ACODE

ELECTION MANAGEMENT AND ELECTORAL VIOLENCE MITIGATION AHEAD OF 2016 ELECTIONS

REPORT OF PROCEEDINGS
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Abstract

Over the years, remarkable progress in election management has been registered across Africa. East African countries, in particular, have embraced democracy. However high levels of electoral-related violence remain a major challenge during elections and threaten democracy, socio-economic development, and political stability. Since 1996, Uganda has had relatively peaceful elections although incidences of election-related violence have been reported in successive elections with the period towards and after elections often characterised by high-level political mobilization, ethnic polarization, and the commercialization of political processes. While such violence is historical, it must be recognised that violence greatly undermines and discredits the country's democratic dividends. It is against this background that the Advocates Coalition for Development and Environment (ACODE) sought to engage key political actors in a frank and honest conversation at the 61st State of the Nation (STON) Platform under the theme: *"Election*

Management and Electoral Violence Mitigation Ahead of 2016 Elections". The main objective of the 61st STON Platform was for key stakeholders to convene in anticipation of the 2016 Elections, scheduled for February, to agree on actions and measures to counter election-related violence. A number of recommendations emerged from the 61st STON Platform, key among them was that the Electoral Commission (EC) must take action to mitigate election-related violence and that security forces must be deployed in a nonpartisan manner and held accountable for politicking.

Introduction

The 61st STON Platform presented a unique opportunity for key political players to engage in open and frank discussions and to devise strategies to mitigate election-related violence ahead of the 2016 Election. The dialogue brought together heads of political parties, development partners, state security agencies, civil society, religious leaders, academia, and Members of Parliament. The speakers for the session were Dr Badru Kiggundu - Chairman of the Electoral Commission, Mr John Arimpa Kigyagi - Vice Chairperson of the National Resistance Movement (NRM) Electoral Commission, Colonel Felix Kulayigye - National Political Commissar for the Uganda Peoples Defence Forces (UPDF), and Major General Julius Oketta - Director of the National Emergency Coordination and Operations Centre for Disaster Preparedness.

To broaden the scope of views, two additional individuals were invited to discuss the presentations; Honourable Norbert Mao - President of the Democratic Party, and Professor Elijah Mushemeza of Bishop Stuart University, Mbarara. The objectives of the 61st STON Platform were as follows;

1. To promote a deeper understanding of the causes and impacts of violence on the nation and discuss the peace dividends from peaceful elections

2. To discuss lessons that can be learned and applied to mitigate electoral-related conflict in the run up to the 2016 Election

3. To understand possible and plausible peace interventions and current strategies undertaken at the national and district levels related to mitigating electoral-related violence, and whether strategies are clearly understood by the general populace

Background

Historically, the East African region (Uganda inclusive) has been afflicted by election-related violence. Available evidence suggests that the potential for election-related violence in Uganda remains high for reasons including the commercialization of elections by politicians and the electorate, high levels of youth unemployment, and biases against and mistrust for state agencies and election management bodies. While Uganda has made tremendous socio-economic and political gains

since 1996 (when presidential elections were held in Uganda for the first time), most observers warn that poorly managed elections in 2016 could turn violent and reverse the gains. Unresolved historical questions like those reported in the 1961 Munster/Uganda Relations Commission Report, deep-seated grievances over land rights and unemployment, and perceived ethno-regional marginalization are some of the fault lines that could shape electoral – related violence. In the run up to the 2016 Election, it was important for ACODE to facilitate an environment that committed all political players to peaceful elections and is the background against which ACODE convened key stakeholders at the 61st STON Platform to steer Uganda from potential violence and situate it on the path to sustainable peace and security.

Presentations

Dr Badru Kiggundu, Chairman, Electoral Commission

Dr Badru Kiggundu gave the opening presentation on *"The Role of the Independent Electoral Commission in Ensuring Free and Peaceful Elections, and Measures Being Put in Place to Guarantee Post- Election Stability"* where he outlined responsible actors for election-related violence, identified potential sources of conflict, and gave an overview of the measures put in place by the EC to mitigate electoral-related violence. The Chairman of the EC defined electoral - related violence as any act or threat of coercion, intimidation or physical harm intended to influence, delay, obstruct, or restrict the electoral process.

Image 1: Dr Badru Kiggundu, Chairperson of the Electoral Commission, makes his remarks at the 61st STON Platform as Colonel Felix Kulayigye, National Political Commissar for the Uganda Peoples Defence Forces, looks on.

To mitigate electoral - related violence, Dr Kiggundu placed the responsibility of finding solutions on Ugandans and he encouraged citizens to raise questions whenever elections were conducted in defiance, and not in compliance, with the law. As Chairman, he pledged to oversee and track elections through the EC, and to involve additional organs of the state to respond to violence, explaining that elections could be halted by the EC in any part of the country if the laws of Uganda were breached.

Elections are a sensitive source of potential conflict and the manner in which conflicts emerge could lead to random and/or organised violent conflict. Dr Kiggundu cited the example of political leaders who ensure the safety of their own family members whilst mobilising others for violent, political rallies. He recommended that conflicting sides come together *"for the sake of their sons and daughters"* and never *"give themselves to die"* unless their leaders were willing to do the same.

The majority of Ugandan citizens want peace and Dr Kiggundu recommended communication, tolerance, and the examination of individual behaviour to identify those inculcating violence. He noted that the identification of common actors and causes of violence could mitigate election-related violence. For example, knowledge on the commercialisation of politics including the buying of voters required civic awareness of citizen roles to value the quality of elections and to minimise violence. The Chairman emphasised the need for the early reporting of indicators of violence by citizens which requires the engagement of all stakeholders to take responsibility for the challenges surrounding election-related violence.

Image 2: A cross section of participants listening attentively during the 61st STON Platform.

Dr Kiggundu recognised the role of Civil Society Organisations (CSOs) and thanked development partners who supported the EC and provided key information on mitigating electoral – related violence. Steps taken by the Commission to diffuse conflict included the provision of guidelines by the EC on some Acts during the electoral process. Dr Kiggundu explained that consultations for electoral reforms had been undertaken at national level through a National Consultative Forum on Elections.

In addition, the EC improved the registration process to ensure that non-citizens would be unable to vote. An access platform was developed for citizens to call in for information about voting during elections. Other improvements implemented by the EC included voter identification slips and the addition of serial numbers on ballot papers for purposes of tracking votes back to polling stations.

The EC designed and intended to implement an initiative that obliged each presidential candidate to submit and adhere to a campaign program in order to diffuse tension and/or potential conflict during campaigns. In addition, the EC enhanced their capacity for disseminating results by, for example, adding another receiver at polling stations to ensure that results would be shared efficiently and accurately. Dr Kiggundu remained committed to the *"open door"* policy of the EC and emphasised the importance of timing governance-related dialogues appropriately, calling on participants to raise issues as discourses developed whilst also warning citizens to avoid being *"defiant"* at the risk of facing *"special measures"*.

The EC Act provides powers for peace and although the EC does not have an independent security force to call upon, it is mandated to call on state institutions if necessary (initially the police and subsequently the military) for security. Dr Kiggundu stressed that Uganda could have violence-free elections and called on people to talk to and be tolerant of one another. In his closing remarks, Dr Kiggundu reiterated that the EC had the responsibility to ensure peace and *"serenity"* during elections and that the EC would not hesitate to call on state organs to implement this mandate.

Honourable John Arimpa Kigyagi, Vice Chairperson, National Resistance Movement Electoral Commission

At the time of the 61st STON Platform, the NRM had completed a three stage primary electoral process to select NRM flag-bearers for the 2016 Election. Honourable John Arimpa Kigyagi, the Vice Chairperson of NRM Electoral Commission observed that the NRM election process could offer lessons for mitigating election-related violence in the 2016 Election and presented on the following topic; *"Analysing the Current Issues Facing the NRM Party and Measures Being Put in Place to Ensure Peaceful Elections and Post-Election Stability"*.

Hon. Kigyagi estimated that out of a total of approximately 16 million Ugandan voters, there was an average of three NRM candidates vying for each of the two million NRM

flag-bearer positions available which presented plentiful opportunity for conflict. The key challenges that arose during the NRM primary elections included the monetization of elections, election-related violence, lack of professionalism in electoral management, corruption, and political interference.

Broader issues included inadequate preparation, the leakage of election materials, and the incentivising of voters, particularly those who cast the first votes at village level, to *"carry"* the ballot paper and photocopy them for voting. Fake ballot papers and biased election officials created opportunities for multiple voting which was made easier by inadequate security in hard-to reach areas. For example, in a district with about 700 polling stations often only 100

constables were available making it impossible to have a constable per polling station. Hon. Kigyagi noted that security was also important to address contestations after final vote counts, especially with such high numbers of political aspirants.

The struggle to fight open corruption, particularly where corruption may not even be recognised, was another issue. For example, at the district level citizens were served food and then asked vote. Voters and candidates didn't realise that this was a crime until sensitisation had been done through training and engagement with civil society. Election officials were also paid fairly to avoid corruption. Other measures to reduce the opportunities for corruption included the use of sealable ballot papers which were counted before and after votes were cast, and the printing of names onto ballot papers to make them harder to duplicate. Districts had tally centres and elections ran from 08:00 – 22:00 hours to allow time to count votes with punitive measures levied against those involved in the alteration of results or fake ballot papers.

In his concluding remarks, Hon. Kigyagi said that the primaries were *"not perfect but that the will of the people was expressed"* and requested NRM members who had issues with the NRM electoral process to approach the NRM Electoral Committee and not to *"rush"* to court.

Image 3: Honourable John Arimpa Kigyagi Hon. Kigyagi, Vice Chairperson of the National Resistance Movement (NRM) Electoral Commission making his presentation at the 61st STON Platform.

Colonel Felix Kulayigye, National Political Commissar, Uganda Peoples Defence Force

On the topic of *"The Role of UPDF during and after Elections and Steps Being Undertaken to Prevent Election Violence"*; Col. Kulayigye, National Political Commissar, Uganda Peoples Defence Force (UPDF) outlined the role of UPDF before, during, and after elections, and described the steps being undertaken to prevent election violence.

The role of the UPDF is the defence of Uganda against real and/or potential threats which includes the protection of people and property, and ensuring that the country remains stable during the election period. The UPDF are *"committed and vigilant"* to responding to the needs of citizens so that their freedom is not tampered with and to ensure that votes can be cast freely, without intimidation or undue influence. Col. Kulayigye emphasized that the police are the main state institution to support the EC in peacekeeping during elections and that the role of the UPDF is to respond to police requests for support in keeping the peace during elections.

Col. Kulayigye commented that he had been in every election since 2001 and the UPDF had remained supportive and under the command of the EC to provide support when required to do so. Free political speech, evidenced at the 61st STON Platform, was an example of the strengths of democratic Uganda. Ensuring peace is a constitutional obligation for the UPDF which expects that political actors will promote peace through compliance with the law. Col. Kulayigye detailed the visible and invisible security that the UPDF had put in place nationally to ensure peace during elections and explained that the UPDF are open to collaboration with civil authorities and that the settling of disputes is expected to be completed through legal avenues.

In his closing remarks, Col. Kulayigye reiterated that the UPDF has remained supportive and responsive to requests from the police for support and, although the people remain sovereign, actors who threaten national stability will not be tolerated.

Image 4: Colonel Felix Kulayigye, National Political Commissar of the Uganda Peoples Defence Force (UPDF) making his remarks at the 61st STON Platform

Major General Julius Oketta, Director, National Emergency Coordination and Operations Centre for Disaster Preparedness

On the topic of *"Election Management and Electoral Violence Mitigation Ahead of 2016 Elections"*, Major General Julius Oketta explained his role in the National Emergency Coordination and Operations Centre for Disaster Preparedness which, with support from the United Nations Development Program (UNDP) and the Red Cross, was working to predict whether the forthcoming elections would turn violent.

The National Emergency Coordination and Operations Centre for Disaster Preparedness has an early response mechanism which served to predict, mitigate, and manage potential sources of conflict related to the 2016 Election. Maj. Gen. Oketta observed that elections in Uganda are about winning and

Image 5: Major General Julius Oketta, Director of the National Emergency Coordination and Operations Centre for Disaster Preparedness, speaking at the 61st STON Platform.

that political competition can be a matter of life and death. He urged that political positions not be seen as *"employment",* but as an opportunity to serve the people.

All electoral management bodies and security sector agencies (including non-state agencies) had conflict indicators which required a close working relationship between citizens and the EC during electoral cycles to mitigate conflict and violence. In particular, Maj. Gen. Oketta outlined the influence of professors and academic perspectives which often instigate violence as more ignorant communities listen to and respect these sources.

Maj. Gen. Oketta requested that the civil authority works with the EC during key phases in the electoral cycle by understanding civic roles in the legal and institutional electoral framework including planning and preparatory activities for elections, electoral training on the rights and responsibilities of citizens, developing electoral security and infrastructure (with attention paid to issues that restrict the EC from serving the people), and maturing a mutual respect between different political parties during campaigning, voting preparation, election announcements, and the post-election phase.

The improvement of electoral management and justice, specifically measures related to election implementation and dispute resolution, was also recommended by Maj.

Gen. Oketta. He highlighted the need to improve electoral security, particularly related to contentious attitudes and perceptions within and between political parties. Finally, he recognised the need to improve the state infrastructure for peace with regards to respect for civil authority.

In his concluding remarks, Maj. Gen. Oketta encouraged the EC to employ their available tools for conflict analysis and connect with citizens to communicate messages of non-violence to mitigate any violent conflict before, during, and after the 2016 Election which the National Emergency Coordination and Operations Centre for Disaster Preparedness was prepared to support.

Discussants

Honourable Norbert Mao, President, Democratic Party

Hon. Mao discussed Dr Badru's presentation, the *"life and death"* nature of Ugandan elections, the risks of becoming a *"pariah",* the changing of rules during elections, the fusion of the state and the government, and issues related to non-partisan state security forces adopting a political stance.

In Uganda, elections are often a matter of life and death (according to Hon. Mao) because the outcomes confer power and the associated privileges to a select few who *"operate in a vacuum"* during their stay in office. Those who lose elections risk being closed out

of employment, scholarship, and national development opportunities. A request was made by Hon. Mao for politicians to recognise that Uganda is for everyone and that those who commit to serve Uganda must agree to serve all Ugandans, irrespective of political allegiances.

Hon. Mao iterated that the changing of rules by the EC was unacceptable and predicted that violence would be likely in the aftermath of elections. Previously, the EC had changed their official rules during elections and Hon. Mao explained that if he was to lose elections according to predetermined and equally enforced rules, he would accept defeat. If the election process was not managed effectively, however, the likelihood of violence after elections would increase. He requested that once rules were set, they were consistent

Image 6: Honourable Norbert Mao discussing presentations during the 61st STON Platform

and enforced across the board by the EC. On the subject of voter identification slips raised by Dr Kiggundu, Hon. Mao recounted that they were issued in Busia and Bugiri Districts but that no-one was aware of their circulation until rules were issued by the EC.

Hon. Mao further discussed the fusion between the state, government and the nation, noting that citizens did not believe there was a dividing line between the NRM and the Government of Uganda (GoU). He added that supposedly non-partisan state security forces were noticeably active during and after elections with, for example, Brigadier Charles Otema, the UPDF Chief of Logistics and Engineering, convening meetings during NRM primaries. Army officers had *"become EC Officers"* and had previously blocked roads for opposition political campaigners. Hon. Mao recommended an appropriate response from the EC be pursued in such instances (which would be to intervene with the state forces, such as the police).

In his concluding remarks, Hon. Mao commented on the growing perception that the EC held office but not power and that, as the chief regulator of elections, the Chairman needed to retain his self-assurance. The worry for Hon. Mao was not the campaign period but the period after voting. As he noted; *"we may be sitting on a volcano under an ice-cap"*, and yet *"unable to see the fire through the ice"*.

Professor Elijah Mushemeza, Bishop Stuart University, Mbarara

Professor Elijah Mushemeza discussed the broader context of governance in Uganda and proposed solutions for mitigating electoral- related violence in the short, medium, and long term. In his experience as the previous Chairman of the NRM Electoral Commission and as a winner, loser, and manager of elections, Prof. Mushemeza explained that, if political candidates rallied their supporters to fight, they would do so. Likewise, if the message was for peace, supporters would uphold the requests of their political leaders.

Human rights deficits, structural violence, societal inequalities, and shortcomings in the rule of law all affect governance and need to be addressed to mitigate electoral - related violence in the long term. In the short and medium term, Prof. Mushemeza recommended that mitigating electoral- related violence should focus on key actors and he recommended that political candidates and principal political

Image 7: Professor Elijah Mushemeza of Bishop Stuart University discussing presentations at the 61st STON Platform

actors be engaged by the EC in order to ensure that rules were adhered to.

Prof. Mushemeza raised the role of security agencies beyond the IGP (Inspector General of Police) and UPDF in terms of mitigating electoral - related violence. The Resident District Commission (RDC), Internal Security Officer (ISO), Parish Internal Security Officer, and Crime Preventers were all relevant actors and needed to be engaged to mitigate electoral-related violence. In addition, election officials (including Presiding and Returning Officers) needed to be engaged to remain non-partisan during elections. Prof. Mushemeza explained that rigging an election was impossible without the support of such individuals and, if such key actors took sides, violence was likely.

Prof. Mushemeza noted that elections can run smoothly until the counting and announcing of results but chaos could arise thereafter. Every candidate, in his view, needed to have access to result declaration forms as the hard evidence needed in case of a dispute. If each candidate could have the results as announced at the polling station, it would be easy to establish the winner and the loser which could mitigate violent responses to the tallying of votes.

In his concluding remarks, Prof. Mushemeza recommended that the mitigation of electoral- related violence focus on the key political actors, such as political candidates, and address legal shortcomings that affect civil and state institutions. In the longer term, fundamental grievances such as human rights deficits and structural violence needed to be addressed in order to mitigate election-related violence.

Conclusion

The general consensus reached by the participants during the plenary discussions was that the EC was responsible for ensuring that elections were carried out in a fair and non-partisan manner. Feedback indicated that violence was likely in the aftermath of elections if the public perception of elections was that elections were biased. Issues raised by participants repeatedly related to fairness during elections, not the loss of political parties. Participants voiced concerns about the EC as a potential source of election- related violence if candidates were not treated equally.

The EC Chairman was thanked for his assertiveness during the 61st STON platform and Hon. Mao requested that Dr Kiggundu maintain such levels of assertiveness during the election period. Discussants also raised the issue of the parliamentary processes needed to mitigate electoral – related violence at Central Government level, such as when Members of the National Consultative Forum on Elections developed a code of conduct for political parties to adopt in order to regulate conduct (which were not adopted) and the electoral reforms that were refused by Parliament whilst amendments on the renaming of the EC (as *'The Independent Electoral Commission'*) were pursued quickly by the Parliament of Uganda.

Participants recognised that the EC is a *"decent"* institution with respectable employees but that the GoU had undue influence over its operations and processes of law creation. One presenter maintained that the EC was largely independent with regards to the decisions it takes, despite institutional limits such as resources (which come from tax payers and are distributed via the executive arm of Government) and the laws to which the EC is subject (which are made by Parliament).

Policy Recommendations

1. **The Electoral Commission take Action to Mitigate Electoral-related Violence;** Participants raised issues and multiple examples of when the EC failed to act equally in response to the activities of political parties and requested that elections be both transparent and seen to be transparent. The following specific recommendations were made;

   o A multi-sector, roundtable discussion to mitigating election-related violence was recommended by Dr Kiggundu. The expected outcome would be a written Memorandum of Understanding (MoU) from Presidential Nominees and political parties committing themselves to complying with the EC and maintaining peace.

   o Hon. Mao noted that platforms such as the 61st STON Platform could be used to reach consensus between contestants on important issues such as the clear establishment of rules during the election process.

   o A high-level contact group, similar to one pioneered by the US Embassy, which facilitated meetings between opposition political and army officers was also recommended to avoid unnecessary controversies.

2. **Retribution for Rule-Breaking;** State security forces, local governments[1], and political candidates have clear rules detailing political conduct during elections. Participants noted that the EC have not as yet disqualified a candidate for breaking rules or held non-partisan state security forces accountable for politicking despite multiple reports of both.

3. **Citizens must be able to follow the Law;** Participants raised issues over the lack of clarity on laws during the election period such as the speed with which laws were passed and implemented without the necessary public sensitisation. The double standard, regarding the pursuit of electoral reforms, was *"unacceptable"* according to participants.

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[1] At the District level, specific offices can be compromised during the election period. In particular, the roles of the Resident District Commission (RDC), Internal Security Officer (ISO), Parish Internal Security Officer and Crime Preventers influence elections and related violence.