and leave the more important one for presidential candidates to be counted in the night. Moreover, in Uganda, electricity was intermittent; there was a possibility that it could be dark in urban centres, and the 5,000 rechargeable lamps provided by the Chinese government could not cover all rural polling stations. The issue of representatives of candidates/parties not being allowed into the tally-room became very controversial. The Commission stuck to the position that only officials of the EC had the mandate of tallying the ballots. On this issue, Mr. Augustine Ruzindana (Deputy Secretary General of FDC) argued that

elections in Uganda are usually rigged at two levels: at the polling stations and during the tallying exercise.

It was argued that if the EC did not allow representatives of political parties/candidates in the tally centre, the EC officials could easily manipulate any figures of votes in favour of a certain candidate. Moreover, the EC directive had warned FM radio stations against announcing the unofficial results. The FM radio stations violated this directive. Several civil society organisations, as well as the Uganda Human Rights Commission, voiced their concerns over the issue. The EC was asked not only to be seen to be fair to all parties, but also to be open and transparent in all its activities.

Considering the consultative nature of the process and the constant involvement of stakeholders by the Commission, the arguments raised by the opposition won the day. The counting procedures were reversed; presidential ballots were counted first. The EC allowed representatives of political parties/candidates to witness the tallying exercise at Namboole. FM radio stations announced continuously whatever partial results they received from their reporters, defying the Commission's directive. Although this signified press freedom in the country, the press got all its information from the district tally centres and polling stations, and can not claim independent sources. The press also had no logistical capacity to be represented at every polling station and to compile complete results without relying on district tally centres. This curtailed its capacity to independently announce election results parallel to the Commission's.

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5.2.5.2 Polling

Election materials were transported to the respective districts on 22 February 2006 for further distribution during the night and early hours of Election Day to the various polling stations. The ballot boxes for presidential elections were transparent. Many polling stations opened late – from about 7:30 a.m. until 10 a.m. – owing to the late arrival of election materials or failure by election officials to turn up on time. But the delays did not affect the turn-out rate. With few exceptions, the election officials did a commendable job in difficult circumstances. Many had served in similar capacities at previous elections and had applied anew. After screening and selection based on merit and experience, they underwent some training sessions. They received modest payment for the job (polling assistants received UGX 20,000; Presiding Officers, 40,000=; and constables, 20,000=). Controversy arose when the Commission was to facilitate one (1) constable per polling station, but the Inspector General of Police ordered that urban stations be manned by two Police constables. Consequently, the District Police Commanders deployed two constables per urban polling station, but the Commission paid for only one! The urban constables ended up dividing the payments, each getting Shs. 10,000= compared to their rural counterparts who got Shs. 20,000= each.

The polling process was generally peaceful, smooth and orderly. The lay-out of the polling stations generally followed the design suggested by the Commission. Most voters seemed to know how to vote, although a number of them were insecure about how to go about it, probably because voter education was inadequate. Apart from minor logistical problems in some locations, the main

problem was the failure by a number of voters to find their names on the voters' register. An extreme case was that of Kabonero polling station in Masaka district where 150 (27%) of the 553 registered voters were turned away (Personal Election Observation, 2006).

At most polling stations, agents of the two main contesting parties – the NRM and the FDC – were present. The NRM agents were much better organised than those of the other parties. Food and drinks were brought for them during the day. Most of the smaller parties and the independent candidates did not have agents at most polling stations and both UPC and DP had problems mustering the necessary number of agents to cover the country's constituencies. No party agents were reported assisting voters to cast their ballots. Those in need of assistance were helped either by relatives and friends or by election officials. In addition to party agents, DEMGROUP monitors were present in nearly every polling station. International observers from the European Union, the Commonwealth and the East African Law Society, observed the exercise on polling day, and have made reports to the Commission. Observers agree that voting was generally peaceful, but point out the missing voters from the register (a'la Commonwealth Observer Group. Interim Statement, February 25, 2006).

General security was in the hands of the Police. The measures taken seemed adequate. Election constables at polling stations were drawn from the regular police force, the local administration police (LAP) and the prison service. Former *Arrow* and *Amuka* boys were trained in election issues from Masindi, and were deployed as constables (interviews with Polling Constables in Kamuli, February 23, 2006). Some of these exhibited excellence and had better awareness of

election matters than the Uganda Police. Although a few polling stations had no election constables for parts of polling day, this was not a general problem. In some areas where army barracks were located close to polling stations – like at Kyamugashe Hill, Ntungamo District and Soroti Municipality, Soroti District – this might possibly have had an intimidating effect, psychologically speaking. But the presence of the military, in Uganda, is no longer a threat to voters in some parts of Uganda. As a case, Kasese district votes in opposition amidst the concentration of the military since 1996 when the rebel Allied Democratic Forces (ADF) attacked the country. In Hoima, cars with heavily armed police were observed patrolling the town the previous night. Similarly, in Soroti town two armoured cars with mounted machine guns manned by so-called *Black Mamba* were seen by the locals moving about the town during the day. No reports of forced voting by the military were made.

The Commonwealth Observer Group reported that many stations opened late, and that many voters did not know what to do, reflecting deficiencies in voter education. It found many people missing from the register, poor lighting, disruption from rains in places with no sheds, and power cuts which made counting of votes difficult. The “party agents were too far away to observe the checking of the register and identify documents correctly” (Common Wealth Observer Group, 2006. Interim Statement). The Supreme Court was convinced that the principles of transparency of the vote and free and fair elections were compromised by bribery, intimidation and ballot stuffing in some areas. This, the Commission failed to prevent.

5.5.5.3 Counting of Votes

Sam Graham (1999) argues that the procedure for counting of votes may be a matter of grave concern not only to election administrators and politicians, but also to voters as well. So, the most efficient methods of determining election results should be employed. Such is one of the best vehicles for building voter confidence in the electoral process (Graham, 1999:91). To put this right, Ugandan electoral laws spell out the procedure for counting of votes; at polling stations. Counting took place at the polling stations, as per Sections 48-53 of the Presidential Elections Act, 2005. Where polling was completed by 5 p.m. counting followed immediately. At other stations, the queue of voters had to be cleared first. The sequence of counting was usually presidential ballots first, then parliamentary and finally the woman district MP. Generally, the counting process was transparent and efficient. The Presiding Officers would show each ballot paper to the party agents, observers, polling assistants and spectators and announce the candidate whose name had been ticket off. Once the ballots had been sorted by candidate, each batch was counted and the results eventually announced. Sometimes the spectators would count in unison with the Presiding Officer⁴³. No report of violation of this procedure was made.

However, the transparent process aimed at ensuring that votes were counted in the open and witnessed by agents and observers also meant that most of the counting took place in darkness. In some places, the number of invalidated ballot papers was rather large. The criterion for rejecting ballot papers was evidently applied very stringently to the extent that even ballots of voters whose candidate of choice was not in dispute might have been rejected. This practice was not

⁴³ At Kabonero polling station in Masaka District the voters were so impressed with the presiding officer's performance and adherence to the procedures in the counting process that he was given a round of applause upon finishing!. (See Report on Election Masaka; www.cmi.no).

objected to, however, by the party agents. In some places, as already noted, power cuts made counting of votes difficult. It is reasonable to argue that the erroneous marking of ballot papers was due to poor voter education. There are no reports and no evidence of flawed counting anywhere in the country.

5.5.5.4 Tallying, Compilation and Announcement of Election Results

After the counting process was completed and the Declaration of Results (DR) forms signed by the Presiding Officer and the party agents, the documents and the ballot boxes with the ballot papers bundled inside them were transported to the tally centres to preclude any interference. Most tally centres were situated at district Headquarters, and were guarded constantly by the Police. In some cases, there were logistical problems but generally the security of the transfer of the ballot boxes, papers, and the signed documents, was satisfactory. In many places voters and agents escorted these materials all the way to the tally centres. The tallying was slow and in some districts went on until late the next day. At the district, results were tallied based on the Declaration of Results (DR) forms. The results for the presidential elections were not announced at the district but sent to Kampala on a continuous basis, by faxing and sometimes telephones. Returning officers announced the results of parliamentary elections.

At the district level, the EC employed a V-tally software based on Microsoft Access. The program had been designed to reflect all administrative units in the district up to polling stations. The Commission hired Ugandan private tally clerks and trained them. The number of registered voters per polling station was reflected in the software. Results were fed in the computer station by station from DR forms signed and submitted by Presiding Officers from polling stations. The

computer could reject any figure entered in excess of the number of voters at each station. Names and parties of candidates were also automated in the program. The National Tally Centre used tally results submitted from the districts, mainly by faxing. The percentages and total scores of each party/candidate were automatically calculated by the computer. Any results printed out would be relayed to the press, monitors and observers. From these results, FM Radio stations kept on announcing results, and stations kept on sending their reporters to tally centres to collect information. As a result, at the district level, tallying appeared transparent. There are no alleged incidences of flawed tallying at the district tally centres.

At the national level, there was a communication room equipped with an Integrated Digital Service Network (IDSN) having 30 channels for telephone communication; 08 telephone lines; 04 fax lines and persons on stand-by. There was a computer room with networked computers, printers and copiers; a verification desk; a desk for political parties/candidates' agents; a boardroom for meetings and consultations with stakeholders; and a briefing centre for dissemination of information to the media.

However, the tally process was tiresome. EC officials and tally clerks worked throughout the night to complete this exercise. In order to meet the constitutional deadline, of announcing presidential results within 48 hours from the closure of polling, tallying was a non-stop exercise till everything was complete. The Commission announced results from 19,585 polling stations (98.98% of the 19,786 stations), leaving the remaining 201(1.02%) polling stations. This was an attempt prevent 'hitting' deadline. The Commission was

convinced that the 201 stations would not affect the outcome of the elections substantially (Electoral Commission, 2006:55). Results were announced after 4:00 p.m. few minutes to the constitutional deadline. EC Chairman, Eng. Badru Kiggundu, clarified that there was no way all Declaration of Results (DR) forms could have been delivered to the tally centre and results compiled within 48 hours (See Sec. 57(1) of the Presidential Elections Act, 2005). This practical difficulty explains the failure of the EC to relay tally sheets in time at the tally centre. Results from 31 Polling Stations were cancelled for election irregularities. The opposition complained that the actual tally sheets were not physically relayed at the National Tally Centre, and this was emphasised by the Supreme Court.

There were claims by the opposition that some polling stations had inflated registers, which could help polling officials fix excess numbers of votes. FDC pointed to the announcement of incomplete results in their petition to the Supreme Court. The Supreme Court blamed the Commission for failure to give Returning Officers' Reports to Besigye's lawyers. The Commission argued that Returning Officers' Reports could not be produced few days after polling, when lower level elections were few days away and had to be prepared for. Moreover, a multiple voting exercise was its first experience. Transport and communication difficulties still exist in Uganda. The Commission argued that it could not do better amidst these challenges over this mater.

Table 1: Presidential Election Results, 2006; at Declaration.

CANDIDATE	PARTY	VOTES	Percentage

		OBTAINED	(%)
Abed BWANIKA	Independent	65,346	0.95
BESIGYE Kiiza	FDC	2,570,603	37.36
OBOTE Kalule Miria	UPC	56,674	0.82
SSEBAANA john Kizito	DP	108,951	1.58
Yoweri Kaguta MUSEVENI	NRM	4,078,911	59.28
Total Number of Valid Votes Cast		6,880,480	
Total Number of Rejected (invalid) Ballot Papers		292,757	
Total No. of Ballot Papers Counted		7,173,241	

The above results were declared from 19,585 polling stations (98.98% of the 19,786 stations), leaving the remaining 201(1.02%) polling stations. The rest of the stations, after being received were added to lead to the final results as indicated in the table below.

Table 2: Final Presidential Election Results from 19,755 Polling Stations.

CANDIDATE	PARTY	VOTES OBTAINED	Percentage (%)
Abed BWANIKA	Independent	65,874	0.95
BESIGYE Kiiza	FDC	2,592,954	37.39
OBOTE Kalule Miria	UPC	57,071	0.82

SSEBAANA John Kizito	DP	109,583	1.58
Yoweri Kaguta MUSEVENI	NRM-O	4,109,449	59.26
Total Number of Valid Votes Cast for Candidates		6,934,931	0.95
Total Number of Rejected (invalid) Ballot Papers		295,525	4.1% (of ballots counted)
Total No. of Ballot Papers Counted		7,230,456	69.2% (of Registered Voters)

Source: Electoral Commission, 2006:56; Uganda Gazette, Vol. XCVIX, No. 19, March 27th, 2006.

** Results from 31 polling stations were cancelled due to various election irregularities.

** Voting did not take place in two (2) polling stations because all voters had left the area. Y.K. Museveni's bolden name in the above table is original.

The above results show a low voters' turn up. This was attributed by some respondents to lack of enough voter education, while others cited the referendum 2005 which, they argued, made voters think they had finished voting! Voters would ask: "We recently voted for Museveni. Why then are we voting now?" This also shows that voter education and training had not been insufficiently carried out during the 2005 referendum. The voter turn up is not much different from the 69.7% in 2001. The Commission attributes this to voter apathy.

It can be observed that free and fair elections presuppose an environment where voters turn up to cast their votes without any undue influence (Elklit, 1999; Dahl, 1998). It also implies that the counting and tallying of votes is done in an open and transparent manner. The debates that followed the tallying process during the 2006 elections show how some individuals and institutions of democratisation may be subject to mistrust from stakeholders and how this may put into question the acts of these institutions. Therefore the solution lies in working with stakeholders during the electoral process as the Commission did, hence the vitality of stakeholders' perceptions in the analysis of elections management.

5.3 Parliamentary Elections and their Effect on Presidential Polls

Three-in-one polling was witnessed for the first time in Uganda during the 2006 elections. This was provided for under the Constitutional Amendment Act (No.2) of 2005. The process and time-table was therefore a congested one involving two other elections conducted together with presidential elections. Voting for parliamentary candidates (for constituency and district women representatives) took place the same day with presidential polls⁴⁴. Following constitutional amendments, constituency Members of Parliament (MPs), and District Women Representatives to parliament, were nominated on January 12 and 13, 2006. Some potential parliamentary candidates failed to satisfy the requirements and were not nominated (*Daily Monitor, The New Vision, The Red Pepper*, January

⁴⁴ It should be remembered that Parliamentary elections 2006 in Uganda were many; it is not enough to talk of only Directly-Elected Constituency Members of Parliament (MPs) or District Women Representatives to Parliament. There are interest groups MPs whose elections were held but were collegial. These included: Regional Youth MPs; People with Disabilities (PWDs) MPs; the Representatives to Parliament; of the Uganda People's Defence Forces (UPDF); and Workers' MPs. This explains why a study of Parliamentary elections would be insufficient unless it includes these interest groups MPs. Such would have widened the scope so considerably as to make it difficult for the researcher to accomplish within limited time and resources.

12-14, 2006). Women members of parliament had their constituency increased from electoral colleges in 2001 to the whole district in 2006, as they had to be voted by a universal suffrage. FDC's Alice Alaso (district Women MP for Soroti, North-Eastern Uganda) revealed that women constituencies are now too big compared to their counterparts who contest to represent constituencies (Interview, April 27, 2007). This study does not go into these details, but is tasked to show implications of parliamentary elections on presidential polls as these were conducted the same day. Parliamentary campaigns started soon after nominations, and polls held the same day as the president. These elections had implications for the conduct of presidential elections.

First, the campaigning process was congested and allowed little time to the Commission to monitor all the various candidates at the same time. An observation of the campaigns shows that presidential campaigns overshadowed parliamentary ones. Some individual parliamentary candidates were identifying with presidential candidates to win voters' choice. Secondly, the processing of ballot papers and other polling materials increased the workload of the Commission as a lot of work was being done at the same time. The voting process itself was difficult to administer as the Commission required many polling officials at the same venue; so recruitment, training and deployment of these official was heavier than ever. Tallying was a big task, as the Commission had to produce election results within 48 hours from the close of polling. So, tallying was three times bigger than ever witnessed before, both in terms of human deployment and financial cost, as well as in terms of the degree of concentration. Counting, tallying and announcement of results were not direct, as people were

torn between knowing their parliamentary election results announced at the district, and presidential election results announced at the National Tally Centre. Returning Officers were only allowed to declare parliamentary election results but were to transmit presidential election results to the national tally centre at Namboole. So, the press, observers and monitors paid more attention to presidential elections and less to parliamentary elections, leaving out the contentious issue of parliamentary results which were neither published in the Uganda Gazette nor posted on the Commission web site even at the time of writing (May, 2007). The Commission had no explanation for this scenario, and politicians had reason to blame it for the failure to conduct free, fair and transparent elections.

The Commission had however had published Parliamentary election results in its August 2006 report on the general elections, although this report was accessed by few people (Electoral Commission, 2006:104-134). An official revealed that the Commission had enough capacity on its web site, but could not reveal what statistical and technical constraints had stopped the Commission from posting parliamentary election results right from August 2005 to May 2007. There are arguments that the Commission could have forged results (Alaso, 2007; interview). Whatever the argument, it is proper to assert that three-in-one polls required a lot of voter education as already revealed, and more mobilisation and preparation on the part of both the Commission and politicians.

While the constitutional provision for three-in-one polling may have imposed a heavier workload to the Commission, it came with its own advantages. First, it reduced the time within which the Commission was to conduct three different

elections, and constitute a government when electoral laws had come late. So, it helped the Commission meet the constitutional deadline. Secondly, the three-in-one polling had financial advantages as it reduced on the number of polling officials onto whom the Commission would have spent money. Each station had four officials, with one Presiding Officer and one Polling Constable. Each officer was paid one day's work. Thirdly, the polls were made peaceful by the division of the electorate and supporters between those attending to presidential and those attending to parliamentary campaigns. It eased supervision of the delivery of polling materials, the voting process and polling complaints as these were handled the same day.

It is not easy to adduce concrete evidence on the effect of three-in-one polling on the 2006 presidential elections in Uganda, but respondents maintain that it should have been preceded by enough voter education. The Commission, on its part, maintains that political parties should have informed their electorates about the whole process during campaigns, to reduce the Commission's burden of voter education. What comes out clearly is that the Commission failed to finish the tallying of presidential polls because of the many votes being tallied at the same time by the same officers at the district. So, the Commission was forced to announce incomplete results due to the pressure of meeting the constitutional deadline. The failure by Returning Officers to produce reports that the Supreme Court required is also related to this new experience.

CHAPTER SIX

MANAGEMENT OF ELECTION COMPLAINTS AND PETITIONS

6.1 Managing Election Complaints: The 2006 Elections in Uganda.

Managing election complaints is a vital constituent of election management. Electoral bodies must put in place structural mechanisms of receiving and determining complaints, if the electoral process is to be free and fair (Engholm, 1958). Ebeku (2003) finds that the election tribunals in Nigeria's Independent National Electoral Commission had no capacity and jurisdiction to handle pre-election issues, notwithstanding their impact on the electoral process. This is in spite of the fact that they were duty-bound to manage such complaints. Election complaints can be best handled when there is a code of conduct for political parties to direct the behaviours and actions of parties and their supporters. The code is most useful when accompanied by institutional arrangements to ensure that parties comply with it, and when there exists an accessible and efficient procedure for addressing complaints about violation of the code (Pottie and Lodge, 1999:12). Ugandan constitution empowers the Commission to hear and determine complaints arising before and during elections (Republic of Uganda, 1995). In establishing and operationalising a complaints desk, the Commission was exercising its constitutional mandate. Amidst existing institutional and financial challenges, the electoral body managed to establish a complaints desk that handled election complaints.

Formation and Composition of the Complaints Desk

The idea of complaints desk was born out of the Commission's consultations with

political parties, civil society groupings, other Commissions in Africa and donors. Partners for Democracy and Governance (PDG) – Election Support Unit - funded the recruitment, training and remuneration of complaints officers (Osborn, PDG, 2006, OI). A total of 71 persons; 69 District Complaints Desk and Systems Officers, 01 National Complaints Desk Officer, and 01 National Inter-Party Liaison Officer, were recruited for a contract period of 06 months (January – June 2006), to handle complaints arising out of polling. The officers underwent a week’s induction course, and were then posted to the districts on January 27, 2006. By this time, presidential and parliamentary campaigns were mid-way.

6.1.2 Duties of Complaints Officers

District Complaints Desk and System Officers were under duty to receive, analyse and provide the District Registrar and National Complaints Desk and Systems Officer with up-to-date information and analysis of complaints related to the electoral process; to collect and provide up-to-date information and analysis on the status of complaints and their resolution; to document complaints with details of where and when they were made; and to detail complaints with legal basis of the complaints arising, in the district. They documented complaints refers; ascertained and documented the result of investigations, mediation and adjudications in the district; advised District Registrars on sanctions to be levied for electoral offences; and drafted responses to complaints received in the district. They acted as conveners/secretaries to constituency and district peace committees; and provided minutes for the above committee meetings⁴⁵.

In line with the above duties, complaints officers were required to: a) Set up a

⁴⁵ Source: Electoral Commission, 2006. Also accessible from Partners for Democracy and Governance Group – Election Support Unit. Available in Daily Monitor, November 8, 2005.

district complaints desk and open relevant files to record the complaints and keep information pertaining to their resolutions; b) keep the National Complaints and Inter-Party Liaison desks informed of the complaints' status in the district; c) Liaise with the District Election Coordination Committee, Police and district administration to handle/resolve complaints; and d) Form, and act as Secretaries to, the District Election Liaison Committees⁴⁶.

6.1.3 Achievements of the Complaints Desk

Election complaints were given due attention and record. To illustrate, the Commission received a total of 2,031 complaints. 832 of these were received at the Centre. Bugiri district received 57 - the highest number of complaints - while Kampala received 56 complaints on record. Pader district recorded no complaint at all (Electoral Commission, 2006). Complaints were received, recorded, and resolved by EC staff at the district at the advice of complaints officers. Liaison committees would also help resolve some in their meetings. The Complaints Desk worked closely with politicians, and the public which felt that their problems were being listened to and acted on. As a result, tension was diffused and public trust of the Commission increased.

Secondly, the Commission dealt positively with security organisations. District Election Liaison Committee meetings, had Police represented there. These

⁴⁶ These committees were chaired by the Returning Officers, with members including: representatives from all active political parties in the district, representatives of independent candidates and the District Police Commander. Engholm (1958) says independent candidates are candidates who contest not as members of political parties, but as 'independents', sponsoring themselves. They are neither oppositional nor among the ruling party. Some may be sympathizers of either the ruling party or the opposition. In Uganda, some members of the ruling NRM, as well as some members of the opposition, failed in the party primaries, but contested and won the Parliamentary and Local Government seats as independents.

committees took appropriate action and advised security officers on what to do. The Committees provided a forum to explain and clarify situations. So, there was a preventive measure against those who intended to carry out election malpractices and a good working relationship between the security agencies and the Commission, which was strengthened through regular updates and meetings. Further still, a record of complaints now guides the Commission's operations, since complaints raised against its operations were recorded, forwarded and worked on.

The centrality of the law was given its due consideration because complaints were recorded and categorised in accordance with the law affected and the degree of its contravention. Where a complaint was a serious electoral offence/illegal practice, it was forwarded to Police and acted on accordingly. Arguably, the forwarding of complaints to court as petitions does not mean that people's complaints were not attended to; it arose out of complaints beyond the Commission, which could not be handled administratively. But the complaints handling process did not go without loopholes; some challenges were faced here and there

6.1.4 Challenges to the Complaints Desk

The District Election Liaison Committees were not facilitated. Procedurally, complaints were presented to members in these committee meetings, and were resolved through discussion and arbitration. Because these committees were not facilitated, members lost morale attending long conflict-resolving meetings without any allowance. The Chairman Electoral Commission revealed that members of the National Inter-Party Liaison Committee refused to move down to district and lower levels to supervise and advise on the operations of District

Election Liaison Committees. This curtailed chances of donor funding to these committees. A Uganda People's Congress (UPC) senior official, who was also a member of the National Inter-Party Liaison Committee, revealed two factors that discouraged members of the Committee from moving downwards. First, the committee would agree on certain actions/issues, but the Commission end up doing the opposite. He exemplified that it was agreed in one of the meetings that presidential and parliamentary campaigns start at 9:00 a.m. in the morning, but the Commission announced the following day, that campaigns start at 7:00 a.m. This, he said, discouraged some members. So, toward the end of campaigns, some members pulled out. However, the Commission insisted that this was discouraging on the part of political parties; lower committees needed guidance from above. The second was time constraint. The complaints desk and the party liaison office were set up too late. They started full-blast operations on January 27, 2006, when campaigns were mid-way. So, the committee failed to catch up with some of the essential aspects of elections that gave birth to complaints, mainly voter registration and campaigns. It was not helpful, therefore, to move downward to district and lower levels, when polling was few days away. Consequently, politicians concentrated on campaigning for their candidates and abandoned these meetings.

There was a legislative hindrance to the efficient operation of the complaints desk. Uganda's Electoral Commission has no legislative powers. Subsidiary legislations it makes must be approved by Parliament. The Commission took long consulting donors, Civil Society Organisations and political parties to form a Code of Conduct for Political Parties. The draft code was finalised in November

2005, presented to the Attorney-General who would then present it to Parliament⁴⁷ (Osborn Simon, February 2006 interviews). The code was not passed - Parliament went in recess before doing so. Consequently, the National Inter-Party Liaison Office and the Complaints Desk were set up on the basis of the draft code. Without a legal framework in full, therefore, the complaints desk's operations were limited to arbitration. Legislative constraints now, turned against the Commission's operations (Source: Complaints officers from Adjumani, Kampala, Jinja, Kasese, Bugiri and Kenjojo districts, June 2006. See Appendix X)

6.1.5 Conclusion on Complaints Handling.

The development of a complaints handling mechanism was a great stride in conducting an electoral process that is open, transparent and responsive. The Commission deserves credit for attending to people's grievances and working closely with other stakeholders in a consultative manner. Essential is the fact that the complaints desk was a belated development in the Commission. Throughout the electoral cycle, this desk is necessary. When essential electoral activities are integrated in the complaints handling mechanism, better strides shall be made. For future complaints handling to be effective, the complaints desk should be included in the Commission structures and operationalised in time.

⁴⁷ The first draft of the code was released in April 2005, and regular consultations with political parties, CSOs and donors were made to finalise it. In November 2005, the final draft was presented to Parliament.

6.2 Election Court Battles and the Electoral Commission: Lessons from the 2006 Presidential Election Petition

6.2.1 Introduction.

Election court battles in Uganda are a common phenomenon. Central to most of them, the Electoral Commission is always attached. This was the case during the 2006 presidential election petition. While elections can raise complaints and petitions (Engholm, 1958), the Uganda Electoral Commission is legally mandated to “hear and determine complaints arising before and during polling” [(Article 61(i) of the Constitution)] meaning that grievances arising after polling cease to be complaints and become court petitions. The Supreme Court is the highest Court in the land, and by law, presidential election petitions are filed there.

This sub-chapter looks at the Presidential Elections Petition No. 1 of 2006 filed by Dr. Kiiza Besigye, and interrogates the fate of the Commission in the case. The process and legal basis of the petition is explained. Then the court battle is briefly evaluated in connection with the work of the Commission. Implications of the Court ruling for the development of institutions of democratization, especially electoral bodies, are drawn from the court judgement. Most importantly, the petition revealed some weaknesses of the electoral body and other institutions, ambiguities in Uganda’s electoral laws, and pointed out how electoral democracy requires concerted stakeholders’ efforts with the Commission at the helm.

6.2.2 The Process and Legal Basis of the Petition.

Process of the Petition

On February 28, 2006, Dr. Besigye announced, after questioning the presidential election results, that he would not respect the results (*The New Vision*, February 29, 2006). On March 3, 2006, his lawyers filed their petition to the Supreme

Court [(as per Article 104(1) and Section 59 of the Presidential Elections Act, 2005)]. The winner, Yoweri Museveni, was served with a copy of the petition on March 9, 2006. Meanwhile, the Commission denied claims of vote rigging as contained in the petition. On March 18, 2006, the petitioner accused the Commission of frustrating his lawyers by refusing to give them reports and tally sheets from Returning Officers to use them as evidence of a flawed polling process.

On March 21, 2006, hearing started at the Supreme Court in Mengo, Kampala. Besigye's legal team wanted the question of how "non-compliance" with electoral laws "substantially affects elections", to be referred to the Constitutional Court for interpretation, but the Supreme Court ruled: "we are the highest Constitutional Court" in the country (*Daily Monitor*, March 23, 2006). Affidavits, submissions and other forms of evidence were provided. Dr. Jonathan Odwee, a statistician from Makerere University's Institute of Statistics and Applied Economics, submitted that Museveni had scored 48.8% and Besigye 47.8% of the votes cast, a significant professional input to the judicial proceedings.

The hearing proceeded. It became clear that some aspects of election conduct had been compromised. Significant constitutional principles had been violated. For example on March 25, 2006, the Commission's lawyers admitted that some names of persons who had failed to turn up to verify their particulars during the voters' register display exercise had been deleted. Ugandans had been disenfranchised. On March 27, 2006, Dr. Joseph Byamugisha, one of Museveni's lawyers was reported (in the press) to have defended his client's offensive remarks during campaigns, saying they were counter-remarks and statements in

response to the abuses already hurled at him by the opponents. On March 29, 2006, the Commission conceded committing some errors during the tallying process. On the same day, Museveni's lawyers argued that statistician Odwee's affidavit was baseless. The case was taking a significant twist. Evidence of involvement of security forces in campaigns was adduced. Commission lawyers had not pointed out what the Commission had done to prevent these unlawful developments during campaigns. The hearing ended on March 30, 2006. The ruling was made on April, 6, 2006.

Irrespective of the likely decision, the hearing (which lasted 9 days) had pointed out significant aspects of the electoral process the Commission had failed to handle. Voter registration had been flawed. Campaigns had been characterised by bribery; violence and intimidation; all candidates used abusive language; there was involvement of security officials (which had been admitted by both respondents) and personality influences above institutions (including political parties) had been exhibited by some candidates. The law took its course.

The Legal Basis of, and Issues in, the Petition

Article 104 of the constitution allows any candidate who is aggrieved with the results of a presidential election to petition the Supreme Court within ten days from the declaration of election results. The Supreme Court is legally obliged to "inquire into and determine the petition expeditiously and shall declare its findings not later than thirty days from the date the petition is filed" [(Article 104(3))].

Section 59 of the Presidential Elections Act, 2005, elaborates the legal requirements and conditions for a presidential election petition, and Sec. 59(10) states: “where an election is annulled, a fresh election shall be held within twenty days from the date of the annulment”. This was a big impending task on the Commission which was conducting yet other lower-level elections. But Section 49 of the Electoral Commission Act, 1997 exempts Commission officials from civil proceedings for any act done in good faith in the performance of Commission functions.

The legal teams from the contending parties agreed on issues to table to court, upon which the legal test was applied. Four issues were to be decided, whether:

- 1) There was non-compliance with the provisions of the Constitution, Presidential Elections Act, and Electoral Commission Act, in the conduct of the 2006 presidential elections;
- 2) The said election was not conducted in accordance with principles laid down in the constitution, Presidential /Elections Act, and the Electoral Commission Act;
- 3) Either issue 1 or 2 or both are answered in the affirmative, such non-compliance with the said laws and principles affected the results of the election in a substantial manner;
- 4) Any illegal practices or electoral offences alleged in the petition, were committed by the 2nd respondent personally, or by his agents with his knowledge and consent or approval; and whether
- 5) The petitioner is entitled to the reliefs sought.

The above legal questions put the Commission at the core of the case, by revealing: (a) that the Commission does no better than execute the law to the letter, irrespective of the difficulties involved in this, and (b) that political struggles during campaigns lead, at least in Uganda's case, to significant offences that put to test relevant institutions in one way or another. The Court, constitutionally, had limited time within which to make its decision. The petitioner has difficulty establishing "substantial" evidence from across the country in ten days for the Court to decide within thirty days including days of the hearing.

Petitions Outside the Supreme Court

To the Commission, the battle in the Supreme Court was not alone. Elsewhere in lower Courts, petitions were numerous in lower courts over the conduct of parliamentary elections; and election-related offences and illegal practices were many. Police had recorded 450 cases of electoral violence by February 27, 2006 (See *Daily Monitor*, February 27, 2006). The NRM party agents/supporters had committed 193 offences; FDC, 102; DP, 12; and JEEMA, CP and UPC had committed 01 each; while persons not attached to any party had committed 123 campaign-related offences (See *Daily Monitor*, Monday, February 13, 2006). Notably, the stronger the party, the higher the number of electoral offences and illegal practices committed. So, the battle was not only in the Supreme Court. Equally significant, as the petition pointed out, the Commission was solely responsible for ensuring free and fair elections although the means and capacity to do this were lacking. The petition in the Supreme Court was just an eye opener

to what was taking place elsewhere in other elections. The Court's judgement on April 6, 2007 was important.

6.2.3 Supreme Court Judgment.

The Supreme Court made its ruling on Thursday, April 6, 2006 – itself having been tasked to meet the constitutional deadline of making its decision within 30 days. In its ruling, Court declared that:

a) There was non-compliance with the provisions of the Constitution, Presidential Elections Act, 2005, and the Electoral Commission Act, 1997 in the conduct of the 2006 presidential elections by the Electoral Commission in the following ways:

- Disenfranchising voters by deleting their names from the register or denying them the right to vote; and
- In the counting and tallying of results.

b) The court was convinced that there was non-compliance with the legal provisions by the Commission, as “the principle of free and fair elections was compromised by bribery and intimidation or violence in some areas of the country”; and the “principles of equal suffrage, transparency of the vote and secrecy of the ballot, were undermined by multiple voting, and vote stuffing in some areas”.

On the issue of whether non-compliance with the constitutional principles and electoral laws affected the results of the election, Court ruled by a decision of 4:3, that “it was not proved to the satisfaction of the Court, that the failure to comply with the provisions and principles as found in the first and second issues,

affected the results of the presidential election in a substantial manner” (Emphasis added). By a majority 5:2, court ruled that “no illegal practice or electoral offence was proved to the satisfaction of the Court to have been committed in connection with the said election, by the second respondent or his agent with his knowledge, consent or approval”. So offences committed by Museveni’s agents were not blamed on him.

By a 4:3 decision, “it was not proved to the satisfaction of the Court, that the failure to comply with the provisions and principles as found in the first and second issues (compliance with electoral laws) ***affected the results of the presidential election in a substantial manner***” (Emphasis added). It was thus reached that non-compliance with the law by the Commission occurred, but its effect on election results could not be quantified, but evidence provided. It could have been this ambiguity that led to the 4:3 divergence. It was the same issue of “non-compliance” with the law and “substantially” affecting election results that the petitioner had wanted to refer to a junior court for interpretation. So, Court failed to satisfy the petitioner how substantial election offences and illegal practices should be to warrant nullification of an election.

The court pointed out important aspects of the electoral laws which, it appears, cause ambiguity and constrain the Court itself in its decisions, namely Sec. 24(5) and 59(6)(a) of Presidential Elections Act, 2005; and Sec. 25 of the Electoral Commission Act, 1997. Most importantly, the judges were “constrained to comment on a number of matters which have given us grave concern”: involvement of security agencies in election matters; disenfranchisement of voters by deleting them from the register; apparent partisan conduct of some

election officials; and the apparent inadequacy of voter education. The Chief Justice revealed how “the Court is of the considered opinion that all institutions and organisations concerned should urgently address these concerns in order to improve electoral democracy in the country” (see *Daily Monitor*, *The red Pepper*, and *The New Vision*, Friday, April 7, 2006; *The Weekly Observer*, Thursday, April 13, 2006). Court blamed the Commission’s failure to avail reports of Returning Officers to Besigye’s lawyers on the grounds that they were not available, when it is mandatory that they should have been provided. At the end, the petition was dismissed with no costs. The battle had ended. Yoweri Kaguta Museveni waited to be sworn in on May 12, 2006. The Electoral Commission had been acquitted. But this ruling, and the petition generally, had considerable implications worth pointing out.

6.2.4 Implications of the Judgement.

Responding to the Supreme Court decision, Dr. Kiiza Besigye said, “We shall, therefore, not associate ourselves with or respect this decision” (*Daily Monitor*, Friday, April 7, 2006). He had, it can be discerned, dissociated himself with the judicial system. Several press opinions and comments were made about the implications of the court’s decision. The researcher sought people’s opinions through interviews with donors, Commission officials, political actors and press reviews. The most important implications as per respondents’ views and press reports are fourfold.

First, there are ambiguities in electoral laws, which constrain not only the Commission, but also legal practitioners in drawing conclusions on how much offence has been committed to warrant nullification of an election. Hence the

ambiguous issue of how 'substantial' an offence should be to affect election outcomes, and how this substantiality can be determined. This leaves elections stakeholders with some immunity when they commit election offences and illegal practices during elections.

Secondly, the Judiciary is constrained in making critical judgements that are likely to cause violent eruptions in the country. So Judges use the cover of judicial discretion and ambiguous laws to make judgements on critical issues. Hence Tumwine-Mukubwa (2004)'s argument reveals that there may have been, in 2001, caution by the Court overlooking the evidence that was provided. It was also pointed out that in 2006, the Electoral Commission performed better than ever before (this was pointed out by Yoweri Museveni in his affidavit to the Supreme Court). So, to annul the 2006 elections when the 2001 ones had been upheld would have been self-contradiction on the part of the Court. Whether it is true the 2006 elections have been the best in the country, is a matter of debate.

Thirdly, the public has a stake in causing some of the electoral offences and violations of electoral laws. This they do by refusing to take part in all aspects of the electoral process, notably voter registration, and involving in illegal practices. That some persons deleted from the register were genuinely deleted, like multiple registrations, is a fact. The Commission has evidence of persons who were deleted for having registered more than once. Some government officials (like security agencies) commit offences personally and the finger is pointed at the President as the Commander-in-Chief. Multiple voting may show an institutional weakness of the Commission, but the Commission does not sanction it; even amidst education, sensitisation and warnings, people continue to commit such offences.

Violence, intimidation, bribery and harassment are not only state-inspired, but sometimes fuelled by individual extremists. Where the party or candidate was stronger, painful actions were inflicted on the opponent's supporters: FDC inflicted "pain" onto NRM in Kasese and other areas, as did NRM-O on FDC in other areas. All these instances show that while the Commission may have good intentions, people sometimes do not allow it do its job. Some remain indifferent, while others are insensitive to electoral laws and other people's feelings/views, hence constant clashes and violations of electoral legal provisions.

Lastly, the issues/concerns which the Supreme Court appeared "constrained to comment on" reveal the caution taken by other institutions in the electoral process. It would have been better for Court to strongly condemn these issues. As it has not done, people wonder who should. Limitations imposed on the Commission by the government; failure to constrain security organisations from involving in politics; belated tabling (and therefore passing) of electoral laws; and the failure to develop other institutions, were raised by respondents, as impacting on elections. There is an argument that this creates a cyclic web of limitations to other institutions, including the Electoral Commission. EC respondents argued that voter education was constrained by funding; and voter registration by voters' indifference. Others argued that Besigye's rejection of the Court's decision signifies belittling of institutions by politicians, hence continued disrespect of decisions and actions made by these institutions. Others maintain that Besigye was just being "political" to keep the confidence of his supporters. All these tend to imply that the executive, has the responsibility of "unleashing the political will" to ensure that commendable democratic practices take root in Uganda. So, the

Electoral Commission is somehow generally absolved, hence one DP official's assertion that "we know where the problem is; the Electoral Commission has done its part"⁴⁸. Clearly, there are considerable challenges institutions have to contend with if electoral activities are to measure to the required standards.

The purpose of electoral legislation is to confine election administrators and other stakeholders within the law. Election court battles are essentially post-election complaints processes. They reveal the dissatisfaction of election stakeholders with the actions of institutions and/or individuals within those institutions charged with the electoral process. International election standards require a mechanism of arbitration for discontented parties; something the Supreme Court did. The act of Besigye dissociating himself with the Court ruling signifies an equally expression of dissatisfaction with the Judicial institution. But the realization that the 2006 elections were an improvement from previous elections renders the decision of the court credible, and the electoral outcomes legalized. The challenges that were encountered by the Commission can be discerned from the Court ruling while others are examined in the next chapter.

⁴⁸ He was a member of the Kamuli District Election Liaison Committee, formed to resolve complaints arising during elections. This assertion was made in one of the Committee meetings held at Commission Offices in Kamuli, while attacking an NRM official.

CHAPTER SEVEN

CHALLENGES FACED BY THE ELECTORAL COMMISSION DURING THE 2006 ELECTIONS

7.1 Introduction

The management of elections is political, challenging and exciting, with external influences and internal weaknesses producing a complex set of challenges to the Commission. Electoral outcomes and electoral perceptions depend on the capacity of electoral bodies to cope with these challenges (Elklit and Reynolds, 2000). This is the purpose of this chapter: to explain the internal and external challenges that affected the Electoral Commission in managing the 2006 presidential elections in Uganda. Notably, internal weaknesses are admitted by the Commission, and the Commission strives to address them over time. External influences, it is clear, are beyond the capacity of the Commission alone, and require stakeholders' concerted efforts. In facing these challenges, the Commission sticks to its constitutional role.

Owing to a number of factors, some of them beyond the control of the Commission, problems arise which could undermine the credibility of the electoral process. The Commission, has always faced these, and must address itself to such problems and find solutions for them⁴⁹. The facts revealed herein are important desk and field findings that are admitted by the Commission both through interviews and written documents. Reports from the field point out some of the challenges the field officers find, because of mix-ups and omissions in

⁴⁹ Source: Electoral Commission (2004). Common Recurring Mistakes of Omission or Commission during Elections and Referenda: Possible Solutions.

communications from the centre; late facilitation of officials; late delivery of polling materials; inadequate training of field staff during field work activities; late disbursement of funds; power shortages; insufficient allowances; and misplacement of ballot boxes (a'la Akello, 2006)⁵⁰. Once these challenges are addressed, this can help the Commission rectify some problems and be able to conduct a commendable electoral process.

7.2 Internal Challenges and Possible Solutions.

Publicity. An aggressive Publicity Campaign is lacking for all election programs and activities, leading to low voter-turn up and invalid votes on polling. This involves insufficient voter/civic education, short training and deployment time for voter educators, few educators - only one in even expansive parishes - and little work done by accredited NGOs due to limited facilitation, and working in isolation from the Commission. During the 2006 presidential elections, only 10 out of 50 CSOs which applied to carry out voter education did so. Some of these, like Corporate Gifts Consultants (CGC), did a poor job.

To solve this, district officials should be facilitated to air EC activities and programs on local FM radio stations. Paying for space in newspapers for leaflets, fliers, pull-outs on a regular basis; composing music, dance and drama to attract bigger turn-ups; targeting schools for voter/civic education; allocating ample time for voter education; deploying more civic educators; and ensuring cooperative work between accredited NGOs and District Staff can lead to considerable strides. Funding for voter education should be increased.

⁵⁰ In her submission in a Workshop evaluating the conduct of the 2006 elections, Akello Nancy, Returning Officer, Gulu (Northern Uganda), revealed some of the vital challenges field staff face, that she and other Commission field officers feel, the Commission should address itself to.

Response to field reports in time is problematic, hence breakdown between field staff and the Head office. It also demoralises field staff, leading to poor performance. Complaints desk officers, for instance, never received feedback for their constant updates to the Commission, while some communications to the field took long to reach.

The solution to this lies in attempting to respond to field reports quickly, and encouraging the field staff to always make follow-ups in time.

Late delivery of Mails to distant districts; when radio-calls are made, it is sometimes alleged that DRs and ADRs are sometimes absent; all these are common problems. For example, in Kamuli, letters inviting three candidates to the EC head office on January 28, 2006, to answer to allegations of election fraud (no academic qualifications), reached the RO's office on February 4, 2006! Michael Kifubangabo's letter, written on 9th January 2006, inviting him to the EC on 28th January, reached the DR – Kamuli - on 2nd February 2006! If for Kamuli, a 3 – hour drive distance from Kampala can take nearly a month, what of Bundibugyo, West-Nile or Karamoja?

The solution to this lies in attempting to keep District offices full-time, speeding the installation of Wide Area Networks (WAN), developing courier services specifically for the EC, and facilitating all officers with telephone facilities.

Planning problems include: inadequate allocation of time to election activities by stakeholders, and shortcomings in the planning process. Hence crash programs and lately started activities affect the Commission. In addition,

centralised planning at EC headquarters lacks realism and becomes remote to the reality on the ground. Field staff decried this.

To solve this, enough time should be allowed for electoral activities to avoid implementation crisis. Thorough planning covering the entire process should be undertaken. Planning should take into account the reality on the ground. It should be based on accurate data. This necessitates improving the planning department at the Commission.

Removal, Merger and Creation of Polling stations. Some times this is done without informing the voters, or stakeholders at the district. This creates confusion, causes political excitement, leading to the fear that a rigging ploy is underway. Several cries were raised about the reorganisation of polling stations of August 2005. The EC was forced to publish all Polling Stations in the country, an activity, which, though appreciable, was a drain on the meager resources allocated to the Commission, hence reliance on donors.

The solution is that changes need to be communicated to the district in time. The February 2005 EC publication of all polling stations in the country in newspapers was a great step in this line. Both new and old stations were published, which was a sign of transparency.

Briefing to stakeholders on all election activities is crucial, but has been lacking. This leads to errors by both EC officials and other stakeholders.

The Commission should endeavor to meet, brief and discuss with stakeholders on how best to carry out an election exercise instead of using a “Tool Box” approach.

Evaluation meetings explore new strategies as people generate new ideas, and these should be developed and encouraged. The Commission's constant consultation with political parties, the media, donors and the general public during the 2006 elections is commendable. A critical look at the 2006 elections reveals that the EC was not alone in arriving at most of the decisions, like: a code of conduct for political parties, campaign guidelines, tallying of votes and complaints handling.

Logistical problems, including funds lead to inadequacy of fuel allocation, failure to meet field-operating expenses, lack of incentive payment for overtime work, and affects other related activities like civic/voter education. EC staff is not paid for overtime work; those in war-ravaged areas are not given special allowances for that. Fuel allocations to the districts have been declining since 2001 due to increased costs of fuel. Fuel for field activities is processed long after the activities have ended, making payments and accountability difficult. On polling days, field staff works for too long hours, only to receive their allowance long after officers at the head office have been paid. This reduces their morale.

The solution lies in quantifying the amount of fuel to give each parish, with due consideration for the geographical coverage and terrain; regular monthly fuel allocations; facilitation to District staff to get fuel from the open market; and providing airtime to agreed limits per week. By the nature of the work done by EC, exemption for payment of overtime allowance should be sought from concerned authorities (although overtime allowance is not paid in Uganda's civil service). Overtime rates paid should be streamlined and provided for in standing orders and corrected in the Personnel Manual. Claims for payment of overtime

need to be received in a specified period of each month for all staff. It is regular to find EC staff in office up to 9 p.m. in the evening. To tell these that there is no overtime allowance is to sow seeds of employee turnover from the Commission, to its detriment!

Vague Guidelines are sometimes issued, which do not clarify important issues, like composition of Electoral Colleges, relationships among RO, DR and ADR, and determination of eligible voters. Some times parties did not understand some of the guidelines, and would come to the Commission for clarification.

The solution here is that ambiguous guidelines should be avoided, clear and easy-to-follow manuals for election and field officials be developed, and when holding multiple elections, different color shades should be used to distinct the various elections for illiterate voters.

The voter registration and register display exercise is always too close to polling day to leave room for processing field returns. There are also mix-ups and omissions in returns on the voters' register. More over, forms from the field are sometimes wrongly filled whereby transfers, objections, deletions and accuracy are grossly affected. For instance by February 13, 2006, the EC had not finalised returns of the December 2005/January 2006 display exercise, and chances that these returns would come out before February 23, 2006, polling day, were narrow. Indeed, these returns were not yet released, as voters' cards were not issued by polling day.

There is need for adequate time for the processing of field returns and printing the final register before polling. Field officials need adequate training. Remuneration should be increased to attract high caliber personnel during display exercise. The cartography section of the EC should be facilitated and equipped to produce accurate and detailed constituency maps. These attempts will ease registration and identification of voters.

Nominations too have problems. Aspirants sometimes fill forms wrongly. Errors are thus made on printing ballot papers basing on inaccurate information. Presidential aspirants themselves made mistakes and bounced on nomination day, due to failure to satisfy nomination requirements (See press reports, December 14, 15, 2005). This requires training to intending candidates too, and giving them clear guidelines on how to fill their forms.

Faint and blurred photographs of candidates are sometimes printed on ballot papers. This makes their identification by voters difficult. This did not happen in Presidential elections, but could have happened in lower level elections. So, overcrowded/small photographs from candidates should be discouraged and rejected. Thus officers who take part in nomination exercises should be vigilant and proofread ballot papers before printing.

Polling day officials are sometimes a problem. Their errors lead to election petitions. They are some times incompetent, unqualified and commit mistakes leading to costly consequences to the Commission. Appointment letters to these officials were released on the eve of polling day! Some of them fill forms provided wrongly, others locked election results in ballot boxes and had nothing to present

to the RO. Yet others put Declaration of Results (DR) forms in wrong envelopes. Some polling day officials cause election violence when they do not explain the rules well, or when seen to act irresponsibly to protect the rules. This happened in 2006.

To avert negative consequences resulting from polling officials, only those with a minimum of O-level qualification should be recruited. Thorough training should be provided to these. Appointment letters specifying the remuneration for Polling-Day Officials should be issued in time. This places them on stand-by. This means adequate time for this process. Sources of lighting should be provided since POs sometimes finish counting late when already tired. There should be a mechanism of providing lunch and drinks to polling day officials to reduce exhaustion at the end of the day.

The Chinese government provided 500 rechargeable lamps, but these were not enough to cover a substantial number of polling stations. They were used in some rural areas, especially Adjumani district. The rest of the rural areas were left in the hands on polling officials to light, even when they were manning multiple elections (three-in-one polling) that ended in darkness in some stations.

Packing, delivery and distribution of polling day materials. These include ballot papers, boxes, kits, envelopes, various forms, and seals. Some are packed and delivered late; some stations receive incomplete dispatches, while unsealed ballot papers delivered to some stations cause suspicion. This was not witnessed in 2006 elections under study.

To solve this, supervisors at the head office should ensure complete dispatches; ensure quality by ascertaining that all election materials are properly processed before dispatch, timely dispatch, and intensifying training to election officers and candidates' agents. Close supervision should be mandatory before the dispatch of any materials to avoid mistakes, and at the head office, it should be ensured that correct materials are dispatched to correct destinations to avoid embarrassment. This did not happen in the elections under study.

7.3 External Influences: Beyond the Commission's Control?

Kiddu-Makubuya (2006) revealed that the Commission and the citizens must work together to ensure the integrity of the electoral process by administering and conducting elections in accordance with the law. So, it is not the duty of the Commission alone to ensure free and fair elections. But constraints beyond the control of the Commission affect its operations. These range between legal and political issues to broad socioeconomic conditions.

Late Enactment and/Amendment of Electoral Laws. This makes planning of electoral activities difficult. For instance, The Referendum and Other Provisions Act (2005) was passed in May when the referendum had to be conducted in July 2005; The Political Parties and Organisations Act (2005); the Presidential Elections Act (2005); and The Parliamentary Elections Act (2005) were assented to on November 16, 2005 to commence on November 21, 2005. The Constitution provides that a Law has to be assented to within 21 days, meaning that these Laws were passed not later than 21 days before the date of assent. The Commission issued Campaign Guidelines on December 1, 2005 to be followed by Presidential aspirants whose campaign started on December 19,

2005!. Amidst this, the EC was busy procuring materials for elections whose enabling laws were not yet in place because a Constitutional deadline had to be met! The EC was also ratifying Constitutional Amendment Bills (No.2) with L.C. councils! It was a hell of frantic activity when the laws were finally passed. The Commission made an appeal to Parliament to quicken the legislative process in November 2005, in vain. The code of conduct for political parties was not passed⁵¹.

To solve such a problem, enabling laws need to be passed in time; hence Parliament and the Executive (which drafts and tables the laws) have a great stake here.

Insecurity has been a problem in Uganda. Some disgruntled politicians perpetuate insecurity and attempt to attack POs before they deliver results! Northern and North-Eastern Uganda are insecure regions. This situation affects even activities at the polling station because of general fear! President Museveni himself was attacked while on a campaign tour of Karamoja in January, 2006.

There is need for easy-to-follow procedures in such areas to avoid delays resulting from ambiguity. And special arrangements and budget for security and armed escorts for field staff and EC property should be devised.

Election violence and other malpractices are common in Uganda. These include: acts of bribery, forgery of documents, intimidation, political wrangling among candidates, monetisation of politics and mistrust among politicians. They

⁵¹ The National Electoral Commission in Tanzania prepared such a code in the advance of the 1995 elections but political parties rejected it. See Pottie and Lodge (1999:11).

are rooted in social, economic and cultural practices and perceptions. Beyond the Commission's capacity, these trends are common in Uganda, and explain the difficulty of having a free and fair election in Uganda. To the Commission Chairman, "Politicians like taking shortcuts".

This problem needs strong combinations of solutions to be curbed or reduced. There is need for enforcement of rules governing campaigns; putting strong electoral laws and implementing them to the letter; apprehending candidates who flout rules prohibiting election offences; identifying and advocating laws enforceable to fight electoral crime; intensifying civic and voter education and publicity; close supervision of the electoral process; and empowering institutions that promote democratisation programs and constitutionalism. Government, donors, and the civil society must come in if this is to be contained in limits; else elections remain only a formality in Uganda.

Indeed election violence leads to: frustration and disappointment of stakeholders; lack of credibility of the electoral process and lack of legitimacy on the part of elected office-bearers; undermining the democratisation process; political instability consequencing into banditry, armed struggles and insecurity; and discourage voters from exercising their franchise rights enshrined in the National constitution. All these result into socio-economic, ideological, cultural, religio-political, diplomatic, constitutional, ethnic, legal and psychological pathologies, which undermine national progress.

Island districts are inaccessible, and this affects delivery, distribution and retrieval of polling materials from there. EC has neither boats nor ferries to use in

and across waters. Some parts of Mukono district, Kalangala district and the Kyoga region are inaccessible by land.

A comparison should be made between the cost of EC hiring boats/ferries/lounges and buying its own vessels for the exercise. Funds should be secured for the appropriate solution, and immediate response made.

Political and other Influences. Probably, the most significant external influence to the Commission is from the politicians (both in the government and the opposition). There is a general perception that Uganda's Electoral Commission can not hold free and fair elections because the ruling regime can not allow that. To illustrate, Dr Muniini K. Muleera wrote a poem on the 2006 Presidential elections, arguing that the transition was not free and fair, government harassed the opposition, foreign observers were biased, and that the Commission was incapacitated in its operations, signifying a return to 1980 (See: *Daily Monitor*, February 26, 2006; See appendices). While the Supreme Court had ruled that elections were worth 'going with', Dr Besigye denounced the Court's decision. All these illustrate how institutions work amidst influences and mistrust.

There is also fear of the unknown during elections. People feared violence to exceed the 2001 experience. Others speculated that a coup would erupt. In fact many have commended the work of the Commission in working closely with the Police during the elections. It has become clear that Police has the capacity to ensure electoral security if few improvements are made, contrary to the 2001 when the military came in directly. Under these circumstances: suspicion and

mistrust, it becomes difficult to judge the role played by institutions. Equally, because of monetisation of politics and the view of politics as an economic activity, Ugandans find it imperative to win elections irrespective of how, in order to “get what to eat”. There is a common adage in Uganda, that: “Elections are free and fair when it is you who is victorious”.

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CHAPTER EIGHT

SUMMARY: CONCLUSIONS AND RECOMMENDATIONS

8.1 Introduction

A plausible summary of the role of the Uganda Electoral Commission in the management of the 2006 presidential elections points out three things: sovereignty of the people, the degree of performance by the Commission, and the role of other stakeholders in constraining or supporting the Commission's work. Conclusions are based on findings. Recommendations are suggestions focusing on the experience of 2006 and pointing out areas that need to be addressed by stakeholders concerned.

8.2 Summary

Managing elections implies allowing people to exercise franchise rights granted by Article 1(4) and 62 of the Ugandan constitution. If elections do not allow this, then they are worthless. This right is in line with recognising people's sovereign rights. Voting in an election, as was in 2006, means exercising such a right. The Commission did its best to fulfill this obligation, but faced considerable challenges that affected its work. This was mainly in defects within the voters' register, inadequate voter education, and unresolved complaints. So, institutions need to be developed and strengthened to their full capacities and left to operate freely if this right is to be attained.

The Commission improved in voter registration, involving other stakeholders in a consultative approach, formation and operationalisation of the complaints desk, management of campaigns, and sticking to the electoral time table. As an

independent institution, it expressed this independence in the nomination of Dr Kiiza Besigye, an issue that had generated controversy in Uganda. Had it failed to nominate him, its independence would have been questioned. The Commission also managed the polling, counting and tallying process fairly. It faced election management challenges with acumen as it tried by itself to seek donor support when resource constraints toughened. It fulfilled its legal and constitutional mandate through: instructions; regulations and guidelines issued in time. One such a regulation was the code of conduct for political parties and organisations developed in consultation with other stakeholders and finalized in November 2005. The Commission managed to meet the constitutional deadline when electoral laws had been delayed. By end of February 25, 2006, an elected president had been announced as per the constitution.

On the other hand, while the present Commission may be commended for outperforming previous Commissions, it also faced considerable challenges which require more effort. The voter registration process had deficiencies as some voters were disenfranchised. Some aspects of the electoral cycle were not properly conducted, especially voter education and the campaign process. The Commission failed to ensure a level ground, as media coverage and resources available for campaigns favoured the incumbent. The campaign process still was riddled with violence, acts of intimidation and harassment of the opposition from various parts of the country. The complaints desk was set up belatedly and constrained financially and logistically. Reorganization of polling stations had left some voters uninformed of their new locations, something that caused confusion on polling day. It was indeed crowned by the Supreme Court that some aspects of

the electoral process, principles of free and fair elections and transparency of the ballot were compromised in some parts of the country.

8.3 Conclusions

The 2006 Presidential elections were a testing experience for the Uganda Electoral Commission. Ssepuiya (2006) revealed that before elections, people feared violence, chaos, as well as the historical experience with both the Commission and the multi-party political system. This was mainly because the 2001 experience was still clear in people's minds: intimidations, harassment of the oppositions, vote rigging, partisan election officials, and an unlevelled ground, had impacted on the 2001 elections (Tumwine-Mukubwa, 2004). This was unlike in Ghana (Lemarchand, 1998), South Africa (Kotha and Muthien, 1999) or Zambia (Bratton and Posner, 1999), where some improvements have been made in election management. So, people's fears were justified. True to these fears, the Commission exhibited some weaknesses, as evidenced, in some aspects of the electoral cycle.

Voter registration remained a challenge to the Commission. Electoral laws were passed late and affected the preparatory arrangements made by the Commission. Voter education was not enough. Campaigns witnessed acts of violations of electoral laws, violence, intimidation and harassment. These have been happening since 1996 (Aseka, 2005). At the time of polling, there were multiple tally centres: the Commission tally centre at Namboole, the FDC independent tally centre, and tally centres for various media houses. These created confusion, as politicians and the media defied the Commission's directive to be the only authority allowed to tally election results. To strengthen and increase trust in

institutions, Ugandans need to allow them the trust and resources to perform their duties uninterrupted, in order to judge where the problem comes from.

Some strengths were recorded, whence credit is due. The Commission consistently reiterated that the transition was on track, even when the legal framework was lacking. The formation and operationalisation of the complaints desk was a stride toward ensuring free and fair elections. This was unlike in Nigeria, where election tribunals were not expected to do a good job (Ebeku, 2003) and the Commission has continued to find difficulties in conducting free and fair elections as the 2007 experience showed (www.bbcnews.co.uk/focus/africa/nigeriaelections 2007). The Commission managed to meet the constitutional deadline amidst considerable challenges, a commendable achievement. The Commission's stand to nominate Besigye was a positive step toward independence of institutions of democratisation, and a lesson to other institutions. In John Nagenda's view, the Commission managed to remove "what seemed the unending acts of shooting ourselves repeatedly in the foot", and characterised this nomination as "a storm in a cup of tea" (*The New Vision*, December 17, 2006). While there were no attempts at disabling one from standing for election in 2001, this new development was a significant test to the Commission, which was passed distinctively. Political parties were equally brought in good working relations with the Commission, through constant consultations, workshops, liaison committees and regular meetings (*Daily Monitor*, Monday, February 27, 2006).

While there were no political parties in 1996 and 2001 (given that the elections were held under a no-party Movement System), the referendum of 2005 had

ushered in a new development that saw the Commission conduct multiparty elections for the first time since 1980, a challenging experience indeed, that called for the involvement of divergent views from different parties. The consultative approach helped the Commission to manage multiparty elections for the first time in twenty years, direct multiparty presidential elections and three-in-one elections for the very first time.

In evaluating the role of the Uganda Electoral Commission in the management of the 2006 presidential elections, one needs to admit that historical experiences of Uganda and the Commission are influential in determining the degree of the Commission's effectiveness. This study has revealed that no major improvements have been recorded in some aspects of elections management, particularly in the electoral cycle. Although the 2006 elections showed improvements in some aspects, in other aspects there still a lot to do, and it was a recurrence of 2001. These include: involvement of security agencies in election matters; disenfranchisement of voters; apparent partisan conduct of some election officials; and the apparent inadequacy of voter education, still curtail electoral democracy in Uganda. The Supreme Court emphasized this when it ruled that: "the Court is of the considered opinion that all institutions and organisations concerned should urgently address these concerns in order to improve electoral democracy in the country" (see *Daily Monitor*, *The red Pepper*, and *The New Vision*, Friday, April 7, 2006; *The Weekly Observer*, Thursday, April 13, 2006). If violence were the only measure, we would say that things were now better. But since there are several yardsticks, we can say there is still a long way to go, save for the current improvements the country should jealously guard against. The

study has pointed out that democratic elections require the cooperation of all stakeholders, with the Commission at the helm.

The democratisation debate needs to bring to light, the importance of election management. Elections sow seeds of democratisation when well conducted. In Elklit's (1999) view, elections start as soon as previous ones end, and manifest clearly in an electoral cycle herein examined. During this process, all stakeholders: election administrators, legislators, political parties, civil society, the media and the general public, must be actively involved to ensure a free, fair, transparent and commendable electoral process. It comes out clearly that election management is a vital component of the democratisation process and an integral practice of electoral democracy. So, the role of election administrators is central to the attainment of electoral outcomes that reflect democratic practice. Democratisation can be curtailed by inefficiencies in election management. Equally, a well-intentioned and sufficiently organised election management body may be constrained by other institutions to which it inter-dependes for its work, as was the case in funding and passage of electoral laws. Therefore, to get good results from an electoral process, all institutions and stakeholders must work hand in hand to achieve a common goal. Hence Lemarchand's (1998) argument about Ghana that political institutions alone do not explain why the prospects for democratic consolidation are brighter in Ghana than elsewhere in Africa, for without a shared commitment between the state and the governed to make them work, political institutions are like empty shells. Whether a specific institution

can help consolidate democracy depends as much on its capacity to adapt to change as on the skills and commitment of political actors⁵²

Members of these institutions need to submit to general rules governing institutional conduct. Where people are allowed freedoms to determine their political destinies by the institutions concerned, it is not surprising that the democratic culture can be easily planted, nurtured and developed. The Commission tried to achieve this with difficulty. On the basis of these difficulties faced and failures exhibited (as Court pointed out) and the findings of this study, recommendations below are made.

8.4 Recommendations.

The researcher, basing on findings from this study, makes the following recommendations:

The Electoral Commission, having a constitutional duty to ensure a free and fair electoral process, should stand firmly against undue influences (political, administrative, historical, internal and public) during elections. It should at all times view itself as an independent institution, however much people try influence and to constrain this independence. Only then shall all its actions be seen to be bias-free, fair and transparent. Challenges faced during this electoral season should be used as lessons to learn from.

⁵² Lemarchand, R. (1998). "Ghana's Electoral Commission Provides Regional Model". African Voices: A Newsletter on Democracy and Governance in Africa. USAID Bureau for Africa, Office of Sustainable Development. Vol. 7, No. 1; Winter/Spring/Africa Bureau Information Center, Washington, DC

Other institutions, notably Parliament, the Executive, the Judiciary, Political parties, civil society and the Media should work to strengthen the Commission if election management is to help democratisation process. For instance, it was an attempt by the Attorney-General to advise the Commission not to nominate Besigye, thereby constraining its independence. Political parties worked with a suspected institution, even when it would have performed well, as UPC's Henry Mayega put it: "we do not expect the Commission to do a good job...since the Commission is lumped up with the Movement". Such a perception reduces confidence in the Commission. There was delayed passage of electoral laws, which imposed a crush program. For instance the Commission failed to extend the voter registration in October 2005 because it required the extension of the constitutional deadline. A crash program should be avoided in future. So, other institutions should also play their part.

Political parties, having become operational, should now help the Commission carry out voter education, by constantly taking relevant information to the public as a means of getting the right information to their members. This is because voter education has consistently been problematic, mainly because it has been neglected when it comes to funding. Equally, civil society and the media should assist in voter sensitization whenever elections draw near. Government should also avail enough funds for voter education.

The general public should be calm whenever elections are coming. This requires that the Uganda Human Rights Commission carries out civic education to make people constantly informed about their rights, duties, responsibilities, limits as well as the duties and responsibilities of the state and institutions of government.

The military should keep out of partisan politics. This calls for the political will to fully professionalise the UPDF, and other security and intelligence agencies, so that they can view themselves as public servants expected to be non-partisan. All other public servants need to do the same – view themselves as non-partisan.

Researchers and academicians need to supplement this study with a more rigorous study on other aspects of elections in Uganda. Particularly, the effect of Commission activities on voters' behaviour, determinants of voting behaviour, and causes of voters' apathy witnessed in low voters' turn-up, need to be investigated. The fact that only 69.7% of registered voters turned up in Presidential elections in 2001 and only 69.2% in 2006 shows voter apathy. The possible role of political parties in improving electoral performance of the Commission is also worth investigating, since a mixed Commission (as was called for by the opposition) may, or may not, be the solution. The persistent failure on the part of the Commission to effect voter registration, education and violence-free campaigns, is also researchable. Lastly, comparative studies of electoral bodies in the democratisation process need to be carried, as the researcher seems to argue that unless studies on democratisation also focus specifically on the management of elections, the debate remains far from resolved since elections are a first step in the democratisation process (Bratton and van de Walle, 1997).

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<http://www.australianpolitics.com/democracy/liberal-democracy.shtml>

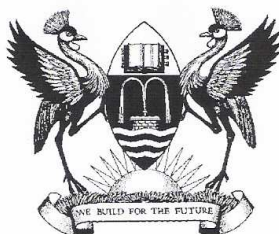
LIST OF APPENDICES

Appendix I:

CLEARANCE for the Research

MAKERERE

P. O. Box 7062, Kampala, Uganda
Cables: MAKUNIKA
E-mail: political_science@ss.mak.ac.ug



UNIVERSITY

Tel: 256-41-531499
Fax : 256-41-534181

DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

Your Ref:

Our Ref:

21 December 2006

To Whom It May Concern

Dear Sir/Madam,

Re: Mr. Rwengabo Sabastiano

The above named gentleman is a postgraduate student from this Department pursuing MA (Public Administration and Management). He is currently doing a Research on the Topic: "UGANDA ELECTORAL COMMISSION AND THE MANAGEMENT OF THE 2006 PRESIDENTIAL ELECTIONS", as part of the requirements for the award of the MA degree. To do this, he is required to review relevant documents, carry out Interviews, Focus Group Discussions, and Observations with relevant persons. This requires him to carry out field desk research from relevant offices and libraries.

By this introduction letter, the Department requests whoever Mr Rwengabo approaches to help him carry out his study to be able to accomplish his Research Project.

The study being carried out is purely academic.

Any assistance accorded to Mr Rwengabo will be highly appreciated by the Department.

Yours Faithfully,

Sabiti - Makara
Senior Lecturer/Research Supervisor

Appendix II:

RESEARCH INSTRUMENTS

A) INTERVIEW GUIDE FOR ELECTORAL COMMISSION OFFICIALS

Dear Respondent,

I am called **RWENGABO Sabastiano** from the Department of Political Science and Public Administration, Makerere University. I am carrying out the Study entitled: “The Uganda Electoral Commission and the Management of the 2006 Presidential Elections”. This is purely an academic study carried out as a requirement for the award of a Degree of Master of Arts (Public Administration and Management). Your information will be treated with the confidentiality it deserves. Please, cooperate by allowing me/my Research Assistant an interview with you.

1. Background information.

Name.....

Title.....

(i) For how long have you been serving the Electoral Commission?

(ii) Apart from election management, what other activities is the EC engaged in?

2. Preparations for the 2006 presidential elections.

- (i) What did the Commission need to prepare for the elections?
- (ii) What human resource preparations were put in place before elections?
- (iii) What was the Commission's proposed budget for the presidential elections? How much of this was released by the Ministry of Finance?
- (iv) What percentage of the Commission's budget was donor-funded?
- (v) What other stakeholders were necessary during preparations?
- (vi) How was each of these stakeholders helpful to the EC during preparations?
- (vii) What challenges were encountered during preparations for the elections? How were these overcome?
- (viii) How do you rank the Commission's performance during the 2006 presidential elections?
- (ix) Why, in your opinion, was the EC attacked during the Presidential Election Petition No. 1, of 2006?
- (x) What, in your opinion, should the Commission have done to perform better than it did?

3. Management of the Electoral Cycle

a) Voter registration

- (i) Describe the process of Voter Registration, after the July 28, 2005 referendum
- (ii) What were the outcomes of the whole registration process?

- (iii) What challenges were encountered during voter registration?
- (iv) What, in your view, would the Commission have done to perform better during voter registration?

a) Voter Education

- (i) How was voter education carried out?
- (ii) Why was voter education entrusted to CSOs?
- (iii) Which CSOs carried out voter education, and where?
- (iv) What criterion was used to choose CSOs to carry out voter education?
- (v) How successful were these organisations in voter education?
- (vi) Was voter education sufficient in your view?
- (vii) If not, what would have been done to do better?

b) Campaigns

- (i) What was the role of the Commission in ensuring adherence to campaign guidelines?
- (ii) Were there instances of violations of these guidelines?
- (iii) What did the Commission do in face of such violations? Please, provide documentary evidence of this, if possible.
- (iv) To what extent were campaign guidelines followed?
- (v) Was the campaign period enough?
- (vi) How did the Commission confront issues of campaign violence?
- (vii) What can be done in future to reduce election violence?

(viii) Is there anything the Commission would have done to reduce election violence? What is that?

c) Polling Preparations and Management

(i) When and where were polling materials (ballot papers, pads, indelible ink, boxes, etc) procured? How was the procurement process?

(ii) What challenges were encountered during the procurement process?

(iii) What challenges were encountered during the delivery of polling materials?

(iv) What field challenges were reported on polling day?

(v) Who developed the V-Tally software for tallying results?

(vi) What challenges were encountered during tallying?

(vii) Were there concerns from politicians during the tallying process?
If YES, why was this and on what issue/aspect of the tallying?

(viii) In your view, how effective was the whole process from delivery of polling materials to announcement of results?

(ix) Is there anything the Commission would have done to perform better? If YES, what?

(x) How, in your view, can the process from procurement of election materials to announcement of results be improved in future?

4. Complaints Handling

(i) Did the Commission have a complaints desk?

(ii) What was the process of the development of this desk?

- (iii) What were the duties and responsibilities of the complaints desk?
- (iv) Which aspects of the electoral process raised the highest number of complaints?
- (v) How were complaints determined and resolved?
- (vi) Who were the stakeholders in the determination and resolution of complaints?
- (vii) What challenges were encountered during complaints handling?
- (viii) In your view, is there anything the Commission would have done to improve on election complaints handling? If YES, what?
- (ix) How, in your opinion, can the Commission improve the process of election complaints handling in future?
- (x) Please, give me any other information about complaints handling that may feed in my study.
- (xi) In your view, was the attachment of the Electoral Commission in the Presidential Election Petition, No.1 of 2006, justified? If YES, why do you think so?
- Comment on the Supreme Court Ruling

THANK YOU FOR YOUR COOPERATION

**B) INTERVIEW GUIDE FOR POLITICAL PARTY OFFICIALS, MONITORS
(e.g. DemGroup), PRESS AND SENIOR ACADEMICIANS.**

Dear Respondent,

I am called **Rwengabo Sabastiano** from the Department of Political Science and Public Administration, Makerere University. I am carrying out the Study entitled: “The Uganda Electoral Commission and the Management of the 2006 Presidential Elections”. This is purely an academic study carried out as a requirement for the award of a Degree of Master of Arts (Public Administration and Management). Your information will be treated with the confidentiality it deserves. Please, cooperate by allowing me/my Research Assistant an interview with you. Thank You.

a) Background information.

Name.....

Organisation.....

Title.....

- (i) For how long have you worked in this organisation?
- (ii) Why the great interest in election matters?

b) Post July 28, 2005 Referendum Preparations

- (i) What developments did you observe after the July 2005 referendum that affected the management of the February 23, 2006 Presidential Elections?

- (ii) How did these developments emerge?
- (iii) To what extent, in your opinion, was the EC prepared to manage the elections?
- (iv) What in your view, should the Commission have done to improve on its preparations for the 2006 presidential elections?
- (v) What challenges do you think the Commission faced during these preparations?
- (vi) Were these challenges avoidable to the Commission?
- (vii) If YES, how? If No, who/which institution would have helped ease the Commission's work?

C) Electoral Cycle.

- (i) Comment on voter registration
- (ii) Comment on voter education
- (iii) Comment on the procurement of election materials
- (iv) How well, in your view, were polling activities carried out?
- (v) What is your comment on tallying and announcement of results?
- (vi) Were instances of election/campaign violence we experienced avoidable to the Commission?
- (vii) If YES, how? If no, who/which institution should have helped the Commission curb election violence?
- (viii) Why do you think there were very few cases of violence on polling day?

(ix) What challenges do you envisage to have encountered the Commission in performing its constitutional duty?

(x) How in your view, should the Commission have acted to improve the management of the electoral cycle, from voter registration to announcement of results?

a) Complaints handling

(i) Are you aware of the Commission's complaints handling mechanisms used during the presidential elections?

(ii) If YES, what were the duties and responsibilities of this desk?

(iii) What, in your view, were the major areas of complaints to the Electoral Commission?

(iv) Do you think the complaints desk was necessary, added to the existing Commission structures? If YES, why?

(v) Comment on the public's awareness of the complaints desk

(vi) What challenges do you think faced the Commission in complaints handling?

(vii) What would have been done to improve on complaints handling?

(viii) What can be done to improve on election complaints handling in future?

(ix) In your view, was the attachment of the Electoral Commission in the Presidential Election Petition, No.1 of 2006, justified? If YES, why do you think so? Comment on the Supreme Court Ruling.

b) Any other Comments

(i) Please, give any other comments and /or information regarding the management of the presidential elections of 2006 in Uganda.

(ii) In summary, how was the performance of the Electoral Commission in the management of the February 23, 2006 Presidential Elections in Uganda?

(iii) What advice do you give me as a researcher and student of election management, researching on The Role of the EC in Election Management?

THANK YOU VERY MUCH FOR YOUR COOPERATION

CODESRIA - LIBRARY

C) INTERVIEW GUIDE FOR DONORS (PGD – Election Support Unit).

Dear Respondent,

I am called **RWENGABO, Sabastiano**, from the Department of Political Science and Public Administration, Makerere University. I am carrying out the Study entitled: “The Uganda Electoral Commission and the Management of the 2006 Presidential Elections”. This is purely an academic study carried out as a requirement for the award of a Degree of Master of Arts (Public Administration and Management). Your information will be treated with the confidentiality it deserves. Please, cooperate by allowing me/my Research Assistant an interview with you. Thank You.

a) Background information.

Name.....

Organisation.....

Title.....

- (i) For how long have you worked in this organisation?
- (ii) Why the great interest in election matters?
- (iii) What is PGD composed of?
- (iv) Apart from election affairs, what other activities is PGD concerned with?

b) Comments on Election Management

- (i) Preparations for the 2006 Presidential elections started after the July 2005 referendum. Do you think the Commission made sufficient preparations?

- (ii) If no, how would its preparations have been improved?
- (iii) What is your comment on the Uganda Electoral Commission's election management during the 2006 presidential elections, from voter registration to announcement of results?
- (iv) Which aspects of the electoral cycle were poorly managed, in your view? Which were well managed?
- (v) Which activities, in your opinion, should the Commission have emphasized during these elections?
- (vi) Compared to other Commissions in Africa, how good is Uganda's Commission basing on the 2006 presidential elections?
- (vii) In your view, was the attachment of the Electoral Commission in the Presidential Election Petition, No.1 of 2006, justified? If YES, why do you think so? Comment on the Supreme Court Ruling.
- (viii) What challenges were encountered during elections that you were able to observe?
- (ix) Is there anything the Commission would have done to improve on election management? If YES, what?

c) Donor Funding to the EC

- (i) What aspects of elections were funded by donors?
- (ii) How were electoral activities to be funded by donors determined?
- (iii) How much was given to each of these activities? Please, provide documentary information on this matter.
- (iv) How are donor funds to the EC accounted for?

(v) Are there other aspects of elections that required donor funding but were not funded?

(vi) If YES, why were donors not ready to do so?

(vii) Please provide any other information/documents that may feed in this study.

Thank you for your Cooperation.

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D Observation Guide

- ❖ Important events in the electoral process: voter registration, voter education, nominations, management of polling materials, the polling process (arrangement of polling stations, behaviour of voters, conditions on the station, security at the station, presence/absence of agents) , complaints handling process, counting and tallying of votes.
- ❖ Public reactions to some occurrences/events, e.g. announcement of results, nominations, etc
- ❖ Campaigning process
- ❖ Policing of elections and general security during campaigns
- ❖ Important encounters between the Commission and other stakeholders, e.g. meetings, press briefings.

APPENDIX III.

LIST OF RESPONDENTS/DATA SOURCES**

A. From the Electoral Commission

1. Eng. Dr. Badru B. Kiggundu C/ man
2. Sr. Margaret Magoba Vice C/ Person
3. Sam Rwakojo Secretary
4. Okello Oryem Head, Legal Department
5. Charles Nsimbi Head, Voter Registration
6. Okello Jabweri Head, Public Relations
7. Silver Mugenyi Desk Officer, Western
8. Neema Tindyebwa Voter Education Dept
9. Janina Sabiti Election Management
10. Ms Pavone Neema Research and Development
11. Eric Sabiti Legal Dept
12. Stephen Mwanga Inter-party Liaison Desk
13. Jennifer Angeyo Legal Dept
14. O7 Confidential Interviews -----
15. Joyce A. Wadri Returning Officer, Kamuli
16. Hakim Mamuli District Registrar, Kaliro
17. Charles Mashate Election Mgt Dept
18. Anyanzo David District Registrar, Adjumani

19. Complaints officers [from: Jinja, Bugiri, Kyenjojo, Kampala, Kabale, Kasese, Kotido, Adjumani, Bushenyi, and Kisoro districts].
20. Several Voters Register/Display Officers, Polling Officers and Local Leaders during Display and Polling.

B. Political Parties

1. Patrick Rubaihayo - UPC
2. Henry Mayega - UPC
3. Abdallah Mufumbiro - UPC
4. Proscovia Salam Musumba -FDC
5. Dhikusooka Yosiya - FDC
6. Alice Alaso -FDC
7. Aloysius Abeinemukama -FDC
8. Moses Kategere -FDC
9. Chrispus Kiyonga - NRM (February 4, 2005 at Colline Hotel)
10. John Batala - DP
11. Daniel Mudumba - NRM
12. David Pulkol ----
13. Richard Otto - DP
14. Ken Lukyamuzi - CP
15. Reagan OKumu - FDC
16. Sulaiman Kiggundu - FDC (10/03/2005 at Christ the King Church, Nakasero)

- | | | |
|-----|-------------------------|-------|
| 17. | Alex Onzima | - FDC |
| 18. | Beatrice Anywar | - FDC |
| 19. | 06 Confidential Sources | |

C. CSOs and the Media

- | | | |
|----|--------------------------|---|
| 1. | Andrew Mwenda | - <i>Daily Monitor</i> |
| 2. | Robert Kabushenga | - <i>The New Vision</i> ^{seen} |
| 3. | Frank Nyakairu | - <i>Daily Monitor</i> |
| 4. | Mohles K. Ssegululigamba | - DemGroup |
| 5. | Perry Arituha | -DemGroup |
| 6. | Ssewanyana Mukiibi | -DemGroup |

D. Academics*

- | | | |
|----|-----------------------------|---------------------|
| 1. | Dr Sara Ssali, | Makerere University |
| 2. | Assoc Prof Oloka-Onyango, | “ |
| 3. | Assoc Prof Murindwa-Rutanga | “ |
| 4. | Dr Simba Sallie | “ |
| 5. | Dr Byaruhanga-Rukooko | “ |
| 6. | Dr Godfrey Asiimwe | “ |
| 7. | Dr Jonathan Odwee | “ |
| 8. | Mwambusya Ndeebesa | “ |

^{seen} Mwenda and Kabushenga were accessed from Colline Hotel - Mukono on February 4-5, 2005.

* Most Academicians were accessed from workshops and seminars evaluating/discussing the 2006 elections in Uganda, on several different occasions. others (like Byaruhanga-Rukooko, and Statician Jonathan Odwe) were quoted in the press

E. Security Organisations

1. Frank B. Abalawuwe, DPC Kamuli district
2. Captain Matsiko --- (on 5/02/2005)
3. Maj Gen Kale Kaihura (accessed on briefing of observers by the EC on February 22, 2006)
4. 09 Confidential Sources

F. Donors

1. Osborn Simon, Partners for Democracy and Governance – Election Support Unit.
2. Confidential sources

G. Literary Sources

3. Press Reports (before, during, and after elections)
4. Workshop proceedings and reports (written by researchers, organisations monitoring elections, Electoral Commission and observers)
5. Minutes from meetings (held by the EC among EC staff, and together with EC and other stakeholders)
6. EC Reports, memos, letters, publications
7. Reports from CSOs monitoring elections
8. Parliamentary Hansards
9. Academic Writings on the 2005 referendum 2006 elections and after
10. Supreme Court Ruling on the 2001 and 2006 Presidential elections
11. Magazines (published by EC, before and after elections)

H. Observations (made before, during and after elections)

1. Voter Registration/Register Display Exercise
2. The nomination exercise, December 14-15, 2005
3. Voter Education by accredited CSOs
4. Recruitment, training and deployment of some polling officials in Kamuli, and Jinja districts
5. Parking, dispatch and distribution of polling materials
6. Briefing of election observers
7. The arrangement of polling stations before polling
8. The polling process
9. The Policing of elections (from escorting polling materials to post-election evaluations)
10. Counting, transportation of election results, tallying/compilation and announcement of Results
11. Evaluation of the Electoral Process
12. The reactions of the public to the announcement of results.
13. The Presidential Election Petition No. 1 of 2006; Court Ruling.

Appendix IV:

EC VISION, MISSION AND STANDING RESOLUTION

The EC's Vision is to:

“Promote Continuity of Governance through an Impeccable Electoral Process”

THE EC's Mission.

For Regular, Free and Fair Elections (and Referenda)

THE EC's Resolution.

The EC's Standing Resolution is to:

‘Promote Public Confidence in the Electoral Commission as a Credible Institution in Charge of Management of the Electoral Process Through a Transparent Accountable and Efficient Human Resource, Conducting Continuous Voter Education and Update of the Voters’ Register in order to Deliver Peaceful Free and Fair Elections and Referenda in Accordance with the Constitution’

Appendix V:

Polling Stations in Uganda; 2006 Elections

No	District	No. Before Reorganization	No. After Reorganization	Net Increment
01	Apac	407	407	71
02	Arua	485	501	102
03	Bundibugyo	117	165	48
04	Bushenyi	549	596	47
05	Gulu	351	420	69
06	Hoima	193	239	46
07	Iganga	490	572	82
08	Jinja	267	315	48
09	Kabala	363	404	41
10	Kabarole	232	275	43
11	Kalangala	49	60	11
12	Kampala	905	1083	178
13	Kamuli	492	419	47
14	Kapchorwa	137	140	3
15	Kasese	370	412	42
16	Kibaale	275	377	102

17	Kiboga	164	220	56
18	Kisoro	154	179	25
19	Kitgum	186	243	57
20	Kotido	162	111	46
21	Kumi	262	279	17
22	Lira	476	456	42
23	Luwero	348	304	115
24	Masaka	580	626	46
25	Masindi	245	326	81
26	Mbale	483	296	145
27	Mbarara	787	331	236
28	Moroto	113	148	35
29	Moyo	72	99	27
30	Mpigi	298	330	32
31	Mubende	508	381	106
32	Mukono	608	707	99
33	Nebbi	293	352	59
34	Ntungamo	288	345	57
35	Paliisa	360	440	80
36	Rakai	312	372	60
37	Rukungiri	187	209	22

38	Soroti	237	261	24
39	Tororo	425	349	63
40	Adjumani	75	85	10
41	Bugiri	284	352	68
42	Busia	186	219	33
43	Katakwi	210	102	18
44	Nakasogola	128	147	19
45	Sembabule	152	177	25
46	Kamwenge	186	238	52
47	Kayunga	227	258	31
48	Kyenjonjo	212	260	48
49	Mayuge	210	244	34
50	Pader	191	259	68
51	Sirionko	215	274	59
52	Wakiso	559	720	161
53	Yumbe	94	144	50
54	Kaberamaido	88	111	23
55	Kanungu	140	170	30
56	Nakapiripirit	90	100	10
57	Amolatar	-	72	-
58	Amulia	-	126	-

59	Bakwo	-	51	-
60	Butaleja	-	139	-
61	Ibanda	-	183	-
62	Isingiro	-	280	-
63	Kaabong	-	97	-
64	Kaliro	-	120	-
65	Kiruhura	-	229	-
66	Koboko	-	86	-
67	Manafa	-	332	-
68	Mityana	-	233	-
69	Nakaseke	-	159	-
	Total	16,477	19,788	3,311

Source: Electoral Commission, 2006:85

Appendix VI:

2006 General Elections Voters' Register Analysis

Code	District	oting Pop. As rojected by 002 Census	Registered oters by 2001	2005/2006 general Elections Update Returns	2005/2006 General Elections Display Register	2005/2006 General lections Display deletions	2005/2006 General Election Polling Day Register
01	Apac	318,388	209,858	38,223	244,068	3,429	240,639
02	Arua	345,880	222,947	37,137	285,992	4,038	281,954
03	Bundibugyo	99,912	62,085	22,853	90,887	1,852	89,035
04	Bushenyi	349,239	259,170	43,804	313,051	5,038	308,013
05	Gulu	234,133	171,802	40,231	218,905	2,952	215,953
06	Hoima	167,648	90,102	32,231	135,524	2,140	133,384
07	Iganga	313,082	248,361	39,954	290,411	3,671	286,740
08	Jinja	189,883	130,266	27,176	165,591	1,910	163,681
09	Kabale	224,445	181,729	31,107	216,648	1,808	214,840
10	Kabarole	173,787	111,516	34,603	155,816	2,774	153,042
11	Kalangala	23,895	15,358	7,510	24,445	245	24,200
12	Kampala	712,222	504,203	234,329	773,574	9,291	764,283
13	Kamuli	243,874	217,387	12,387	211,094	3,852	207,242
14	Kapchorwa	66,426	72,988	12,100	62,746	855	61,891
15	Kasese	243,364	173,890	35,117	213,973	3,147	210,826

16	Kibaale	184,328	141,582	28,832	185,920	5,150	180,770
17	Kiboga	108,238	85,857	25,798	117,997	2,145	115,852
18	Kisoro	101,385	85,216	13,646	100,992	1,601	99,391
19	Kitgum	139,741	87,392	18,317	116,712	1,702	115,010
20	Kotido	78,102	77,827	26,141	57,412	853	56,559
21	Kumi	184,182	125,293	36,585	161,163	2,653	158,510
22	Lira	297,628	241,989	9,268	250,032	2,760	247,272
23	Luwero	153,749	156,976	24,718	149,613	1,571	148,042
24	Masaka	359,343	256,607	57,537	322,601	4,917	317,684
25	Masindi	222,549	141,729	53,616	199,424	4,312	195,112
26	Mbale	165,873	274,370	120,630	163,966	1,199	162,767
27	Mbarara	186,132	400,155	249,746	178,385	2,984	175,401
28	Moroto	101,180	50,315	11,154	64,704	1,609	63,095
29	Moyo	95,617	33,141	7,218	42,830	693	42,137
30	Mpigi	181,443	138,162	29,633	170,789	2,686	168,103
31	Mubende	196,287	236,401	51,993	199,833	2,236	197,597
32	Mukono	381,998	259,772	78,762	349,969	4,280	345,689
33	Nebbi	208,322	146,785	30,524	178,348	1,582	176,766
34	Ntungamo	185,220	152,968	30,353	188,765	2,638	186,127
35	Paliisa	229,290	185,454	40,341	228,499	3,258	225,241
36	Rakai	223,234	158,305	42,446	210,076	3,787	206,289

37	Rukungiri	132,088	101,569	22,361	124,046	1,335	122,711
38	Soroti	175,528	92,549	151,327	2,023	2,023	149,304
39	Tororo	181,856	202,250	38,242	166,822	2,559	164,263
40	Adjumani	98,576	35,949	11,986	50,242	795	49,447
41	Bugiri	187,479	149,396	29,719	180,901	3,376	177,525
42	Busia	106,366	92,965	16,428	113,088	1,997	11,091
43	Katakwi	58,449	80,151	41,014	46,279	785	45,494
44	Takasongola	58,729	39,810	12,581	57,385	883	56,502
45	Ssembabule	84,849	65,637	16,920	86,118	1,102	85,016
46	Kamwenge	125,802	103,794	23,345	131,711	3,912	127,799
47	Kayunga	131,303	105,907	21,697	128,948	2,943	126,005
48	Kyenjojo	174,015,	116,657	25,452	153,583	3,229	150,354
49	Mayuge	142,182	109,039	20,333	130,060	1,249	128,811
50	Pader	159,017	91,763	22,548	123,889	1,087	122,802
51	Sironko	131,849	115,889	20,328	139,906	1,893	138,013
52	Wakiso	475,659	303,015	140,316	463,367	5,405	457,962
53	Yumbe	116,616	54,453	18,139	77,053	902	76,151
54	Laberamaido	60,717	40,918	15,007	61,031	594	60,437
55	Kanungu	98,664	78,109	13,648	97,204	1,113	96,091
56	Takapiripirit	75,277	37,537	4,622	46,796	726	46,070
57	Amolatar	39,723	*	33,397	33,397	377	33,020

58	Amuria	83,704	*	66,588	66,588	879	65,691
59	Bukwo	22,788	*	24,254	24,254	329	23,925
60	Butaleja	68,048	*	70,704	70,704	882	69,822
61	Ibanda	96,733	*	89,825	89,825	1,874	87,951
62	Isingiro	152,747	*	145,278	145,278	2,771	142,507
63	Kaabong	86,275	*	42,416	42,416	555	41,861
64	Kaliro	65,275	*	60,220	60,220	932	59,288
65	Kiruhura	107,072	*	106,090	106,090	1,098	104,992
66	Koboko	48,847	*	49,644	49,644	671	48,973
67	Manafa	183,254	*	164,703	164,703	896	163,807
68	Mityana	125,955	*	116,811	116,811	2,386	114,425
69	Nakaseke	62,852	*	63,961	63,961	420	63,541
	Total	1,608,899	8,125,66	2,080,178	0,604,402	53,614	10,450,788

Appendix VII:

List of Civil Society Organisations which Applied For Accreditation to Carry Out Voter Education and Training for the 2005/2006 Elections

No.	APPLICATION TO CONDUCT VOTER EDUCATION	ACCREDITED	ATTENDED TRAINING WORKSHOP	SIGNED MEMORANDUM OF UNDERSTANDING	FIELD DEPLOYMENT AREA
1.	Uganda Gender Resource Center	√	√	√	Barabara, Ntugamo, Rukungiri
2.	Green Star International (U) Ltd	√	-	-	-
3.	The West Nile Publication Ltd	√	-	-	-
4.	Uganda Project Implementation & Management Centre (UPIMAC)	√	√	√	the whole Country
5.	Foundation of the Institute of Corporate Citizenship of Uganda (FICCU)	√	√	√	-
6.	Uganda Media's Women Association (UMWA)	-	-	-	-
7.	Youth Efforts in the Fight Against	√	√	√	Bugiri and

	V/AIDS and Poverty (YEFAAP)				Busia
8.	FASERT-Uganda	√	√	√	
9.	Mubende rural Development Association.	√	-	-	-
10.	Uganda Resources Management Foundation (REMAFO)	√	-	-	-
11.	Abantu for Development	√	-	-	-
12.	Elderly Welfare Mission	√			
13.	Vurra Patriotic entertainer's Group (VUPEG)	√	-	-	-
14.	Joint Christian's Prisons Ministries	√	√	√	-
15.	Rural Development Media Communication (RUDMEC)	√	-	-	-
16.	Mpigi Women Development Trust	√	√	√	Mpigi District
17.	Youth Revival Association Uganda	√	√	√	
18.	Airland Foundation	√	√	√	Mukono and Jinja

19	Professional Service Delivery	√	√	√	
20.	Mityana Care Development Foundation	√	√	√	
21	Male Concern Women Network	√	√	√	Mbale, Manafwa, Sironko
22.	Uganda Voters' Network	√	√	√	the whole country
23	Event Group	√	-	-	-
24	Integrated Family Development Initiative (IFDI)	√	-	-	-
25	Applied Health Education and Development (Ahead) Uganda	√	√	√	Kotido district
26.	WOOD: Wheels of Development	√	-	-	-
27	Centre for Human Rights & legal services Uganda	√	√	√	-
28.	Barara Development Agency Ltd	√	-	-	-
29.	Bunyole Forum for Development.	√	√	√	Butaleja district
30.	Radio Kitara	√	-	-	-

31.	Comrades Convention for Development (COCODEV)	-	-	-	-
32	Mungwe Singers & General Traders Company Ltd	√	-	-	-
33	Forum for Democratic Civic Education (FODECEDU)	-	-	-	-
34.	Africa Monitoring Institute.	-	-	-	-
35	Always Be tolerant Organization (ABETO)	-	-	-	-
36	Catholic Commission for Justice and Uganda Bishopal Conference.	-	-	-	-
37	Council for Economic Empowerment for Women of Africa Uganda Chapter	-	-	-	-
38	Drug Abuse Prevention Initiative (DRAPI)	-	-	-	-
39	Global Challenges Uganda	-	-	-	-
40	KKC Radio	-	-	-	-
41	Makerere Business Institute	-	-	-	-
42	National Civic	-	-	-	-

	Committee				
43	National Voters Organization	√	√	-	-
44	National Women's Council	-	-	-	-
45	The Uganda National Destitute Support Organization	-	-	-	-
46	Northern Uganda Self Help Development Association (NUSHDA)	√	√	√	-
47	Uganda Youth Network	-	-	-	-
48	Positive Outreach Initiative (POI)	-	-	-	-
49	Uganda for Peace and Development	√	√	-	-
50	Kawempe Division Disabled Community	√	√	√	Kawempe Division, Kampala district

Note: Although a number of organisations were accredited, trained, and signed memorandum of understanding, some of them did not carry out voter education and training due to many reasons including failure to raise funds, as indicated in the last column.

Vantage Communication was the communications consultancy firm from which the Electoral Commission contracted to help develop media messages and to monitor their coverage.

Source: Electoral Commission, 2006:82-84.

Appendix VIII:

CONTENTS OF BALLOT BOXES FOR EACH POLLING STATION

A) Election material packed in a Ballot Box for Each Polling Station.

- | | | | |
|-----|--|-----|---|
| 1. | Ballot Papers for three categories of elections | 19. | Polythene sheeting |
| 2. | National Voters register | 20. | One tag for presiding Officer |
| 3. | Pens | 21. | Two Tags for the Polling Assistants |
| 4. | Ink Pads | 22. | One tag for Election Constable |
| 5. | Ink for Pad | 23. | Statement of Ballot Papers |
| 6. | Indelible Ink or Indelible marker pens | 24. | Arm bands if available |
| 7. | Tamper evident envelopes for each category of elections. | 25. | Caps for polling officials if available |
| 8. | 14 seals for ballot boxes | 26. | Torches and batteries |
| 9. | Cotton strings for tying the pen for marking ballot paper. | 27. | Polling day posters |
| 10. | Official Report Book | 28. | Notice of Withdrawal where applicable |
| 11. | Declaration of results Forms | | |
| 12. | Report of Arrest Forms | | |
| 13. | Oath of polling Assistant Forms | | |
| 14. | Oath of Election Constable Forms | | |
| 15. | Accountability of Ballot Papers Form | | |
| 16. | Polling Day Guidelines | | |
| 17. | Identification Form | | |
| 18. | Circulars if any | | |

B) Election Materials outside the Ballot Box

1. Basins
2. Lamps
3. Appointment Letters
4. Tally Sheets
5. Transmission of Results Forms
6. Cordoning Tapes

Source: Electoral Commission,

2006:81

Appendix IX

Full Results for 2006 Presidential Elections

*** Results are uploaded onto the EC web site only after Verification &**

Confirmation

District	Registered Voters	Abed Bwanika	Besigye Kizza	Obote Kalule Miria	Sebana Joseph Kizito	Yoweri Kaguta Museveni
ADJUMANI	49447	779 (2.38%)	19919 (60.75%)	165 (0.5%)	648 (1.98%)	11277 (34.39%)
AMOLATAR	33020	404 (1.23%)	16462 (66.44%)	440 (1.78%)	460 (1.86%)	7112 (28.7%)
AMURIA	65691	1663 (2.46%)	33602 (77.73%)	594 (1.37%)	709 (1.64%)	7260 (16.79%)
APAC	240639	3335 (2.1%)	115840 (72.81%)	11019 (6.93%)	3272 (2.06%)	25625 (16.11%)
ARUA	281954	1435 (2.45%)	103133 (56.95%)	2158 (1.19%)	3941 (2.18%)	67436 (37.24%)
BUGIRI	177525	1091 (0.93%)	39632 (33.88%)	771 (0.66%)	1026 (0.88%)	74457 (63.65%)
BUKWO	23925	114 (0.66%)	1286 (7.39%)	36 (0.21%)	90 (0.52%)	15865 (91.23%)
UNDIBUGYO	89035	1102 (1.9%)	10691 (18.41%)	363 (0.63%)	1169 (2.01%)	44735 (77.05%)
BUSHENYI	308013	1082	51050	299	1212	176909

		(0.47%)	(22.14%)	(0.13%)	(0.53%)	(76.73%)
<u>BUSIA</u>	111091	896 (1.19%)	28817 (38.17%)	872 (1.16%)	885 (1.17%)	44020 (58.31%)
<u>BUTALEJA</u>	69822	608 (1.26%)	17176 (35.64%)	919 (1.91%)	459 (0.95%)	29026 (60.23%)
<u>GULU</u>	215953	406 (1.89%)	104910 (82.37%)	1423 (1.12%)	1793 (1.41%)	16827 (13.21%)
<u>HOIMA</u>	133384	663 (0.71%)	14697 (15.77%)	312 (0.33%)	545 (0.58%)	76952 (82.59%)
<u>IBANDA</u>	87951	198 (0.31%)	34 (10.52%)	5 (0.09%)	31 (0.44%)	56726 (88.64%)
<u>IGANGA</u>	286740	1021 (0.57%)	52459 (29.26%)	9 (0.41%)	975 (0.6%)	124025 (69.17%)
<u>ISINGIRO</u>	142507	22 (0.29%)	14745 (13.33%)	103 (0.09%)	433 (0.39%)	95040 (85.9%)
<u>JINJA</u>	163681	526 (0.53%)	43834 (44.03%)	487 (0.49%)	453 (0.46%)	54259 (54.5%)
<u>KAABONG</u>	41861	526 (2.18%)	1807 (7.49%)	494 (2.05%)	1001 (4.15%)	20302 (84.14%)
<u>KABALE</u>	214840	547 (0.36%)	34244 (22.79%)	152 (0.1%)	395 (0.26%)	114919 (76.48%)
<u>KABAROLE</u>	153042	438 (0.42%)	14961 (14.42%)	202 (0.19%)	988 (0.95%)	87154 (84.01%)
<u>BERAMAIDO</u>	60437	711 (1.59%)	34612 (77.19%)	536 (1.2%)	630 (1.4%)	8351 (18.62%)

KALANGALA	24200	118 (0.87%)	5555 (41.19%)	28 (0.21%)	539 (4%)	7246 (53.73%)
KALIRO	59288	227 (0.51%)	4121 (9.2%)	7 (0.19%)	285 (0.64%)	40076 (89.46%)
KAMPALA	764283	1045 (0.7%)	245004 (56.69%)	1425 (0.33%)	11993 (2.78%)	170688 (39.5%)
KAMULI	207242	846 (0.61%)	25187 (18.03%)	431 (0.31%)	1016 (0.73%)	112236 (80.33%)
KAMWENGE	127799	365 (0.39%)	8909 (9.53%)	97 (0.1%)	632 (0.68%)	83436 (89.29%)
KANUNGU	96091	344 (0.49%)	16109 (22.86%)	61 (0.09%)	359 (0.51%)	53600 (76.06%)
KAPCHORWA	61891	265 (0.62%)	9296 (21.67%)	80 (0.19%)	112 (0.26%)	33144 (77.26%)
KASESE	210826	507 (1.12%)	70936 (52.61%)	109 (0.37%)	1098 (1.19%)	60301 (44.72%)
KATAKWI	45494	894 (2.79%)	16845 (52.51%)	435 (1.36%)	963 (3%)	12940 (40.34%)
KAYUNGA	126005	477 (0.59%)	24044 (29.65%)	395 (0.49%)	1030 (1.27%)	55152 (68.01%)
KIBAALE	180770	591 (0.46%)	10577 (8.22%)	453 (0.35%)	1027 (0.8%)	116059 (90.17%)
KIBOGA	115852	358 (0.5%)	11168 (15.52%)	111 (0.15%)	861 (1.2%)	59478 (82.64%)
KIRUHURA	104992	178	6282	100	168	84046 (92.59%)

		(0.2%)	(6.92%)	(0.11%)	(0.19%)	
KISORO	99391	326 (0.41%)	5175 (6.53%)	164 (0.21%)	669 (0.84%)	72896 (92.01%)
KITGUM	115010	1588 (2.21%)	54293 (75.47%)	1020 (1.42%)	1478 (2.05%)	13562 (18.85%)
KOBOKO	48973	17041 (3.58%)	16858 (57.94%)	1012 (0.66%)	1533 (2.28%)	10343 (35.55%)
KOTIDO	56559	6362 (1.17%)	5994 (8.7%)	1013 (0.88%)	788 (2.55%)	26842 (86.7%)
KUMI	158510	2268 (2.05%)	75440 (68.09%)	1083 (0.98%)	1598 (1.44%)	30398 (27.44%)
KYENJOJO	150354	523 (0.48%)	7152 (6.61%)	300 (0.28%)	940 (0.87%)	99291 (91.76%)
LIRA	247272	1933 (2.07%)	121568 (80.41%)	1016 (7.62%)	1082 (1.97%)	11986 (7.93%)
LUWEERO	148042	683 (0.73%)	28253 (30.38%)	241 (0.26%)	2394 (2.57%)	61439 (66.06%)
MANAFA	163807	693 (0.61%)	26935 (23.75%)	470 (0.41%)	609 (0.54%)	84688 (74.68%)
MASAKA	317684	1155 (0.54%)	78553 (36.65%)	197 (0.09%)	7856 (3.67%)	126561 (59.05%)
MASINDI	195112	1417 (1.19%)	29555 (24.88%)	945 (0.8%)	1403 (1.18%)	85447 (71.95%)
MAYUGE	128811	652 (0.86%)	26183 (34.49%)	623 (0.82%)	642 (0.85%)	47824 (62.99%)

MBALE	162767	620 (0.63%)	47856 (48.37%)	455 (0.46%)	509 (0.51%)	49507 (50.03%)
MBARARA	175401	339 (0.28%)	28270 (23.05%)	160 (0.13%)	287 (0.23%)	93571 (76.31%)
MITYANA	114425	370 (0.48%)	22415 (28.85%)	197 (0.25%)	2894 (3.72%)	51825 (66.7%)
MOROTO	63095	735 (2.16%)	2811 (8.28%)	565 (1.66%)	1478 (4.35%)	28363 (83.54%)
MOYO	42137	685 (2.45%)	14901 (53.38%)	306 (1.1%)	414 (1.48%)	11610 (41.59%)
MPIGI	168103	576 (0.51%)	32285 (28.42%)	272 (0.24%)	4496 (3.96%)	75988 (66.88%)
MUBENDE	197597	633 (0.49%)	14558 (11.35%)	309 (0.24%)	1560 (1.22%)	111232 (86.7%)
MUKONO	345689	1514 (0.71%)	82743 (38.68%)	690 (0.32%)	6134 (2.87%)	122847 (57.42%)
KAPIRIPIT	46070	189 (0.74%)	1390 (5.41%)	146 (0.57%)	310 (1.21%)	23635 (92.07%)
NAKASEKE	63541	204 (0.46%)	34 (14.29%)	0 (0.13%)	763 (1.71%)	37260 (83.41%)
KASONGOLA	56502	164 (0.42%)	3600 (9.15%)	95 (0.24%)	188 (0.48%)	35284 (89.71%)
NEBBI	176766	2525 (2.13%)	56663 (47.87%)	2733 (2.31%)	2245 (1.9%)	54208 (45.79%)
TUNGAMO	186127	545	40283	169	538	100077 (70.67%)

		(0.38%)	28.45%	(0.12%)	(0.38%)	
<u>PADER</u>	122802	1538 (2.21%)	53921 (77.32%)	674 (0.97%)	1303 (1.87%)	12305 (17.64%)
<u>PALLISA</u>	225241	1883 (1.22%)	70178 (45.5%)	86 (0.7%)	2037 (1.32%)	79055 (51.25%)
<u>RAKAI</u>	206289	556 (0.4%)	36980 (26.29%)	172 (0.12%)	2248 (1.6%)	100709 (71.59%)
<u>RUKUNGIRI</u>	122711	363 (0.42%)	29261 (34.26%)	100 (0.12%)	256 (0.3%)	55436 (64.9%)
<u>SIRONKO</u>	138013	577 (0.6%)	35855 (37.4%)	239 (0.25%)	518 (0.54%)	58670 (61.2%)
<u>SOROTI</u>	149304	1663 (1.59%)	84217 (80.5%)	773 (0.74%)	971 (0.93%)	16993 (16.24%)
<u>SEMBABULE</u>	85016	195 (0.33%)	12567 (21.02%)	107 (0.18%)	610 (1.02%)	46320 (77.46%)
<u>TORORO</u>	164263	1476 (1.35%)	56528 (51.68%)	2912 (2.66%)	1094 (1%)	47374 (43.31%)
<u>WAKISO</u>	457962	1720 (0.64%)	125306 (46.51%)	555 (0.21%)	13239 (4.91%)	128620 (47.74%)
<u>YUMBE</u>	76151	1051 (2.26%)	24297 (52.22%)	454 (0.98%)	893 (1.92%)	19832 (42.62%)
TOTAL	0450788	65344 (0.95%)	2570572 (37.36%)	56584 (0.82%)	109055 (1.59%)	4078677 (59.28%)

Source: Electoral Commission Website, March 2007.

Appendix X

Categorisation of Election Complaints/Petitions Received,

2005/2006 General Elections

Category of Complaint	Related Issues	No.	Percentage (%)
Academic Papers	Nominations	268	31.31
Resignations	Nominations (failure to resign from public office as per the Law)	120	14.02
Intimidation	Campaigns/polling	60	7.01
Missing/Misallocation of Symbols and Candidates Names	Sorting nomination returns/ballot printing/polling	53	6.19
Under-aged Persons in the Register	Polling Registers	07	0.82
Double/Multiple Registration	Voter Registration	05	0.58
Requests to Nullify Declared Results	Declaration of results	270	31.54
Voter Bribery	Campaigning/polling	17	1.99
Ballot Stuffing	Polling	20	2.34
Other: defacing posters, disrupting rallies, abusive language, etc.	Campaigns	36	4.21
TOTAL		856	100

Source: Electoral Commission, 2006:43

Appendix XI:

Relevant Electoral Laws: 2006 Presidential Elections

1. The Constitution of the Republic of Uganda, 1995 (amended 2005)
2. Presidential Elections Act, No. 16 of 2005
3. Electoral Commission Act Cap 219 (1997) (amended 2005)
4. The Political Parties and Organisations Act (PPOA) No. 17 of 2005
5. The Press and Journalists Act, 1995; and
6. The Electronic Media Act, 1996.
7. The Penal Code Act, Cap 239??

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APPENDIX XI:

Supreme Court Ruling on the 2001 Besigye Petition.

(December 16, 2005. See: www.minotor.co.ug. Under the heading: Besigye implicates Bakabulindi in 2001 electoral malpractices).

THE REPUBLIC OF UGANDA

IN THE SUPREME COURT OF UGANDA AT MENGO

ELECTION PETITION No..... of 2001

The Presidential Elections Act, 2000

The Presidential Elections

(Election Petitions) Rules, 2001

PRESIDENTIAL ELECTION HELD ON THE 12TH DAY OF MARCH, 2001

COL. (RTD) DR. BESIGYE KIIZA

(PETITIONER)

VERSUS

1. MUSEVENI YOWERI KAGUTA

2. ELECTORAL COMMISSION

(RESPONDENTS)

COURT JUDGEMENT:

The Petitioner, Col. (Rtd.) Dr. Besigye Kiiza petitioned the Supreme Court of Uganda under the Presidential Elections Act 2000, as an aggrieved candidate, challenging the result of the

Presidential election held on 12th March 2001 and seeking an order that Museveni Yoweri Kaguta, declared elected as President, was not validly elected, and that the said election be annulled. He cited the said Museveni Yoweri Kaguta as 1st Respondent and the Electoral Commission as the 2nd Respondent.

The Petitioner and the 1st Respondent who is the incumbent President of the Republic of Uganda, were among the six candidates who contested the said Presidential Election. On 14th March, 2001, within forty-eight hours from close of polling, the 2nd Respondent declared that the 1st Respondent, having obtained 69.3% of the valid votes cast in his favour was duly elected President. According to the declared results, the Petitioner was runner-up with 27.8% of the valid votes cast in his favour.

The petition was lodged in the Registry of this Court on 23rd March, 2001, that is within ten days after the declaration of results. The hearing commenced on 27th March, 2001 and ended on 13th April, 2001. Judgement was reserved to be given on notice.

By virtue of article 104 of the Constitution and section 58 of the Presidential Elections Act, the petition must be inquired into and determined expeditiously, and the Court must declare its findings not later than thirty days from the date the petition is filed. This Court was therefore bound to deliver its judgement by 22nd April, 2001.

In the petition, the Petitioner makes very many complaints against the two respondents and their agents and/or servants, for acts and omissions which he contends amounted to non-compliance with provisions of the Presidential Elections Act, 2000, and the Electoral Commission Act, 1997, as well as to illegal practices and offences under the Acts.

Among the major complaints he makes against the 2nd Respondent are failing to efficiently compile, maintain and up-date the national Voters' Register, and Voters' Roll for each constituency and for each polling station; failing to display copies of the voters' roll for each

parish or ward for the prescribed period of not less than 21 days; failing to publish a list of all polling stations within the prescribed period of 14 days before nomination; increasing the numbers of polling stations on the eve of polling day without sufficient notice to candidates; allowing or failing to prevent stuffing of ballot boxes, multiple voting and under-age voting; chasing away the Petitioner's polling agents or failing to ensure that they are not chased away from polling stations, and counting and tallying centres; allowing or failing to prevent agents of the 1st Respondent to interfere with electioneering activities of the Petitioner and his agents; allowing armed people to be present at polling stations; falsification of results; and failing to ensure that the election was conducted under conditions of freedom and fairness.

The Petitioner's case against the 1st Respondent is that he personally, or by his agents with his knowledge and consent or approval, committed illegal practices and offences. These include publication of a false statement that the Petitioner was a victim of AIDS; offering gifts to voters; appointing partisan senior military officers and partisan sections of the Army to take charge of security during the elections; organising groups under the Presidential Protection Unit and Major Kakooza Mutale with his Kalangala Action Plan, to use violence against those not supporting the 1st Respondent; and threatening to cause death to the Petitioner.

In their respective answers to the petition, the 1st Respondent and the 2nd Respondent denied the allegations made in the petition against them. At the hearing, the learned Solicitor-General Mr. Kabatsi led a team of learned counsel for the 2nd Respondent. Mr. Balikuddembe led the team of learned counsel for the Petitioner. And Dr. Byamugisha and Dr. Khaminwa led the team of learned counsel for the 1st Respondent. At the commencement of the hearing, the Court, in consultation with learned Counsel who appeared for the parties, framed the following five issues for determination:

1. Whether during the 2001 election of the President, there was non-compliance with provisions of the Presidential Elections Act 2000.

2. Whether the said election was not conducted in accordance with the principles laid down in the provisions of the said Act.
3. Whether, if the first and second issues are answered in the affirmative, such non-compliance with the provisions and principles of the said Act, affected the result of the election in a substantial manner.
4. Whether an illegal practice, or any other offence under the said Act, was committed, in connection with the said election, by the 1st Respondent personally, or with his knowledge and consent or approval.
5. What reliefs are available to the parties.

All evidence at the trial of the petition is required to be adduced by affidavits. Cross-examination of the deponents may be permitted only with leave of the Court. Accordingly, parties filed many affidavits to support their respective cases. The Petitioner filed 174 affidavits both in support of the petition and in reply to the affidavits of the 1st and 2nd Respondents, who in turn filed respective, 133 and 88 affidavits. The filing of affidavits continued throughout the hearing of the petition. In addition, leave was granted to the Petitioner to call and cross-examine one deponent, Dr. Diana Atwine, who had sworn an affidavit in support of the 1st Respondent.

Counsel for all parties read the affidavit deposed in support of their cases while making their submissions to the Court. Numerous authorities, from within and without our jurisdiction, were cited and copies were provided to the Court. We have found the authorities very helpful and we are grateful to Counsel for that assistance. We have, since completion of hearing, had the opportunity to peruse and evaluate the evidence adduced by the parties, and to study the various authorities cited to us. We have each made findings on the issues presented to the Court. We have also come to the conclusion on the outcome of the case.

We are however not in a position to give the detailed reasons for our decision within the limited time available. This not an ordinary case but an important case involving the election of the President of the Republic of Uganda.

It raises serious constitutional and legal issues, the answers to which and the reasons therefore, need to be elaborately articulated for future guidance. The effect of the decision on the governance and development of the country and on the well being of the people of Uganda cannot be overemphasised. We shall for now announce the decision of the Court, and on a later date to be notified, we shall each read the detailed findings and reasons therefore.

The decision of the Court is constituted in the findings on the framed issues. We find:-

1. That during the Presidential Elections 2001, the 2nd Respondent did not comply with provisions of the Presidential Elections Act-

(a) In Sec.28, as it did not publish in the Gazette, 14 days prior to nomination of candidates, a complete list of polling stations that were used in the election; and

(b) In Sec.32 (5), as it failed to supply to the Petitioner, official copy of voters' register for use by his agents on polling day.

2. That the said election was conducted partially in accordance with the principles laid down in the said Act, but that-

(a) In some areas of the country, the principle of free and fair election was compromised;

(b) in the special polling stations for soldiers, the principle of transparency was not applied; and

(c) there was evidence that in a significant number of polling stations there was cheating.

3. By majority of three to two, that it was not proved to the satisfaction of the Court that the failure to comply with the provisions of, and principles laid down in, the said Act, as found in the first and second issues, affected the result of the election in a substantial manner.

4. By majority of three to two, that no illegal practice, or other offence under the said Act, was proved to the satisfaction of the Court, to have been committed in connection with the said election, by the 1st Respondent personally, or with his knowledge and consent or approval.

5. In the result, by majority decision, it is ordered that the petition be and it is hereby dismissed.

We shall hear further counsel on the question of costs.

DATED at Kampala this..... Day of April, 2001.

B.J. Odoki

A.H.O Oder

J.W.N. Tsekooko

A.N. Karokora

J.N. Mulenga

Appendix XII:

THE BESIGYE PETITION on the 2006 PRESIDENTIAL ELECTIONS.

The Supreme Court Ruling

THE REPUBLIC OF UGANDA

IN THE SUPREME COURT OF UGANDA AT MENGO

ELECTION PETITION No..... of 2006

The Presidential Elections Act, 2005

The Electoral Commission Act, 1997

(As Ammended)

PRESIDENTIAL ELECTION HELD ON THE 23RD DAY OF FEBRUARY, 2006

COL. (RTD) DR. BESIGYE KIIZA

(PETITIONER)

VERSUS

1. MUSEVENI YOWERI KAGUTA

2. ELECTORAL COMMISSION

(RESPONDENTS)

COURT RULING

The petitioner, Rtd. Col. Dr. Kiiza Besigye, who was one of the candidates in the Presidential Election held on 23rd February 2006, petitioned the Supreme Court, seeking orders that the 2nd Respondent, Yoweri Kaguta Museveni, declared elected President by the 1st Respondent,

the Electoral Commission, was not validly elected, that a re-run be held or that a recount be conducted.

On 25 February 2006, the 1st Respondent declared the 2nd Respondent to have obtained 59.28% and the petitioner, who was the runner up, to have obtained 37.36% of the valid votes cast. Accordingly the 2nd Respondent having obtained more than 50% of the total valid votes cast was declared by the 1st Respondent duly elected President.

The presidential election was conducted under a multi-party system following a national referendum that approved change from a movement political system under which the country had been governed for the past twenty years, to a multi-party political system.

The Petitioner ran for the election as the candidate for the Forum for Democratic Change (FDC), while the 2nd Respondent ran for the election as the candidate of the National Resistance Movement (NRM). The petition was lodged in the Registry of this court on 7th March 2006, and the hearing of the petition commenced on 22nd March 2006 and ended on 30th March 2006.

Judgement was reserved to be given on 6th April 2006, being 30 days of the filing of the petition, in accordance with Article 104 of the Constitution and Section 59 of the Presidential Elections Act, 2006.

In his petition, the petitioner made complaints against the respondents. Against the 1st Respondent, he complained that it did not validly declare the results in accordance with the Constitution, and the Presidential Elections Act, 2006; that the election was conducted in contravention of the provisions of the Constitution, Electoral Commission Act and the

Presidential Elections Act; and that the provisions of Section 59(6) (a) of the Presidential Elections Act are contrary to the provisions of Article 104(1) of the Constitution.

In the alternative, the petitioner contended that the election was invalid on the ground that it was not conducted in accordance with the principles laid down in the Presidential Elections Act, and that the non-compliance affected the results in a substantial manner.

The Petitioner complained further that the entire electoral process in the 2006 Presidential Elections, beginning with the campaign period up to polling day was characterized by acts of intimidation, lack of freedom and transparency, unfairness and violence and the commission of numerous offences and illegal practices, contrary to the provisions of the Presidential Elections Act, the Electoral Commission Act, and the Constitution.

Among the specific complaints are: disenfranchisement of voters by deleting their names FROM THE Voters' Register; allowing multiple voting and vote stuffing; failure to cancel results at polling stations where gross malpractices took place; and failure to take measures to ensure that the entire electoral process was conducted under conditions of freedom and fairness.

The petitioner alleged in the petition that the 2nd Respondent personally committed several illegal practices and offences while campaigning. He complained that the 2nd Respondent used words or made statements which were malicious; made statements containing sectarian words or innuendos against the Petitioner and his party; made abusive insulting and derogatory statements containing against the Petitioner, FDC or other candidates; made exaggerations of the petitioner's period of service in government and the reason why he was moved from several portfolios; used defamatory or insulting words; knowingly or recklessly made false statements at a rally that FDC had frustrated efforts to build another dam; that the petitioner

was in alliance with Kony and PRA and other terrorists; and that the petitioner was an opportunist and a deserter.

The petitioner further contended that the 2nd Respondent committed acts of bribery of the electorate by his agents with his knowledge and consent or approval, just before or during the elections; by attempting and interfering with the free exercise of the franchise of voters; and by agents procuring the votes of individuals by giving out tarpaulins, saucepans, water containers, salt, sugar and other beverages; and making promises of giving such beverages. In their answers to the petition, both the 1st Respondent and the 2nd Respondent denied the allegations made in the petition against them. At the hearing of the petition, the petitioner was represented by a team of lawyers led by Mr. Wandera Ogalo and Mr. John Matovu.

The 1st Respondent was represented by a team of lawyers led by the Solicitor General, Mr. Lucien Tibaruha, Mr. Peter Kabatsi, and Mr. J. Matsiko. Dr. J Byamugisha assisted by Didas Nkurunziza, led the team of lawyers for the 2nd Respondent. At the commencement of hearing the petition, counsel for the petitioner made an application to refer to the Constitutional Court for interpretation, the question whether section 59(6)(a) of the Presidential Elections Act, 2005 is inconsistent with Article 104(1) of the Constitution. After hearing arguments from both sides, we rejected the application and reserved reasons for our ruling to be given later in our judgement. We now give our reasons.

Firstly the question as to the interpretation of the Constitution did not arise during the course of these proceedings but prior to the proceedings as it was raised in the petition to this court instead of petitioning the Constitutional Court in the first instance. Therefore Article 137 (5) (a) of the Constitution was inapplicable to the application for a reference to the Constitutional Court.

Secondly, these are special proceedings concerning the election of the President which must be completed within 30 days of filing the petition. It would be difficult to hear and determine the petition in the constitutional court, deal with a possible appeal to this court, and finally dispose of the petition within the stipulated period.

Thirdly, this being an enquiry into the petition, we thought we could deal with the question in the course of our judgement.

In our view, section 59(6) (a) of the Presidential Elections Act, 2005 is not inconsistent with Article 104(1) of the Constitution. The Constitution does not provide grounds for annulment of Presidential Elections but expressly provides in Article 104(9) that Parliament shall make such laws as may be necessary for the purpose of the Article, including laws for grounds of annulment and rules of procedure. Parliament implemented this Article by enacting in Section (59) (6) of the Presidential Elections Act, the grounds for annulment of presidential elections. We find nothing in section 59(6) (a) which is inconsistent with Article 104(1) of the Constitution.

All the evidence adduced by the parties was through affidavits filed before or during the hearing of the petition and read by counsel in the court. The petitioner filed about 200 affidavits while the respondents filed about 280 affidavits.

The following issues were framed at the hearing of the petition:

1. Whether there was non-compliance with the provisions of the Constitution, Presidential Elections Act and Electoral Commission Act, in the conduct of the 2006 Presidential Elections.
2. Whether the said Election was not conducted in accordance with principles laid down in the Constitution, Presidential Elections Act and Electoral Commission Act.

3. Whether if either issue 1 or 2 or both are answered in the affirmative, such non-compliance with the said laws and principles affected the results of the election in a substantial manner.

4. Whether any illegal practices or electoral offences alleged in the petition were committed by the 2nd Respondent personally, or by his agents with his knowledge and consent or approval.

5. Whether the petitioner is entitled to the reliefs sought.

After hearing counsel, perusing the pleadings, affidavit evidence, and considering the law, we have each made findings on those issues, and the Court as a whole, has come to the conclusion on the outcome of the petition. We are not in position to give detailed findings and decisions due to constraints of time.

We shall, therefore, announce the decision of the Court, and give our individual detailed findings and reasons later. The decision of the Court on the issues framed is as follows:

1. On issue No. 1, we find that there was non-compliance with the provisions of the Constitution, and the Presidential Elections Act, by the 1st Respondent in the following instances:

a) In disenfranchisement of voters by deleting their names from the voters' register or denying them the right to vote.

b) In the counting and tallying of results.

2. On issue No. 2, we find that there was non-compliance with the principles laid down in the Constitution, the Presidential Elections Act, and the Electoral Commission Act in the following areas:

a) The principle of free and fair elections was compromised by bribery and intimidation or violence in some areas of the country.

b) The principles of equal suffrage, transparency of the vote, and secrecy of the ballot were undermined by multiple voting, and vote stuffing in some areas.

3. On issue No. 3, by a majority decision of four to three, we find that it was not proved to the satisfaction of the Court, that the failure to comply with the provisions and principles, as found on the first and second issues, affected the results of the Presidential Election in a substantial manner.

4. On issue No. 4, by a majority decision of five to two, we find that no illegal practice or any other offence, was proved to the satisfaction of the Court, to have been committed in connection with the said election, by the 2nd Respondent, personally or by his agents with his knowledge and consent or approval.

In the result, by majority decision, it is ordered that the petition be, and it is hereby dismissed. We make no order as to costs.

We are constrained to comment on a number of matters which have given us grave concern:

- the continued involvement of the security forces in the conduct of elections where they committed acts of intimidation, violence and partisan harassment;
- the massive disenfranchisement of voters by deleting their names from the voters' register, without their knowledge or being heard;
- the apparent partisan and partial conduct by some electoral officials; and
- the apparent inadequacy of voter education.

We also note with dismay the failure of the 1st Respondent to avail to the Court reports of Returning Officers on the ground that they were not available when it is mandatory for Returning Officers to transmit them to the 1st Respondent.

The Court found that certain provisions in the electoral law are contradictory and inadequate and should be reviewed such as sections 24 (5) and 59(6) (a) of the Presidential Elections Act, and Section 25 of the Electoral Commission Act.

“The court is of the considered opinion that all institutions and organisations concerned should urgently address these concerns in order to improve electoral democracy in the country.

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APPENDIX XIII:

Munii K. Mulera on the 2006 Presidential Elections.

“YOU FOUGHT THE GOOD FIGHT”

Oh, dear! Oh dear!	No change from bribing masses
We are back to 1980	Or falsifying results.
Stolen election, free and fair	
The international observers' word is final	The going rate in Kabale
As it was and ever shall be.	Was five thousand shillings
	Enough to buy a <i>debe</i>
Ye men and women of good conscience	Of intoxicating liquid
Do not trust your eyes my friends	
What you saw in the broadest light	The serious voters who knew
Was our democracy at work.	Their vote was worth a bundle
	Pushed their stock to seven thousand
So what if the polling agents	In shillings, not in dollars
Of the amazing new kid on the block	
Forum for Democratic Change	Give credit where it is due
Were arrested, evicted and harassed	The thieves knew what to do
For interfering with the politics of No	No need to wear the uniforms
change?	With guns and whips in view
No change from 1980, stupid!	You can steal the thing so well
No change from stuffing ballot boxes	Adorned in sheep's clothing
No change from poly-voting	The gun discreet but ready

To help democracy win.

Was it not the shameless Fox

Presidential aide Odoi

Whose gun it was we saw

Displayed for all the world

No change, my friend, No change

This is *Kisanja* politics

Vote Museveni lest we shoot

It's messy so don't choose

How many foxes did you miss

In sheep's clothing standing by

With guns and bullets underneath

To keep the fools from doing right?

Nineteen eighty was a child's play

Too gross and so easy to see

The theft that led to rivers of blood

We pray that never return.

The era of mobile phones

Computers, high tech galore

Criminal minds of brilliant folks

Makes fraud so easy to score.

Sorry Paulo Muwanga

Apologies Milton Obote

Our angst and rage of them

Not knowing things to come.

We bow our heads to the past

From which we failed to learn

Surrender ourselves to a future

For which we keep the faith.

Men and women of FDC

Rejoice aloud and mourn

The future is yours we know

You proved it well and true.

One year since your party was born

Your leader, bravest among the brave

Just returned from Africa's south

To lead his people towards freedom.

Two weeks returned to his land

He's jailed, chained and silenced

Charges too false for words

The hope to extinguish him.

Black mambas and court martial

To induce fear in the land

While king surveys his realm
Promising heaven and more districts

Your leader is granted bail
But he must report for trial

In a case too absurd, harass and terrorize
And kill a few for emphasis.

Three down in blood in Bulange
Dispatched to join Muwanga,
Obote and Kirunda
Them whom we fought over '80.

Were these Luwero's fruits
Democracy of the gun
Of lies, of threats, of loot
You vote, but win we must?
Of course, we're not surprised
Not shocked, not even upset
It was ordained that those with guns
Will take the spoils and run.

Yet hope there is for us
Brought forth by folks of heart
With love for Africa's pearl
To the rescue the FDC.

Young party, poor party, harassed
Its leader campaigns in chains
And scores a healthy total
Wins hearts of millions and more

Of course he knew they'd steal
His victory as before
But when the story is told
See Besigye smile and laugh.

Was that FDC I heard,
Sweeping with wind from North
Through East and populous
South
Its mission to free the land?

Do not despair my friends
He is naked, the Emperor is
With writing on the wall
In fonts that he can use.

Uganda is changing for sure
Just stay on right side of history
The law and peace your guide
Truth and justice your anchor

Young party, no cash but strong

Sends those determined folks

To Parliament with its flag

With glory marching on.

Well done, well done my friends

At home and here abroad

You fought the good fight, you did

FDC is here to stay

We salute KB and his team

Musumba, Muntu, Mugisha,

Katuntu, Sabiti, Byanyima

Too many to name them all.

To you who now must sit

In the house to speak for us

Stand tall for you have earned it

The country demands no less

Alice Alaso, the finest one

Beti Kanya, Lady FDC

Ogenga Latigo, soul of the party

Odonga Otto, the fearless one.

Elijah Okupa, man of tomorrow

Okumu Reagan, defender of truth

And all who go to Parliament

You must fight the fight anew

Embrace the math of politics

Where minus and division symbols

Just have no place at all

To be left to those for No change.

A friend was told by his teacher

That politics isn't math

Its only symbols, he was told

Multiplication and addition.

Do not minus your numbers

Do not divide the ranks of party

But seek to add to FDC

Multiply your strength and soul

Reach out, receive your opponents

With a message of hope and justice

That your party stands determined

On its march to lead the country

The future is yours***

Muniini K. Mulera

RWENGABO, Sabastiano

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CURRICULUM VITAE [as of April 2008]

GENERAL INFORMATION

Names: **Sabastiano RWENGABO**

Date of Birth: 11th Marsh 1982

Nationality: Ugandan

ACADEMIC QUALIFICATIONS:

Period (from/to, month+ year)	Name of Education (incl. degree and brief description)	Institution and Location
August 2005	MA (Public Administration and Management)	Makerere University, Kampala - UGANDA
October – November 2006	Postgraduate Certificate (Research Methods and Writing Skills)	Centre for Basic Research, Kampala - Uganda
September 2002 – June 2005	BA (Social Sciences) First Class. Major, Political Science/Pub Admin; Minor, Sociology.	Makerere University, Kampala – UGANDA
October-November 2003	Certificate in Computer Science	Dept of Women & Gender Studies, Makerere Univ. K'la
February 2000 – November 2001	Uganda Advanced Certificate of Education (A'Level) (High School Certificate).	Kasese High School, Kasese - Uganda.
March 1996 – November 1999	Uganda Certificate of Education (O'Level) (Secondary School Certificate)	Kasese High School, Kasese - Uganda
1989-1995	Uganda Primary Leaving Examinations	Kajunju Primary School, Uganda

Computer Skills: Very Good, in a variety of programmes, with particular regard to Word Processing, MS Excel (Spreadsheets), MS Powerpoint, MS Access (database mgt), Ms Publisher, and Internet use/web browsing.

PUBLICATIONS

Sabiti Makara, Lise Rakner and Sabastiano Rwengabo (2008). *Administering the 2006 Elections in Uganda: The Role of the Electoral Commission*; in Julius Kiiza, Sabiti-Makara and Lise Rakner (eds.) (2008). Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections. Fountain Publishers, Kampala.

Sabastiano Rwengabo (2008). *The Unknown Arbiter: Analysing Uganda Electoral Commission's Complaints Handling Mechanisms During the 2006 Elections*; in, and Julius Kiiza, Sabiti-Makara and Lise Rakner (eds.) (2008). Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections. Fountain Publishers, Kampala.

Sabiti-Makara and Sabastiano Rwengabo (2005). *A Critical Analysis of the July 28 2005 Referendum in Uganda*. ILASH Journal of Governance, Human Rights and Democracy. Institute of Leadership and Human Security, Kampala.

Sabastiano Rwengabo (2008). Uganda Electoral Commission and the Management of the 2006 Presidential Elections. MA (Public Administration and Management) Dissertation. Makerere University, Kampala.

Sabastiano Rwengabo (2005). Copying with Financial Challenges by Indigenous NGOs: A Case of NAYODE, Kasese Town Council. Makerere University, Kampala [BA (Social Sciences) Dissertation]

RESEARCH EXPERIENCE

- **Uganda's Electoral Commission and the Management of the 2006 Presidential Elections**. MA Dissertation, Makerere University. Completed June 2007

- ***The Institutional and Legal Context of the 2006 Elections in Uganda.*** Study undertaken jointly by Makerere University’s Department of Political Science and Public Administration (Faculty of Social Sciences) and the Department of Comparative Law (Faculty of Law), with Christian Michelsen Institute (CMI), Bergen (Norway) under the **CMI-Makerere Research Collaboration**, (2004 – 2007).
- ***“Copying with Financial Challenges by Indigenous NGOs: The Case of NAYODE, Kasese Town Council”.*** Research carried out in Kasese, Western Uganda, for the Bachelor of Arts (Social Sciences) Dissertation; Makerere University. Completed May 2005.
- ***Uganda Electoral Commission’s Complaints Handling Mechanism for the 2006 Elections,*** field research carried out all over Uganda to interrogate the role of Electoral Bodies in conflict management during the heated election periods.
- ***Local Government By-elections in Uganda.*** Study carried out in Kamuli, Eastern Uganda to analyse the management of by-elections in 2007.
- *Several write-ups and some publications based on secondary data researches*

WORKING EXPERIENCE:

Period	Organisation, Place, Title and Nature of Work
Since July 2007	Electoral Commission, UGANDA. Election Officer/Field Operations. (Responsible for Voters’ Registration, finance management, reports writing, supervising junior staff, administration and management of Commission inventory, and other duties)

January 2005 to December 2007	CMI-Makerere University Research Collaboration, UGANDA and NORWAY. Research Assistant (field data collection, archival research, data management, monthly report writing, attending workshops, and writing workshop reports). See www.cmi.no/ugandaelections2006
January to July 2007	Electoral Commission, UGANDA. Election Officer/District Complaints Desk and Systems Officer (election complaints handling: receipt, analysis, providing the legal basis, advising on sanctions to impose, regular reports, formation of interparty liaison committees, acting as secretary to District Election Liaison Committee, and other responsibilities).

I have also attended several conferences, workshops, symposia and seminars in which papers have been presented. The following are but few of them.

“CODESRIA Gender Symposium on: ‘Gender in the Dynamics of Slavery and Enslavement’”, held at Cairo, Egypt, November 12–14, 2007; where I presented a paper entitled: **“Unmasking the Disguised: Modern Slavery in Africa; A Gender Perspective”**.

- “CODESRIA Workshop on ‘Writing for Scholarly Publishing’”, held at Kenyatta University, Kenya, November 2006. At this workshop I presented a paper on **“The Unknown Arbiter: Analysing Uganda Electoral Commission’s Complaints Handling Mechanism for the 2006 Elections”**.
- “CMI-Makerere Research Collaboration synthesis Workshop” organised by Christian Michelsen Institute (Bergen) and Makerere University (Kampala), and held at Christian Michelsen Institute, Bergen. **OCTOBER 2–6, 2006**. Here I co-presented a Paper on **“Administering the 2006 Elections in Uganda: The Role of the Electoral Commission”**. I worked as rapporteur to the workshop and wrote a Workshop Report.
- “CMI-Makerere Research Collaboration Validation Workshop” organised by Christian Michelsen Institute (Bergen) and Makerere University (Kampala), and held at Colline Hotel, Mukono – Uganda, May 30 – 31, 2006, to validate the findings of a collaboration research project on: ***The Institutional and Legal Context of the***

2006 Elections in Uganda. Here I worked as rapporteur to the workshop proceedings, and wrote a Workshop Report thereafter.

- “CMI-Makerere Research Collaboration Workshop” organised by Christian Michelsen Institute (Bergen) and Makerere University (Kampala), and held at Colline Hotel, Mukono – Uganda, February 2005, to kick-start a collaboration research project on: ***The Institutional and Legal Context of the 2006 Elections in Uganda.*** Here I worked as Logistics Officer.
- “Fast-tracking the East African Federation”. Conference organised by the Fredrick Ebert Foundation and the Department of Political Science and Public Administration, Makerere University; held at Hotel Africana, Kampala, May 11, 2007. Discussions and Reflections on the Current Challenges. Participation by Invitation.
- “Election Policing in the 2006 Elections: Challenges and Reflections on the Future”. Regional Workshop Organised by the National Election Security Coordination Committee, held at Jinja, Uganda, March 2006. To examine the performance of Police and Electoral Commission in the handling of electoral offences and illegal practices in the 2006 elections in Uganda. Here I attended as EO/District Complaints Desk and Systems Officer, Kamuli District, and presented on behalf of the District Team on “**The Experience of Kamuli District: Challenges and Recommendations**”.

LANGUAGES

Languages	Speak	Write	Read	Understand
English	Very Good	Very Good	Very Good	Very Good
Kiswahili	Good	Good	Good	good

REFEREES

Name	Title	Position in relation to myself.	Telephone and E-mail
Prof Murinwda-Rutanga	Dept of Political Science and Public Administration	Professor, (Makerere University) and Researcher (CBR)	+256 772 628 201 Email: murindwa_rutanga@ss.mak.ac.ug
Mr Sabiti -	Principal		

Makara	Researcher/Senior Lecturer, Makerere University	MA/Research Supervisor; Lecturer.	+256 772 457350. Email: esmakara2002@yahoo.co.uk
Dr George G. Okiror	Principal Researcher, CMI-Makerere Research Collaboration.	Undergraduate Coordinator; Lecturer; and Principal Researcher	+256 774 070 527 Email: gokiror@ss.mak.ac.ug
Dr Julius Kiiza	Coordinator (Ugandan team), CMI-Makerere Research Collaboration	Senior Lecturer; Project Coordinator, CMI-Mak. Research Collaboration	+256 772 633 384. Email: juliuskiiza@yahoo.com
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