

UGANDA

by Gerald Bareebe and Ivan Ashaba

1. INTRODUCTION

Facing pressure from donors, many African countries conduct regular national elections, but most are neither democratic nor democratizing. Uganda's 2016 general elections show how the marriage of authoritarianism with contested elections has become the norm in sub-Saharan Africa.¹ The Ugandan elections failed to display any semblance of democracy, with the military, the police and the electoral management body openly working in favour of President Yoweri Museveni and his ruling party, the National Resistance Movement (NRM).² In particular, Uganda's 2016 election is infamous for the way in which the regime manipulated the electoral process through gerrymandering constituencies, placing stringent restrictions on media content and consumption, the corrupt patronage network and the failure by the donor community to influence the process.³ What is perhaps more alarming is how state agencies worked hard to avoid a transparent electoral process to the extent that observers saw the entire exercise as "faking democracy" at its best.⁴ It is therefore no surprise that, while the country adopted multipartyism in 2005⁵ (largely due to donor pressure) and has since spent millions of dollars conducting periodic elections, the only obvious impact it has produced is the consolidation of Museveni's authoritarian regime.

In this article we examine the 2016 Ugandan presidential election and the environment in which it was held. We argue that Uganda, which was once seen as a promising model of democracy in sub-Saharan Africa, has instead drifted dangerously towards autocratic rule. Our analysis is fundamentally based on seven factors that, taken together, demonstrate how Uganda's elections have failed to produce democracy. They have instead become a tool for President Museveni to legitimate his rule. These factors include: the massive

¹ BRATTON, M., VAN DE WALLE, N., *Democratic experiments in Africa: Regime transition in comparative perspective*, Cambridge University Press, 1997.

² HICHEN, J., "Staging an Election in Uganda: Kiggundu's Third Act", *African Research Institute Report*, 2 March 2016, <https://www.africaresearchinstitute.org/newsite/blog/staging-an-election-in-uganda-kiggundus-third-act> (Accessed 26 February 2018).

³ GOLOOBA-MUTEBI, F., HICKEY, S., "The Master of Institutional Multiplicity? The Shifting Politics of Regime Survival, State-Building and Democratisation in Museveni's Uganda", *Journal of Eastern African Studies*, Vol. 10, No. 4, 2017, pp. 601–618.

⁴ ABRAHAMSEN, R., BAREEBE, G., "Uganda's 2016 Elections: Not Even Faking It Anymore", *African Affairs*, Vol. 115, No. 461, 2016, pp. 751-765.

⁵ MAKARA, S., "Deepening Democracy through Multipartyism: The Bumpy Road to Uganda's 2011 Elections", *Africa Spectrum*, Vol. 45, No. 2, 2010, pp. 81-94.

crackdown on the regime's political opponents; the increasing personalization of power by the incumbent; the shrinking space for civil society; the persistent militarization of politics; the failure to initiate genuine electoral reforms; the regime's enduring control of the election machinery; and the recent amendment of the constitution to lift the age limit for the presidency, thereby setting the stage for President Yoweri Museveni to rule for life. We begin by placing our arguments within a theoretical context.

2. THE 2016 ELECTIONS: A THEORETICAL PERSPECTIVE

Although Uganda has conducted regular polls (1996⁶, 2001⁷, 2006⁸, 2011⁹ and 2016¹⁰), they have all failed to meet the criteria for free and fair elections.¹¹ It is widely held that the fundamental principles of free and fair elections encapsulate “the right of everyone to take part in the government of his or her country directly or indirectly through freely chosen representatives, to vote in such elections by secret ballot, to have an equal opportunity to become a candidate for election, and to put forward his or her political views, individually or in association with others.”¹² However, in Uganda, while the regime allows opposition parties to field candidates, it does so to give the veneer of a democracy when in reality the playing field remains skewed in favour of the incumbent and the ruling party.¹³

The existence of political regimes (such as Museveni's) that combine features of both democracy and authoritarianism has attracted multiple conceptual classification from scholars interested in understanding the nature, character, duration and breakdown of these regimes. Some scholars have labelled

⁶ MUHUMUZA, W., “Money and Power in Uganda's 1996 Elections”, *African Journal of Political Science / Revue Africaine De Science Politique*, Vol. 2, No. 1, 1997, pp. 168-179.

⁷ HUMAN RIGHTS WATCH, “Uganda: Not a Level Playing Field. Government Violations in the Lead-Up to the Election”, 2011, <https://www.hrw.org/reports/2001/uganda/> (Accessed 25 February 2018).

⁸ VOICE OF AMERICA, “New Revelation about 2006 Ugandan Presidential Elections, 3 October 2010, <https://www.voanews.com/a/butty-uganda-justice-kanyei-hamba-04october10-104257669/155960.html> (Accessed 26 February 2018).

⁹ CONROY-KRUTZ, J., LOGAN, C., “Museveni and the 2011 Ugandan Election: Did the Money Matter?” *The Journal of Modern African Studies*, Vol. 50, No.4, 2012, pp. 625-655.

¹⁰ VOKES, R., WILKINS, S., “Party, Patronage and Coercion in the NRM'S 2016 Re-election in Uganda: Imposed or Embedded?” *Journal of Eastern African Studies*, Vol. 10, No.4, 2016, pp. 581-600.

¹¹ OLOKA-ONYANGO, J., “Uganda's ‘Benevolent’ Dictatorship”, *Current History*, Vol. 9, No. 5, 1997, pp. 212–216.

¹² See the criteria for a free and fair election contained in the 1994 declaration by the Inter-parliamentary Union, <http://archive.ipu.org/cnl-e/154-free.htm> (Accessed 3 February 2018).

¹³ LEVITSKY, S., WAY, L. A., *Competitive authoritarianism: Hybrid regimes after the cold war*, Cambridge University Press, 2010.

them “hybrid regimes”¹⁴, “non-tyrannical autocracy”¹⁵, “competitive authoritarian”¹⁶, “defective democracies”¹⁷, ‘illiberal democracies’¹⁸ and “hegemonic authoritarianism”¹⁹. Conceptually, a unique aspect of these regimes lies in the way they organize regular elections without achieving democratization because incumbents provide little space for the opposition to engage in genuine political participation. Incumbents tend to monopolize the political space, thereby limiting the degree and avenues for genuine political contestation.²⁰ They also manipulate the electoral system²¹ through gerrymandering, voter registration, intimidation and persistent harassment of opposition and civil society groups.²² In addition, the judiciary is cowed, which affects its independence, and regime cadres and military officers operate above the law and engage in practices of electoral fraud.

What is intriguing in Uganda’s case is that, whereas the incumbent and the ruling party overwhelmingly dominate the electoral machinery and use political violence as a form of repression, the opposition to the regime has continued to grow to the extent that voters in the previous polls showed a rare inclination to defy repression and vote for the opposition, especially in urban areas. Therefore, despite various subjugation tactics employed by the Museveni regime, the endurance of opposition to his rule continues to trouble the regime elites.²³ After his party was routed in major urban centres in the 2016 polls, Museveni vowed to “politically wipe out”²⁴ the opposition. Two years

¹⁴ SCHEDLER, A., *Electoral Authoritarianism: The Dynamics of Unfree Competition*. Boulder, CO: Lynne Rienner, 2006.

¹⁵ BOIX, C., SVOLIK, M., *Non-tyrannical Autocracies*, Los Angeles CA: UCLA Comparative Politics Workshop, 2017.

¹⁶ LEVITSKY, S., WAY, L., “The rise of competitive authoritarianism”, *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 51–65.

¹⁷ MERKEL, W., “Embedded and Defective Democracies”, *Democratization*, Vol. 11, No. 5, 2004, pp. 33–58.

¹⁸ ZAKARIA, F., “The rise of illiberal democracy”, *Foreign Affairs*, Vol. 76 No. 6, pp. 22–43.

¹⁹ HOWARD, M. M., ROESSLER, P., “Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes”, *American Journal of Political Science*, Vol. 50, No. 2, 2006, pp. 365–81.

²⁰ BOGAARDS, M., “Crafting Competitive Party Systems: Electoral Laws and the Opposition in Africa”, *Democratization*, Vol. 7, No. 4, 2000, pp. 163–190.

²¹ TESHOME, W., “Opposition Parties and the Politics of Opposition in Africa: A Critical Analysis”, *International Journal of Humanities and Social Sciences*, Vol. 3, No. 1, 2009, pp. 1–15.

²² VAN DE WALLE, N., “Presidentialism and Clientelism in Africa’s Emerging Party Systems”, *The Journal of Modern African Studies*, Vol. 41, No. 2, 2003, pp. 297–321.

²³ COLLORD, M., “From the Electoral Battleground to the Parliamentary Arena: Understanding Intra-Elite Bargaining in Uganda’s National Resistance Movement”, *Journal of Eastern African Studies*, Vol. 10, No. 4, 2017, pp. 639–659.

²⁴ KAFEERO, S., “Museveni’s Plan to Wipe Out Opposition Finally Taking Shape”, *Daily Monitor*, 6 February 2017, <http://www.monitor.co.ug/Magazines/PeoplePower/Is-Museveni-plan-to-wipe-out-opposition/689844-3799552-b5d4tvz/index.html> (Accessed 10 February

since he made this vow, there is no clear evidence that he has succeeded in breaking the momentum of opposition to his rule as the military and police are consistently overstretched trying to thwart various opposition activities.²⁵

Museveni's reaction to the growing opposition to his three-decade rule shows how leaders under authoritarian regimes often find themselves in a frustrating catch-22 situation. They feel the need to hold periodic elections to reaffirm legitimacy or shore up international perceptions. But elections create uncertainty inside the regime even when there is absolutely no question of who will win. The regime's leader is then forced to harass his opponents by arresting them on trumped-up charges and sending them to jail, hoping that such repressive tactics can undermine their momentum.²⁶ Some scholars argue that such regimes should be considered "electoral authoritarian" because they "play the game of multiparty elections by holding regular elections for the chief executive and a national assembly. Yet they violate the liberal-democratic principles of freedom and fairness so profoundly and systematically as to render elections instruments of authoritarian rule rather than instruments of democracy".²⁷

However, despite the existence of avenues for opposition to compete for power, incumbents in nondemocratic regimes abuse state power to place themselves at a "significant advantage vis-à-vis their opponents".²⁸ Scholars such as Schedler see a need to distinguish these regimes from full authoritarianism where no channels exist whatsoever for the opposition to challenge incumbency. A major assumption is that these regimes are or should be transitioning towards democracy. Others have argued that a major distinction between electoral authoritarian regimes and western democracies is in the quality, not frequency of elections.²⁹ A similar view is espoused by Tripp, who argues that such regimes are neither past autocracies nor fully democratic. They "range from semi-democratic to semi-authoritarian

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²⁵ TAPSCOTT, R., "Preventing Change and Protecting the Regime: Crime Preventers, Local Livelihoods, and the 2016 Ugandan Elections", *JSRP Working Paper No. 31*, 2016, <http://www.lse.ac.uk/internationalDevelopment/research/JSRP/downloads/JSRP-31.Tapscott.pdf> (Accessed 26 February 2018).

²⁶ OLOKA-ONYANGO, J., "Uganda Elections: 'An Exercise in Shame-Faced Endorsement'", in MANJI, F., EKINE, S. (eds.), *African Awakening: The Emerging Revolutions*, Cape Town, Pambazuka, 2012, pp. 111-115.

²⁷ SCHEDLER, A., "The Logic of Electoral Authoritarianism", in A. SCHEDLER (ed.), *Electoral Authoritarianism: The Dynamics of Unfree Competition*, Boulder CO, Lynne Rienner, 2006, pp. 1-23.

²⁸ LEVITSKY, S., WAY, L. A., *Competitive authoritarianism: Hybrid regimes after the cold war*, Cambridge University Press, 2010.

²⁹ DIAMOND, L., "Thinking about Hybrid Regimes", *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 21-35.

along the spectrum of hybridity”.³⁰ She classifies them as hybrid regimes because they are positioned at the “crossroads between democratization and authoritarianism”, rarely reverting to large scale authoritarianism but also rarely transitioning to full democracy.³¹ Marina Ottaway sees the most defining component of these regimes as the existence of a mechanism that prevents power transfer from the incumbent or ruling party to a new leader or political organization.³² She outlines four unique characteristics of regimes that are neither fully authoritarian nor democratic. They include a low degree of institutionalisation; the way power is generated and transferred; a weak link between political and economic reform; and limits on civil society.³³

The abuse of power by the incumbent to tilt the political landscape often happens in different ways. It may include misusing public institutions, government finances and other state apparatuses for political gain.³⁴ The misuse of public resources may also manifest itself through the communication infrastructure, security forces, discriminatory taxation, discretionary control over licenses and state contracts. In many sub-Saharan countries characterized by weak private sectors, such abuses can certainly tilt the political playing field in favour of the incumbents because they create vast resource advantages.³⁵ Moreover, judiciaries, electoral management bodies and other vital offices are instituted based on political considerations and manipulated by incumbents through bribery and intimidation. Institutions supposed to act as referees are compromised in favour of incumbents and ruling parties.³⁶ As will be discussed in the subsequent sections, the National Resistance Movement - the ruling party in Uganda - enjoys superior finances, media coverage and the support of state institutions like the electoral commission and the judiciary. As Schedler notes, authoritarian regimes like Museveni’s in Uganda organize elections and exhibit features of democracy in a bid to satisfy both internal and external actors yet fall short on vital democratic benchmarks.³⁷ The regime employs several strategies such as banning civic activities, weakening the opposition, preventing voters from accessing information on available choices, and informal disfranchisement (e.g. through persecution, physical elimination and forced displacement of dissenting voices). The opposition is at a financial

³⁰ TRIPP, A. M., *Museveni’s Uganda: Paradoxes of power in a hybrid regime*, London, Lynne Rienner Publishers, 2010, p. 3.

³¹ *Ibid.*

³² OTTAWAY, M., *Democracy Challenged: The Rise of Semi-authoritarianism*, Washington DC, Carnegie Endowment for International Peace, 2003.

³³ *Ibid.*

³⁴ LEVITSKY, S., WAY, L. A., “Why Democracy Needs a Level Playing Field”, *Journal of Democracy*, Vol. 21, No. 1, 2010, pp. 57-68.

³⁵ LEVITSKY, S., WAY, L. A., *Competitive authoritarianism...*, *op. cit.*, p. 10.

³⁶ *Ibid.*

³⁷ SCHEDLER, A., “The Menu of Manipulation”, *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 36-50.

disadvantage because incumbents have access to public funds and the whole state apparatus.³⁸ Such undemocratic features, according to Lindberg, are typical of regimes that use elections as a tool for enhancing authoritarianism.³⁹

3. UGANDAN ELECTIONS: A HISTORICAL BACKGROUND

Uganda first held elections in 1962, which were organized in preparation for the country's independence. Although voting was not held in every region of the country, the exercise resulted in the election of Sir Edward Walugembe Muteesa II as the first President of Uganda.⁴⁰ The election of Muteesa happened after an alliance between two parties – the Uganda Peoples' Congress (UPC) and Kabaka Yekka, which enabled Buganda to participate in the election.⁴¹ The Buganda Lukiiko (parliament) voted to give all the 21 nominated Buganda MPs seats to UPC, which gave it the numerical strength to form a government.⁴²

Uganda's first genuinely competitive multiparty elections were held in 1980.⁴³ They were organized by a military junta called the Military Commission (MC) that had ousted the dictatorship of Idi Amin. Museveni was a senior member of the ruling junta. Disagreements emerged within the ranks of the Military Commission when it made a decision to openly support the Uganda People's Congress (UPC). This forced Museveni to break away from the Commission on June 4, 1980 and formed his own party, the Uganda Patriotic Movement (UPM) under whose banner he contested the presidency.⁴⁴ Museveni was defeated by Milton Obote of the UPC, who enjoyed the support of the military. He refused to concede defeat citing massive vote rigging and disenfranchisement. He instead launched a protracted guerrilla rebellion against the new government.⁴⁵

After a five-year guerrilla war, Museveni and his group achieved a decisive military victory in 1986 against the military government of Gen. Tito Okello. Museveni was sworn in on January 29, 1986, and has held power since, making him one of the longest-serving leaders in African history. When

³⁸ *Ibid.*

³⁹ LINDBERG, S. I., "Opposition Parties and Democratization in Sub-Saharan Africa", *Journal of Contemporary African Studies*, Vol. 24, No. 1, 2006, pp. 123-138.

⁴⁰ GERTZEL, C., "How Kabaka Yekka Came to be", *Africa Report*, Vol. 9, No. 9, 1964, p. 9.

⁴¹ "Victory for the Kabaka", *Africa Report*, Vol. 7, No. 3, 1962, p. 13.

⁴² LEGUM, C., "Milton Obote, President of Uganda", *Africa Report*, Vol. 28, No. 1, 1983, p. 19.

⁴³ CARNEY, J. J., "The Politics of Ecumenism in Uganda, 1962–1986", *Church History*, Vol. 86, No. 3, 2017, pp. 765-795.

⁴⁴ MUTIBWA, P., *Uganda Since Independence: A Story of Unfulfilled Hopes*, Kampala, Fountain, 1992.

⁴⁵ MAMDANI, M., "Uganda in Transition: Two Years of the NRA/NRM", *Third World Quarterly*, Vol. 10, No. 3, 1988, pp. 1155–1181.

he came to power, Museveni outlawed political parties⁴⁶ and introduced a single-party (“Movement”) system under which the 1996 Presidential election was held. Museveni won 74% of the vote in 1996 and 69% of the vote in 2001.⁴⁷ However, the 2001 elections were marred by violence and intimidation; Museveni’s main rival, Dr. Kizza Besigye, was arrested and detained numerous times until he finally fled the country and spent the next four years in exile. The flawed nature of the 2001 elections generated intense domestic and international pressure on the regime to disband the single-party system and introduce multipartyism.⁴⁸ Eventually, a referendum was held on July 28, 2005 in which 92 per cent of Ugandans voted to restore a multiparty political dispensation. In the same year, MPs voted to amend Article 105 (2) of the 1995 Constitution to remove the term limit on the presidency. This gave President Museveni, in power since 1986, a lifeline to continue as president. Before approving the bill, Museveni gave each member of parliament 5 million Ugandan shillings (then approximately \$3,000) in what analysts say was a blatant case of political bribery.⁴⁹

From the above explanation, it is apparent that, although Uganda has experienced three election cycles since 1996, none can be said to have been free and fair. In all these elections, the government has been faulted by observers for its failure to create an environment conducive for Ugandans to freely express their will and choose their leaders without coercive pressure as required under Article 69 (1) of the country’s constitution. Having lost elections in 1980, Museveni has always been wary of polls. He increasingly resorted to the use of force to mitigate this uncertainty, making Uganda a perfect case of what Schedler has described as “electoral authoritarianism.”⁵⁰ Although such regimes do organize regular elections, they continue to violate the minimum democratic standards for liberal democracy through engaging in acts of harassment and intimidation of opponents, and outright vote-rigging. For example, ahead of the 2016 elections, Museveni and other NRM cadres warned voters about the dangers of voting for the opposition. Justine Kasule Lumumba, the ruling party’s Secretary General warned Ugandans that “the state will kill your children” if they pour into the streets to protest against Museveni’s victory.⁵¹ Below we provide a detailed examination of the events that characterized

⁴⁶ MUHUMUZA, W., “From Fundamental Change to No Change: The NRM and Democratization in Uganda”, *Les Cahiers d’Afrique de l’Est (IFRA)*, 41, 2009, pp. 21–42.

⁴⁷ MAKARA, S., “Deepening Democracy through Multipartyism: The Bumpy Road to Uganda’s 2011 Elections”, *Africa Spectrum*, Vol. 45, No. 2, 2010, pp. 81–94.

⁴⁸ ABDALLAH, H., “Uganda: Court Nullifies 2000 Referendum”, *Daily Monitor*, 26 June 2004, <http://allafrica.com/stories/200406250863.html/> (Accessed 19 February 2018).

⁴⁹ TRIPP, A. M., “The Politics of Constitution-Making in Uganda”, in MILLER, L.E. (ed.), *Framing the State in Times of Transition: Case Studies in Constitution Making*, Washington DC, United States Institute for Peace, 2010, p. 158–175.

⁵⁰ SCHEDLER, A., “The logic...”, *op. cit.*, p.2.

⁵¹ WESONGA, N., “Lumumba Shoot-to-Kill Threat Sparks Outrage”, *Daily Monitor*, 1

Uganda's 2016 elections.

4. A FRUSTRATING ATTEMPT AT REFORMING THE ELECTORAL SYSTEM

Uganda held its parliamentary and presidential elections on February 18, 2016, the third under the multi-party system introduced in 2005. With incumbents losing elections elsewhere in Africa (i.e., Senegal 2012 and Nigeria 2015), Uganda's opposition hoped to unseat President Museveni, who had been in power for over three decades. In comparison to 2011, the 2016 elections were different in two ways. First, unlike in the past, two strong candidates competed against Museveni. The opposition Forum for Democratic Change, Uganda's largest opposition party, fronted Dr. Kizza Besigye, while the country's former Prime Minister John Patrick Amama Mbabazi ran as an independent candidate. Second, Museveni was subjected to serious public scrutiny that included a live presidential debate and an exposure of crumbling medical facilities - events that attracted intense media coverage and debate. Other candidates in the race included Abed Bwanika of the Peoples' Democratic Party; General Benon Biraaro of Farmer's Party of Uganda; Professor Venansius Baryamureeba (independent); Maureen Kyalya (independent) and Joseph Mabirizi (independent).

In the lead-up to the elections, there were heated debates within opposition ranks regarding a boycott after Museveni's refusal to implement meaningful electoral reforms. Since 1996, there has been a raging debate in Uganda over the need to change the electoral laws many of which were enacted in 1995 when Uganda was under a single-party political system. Since Uganda embraced multipartyism, the opposition, the civil society, the Uganda Law Society and the Inter-Religious Council of Uganda have all unsuccessfully tried to encourage the government to introduce a new legal framework to facilitate a free, fair and transparent electoral process. In February 2015, the opposition took the first initiative and tabled before parliament a proposal containing several electoral reforms and asked parliament to expeditiously pass it. Among others, they demanded an independent and impartial election management body, the withdrawal of the security agencies from the elections, a transparent tallying process, freedom to assemble and organize campaign rallies without state interference and a transparent process for selecting polling officers.⁵² In 2006, the Supreme Court of Uganda also recommended a

February 2016, <http://www.monitor.co.ug/SpecialReports/Elections/Lumumba-shoot-to-kill-threat-sparks-outrage/859108-3056812-blgev1/index.html> (Accessed 19 February 2018).

⁵² MULONDO, M., "EC dismisses opposition's electoral reforms", *New Vision*, 15 February 2014, https://www.newvision.co.ug/new_vision/news/1337742/ec-dismisses-opposition-electoral-reforms (Accessed 26 February 2018).

number of reforms in the management of elections⁵³, including equal media coverage of all presidential candidates, demilitarization of the electoral process and stringent safeguards to separate the state from the ruling party.⁵⁴

The suggested reforms sought to address legal gaps to guarantee a free, fair and transparent electoral process. One of the issues raised concerned the independence of the Electoral Commission. The current law gives the president powers to appoint and dismiss the chairperson of the Electoral Commission and his staff.⁵⁵ Critics have argued that this puts the commissioners under the direct control and influence of the president.⁵⁶ In their ruling on the petition against Museveni's re-election in 2001 and 2006, the Supreme Court judges recommended numerous reforms among which was the need to change the way the EC commissioners are selected. The judges queried the partiality of election officials, the election timetable, the removal of voters from the register without due process, the lack of a level playing ground for opposition candidates, the role of security forces, and access to media by the opposition.⁵⁷ Despite repeated calls for reforms, Museveni rejected the suggested reforms in 2006 and 2011, and when the ruling party introduced the Constitutional Amendment Bill in 2015, it did not contain any of the reform proposals that the opposition, the Supreme Court and civic groups had suggested.⁵⁸ The Minister for Justice and Constitutional Affairs later noted that these groups have no mandate to demand reforms on behalf of Ugandans. The CSOs and the Inter-Religious Council had called for an independent and impartial electoral management body whose commissioners would be selected by the Judicial Service Commission (JSC), not President Museveni. However, both the CSO's and the opposition's proposals were rejected. Instead, the government passed a new law giving the President more powers over the appointment and

⁵³ MAKARA, S., RAKNER, L., RWENGABO, S., "Administering Uganda's 2006 Multiparty Elections: The Role of the Electoral Commission", Working Paper, Bergen, Chr. Michielsen Institute, 2008.

⁵⁴ The Supreme Court of Republic of Uganda Presidential Election Petition No. 01 of 2006, Rtd. Col. Dr. Kizza Besigye (Petitioner) Versus 1. Electoral Commission 2. Yoweri Kaguta Museveni (Respondents), January 31, 2007, p. 299.

⁵⁵ GLOPPEN, S., KASIMBAZI, E., KIBANDAMA, A., "Elections in Court: The Judiciary and Uganda's 2006 Election Process", in KIIZA, J., MAKARA, S., RAKNER, L. (eds.), *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections*, Kampala, Fountain, 2008, pp. 53-89.

⁵⁶ MURISON, J., "Judicial Politics: Election Petitions and Electoral Fraud in Uganda", *Journal of Eastern African Studies*, Vol. 7, No. 3, 2013, pp. 492-508.

⁵⁷ RWENGABO, S., "The Unknown Arbiter: The Uganda Electoral Commission and the Handling of Electoral Complaints During the 2006 Elections", In KIIZA, J., MAKARA, S., RAKNER L. (eds.), *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections*, Kampala, Fountain Publishers, 2008, pp. 119-133.

⁵⁸ KANYEIHAMBA, G., *The Blessings and Joy of Being Who You Are*, Kampala, Marianum, 2012.

dismissal of EC officials.

5. FAILED OPPOSITION ALLIANCE AND DONORS' MISCALCULATION

Aware of the fractured nature of Uganda's opposition groups, the lead-up to the 2016 elections saw an attempt by various opposition groups to form an alliance.⁵⁹ This effort was supported by civil society groups and funded by some in the donor community. This resulted in the formation of The Democratic Alliance (TDA), a loose coalition of opposition political parties, pressure groups and prominent individuals.⁶⁰ The main objective of the alliance was to field a single opposition candidate against President Museveni and to forge cooperation at local levels in order to gain more seats in the lower structures of government. The alliance was formed on the premise that a united opposition has better odds of ousting Museveni from power. Theoretically it seemed rational but empirically few political coalitions - especially in Africa's authoritarian political systems - have succeeded. In Uganda, almost all the political parties under the TDA had internal divisions as well as simmering fears that smaller parties could be swallowed up by dominant parties if they joined a coalition.

Apart from interparty rivalries, many political observers and opposition groups attribute the TDA's failure to the donors' miscalculation. Over the years, Dr Kizza Besigye, the leader and founder of Uganda's largest opposition party and Museveni's most formidable political rival, was reported to be having a complicated relationship with the country's major donors. Some donors, it is believed, were critical of Besigye's brash and aggressive style of politics. One book released ahead of the 2016 elections reports on a meeting between Besigye and western donors in which the author says Besigye was scolded and humiliated, with donors directly expressing their dislike for his political strategy.⁶¹ On the other hand, like many of Uganda's opposition supporters, Besigye detests the donors' double standards in dealing with Museveni. The opposition accuses the donors of being reluctantly critical of Museveni's misrule, and of unconditionally providing funds to Museveni's regime, much of which is used to enrich his patronage network.⁶² In his public meetings and press interviews, Besigye had become increasingly critical of

⁵⁹ BEARDSWORTH, N., "Challenging Dominance: The Opposition, the Coalition and the 2016 Election in Uganda", *Journal of Eastern African Studies*, Vol. 10, No. 4, 2016, pp. 749-768.

⁶⁰ *Ibid.*

⁶¹ KALINAKI, D., *Kizza Besigye and Uganda's Unfinished Revolution*, Kampala, Dominant Seven Publishers, 2014.

⁶² IRIN, "Uganda: Opposition Leader Urges Donors to Tie Aid to Political Reforms", 23 May 2005, <https://reliefweb.int/report/uganda/uganda-opposition-leader-urges-donors-tie-aid-political-reforms> (Accessed 25 February 2018).

the donor community, particularly the EU, accusing them of being naive and ignorant of the environment in which the opposition operates.⁶³ In his words, the donors were willing to go soft on Museveni's repression and flawed election as a reward for his role in fighting terrorism in Somalia.⁶⁴

Aware of the donors' misgivings about Besigye, top elements in the TDA began a search for another strong candidate acceptable to donors. An opportunity presented itself in Amama Mbabazi, a former prime minister and close ally of Museveni who had defected from the ruling party following a spirited power struggle with Museveni.⁶⁵ To the donors, Mbabazi was a more acceptable candidate because, unlike Besigye who is seen to be hawkish and politically pugnacious, Mbabazi largely portrays an image of a moderate politician.⁶⁶ Although Mbabazi had left the ruling party, he planned to run as an independent candidate and made it clear that he could only join the TDA if he was assured of becoming the opposition flagbearer. A campaign to convince Mbabazi to join the TDA started and was led by donors and small parties who assured him of their support in his battle to become the opposition's presidential flag-holder.

When Mbabazi eventually agreed to join the TDA, the donors started a campaign to convince Besigye to agree to step down and rally around Mbabazi. Mediated by former UN Secretary-General Kofi Annan and former ICC Chief Prosecutor Louis Moreno Ocampo, a meeting between the two was held in the United Kingdom.⁶⁷ At FDC headquarters in Kampala, party officials rejected any attempt to replace Besigye with Mbabazi. They cited several reasons including Mbabazi's refusal to revoke his membership of the ruling party and his role in the brutal crackdown of the opposition after the 2011 elections⁶⁸

⁶³ THE OBSERVER, "How Mbabazi, Besigye Meeting in London Ended in Stalemate", 2 November 2015, <<http://www.observer.ug/news-headlines/40780-how-mbabazi-besigye-meeting-in-london-ended-in-stalemate> (Accessed 24 February 2017).

⁶⁴ FISHER, F., "Managing Donor Perceptions: Contextualizing Uganda's 2007 Intervention in Somalia", *African Affairs*, Vol. 111, No. 444, 2012, pp. 404–423.

⁶⁵ SENGOBA, N., "TDA: Uganda's Opposition is Between a Rock and Hard Place", *Daily Monitor*, 22 September 2015, <http://www.monitor.co.ug/OpEd/columnists/NicholasSengooba/TDA--Uganda-s-Opposition-is-between-a-rock-and-hard-place/1293432-2879630-g4xd24z/index.html> (Accessed 26 February 2018). ONYANGO-OBBO, C., "Mbabazi to Take on Museveni in 2016; Why It Is both a Smart and Dumb Idea", *Daily Monitor*, 17 June 2016, <http://www.monitor.co.ug/OpEd/OpEdColumnists/CharlesOnyangoObbo/Mbabazi-to-take-on-Museveni-in-2016/-/878504/2754300/-/format/xhtml/item/1/-/74wmgmz/-/index.html> (Accessed 26 February 2018).

⁶⁶ KALINAKI, D., *Kizza Besigye and Uganda's Unfinished Revolution*, Kampala, Dominant Seven Publishers, 2014.

⁶⁷ KAAAYA, S. K., "How Mbabazi, Besigye meeting in London ended in stalemate", *The Observer*, 2 November 2015, <http://observer.ug/news-headlines/40780-how-mbabazi-besigye-meeting-in-london-ended-in-stalemate> (Accessed 4 December 2017).

⁶⁸ DEMGROUP, "Uganda: General Elections 18 February 2011, Final Report", Kampala, European Union Election Observation Mission, 2011.

when he served as Uganda's security minister.⁶⁹ In addition, many opposition figures expressed worries that, unlike Besigye who defected from the ruling party in 2001 with a large number of lawmakers and local council leaders, Mbabazi had left NRM alone, which could signal that he was not as popular as portrayed. Thus, as expected, the FDC pulled out of the alliance, accusing its secretariat of engaging in manoeuvres and bending the rules to favor Mbabazi as the TDA's sole candidate. As it turned out, the donors' decision to sideline Besigye in favour of Mbabazi was a miscalculation. They underestimated the level of Besigye's support and overestimated that of Mbabazi. Although many FDC officials warned that there were many pro-Museveni elements in the alliance, the donors failed to predict Museveni's apparent infiltration of the TDA. In the end, Mbabazi performed badly in the Presidential election, scoring only 1.3% of votes compared to Besigye's 35%.⁷⁰ Surprisingly, some of the coalition groups under the TDA ended up openly defecting to Museveni's party, leaving the donors and the civil society leaders that championed the TDA idea with egg on their face. For instance, one group led by former Vice President Gilbert Bukenya, which had vigorously campaigned against Besigye in the race for the opposition leadership, crossed over to the NRM and campaigned robustly for Museveni.⁷¹ The Uganda Federal Alliance and the Uganda People's Congress also formed a coalition with Museveni and some of their members were given lucrative positions in Museveni's government after the elections.

6. MANAGING THE ELECTORAL ENVIRONMENT: VIOLENCE, INTIMIDATION, AND MEDIA CENSORSHIP

The 2016 election was characterized by incidents of violence, arrests of Museveni's opponents and intimidation by security agencies. In July 2015, police arrested Besigye and Mbabazi and detained them for several hours. Mbabazi was detained while he was on his way to meet supporters in the Eastern part of the country. Besigye was arrested on his way to meet his campaign agents at party headquarters in Kampala. Within a week of polling day, Besigye was stopped from campaigning in Kampala and Wakiso, the two districts with the largest number of voters in the country. This led to the eruption of violence in Kampala and surrounding suburbs in which two people lost their lives and 19 others were injured.

⁶⁹ COLLORD, M., "From the Electoral Battleground to the Parliamentary Arena: Understanding Intra-Elite Bargaining in Uganda's National Resistance Movement", *Journal of Eastern African Studies*, Vol. 10, No. 4, 2017, pp. 639–659.

⁷⁰ For official results, see e.g. Uganda Electoral Commission, 2016 General Elections Summary, https://en.wikipedia.org/wiki/Ugandan_general_election,_2016 (Accessed 2 December 2017).

⁷¹ SADAAB, K., "Inside Bukenya, Museveni Deal", *The Observer*, 19 October 2015, <http://www.observer.ug/news-headlines/40524-inside-bukenya-museveni-deal> (Accessed 26 February 2018).

Numerous incidents of intimidation and harassment were orchestrated by the police and other security agencies in collaboration with the so-called Crime Preventers.⁷² The Crime Preventer force is a voluntary force of civilians recruited by the Police Chief Gen. Kale Kayihura and approved by the President ahead of elections to provide support to the police in the management of election-related crimes. The Ugandan police claimed that the Crime Preventers were a non-partisan force, yet in practice they were affiliated with the ruling party and donned Museveni's campaign T-shirts as they unleashed violence against civilians⁷³. The government refused to explain the legal basis of the force or reveal its command structure despite numerous queries from local and international human rights organizations, including Amnesty International, Human Rights Watch, Human Rights Network Uganda (HURINET-U), Chapter Four Uganda, Foundation for Human Rights Initiative (FHRI), African Centre for Rehabilitation and Treatment of Torture Victims and Uganda Human Rights Commission (UHRC). Instead, the Police Chief told critics of the Crime Preventers to "go hang" and further revealed that their total number stood at 11 million. To facilitate the work of the new force, parliament passed supplementary budget worth 37 billion Ugandan shillings to pay salaries for the new recruits.⁷⁴

As the competition between Museveni and his rivals intensified, he resorted to his old tactics of threatening "a civil war" if he were defeated. His campaign strategy changed depending on the specific fears of each region of the country. During his visit to areas affected by Joseph Kony's LRA insurgency and Amin's brutal dictatorship, Museveni warned residents that he could stage another civil war if he were defeated at the ballot. To legitimize Museveni's message, government owned TV stations broadcast pictures of skulls from the Luwero triangle where many people were killed during the war that brought Museveni to power.

Not only did Museveni oppress his rivals, and beat and arrest their supporters, he also instituted a brutal media clampdown. The government implemented a disproportionate strategy of denying the opposition access to the media in rural areas of Uganda.⁷⁵ The opposition was allowed access to the media in urban areas such as greater Kampala, where there is a considerable presence of Western diplomats, but they were deprived of airtime by many ru-

⁷² HUMAN RIGHTS WATCH, "*Suspend 'Crime Preventers': Massive Unregulated Force Threats Election Security*", Kampala, 2016.

⁷³ GAFFEY, C., "Who Are Uganda's Crime Preventers?" *Newsweek Magazine*, 14 January 2016, <http://www.newsweek.com/who-are-ugandas-crime-preventers-415704> (Accessed 13 December 2016).

⁷⁴ GIBB, R., "The Elections in Uganda, February 2016", *Africa Spectrum*, Vol. 51, No. 2, 2016, pp. 93–101.

⁷⁵ AFRICAN CENTRE FOR MEDIA EXCELLENCE, *Monitoring the Coverage of the 2016 Elections*, Kampala, 2015.

ral-based radio stations, especially in Museveni's strongholds. In rural Uganda, Museveni is highly revered by those who remember him as a guerrilla leader fighting the Obote and Amin dictatorships. The crackdown on the media was made possible by the fact that many of the radio stations in Uganda are either owned by politicians from the ruling party or by businessmen with connections to it. Some upcountry radio stations that took the risk of hosting opposition leaders were switched off air and had their licenses revoked. In one incident, a radio station in eastern Uganda mysteriously went off air 15-minutes into a talk-show in which Dr Besigye was the main guest.⁷⁶ Another station in western Uganda was suspended by the Uganda Communication Commission and forced off air after its licence was revoked for hosting Amama Mbabazi.⁷⁷ Intimidation was thus used as a strategy to successfully silence local journalists and gain a monopoly of media coverage.

According to a report by the African Centre for Media Excellence (ACME), state-owned public broadcasters (both TV and Radio), which command the highest audience in rural Uganda, were blatantly biased in their reporting, offering 80% of news coverage to President Museveni.⁷⁸ The government pressured all TV stations to broadcast drone footage of Museveni's rallies - which were widely seen to be doctored to inflate his crowds.⁷⁹ Initially, NTV, the largest private television broadcaster protested against the move, but its reporters were kicked off Museveni's campaign trail until it relented. The same station had trouble in obtaining a broadcasting license and has often received warnings from State House. For instance, in 2014, NTV was banned from covering Museveni's functions after it showed images of the president dozing off in parliament.

On voting day, Ugandans were shocked when they woke up and could not access social media platforms like Facebook and Twitter. The government had ordered telecommunication companies to shut down all social media platforms, claiming that they were going to be used by anti-Museveni groups to disturb the social order.⁸⁰ Human rights groups condemned the social media

⁷⁶ KIRUNDA, A., "Radio goes off air 15 Minutes into Dr. Besigye's Talk Show", *Daily Monitor*, 23 July 2016, <<http://www.monitor.co.ug/News/National/Radio-goes-off-air-15-minutes-into-Dr-Besigyees-talk-show/-/688334/2803274/-/kcvksr/-/index.html>> (Accessed 20 February 2018).

⁷⁷ WASWA, S., "Mbarara: UCC Closes Endiggito FM", *Chimpreports*, 21 January 2016, <http://chimpreports.com/mbarara-ucc-closes-endigyito-fm/> (Accessed 24 February 2018).

⁷⁸ AFRICAN CENTRE FOR MEDIA EXCELLENCE, *Monitoring media coverage of the 2016 elections, Findings December 2015*, <https://www.scribd.com/document/296298841/ACME-December-2015-report-on-media-coverage-of-2016-general-elections> (Accessed 5 December 2017).

⁷⁹ See e.g. ABRAHAMSEN, R., BAREEBE, G., "Uganda's 2016 Elections...", *op. cit.*

⁸⁰ COMMONWEALTH SECRETARIAT, "Interim Statement – 2016 Uganda General Elections", 20 February 2016, <http://thecommonwealth.org/sites/default/files/press-release/documents/Interim%20Statement%20-%202016%20Uganda%20General%20Elections.pdf>

black-out, but Museveni defended the ban, calling it “a security measure to avert lies”.⁸¹

Following the declaration of the election results, opposition groups announced plans to start demonstrations to express their dissatisfaction with the outcome of the polls and demanded an independent audit of the election results. The Deputy Chief Justice, Steven Kavuma (a former minister in Museveni’s regime) issued an order stopping the opposition from carrying out any demonstrations or engaging in any activity meant to defy the outcome of the elections. The court order was issued after an *ex parte* (one-sided) argument in support of an application for an interim order by the government. The judge’s order was condemned by the Uganda Law Society, a body constituted by more than 2,500 lawyers in the country. When the opposition threatened to ignore the order and continue with the planned demonstration, the Cabinet issued another order banning all media houses from covering activities of the opposition and threatened to revoke licenses of media houses that defied the gagging order.

7. POLITICAL SABOTAGE ON VOTING DAY

Prior to the polling day, most opinion polls put Museveni slightly above 50% (Research World International 51%, IPSOS 53%).⁸² To avoid a re-run Museveni needed to get 50% plus one vote, as mandated by the country’s 1995 constitution. The challenge for Museveni and his party, however, was that all opinion polls showed that they were losing by a wide margin in areas with large concentrations of voters, for instance Kampala and its surrounding Wakiso district. Inside the ruling party circles, the fear was that, should they lose Kampala and Wakiso (two of the most populous districts in Uganda with an estimated 2.5 million registered voters) by a large margin, then a re-run would be inevitable. Thus, a strategy was needed to avoid an embarrassing defeat in Kampala and Wakiso.

Some regime insiders admit that the government deliberately chose to sabotage voting in Kampala and Wakiso in order to avoid being defeated there. Whereas voting materials in rural areas where Museveni is highly popular and was expected to win by a large margin arrived a day before the vote, it was the exact opposite in the opposition strongholds. In Kampala and Wakiso districts, the Electoral Commission delivered voting materials seven to eight hours late and in many places, no voting materials were delivered at all. As a

(Accessed 5 December 2017).

⁸¹ DUGGAN, B., “Uganda shuts down social media; candidates arrested on election day”, *CNN*, 19 February 2016, <http://edition.cnn.com/2016/02/18/world/uganda-election-social-media-shutdown/index.html> (Accessed 4 December 2017).

⁸² RESEARCH WORLD INTERNATIONAL, “Measuring the National Political Temperature ahead of the 2016 General Elections”, 14 August 2015, Kampala.

result, chaos ensued at many polling stations as police used teargas and live bullets to disperse throngs of angry youths frustrated with the Commission's failures.⁸³

To the frustration of electoral observers, Museveni was pronounced the winner by government media while voting was still ongoing in areas where it had been suspended either due to lack of voting materials or because of chaos. By the time the EC declared Museveni the winner, votes from many opposition strongholds, including Kampala and Wakiso were yet to be tallied. In fact, results from 1,687 polling stations had not been included in the final official count when Museveni's victory was announced. According to the Kampala Mayor, over 60% of registered voters in Kampala did not cast their ballot, denting the credibility of the exercise. In other major towns like Mbale, Jinja and Gulu - where the opposition were expected to perform well, there were similar incidents of delays in delivering voting materials. Moreover, at the national tallying centre, election observers queried the process of transmitting results from the districts to the national level as shrouded in secrecy. The EU raised many complaints over why opposition agents and independent observers were not given the opportunity to supervise the process of transmission of results from the districts to the national tally centre.⁸⁴

When opposition leaders protested the discrepancies between the results announced at polling stations and those that were announced by the EC, they were detained and others placed under house arrest. As the levels of discontent over the process increased, especially among the urban youth, the security forces rounded up many politicians and activists and detained them in various places in the country. Local observers argued that the government's move to close social media platforms like Facebook and Twitter and arrest a large number of its opponents were meant to manage discontent and avoid an Egyptian-style uprising. Indeed, those who were arrested were withdrawn from urban centres and held incommunicado in remote areas, a move intended to curtail the momentum of the protest. Dr Besigye was put under house arrest immediately after casting his vote and remained so for 47 days. Less than a week after the police and military ended the siege at his home, he was again arrested and incarcerated in a prison located in the desert of Karamoja region, about 400 kilometers from Kampala. This is the same region where colonial administrators exiled pro-independence activists in the late 1950s and early 1960s. Dr Besigye was later charged with treason, a crime punishable by death, according to Ugandan laws.

⁸³ DORRIE, P., SCHLINDWEIN, S., "Catastrophic Victory: Museveni's Re-Election and Uganda's Future", *World Politics Review*, 22 March 2016, <<http://www.worldpoliticsreview.com/articles/18275/catastrophic-victory-museveni-s-re-election-and-uganda-s-future>> (Accessed 25 February 2018).

⁸⁴ DEMGROU, "Uganda Presidential, Parliamentary, and Local Council Elections, 18 February 2016, Final Report", Kampala, European Union Election Observation Mission.

The 2016 elections were also characterized by incidents of excessive expenditure by the ruling party on bribery and vote buying. Although bribing voters is illegal in Uganda, the ruling party tried to hide or diffuse it through practices like payment to unemployed support groups, inducement for party candidates and lobby groups.⁸⁵ In some cases, the president was documented directly handing over cash to youth groups. Facing criticism, Museveni argued that his action did not constitute bribing voters because, as a head of state, he had an obligation to help those in need. According to a report by the Alliance for Election Campaign Finance Monitoring (ACFIM) in Uganda, incumbent Museveni outspent his competitors by a ratio of 9:1. The report further noted that in November and December 2015, the Museveni campaign spent 4.8 billion Ugandan Shillings and 22.2 billion Ugandan Shillings respectively, representing 91.6% of all campaign expenditure. In the same two months, Museveni's closest rivals Amama Mbabazi spent 849 million and 498 million (4.6%), Kiiiza Besigye spent 130 million and 847 million (3.3%).⁸⁶ The final report estimated Museveni had spent a total of \$231m (Shs773 billion) to secure a fifth term in office. Apart from hiring community leaders in villages with money to express their support to the regime, Museveni spent excessively to facilitate candidates for the ruling party contesting for parliamentary seats. Each of the 425 parliamentary candidates received Shs25 million (\$9,000) and those contesting for the district female representative received 30 million Ugandan shillings (\$10,000).⁸⁷ Additionally, members of parliament from the ruling NRM were given 5 million shillings to popularize Museveni's sole candidature.⁸⁸ Museveni moved around the country making presidential donations and fundraising in churches, mosques, schools, women groups, youth groups, farmer's groups, motorcyclist groups, *malwa* groups (local brew drinkers) among others. After the election, the president donated 5 million (\$1,800) to each of the 425 NRM legislators to help them organize victory celebrations in their respective constituencies.⁸⁹

⁸⁵ REUTERS, "Uganda's Museveni Accused of Spending his Way to Fifth Term", 26 January 2018, <https://www.reuters.com/article/uganda-politics/ugandas-museveni-accused-of-spending-his-way-to-fifth-term-idUSL2N1540SW> (Accessed 10 February 2018).

⁸⁶ ALLIANCE FOR CAMPAIGN FINANCE MONITORING, "Monitoring Campaign Expenses During the Pre-Election Period, Progress Report", November-December 2015. <https://docs.google.com/viewerng/viewer?url=http://acfimuganda.org/wp-content/uploads/2016/01/ACFIM-PROGRESS-REPORT-NOV-DEC-2015.pdf&hl=en> (Accessed 4 December 2017).

⁸⁷ KAAYA, S. K., "Museveni demands campaign cash probe", *The Observer*, 23 March 2016, <http://observer.ug/news-headlines/43239-museveni-demands-campaign-cash-probe> (Accessed 4 December 2016).

⁸⁸ RUMANZI, P., "NRM cash splits Ntungamo candidates", *Daily Monitor*, 13 February 2016, <http://mobile.monitor.co.ug/News/NRM-cash-splits-Ntungamo-candidates/2466686-3075236-format-xhtml-tv15fh/index.html> (Accessed 4 December 2017).

⁸⁹ IMAKA, S., ARINAITWE, S., WESONGA, N., OLUKA, E., NANTUME, G., "Museveni defends shs5m gift to MPs", *Daily Monitor*, 20 May 2016, <http://www.monitor.co.ug/News/>

8. REACTIONS FROM DONORS

Despite the chaos that has characterized Uganda's elections since 2011, donors had become infamous for issuing muted criticism of Museveni's regime. However, following the 2016 elections, the reaction of Uganda's major development partners surprised many, including both critics and supporters of Museveni. They were swift and clear in their condemnation of the entire electoral system and the government's brutal tactics against its opponents. The USA, which gives an estimated \$750 million⁹⁰ in aid to Uganda annually, kicked off a barrage of criticisms. The State Department complained that the elections were characterized by what it described as:

*Irregularities and official conduct that are deeply inconsistent with international standards... delays in the delivery of voting materials, reports of pre-checked ballots and vote buying, ongoing blockage of social media sites, and excessive use of force by the police, collectively undermine the integrity of the electoral process. The Ugandan people deserved better. We are also concerned by the continued house arrest of opposition presidential candidate Kizza Besigye. We call for his immediate release and the restoration of access to all social media sites.*⁹¹

U.S. Representative to the United Nations Samantha Power noted that "President Museveni's actions contravene the rule of law and jeopardize Uganda's democratic progress, threatening Uganda's future stability and prosperity."⁹² The issues she cited included the arbitrary detention of opposition leaders and supporters, harassment of journalists and the gagging of civil society during and after the elections. In addition, the US Secretary of State John Kerry also called Museveni to express the USA's concern about the polls. A State Department statement said that Kerry had "urged President Museveni to rein in on the police and security forces."⁹³

The European Union observers were equally critical of the Ugandan police for their heavy-handed tactics in arresting and detaining opposition candidates and the Electoral Commission for lack of transparency. They stated that "inexcusable delays of supply of material to polling stations, particularly in Kampala and its environs, and other deficiencies in the process... have se-

National/Museveni-defends-Shs5m-gift-to-MPs/688334-3210686-h07552z/index.html (Accessed 4 December 2017).

⁹⁰ OECD, "Development Aid at Glance: Statistics by Region", 2016, <http://www.oecd.org/dac/stats/documentupload/2%20Africa%20-%20Development%20Aid%20at%20a%20Glance%202016.pdf> (Accessed 24 February 24 2018).

⁹¹ US State Department's Statement on Uganda's 2016 elections issued on February 20, 2016. Available online at <https://2009-2017.state.gov/r/pa/prs/ps/2016/02/253096.htm>

⁹² Statement by Samantha Power, former US Ambassador to the UN. Available at <http://www.monitor.co.ug/News/National/Museveni-threat-to-Uganda-future--US/688334-3130668-egd79n/index.html>.

⁹³ *Ibid.*

riously detracted from the fairness and credibility of the result of the elections”.⁹⁴ The EU also complained that the political landscape was overly dominated by Museveni and his ruling NRM party, which “distorted the fairness of the campaign, and state actors were instrumental in creating an intimidating atmosphere.”⁹⁵

Museveni’s response to donor criticisms was outright contemptuous. In his inauguration speech, he warned the EU and US to stop trying to “dictate how he should run his family”.⁹⁶ He added: “I don’t need lectures from anybody,” he said. “I don’t like foreigners giving me orders on Uganda. Uganda is ours.... These people should leave us and concentrate on solving their problems”.⁹⁷

Meanwhile, the third runner up Amama Mbabazi petitioned the Supreme Court seeking to nullify Museveni’s victory on the grounds that the election was conducted without following the provisions of the Constitution, the Presidential Elections Act and the Electoral Commission Act, but he lost the case and Museveni’s re-election was upheld by the court.⁹⁸

9. POST-ELECTION ENVIRONMENT AND THE RWENZORI MASSACRE

The events that followed the 2016 elections demonstrate Museveni’s willingness to employ force against those intent on challenging his incumbency. The “Kasese Massacre”⁹⁹ portrays shocking scenes of extrajudicial executions carried out by security agencies against regime opponents that were condemned by international human rights organisations like Human Rights Watch and

⁹⁴ EUROPEAN UNION ELECTION OBSERVATION MISSION, “Voter enthusiasm for democratic process eclipsed by atmosphere of intimidation and ruling party control of state resources in Uganda’s third multi-party elections”, 18 February 2016, http://www.europarl.europa.eu/intcoop/election_observation/missions/2014-2019/uganda-2016-02-16.pdf (Accessed 26 February 2018).

⁹⁵ EUROPEAN UNION ELECTION OBSERVATION MISSION, “Final report: Ugandan presidential, parliamentary and local council elections”, 18 February 2016, https://eeas.europa.eu/crisis/eeas/files/uganda-fi-forprint-14-04-2016_en_0.pdf (Accessed 26 February 2018).

⁹⁶ REUTERS, “I don’t Need Lectures, Museveni Tells EU after Poll Criticism”, 21 February 2016, <https://www.reuters.com/article/us-uganda-election/i-dont-need-lectures-museveni-tells-eu-after-poll-criticism-idUSKCN0VU0B8> (Accessed 26 February 2018).

⁹⁷ “Museveni tells off donors on 2016 poll”, *Daily Monitor*, 11 April 2016, <<http://www.monitor.co.ug/Elections/Museveni-tells-off-donors-on-2016-poll/-/2787154/3153786/-/y4pwtz/-/index.html>> (Accessed 30 June 2016).

⁹⁸ INTERNATIONAL CRISIS GROUP, “Uganda’s slow slide into crisis”, Report No. 256/Africa, 21 November 2017, https://www.newvision.co.ug/new_vision/news/1420924/supreme-court-dismisses-election-petition (Accessed 21 January 2018).

⁹⁹ ONYANGO-OBBO, C., “Massacre in Kasese and What we can Learn from the 1966 Buganda Crisis”, *Daily Monitor*, 30 November 2016, <http://www.monitor.co.ug/OpEd/columnists/CharlesOnyangoObbo/Massacre-in-Kasese-lessons-from1966-Buganda-crisis/878504-3469254-6u02nhz/index.html> (Accessed 25 February 2018).

Amnesty International. Uganda's major donors like the European Union, the United Kingdom and the United States, also condemned the massacre and demanded an independent inquiry into the conduct of Uganda's security forces.

Like the Buganda Kingdom, the Rwenzururu Kingdom, located in the western part of the country near the border with the Democratic Republic of Congo, has had enduring disagreements with the government, some dating as far back as the 1960s.¹⁰⁰ In the early 1990s, Museveni decided to restore traditional institutions, which had been banned by the previous Obote regime. However, his decision inevitably raised the issues of tribes and tribal identity. Although Museveni was quick to approve the revival of kingdoms in most parts of Uganda, he remained opposed to the restoration of Rwenzururu Kingdom. This was because of the fear of ethnic nationalism, given the Kingdom's history of political agitation. Historically, the King of the Rwenzururu kingdom who goes by the title *Mumbere* was a revered figure who held both political and cultural status.¹⁰¹ Given the kingdom's geographical location near the restive Eastern Congo border, Museveni feared that restoring the kingdom could turn out to be politically counterproductive in the long run. The ruling party continued to perform dismally in the region and Museveni was twice defeated by the opposition who campaigned on the ticket of restoring the Kingdom in 2011. This put pressure on the president to restore the kingdom and political leaders from the ruling party continued to urge the president to approve the restoration of the kingdom in order to increase his electoral fortunes. Eventually, Museveni agreed to restore the Rwenzururu kingdom in 1999.¹⁰² It seems that Museveni expected the indigenous Bakonjo people to appreciate his generosity in restoring their kingdom. What he did not consider was the resolve of the Bakonjo to defy the politics of patronage and defend their kingdom from government interference. Disagreements soon emerged between Museveni and the kingdom over Museveni's divide-and-rule policy. In the later 2000s, Museveni supported the division of the kingdom into two institutions with the creation of a new traditional institution for the minority Bamba tribe. This was interpreted by the Rwenzururu kingdom elites as a deliberate strategy by the president to weaken the power and influence of their kingdom.

As one area local politician put it,

¹⁰⁰ SYAHUKA-MUHINDO, A., TITECA, K., "The Rwenzururu Movement and the Struggle for the Rwenzururu Kingdom in Uganda", IOB Discussion Paper, March 2016, <https://www.uantwerpen.be/images/uantwerpen/container2673/files/Publications/DP/2016/01-titeca-syahukamuhindo.pdf> (Accessed 26 February 2018).

¹⁰¹ Ibid, p. 4.

¹⁰² SYAHUKA-MUHINDO, A., "The Rwenzururu Movement and the democratic struggle", in MAMANDI, M., OLOKA ONYANGO, J., (eds.) *Uganda: Studies in Living Conditions, Popular Movements and Constitutionalism*, Kampala, JEP and Centre for Basic Research, 1994.

.... *Museveni is solely responsible for this mess when he started creating other kingdoms within the obusinga bwa Rwenzururu. He antagonized the Bakonjo and Bamba and it was a setup for the people. He would sponsor these moves but we remained calm.*¹⁰³

When the opposition leader Kizza Besigye visited the Rwenzori region during his 2016 campaign trail, he was hosted by the *Mumbere* at his palace. Thereafter, the King appeared on television, telling journalists that in one of his meetings with the President, he advised him to retire from politics and go look after his cattle at his village ranch. This statement stunned many Ugandans who anticipated that the king was likely to receive a tough response from Museveni. To make matters worse, the President and his ruling party were once again defeated by the opposition that captured all local council and parliamentary seats in Kasese district including the municipality, which doubles as the administrative seat of the kingdom. Regime elites blamed the king for the ruling party's loss and argued that the king had misled his subjects into supporting the opposition.¹⁰⁴

Although it is not precisely clear what sparked off the deadly violence in Kasese, some accounts indicate that the first phase of the violence started after residents poured into the streets to celebrate the defeat of the president and his party in the region.¹⁰⁵ The security forces reacted with live ammunition, killing six people and leaving over two dozen injured. The police chief Kale Kayihura immediately called a press conference and accused the "militia linked to the kingdom" for instigating the violence.¹⁰⁶ However, kingdom officials denied Kayihura's accusation and instead blamed the security forces for attacking and killing innocent civilians who were celebrating the electoral outcome.

When the situation in the Rwenzori region continued to deteriorate with daily reports of protests and a stand-off between the security forces and the kingdom supporters, Museveni asked the King to disband all his royal guards and accept protection from the police. The King rejected the president's request, arguing that royal guards are part and parcel of the kingdom culture, as is the case in all other kingdoms. All kingdoms in Uganda indeed recruit

¹⁰³ See e.g. the Interview of Winfred Kizza, Kasese district woman member of parliament, *Daily Monitor*, 28 December 2016, <http://www.monitor.co.ug/News/National/MP-Kiiza-blames-clashes-on-govt--seeks-talks/688334-3467954-iu76epz/index.html> (Accessed 25 February 2018).

¹⁰⁴ NEW VISION, "Why Besigye Beats Museveni in Kasese", 27 March 2016, http://www.newvision.co.ug/new_vision/news/1151719/besigye-beats-museveni-kasese (Accessed 25 February 2016).

¹⁰⁵ Interview with Winfred Kizza, Kasese district woman member of parliament.

¹⁰⁶ UGANDA RADIO NETWORK, "Kasese Attacks Fueled by Rwenzururu Kingdom Militia – Kayihura" 13 March 2016, <https://ugandaradionetwork.com/story/kale-kayihura-militias-who-attacked-security-personnel-are-linked-to-obusinga-wa-rwenzururu> (Accessed 25 February 2018).

their own guards but they are not armed with rifles. They carry royal regalia like spears, arrows and bows. The king's refusal to disband his guards forced Museveni to order a combined force of police and the military to forcibly disband the guards. They stormed the palace with machine guns, rocket-propelled grenades and bombs. They bombed the entire palace, killing over 180 people.¹⁰⁷ The government claimed that "only" 87 people were killed but human rights groups, including Human Rights Watch, said that the number was much higher. A 2016 Human Rights Watch Report revealed that at least 55 were killed on the first day of the operation and more than 100, including at least 15 children, on the second day of violence.

Following the confirmation of his re-election, Museveni hosted a thanksgiving fete for military and police officers who provided security during the election process. Thousands of security officers were captured on TV dancing, eating and flashing signs of the ruling NRM at a party held at Kololo grounds in Kampala. To further show his appreciation, Museveni promoted thousands of senior and junior military officers, including his son Muhoozi Kainerugaba who was elevated from the rank of Brigadier to a Major General and appointed a Presidential Special Advisor on Security. Brigadier Peter Elwelu, the commander of the "Kasese massacre" was also promoted to the rank of Major General and elevated to the post of overall commander of land forces.

Within a year after he was sworn in as President, ruling party officials hatched a strategy to scrap a constitutional provision that limited the age of a presidential candidate to 75 years, meaning that Museveni, 73, should be serving his last term. On December 22, 2017, the ruling party used its majority in parliament to pass a controversial bill that could allow Museveni to rule the country for life. To pass the bill, each member of parliament received about \$8,000, a payment that opposition groups and activists insist was intended to bribe legislators to pass the controversial bill.¹⁰⁸

10. CONCLUSION

Several insights can be drawn from the above discussion. First, instead of deepening the foundation for political contestation, elections in Uganda have failed to put the country on a path to democratization. This is largely because Uganda under Museveni is a centrally administered polity with no political pluralism, no separation of powers and no political will to implement appropriate measures to ensure the transparency of the electoral system. As

¹⁰⁷ "Museveni Defends Attack on Rwenzururu Palace", *Daily Monitor*, 7 December 2016, <http://www.monitor.co.ug/News/National/Museveni-defends-attack-on-Rwenzururu-palace/688334-3478456-hmtpno/index.html> (Accessed 26 February 2018).

¹⁰⁸ "Uganda MPs Receive \$8,000 Each for Work on Bill to Extend Museveni's Rule", *The East African*, 24 October 2017, <http://www.theeastafrican.co.ke/news/Uganda-MPs-pay-for-age-limit-Bill-/2558-4153848-un9nms/index.html>.

a result, the regime often resorts to repressive tactics such as cracking down on freedom of speech and the use of military and police to intimidate and harass Museveni's political opponents. These tactics inevitably tilt the political playing field in favour of Museveni and ruling party-backed candidates. Second, despite the brutal crackdown on dissenting voices, the opposition to Museveni's regime continues to gather pace. Museveni won the 2011 and 2016 election by a significant margin, but soon after spontaneous protests broke out in major towns in Uganda. Some regime elites have publically confessed that the protests that followed the 2011 election caught them flat-footed.¹⁰⁹ The near-success of that protest movement prompted heavy investments in anti-riot armaments by both the police and the military, further underscoring the pervasive role of security organs in Uganda's body politic. Since 2006, the level of state sanctioned violence continues to grow in every electoral cycle in response to rising protests against a flawed electoral process. As a result, many Ugandans are becoming sceptical of the elections as the most effective means to exercise their democratic rights.

Toronto and Antwerp, February 2018

¹⁰⁹ IZAMA, A., "Uganda: Museveni's Triumph and Weakness", *Journal of Democracy*, Vol. 22, No. 3, 2011, pp. 64-78.