Mitigating Incidences of Violence and Emergent Conflicts in Uganda's Electoral Processes

Lillian Muyomba-Tamale

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1. Introduction

The regular choice of leaders through free, fair and transparent elections is one of the cornerstones of democracy. In fact, some scholars have argued that the most basic requirement for democracy is that citizens be empowered to choose and remove leaders (Bratton & Van de Walle, 1997). While elections are a major catalyst for democratic change, they have the potential to reveal underlying conflicts, exacerbate tensions and lead to violence. Election violence can ultimately undermine the legitimacy of elections as a democratic mechanism. Research suggests that the 3 months that lead up to the elections usually present the most fertile ground for violence. However, the violence which is mostly expressed through conflicts between warring parties can erupt anywhere during the whole electoral cycle: before, during and after the elections.

Election violence can manifest in many forms. For purposes of this policy paper, the types of election violence will be discussed alongside the prevention strategies that should be implemented in order to mitigate electoral violence during the 2016 general elections. Political analysts have argued that it is important to distinguish between a) violence aimed at disrupting elections by actors who do not want the election to take place at all; b) violence triggered by the rivalry between the contesting candidates or parties and, c) violence that results from active disruptions of the voting process by spoiler groups that may be motivated by the shape of earlier negotiations, which were perceived as biased. (Matlosa et al., 2001).

1.1   Why Election Violence?

A case has been made that most forms of election violence are a necessary ingredient for regime longevity. In order to stay in power while facing electoral challenges, some governments resort to physical violence and intimidation against citizens, opposition candidates and political parties. Some governments use violence before the election to win; others use violence after the election to put down peaceful post-election protests.

Leaders are more likely to crack down when they think an election might unseat them from power and they face few constraints on their authority and so have reason to believe they can get away with violence. In North Korea, real electoral competition has historically been impossible, and election-specific violence is unnecessary to ensure a favorable election outcome. No opposition candidates ever appear on the ballot, so the risk of losing an election is non-existent. In other places, the government may face an electoral threat but does not respond with violence because leaders are more likely to be held accountable. When judiciaries become more independent of the executive office, or when other checks on government power develop, election violence becomes less likely even when a leader or party's position in power is seriously threatened.

> **Is Election Violence working for some countries?**
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> Election violence has worked well in Iran, when the ruling government violently put down mass protests sparked by the presidential election; many people were killed. Violence is commonplace in Bangladesh, where general elections are routinely marred by extreme violence on the part of the government and opposition parties. The conventional wisdom is that leaders resort to violence because it helps them win elections and stay in office if the election results are challenged by popular protest.

Countries that are most likely to experience election violence are precisely those places in which the government feels threatened by its opposition. Although repression is clearly detrimental to democracy in the short term, competition is important for democracy. For this reason, some analysts have argued that election violence may be a symptom of a threatened and potentially weakening incumbent government rather than a sign of democratic reversal (Hafner-Burton & Hyde, 2014).

1.2   Election Violence in Uganda

Election violence has been very much a part of all four presidential and parliamentary elections held since 1995. The violence, perpetuated by both civilians and security personnel, has manifested itself in various forms in some cases resulting into the loss of life. The 2001 election witnessed such a level of violence that a parliamentary committee was set up to investigate the violence. The 2001 Human Rights Watch report documented arbitrary arrests, attacks, and intimidation of the political opposition and its supporters and campaign agents. The international watchdog group also noted that to a lesser extent, intimidation and assault had been directed at Museveni supporters or perceived Museveni supporters. Supporters of Kizza Besigye in particular committed a number of acts of harassment and violence" (Human Rights Watch, 2001).

A report by the Norwegian Institute of Human Rights (NORDEM) on the 2001 presidential and parliamentary elections concluded that the incidents of violence and intimidation experienced during the campaign deserved serious attention. While supporters of more than one candidate took part in this, the followers of challenging candidates had to bear the brunt of the violence(Petersen, 2001). Amnesty International's conclusion on the 2001 election was not different. The report concluded that presidential and parliamentary elections were marred with violence, arbitrary arrests and unlawful detention (Tripp, 2004).

Although the level of violence during the 2006 presidential and parliamentary elections, appeared to have been lower than in 2001, various local and international observers still documented several incidents of violence and intimidation. In one of the most notable incidents, on 15th February at Bulange in Kampala, FDC supporters' were shot at by Lt. Ramathan Magara, the commanding officer of the Reserve force in Mengo based in the office of the then Rubaga Deputy RDC - Fred Bamwine. Three people were killed and many others injured in this attack. At Summit View Barracks polling station in Kololo, the DP candidate for Kampala Central LC III Chairperson Mr. Charles Sserunjogi was stabbed and suffered serious knife injuries on the polling day. His assailants were in the company of the NRM candidate for the same post and who eventually won the elections. There were also serious cases of violence reported in Bugembe, Jinja district and Idudi in Iganga District.

Intimidation and harassment also featured highly during the pre-election period. Often, it was intended to dissuade potential voters from making a free choice of a candidate or party. For instance, at both the new and old taxi parks in Kampala, Uganda Taxi Operators Association (UTODA), the body that managed the parks, reportedly expelled all taxi drivers who openly supported FDC/Besigye. Monitors were told that UTODA had directed all drivers and conductors that the organisation's official support was for candidate Museveni and the NRM. No taxi displaying Besigye's poster was allowed to enter the parks, and drivers who were expelled were only allowed back after declaring their support for candidate Museveni and the NRM.

Some allegations of harassment and intimidation of voters were also made against government officials such as RDCs who openly displayed bias towards the ruling party. In Agule Parish, Bugondo sub-county, in Soroti, military personnel stationed in the district convened a public meeting in which people were forced to attend on 4th February 2006. Several armed UPDF soldiers also attended the public

meeting. They went on to inform the people that should Museveni and the NRM lose in the constituency as happened in 2001, they would all *see trouble* after the elections . The FDC Parliamentary candidate for Kasilo County, Mr. Elijah Okupa, was warned against *misleading* the people by campaigning for FDC. In Mbarara, allegations of harassment were made against the Resident District Commissioner (RDC) and District Internal Security Officer (DISO). They allegedly intimidated landlords who had accepted to rent out their commercial houses to FDC for their office premises. As a result, the FDC had to relocate their offices from place to place.

Indeed, the Supreme Court found unanimously that the principle of free and fair elections was compromised by bribery, intimidation and violence in some areas of the country. However, by a majority of four to three, the justices of the Supreme Court found that it was "not proved to the satisfaction of the court" that these irregularities affected the results of the presidential election in a substantial manner.

The nature and extent of the violence in all the elections could not have succeeded if security agencies were on full guard. In fact, analysts have argued that in order to stay in power, some governments resort to physical violence and intimidation against citizens, opposition parties and the political parties (Hafner-Burton & Hyde, 2014). The role of the state security apparatus in the conduct of the violence is particularly contentious in Uganda. After the 2001 election for example, many people felt that this contributed to give an impression of a president and a government apparatus above the law (Petersen, 2001) . But what exactly is the role of security agencies in the electoral process in Uganda?

2. The Role of Security Agencies in the Electoral Process in Uganda

Security agencies in Uganda have, since the 1966 attack on the Lubiri by soldiers under the command of Idi Amin, tended to act in the interest of those in power, as opposed to serving the public interest. After his rebel National Resistance Army took power in January 1986, President Museveni promised that it was not "*just a mere change of guards", but a "fundamental change*" in the country which would include, among others, the creation of a national army and attendant security agencies that would serve the public interest. In the 20 years between 1966 and 1986, the army and security agencies had a direct and over-bearing influence on regime change in Uganda. Subsequent elections in 1996, 2001, 2006 and 2011, therefore, provided examples to measure the country's ability to demilitarise the political selection process, as well as the ability of those security agencies with a role to play during elections to rise above petty, personal and partisan interests, and act in the public interest (Makara, 2010).

> ### *Legal and Institutional Framework Governing Operations of Security Agencies in Uganda*
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> ❯ Chapter 12 of the Constitution on defence and national security establishes the Uganda People's Defence Forces (UPDF), Uganda Police Force (UPF) and Uganda Prisons Service. The Constitution also gives Parliament power to establish intelligence organisations; as a result, the Internal Security Organisation and the External Security Organisation were established on this basis.
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> ❯ Article 209 of the Constitution spells out the functions of the UPDF to preserve and defend the sovereignty and territorial integrity of Uganda. Article 212 lists the functions of the Police Force to include; protection of life and property, preservation of law and order, and detection of crime. The Uganda Peoples Defence Forces Act 2005 regulates the composition of the army, as well as appointments, promotions, deployments, recruitment and other related activities.
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> ❯ The Police Act 2005 mandates the police to-
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>   ◉ Protect the life, property, and other rights of the individual;
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>   ◉ Maintain security within Uganda;
>
>   ◉ Enforce the laws of Uganda;
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>   ◉ Ensure public safety and order;
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>   ◉ Prevent and detect crime in society;
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>   ◉ Perform the services of a military force when empowered to do so by the Police Authority; and
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>   ◉ Perform any other functions assigned to it under the Act.
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> ❯ Principle II of The code of Conduct for Security Personnel enjoins security forces to remain neutral and not to overtly participate in partisan political activities. The Code further requires them to restrict themselves to the maintenance of law and order.

Although Article 29 of the Constitution gives every Ugandan the right to assemble, demonstrate peacefully and to form or join any political organisation, Section 35 of the Police Act 2005 empowers officers to disperse "unlawful" processions and assemblies –or processions of three or more people who neglect or refuse to obey a police order for immediate dispersal. The Act also makes it illegal to assemble or organise processions likely to breach the peace. Similarly, the Public Order Management Act of 2013 also gives the police discretionary powers to veto gatherings of as few as three people in a public place. Police can also break up meetings of three or more people discussing political issues.

2.1 Perpetuating Election Violence through Security Agencies and Para-military groups

One of the most notable cases of election violence took place on February 15th, 2006. A number of Besigye's supporters were shot at and one man was killed by Lt. Ramathan Magara, a reserve force commander attached to the office of the Resident District Commissioner (RDC) in Kampala's Rubaga Division. The deputy RDC, Mr. Fred Bamwine, defended the actions of the soldier, saying the mob had attacked and vandalised his office, burnt a motorcycle and ransacked a vehicle before the shooting[1].

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[1] Comments attributed to Mr. Bamwine in the Daily Monitor of February 16th, 2006.

Military Police together with counter terrorism police patrol the streets of Kampala ahead of the 2011 general elections

A few days later, on February 19th 2006, seven armoured vehicles belonging to the military drove into a crowd of Besigye's supporters in Mukono District, injuring several people and leaving two in a critical condition. Sensing animosity, the soldiers in the vehicles aimed their guns at the crowd scattering the campaign procession in disarray. The following day, police fired tear gas to disperse a crowd waiting for Besigye to address a rally in Lugogo, near the city centre. Military and riot police fired tear gas canisters at the people who had lined up on both sides of road chanting songs in praise of their candidate. The Inspector General of Police, Maj. Gen Kale Kayihura, said his officers had dispersed the crowds because they were blocking the road[2]. In Jinja, police used tear gas to break up a campaign procession of FDC supporters. On February 15th, 2006 a combined team of policemen and military police personnel engaged FDC supporters in running battles along the streets of Jinja town (Mwesige & Muyomba-Tamale, 2007).

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2   See, Daily Monitor, February 20th 2006.

There were also widespread allegations of the militarization of the police force, both in the leadership and in the enforcement of law and order during elections. Although the constitution implies and provides for cooperation between the police, civilian authority, the population, and other legal security organs, the relationship between the various institutions has been blurred. This blurring was unmasked on November 16th 2005 when armed commandos, later to be named the *Black Mambas* for their black T-shirts, their seething ferocity and their serpentine ways, raided the High Court in Kampala and blocked the release, on bail, of treason suspects, including Besigye. The Principal Judge of the High Court, James Ogoola, described the incident as a "*naked rape, defilement and desecration of the temple of justice*".[3] A few days later, the Daily Monitor revealed that members of the squad had returned to the court – when the suspects next appeared – dressed up in police uniform. There was no official explanation for this chilling changing of stripes, it was business as usual.

Security agencies, including the police, also remain guilty of grave violations of the rights of civilians and other forms of electoral malpractices. A parliamentary select committee, set up to inquire into the violence that characterised presidential, parliamentary and local elections in 2001 and 2006, unearthed cases where suspected opposition politicians were detained in illegal locations and opposition supporters were subjected to violence and torture by the police. The report was never debated in parliament – its contents were considered *too sensitive* (Commonwealth Human Rights Initiative, 2006). The committee also found that the army, intelligence agencies and Local District Units (LDUs) had all interfered in the polls, and had also usurped police jurisdiction and power. The committee also rejected the argument that the army was called in to reinforce the police and to ensure a peaceful poll. The committee accused the military and other security agencies of unlawful arrests, brutality, threatening voters with guns, forcing voters to cast their ballots in favour of particular candidates, and intimidating voters to keep them away from polling stations on election day. Although the report recommended

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3   See, Daily Monitor, November 19th 2005.

that the security agencies stay out of future elections, the lack of debate on the report meant that this was not implemented and the security agencies continued to play a visible role in the 2006 and 2011 elections. For instance, on 11th February 2006 in Kadungulu Parish, in Kasilo County, Soroti District, over one hundred (100) UPDF soldiers were deployed in the counties of Bugondo and Kasilo. Eleven of these were deployed at Arapai Health Centre next to the residence of Mr. Elijah Okupa, the FDC parliamentary candidate. The soldiers mounted daily night patrols in the area. The matter was reported to the Soroti DPC who stated that he was not aware of their presence in the area. Prior to this incident, the UPDF in the area had warned the people that they would face problems if the NRM lost. On the eve of the election, and on polling day, soldiers patrolled several parts of the country in heavily-armed armoured vehicles, which opposition politicians and candidates said was designed to intimidate their supporters against voting for them. During the 2006 elections, the UPDF soldiers took an active role in campaigning for the incumbent and issuing threats against the opposition in Bugondo, Soroti (Mwesige & Muyomba-Tamale, 2007).

The 2006 election also saw the emergence of election militia and paramilitary groups that perpetuated a lot of the violence that marred the polls. In Teso region, members of the Arrow Boys militia, recruited to protect the local population against attacks by the Lord's Resistance Army rebels and Karimojong cattle rustlers, became special election constables to assist the police. This was in spite of the fact that two of their leaders, Musa Ecweru and Mike Mukula were NRM candidates in the election in the area.

The parties contesting in the election also formed youth brigades, ostensibly to keep vigil at polling stations and ensure that the ballot boxes were not tampered with. As a result there emerged a myriad of nondescript militias, some armed, across the country. For instance, On February 2, 2006, unidentified armed men in NRM party colours were involved in a clash with FDC supporters in Iganga. On February 8, the Movement Secretariat claimed that they were LDUs who are party supporters. The NRM's deputy spokesman Mr. Ofwono Opondo said there was no law against LDUs carrying guns or belonging to a political party.

2.2   Political Party Primary Elections as a Source of Election Violence in Uganda

Political party primary elections have been hailed as a cornerstone for internal party democracy in developed and advanced democracies. Indeed, if well managed, political party primaries provide for massive registration and a feeling of belonging to party members. The first party primaries in Uganda were held in 2010, ahead of the 2011 general elections. For purposes of learning from past mistakes, attention will be drawn to the NRM political primaries and their implication to the electoral outcomes. Whereas the goal of the 2010 NRM primaries was well intentioned and geared towards practicing internal party democracy, the outcome presented a nightmare that seemed to consolidate a patronage network, supporting those closer to the president. The dynamics presented a *do or die* contest with many contradictions that tainted the image of the party. A number of electoral malpractices were documented in the form of stuffed ballot boxes, missing ballots, manipulation of voters' lists, ghost voters, violence and intimidation of voters. One of the classical cases of malpractices during the NRM primaries took place in Ssembabule district which became a battlefield at the cost of innocent civilians. Supporters of Hon. Theodore Ssekikubo of Lwemiyaga constituency regularly clashed with supporters of Hon. Sam Kutesa and the area woman MP Hanifa Kawooya. Related cases of violence were also documented in the then vice president Gildbert Bukenya's constituency, Dorothy Huhya's constituency, Emmanuel Dombo's constituency among others. A number of allegations including stolen ballots, switching of results and forging of academic qualifications were made against various candidates.

At the end of the day, over 500 petitions were filed by disgruntled NRM supports and contestants. The dissatisfaction and lack of trust in the judicial processes that followed, led to the emergence

of independent candidates. Consequently, the 886 independent candidates outnumbered the 495 candidates that stood on the NRM ticket. The focus on the NRM (as a ruling party) primaries presents a picture of what may/may not happen in the opposition parties.

3. The road to 2016: Mitigating Incidences of Violence and Emergent Conflicts In Uganda's Electoral Processes

The history of Uganda's electoral processes suggests that Uganda is prone to election violence. As Ugandans prepare for the 2016 general elections, it is important to note that any programme designed to prevent electoral violence will benefit substantially from targeting the entire electoral cycle. The unpreparedness which normally explains the introduction of a variety of measures shortly before the election day may as well breed confusion and agitation among the actors.

There is need for an honest and frank discussion about election violence and the role of the various actors. Government, through the Electoral Commission and the Human Rights Commission should be seen to lead and involve all stakeholders. As has been argued before, civic education as opposed to voter education should be emphasised before elections. Ugandans should be prepared adequately to participate in the 2016 elections without fear of intimidation. Civic education should focus on the *other side* of elections – the possibility of losing elections. Political aspirants should be ready to either win or lose elections. There is need to learn from the past, avoid the obvious mistakes and consolidate the gains within the electoral process. The following seven strategies will be critical in mitigating incidences of electoral violence in the 2016 general elections.

a) **Election Violence Mapping / Analysis:** There are several aspects that can provoke election violence throughout the election cycle. For this reason, it is important to understand the possible causes of the violence. Election violence analysis in the context of the electoral cycle is very important. For example, voter registration and mapping of new constituencies have in the past caused violence in Uganda's elections. The other major trigger point for violence is delayed constitutional amendments that have for the third time, been presented very late. This analysis helps to institute an early warning system, which in turn encourages rapid responses to triggers and incidences of violence in the pre-election, election day and post-election processes of an election. For early warning systems to help prevent or mitigate election-related violence, their monitoring and reporting processes have to be effective and should use skilled personnel and technology.

b) **Transparency within political party primaries:** Political party primaries were a major source of the pre-election violence

Selected trigger factors for electoral violence

Pre-election
- Voter registration
- Delineation of constituencies
- Inflammatory language
- Violations of code of conduct

Election-day
- Violation of election laws
- Voter intimidation
- Hindering citizens to access ballots,
- parties to travel
- Unsealed ballots at poll site

Post-election
- Dashed expectations
- Delays in announcement of results
- Perceived fraud and mismanagement
- Premature self-declaration as winner

(UNDP, 2015)

in 2010 and 2011. With the hindsight of the malpractices and irregularities that were majorly documented from the ruling NRM party, it is important to engage in a transparent registration process for all political parties. This should be accompanied by intensive civic and voter education. In case of pre-election violence that may be associated with the party primaries, there should be efficient and credible complaints processes within the party structures.

c) **Codes of conduct for political parties:** Available evidence from all the past elections concludes that most forms of electoral violence in Uganda result from rivalry between the contestants. This should be controlled by implementing the provisions within the codes of conduct for political parties and actors. The code of conduct should have strong sactions penalizing perpetuators of electoral violence. Civil society organisations, the media and development partners also have a role to play through civic education. This education should focus on the roles and responsbilities of citizens as well as their elected leaders. Political contestants also have to be eductated about their roles and should be prepared for both victory and election loss.

d) **The role of security agencies in the 2016 elections:** By their very nature, security agencies, particularly police in Uganda is empowered to maintain law and order before, during and after elections. After the 2001 and 2006 elections, a number of civil society organisations and development partners recommended that the institution of police should consider training in human rights, peace education and democracy with the view of improving the police's appreciation of human rights and fundamental freedoms during elections. Indeed, the government of Uganda responded positively by including human rights trainings in the police curriculum. Government partnered with human rights civil soceity organisations to conduct annual trainings for police officers. To this end, government should desist from the use of para-military froups and other forms of militia during elections. Currently, government has recruited a number of crime preventers who are not sufficiently trained to deal with serious issues such as elections. Such groups are also known to be over zealous and with a partisan stand point. Police should stick to its mandate of maintaining law and order and protecting the lives of all Ugandans during elections.

e) **Dialogue with Stakeholders.** The road to 2016 has many different actors. The actors include citizens, government institutions, civil society organisations and the media. Lessons from other countries suggest that engaging with stakeholders can help to mitigate violence before and during elections. For example, the continuous engagement and constructive dialogue by the EU election observers and civil society organisations in Lesotho contributed to the relatively peaceful election in 2012. The work of UNDP in Lesotho exemplifies that ensuring peaceful and credible elections requires engaging with stakeholders across a broad spectrum, including not only political parties but security forces, civil society and regional and international partners. In Uganda, the dialogue should focus on acknowledging each others roles during the electoral process.

f) **Address electoral violence:** Where violence exists, it has to be addressed. Lessons from Kenya indicate that if the causes of violence are not addressed, the effects may be far reaching. For example, while the 2002 elections and the 2005 referendum in Kenya remained relatively peaceful, underlying conflicts were not resolved and violence surfaced in the 2007 elections. After the post-election violence, the EU supported activities that aimed at strengthening non-state actors' capacities for mediation and conflict resolution, increasing know-how and grassroots-level dialogue in order to effectively deal with the actual causes of the conflicts.

g) **Post-election strategy through mediation**. Mediation is important for electoral conflict management if tensions are acute or if results are contested. Election violence which erupts during the early stages of the election cycle has the potential to increase the likelihood of later violence. Mediation and dialogue by independent election observers such as development partners and civil society organisations can play an important role in restoring trust and confidence after violent elections. Focus should be put on strengthening local dialogue capacities that can provide

neutral forums in which all stakeholders are able to discuss and agree on recommendations for future election planning.

4. Policy Questions for Discussion

An election is an important measure of the democratic governance of any country. Yet, the reality is that, elections are sometimes violent and dangerous events. In Uganda, the examples drawn from all four previous elections show that election violence pauses a major challenge that needs serious attention. As analysts have argued, it is not enough to pride in organizing regular elections for a country like Uganda. It matters whether the elections were free and fair, and particularly free of election violence. At an electoral reform conference in Dakar, Senegal concluded in 2005, the fact that elections are conducted in most post-colonial African countries on a regular basis is of no real consequence if electoral competition is undermined by an uneven playing field. A discussion around the five questions below will help to shape a debate around the readiness and possibility of mitigating incidents of violence and conflicts ahead of the 2016 general elections.

1. How can election-related violence be better anticipated and conflict prevention programming put into place to mitigate its occurrence and curtail its escalation?
2. Is government willing to work and partner with civil society organizations engaged in civic education?
3. How favorable is the political terrain for civil society organizations and the media to operate as mediators during election violence?
4. Are political parties ready and transparent as they prepare for their internal party primaries?
5. What are the implications of the rising numbers of independent candidates within political parties? Relatedly, are leaders ready to loose elections in 2016?
6. What measures are being taken to foster dialogue between the different stakeholders in the electoral process?

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