

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL  
STUDIES**

**Electoral Violence in Africa: A Case Study of Uganda 1996-2011**

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Masters of Arts in International Studies**

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## DECLARATION

I hereby declare that this dissertation is the result of original research conducted by me and that it has not been submitted elsewhere, wholly or partially, for any other purposes. Any materials referred to in this work have been duly acknowledged.

Isabirye Haruna Bazirondere.....Date.....

This dissertation has been submitted for examination with my approval as university supervisor.

Prof. Maria Nzomo.....Date.....

## **DEDICATED**

This work is dedicated to all Africans who have suffered loss, abuse and injustice due to various forms of electoral violence.

## **ACKNOWLEDGEMENTS**

In a very special way I acknowledge my dear wife Dorothy, our children Tusubira and Ntono who endured my year long absence during this study. Their moral support and occasional errands greatly aided the research across the distance.

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## **ABSTRACT**

The process of elections should be free and fair for people to trust formation of legitimate government. However, a situation where elections are not free and fair is indicative of lack of or poor democracy, and is a recipe for Electoral violence (EV). This has been witnessed in many African countries. This study focuses on Uganda whose history was characterized by periods of political turmoil since independence laid background for undemocratic governments. The study examines the period 1996 -2011 when general elections were organized. This study is guided by the following objectives: to carry out an overview of the state of EV in Africa in general and Uganda in particular; examine its impact and implications on the economic, social and political development in Uganda; and provide implementable solutions to curb Electoral violence in Uganda. Many issues advanced in existing literature as causes of electoral violence are usually mere symptoms, rather than causes of electoral violence in Africa and Uganda in particular. The study finds electoral violence despite its being rampant, to be both a symptom and in other cases a cause the real problem. Electoral violence is indicative of the African crisis as manifested by political instability, economic hardships, poor governance and leadership issues, which in turn determine the manner of politics, weaknesses in institutional framework, and organizational failures in the election processes. These in turn fuel the cycle of violence.

Academically, the study is meant to stimulate further consideration of the three broad cause categories above to facilitate the right solutions to the menace of electoral violence in Uganda and Africa in general. The study is also relevant for policy practitioners because it points at the actual problem not being electoral violence, and the other manifestations usually advanced by some literature sources, rather the panacea requires a systemic approach of solving the

African crisis, strengthening institutions and other election process supporting agencies like the justice, law and order agencies to galvanize organizational capabilities.

The study further recommends governments to address issues related to electoral process like electoral reforms through transparent and all inclusive consensus. African Union and sub-regional bodies in cooperation with state governments need to establish an effective early warning system to proactively handle issues that may culminate into electoral violence. Africa should expedite the operationalization of the African Charter on Democracy, Elections and Governance.

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## **ACRONYMS**

4GC	For God and my Country
CA	Constituent Assembly
CBO	Community Based Organization
CCEDU	Citizens' Coalition for Electoral Democracy
CCM	Chama Cha Mapinduzi
CSO	Civil Society Organization
CUF	Civic United Front
DP	Democratic Party
DPP	Directorate of Public Prosecutions
EC	Electoral Commission
EV	Electoral Violence
FRELIMO	Frente de Libertação de Moçambique
GDP	Gross National Product
IDP	Internally Displaced Persons
KY	KabakaYekka
LC	Local Council
MPLA	Movimento Popular de Libertação de Angola
NCF	National Consultative Forum
NGO	Non-Governmental Organization
NRA	National Resistance Army
NRC	National Resistance Council
NRM	National Resistance Movement

OAU	Organization of African Unity
RC	Resistance Council
RENAMO	Resistência Nacional Moçambicana
UNC	Uganda National Congress
UNITA	União Nacional para a Independência Total de Angola
UNLF	Uganda National Liberation Front
UPC	Uganda People's Congress
UPDF	Uganda People's Defense Forces
UPM	Uganda Patriotic Movement
UPU	Uganda People's Union

## CHAPTER ONE

### 1.0 Background of the Problem

Elections in any country provide a platform at which citizens exercise their democratic rights. Elections facilitate participation and competition which are principle aspects of democracy. Citizens participate in elections to choose their preferred leaders who are mandated by the people to represent their interests in given forum. This offers individuals a chance to compete by offering their candidature for elections which provides variety for the voters to choose preferred representatives. Various scholars emphasize the importance of the phenomenon of elections in consolidating democracy. Reilly says “Elections are a means for choosing leaders and representatives, and confer legitimacy on the political system.”<sup>1</sup>

Mill underscored the importance of the political rights of choice of representatives in democracy that “Men as well as women do not need political rights in order that they may govern, but in order that they may not be misgoverned”.<sup>2</sup> According to Ndulo and Lulo, “Elections represent an important dimension in the efforts towards democratic consolidation in any country.”<sup>3</sup> The importance of elections is further emphasized in the function of facilitating the principle of participation in by citizens in management of their affairs by Pomper that “Participation in government of which voting is the most common means, is said to contribute to personal development of the electors”<sup>4</sup>. All these agree and imply that elections provide one of the prime components in the democratic process. It is however important to note that mere

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<sup>1</sup>Reilly B, “International Election Assistance: A Review of Donor Activities and Lessons Learned.” *Paper 17: Working Paper Series 4*. Netherlands Institute of International Relations, ‘Clingendael’ Conflict Research Unit, June 2003, p-12.

<sup>2</sup>Mill J S, *Considerations on Representative Government*, Liberal Arts Press, New York 1958, p,144

<sup>3</sup>Ndulo M and Lulo S, “Free and Fair Elections, Violence and Conflict,” Harvard International Law Journal Online, Vol. 51 (July 5, 2010).Cornell Law Faculty Publications. Paper 186,

<sup>4</sup>Pomper G, “the Concept of Elections in Political Theory”; *The Review of Politics Vol. 29, No. 4 (Oct., 1967)*, pp. 478-491 (Cambridge University Press) p-479  
<http://www.jstor.org/stable/1405722>

elections however regular may not mean democracy, because these can be so amidst abuse of human rights and disenfranchisement of sections of the population. Elections may be used to entrench authoritarianism if conducted where people have little or no choice.

Ndulo and Lulo posit that “Elections are a contest for power, and are therefore inherently contentious; unless conducted fairly, they can (and often do) lead to violence.”<sup>5</sup> This shows that lack of sound democracy is a recipe for violence where people express dissatisfaction in the perceived democratic process characterized by oppression or unfairness. According to Lindberg’s comprehensive study of multiparty elections in Africa (2004) roughly 80 per cent of the elections witnessed some kind of Electoral violence. Most interestingly the elections that were declared free and fair by election observers were no less violent than elections that were declared not free and fair.

It is not limited to upcoming democracies but also witnessed in mature democracies like United States of America with means of resolving such disputes becoming core to values of democracy. For example, Teshome notes that Al Gore disputed elections won by Bush in 2000.<sup>6</sup> In Asian countries such as India, Pakistan, Philippines and Malaysia experienced Electoral violence where before elections of May 2007, 75 people were killed living 80 wounded.<sup>7</sup> However, Electoral violence is more pronounced in Africa where people loose lives, there is destruction of property, women and girls are raped, people face mass evictions, widespread intimidation and coercion, abductions or economic sabotage as occurred in Nigeria

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<sup>5</sup>Muna N and Lulo S, “Free and Fair Elections, Violence and Conflict,” *Harvard International Law Journal Online*, Vol. 51 (July 5, 2010). Cornell Law Faculty Publications, Paper 186.

<sup>6</sup>Wondwosen T, “Electoral violence in Africa: Experience from Ethiopia”, *International Journal of Humanities and Social Sciences*, Vol. 4, No. 6: 2009. pp 463-488

<sup>7</sup>Atuobi M S, “Election Related Violence in Africa” *Conflict Trends Issue No. 1*, (African Centre for the Constructive Resolution of Disputes): 2008, pp 10-16,

in 2002 and 2007, Lesotho in 1998 and 2007, Kenya in 2007/2008, Zimbabwe in 2008 and Uganda in 2001.

This study focuses on Uganda where lack of proper democracy that characterized overthrowing of governments since independence has been a pre-requisite to Electoral violence in Uganda since independence. For instance, Friedrich posits that elections were canceled in 1966 due to constitutional crisis as well as forcible ouster of Idi Amin to facilitate elections. However, Friedrich notes that “These elections witnessed Electoral violence and intimidation with numerous incidences of arm twisting and kidnap. This election malfeasance only served to spark further armed struggle, the highest form of political violence, by several groups.”<sup>8</sup> It is against this backdrop that democracy cannot thrive where people are not given fair chance to choose their leaders to represent their interests in daily lives. Therefore, this study seeks to investigate causes and impact of Electoral violence with particular reference to Uganda from 1996 to 2011. the period from 1996 to 2011 is significant because it marks the restoration of constitutional rule in Uganda after decades of turmoil.

## **1.1 Statement of the Problem**

The need for democratization in many countries is associated with risks such as armed conflict (Mansfield & Snyder 2007: 163), triggers conflict in countries recovering from other forms of conflicts (Jarstad 2008: 29) and increases the risk of political violence in low income countries (Collier 2009: 11).<sup>9</sup> Teshome notes that, “Current studies also show that violence related to elections has become a prevalent phenomenon. In 2001, 24.5% of countries that held

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<sup>8</sup>“Political and Electoral violence in East Africa”, *A Working Paper on Conflict Management No.2* a summary of presentations at Friedrich Ebert Stiftung (FES) and Centre for Conflict Research (CCR) in (2001) in Nairobi.

<sup>9</sup>Wondwosen T, “Electoral violence in Africa: Experience from Ethiopia”, pp-463

elections witnessed Electoral violence.<sup>10</sup> Actually elections were held in 57 countries, and violent conflicts were witnessed in 14 countries — violence is known to affect from 19 to 25% of elections in the African countries.<sup>11</sup> Uganda is one of the countries in Africa that has continued to face Electoral violence during each election cycle.

In recent years Electoral violence has become a prevalent phenomenon, making it necessary through such studies to understand ‘what Electoral violence is and why it occurs especially from an African context. Various schools of thought agree that Electoral violence refers to “acts or threats of coercion, intimidation, or physical harm perpetrated to affect an election process or that arise in the context of election competition, before, during and/or after.

Electoral violence is serious problem because it affects the basic democratic values of participation and representation, human rights, freedoms, creates conflicts and instability; and negatively impacts on economic, social and political development in Uganda, and many parts of Africa. Electoral violence in Uganda has disfranchised some people from participating in their democratic rights, led to the abuse of human rights of not only the voters but affected even those who do not participate in voting, like children and non-citizens in the country. In the process fundamental rights and freedoms like rights to life, freedom to speech, expression or association have suffered. These events do not promote democracy and are bound to escalate conflicts in Uganda. This is likely to create a society that is ungovernable or characterized by use of force to oppress citizens.

Not much attention in form of research if any has been dedicated to the study of EV in Uganda in particular, despite its serious impact on democracy, human rights, conflicts and economic development. This study therefore is to critically analyze the underlying factors

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<sup>10</sup>Fischer J, “Election Conflict and Violence” A Strategy for Study and Prevention: (White Paper presented at International Foundation for Electoral systems at Kosovo in 2002).

<sup>11</sup><http://www.thedailystar.net/beta2/news/understanding-electoral-violence/> (Accessed 2/11/2013)



responsible for the propensity for EV in Uganda in particular and Africa in general. It is also to contribute credible and lasting solutions to the problem of EV both for various electoral/governance practitioners and the field of academics.

## **1.2 Objectives of the Study**

This study is guided by the following objectives:

1. To determine causes of Electoral violence in Uganda and its implications on democratic development.
2. To examine impact of Electoral violence on economic, social and political security in Uganda.
3. To provide implementable solutions for curbing Electoral violence in Uganda.
4. To assess lessons learnt for the Africa region on the causes of Electoral violence.

## **1.3 Justification**

As stated in the problem, not much attention in form of research if any has been dedicated to the study of EV in Uganda in particular, despite its serious impact on democracy, human rights, conflicts and economic development. This study therefore is to critically analyze the underlying factors responsible for the propensity for EV in Uganda in particular and Africa in general. This study is tailored to examine the causes of Electoral violence (EV) and its impact on democracy in Africa with particular reference to Uganda. The study will also seek to elucidate possible solutions as a means of supporting democracy in Uganda.

This study will be resourceful towards achieving stable democracies in Africa. Findings and recommendations of the study will be beneficial to local, regional and international organizations, practitioners and advocates of democracy through peaceful, transparent and fair elections, human rights, conflict resolution, governance and economic development. The study

will provide guidelines to states on implementation of policies related to democracy and multiparty politics that do not result in violence as means of destruction of life, livelihood and property.

In addition, the findings of the study will contribute to the existing body of knowledge towards the understanding of EV by providing a framework for peaceful elections for development of democracy and consolidation of common interests in Uganda and Africa in general. Moreover, this study will provide answers to factors that account for the predominance of Electoral violence and its effects on peace, security and development in Africa. This will be used to curb the challenges related to EV.

#### **1.4 Literature Review**

Since independence in most African countries, democratization has shaped the lives of many through difference in political and social needs. To express the need for the different needs and setting of agenda for the people, political representation becomes the ultimate solution. It is through need for political representation that election process is designed to make citizens choose their leaders. Most African countries today are considered formal democracies of course with different levels and quality. Even long time dictatorships in countries like Tunisia, Egypt and Libya crumbled in 2011 and are still struggling to establish some form of democracy through elections. Elections have become almost universal where people have risked their lives to call for free and fair elections in Africa. There is much more to democracy than mere elections, however, elections constitute the most visible element.<sup>12</sup>Change in African leadership is now more through the ballot and not the bullet. While in the 1960s and 1970s approximately 75% of African leaders

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<sup>12</sup> Hyde, Susan; *The Pseudo-Democrat's Dilemma: Why Election Observation Became an International Norm*. New York: Cornell University Press; (2011) p- 27

were ousted through violent means (coup d'états, rebellion), in the period 2000-2005 this number had dropped to 19%.<sup>13</sup>

However, many countries in Africa use the election process as part of democracy that has been characterized by violence. Elections are not always peaceful. They can generate violent conflict due to the winner takes it all considering the fragile nature of political competition and inadequate institutional framework characterizing Africa.

For example, a recent study has estimated that between 1990 and 2007 one in five elections in Sub-Saharan Africa suffered significant violence and only about 40% were entirely violence-free. Significant violence here refers to violent repression (e.g. long-term high-level arrests of party leaders, consistent use of violent intimidation, limited use of murders and assassinations, and torture) and/or highly violent campaigns, in which there are repeated, coordinated physical attacks leading to 20 or more deaths.<sup>14</sup>

Electoral violence has been defined by many scholars as follows: Laakso defines it as “an act motivated by an attempt to affect the results of the elections-either by manipulating the election procedures and participation or by contesting the legitimacy of the results.”<sup>15</sup> Similarly, Sisk defines it as “acts or threats of coercion, intimidation, or physical harm perpetrated to affect an election process or that arises in the context of election competition.”<sup>16</sup> “Likewise, Fisher defines Electoral violence “as any random or organized act or threat to intimidate, physically

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<sup>13</sup>Daniel N. Posner and Daniel J. Young, The Institutionalization of Political Power in Africa'. *Journal of Democracy* Vol.18, No. 3: (National Endowment for Democracy and The Johns Hopkins University Press) 2007, pp126-140.

<sup>14</sup> Straus, S and Taylor, C, *Democratization and Electoral Violence in Sub-Saharan Africa, 1990-2007*. Madison: University of Wisconsin, 2009

<sup>15</sup>Laakso L, “Insights into electoral violence in Africa” In: *Votes, Money and Violence* (ed) Matthias Basedau, Uppsala: Nordiska Afrikainstitutet, NAI, 2007, pp. 224-252

<sup>16</sup>Sisk T.D, “Elections in fragile states: Between Voice and Violence”, *A paper prepared for the International studies Association Annual meeting*, San Francisco, California, March 24-28, 2008.

harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an election process.”<sup>17</sup> Bekoe counts an election as violent if one person is killed; and 25 percent of the elections in Africa meet this criterion. Studies indicate that violence in Africa’s elections affects between 19 and 25 percent of elections.<sup>18</sup>

It can therefore be put that Electoral violence involves activities related to governance, power or representation of the people that breach security of individuals, community or state. Generally, Electoral violence is a product of manipulated or influenced election process that causes harm to the normal order of the society. It is not limited to upcoming democracies but also witnessed in mature democracies like United States of America with means of resolving such disputes becoming core to values of democracy. For example, Teshome notes that Al Gore disputed elections won by Bush in 2000. However, legal remedies were used to solve the stalemate unlike in Asian and African countries. For example, Atuobi observed that countries such as India, Pakistan, Philippines and Malaysia experienced Electoral violence where before elections of May 2007, 75 people were killed living 80 wounded.<sup>19</sup>

Electoral violence in Africa is caused by various factors including poverty, culture of impunity, issues of legislation and enforcement, weak governance and corruption.<sup>20</sup> In this context, people who are extremely poor become easy targets by politicians to create mayhem than rich people. In addition, ineffective enforcement agencies give political perpetrators of violence to act with an attitude of “we are above the law”. Likewise, corruption fuels violence in

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<sup>17</sup> Jeff Fischer Election Conflict and Violence: A Strategy for Study and Prevention.” IFES White Paper, 2002-01, February 5, 2002 (electronic version), pp. 17–18

<sup>18</sup> Jeff Fischer. “Election Conflict and Violence: A Strategy for Study and Prevention.”

<sup>19</sup> Atuobi M S, “Election Related Violence in Africa” *Conflict Trends*;

<sup>20</sup> Frimpong P, “Electoral violence in Africa: Causes, Implications and Solutions. Ghana. <http://www.modernghana.com/news/435729/1/electoral-violence-in-africacauses-implications-an.html>. Accessed on (9-9-2013)

cases where enforcement agencies as well as election institutions are compromised. This limits their independent operations. Furthermore, absence of laws that do provide harsh punishment to Electoral violence perpetrators is a cause of Electoral violence. Generally, Electoral violence contributes to political instability, insecurity, economic under development, escalates poverty cycle and dictatorship.<sup>21</sup>

However, Electoral violence is more pronounced in Africa where people loose lives, there is destruction of property, women and girls are raped, people face mass evictions, widespread intimidation and coercion, abductions or economic sabotage. This is the cyclic trend that has been witnessed in election cycles. In recent decades, violence has been integrated in election process by different political parties. In his work, Biegon notes that violence has been infused in political process that involves elections. He says: “Africa seems to be under a constant curse of Electoral violence that hangs precariously over the continent ready to strike at the slightest provocation. As such, it is often the case that elections in the continent are approached with much trepidation.”<sup>22</sup>He further posits that Electoral violence has been witnessed in many African Countries: Nigeria in 2002 and 2007, Lesotho in 1998 and 2007, Kenya in 2007/2008 and Zimbabwe in 2008.<sup>23</sup>

Since 2004, South Africa witnessed Electoral violence areas like Nongoma where there were clashes and killings in the build-up to the 2009 election. In other parts of Africa like Ethiopia, Electoral violence was witnessed in May 2005 where more than 193 people died and more than 40,000 detained<sup>24</sup>. Teshome observes more Electoral violence in other African

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<sup>21</sup>Frimpong P, “Electoral violence in Africa: Causes, Implications and Solutions. Ghana

<sup>22</sup>Biegon J, “Electoral violence and fragility in Africa: drawing lessons from Kenya’s experience in the 2007/2008 post -electoral violence.” (2009) A paper for presentation at the poster session of the conference on *Financial Markets, Adverse Shocks and Coping Strategies in Fragile Countries*, Accra, Ghana, 2123 May 2009

<sup>23</sup> Ibid

<sup>24</sup>Wondwosen T, “Electoral violence in Africa: Experience from Ethiopia”, p-466

countries that: “in Mozambique, “more than hundred people died when supporters of the RENAMO (*Resistência Nacional Moçambicana*) candidate, Afonso Dhlakama, demonstrated against the declared election winner, Joaquim Chissano, the leader of FRELIMO (*Frente de Libertação de Moçambique*). In the presidential election held in Togo in April 2005, about 700 people were killed and about 40,000 fled to the neighboring countries. In the 1992 election in Angola, Jonas Savimbi, and the leader of opposition party of the UNITA (*União Nacional para and Independência Total de Angola*) refused to recognize the election victory of the MPLA (*Movimento Popular de Libertação de Angola*) leader, Eduardo dos Santos. The election dispute led them to a bloody war”.<sup>25</sup>

In East Africa, Tanzania went through Electoral violence in 1995 following multi-party elections and in 2000 where Friedrich observes that: seventeen incidents of malicious damage to property, six of arson, two incidences of assault, eleven of threatening of violence, one of threatening to kill, and two of wounding. Moreover, on November 13, 2000, an attempt was made on the life of Mr. Masoud Mohammed Ally, a Commissioner with the Zanzibar Election Commission when a hand grenade was thrown into his bedroom, seriously injuring his eyes. He had to be flown to South Africa for treatment<sup>26</sup>.

In addition, Teshome also notes that “Zanzibar, in the first 1995 multi-party election, the opposition CUF party (Civic United Front, i.e. “Chama Cha Wananchi”) refused to accept the election victory of the ruling CCM (Chama Cha Mapinduzi), leading the nation into an election conflict”<sup>27</sup>. With these cases in East Africa, the worst ever witnessed in Kenya’s history occurred

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<sup>25</sup>Wondwosen, “Electoral violence in Africa: Experience from Ethiopia”, p-464

<sup>26</sup>“Political and Electoral violence in East Africa”. *A Working Paper on Conflict Management No.2* a summary of presentations at Friedrich Ebert Stiftung (FES) and Centre for Conflict Research (CCR) in (2001) in Nairobi.

<sup>27</sup>Wondwosen T, “Electoral violence in Africa: Experience from Ethiopia”, p- 464

where Electoral violence was manifested through mass eviction of people from their farms and homes, unprecedented destruction of property, rape, intimidation of certain communities, killings among others. This has occurred at every election period since the introduction of multi-partyism in 1992.

In Uganda, lack of proper democracy that characterized overthrowing of governments since independence has been a pre-requisite to Electoral violence. For instance, Friedrich posits that elections were canceled in 1966 due to constitutional crisis as well as forcible ouster of Idi Amin to facilitate elections in 1980. However, Friedrich notes that “These elections witnessed Electoral violence and intimidation with numerous incidences of arm twisting and kidnap. This election malfeasance only served to spark further armed struggle, the highest form of political violence, by several groups.”<sup>28</sup> Moreover, in 2001, Uganda witnessed more Electoral violence where killings, Friedrich described as: “torture, extra judicial executions, arbitrary detention, abduction and kidnapping, arrest without warrants, beatings, personal humiliation by stripping to nakedness, killings, shootings, death threats, threats of beatings(using phrases such as “you will see us,” “we are bad,” and “we shall burn you”), chasing away of voters from polling stations on the pretext that they were non-Ugandans or underage, and malicious damage to property.”<sup>29</sup>

From these cases of Electoral violence, there is no doubt that democracy has been replaced by the need for political power regardless of the effects to the electorate. Electoral violence protracts human suffering that result from instabilities and crippling in social, political and economic systems. It affects all including those who do not participate in the voting process especially children. It is a serious threat to human security. The neighboring countries also face similar challenges in cases where mass evictions is witnessed to warrant people move in masses

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<sup>28</sup>“Political and Electoral violence in East Africa”

<sup>29</sup> Ibid

as political refugees to other countries. Atuobi notes that: “Electoral violence can be explained by two perspectives – cultural and structural. The cultural perspective presupposes the existence of “a political culture of thuggery that generally predisposes actors to engage in violence and intimidation during political contests”, while the structural explanation suggests that “society and politics are organized in a manner that generates conflict”<sup>30</sup>It therefore implies that there is need to address political violence which has been conceptualized to be caused by failure by institutions and cultural orientation or needs of the society.

### **1.5 Theoretical Framework**

The study is anchored into a combination of liberal democratic and deprivation theories to provide a better understanding of the causes and implications of Electoral violence in Uganda and Africa in general. The liberal democratic theory emphasizes the importance of democratic values and principles and the accruing benefits. Democracy may be defined as a process which grants all citizens equal opportunity for enlightened understanding, effective participation, voting power, and control of the agenda.

J S Mill summarized these capacities that: “Ultimately, there is nothing more ideal than allowing every citizen to participate in the sovereign power of the state.”<sup>31</sup> While he believes so, he acknowledges the futility that it would involve every citizen in the day today micromanagement of state affairs. It is not practically possible to have every citizen personally participate in every minor portion of the public business; it follows that the ideal type of a perfect government must be representative.<sup>32</sup> This introduces the democratic principle of representation, which has made the election processes to choose representatives necessary.

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<sup>30</sup>Atuobi M S, “Election Related Violence in Africa” *Conflict Trends*;

<sup>31</sup>John Stuart Mill, *Considerations on Representative Government*, (Waiheke Island : Floating Press, ©2009) pp-.55

<sup>32</sup> Ibid



Another liberal democratic theorist, Schumpeter as well acknowledges the principle of representation, but with quality in that individuals must compete for the votes. He emphasizes the importance of elections in democracy; "as that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."<sup>33</sup> In the contemporary situation this alludes to the stage of political campaigns in the election process to woo voters. In Uganda and other parts of Africa, it is in this competition that competitors adopt uncivilized methods to edge out opponents.

Dahl who argues that in order to reach the ideal democracy requires meeting five criteria. Citizens must have adequate and equal opportunities to form their preference and place questions on the public agenda and express reasons for one outcome over the other. Each citizen must be assured his or her judgments will be counted as equal in weights to the judgments of others. Citizens must enjoy ample and equal opportunities for discovering and affirming what choice would best serve their interests. Demos or people must have the opportunity to decide what political matters actually are and what should be brought up for deliberation. Equality must extend to all citizens within the state. Everyone has legitimate stake within the political process.<sup>34</sup> He refers to politically advanced countries which have elected officials, free and fair elections, inclusive suffrage, and rights to run for office, freedom of expression, alternative information and associational autonomy as "polyarchies".<sup>35</sup>

This has in practice proved to be utopia for most African countries including Uganda. The liberal democratic theory expounds strong relevancy in explaining the causes of Electoral violence. The variable of Electoral violence is dependent on the sound democratic values and principles. The relationship is that poor democracy gives rise to bad governance characterized by

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<sup>33</sup>Schumpeter J, *Capitalism, Socialism and Democracy* (Routledge, London 2003)p269

<sup>34</sup>Dahl R, *Democracy and its Critics*, (Yale University Press, New Haven, Connecticut, 1989) p.221

<sup>35</sup>Ibid, p222.

weak institutions including election systems and law enforcement, which according to Cramer results into “frustration – aggression nexus”.<sup>36</sup> This implies that conflict related to elections is a product of frustrations experienced among people. Perhaps the source of frustrations is important as Africa’s democracies are characterized by the need of incumbent to perpetuate inequalities. These inequities create privileges or hierarchies that are recipes for discriminations and oppressions.

Poor governance is characterized by exclusion in distribution of resources leading to relative deprivation, hence polarizing society ready for conflict. There is abuse of power, human rights, , voter intimidation, and restriction of fundamental freedoms hence impacting on political participation, representation and choice of priorities; free and fair elections, political and social economic security.

## **1.6 Hypotheses**

The findings of this study are anticipated based on the following hypothesis: that failure to adhere to democratic values and principles is responsible for Electoral violence in Uganda and Africa in general. And that Electoral violence has significant relationship to the economic, social and political security of Uganda and Africa in general.

## **1.7 Operational Concepts**

**Election** refers to a process that includes procedures for voter registration, campaigning and vote counting that allows people to exercise their democratic rights in selecting their leaders for representing their interests.

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<sup>36</sup> Cramer Christopher, “Inequality and Conflict: A Review of an age-old concern” Identities, Conflict and Cohesion Programmed Paper No. 11 October 2005

**Electoral violence** is a form of political violence where conflicts arising from the election process include intimidation, killing, raping, displacing or evicting people from their homes, destroying property or expressing dissatisfaction in the election process before, during and after elections with the aim of influencing election outcomes.

**Democratic values and principles** refers to citizen participation, equality, political tolerance, accountability, transparency, regular free and fair elections, economic freedom, control of the abuse of power, accepting the results of elections, human rights, multi-party system and rule of law

**Institutions** in this context refer to government responsible for the arrangement of elections, security and law enforcement agencies, political parties and non-government organizations.

**Poor governance** refers to governance that does not adhere to transparency and accountability in public sector management, democracy, civil and political human rights, political party support, combating corruption, building of independent judiciaries, security sector reforms, and improved service delivery.

**Nature of politics** refers to how the leadership manages the distribution of resources, opportunities and the consequences political actions.

**Security** refers to Socio-economic development is measured with indicators, such as GDP, life expectancy, literacy and levels of employment. Changes in less-tangible factors are also considered, such as personal dignity, freedom of association, personal safety and freedom from fear of physical harm, and the extent of participation in civil society.

## 1.8 Methodology

Methodology is the process of choosing data collection and analysis methods appropriate for the research to be conducted and is categorized as qualitative and quantitative. Methods are the particular techniques used to conduct a research and are required to be consistent with the theories to be used in the research.<sup>37</sup>In this study the qualitative rather than the quantitative forms the major approach used to collect and analyze relevant data. This is appropriately selected to explore the attributes of the phenomena in depth by situating the study in case study setting.<sup>38</sup>

This study is intended to critically investigate and analyze the causes of EV, its impact and implications for both national and international security in Uganda, and propose solutions to election to prevent it. The study focuses on democratic structure of Uganda, political organization of Uganda, policies related to elections and human rights as well as social, cultural, economic and political set-up linkages with Electoral violence. In consonance with the liberal theory of democracy, elections involve diverse stakeholders in Uganda such as the National Electoral Commission, the contending political parties, the voting public, domestic and international observers, local and foreign medias, civil society organizations and any other individuals. EV as well affects those who not voters in many ways. It is in light of this fact that the researcher engages the institutions of these stakeholders in search of primary and secondary documentary data relevant for the study. To effectively achieve its objectives, the study adopts descriptive survey research design which enables the researcher to use instruments such as questionnaires and interviews among the said stakeholders in Uganda.

Structured questionnaires are used to collect data from political parties, government agencies and NGOs selected by use of purposive sampling method. Structured interviews

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<sup>37</sup>Silverman D, *Interpreting Qualitative Data*, (SAGE Publications, London 2006) p-15.

<sup>38</sup>Holliday A, *Doing and Writing Qualitative Research*, Sage Publications, London, 2002)p-6.

aroused to collect data from human rights activists and citizens sampled by simple random technique. Focus group discussions among selected samples of citizens by use of stratified and simple random techniques are also be used to collect data.

Collected primary data is analyzed both quantitatively and qualitatively. Qualitative data is analyzed based on strength of arguments presented by participants. Any Quantitative data is analyzed by use of Statistical Packages for Social Science (SPSS) and presented in form of tables, pie-charts and graphs.

The researcher also utilizes secondary data collection techniques from a variety of documentary sources such as written and visual personal documents, official documents of government and private organizations, printed and visual mass media products and electronic sources, literature reviews and case study documentations.

## **1.9 Chapter Outline**

Chapter one deals with background of the study, statement of the problem, objectives of the study, justification, literature review and theoretical framework, hypothesis, operational concepts and methodology. Chapter two is an overview of EV in Africa in general. Chapter three examines the aspects of Uganda's election system including the history, and the institutional framework. Chapter four analyses emerging issues from the previous chapters and any data collected. Chapter five is dedicated to the assessment of lessons learnt the Africa region on the causes of Electoral violence. Chapter six, which is the last chapter is about the research summary, conclusions and recommendations.

## **CHAPTER TWO**

### **OVERVIEW OF ELECTORAL VIOLENCE IN AFRICA**

#### **2.1 Introduction**

After independence, most post-colonial African leaders abandoned the Pan- African spirit of unity and struggle for real independence; and the political aspirations of the African people, when they sought to entrench themselves into political power. They mutilated the post-independence constitutions and opted for one party rule. This happened in Kenya, Uganda, Tanzania and Ghana. This eroded democratic legitimacy so the leaders embraced sub national political bases instead of national bases leading to social identity conflicts. Civil, political economic and cultural rights were undermined, leading to political instability and economic hardships. These resulted into the African crisis manifested by military coups, dictatorships, lawlessness poverty, hunger, unemployment and underdevelopment.

The end of the Cold War in the early 1990s brought political changes not only for the proxies of the former Soviet Union, but even for Africa. The collapse of the communist bloc led by the Soviet Union left the liberal democratic side of the Cold War led by the USA the only power with influence in the world. Most African states who had adopted authoritarian one party state system had of necessity to comply with the new world unipolar order lost strategic relevancy to the unipolar power of USA, which dumped them. This explains the wave of democratic change witnessed across Africa in the 1990s. This change however came at a cost of a new threat to security in most African states in the form of Electoral violence. This article intends to analyze this phenomenon Electoral violence, its causes and impact on security.

The concept of security in Africa is reflected in the 1991 OAU Kampala document – Towards a Conference on Security, Stability, Development and Co-operation in Africa:

“Security embraces all aspects of the society including economic, political and social dimensions of individual, family, community, local and national life. The security of a nation must be constructed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights.”<sup>39</sup>

Liberal democratic values require that elections are regularly conducted to enable citizens to choose leaders of their choice, who will represent and actualize their interests. The election process includes procedures of voter registration; campaigning and vote counting that allow people to exercise their democratic rights in selecting leaders. Electoral violence is a form of political violence where conflicts arising from the election process include intimidation, killing, raping, displacing or evicting people from their homes, destroying property or expressing dissatisfaction in the election process before, during and after elections with the aim of influencing election outcomes.

Moreover, across much of Africa, democracy is just in form but not necessarily in substance. The institutions are often hollow, weak and ineffective; and their ability to perform is limited. These incipient democracies, which have been variously described as ‘illiberal’, ‘delegative’, or, more generally, ‘hybrid’ regimes or ‘anocracies’, constitute ambiguous systems that combine rhetorical acceptance of liberal democracy, the existence of some formal democratic institutions and respect for a limited sphere of civil and political liberties with essentially illiberal or even authoritarian traits.<sup>40</sup>

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<sup>39</sup>Hussein K, Donata G. and Wanjiru J, “Security and Human Security: An overview of concepts and initiatives what implications for West Africa.” *Sahel and West Africa Club*, Paris, December 2004

<sup>40</sup>Menocal A R, Fritz, V, Rakner, L, (2008), ‘Hybrid regimes and the challenges of deepening and sustaining democracy in developing countries’. *South African Journal of International Affairs* 15(1): pp29-40.

While multi-party democracy has become the norm across sub Saharan Africa, the alternation of power between party's remains rare, implying the considerable advantages (both legal and extra-legal) that incumbents wield. Constitutional manipulations about presidential term and age limits and single political party dominance are new gimmicks used by incumbents to cling to power. Since 2000, only fourteen of 54 states have seen power transferred between political parties (Benin 2006, Cape Verde 2011, Comoros 2006, Ghana 2008, Liberia 2005, Malawi 2012, Mali 2002, Mauritania 2007, Mauritius 2000 and 2005, Sao Tome and Principe 2001, Senegal 2012, Sierra Leone 2007, Zambia 2011).<sup>41</sup>

## **2.2 Recent Electoral violence Trends**

Recent trends in Africa include the very violent elections in countries such as Côte d'Ivoire (in 2011), Kenya (in 2007), Nigeria (in 2007), and Zimbabwe (in 2008). In April 2012, there were coup d'états during and prior to the elections in Guinea Bissau and Mali crowning the level of violence. However, the more common scenario has been that of low-intensity violence, widespread coercive intimidation of both candidates and voters including harassment, imprisonment and assassinations; violent riots and clashes between supporters or security elements of the competing political parties; and attacks on local party headquarters and party symbols. Countries that have displayed such characteristics during elections include Ethiopia, Cameroon, Democratic Republic of Congo, Liberia, Equatorial Guinea, Gambia, Guinea, Madagascar, Sierra Leone, Senegal and Uganda.<sup>42</sup>

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Atwood, R , How the EU can support peaceful post-election transitions of power: *Lessons from Africa*. Policy Department, Directorate-General for External Policies, European Parliament, Brussels (2012)

<sup>42</sup>Eldridge V A, Kovacs M, (etal), "Electoral violence in Africa", in the Conflict, Security and Democratic Transformation Cluster, (Policy Notes 2012/3, Nordic Africa Institute, Uppsala, Sweden) 2012



## 2.3 Causes of Electoral violence

Høglund argues that the causes of Electoral violence in conflict ridden societies are identified in three major spheres. These are the nature of politics, the nature of elections and the nature election institutions.<sup>43</sup> Electoral violence, especially if recurrent, is indicative of more widespread systemic grievances and tensions. Tensions over land rights, employment and ethnic marginalization are three dominant characteristics of recurring Electoral violence. This was witnessed in Kenya, Cote d'Ivoire, and Ghana.<sup>44</sup>

The nature of politics has crucial relationship to the causes of EV in Africa because it means authority to allocate not only power but the ultimate resources. With political power individuals can determine when, where, how and to whom to allocate the scarce resources and opportunities. Considering the African crisis, it becomes critical for competitors, leading to employment of unorthodox means to influence election outcomes. The causes of Electoral violence therefore can be divided into two broad categories: first, structural factors related to the underlying power structures prevalent in African democracies, such as informal patronage systems, poor governance, exclusionary politics, and the socio-economic uncertainties of losing political power in states where almost all power is concentrated at the centre; second, factors related to the election process and the election contest itself, such as failed or flawed elections, election fraud and weak or manipulated institutions and institutional rules governing the election process. The states in Africa are all, to varying degrees, relatively new democracies. Democratic institutions and procedures, including elections, have been introduced or reinforced, while the

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<sup>43</sup>Høglund, Kristina (2009) "Electoral violence in Conflict-Ridden Societies: Concepts, Causes, and Consequences", *Terrorism and Political Violence*, 21: 3, 412-427

<sup>44</sup>Bekoe D, Trends in Electoral violence in sub – Saharan Africa, United States Institute of Peace, Peace Brief 13, March 10, 2010.

underlying structures of power in society and the norms governing the political system have often not yet been transformed.<sup>45</sup>

The continent had experienced authoritarian one-party state systems where politics and economics are often conflated. This often resulted into exclusive, intolerant political culture to divergent ideas and opposition. Furthermore, many of the socio-economic and political benefits of democracy have yet to be fully realized among large parts of the population.

In some cases lack of effective election institutions and election frameworks; reforms aimed at lowering the stakes of elections; devolution of powers; socio-economic standing of the populace; and strategies to prevent and manage Electoral violence also contribute to the problem.<sup>46</sup> Lack of constitutionalism, inadequacies in the legal framework and rules within which elections are held could be a source of conflict in leading to EV. Weak institutions like the electoral bodies, justice, law and order, political parties and CSOs facilitate EV due to their inability to address their roles. Many African countries lack institutional capabilities to effectively manage elections. Examples of such countries include South Sudan, Central African Republic, Mali and Democratic Republic of Congo. In such structural circumstances, where the stakes at elections become high and the election contest tends to be perceived as a zero-sum game, winning an election becomes a matter of survival for the competing parties, as well as for entire communities within the state. The risk of Electoral violence is therefore higher in situations where there is real political competition between various parties and genuine possibilities to change existing power relations. All elections involve elements of uncertainty, but if the winner takes all, the uncertainties of democracy come at a high price. As a consequence, many politicians resort to illicit election strategies and make use of militant youth wings, militias

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<sup>45</sup>Eldridge V A, Kovacs M, (etal), “Electoral violence in Africa”, in the Conflict, Security and Democratic Transformation Cluster, (Policy Notes 2012/3

<sup>46</sup> Ibid

or the state security forces to either win the election or strengthen their post-election bargaining position.

Contesting in an election is quite an uncertain venture, hence leading to intense competition between political actors and groups thereby there intensifying and polarizing already underlying socio-economic cleavages and other divisions in society. Elections therefore become very conflictual in nature and mobilize divergent interests in society. It is in this framework that actors adopt mischievous methods outside legitimate and acceptable standards. This is especially so in societies where historically, political or socio-economic inequalities have caused violent conflicts. In such cases elections may mean the return, or a turn, to violence. For example the politicization of ill-designed or unfair land tenure laws has served to motivate violence in a number of cases.<sup>47</sup> Catherine Boone argues tensions in Côte d'Ivoire over economic crises, nationalism and the unclear rights between indigenous and non-indigenous inhabitants in the country's south and southwest regions were exploited by politicians who fanned the fears of the indigenous. Consequently, the non-indigenous—comprising true foreigners, Muslims, and those with northern sounding names—were often violently expelled from their lands and homes and subjected to harassment. The transformation of this conflict into one of citizenship and identity lies at the root of the violence following the 2000 elections and the attempted coup in 2002 by northern military personnel.<sup>48</sup>

While power sharing agreements like it happened in Kenya and Zimbabwe are sometimes deemed temporarily necessary in order to prevent (more) violence, they set dangerous precedents for the continent in the sense that some opponents regardless of whether the election is legitimate or not, it can be violently contested in order to force a power-sharing agreement. This

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<sup>47</sup>Ibid

<sup>48</sup>Boone C, "Election populism where Property Rights are Weak: Land Politics in Contemporary Sub-Saharan Africa." *Comparative Politics* Vol. 41, No. 2, January, 2009 Albany, NY., EUA., ISSN 0010-4159, pp. 183-201

happened in Uganda after the 2011 elections where the political violence was witnessed during ‘Walk to Work’ protests by the opposition led by Kiiza Besigye. This was still Electoral violence because it was executed using the same political structures, pseudo youth militias used in the campaign period; and the claim that the elections had not been free and fair.

Equally, the election administrative system, for example a politically independent election commission, has the potential to influence the efficacy, transparency and political integrity of the elections.<sup>49</sup>For instance, in Tanzania election institution did not meet its expectation as opposition claimed that National Election Commission was partisan to the ruling party. In this case, Friedrich shows that the president appoints the commissioners and thus had upper hand in selecting those who would favor him.

In another situation, lack or failure of constitutionalism and rule of law facilitates incumbent presidents to over stay in power by manipulating election systems contributes to Electoral violence. In this case, Burton, Hyde and Jablonski observe that: information about an incumbent’s popularity in different phases of the election cycle, and institutionalized constraints on such leaders’ decision-making powers, work together to influence decision to use Electoral violence prior to and after an election. The incumbent anticipates and creates unfavorable election conditions where they perceive that losing to opposition makes them weak. This weakens democracy and political process where opposition is frustrated into violence.<sup>50</sup>

## **2.4 Impact of Electoral violence on Economic Security**

Economic development of a country is dependent on many factors including good governance, provision of adequate security, availability of human and capital goods, stable

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<sup>49</sup> Ibid

<sup>50</sup>Hafner- Burton EM, Hyde S D, Jablonski R S, “When Do Governments Resort to Electoral violence?”*British Journal of Political Science*.(First View Article / February 2013, pp. 1-31), ISSN 1469-2112

currency, international relations among others. In this case, governments have the sole responsibility of creating or facilitating environments that attract investors, promote equal participation of the populace and provision of other public services aimed at enhancing economic growth. However, when governments fail to deliver their expectations in situations characterized by oppression which results in Electoral violence, economic systems are jeopardized. EV results in proliferation of lawlessness fear, destruction of property and lives, disruption general life activities like trade and commerce, production and investment. These have serious human life threatening impact manifested by poverty, disease, food insecurity, unemployment and human rights abuses. Atuobi notes that impact of Electoral violence on economic development is felt in long term duration. Although the economic costs of election-related violence cannot be easily quantified, considering the destruction of property associated with it, widespread election-related violence can reverse economic gains.<sup>51</sup> Economic hardship manifested in poverty, unemployment, hunger and general underdevelopment makes sections of the population vulnerable and volatile to insecurity.

## **2.5 Impact of Electoral violence on Social Security**

Social development entails advancement in how people related through various activities that have impact on individual living of other people in different places including other countries. This can be reflected through individual, community, state or regional security. For instance, by considering the ramifications of post-Electoral violence such as killings, assault, rape, evictions, displacement, arson, looting and intimidation, these activities are criminal in nature and threaten peace and tranquility in societies. Omotola notes that: Some notable security implications include the collapse of public order, jeopardizing human security and causing large

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<sup>51</sup>Atuobi M S, "Election Related Violence in Africa" *Conflict Trends*; pp 14

numbers of internally displaced persons (IDPs), the flow of refugees, and further militarization of the state and society. For example, in the aftermath of Electoral violence in the 2007 Nigerian elections, there was a collapse of public order in some volatile states of the south-west. The attempt to restore sanity led to the massive deployment of the military and mobile policemen, who subjected the people to various threats, harassment...<sup>52</sup> Similar effects were witnessed in during the Kenya 2007 and in Zanzibar elections in 2000.

For instance, by considering reports from Zanzibar where Omotola observed that people develop fear and this reduces their interaction level or ability to develop the nation. For example in the 2000 General Elections, during the period between June 19 to November 7, 2000, there were seventeen incidents of malicious damage to property, six of arson, two incidences of assault, eleven of threatening of violence, one of threatening to kill, and two of wounding.<sup>53</sup>

## **2.6 Impact of Electoral violence on Political Security**

Political security is when people are able to live in society that guarantees basic human rights and freedom of expression.<sup>54</sup> According to International Peace Institute (2010), “Electoral violence everywhere imperils democracy by distorting normal mechanisms of political competition but, more fundamentally, by increasing mass apathy toward and alienation from politics.”<sup>55</sup> For example, in African countries that have progressed towards pluralism, increased Electoral violence has been considered to drain democracy.<sup>56</sup> Furthermore, International Peace Institute (2010) observes that Electoral violence has created fault lines among ethnic groups that

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<sup>52</sup> Omotola S, Elections and democratic transition in Nigeria under the Fourth Republic in African Affairs (ISSN: 0001-9909) Vol. 109, Issue No. 437, pp 535-553 (October 2010), p- 68

<sup>53</sup> Ibid

<sup>54</sup> Hussein K, Donata G. and Wanjiru J, “Security and Human Security: An overview of concepts and initiatives what implications for West Africa

<sup>55</sup> International Peace Institute; pp 27

<sup>56</sup> Ibid

depended on democracy and political representation for their peaceful coexistence needed for national harmony and state building.

Electoral violence has in some cases been a precursor for armed conflicts. This was the case with the post-Electoral violence in 1993–1994 in the Republic of Congo. It laid the groundwork for civil war in 1997 in which as many as 15,000 people lost their lives. Clashes continued over the next two years, claiming the lives of 20,000 more.<sup>57</sup>

## **2.7 Conclusion**

The post-colonial African governments inherited weak institutions which they weakened further, with bad leadership and governance. This eroded democracy and plunged the continent in crisis creating the nature of politics that is conducive for political violence including electoral violence. This coupled with the competitive nature of elections and African politics, electoral violence has become a serious threat to economic, social and political security in Africa. Electoral violence constitutes reversal of democracy in Africa because it erodes the very principles of democracy as it denies participation, representation, human rights; and undermines constitutionalism and rule of law.

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<sup>57</sup>De Beer and Comwell R, *CONGO-BRAZZAVILLE -The deep end of the Pool, Occasional Paper No 41* - Africa Early Warning Programme, Institute for Security Studies, South Africa, September 1999

## **CHAPTER THREE**

### **ELECTION ISSUES IN UGANDA**

#### **3.1 Introduction**

Having underscored state of electoral violence in Africa highlighting the causes and impact on African security and development in the previous chapter, it was found from secondary sources that electoral violence is generally a result of the nature of politics in Africa due to bad leadership and governance, the weak legal and institutional framework; which make elections competitive and therefore conflictual in nature. This chapter critically describes in detail the nature of Uganda's politics, Uganda's election history since independence, election institutions and the legal framework along the same parameters.

#### **3.2 Overview of Uganda Politics and Elections since Independence**

The struggle for Uganda's independence was marked with the emergence of Uganda's first party, the Uganda National Congress (UNC) formed in 1952 based on principles of free elections and autonomy.<sup>58</sup> The year 1958 marked beginning and development of election experiences in Uganda. A constitutional conference was convened and structures formed to organize and conduct various elections leading to independence in 1962. As early as the 1958 elections there were flaws in the election system when several local governments boycotted it.

The majority of the population then was not much conscious about matters of elections. However, in the period following 1962, political, social and economic dynamics started to manifest themselves as citizens developed interest in the country's democracy. The country got independence with seeds of ethnic and religious conflict already sowed in form the ideologies of

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<sup>58</sup>Konrad A and Stiftung, *Republic of Uganda, Facts and Data*, KAS Office, Uganda, June 2011.



the various political parties. When Protestant Baganda formed the political party Kabaka Yekka (KY) to press for autonomy for Buganda at independence, Catholics formed the Democratic Party (DP) to oppose the parochial interests of the KY. The DP also won support in areas where opposition to Buganda was high, and other political parties organized in reaction to KY and DP demands. Religion continued to be a factor in national politics through the first three decades of independence.<sup>59</sup> This would influence campaigns, voting patterns and therefore struggles sometimes culminate into Electoral violence as people would compete over non issues.

This ushered in African leadership under Sir Edward Mutesa, the king of Buganda (Mutesa II), who was elected the president, and Milton Obote the prime minister, of the newly independent country.<sup>60</sup> This period marked the beginning African independence in Uganda where power, authority and rule of the people was supposed to be truly African. The Africans hoped that with independence, all they had to do was work hard economically and political stability and prosperity were to follow. However, one major issue faced by the new government, was the contentious matter of Lost Counties, by then under Buganda, but claimed by Bunyoro Kingdom. A referendum, the first to be held in the history of Uganda, was set for the year 1964 to resolve this conflict and it culminated into the two counties, Buyaga and Bugangaizi voting to return to Bunyoro Kingdom. The referendum was characterized by violence and intimidation. As a result even a year later, in 1965, feeling about loss of the referendum among the Baganda continued to run so high that when six Bunyoro officials and a civilian attempted to enter the Kabaka's lodge at Ndaiga, in one of the then “re-lost” counties in Bunyoro, all seven were killed.<sup>61</sup>

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<sup>59</sup>Byrnes R M, ed. *Uganda: A Country Study*. (GPO for the Library of Congress, Washington 1990) pp 41-45.

<sup>60</sup> Pearson Education, “Uganda,” Infoplease.com, 2013.(Accessed December 4, 2013).  
<http://www.infoplease.com/country/uganda.html?pageno=2>

<sup>61</sup>Melinda Edward, Urgent: Buganda in Uganda

In 1966 Prime Minister Obote seized control of the government from President Mutesa four years later and declared himself as head of government and state.<sup>62</sup> He changed the constitution, bestowed upon himself all powers of the state and government, abolished traditional kingdoms and established a socialist centralized state.<sup>63</sup> This caused a constitutional crisis as people perceived the government as illegitimate. There were protests against abolishment of traditional kingdoms which reflected a devolved system of administration and power. The post-independence elections scheduled for 1967 never took place as they were postponed by Obote after 1966 crisis.<sup>64</sup>

Idi Amin took power through a military coup d'état in 1971 and ushered in a praetorian culture of government, elements of which persist to date. He ruled the country by decree for eight years until he was overthrown by the Uganda National Liberation Front (UNLF) assisted by the Tanzanian army in 1979. During this period, there were no election activities in the country. It was after then, that the first national elections since independence were held in December 1980. They were held under conditions that favored the UPC, which was still led by Obote.<sup>65</sup>

According to a memo by Milton Obote to Muwanga, the Chairman of the UPC inclined Military Commission which was the interim leadership of the country after the removal of Godfrey Binaisa; the strategy was; to frustrate non UPC supporters on the National Consultative Council which was the interim legislative body then. UPC had majority in the armed forces and those seen not loyal were retired, dismissed or transferred from the city. He gave instructions to ensure Baganda are intimidated, the election commission and returning officers were dominated

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<http://www.mail-archive.com/ugandanet@kym.net/msg04693.html>. (Accessed February 10, 2014)

<sup>62</sup>Konrad, Adenauer and Stiftung

<sup>63</sup> ibid

<sup>64</sup>Byrnes R M, ed. *Uganda: A Country Study*, pp- 42.

<sup>65</sup> Ibid pp 45

by his sympathizers, gerrymandered election areas especially in UPC strong holds of North and eastern parts of the country, ordered the elimination of other party leaders, and planned for separate ballot boxes for each candidate. Worst of all he organized for planned mutiny in the army just in case other strategies failed.<sup>66</sup> The stage for electoral violence was set and indeed there were many incidents. Opposition aspirants were arrested on the eve of nomination, people were intimidated and the vote was rigged. Peoples' hopes of participation in elections and the outcome of the election was never to be what was expected as Konrad notes that:

“.....Milton Obote came into power again amid great accusations for voter fraud in a decisive election held that year. Obote's second term branded the country even more by torture and violence targeted towards opposition figures.”<sup>67</sup>

It was observed that elections handled by the commission were characterized by gerrymandering, ballot-box stuffing, coercion, violence and obvious fraud, resulted in the junta issuing an outright declaration of Obote as the winner of the Presidency.<sup>68</sup> The election body was politically influenced. This sparked off the armed rebellion by the National Resistance Army. Sekaggya observes that, “Having been out maneuvered, Museveni declared an armed rebellion and launched the gruesome five-year Uganda ‘Bush War’ against Obote's government, after which Museveni and his National Resistance Army (NRA) took power in 1986.”<sup>69</sup> This shows that election malpractices and violence do not only disenfranchise people, rather they have far reaching human security implications. This yielded the five-year guerilla war through which Yoweri Kaguta Museveni became president of Uganda and ushered in democracy.

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<sup>66</sup>Obotestategyfor1980elections,  
<http://semuwemba.files.wordpress.com/2010/03/obotestategyfor1980elections1.pdf>(Accessed February 11, 2014)

<sup>67</sup> Ibid; p. 4

<sup>68</sup>Sekaggya M, *Uganda; Management of Elections: A study by AfriMap and The Open Society Initiative for Eastern Africa* 2010. pp 12

<sup>69</sup> Ibid;

During the period 1986 and 1989, institutions of democracy were formed in the framework of the 'movement system' where political parties could exist as political organizations and resulted in provisional parliament to be elected in 1989.<sup>70</sup> This election resulted in formation of seemingly devolved power where Bwana notes that, "Resistance Councils (now called Local Councils) at all levels from the village up to the national parliament called the National Resistance Council (NRC),"<sup>71</sup> were formed.

The village elections were so simple and cheap. The campaigns were instant and void of corruption, because you would not deceive anybody about anything. Support for any candidate was genuine and leaders were elected on merit. Voters assessed candidates according to social justice determined by social interactions and relations. The voting was so transparent because voters would line up behind candidates and everyone would see and confirm the winner and loser by sheer numbers or length of the line of voters behind each candidate. It was difficult to rig the elections and all would accept the results. There was no need for registration of voters, printing of ballot boxes, employment of professional election officials and best of all minimized possibility of Electoral violence.

However, even at that grass root level, the influence of socio-economic classes influenced choice of leadership. It was also noted that the leadership chosen in any community reflected its integrity, attitude, values, and general habits. Some members would fear to stand behind their candidates during voting for fear of being seen to support a different candidate. It is noted that these elections witnessed electoral violence and intimidation with numerous incidences of arm

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<sup>70</sup>Konrad, Adenauer and Stiftung

<sup>71</sup>Bwana C N, "Voting Patterns in Uganda's Elections: Could it be the end of the National Resistance Movement's (NRM) domination in Uganda's politics?" Department of Political Science and Public Administration, Makerere University, IFRA ~ Les Cahiers, N° 41, pp. 81-93

twisting and kidnap.”<sup>72</sup> So the competitive and therefore conflict nature of elections led to violent incidents at that level.

Critics argue that the movement system prohibited political activities as the NRM government was based on ideology of one state party system under president Museveni. Bwana notes that, “Indeed, the Resistance Councils and Committees Elections Regulations, 1989, forbade all use of party symbols, sectarian appeals, and threats of force, the offer of food or drinks and the display of candidates’ posters.”<sup>73</sup> This signified lack of free and fair elections where use of party symbols and display of candidates’ posters should be allowed to ensure that people make informed decisions.

Kasfir also observed that the elections of 1989 discouraged open campaigning thus making it difficult for candidates and civilians as well from discussing policies.<sup>74</sup> This implies that the spirit of elections through making of choices based on candidate’s ability to convince masses through articulation of policies is not provided for and achieved. This demonstrated lack of political will to support democratization as advocated for by the NRM government during its formation. In this scenario, Kasfir further posits that directive on prohibition of discussing policies aimed at making voters to shift their perception from policies to personality of the candidate, thus, voters were made to vote for those who were honest, easy to get along with people or NRM members.<sup>75</sup> However, voting took place and the country the country past another milestone to democracy.

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<sup>72</sup>Fredrich

<sup>73</sup>Bwana C N, *Voting Patterns in Uganda’s Elections: Could it be the end of the National Resistance Movement’s (NRM) domination in Uganda’s politics?* p 86

<sup>74</sup>Kasfir N, “The Ugandan Elections of 1989: Power, Populism, and Democratization,” in Holger B. Hansen and Michael Twaddle, (eds) *Changing Uganda: The Dilemmas of Structural Adjustment and Revolutionary Change*, James Currey, London: 1991, p-255

<sup>75</sup> Ibid

The reconstruction period was characterized by institutional building and frameworks aimed at democratization and making the country stable politically. This is evident in constitutional making process which led to the 1994 elections to the Constituent Assembly (CA) that debated and promulgated the 1995 constitution.<sup>76</sup> Stabilization of democracy was supported by legal frameworks such as the constitution. However, the CA elections were not different from the 1989 elections as they were organized under the ‘individual merit’ principle.<sup>77</sup> This shows that shortcomings in previous elections did not provide enough lessons to improve the election system.

In 1996, constitutional supported presidential and parliamentary elections were held under the ‘individual merit’ principle rather than political parties. Majority of those elected were members of NRM including the president, Museveni.<sup>78</sup> The idea that individuals must stand on their own platform rather than a political party platform was not popular with the opposition because it advocated for "no-party democracy. Similarly, analysis of the elections in 1996 showed that citizens eligible for voting were not given full chance to interrogate the candidates based on policies and their agenda for the people, rather personalities were given priority as NRM members were favored by the system. Interestingly, a referendum in 2000 aimed at determining future election system resulted in movement system chosen by 90% of those who voted representing 51.1% of registered voters.<sup>79</sup> In 2001, NRM monopolized election system, voters were oppressed and candidates in opposing camps intimidated. Bwana posits that, “in the elections of 1989, 1994, 1996 and 2001, there has been no political party activity; the party

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<sup>76</sup>Bwana C N, *Voting Patterns in Uganda's Elections: Could it be the end of the National Resistance Movement's (NRM) domination in Uganda's politics*

<sup>77</sup> Ibid

<sup>78</sup> Ibid

<sup>79</sup>Peterson E, *Uganda: Presidential, Parliamentary and Local Council Elections, 2006*, Norwegian Centre for Human Rights Report, 08/2006

identification model has also been none-applicable in the elections.”<sup>80</sup> This shows that issues of multiparty elections Uganda remained contentious.

The wave of democratization in Africa which saw many one party rule states changing tune affected Uganda as well. In the 2005 referendum, Peterson notes that, “The voters were asked: “Do you agree to open up the political space to allow those who wish to join different organizations/parties to do so to compete for political power?” 92.5 % of the voters voted for a yes and the voter turnout was 47% (preliminary results after counting results from 99.6% of the polling stations).<sup>81</sup> This confirms that political system since 1986 was oppressive especially to members with different ideology from movement system.

In 2011, Uganda held presidential, parliamentary and mayoral elections. The campaign period and the election process were relatively peaceful as it was following many people’s expectations that the 2011 election was important as it presented an idea of the democratization process of the country.<sup>82</sup> But more so people in Uganda feared to be affected by electoral violence just like the Kenya 2007 post-election experience. This implies that people were hopeful of increasing democracy as compared to previous years. The Report of Institute for Security Studies of 2011 shows that it gave a new insight to the government regarding what the people wanted: a system that would be representative of all, a government that would willing to attend to the concerns of the people, a level playing field and less engagement of the security forces in the election process.<sup>83</sup> This indicates that obstacles to undemocratic election process were increasingly eliminated.

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<sup>80</sup>Peterson E, *Uganda: Presidential, Parliamentary and Local Council Elections, 2006*, p 87

<sup>81</sup>Ibid.

<sup>82</sup> Report of ISS Public Seminar, “Uganda: Analysis of The 2011 Elections and its Implications,” Organized by The African Conflict Prevention Programmed (ACPP), ISS Nairobi Office in conjunction with the Hans-Seidel Foundation and Deepening Democracy Programmed- Kampala, (Unknown Year); p1

<sup>83</sup>Ibid; p 2

However, the Report of Institute for Security Studies of 2011 showed that the opposition continued to accuse the incumbent and the ruling party- the NRM of voter bribery, uneven political campaigning turf, intimidation through the use of state security forces, unprecedented extravagance and rigging.<sup>84</sup> This shows that there were several concerns and observations that were raised following the February 2011 general elections. For example, the Report of Institute for Security Studies of 2011 indicated that the elections were characterized by the inflated number of voters; excess use of money resulting to commercialization of the political process; poor civic education; names missing from the voters' register; pre-ticked ballot papers and ballot stuffing; heavy deployment of the police, which could have intimidated the 41% of people who did not turn out to vote; lack of a system to verify whether the results released by the Electoral Commission (EC) were the genuine results; integrity of the EC- concerns that the commission was not able to hold credible elections; Commission officers at the lower level being compromised; compromised party agents; citizens not taking elections seriously- they rarely look beyond the candidate campaigning; abuse of incumbency; lack of competition within political parties since the party leaders are synonymous with the party itself; lack of coherence among opposition parties; and, the lack of a level playing ground for all participants in the elections.<sup>85</sup>

This indicates that voter apathy was imminent in future elections unless this was corrected. It is believed that with slightly above 50% voter turnout, the 2011 elections did not received full public attention. For instance, with the 41% of the population that did not turn out to vote could also have been be due to the fact that many people do not feel the impact of the government, and some have lost faith in the election system thus do not see the significance of

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<sup>84</sup>Report of ISS Public Seminar, "Uganda: Analysis of The 2011 Elections and its Implications," p2

<sup>85</sup> Ibid;



elections because nothing much changes through election.<sup>86</sup> This situation in Uganda indicates that Electoral violence is rife in each electioneering process.

### **3.3 Constitutional and Other Legal Provisions on Elections in Uganda**

Institutional framework entails structures that support elections such as justice, law and order enforcement, elections management institutions, political parties, Civil Society Organizations (CSOs). The legal framework involves regulations, procedures, policies and laws that govern electoral system. It has been mentioned that elections in Uganda have been controversial as a result bad governance due to instability. For example, when Obote abrogated 1962 Constitution, which gave rise to the 1966 Constitution, a centralized parliamentary system of government was introduced, that abolished all federal elements. And yet this was supposed the basis of devolution of power to facilitate citizen's participation; and governance accountability. The Constitution stipulated that the party elected with the greatest numerical strength would form the executive government.<sup>87</sup> This shows that change of constitution as a legal framework can either make or break election system. It changed the election system to a zero sum game which would be prone to electoral violence.

The election system in Uganda is generally prescribed in the Constitution and other relevant laws. From 1986 to 2005, Uganda was under the Movement (No Party) political system. This system applied the principle of individual merit to those aspiring for political office. Every Ugandan was by law a member of the Movement and candidates stood on their own merit and campaigned as such. In effect, the nature of politics during the National Resistance Movement rule was a de facto one party rule which aspired to practice democracy within the movement.

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<sup>86</sup>Report of ISS Public Seminar, "Uganda: Analysis of The 2011 Elections and its Implications," p2

<sup>87</sup>Sekaggya M, *Uganda; Management of Elections*; p 61

Election processes were almost crude without a standard election body. The Resistance Councils (RCs) elections would be conducted by the NRM Secretariat itself. These were direct elections where voters queued behind their preferred candidates, and the one with majority votes was declared winner there and then. However, there was an interim election commission that managed the elections of delegates to the Constitutional Assembly resulting into the promulgation of the Constitution in 1995, later amended in 2005. The interim election commission was credited for announcing results as they came in and exhibiting some reasonable degree of transparency in management of those elections.<sup>88</sup>

The Movement political system was changed by the referendum of the year 2005 to multi-party political system. The Political Parties and Organizations Act, No.18 of 2005 (PPOA) was passed to harmonize and regulate Political Parties and organizations. The PPOA provides for a Code of Conduct for political Parties and Organizations and a National Consultative Forum for Political Parties and Organizations. The registration and regulation of political parties or organization is conducted by the Election Commission. Currently Uganda is a multi-party democracy with over 38 registered parties.

The foundation for elections in Uganda as a multi-party democracy is laid under various provisions of the Constitution. The constitution's section 59 ensures universal suffrage for all Ugandans above the age of 18, and instructs the State to take all necessary steps to ensure that all citizens that are qualified to vote shall register and exercise their right to do so.<sup>89</sup> To facilitate this, parliament enacted subsequent election laws including; the Election Commission Act of 1997, as amended in 2005 and 2010, the Presidential Elections Act, No. 18/2005, the

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<sup>88</sup>Sabiti M, Deepening Democracy through Multipartyism: The Bumpy Road to Uganda's 2011 Elections, in *Africa Spectrum*, 45, 2 (GIGA German Institute of Global and Area Studies, Institute of African Affairs in co-operation with the Dag Hammarskjöld Foundation Uppsala and Hamburg University Press, ISSN: 0002-0397), 2010, p 81-94

<sup>89</sup>Peterson E, "Uganda: *Presidential, Parliamentary and Local Council Elections*, 2006, , p 87

Parliamentary Elections Act, 2005, as amended in 2010, the Political Parties and Organizations Act of 2005, as amended in 2010.<sup>90</sup> Other laws are the Local Governments Act, National Youth Council Act Cap. No. 319, Referendum and Other Provisions Act 1 of 2005, Equal Opportunities Commission Act enacted in 2006, and the National Women's Council Act, Cap.No.318 which governs and regulates various aspects of the election system.

The mode of Elections is such that the directly elected members and district women representatives, candidates may be nominated by a political party/organization or may stand as independents. Voting is by universal adult suffrage secret ballot and winners are determined by a first past the post methods. However, the progress made in the establishment of election institutions, observations and demands have been made for election and constitutional reforms by civil society organizations and opposition parties. These constituted the cause for election related violence before, during and after the 2006 and 2011 elections. The demands include: the need to re-constitute the election commission to reflect the spirit of multiparty political dispensation, removal of the military representation from parliament, reinstating presidential term limits, removal of polling stations from army barracks, removal of the security forces (the military) from management of security of the election process and Election Commission Chairperson and Commissioners should serve not more than two terms of five years.<sup>91</sup>

It is posited that the Election Commission secretariat supported NRM and lacked autonomy from the influence of the government.<sup>92</sup> Despite these pressures for amendment, some contentious issues were never amended such as president's term in office as it was argued that it required constitutional review. Only cosmetic amendments were made to limit the term of office

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<sup>90</sup> European Union, "European Union, Election Observation Mission Report: General Elections, 18 February 2011," European Union, Election Observation Mission, March 10, 2011

<sup>91</sup> Sabiti (2010), Deepening Democracy through Multipartyism: The Bumpy Road to Uganda's 2011 Elections,

<sup>92</sup> Ibid

for EC secretary to five years renewable once, EC to give electronic copy of registered voters before elections and to gazette voting places 60 days before elections.<sup>93</sup> Critical issues such as those related to use of government in election systems were not addressed. This is an indication that non-partisan legal framework was still wanting in order to realize free and fair elections which would prevent Electoral violence.

### **3.4 Institutional Framework**

Uganda operated for many years without election body. However, in 1997 the Election Commission Act was enacted and it provided for the establishment of the Election Commission. The Act mandated EC to demarcate constituencies, maintain the voter register on a rolling basis, appoint election officials, organize all election materials; and gather, collate and announce the election results.<sup>94</sup> Under the constitution, the Election Commission is tasked with ensuring free and fair elections, and “to hear and determine election complaints arising before and during polling.”<sup>95</sup> This shows that all election activities were bestowed upon the EC. The EC thus has administrative duties concerning elections.

According to Petersen, the EC has the responsibility to organize, conduct and supervise elections in Uganda. It is headed by 7 commissioners who have been appointed by the president. The duties and responsibilities of the EC are, as previously mentioned, described in the constitution in sections 60 to 68, and in the Election Commission Act of 1997. The EC which presided during the election cycle of 2005-2006 consisted, with one exception, of new commissioners. The previous EC had been tainted with accusations of corruption and other

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<sup>93</sup>Sabiti M, Deepening Democracy through Multipartyism: The Bumpy Road to Uganda’s 2011 Elections,,

<sup>94</sup>Peterson E, “Uganda: *Presidential, Parliamentary and Local Council Elections, 2006*,

<sup>95</sup>The Republic of Uganda 1995, *The Constitution of the Republic of Uganda* 1995, LDC Publishers, Kampala, Uganda, art. 61.

malpractices and a new commission was needed to restore confidence among the public and political actors.<sup>96</sup>

The Constitution and the Election Act emphasizes the independence of EC. Article 62 of the Constitution states that:

“.. 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”.<sup>97</sup>

However, during every election period its composition and functioning has been questioned by the opposition. Political parties are skeptical of the possible impartiality and efficacy of the EC in ensuring free and fair elections in Uganda as well as professionally managing the transition. The Constitution prescribes for the presidency to nominate Commissioners of EC who are approved by Parliament. The presidency is empowered to remove them as well. They never expect Parliament where the ruling party has always had majority members and the Election Commission to do a good job on account that both are one and the same. The conception in UPC circles is that the EC should be composed of people from both the government and the opposition parties. There is fear that government delays and constrains the disbursement of finances to Election Commission so that its work may delay to open chances for the opposition to campaign, and that the state machinery may use the Election Commission to the advantage of the incumbent.<sup>98</sup> The EC is viewed as not independent and inefficient, aggravating the conflictual nature of elections in Uganda.

Critics allege the EC's incompetence based on the ruling whereby after the 2006 elections, Dr. Kiiza Besigye filed a suit seeking nullification of results of the elections. However,

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<sup>96</sup>Constitution of Uganda, 1995, art. 61

<sup>97</sup>Ibid, art. 62

<sup>98</sup> Interview, Henry Mayiga, UPC vice chairman, Kampala February 8, 2005

the Court found that there were many malpractices and inconsistencies, but did not nullify the results and did not declare the EC to be incompetent. It can be deduced that election malpractices however minor or not significant enough to nullify an election process, tend to cause significant negative perceptions which may lead to future insecurity. This has been witnessed in the violence in form of constant protests and riots by elements of the opposition in Uganda during the run up to the election process of 2011. There were ever running battles between the police and opposition parties and CSOs at the EC offices and the city over this matter.

### **3.4.1 Political Parties**

A political party is defined a group of persons organized to acquire and exercise political power. The term has come to be applied to all organized groups seeking political power, whether by democratic elections or even by revolution.<sup>99</sup> It is an organized group of people with at least roughly similar political aims and opinions, that seeks to influence public policy by getting its candidates elected to public office. Political parties in Uganda are supposed to solicit and articulate public policy priorities, civic needs and problems as identified by members and supporters. They should socialize and educate voters and citizens in the functioning of the political and election system; and the generation of general political values. They should activate and mobilize citizens into participating in political decisions and transform their opinions into viable policy options. They would play the role of channeling public opinion from citizens to government; recruit and train candidates for public office. Political parties play the important

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<sup>99</sup>Political party; <http://www.britannica.com/EBchecked/topic/467631/political-party> (accessed 28/02/2014)

role of linking the society and state. They function as a multipurpose entity whereby they control the state and at the same time assist the society in solving their problems".<sup>100</sup>

In the case of Uganda, political parties emerged initially as protest movements before gradually being transformed into modern type parties. The first political parties in Uganda included the Democratic Party, Uganda National Movement, Uganda Peoples Union (UPU) and finally Uganda Peoples' Congress (UPC), begun as protest movements during the independence struggles. The transition to independence was characterized by deep divisions among the political parties based on religious differences. Uganda people's congress was protestant, the Democratic Party was catholic, and KabakaYekka was traditionalist aligned to Buganda Kingdom.

During the Cold War when the world was polarized between liberal and totalitarian blocs. Just like in other countries, in Uganda the UPC turned against KY, its ally in 1966. The resulting violence provided a conducive setting for the justification turning the country into a de-facto single-party state. The emergence of a praetorian state in Uganda from 1971 introduced a political dispensation which rendered political party activities to the political born yard. This went on until 1980 when general elections were held after the overthrow of Field Marshal Idi Amin. The ideological character of all the political parties, other than Uganda Patriotic Movement (UPM) to some extent had never changed. They still sought to rally the electorate along social identity issues of religious and tribes. UPC had its political support among the Anglican and non Bantu ethnic bases, DP was supported by Catholics and Bantu, CP was drew

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<sup>100</sup>Oberreuter, Heinrich, "Political parties: Their Position and Function within the Constitutional System of the Federal Republic of Germany", in Thesing J and Hoftneister (eds.), *Political Parties in Democracy*, (Konrad-Adenauer-Stiftung: Bonn) 1995, pp26-44.

support from conservative Baganda, while UPM which sought to be national then was hardly known then.

From 1986 to 2005, Uganda was under the Movement (No Party) political system. This system applied the principle of individual merit to those aspiring for political office. Every Ugandan was by law a member of the Movement and candidates stood on their own merit and campaigned as such. The Movement political system was changed by the referendum of the year 2005 to multi-party political system. Currently Uganda is a multi-party democracy with over 38 registered parties; and the many of which exist only in name.

The institution of political parties in Uganda is still weak. They have internal weaknesses of democracy and constitutionalism. They are not built on firm ideological foundations; rather they are in many cases only used as vehicles to political power. To many people, membership to political parties is not about principles or ideologies, rather it is about personalities, campaign “goodies” (read bribery), or social identity issues. The NRM, which is the ruling party, is riddled with internal power rivalries which often lead to violent primary elections. For example the recent unanimous decision by NRM members of parliament to announce President Museveni as the sole party candidate for the upcoming 2016 Presidential elections<sup>101</sup> in disregard of the established party organs responsible for such matter indicates weakness or lack of constitutionalism in the party.

The resurgence of one party dominance in Uganda with the NRM as the majority party in government is reminiscent of the one party rule during the Cold war times in Africa. The NRM had 263 elected members of Parliament and 10 nominees from the military, without considering NRM leaning independents of the total 375 members after the 2011 general elections. Details are shown in Figure 1 below. The same trend of NRM party dominance is replicated at various local

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<sup>101</sup>Redpepper (Newspaper), February 14, 2014 “NRM Caucus Accused Of Breaching Own Party Constitution”.



council levels of decentralization. This is due to weaknesses of opposition parties as a result of lack of superior ideology, the many restrictions by government and unequal opportunities and resources available in mobilization. This leads to the danger of entrenching personal rule, weakening institutions and therefore risking electoral violence during elections and perhaps wide political violence in the country.

**Figure 1. Uganda 18 February 2011 Parliamentary Elections**

Party	Directly elected seats		Indirectly elected seats		National total
	Constituency	District Women Representatives	Special Interest groups	UPDF	Number of Seats
National Resistance Movement (NRM)	164	86	13	-	263
Forum for Democratic Change (FDC)	23	11	-	-	34
Democratic Party (DP)	11	1	-	-	12
Uganda People's Congress (UPC)	7	3	-	-	10
Conservative Party (CP)	1	-	-	-	1
Justice Forum (JEEMA)	1	-	-	-	1
Independents	30	11	2	-	41
Vacant	1	-	-	-	1
Uganda People's Defence Force (UPDF) Representatives	-	-	-	10	10
Total Seats	238	112	15	10	375

Note:

\*A further breakdown of the 15 indirectly-elected seats reserved for special interest groups is as follows:

--Youth Representatives (5 Seats): National Resistance Movement (NRM) – 4, Independent – 1

--Representatives of Persons with Disabilities (5 Seats): National Resistance Movement (NRM) – 5

--Worker's Representatives (5 Seats): National Resistance Movement (NRM) – 4, Independent – 1

**Source:** *African Elections Database*<sup>102</sup>

The general conduct of some political parties as well as the nature of their internal governance has been wanting, especially during election processes. And for those that are active, the problem of internal democracy and failure to adhere to the required discipline has persisted

<sup>102</sup> African Elections Database: Elections in Uganda, Uganda 18 February 2011 Parliamentary Elections.[http://africanelections.tripod.com/ug.html#2011\\_Presidential\\_Election](http://africanelections.tripod.com/ug.html#2011_Presidential_Election)

especially during primaries for selection of aspirants and campaigns periods. Political parties have known to engage in acts of intimidation of voters, election officials and even security. They recruit marauding bands of hooligans with intimidating pseudo names like “Kikankane, Kiboko squad “for God and My Country” (4GC), Black Squad and others”. In June an ad hoc group known as the Kiboko (stick) squad assaulted Forum for Democratic Change presidential candidate Kizza Besigye and other opposition leaders at a rally in Kampala.<sup>103</sup> They ferry hooliganism from one campaign area to another and cause unnecessary fracas which in many cases turns into violence. For example during a by-election in Lwengo district, groups of hooligans from opposing NRM and DP, wielding sticks and guns clashed at a polling station, injuring other people. This necessitates strong legal and regulatory framework of laws and codes. It is for this reason that the state through its authoritative apparatus-the government- seeks to regulate by law party activities, and conduct in a democratic/democratizing society.<sup>104</sup> The Political Parties and Organizations Act, No.18 of 2005 (PPOA) was passed to harmonize and regulate Political Parties and organizations. The PPOA provides for a Code of Conduct for political Parties and Organizations and a National Consultative Forum for Political Parties and Organizations. The registration and regulation of political parties or organization is conducted by the Election Commission.<sup>105</sup> For example The High Court in Kampala granted the Electoral Commission (EC) permission to de-register 10 inactive political parties after finding out that they were non-observant with the law. “The judge faulted the parties for flouting Section 9 of the Political Parties and Organizations Act, 2005(as amended) that requires that every political party

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<sup>103</sup> Human Rights Watch, Uganda: Country Summary report 2011;  
[http://www.justice.gov/oir/vll/country/Human\\_rights\\_watch/2011/Uganda.pdf](http://www.justice.gov/oir/vll/country/Human_rights_watch/2011/Uganda.pdf) (accessed 28/02/2014)

<sup>104</sup> Khabele M, *Political Parties in Southern Africa: The State of Parties and their Role in Democratization* (Stockholm: International IDEA, 2007) pp-8

<sup>105</sup> Country Report On Election Systems In Uganda, Uganda Law Reform Commission, 2011, <http://www.justice.gov.za/alraesa/conferences/nam2011/uganda.pdf> (accessed 28/02/2014)

should within 60 days after expiry of the first year, and after issuance of certificate of registration, submit to EC its updated records, a move that the affected parties didn't comply with".<sup>106</sup>

Political parties in Uganda have evolved over time, and they were not based on sound ideologies. It is observed that right from the beginning to date the political parties were not institutionalized as full ideological all round packages which well-focused economically, politically, socially or even culturally. This gives opportunity to politicians to manipulate the electorate on non-issues of social identity like religions and ethnicity. While they play democratic roles, they have sometimes aggravated conflict and Electoral violence. None the less they are proof that the country is getting back along democratic path.

### **3.4.2 Judicial role**

Matters to do with arbitration, constitutional interpretation and other laws related to elections are institutionalized in the courts. The Constitution vests the higher judiciary with formal independence, which is assured in practice through a merit and qualification-based pre-selection process, as well as through life tenure. Prior to confirmation by the President, judges of the higher courts are screened by the independent Judicial Service Commission, and then vetted by the Parliamentary Appointments Committee. The law prescribes that prosecution of illegal practices requires the consent of the Director of Public Prosecution (DPP), and must commence within three months of the commission of the offence.<sup>107</sup> This shows that courts have been given authority to offer legal services related to elections such as election petitions and election offences.

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<sup>106</sup> , Redpepper (Newspaper), Court Okays Deregistration of Inactive Political Parties. April 16, 2014

<sup>107</sup> EU Election Observation Mission, Uganda 2006, Final Report on the Presidential and Parliamentary Elections pp25-26

Of recent the Judiciary has proved its independence and impartiality especially in deciding electoral disputes where even ruling party has lost cases, by-elections held and it has lost. This happened in the constituencies of Lwengo, Kasese, Bushenyi and Jinja Municipality. It is not only in matters of election disputes but the opposition has won several constitutional litigations against government as well.

However, courts' failure to explain the contradictions and significance of their judgments relating to election petitions, such as the petition where they cited the phrase, 'failure to substantively affect the outcome' of an election, and yet at the same time ruling that the elections were not free and fair and were not held in accordance with the law governing elections left many people confused as the real truth.<sup>108</sup> Besides court justice may settle disputes but does not usually solve the underlying issues responsible for the conflict.

### **3.4.3 Security Role**

Elections in Uganda are confrontational, so security management and containment of the process within accepted boundaries is necessary. The Uganda Police Force is mandated by law to manage the security of elections in the country. While the EC is mandated to settle election disputes, it relies on the police support to investigate criminal and election offenses. The police also support the Commission in enforcement of the electoral laws and codes of conduct because the election commission staffs have no powers to carry out arrests. The relationship between the EC complaints officers and the police is thus vitally important to guaranteeing the right to an effective remedy for election-related crimes and to establishing a solid basis for their prosecution.<sup>109</sup>

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<sup>108</sup>Sekagya M. "Uganda Management of Elections p 62

<sup>109</sup> Human Rights Watch Report, *Preparing for the Polls: Improving Accountability for Electoral violence in Uganda*, 2009 p-11

Given the history of the country there have been concerns over the reliability and impartiality of security forces during elections. To be effective, security forces must not be partisan otherwise instead of defusing tensions they may heighten them and undermine their own function in the process. For example during campaigns in 2006, there occurred incidents where security forces were involved in partisan politics, in contravention of the Code of Conduct for Security Personnel which required neutrality during the election period. On 1 February in Iganga District, gun wielding Local Defense Unit personnel, wearing yellow NRM T-shirts clashed with FDC supporters.<sup>110</sup>

Electoral violence signals a critical departure from the accepted rules that govern the process. Participants in an election must be treated in an equitable manner by both security forces and election officials. On 15 February 2006, at Bulange Mengo (Kampala), three FDC supporters were shot and killed when a soldier opened fire at a crowd waiting for Kizza Besigye. In another incident, several people were injured, two of them critically, when armored UPDF trucks drove into an FDC crowd in the central town area of Mukono.<sup>111</sup> It is reassuring that the perpetrators in the above incidents were arrested and prosecuted, some sentenced to 14 years in prison.<sup>112</sup>

The police in Uganda just like elsewhere do not have infinite standing resources to secure an election, and simultaneously carry-out their regular duties. The military and other auxiliary forces have always been called upon to operate in support of the police mandate to secure the election process. This causes concerns as to the reliability and impartiality of the security forces especially from the opposition. To avoid this integrated strategic transparency in form of enhanced consultative mechanisms with political groups, civil society and other organizations to

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<sup>110</sup>EU Election Observation Mission report , Uganda 2006,

<sup>111</sup> EU Election Observation Mission report , Uganda 2006,

<sup>112</sup> New vision,(Newspaper), June 29,2009

ensure the role and functions of security forces are well understood in the process has been adopted of recent.

### **3.4.4 Civil Society Organizations (CSOs)**

Civil society is defined here as including community-based organizations, traditional leaders, implementing NGOs, unions, business associations, religious organizations, independent media student groups, cooperatives, and other associational groupings.<sup>113</sup> Civil society organizational forms include non-governmental organizations (NGOs) and community-based organizations (CBOs). CSOs in Uganda play a crucial role outside political parties in matters of good governance and free and fair national elections. Religious organizations are at the fore front of this as posited by the Pastoral letter of the Catholic Bishops of Uganda on General Elections in Uganda, “The Church represents the moral conscience of a nation and she is expected to spell out what is good or bad, right and wrong in the political life of given community.”<sup>114</sup> CSOs in Uganda in many cases encounter difficulties to operate under the restrictions of the several legal requirements; however, they strive to sensitize the public on benefits of good democratic governance and discourage engagement into Electoral violence. They collaborate and coordinate with other stake holders in government, security agencies, media and even the electorate to streamline issues before they escalate into violence.<sup>115</sup> They seek justice and exert pressure on government to deter perpetrators. For example, civil society spearheaded the reform of electoral laws ahead of the 2011 general elections through a coalition called Citizens’ Coalition for

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<sup>113</sup>Toqola A, African Development Bank, and Dan Gerber, RTI International, *An Evaluation of Malian Society’s role in governance*, (Open Society Institute Africa Governance Monitoring and Advocacy Project) March 2007 p-1

<sup>114</sup> Pastoral Letter of the Catholic Bishops of Uganda on General Elections in Uganda, 11<sup>th</sup> June 2010, at pg 7 <http://www.uecon.org/letters/Pastrol%20Letter.pdf>.

<sup>115</sup>Obasanjo S.B, Fayeye J.O The Role of Civil Society Organizations in Curtailing Electoral Violence and Sustaining Democratic Governance in Nigeria, <http://Www.journalcra.com> Accessed 11/03/2014.

Electoral Democracy in Uganda (CCEDU).CSOs further give the political elites and leaders a sense of reasoning to live on or ponder about through consistent advocacy campaigns. The Black Monday Movement in Uganda is one such CSO despite its being restricted by government. There are numerous media houses in Uganda which play the “watchdog”, information and agenda raising roles. They have to do this within the established framework regarding freedoms and human rights. While government is restrictive and sensitive to criticisms by media houses, there are at times when they have crossed these legitimate roles and engaged into inciting centrifugal matters exacerbating Electoral violence. The legal framework for civil society, however, in Uganda is supportive only to the extent that the sphere of civil society activity is politically convenient to the Government.<sup>116</sup>

### **3.5 Conclusion**

Despite the progress made in the building of election institutions and legal framework, there are still major risk factors for electoral violence in Uganda. These include the contested credibility of the election commission by the opposition and civil society organizations, the commercialization of elections, intra and inter political party conflicts, underlying historic tensions, concerns over the security forces’ reliability and impartiality, conduct of candidates and political parties; and improper use of and conduct of the media. Failure to address these concerns is recipe and potential for electoral violence.

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<sup>116</sup>NGO Law Monitor: Uganda, <http://www.icnl.org/research/monitor/uganda.html> Accessed 11/03/2014

## **CHAPTER FOUR**

### **RESEARCH FINDINGS AND DATA ANALYSIS**

#### **4.1 Introduction**

This chapter deals with findings, critical analysis of the findings of the causes, impact and recent efforts to curb Electoral violence in Uganda. To achieve this, the researcher engaged the institutions of these stakeholders in search of primary and secondary documentary data relevant for the study. To effectively achieve its objectives, the study adopted descriptive survey research design which enabled the researcher to use instruments such as questionnaires and interviews among the said stakeholders in Uganda.

The researcher targeted 79 respondents represented as 6 senior National Electoral Commission staff, 12 representatives of the contending political parties, 9 local and foreign media representatives, 12 representatives of civil society organizations and 40 registered voters. Structured questionnaires were used to collect data from registered voters and civil society organizations. Out of the 50 questionnaires administered, only 34 respondents filled and returned the questionnaire contributing to 64% response. This rate was achieved after the researcher incurred expenses in way of telephone calls to remind the respondents to fill and return the questionnaires. These included 5 senior National Electoral Commission staff, 4 representatives of the contending political parties, 6 local and foreign media representatives, 5 representatives of civil society organizations and 15 registered voters were selected as suitable sample size totaling to 35 respondents as indicated in Tables 1.and 2.

Interviews were conducted based on the questionnaire by telephone due to the limited time and distance involved by the researcher to collect data from political parties, government agencies, and NGOs sampled. The collected primary data was analyzed both quantitative and



qualitatively. Qualitative data was analyzed based on strength of arguments presented by participants. The quantitative data was collated and analyzed by use of statistical packages of social science (SPSS) and presented in form of tables, charts and graphs.

The researcher utilized secondary data collection techniques from a variety of documentary sources such as written and visual personal documents, official documents of government, and private organizations, printed and visual mass media products and electronic sources, literature reviews and case study documentations.

**Table 1: Response Rate**

<b>Response</b>	<b>Frequency</b>	<b>Percent</b>
Responded	34	64
Not responded	16	36
Total	50	100

**Table 2: Category Respondents to Questionnaires**

<b>Category</b>	<b>Frequency</b>	<b>Percent</b>
Electoral Commission Staff	5	14.0
Political Parties	4	12.0
Media	6	17.0
Other CSOs	5	14.0
Voters	15	43.0
Total	35	100

## **4.2 Information gathered**

### **4.2.1 Forms of electoral violence**

All respondents concurred that the country has experienced electoral violence during elections within the period of study (that is 1996, 2001, 2006 and 2011). The respondents reported the violence to be manifested in various proportions and forms. They include: acts or threats of coercion, intimidation, physical harm, murder, and other forms of human rights abuse. Respondents noted that in most elections, there has been malicious or wanton damage/destruction of property, arson, kidnap, unlawful confinement and torture, arbitrary arrests, hooliganism, affray, riots, shootings and bombings, disruption of political campaign rallies and personal humiliation by stripping to nakedness. Electoral violence is also manifested through death threats, threats of beatings (using phrases such as “you will see us,” “we are bad,” and “we shall burn you”), chasing away of voters from polling stations on the pretext that they were non-Ugandans or underage, and malicious damage to property. Table 3 below indicates the various forms of election violence witnessed during the period under case study.

**Table 3: The various forms of electoral violence 1996-2011**

Year or period	Type and nature of Violence
1996	<ul style="list-style-type: none"><li>• Intimidation</li><li>• Coercion</li><li>• Kidnap</li><li>• Torture of suspects by state security agencies</li><li>• Assault</li><li>• Murder</li><li>• Gender violence</li></ul>
2001	<ul style="list-style-type: none"><li>• Use of force in dispersing opposition protestors through assault and beatings.</li><li>• Harassment of opposition activists.</li><li>• Hooliganism and public riots.</li><li>• Murder</li><li>• Destruction of property and looting</li><li>• Arson</li><li>• Unlawful confinement and torture</li><li>• Affray and assault</li><li>• Disruption of political rallies</li><li>• Shootings and bombings</li><li>• Personal humiliation</li></ul>
2006	<ul style="list-style-type: none"><li>• Use of force in dispersing opposition protestors through assault and beatings.</li><li>• Harassment of opposition activists.</li><li>• Hooliganism and public riots.</li><li>• Murder and arson</li><li>• Destruction of property and looting</li><li>• Unlawful confinement and torture</li><li>• Affray and assault</li></ul>

	<ul style="list-style-type: none"> <li>• Disruption of political rallies</li> <li>• Shootings and bombings</li> <li>• Personal humiliation</li> </ul>
2011	<ul style="list-style-type: none"> <li>• Use of force in dispersing opposition protestors through assault and beatings.</li> <li>• Hooliganism and public riots.</li> <li>• Murder and mob justice,</li> <li>• Gender based violence,</li> <li>• Destruction of property and looting</li> <li>• Arson</li> <li>• Unlawful confinement and torture</li> <li>• Affray and assault</li> <li>• Disruption of political rallies</li> <li>• Shootings and bombings</li> <li>• Personal humiliation</li> </ul>

These types of violence were caused by several factors and respondents gave them in three generalized categories as due to the nature of politics and political environment as a result Uganda's crisis, structural / institutional inadequacies; and competition resulting from the uncertain nature of electoral outcomes or the election process itself.

#### **4.2.2 The nature of political environment and politics of Uganda**

The nature of political environment and politics of Uganda are characterized by informal political patronage as observed by 72% of respondents, 68% linked them to social identity aspects (religious, ethnic and gender), while 74% linked it to economic hardships like poverty, hunger and unemployment. They believe the incidence of poverty and other economic hardships have created a class of economically disenfranchised people (especially the youth) who can be

used to perpetrate political and electoral violence. Others (63%) believe it is due to illiteracy and lack of awareness by public about their rights and election processes making them vulnerable to manipulation.

**Table 4: Causes attributed to nature of political environment in Uganda**

Cause	Yes		No	
	Frequency	Percent	Frequency	Percent
Neo-Patrimonial /Political Patronage	25	72	10	28
Social identity issues(religious, tribal & gender)	23	66	12	34
Economic hardships (poverty, hunger, unemployment and urbanization)	26	74	9	26
Illiteracy and lack of awareness	22	63	13	37
Restrictions on CSO activities	20	83	15	17

#### **4.2.3 Weak Institutions**

The category of structural and institutional weaknesses of the electoral framework included 83% of the respondents who believed its due to institutional and governance issues, while 49% cited organizational weaknesses like under-funding of the election process hence

leading to malfunctioning process, 54% attributed it to inadequate capacity of justice, law and order institutions to secure the election process, 80% said it is due to lack of faith in the EC by opposition. The lack of effective dispensation of justice to settle electoral complaints, legal framework and code of conduct for political competitors were also cited by 49% as causes of electoral violence. The weak and manipulated institutions and rules; and the breakdown of conflict management mechanisms lead to proliferation of political and electoral violence. Table 5 below indicates the data gathered in relation to this.

**Table 5: Causes attributed to weak institutions in Uganda**

Cause	Yes		No	
	Frequency	Percent	Frequency	Percent
Institutional and governance issues	29	83	6	17
Inadequate capacity of justice, law and order institutions	19	54	16	46
Poorly organized election processes (e.g. underfunding)	17	49	18	51
Lack of confidence in electoral bodies and the process	28	80	7	20
Lack of confidence in justice system	19	54	16	46
Inadequate legal framework and code of conduct	17	49	18	51

#### **4.2.4 Electoral process organizational short comings**

In the category of causes due to electoral process organizational short comings, 20%

respondents cited indiscipline and impunity of political party actors reluctant to accept legitimate political competition or pluralism, 16% believed the social economic uncertainties associated it with the “winner takes all” system which drives competitors to think loss of an election is the end of life. Another 78% of the respondents blamed it on state inspired violence and/or hooliganism organized by contenders. The respondents noted that the political repression, harassment, intimidation, selective use of the law and abuse of human rights as political opponents struggle to outdo each other leads to disenfranchisement. As a result, people respond to such forms of oppression through protests that ignite tension among the public. The police responds through use of force as a means of restoring order. Others (66%) attributed the violence on election fraud and disputed electoral results. Table 6 indicates the data gathered representing this category.

**Table 6: Causes attributed to nature of election process**

Cause	Yes		No	
	Frequency	Percent	Frequency	Percent
Political indiscipline and impunity	7	20	28	80
Social economic uncertainties& “winner takes all” system	6	16	29	84
State inspired violence	27	78	8	22
Fraud and disputed elections	23	66	12	34

In relation to democracy, 72% of respondents acknowledged that Uganda only upholds and promotes low intensity democracy to the extent of regular multi-party elections and cosmetic representation. Respondents agreed that there is need to entrench constitutionalism, good governance and strong leadership which are inadequate in Uganda because power is centralized

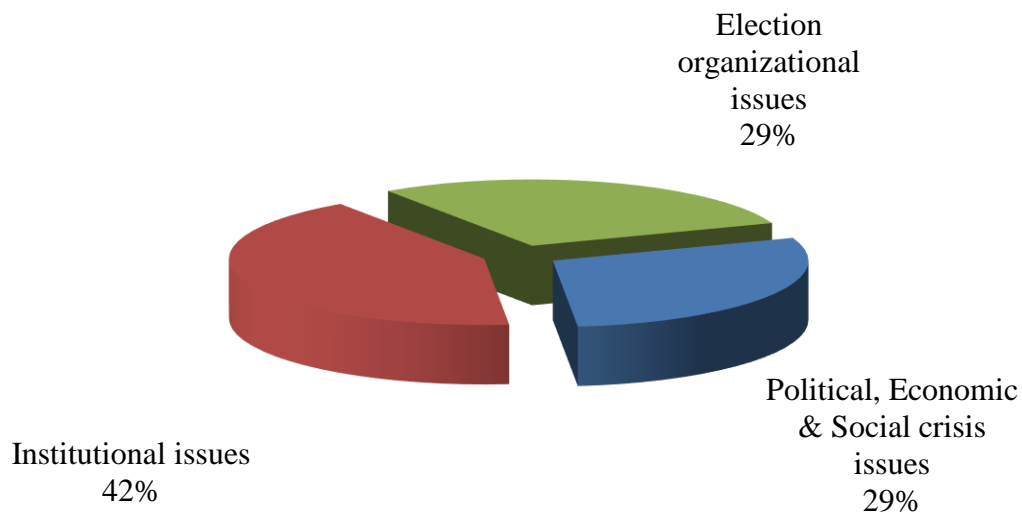
into the presidency. Separation of powers is inadequate, accountability and transparency are still lacking due to rampant corruption. Public participation in important decision making is still cosmetic. These are the bedrock of the problem with electoral violence just a manifestation.

#### **4.3 Causes of Electoral violence in Uganda: A Critical Analysis**

Based on the background information given on elections in Uganda in chapters and data analysis, it is noted Uganda has experienced Electoral violence since the very first elections of 1958. Although the main focus of the study is from 1996 to 2011, consideration of the history of the Electoral violence in Uganda has been made in order to understand the causes, impact and any lessons that may derive. The causes of Electoral violence in Uganda are attributed to a myriad of intertwining aspects which can be categorized into three broad perspectives. These include the political crisis experienced by Uganda (a characteristic shared by African countries) institutional weaknesses and issues emanating from the election process itself.

The diagram 1 below indicates the magnitude of each of the broad cause categories.

**Diagram 1: Causes analyzed in three general categories**





The findings indicate that electoral violence in Uganda is more as a result of institutional issues accounting for 42%, than the other two categories which each stands at 29%. While Uganda has made considerable progress in building institutions of democracy like the Constitution, the relevant laws, holding regular elections and tried to improve the judicial and law enforcement institutions, the country is yet to fully institutionalize democracy. The institution of constitutionalism would be more strengthened except for the centralization of power and unlimited presidential term limits. The country is a presidential system meaning that it centralizes powers in the presidency. While there are purported separation of powers between the presidency, parliament and judiciary, the presidency has powers to appoint the constitutional commission, judges, ministers, administration commissioners and controls the armed forces. This limits participation in the necessary decision making by people through their representatives and non-states actors. Even if the parliament must give approval, the ruling party dominates the parliament and usually position any issues of importance are first discussed in the party before voted on in parliament. Besides the cabinet ministers and military officers are members of the legislature who are supposed to implement issues passed since they are also under the executive. It makes the government susceptible to dictatorial tendencies which are a recipe for Electoral violence.

The constitutional amendment of 2005 removed presidential term limits meaning any president may run for and remain in office until the constitutional age limit of 75 years. This frustrates other political parties and individuals who have aspirations to take a chance of leading the country given the dominance of the ruling party and advantage of incumbency. This leads to relative deprivation politically which might be basis to Electoral violence. Such violence can be a trigger and coalesce to more violent wars in order to dislodge the leadership from power.

Despite the multi-party system in Uganda, there is dominance by the ruling party which has better organized structures compared to opposition parties. Some opposition parties in Uganda are structurally weak, and they typically lack orientation, focus or ideology. Often the parties are based on individuals or ethnic divides rather than a clear program, leaving voters with the unappealing choice between the “devil they know” and the possibly- worse “unknown. “This is seen as predetermined favor for the ruling party and thus outcome of elections is not considered as free and fair. This has been witnessed in elections held in 1989, 1994, 1996 and 2001. This is supported by findings by Peterson who observed that in 2001 NRM monopolized election system resulting in voter oppression and intimidation of candidates in opposing camps. This indicates that election system should be independent from persons with competing interests as candidates or supporting candidates.

Despite constitutional reforms, Uganda and most African countries have adopted unitary and presidential systems which centralize power around the presidency giving chance to personal rule. The re-emergence of one-party dominance of the NRM in Uganda due to the weak political parties without well packaged ideologies has eroded the principles of separation of powers, accountability, predictability and transparency. It leads to intolerance for dissent and opposition. Opposition political parties have difficulty in organizing political rallies freely. This has affected the nature of politics by creating distrust of existing political leadership by the opposition politicians. It makes electoral process even more conflictual. In frustration and uncertainty some elements in the political contest resort to unorthodox methods of mobilizing hooligans and violence in order to influence electoral outcomes for change.

Some constitutional reforms dealt with changes in the electoral system to mitigate some issues of contention however there still remains the fundamental issues of complaints about the

independence of the EC which is appointed by the President and approved by a so called rubber stamp NRM dominated parliament. They alleged lack of equal opportunities like media coverage, political organization and funding. This led to demonstrations, riots and protests during the period before the elections in 2011 in what the Ugandan political opposition called peaceful protest march against the government re-appointment of what the opposition has described as the “Discredited Electoral Commission of Uganda”.

Lack of strong criminal codes in Uganda coupled with lenient penalties or punishment for violators of electoral processes encourages more crimes to be committed. Most punishments in Uganda include nullification of electoral results and award of damages to the aggrieved, but they do not bar the convict from rerunning to regain the nullified position. This exposes the country election processes to all forms of crimes and violence.

The restrictions on CSOs like the media and pressure groups during the electoral cycle are indicative of the nature of African politics of lack of consideration for concern of public opinion. A number of media houses have had to be temporarily to be closed on a number of occasions. Pressure groups like the Black Monday Movement in Uganda have been restricted on several occasions as well. NGOs face rigorous requirements for registration and even conduct of their activities. However, it is also observed that some CSOs have carried the cry of freedom beyond acceptable security concerns to stir violent conflict. They disregard established laws which not only guarantee their freedom but even protect the freedoms of others. An example are demonstrations of 4GC, a post-election violence group responsible for “Walk to Work” protests in Uganda who wish to disregard police advice not to disrupt other peoples’ business in markets and roadsides claiming they are entitled to freedom. In many cases hooligans end up looting markets and shops in the wake of their trail.

Corruption can also instigate electoral violence by setting the stage for structural violence. Corruption makes people feel desperate enough to seek any means of revenge against political authority including violence. Small arms proliferations in region are on the increase. Possession of arms leads to the perpetuation of violent conflict and the creation of new cycles of violence and crime.

Electoral violence is been instigated as a result of the culture of impunity stemming from the ineffectiveness and malfunctioning of the security forces. This gives criminals the confidence to engage into electoral violence knowing they will get away with it. The ineffectiveness especially on the part of the police service to be proactive; or to timely, decisively and conclusively deal with electoral crimes facilitates electoral violence. This failure creates a culture of impunity and motivation for recurrence of crimes and violence.

The crisis manifested by economic underdevelopment, dependence, hunger, unemployment and poverty, poor leadership and governance accounts for 29% of the causes of electoral violence in Uganda. Chabal and Daloz posit that: "there are virtually no examples of social or political relations devoid of clientelistic calculations or considerations of identity."<sup>117</sup> In the same manner, political and social relations in Uganda are characterized by similar clientelistic phenomena. This leads to some political actors to behave as if they own the electorate who also comply with their bidding not based on ideological issues, rather on personal and selfish goals. This makes it easy to mobilize such people into electoral violence.

Kelsall, notes that: "Even the introduction of 'Western' political institutional structures cannot automatically lead to the expected results of democratization and development."<sup>118</sup> The

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<sup>117</sup>Chabal, P, and Daloz, J P, *Africa Works: disorder as political instrument* (James Currey, Oxford 1999), p. 30.

<sup>118</sup>Kelsall T., *Democracy, de-agrarianisation and the African self*. Occasional Paper, Centre of African Studies, University of Copenhagen, p. 31.

reason is that Uganda, just like the other parts of Africa suffers a crisis manifested by underdevelopment, dependence, economic hardships, conflicts, governance, and leadership issues. These have culminated into neo-patrimonialism whereby, within 'formal state institutions, there are 'informal' competing political camps. These political camps, and their subsidiary networks of political patronage, have adverse effects for development and therefore lead to relative deprivation among competing camps. It influences how people perceive the service delivery functions of the state because they do not expect the state to be there for everyone, but only for the people of their 'political camp' or network. Also the role of the state is seen as strongly personalized, as the 'big men' are perceived to have taken over the service provision activities of the state.<sup>119</sup> Such situations are fertile recipe and cause for electoral violence.

Some political contestants due to the resulting asymmetrical political competition and lack of viable ideology often appeal to ethnic and regional sentiments leading to social identity conflicts either based on ethnic, or religion. The most common element of this dynamic is where politicians mobilize support from ethnic and regional constituencies to win elections without attempts to reach out to other groups. This contributes to political and electoral violence by raising the stakes of competition. For example in Uganda religion most times plays a greater role in distributing patronage than ethnicity, since independence any Protestant president has always had a Catholic vice president. President Museveni, an Anglican has kept this tradition because Catholics are the majority and anything to the contrary raises complaints which constitute such underlying religious issues which may lead electoral violence. Occasionally social identity issues have emerged to cause electoral violence during elections in Uganda. While of recent it has not been very apparent at the national level, it is more experienced at regional and constituency

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<sup>119</sup>Titeca K, "Political patronage and Political values: The developmental role of Political patronage and its Impact on shaping political Values in rural Uganda", *Afrika Focus*, Vol. 19, Nr. 1-2, (Vakgroep Studie van de Derde Wereld Universiteit Gent Universiteitstraat 8 9000 Gent Belgium) 2006, pp. 43-67

levels.

Economic hardships in Uganda include unemployment, hunger, illiteracy and ignorance which perpetuate poverty. It is a situation whereby the individual is not able to meet the basic necessities of life. About 60% of the Ugandan people especially in the rural areas and women are poor and 30% are very poor.<sup>120</sup> The standard of living, life expectancy, literacy rates are very low. People with less economic hardships are less likely to be manipulated into electoral violence. However, when the economic hardships become unbearable, the propensity for violence increases. This makes the unemployed especially the youths to be manipulated to perpetuate all forms of electoral violence.

Uganda's literacy rate stands at 73.21,<sup>121</sup> but even then quite a number of Ugandans especially the rural areas are still ignorant. The level of education they have is not high enough to facilitate quality decision making. The majority are ignorant of electoral laws and procedures so this is exploited, making them vulnerable to political manipulation into electoral violence. For example due to the low levels of education which is a characteristic of most African countries, and even if they participate in voting, the quality of their populations is an impediment to public participation in way of decision making and demand for accountability from their leaders. This has a linkage to the nature of politics that causes electoral violence in that the majority of the population becomes vulnerable and subject to manipulation by unscrupulous politicians. The politicians erode the democratic base, into sub national issues of social identity like ethnicity, religion and other none national matters along which they rally people into violence. Poor educational levels limit the emergence of the necessary middle class for the full realization of democracy, because the population is ignorant of not only modern technology to improve their

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<sup>120</sup>Poverty in Uganda, <http://finance.mapsofworld.com/economy/uganda/poverty.html> (Accessed 15/5/2014)

<sup>121</sup>Uganda Economic Indicators; <http://www.theglobaleconomy.com/> (Accessed 15/5/2014)

economic conditions, but of their civil and political rights as well. Frustrated, the population especially the youth becomes vulnerable to misuse by competing politicians.

Another cause of Electoral violence in Uganda is gender discrimination. This is drawn from the premise that women in Uganda are discriminated against participating in elections as their right to vote for political leaders is curtailed by the dominating husband who not only dictates whether or not she can vote but also who she should vote for. In some cases women are prevented by cultural practices which are highly demanding like having to undertake housekeeping duties, that they are not expected to be outside their homes to freely participate in political activities. Thus, despite the fact that the constitution affords Ugandan women the full right to vote independently, gender relations shackle this freedom. This fact was clearly demonstrated in the 1996 presidential elections, as several cases of election-related domestic violence were reported. For example, women died for the "crime" of voting for a candidate their husbands did not support. This indicates that election process should incorporate gender aspects.

The challenges of electoral conflicts and related violence in Uganda reflect the problems of transitions to democracy associated with managing elections and building institutions of competition that are widely accepted by winners and losers. In many cases, electoral violence arises, in part, from reactions of groups that have been deliberately disadvantaged and disempowered by their opponents. Claims about the deliberate subversion of the ends of electoral and democratic processes are always invoked by losers who then seek redress through violence. On two occasions in 2001 and 2006 elections the opposition in Uganda has made these claims and there has been post-Electoral violence as a result though at low intensity.

There have been instances in Uganda when established electoral and constitutional rules have been willfully disregarded or there are organizational deficiencies in the administration of

those rules. For example, election materials not secured, schedules not adhered to, or results not announced timely. This leads to contestation of the legitimacy of election outcomes, particularly by losing parties. Frustration with flawed elections boils over into violence particularly where there has been a pattern of selective use of the law to exclude political rivals and suppress the common will.

In 2011, other causes of violence included voter bribery, uneven political campaigning turf, intimidation through the use of state security forces and unprecedented extravagance and rigging. In addition, the elections were characterized by the inflated number of voters; excess use of money resulting to commercialization of the political process; poor civic education; names missing from the voters' register; pre-ticked ballot papers and ballot stuffing; heavy deployment of the police, which could have intimidated the 41% of people who did not turn out to vote; lack of a system to verify whether the results released by the Election Commission (EC) were the genuine results; integrity of the Election Commission (EC)- concerns that the commission was not able to hold credible elections; Commission officers at the lower level being compromised; compromised party agents; citizens not taking elections seriously- they rarely look beyond the candidate campaigning; abuse of incumbency; lack of competition within political parties since the party leaders are synonymous with the party itself; lack of coherence among opposition parties; and, the lack of a level playing ground for all participants in the elections.

The NRM, the dominant political party in Uganda since 1986 to 2005 was in power during the no party political system (de facto one party rule) which metamorphosed into one of the political parties after the referendum which changed the system to multi-party. As a dominant party accustomed to occupying the political space, the NRM does not easily countenance the power and legitimacy of the opposition. As a result Electoral violence is often experienced as



competing parties seek to mobilize constituencies using any means including intimidation, assault and hooliganism. In 2006 Kizza Besigye of the Forum for Democratic Change (FDC), returned from exile to contest the presidential elections. He was arrested on charges including treason and rape, causing. This resulted into a lot of violence throughout the election period.

Facing intense pressure from opposition political parties, the ruling party in many cases resorted to use of force aimed at suppressing the opposition. State institutions, particularly the police forces assisted by the military, paramilitary, against opposition groups to forcefully disperse political rallies, beating, assault, arbitrary detention of leaders and followers, torture, murder, and wanton destruction of property. The intolerance has risen from complex issues like elections to simpler issues like determining a route to be used by demonstrators. Demonstrators, members of the community, the police and the army are always charged and ready to go at each other with the slightest opportunity. This has reinforced the culture of violence and militarism present in Uganda since independence.

On the other hand opposition groups and other activists many times take to violence as a means to achieve their ends. Opposition politicians and other demonstrators have failed to control hooligans and law breakers from taking opportunity of demonstrations. Indeed violence and law breaking have become so associated with demonstrations that many people do not believe there can be peaceful demonstration. One such confrontation was the brutal arrest of opposition activist Ingrid Turinawe and the death of Assistant Inspector of Police Airing in March 2012.

There have been occasions when patterns of electoral violence that characterized the electioneering process persisted into the post-electoral phase, particularly as a way of losing parties challenging the legitimacy of winners. The violent walk to work protests by Kiiza

Besigye was such a case. The demonstrations and riots resulted into deaths and injuries, destruction of property, disruption of normal business activities and work. In turn, the events elicited violent responses by government to restore order, peace, and security. For example during one riot incident Masaka town in central Uganda, a juvenile aged 2years was shot dead, while 14 other people were shot and injured critically, and others sustained other injuries related to the violence.

#### **4.4 Impact of Electoral violence on Security: A Critical Analysis**

In the traditional sense, the concept of security refers to a situation of absence of physical threats to the safety or survival of an individual, community or state. However the broader concept expands to include military, political, economic, societal and environmental aspects that threaten the human survival. Based on the causes and nature of Electoral violence experienced in Uganda, this section critically analyses its impact from the broad people centered perspective. Electoral violence has always had bad effects on the people's lives in Uganda especially the needy and the poor.

##### **4.4.1 Economic insecurity:**

The resulting violence disrupts people from conducting activities like trading and farming. Businesses, homes, livestock and gardens are looted and vandalized; men, women and children displaced and confined into public places such as churches and schools due to lack of shelter under very poor conditions. People have to rely on donations from the government, organizations and volunteers. Both local and foreign investment is threatened, and where they already exist it leads to capital flight. For example during the 2011 post-election walk to work riots which were a form of post-election violence, many local businesses were affected, especially poor market women and informal sector proprietors where Kizza Besigye always

sought to cause disruption in order to frustrate them into joining the riots. Clare Short posits that, “Businesses have a strong interest in peace and security in the countries in which they are operating or might wish to operate.” This aggravates human insecurity in form of poverty, food insecurity, unemployment, and a rise in crime which are all manifestations of economic underdevelopment. The sum total of these effects is recipe for further violence and national insecurity. Other than leading to political, social and economic insecurity, electoral violence affects economic development by diverting resources due to costs of ensuring security and repairs of damaged infrastructure. These resources could have been put to better use towards human and social development.

#### **4.4.2 Social identity conflicts:**

Electoral violence due to underlying social identity issues like religion or ethnicity has deeper implications on the societal security. People’s lives are disrupted in form of internally displaced people and refugees which affects social cohesion. For example in 2006 in western Uganda three people were killed in fighting between indigenous Banyoro and Bakiga migrants who already harbor land conflicts with the Bakiga. The Bakiga who have been consistently migrating to area were accused of plotting to rule them (Banyoro) through tribal voting after two Bakiga candidates were voted to represent Buyaga and Bugangaizi counties of Kibaale district in the national Parliament in 2006. The conflict is still outstanding and can erupt any time there is a new trigger. Such ethnic rivalry negatively impacts on the efficacy of the state in providing services and national development. This is an example whereby electoral violence is not only an effect or manifestation, but rather a possible cause of political patronage and patrimonial tendencies as people look towards ethnic networks during elections leading to further cycle of political violence. It can inspire secessionist campaigns most of which are accompanied with

violence. Such violence affects social cohesion and relations like marriages, and government development programs. If not curtailed, such conflicts can affect regional and international security as people get displaced to take refuge in neighboring countries for fear of persecution. They may destabilize the security of the host countries. For example, the 2007 political crisis turned Kenya from being a safe haven for refugees from neighboring countries into a country of hundreds and thousands of internally displaced people (IDPs) and refugees in neighboring countries

#### **4.4.3 Political Instability:**

Electoral violence is both a cause and manifestation of political instability. It reflects an immature political system, but it also nourishes the political crises that lead to conflict and if not promptly addressed may escalate into wider political violence. And political violence does not facilitate a formidable and efficient democratic nation because of human rights; gender equality, cultural rights and identities are often ignored or trampled upon. For example in April 2011, the American Department of State in a press statement expressed concern over what it said; “the tragic loss of life and injuries at the hands of Uganda's security forces during the recent "walk-to-work" protests, as well as the continued detention of opposition leaders. We also are concerned by reports that the Ugandan government has attempted to restrict media coverage of these protests and, on at least one occasion, block certain social networking websites.” These adversely affect the human security and social development of the country. For example the electoral violence and fraud experienced during the 1980 elections affected the entire credibility of the democratic system and threatened human security. It eroded the credibility of the rule of law and impacted negatively on the possibility democratic activities. This prompted a section of Ugandans to start the famous five year bush war to change the political situation. This marked

five years of political instability in which thousands of lives were either lost or affected negatively.

#### 4.4.5 Reversal of democracy:

As security agencies respond to restore order, fundamental individual and group freedoms are negatively affected. There have been numerous incidents of election related violence whereby such violations have been witnessed. In January 2011, during opposition demonstrations protesting the composition of the Electoral Commission 33 women from an opposition coalition were charged with illegal assembly, and in June police severely beat these women as they exited a court appearance causing four to be hospitalized. In addition, Human Rights Watch notes that, “Forum for Democratic Change presidential candidate Kizza Besigye and other opposition leaders were assaulted in June 2011 at a rally in Kampala by an ad hoc group known as the kiboko(stick) squad. In July police in 13 towns arrested at least 80 people during a nationwide demonstration against the election commission.<sup>122</sup> Such incidents lead to political apathy, diminishing the public participation in political activities. Demonstrations are one way of expressing dissatisfaction, if curtailed people are likely to resort to more drastic violence. Records available indicate that during the period under study, there has been a gradual decrease in voter turn-out in Uganda’s election process as indicated in Table 7 below.

**Table 7: The table below shows the statistics from elections in Uganda under the study period**

Year	Voter Turn-out	Total vote	Registration	VAP Turn-out	Voting age population	Population	Invalid votes	Compulsory voting
2011	59.29%	8,272,760	13,954,129	55.32%	14,954,435	34,612,250	4.05%	No
2006	69.19%	7,230,456	10,450,788	61.17%	11,820,000	27,269,482	4.10%	No
2001	70.31%	7,576,144	10,775,836	74.23%	10,206,461	22,070,329	2.70%	No
1996	72.60%	6,163,678	8,489,915	62.42%	9,875,250	21,945,000		No

<sup>122</sup>Elections Planning and Monitoring Cell reports, Police archives, Uganda Police Headquarters (Kampala 2011).

*Source: International Institute for Democracy and Electoral Assistance (International IDEA)<sup>123</sup>*

This reflects political apathy meaning a reduction in public contribution to their fate since they fail to make choice of leaders from an informed point of view. The resulting leadership cannot claim to be representative of such people. Ultimately the democratic principle of representation is affected despite the election. This is tantamount to reversal of democracy.

#### **4.4.6 Strain on Resources:**

Ensuring law and order after electoral violence has broken out is very costly not only in terms lives and property lost, but even in terms of resources committed. It puts a strain on the available resources to provide the necessary equipment, manpower, time and money. For example in 2011, the operations to contain the “walk to work” riots in Uganda necessitated supplementary budgetary allocations to the tune of Uganda Shillings 190bn, to contain the civil disobedience activities. These resources could have been better spent on human and social development like physical infrastructure; and economic wellbeing of the country.

Uganda just like most African countries whose police services are normally constrained of resources; in cases spontaneous electoral violence the police invites other state forces like UPDF, prisons and auxiliary forces for support to restore law and order. This poses challenges of command and control, discipline and rules of engagement due to various training and standard operation procedures. This accounts for many operational mistakes lending credibility to allegations of state intimidation and violence.

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<sup>123</sup>Voter turnout data for Uganda: International Institute for Democracy and Electoral Assistance (International IDEA), Strömsborg, Stockholm, Sweden October 5, 2011.  
<http://www.idea.int/vt/countryview.cfm?CountryCode=UG>

#### **4.4.7 Crime and Impunity:**

Besides if such violence escalates, it instils criminal tendencies, defiance and impunity among large sections of the youth population which the state apparatus will find challenging. At the peak of the “Walk to Work” demonstrations and riots, a significant number of youths took advantage of the situation by venturing into crime and profiting from looting from markets and shops. Such acts significantly undermined the objectives of the organizers of the demonstrations. Not only did such youth become an obstacle to restoration of public order, but were willing to create another scenario of lawlessness from which they can benefit materially. Those who are used to perpetrate electoral violence are out “this job” after the elections, they usually end up in other criminal activities as a means of survival. It creates a culture of defiance and overt crime which threatens human and national security in the long run, and impedes the institutionalization of the rule of law. Electoral violence perpetuates crimes like corruption as political leaders must always find finances to fund further rounds of electoral violence in order to maintain themselves in power or influence power shifts. This perpetuates a vicious cycle of corruption through bribery of voters, abuse of office and loss of integrity.

#### **4.4.8 Cycle of Violence:**

Electoral violence propagates cycle of violence. Children end up being exposed to such violence which is likely to influence them into inclination to violence. Other people as a result develop a desire for revenge against opponents leading to conflict escalation. Such conflict might engulf the country into further violence. This perhaps explains why the Ugandan population has become so volatile that they can riot at the slightest instigation.

#### **4.4.9 Gender based violence:**

During electoral disputes, women become more vulnerable to sexual and gender based

violence. They suffer psychological traumas, rape, forced marriages, divorces, unwanted pregnancies, abortions, or deliver a child from their rapist who may have even killed their husbands and families. Vulnerability is the risk of. Women and girls fleeing from electoral disputes to seek safety and protection, could be at risk of HIV/AIDS infection due to sexual violence committed by political factions and supporters of a party, rogues, youth groups and even security forces. In Internally Displaced Persons (IDP) camps, girls and women still can become vulnerable to transactional sex with volunteer relief workers and formal security workers in exchange for supplies and security. In urban areas internally displaced and refugee women and girls in urban settings are at risk of ongoing exploitation by local residents.

#### **4.5 Recent efforts to curb electoral violence in Uganda**

In earlier submissions, this study has reviewed election institutions in Uganda since independence. From the frameworks provided it has been observed that Uganda has put in place structures that support elections such as justice, law and order enforcement, elections management institutions and the legal framework. The election system in Uganda is generally prescribed in the Constitution and other relevant laws. These efforts were acknowledged and supported by perceptions of the respondents of this study who cited that the government has been enacting relevant laws (36%), institution of constitutional and election reforms (52%), introduction of elections by secret ballot using one ballot box for all contesting candidates (62%), the enforcement of the election code of conduct (30%) and use of the Police/ Disciplined Forces (28%). This shows that conducting elections through secret ballot is widely noticed solution to Electoral violence done by the government as well as institutional and election reforms.

Civil society organizations and opposition parties have been at the fore front of



demanding constitutional reforms to strengthen democratic governance which account for the Electoral violence in the country. 72% of the respondents acknowledged that there has been constant use of lobbying to combat impunity by civil society. They have advocated and campaigned for the reinstatement of presidential term limits, accountability and transparency and anti-corruption. The demands also include: the need to re-constitute the election commission to reflect the spirit of multiparty political dispensation, removal of the military representation from parliament, removal of polling stations from army barracks, removal of the security forces (the military) from management of security of the election process and Election Commission Chairperson and Commissioners should serve not more than two terms of five years.

However, as evidenced by the low percentage perceptions of the respondents, the efforts are minimal. Despite these pressures for amendment, some contentious issues were never amended such as president's term in office as it was argued that it required constitutional review. Only cosmetic amendments were made to limit the term of office for EC secretary to five years renewable once, EC to give electronic copy of registered voters before elections and to gazette voting places 60 days before elections. This implies the government is not fully committed to resolving fundamental issues that cause Electoral violence.

It was noted by 68% respondents that political parties are infusing credibility in conduct of elections by increasing the watchdog role of political parties, while 48% noted that political parties have been involved in interparty dialogue and cooperation and 52% noted that they adhere to code of election conduct. For example parties are involved observation of electoral materials right from the printing stage to the end of the electoral exercise including guarding stores along with the police. This shows that several institutions have been involved in curbing Electoral violence.

Since early 2014, Government started working on constitutional and electoral reforms to improve the country's electoral democracy. Citizens Coalition for Electoral Democracy in Uganda (CCEDU), a consortium of 800 civil society groups, in conjunction with some members of parliament has jointly drafted the Bills to be tabled in parliament. Some of the reforms government is drafting were proposed in the National Consultative Forum (NCF), which is a consortium for all registered parties in the country. The Bill intends to give powers to the Judicial Service Commission to appoint EC commissioners with the participation of political parties, the civil society and the general public. It also suggests other measures to safeguard the independence and impartiality of the EC as well as proposing to change the name of the commission to Independent Electoral Commission. Though the bill is yet to be tabled the effort is a positive one.

#### **4.6 Conclusion**

Electoral violence in Uganda is caused by fundamental underlying issues of governance, management of the electoral process, weak legal and institutional frame work and the competitive nature of the process itself. The violence affects people's lives in Uganda especially the needy and the poor. It affects them politically, socially and economically. It has serious implications for broad national security and threatens regional and international security. However, the country has made and continues to make efforts to curb Electoral violence.

## **CHAPTER FIVE**

## **LESSONS LEARNT FOR AFRICA**

Having realized that electoral violence in Africa is a result of the nature of politics and governance; the nature of elections and inadequate institutional framework, forms a general basis for African states to develop frameworks in which to hold free, fair and therefore peaceful elections. The responsibility for the realization of these efforts spreads from regional, sub regional, state governments, CSOs, and International organizations.

### **5.1 The African Charter on Democracy, Elections and Governance (ACDEG)**

The formation of the African Charter on Democracy, Elections and Governance (ACDEG) in 2007 by the AU is a positive step towards democracy and good governance conducive for electoral violence free processes in Africa. The charter emphasizes the importance of independent and impartial electoral bodies which would help to buttress weak institutions in the process. It further advocates for special AU proactive advisory missions to monitor and be able to provide early warning signals about electoral violence in African states. The charter also upholds the AU's intolerance for illegal accession or maintenance of power as happened in the case of Cote d'Ivoire's President Gbagbo. However, there has been a lot of skepticism due to the nature of politics conducted in most African countries. This has led to the current challenges of very slow progress of ratification and lack of commitment by African leaders threatening its success. The lesson is that ACDEG would be the urgently desired framework for the continent to implement and enforce institutionalization of democracy, free and fair elections and good governance. The AU must put pressure on member governments to ratify and implement the requirements of the charter.

## **5.2 Strengthening of institutions**

The charter needs increase holistic focus on strengthening of all institutions that support electoral processes like the judiciary, police, political parties and CSOs. The other challenge is that the charter has to rely on state governments who in many African cases are the beneficiaries of undemocratic ways to implement and cooperate. It is curtailed by the famous challenge of failure to defeat sovereignty by supranational organizations.

## **5.3 Early warning mechanism**

Africa must build resilience through political expertise for conflict mapping and risk assessment in regard to electoral violence. Intervention after conflict is very costly, so the AU, Sub regional organizations, and international humanitarian organizations need to invest in proactive measures against electoral violence, so that resources spent on managing electoral violence can be freed for use in more development sectors. This will be achieved through focusing on the nature of politics in Africa and provision of early warning for electoral violence.

## **5.4 Integrated approach**

There is a tendency by international organizations providing only technical electoral assistance like equipment and funds. This does not address underlying political issues of electoral processes. They do not view elections as part of the longer term commitment to democracy and good governance. That is why observer missions are usually sent for the voting day activities only and yet electoral violence can occur before, during and even after elections. The lesson here is that effective electoral assistance should constitute integrated conflict prevention strategies which give more focus on the nature politics obtaining in a particular country situation. Administering democracy in poverty and underdevelopment has proved futile in Africa. It is one of the cornerstones responsible for reversal of democratic gains in Africa.

In order to achieve meaningful democracy and therefore avoid the rampant electoral violence experiences, there must be a holistic approach to Africa's crisis manifested by underdevelopment, economic hardships, dependency, unfocused governance and leadership, social identity issues, conflicts, environmental and new challenges. While it is important to have some institutional framework for democracy, which most African states have acquired since the post-cold war wave of democracy in Africa, strong focused leadership has been found to have propelled the Asian Tigers to economic development. The lesson here is that Africa needs strong and focused leadership anyhow in order to steer the continent to economic development conducive for meaningful democratization. The development that includes good education will improve the decision making capabilities by the people and therefore quality of public participation in democracy. Otherwise ignorant, hungry and sick people like the case in most African countries are more concerned and desperate with such threats to their immediate survival so they are vulnerable to manipulation into electoral violence by politicians.

## **5.5 Role of non-state actors**

Non state actors including CSOs like the media, religious organizations and other NGOs wield a lot of influence and are very crucial in mobilization of people regardless of sovereignty and national borders. Experience has shown that CSOs on the wrong side of a conflict can dangerously fan political violence including electoral violence. For example the media with its agenda setting role must be taken advantage of, in order to mobilize the public away from electoral violence. The African experiences have been that most governments who do not tolerate criticism shun and mistreat CSOs creating a gap. African states should learn to increase and embrace the role of CSOs as partners in creating a conducive environment for free and fair elections in order to avoid electoral violence.

## 5.6 Women participation

Although most African countries have committed to several international human rights statutes and protocols, there is still lack of political will on the part of governments to grant full participation of women in electoral, decision making and governance processes. A number of African countries have never ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and these continue to abuse and deny the rights of women. So they are not able to participate in politics and leadership. Besides several other factors including: social, cultural and religious constructs about the role of women in a patriarchal society; inadequate resources to run and sustain long and expensive election campaigns, combined with a lack of media attention; and growing political violence that reduces the attractiveness of elected office to women. Few women candidates emphasize women's rights in their platforms. This is a direct pointer to the nature of African politics which is one of the major causes of political violence including electoral violence. Experience has shown that women are not only victims of violence, but they too have the capabilities to either perpetrate or avert conflict. For example one Sarah Nabakooza, a notorious female rebel commander of the Allied Democratic Front (ADF) commanded the attack on the Uganda Technical College Kichwamba in western Uganda in 1998 killing over 80 students and others abducted among her many horrific exploits.<sup>124</sup> The lesson Africa should learn is not to disregard the capability of women in political conflict, rather such capabilities should be harnessed for their positive participation in politics, decision making and leadership.

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<sup>124</sup>dbbwaniKaugnet\_: Count Down- &Kichwamba And Commons & the Law (Part I ) 23, Dec 2002, <https://www.mail-archive.com/ugandanet@kym.net/msg01986.html>

## **5.7 Conclusion**

Africa has made considerable progress towards democratization in form of multi-party and regular elections. However electoral violence is one dimension of Africa's new challenges since the new wave of democratization. It constitutes a reversal to democratization, thereby aggravating Africa's crisis due to its impact on human security. Lesson from this vice imply that Africa must learn to approach the problem of electoral violence in a systemic manner. The broader issues at the core of causing electoral violence as identified in the previous chapters must be addressed. The nature of African politics, the need for institutional strengthening and proper management of the electoral process itself are the broad categorization of the causes of electoral violence in Uganda and Africa in general. Fortunately, the framework by the AU through the formation of the African Charter on Democracy, Elections and Governance is a positive step. However African leaders must expedite to overcome the challenges in order to eliminate the vice. Africa must harness the contribution of those non-states actors who have always been ignored to make positive partnership and contribution to peace.

## **CHAPTER SIX**

### **CONCLUSIONS**

#### **6.1 Introduction**

As indicated in chapter one, this study is set out to determine causes of electoral violence in Uganda and its implications on democratic development, examine its impact on economic, social and political security in Uganda, assess lessons learnt for the Africa region and provide implementable solutions. The hypotheses of the study are meant to find out whether failure to adhere to democratic values and principles is responsible for electoral violence in Uganda and Africa in general; and that there is a significant relationship to the economic, social and political security of Uganda and Africa. Based on the research findings, this chapter systematically answers the questions raised by the hypotheses and the objectives.

It is noted that Uganda and Africa in general since the collapse of the Cold War have made considerable progress towards democratization through constitutional reforms, freedom of political space to allow multi-party activities and regular elections. Despite this, elections which are the first line indicator of efforts towards democratization have come with a new persistent threat in form of electoral violence in Africa. Uganda has experienced electoral violence though of low intensity nature during its election cycles since independence. The country, just like most African counter parts continues to be vulnerable to the threats and risks of electoral violence. It is an aspect of the broad phenomenon of political violence manifested through the threat or actual use of coercion to cause physical harm and destruction property in order to influence the outcome of an election. It may occur at any stage of the election cycle; that is before, during or after the election process.



Political conflicts have continued to occur in Uganda and Africa in general of which electoral violence is part. This means there are more fundamental issues rather than merely having regular multi-party elections responsible for electoral violence. The study has found that the causes of electoral violence in Uganda and Africa in general are attributed to three broad categories.

The weak electoral institutional framework has been found to be the major contributor to the electoral violence experienced in Uganda. The weak institutions, including the election bodies, justice, law and order agencies, political parties and CSOs; the legal framework and codes of conduct in Uganda and many African countries still lack capabilities to efficiently elections without any flaws. For example the EC, the government media and police in Uganda are accused of lack of impartiality by the opposition. The judicial has made some progress; however there are issues of governance and leadership like constitutionalism, rule of law and human rights which still need improvement. Such weak institutions cannot fully prevent electoral violence have been found by this study to be the major contributors to the incidence of electoral violence in Uganda and Africa in general.

## **6.2 The causes of electoral violence**

Although they hold regular multi-party elections, African states and Uganda in particular are yet to exhibit meaningful democracy through the values that facilitate participation and accountability. The general crisis in African and Uganda in particular, manifested by political instabilities, economic hardships like unemployment, hunger, ignorance, and poverty; governance and leadership issues greatly influence the nature of politics practiced. The politics characterized by political patronage, social identity based conflicts and human rights abuse are catalysts for electoral violence.

The other factors responsible for electoral violence have been found to be directly related to election organizational issues. While elections are supposed to provide political legitimacy and make leaders accountable to the electorate, in Africa they have in many cases become sources of conflict. It is an intense competition for political power which determines who gets what, when, how and where. The combination of the nature of African politics and weak institutions in turn affect the already competitive activity to ruthless conflict. Incumbents struggle to cling on to power by all means. Since they may not have democratic bases, they resort to misuse of government forces to repress people. While the opposition is desperate to gain power, they employ all means to influence the balance of elections in their favor. The opposition and oppressed elements of the public may use violence to vent their anger. Election violence is therefore, a result of the interplay of the nature of politics, the weak institutions and the process of elections itself.

### **6.3 Impact on democracy**

The study fulfills its second objective of ascertaining that election violence has implications on democratic development. Electoral violence has been found to sometimes be the cause or fuel for wide political and armed conflict in Africa. Uganda experienced this after the 1980 elections. The African crisis which is characterized by political conflicts of which electoral violence is part affects the democratization progress and in some cases caused reversals of democracy. For example the recent trend of election losers in Africa to violently contest the electoral outcomes in order to force shared government defeats the purpose of democracy. With electoral violence peoples' human rights and fundamental freedoms are affected. Voters are disenfranchised through intimidation, coercion or political apathy, and consequently affecting the democratic values of participation and effective representation.

## **6.4 Impact on Security**

The study sought to find out the way electoral violence impacts on security. The findings confirmed that electoral violence impact on security is diverse. It affects various categories of people in the society including children, women, and youths. It affects all security sectors of the country including the economic, physical security, politics, societal and even the environment. Economic activities are disrupted or destroyed, human rights and freedoms abused; and social cohesion further undermined through worsening of already underlying conflicts. Election violence if not contained can be a precursor to wider political and armed violence thereby affecting politics and physical security. The violence puts strain on already scarce resources which would otherwise be used for development hence perpetuating poverty, hunger and unemployment all which are forms human insecurity. It creates a law and order vacuum, propagates a cycle of violence and gender based violence in society and undermines social cohesion. Electoral violence therefore constitutes a threat to human security in Uganda and Africa in general.

## **6.5 Africa's lessons**

The study acknowledges recent efforts in Uganda to address potential causes of election violence. Political opposition and CSOs have been at the fore front of agitating for electoral reforms and good governance. But the government response has been slow and not fundamental. This scenario is common in many African states like Equatorial Guinea, Angola, Zimbabwe, Cameroon, Gabon and others.

The study therefore identifies important lessons for the continent if it is to avoid electoral violence. There is an urgent need to operationalize the ACDEG as a regional framework for democratization, free and fair elections and good governance. The AU must develop effective

early warning mechanisms for potential election violence to facilitate proactive interventions before lives and property are lost. International organizations need to adopt a more integrated systemic approach to prevention of political violence in general and electoral violence in particular instead of attending to symptoms by providing shelter, food and clothing to refugees and displaced people as a result. Governments and organizations must harness the efforts and role of women, CSOs and other non-state actors in fighting not only the effects but more so the causes of the violence.

## **6.6 Final observations**

The study has two hypotheses; the first is to establish whether failure to adhere to democratic values and principles is responsible for the cause of electoral violence. The study establishes that it is not failure to adhere to democracy per se that causes electoral violence in Uganda and Africa in general. Failure to adhere to democracy is actually a manifestation not the cause. Rather other factors are responsible for the failure to adhere to democracy and therefore cause conditions fertile for electoral violence. The study through the analysis of data gathered manages to avoid the usual temptation to mistake symptoms to be the root causes of electoral violence, which are merely indicators of the three major problems. The study identifies the African crisis as being responsible for the nature of African politics which exacerbates the already conflictual nature of elections. It further identifies the weak institutional framework and elections organizational failures as the major culprits. These are the framework around which is manifested symptoms like ethnicity, resources, human rights and freedom abuses, economic hardships, exclusion conflicts, poor governance and leadership.

The second hypothesis seeks to establish whether election violence has significant relationship to security in Uganda. This is adequately established and proved in the previous

chapters and sections. Electoral violence has been witnessed over the country's history not only to affect human and national security of Uganda but even internationally in the region affecting the balance of power.

## **6.7 Recommendations**

The study recommends that Governments should strengthen the institutions that manage and support election processes. These include independent election bodies, professionalize and equip police and other supporting justice, law and order institutions, CSOs and political parties. Strengthen legal and other regulatory framework as basis for rule of law and election processes. These include constitutionalism, election codes of conduct, and effective arbitration procedures. Governments should always endeavor to institute the necessary electoral reforms through consultation and consensus. Governments and international organizations should always approach the problem of electoral violence in systemic manner in order to address underlying issues, all parties and trigger factors to conflicts. Economic development to ease hardships, strong leadership and good governance issues need to be included among interventions to manage conflict. Governments need to enhance regional integration efforts which would provide early warning and intervention in political conflicts before they escalate into electoral violence. African governments should invest in their populations in order to create a knowledge society for quality political decision making and economic development.

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