CMI CHR. MICHELSEN INSTITUTE

Makerere University

The Legal and Institutional Context of the 2006 Elections in Uganda

RESEARCH REPORT

Workshop report

The institutional and legal context of the 2006 presidential and parliamentary elections in Uganda

Organised by the CMI-Makerere University
Colline Hotel, Mukono

February 4-6 2005

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About the workshop and the research programme

In December 2004, a joint research programme on *'the institutional and legal context of the 2006 elections in Uganda'* was launched between Chr. Michelsen Institute, Norway, and Makerere University, Department of Political Science and Public Administration and Department of Public and Comparative Law. The research programme with a time frame of 3 years is funded by the Norwegian embassy. The research project is intended as formative research and the aim is to assess the development of democratic processes in Uganda by focusing on institutions aimed at securing democratic accountability. We ask: to what extent are the institutions in place to guard against executive dominance able to exercise their functions? The empirical focus is the political developments in the period before, during and after the 2006 elections. We examine four sets of institutions charged with ensuring an impartial and fair electoral process: the institutions comprising the electoral channel, the party system, the parliament, and the judiciary.

The Electoral Process

We focus of our research on the electoral process. Elections and succession 'test' the strength and legitimacy of political institutions to check against executive dominance. In many cases incumbents have found ways to win electoral mandates without opening for genuine political competition. Within this perspective, it is important to acknowledge that electoral processes essentially begin long before elections actually take place and that the analysis of electoral processes, therefore, requires a long time horizon. As an indicator of the effectiveness of institutions of accountability, the research programme intends to analyse the extent to which 'accountability institutions' manage to stem executive dominance when put to the test of parliamentary and presidential elections in Uganda in 2006.

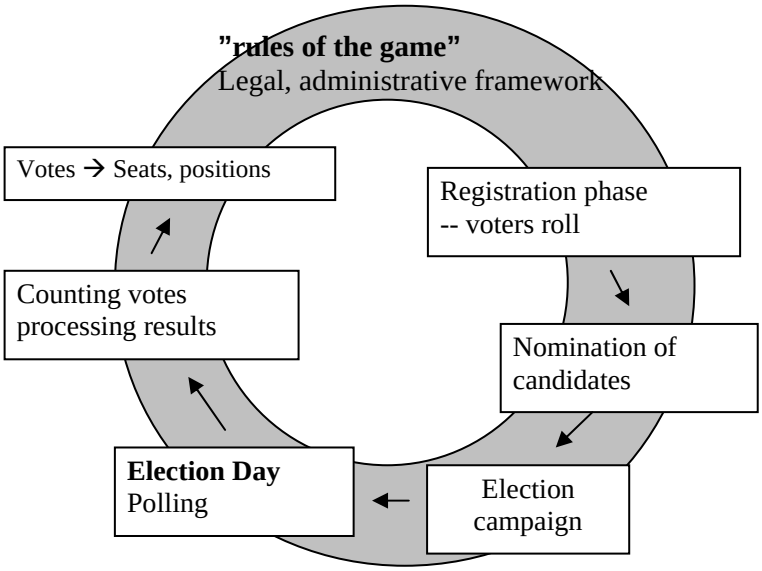
The electoral process is defined broadly. A new electoral period starts immediately following the previous election. The figure below indicates how elections are continuous processes, with different types of issues typically arising at particular stages of the process. We identify six stages in the electoral process that must be completed as fairly as possible, but which also represent points in which the electoral process may be derailed.

Six steps of the electoral process

1. Establishing the 'rules' of the game. Although the rules are usually stable across several elections, there may be cases where the rules are ambiguous, or subject to change, at various stages in the electoral process.
2. The registration of voters. Most new democracies do not have permanent voter registers but perform voter registration during designated time periods. The registration process determines who among the eligible voters will actually be allowed to participate.

3. Nomination of candidates. The choices that the voters face on Election Day are determined by how political parties nominate candidates and the opportunities for independent candidates to run for office.
4. Voter education. For voters to make reasonable choices among alternatives and be engaged in the electoral process, voters must be familiar with the electoral process and the rights of individuals to participate in various capacities. The extent to which this is the case will not only influence the overall level of participation but also the acceptability of the results.
5. Electoral campaign. Both individual voters and prospective candidates will be adversely affected if the electoral campaign is strongly skewed in favour of some candidates and parties.
6. Voting, counting and announcement of results. The management of the electoral process should be impartial between parties and the results must be announced and accepted such that the elected office holders can assume office in a legitimate way. Thus, there must be proper procedures in place to deal with post-election handling of disputes.

Figure 1:***The Electoral Process***



This conception of the electoral process frames the analysis, in the sense that the stages of the process define the steps of the framework that we use to assess the role of the political parties, courts, parliament and electoral administration in safeguarding the various steps of the electoral process.

The workshop February 4-6

The research collaboration commenced with a workshop convened at the Colline Hotel, Mukono February 4-6. The main purpose of the workshop was to present the research programme to a broad audience of civil society, politicians, academics and donors. Furthermore, key representatives from government, the judiciary, academia,

civil society and media were invited as keynote speakers in order to provide analyses and insights of various aspects of the political transitions in Uganda. The seven presenters were Prof. Oloka Onyango who presented his analysis of "The Constitutional Issues Related to Political Transition in Uganda". Andrew Mwenda spoke on "Election-Related Violence", Mr. Robert Kabushenga (the New Vision) focussed his presentation on "The Role of the State Media in Election Monitoring. Hon. Justice Patrick Tabaro presented his views on "The Role of the Judiciary in Democratic Transition in Uganda". The view from the government on the transition processes was given by Dr. Crispus Kiyonga, the National Political Commissar in the NRM. Two presentations by University of Makerere researchers finalised the workshop: Dr. Simba presented his analysis on election violence and Ms. Ssali reflected on the gender perspectives of the political transition.

Below, we present the main findings from the key note presentations as well as the key issues raised in the plenary discussions.

1. Constitutional issues related to the political transition in Uganda

The first keynote address was presented by *Professor Oloka Onyango* whose presentation focused on the Government White Paper as this will determine the transition. He noted that constitutionalism and political transition in Uganda under the NRM government can be traced from 1986 to 2005.

- 1986 - 1989 was characterised by "mulongolongo" voting where the voters had to stand behind their favourite candidate of choice. The speaker called this a time of experimentation.
- The period 1989 – 1992 was referred to as the time of consolidation of the Movement model of government
- 1993 – 1995, he referred to as the period of debate
- 1995 – 2001 the period of implementation
- 2001 – 2005 was a time of implementation II.

The speaker noted that following:

- A peculiar phenomenon in Uganda whereby each election pre-empted new legislation
- 2001 was a benchmark because this is when the institutional review process began.
- Membership of the Commission was problematic/controversial.
- The methodology was controversial.
- Ssempebwa Commission came up within the Movement System.
- The only thing the Ssempebwa Commission says about representation is "may be we should think of proportional representation".

In 2003, political space was opened and the third term declaration was made at Kyankwanzi. The presenter noted the following issues concerning this period:

- What is the character of the political space opened?
- Who is going to play in this space?

- What kind of space was opened?
- Why did government make a submission?
- What was in the government's submission?

In 2003, the Constitutional Review Commission presented a report, which was a minority report by the Chairman and on the issue of Federo. Very little was said about the Electoral Commission process and other questions related to the EC. The speaker argued that while 2003 represented a declaration on the transition, political space was not opened. The third term debate had dominated the constitutional debate from a very early stage, not the opening of political space.

2004 – The Government White Paper. The Electoral Commission started with the dissolution of the previous Commission. The manner in which the Kiggundu Commission was commissioned was problematic. The speaker noted the following issues:

- Who set up this commission?
- How can the Commission be reformed when it is a Movement Commission?
- What should be the role of Political Parties in the Commission?
- There is a question of Electoral Rights, what would be the legislation governing the Electoral Commission?
- How much within this transition period will the Movement be divorced from the State? Unless a divorce is made, there will be many problems with the transition process.
- What about the opposition? Rights of Assembly, speech, freedom of association. To what extent will this be allowed to operate?
- What is the role of civil society and marginalised groups.
- The question of the Museveni spectre, what will this mean in the relationship between the Executive – Parliament relations and the Executive – Judiciary relations?
- What is the role of the military – the command centre of the Presidential Brigade?
- What is the role of the paramilitary structures like the Kalangala Action Plan (KAP), the Local Defence Units (LDU's), the Police etc?
- The debate on Federo versus Federalism. Can we have Movement elections at the local government level and pluralist elections at the central level?

In his conclusion, the presenter noted that the framework of transition was ambiguous, and that the time was extremely limited.

Plenary discussion

- Why is it that the government has funds to train the army but not the police that oversee law and order?
- Right from 1986, what has been happening is regime consolidation.
- There are indicators that there is no political will/commitment.
- The issue of women does not seem to feature any where in the debate.
- What are the implications of the open ballot in parliament?

The following were the responses:

- The right of association is the mother of all rights. People need to assert their right of autonomy.

- The Government White Paper is a “carpet bomb”, that is, so many issues are being thrown to parliament for debate at the same time, making it difficult for parliament to critically debate issues before them.
- The idea of a referendum is being floated for legitimacy purposes.
- The White Paper reflects the use of another force.

2. Election-Related Violence

The second key note address was presented by *Mr. Andrew Mwenda* who noted the following in his presentation:

- In 2001 a select committee was appointed to look into the issue of election violence. The committee reported that election related violence had increased by 5 percent.
- The major actors were: the army, District Intelligence Officers (DISO’s), Movement Cadres, Local Defence Units (LDU’s), private armed guards of politicians among others.
- The police was not part of the violence.
- There was a contradiction on the part of government, that is, a free press and oppressive elections.

The presenter then moved on to discuss the Challenges the NRM was faced with given the country’s past history. These include:

- The two decades of crises leading to state collapse.
- Violence was decentralised to the local militia
- The police was not functional.
- Acute scarcity of economic goods etc.

When the NRM came to power, it faced challenges resulting from state collapse. For purposes of analysis, the speaker posed a question: If the militia were subdued, why has repression and violence continued?

The task before the NRM was to introduce basic security, put the economy back on road, and to reconfigure the state. All these were primary requirements for legitimacy.

However, despite attempts to solve the above issues that confronted the NRM, violence and repression have continued. The speaker noted that this is because:

- What was good for the NRM was not necessarily good for others.
- The closure of political space.

The presenter then addressed the issues that the NRM should have handled on assuming power. The issue of authoritarian rule backed by the military forces, the exclusive/inclusive nature of government, and patronage politics. The speaker noted that the NRM has failed to build a framework that includes other stake holders. Therefore, as a result of failure to convince others to be part of it, the NRM took to defensive/offensive methods to obtain legitimacy. The NRM he concluded has overtime used various strategies, both good and bad.

Plenary discussion

- Not only the NRM is part of the problem as there are other actors who are not even from the NRM.
- Would you use violence as a way to obtain legitimacy and for conducting business?
- Those problems arise at the time of nomination.
- Would you say the nomination of a military officer to head the police force was a calculated move by the NRM?
- The context of the electoral violence should have been widened.
- What is the difference between political inclusion and political cooption?
- Who is more closer to the Movement? This is a qualifier for who should be supported even among candidates who both belong to the Movement.
- The chairperson of the select committee charged with the responsibility of producing a report on election violence was appointed a minister. The report will most likely be sat on or doctored to serve the interest of the Movement.
- There has been no inquest on the death of victims of the election violence.
- No research has been conducted on the psychological consequences of the violence on the citizen.

Mwenda's responses to the queries from the audience:

- Who has more support in the army? This was the issue between Museveni and Besigye that resulted in the election violence in 2002.
- In relation to the issue of choice of violence to obtain legitimacy, the presenter noted that this was a tactical compromise to achieve a strategic objective.
- The choice of a military patron for the police force is meant to make the police vote for the incumbent president since in the last elections, the police voted overwhelmingly for the opposition.
- Regime survival has influenced the NRM's tactics to hold on to power.

3. The Role of the Media in Election Monitoring

The third key note address was presented by *Mr. Robert Kabushenga*, The New Vision. He the noted the following in his presentation:

- The New Vision is unique because it is owned by government and the fortieth income generator for government through tax payment.
- The presenter noted that in 1980 there was no independent electronic media at all except the print media.
- In 1994 electronic media was liberalized. Radio Uganda and Uganda Television (UTV) were guarded institutions as they were the target by those seeking to over throw government. This is when news bulletin on a candidate with started party songs. Patriotic songs were played to influence the listeners.
- The presenter also noted of Uganda's very powerful oral tradition. In 1980 for example, "radio Katwe" was the grapevine. Museveni was rumoured to have powers that could turn him into a Cat, while the former Army Chief of Staff in Obote II regime, Oyite Ojok was said to be turning into a tortoise.
- In 2001, a number of FM stations flourished all over the city. The stations broadcast election results even before the Public radio and TV stations.

- In 1989 Parliamentary elections were held. Only Radio Uganda broadcast the election results. Radio Uganda was used to guide the electorate in the election process.
- In 1996 after the liberalization of the FM stations, print media too was vibrant. A law was passed regulating the official time available to the candidates. The government as well as the private sector complained that they were not given coverage in the 1996 election.
- UTV has a 75% audience being the only TV that serves a greater population. The same was true for Radio Uganda. For this reason their power should not be underestimated in the role they play in informing the public.
- Ten (10) people are statistically said to read one New Vision paper but the paper is read by opinion leaders in the society. The editorial system is semi-autonomous. The New Visions editor in Chief, for example, is a Democratic Party activist. UTV and Radio Uganda on the other hand are edited by civil servants. The presenter noted that "if it is true you publish it, if not don't publish or you get punished as the paper is eighty percent owned by government".
- Commenting on civic education, the presenter noted that the Electoral Commission is a partner with the media. The publication of election results is a good example of the papers attempt to building credibility and trust in the public as state owned media.

Plenary discussion

- What is your comment on the sale of public owned media?
- What explains the collapse of party owned news papers, for example that of the UPC and DP?
- Is it possible to control private FM stations from broadcasting elections results?
- What happened to professionalism when the New Vision published a picture of the opposition leaders heads together?
- Did the electronic media incite violence during the election time

The following were the responses of the presenter to the above questions:

- In response to the sale of public owned media, the presenter noted that Radio Uganda and Uganda Television are not going to be completely privatized but will be owned 80% by the public and 20% privately.
- In relation to the collapse of party owned papers, the presenter noted that these have failed because they were not profit motivated but rather propaganda forums. Secondly, the papers lost the confidence of the people.
- Muzzling of the private media would be considered a malpractice. It would be difficult to stop them since it is a requirement in a democratization process.
- The New Vision will provide news for the public without being partisan.
- Those who incite violence do so for their own motives.
- The New Vision has 2,000 shareholders, which is a statement of confidence to the paper from the public. The pressure on public and private media houses is strong. There is no independent media at all in Uganda.
- The New Vision is state owned but not state funded. There are certain roles to be provided by the media at the cost of the tax payer's money, for example,

election results can be broadcast twelve hours a day. A private radio or TV cannot do this for reasons of survival.

4 The Role of the Judiciary in the Democratic Transition

The forth key note address was given by *Hon. Justice Tabaro.* The presenter started by noting the role of Egypt in civilizing the world. The presenter quoted Dr. Chancellor Williams whose is noted to have said in 1943 that for a every society to exist, it needs some basics: food, nation building, and a system of law which applies to all the people equally. The other conditions are to be in place for the law to be applicable.

The presenter also quoted Article 21, which states that all people are equal before the law. He said this has not to be taken for granted because under feudalism, serfs did not have rights. The presenter noted that for the abuse of rights to be avoided, the following conditions are necessary for justice. The independence of the Judiciary and employing judges who are qualified both chronologically and psychologically, among others. He further noted that Judges must be non partisan, must be patient, and must be well informed.

To drive his point home on why the Judges should be non partisan, the presenter used a Buganda wise saying that a monkey should not be allowed to judge the cases concerning forests. Judges should keep their views to themselves.

The presenter noted the following as the salient features of the government White Paper.

- Judges are exempt from burdensome taxes as this can impair their judgement.
- Judges professional experience. A proposal that the Professional experience of Judges be reduced from 15 years to 10 years.

The presented observed that as Uganda enters a multiparty politics, it is inevitable that there will be disputes. It is inevitable that for political independence that there be economic independence. He also observed that for society to thrive, it is important for that society to have an independent judiciary.

Plenary discussion

The following were the reactions and questions from the workshop participants.

- Are the issues pointed out in your discussion of the Government White Paper problematic to the performance of the Judiciary?
- The Judiciary is not sensitive to the issues of society. How do you compromise your professional ethics and societal concerns?
- Comment of the court ruling that elections were rigged but not substantial enough to …
- Comment on the Government White Paper to revise the Judges professional experience from 15 to 10 years. How will this affect the performance of the Judiciary?
- Are the high costs charged meant to make the Judiciary inaccessible?
- Isn’t the political appointment of Judges not a danger to their performance and is it possible to have a non partisan judiciary?

- What do the Judges say about the Third Term?
- What is your comment on the many privileges Judges enjoy?
- How can Judges help in judicial activism?
- When does psychological maturity set in?

The following were the responses to the above questions.

- The Judiciary's interest is to clearly know what government intent is in relation to the Government White Paper a proposal.
- Public opinion is extremely difficult to gauge. However, since Judges live among ordinary people, they should know the concerns of the people in their society.
- Judges do not give judgements on political statements. What is supreme is not Parliament, Executive or Judiciary but the Constitution.
- The underage like 30 years old cannot be appointed Judges.
- Litigation costs are high and this is injustice. However, appealing is allowed.
- Judges of the High Court do not bind one another but a superior court binds a lower case.
- Lack of democracy is the problem with African countries.
- A Judge should not administer his/her own views.
- Privileges are not meant for personal satisfaction of Judges.
- It is up to the courts to decide whether one is psychologically mature at the time of vetting of appointments.

5. Government views on the transition roadmap

Dr. Crispus Kiyonga, the National Political Commissar in the NRM Secretariat, delivered the fifth key note presentation. The presenter started by tracing his connections to the NRM back to the early 1980's. After the 1980 Presidential elections in which the Museveni ran for political science under the Uganda Patriotic Movement (UPM), disagreement on how the election was held followed. Museveni and his team decided to launch a guerrilla war. The Presenter noted that he joined the war in 1981, which finally brought them to power in 1986.

The presenter noted that the NRM's decision to move to multiparty politics was for strategic reasons. The following are the reasons.

- The NRM has remained popular with a 70% rating.
- Apprehension in the country that if we move to multiparty, the country may fall back into chaos.
- Uganda still faces structural problems, for example, the economy is characterised by regional imbalances, which plays into the country's politics.
- A majority of the population is below 25 years.
- The level of superstitiousnesss is high.
- Poverty is very high.
- The security apparatus is not yet enough.
- Prevalence of health problems, for example, HIV/AIDS.
- High degree on donor dependence.

The presenter observed that due to these structural problems, Ugandans needs to be clear on what they want to do and how to do it. For example, Uganda needs to construct a dependable security apparatus. Secondly, Uganda needs reforms in Parliament, Executive, and the Judiciary.

The presenter cited two examples of the U.K. and the U.S.A with bicameral systems. The U.K. House of Commons with elected representatives while the House of Lords are not elected. In the U.S.A he said both Congress and Senate members are elected. He noted that he has no disagreement with both systems despite their weaknesses. Each country will set up what is good for itself. He pointed out that China also now has political parties, that is, the Communist Party of China (CPC) in cooperation with other parties enshrined in the Constitution.

According the presenter, the CPC set out to do three things: development, laying basic principles for leadership and economic development, which got out 250 people out of poverty in twenty years, and quadrupling economic development in the next twenty years.

With the above background, the presenter discussed Uganda's history. He observed that Ugandan politics has been characterised by violence. Elections in Uganda are associated with some excitement, which he said needs to be taken into account. He cited 1996 and 2001 elections as cases were rebels influenced elections in the North. In 2001, the Police Force was roughly 15,000 and yet 40,000 Police were needed, thus a deficit of 25,000. He noted that the shortfall was due to budget constraints and time. The above situation according to the presenter requires a high degree of responsibility on the part of the leadership.

He further noted that in 1988 – 1993, Odoki Commission came up with a 75% poll pro Movement. In the 1996 elections Museveni triumphed with 75% while Ssemogerere had 20%. In the 2000 referendum, the presenter said there was a 51% turn up of which 92% supported the movement. Conversely, 49% were against the movement.
According to the presenter, this is the reason to believe that the NRM is popular.

The presenter said it took one and a half days to convince the National Executive Council (NEC) about transitioning to multiparty politics provided the people decide so.

The presenter then used three case studies of Tanzania, Kenya, and Burundi to explain the point on transitioning to multiparty politics. He noted that Tanzania for long was a one party system. The movement on the other hand, is not a political party because a party must have membership. Tanzania is more united than Uganda and stronger in security terms.

The Tanzanian ruling party CCM embraced multiparty politics despite 80% of the population voting no against it. The leadership had to explain the reasons for the move and Tanzania was not constrained by constitutional provisions.

In the case of Kenya, the presenter noted that it has been relatively stable compared to Uganda. The move to multiparty politics was however, not an easy one. He said

Burundi is ethnically divided but decided to embrace multiparty politics, which he said has led to problems.

The presenter noted that the NRM through its transition roadmap has made massive progress. Elections he said will be held in March 2006. That the decision by NEC IN 2003 was a major land mark. In March 2003, the Constitutional Court decided that articles 18 and 19 were unconstitutional because they did not allow others to mobilize in the country side. In 2004, he said there was no constitutional basis to register. Parties refused to register for two years. In October 2003, discussions with other partners on the Third Term began. The presenter noted that the NRM despite the report by the Ssempebwa Commission, decided to involve all the stakeholders in the decision making exercise. The Constitutional Review Commission according the presenter brought about the Government White Paper.

The Legal and Parliamentary Affairs Committee made a paper and met with the National Political Commissar and the President. The presenter said Cabinet tabled the Bill and reported that anytime the Constitutional Amendment Bill would be out. After considering the Bill, then a referendum would be used to consider other laws, for example, electoral law, the Political Parties and Organizations Act, to include the Court, a Code of Conduct for Political Parties, and the Police Act to make it more enabling.

The presenter noted that consultations are intended to create broader consensus. He further noted that seven groups accepted to be part of the consultation. These included the Democratic Party, Justice Forum, National Democratic Front, Free Movement, Forum for Democratic Front, and others forming the G7. The presenter also noted that Oceger one of the previous Presidential candidates asked to be part of the G7, which the Movement allowed but was first rejected by the G7. Later he noted, the membership of the G7 grew to 12. The presenter said that as long as those seeking to register were approved by 19 out of 56 districts, the Movement would allow them to register.

In his summary, the presenter said that Uganda's main challenges are:

- Ensuring stability with change
- Enhancing the concept of common good
- The Movement not to change from supporters
- Structural challenges and others mentioned

The presenter concluded that:

- Change should move on a broad front
- We reconstruct our governance to ensure stability
- Find means to impose greater discipline on the opposition
- We have enough time make the necessary changes and,
- Parliament will be a limiting force.

Plenary discussion

The following were the reactions and questions from the members in the floor.

- Comment on the transition from Movement to Multiparty politics. Is it due to donor pressure?

- Why the referendum when the Movement itself is actually a political organization as ruled by the Judiciary. Thus no need for a referendum.
- What will happen if the people say no to the Movement system at the referendum? What will the Movement do?
- What has been done to bring to book those who were involved in election violence?
- Is it a calculated move to keep the Police force numbers low in the run up to elections?
- Is the Electoral Commission prepared to be inclusive of the opposition?
- Why are we producing two citizens out of our education system, that is, the ignorant without an education who can elect but cannot be elected and the elite?
- Is the Peoples Redemption Army (PRA) a creation of the government?
- Will the army accept the decision of Parliament in relation to the Third Term?
- What has the Movement done to end the war in Northern Uganda?
- As opposed to the referendum, why doesn't government use the avenue (Parliament) that understands most the implications of governments' strategic objective?
- What are the implications of being Movement for the East African Community?
- Poverty versus referendum. Is this a sane choice?
- In relation gender, political parties are male dominated. What is your commitment to gender in consideration to the transition roadmap?
- Was the East Asian economic miracle achieved through democracy? Rather it was economic restructuring and good governance.
- Corruption is a public enemy in China, what is it in Uganda?
- Is a referendum the easiest, simplest, and cheapest way to make a political decision?
- What measures are being put in place to cater for societal needs as reciprocation?
- What are you doing to reduce dependence on donors?

The following are the responses to the comments/questions raised above.

- China scored victory even when they were a closed society. It later opened up to create wealth. Cuba on the other hand had problems when Russia collapsed. Foreign investment and suitable national policies, for example, access to land are important for development.
- While we are happy with security that the NRM ushered in and now enjoyed in most places in the country, we however, need jobs for our children. The jobs will come through investment.
- The NRM contests the ruling that it's a part. A one party state would not allow opposition members in parliament.
- If people refuse the Movement system, the government will respect the people's decision.
- In relation to violence during elections, some cases have been brought to Parliament.
- The issue with the Police Force is a question of scarce resources to expand the force.
- Inclusiveness/proportionate representation is not enough criteria because the winner can still take all even with representation.

- The presenter said that he personally would dispense academic qualification requirement.

The responses sparked another round of questions from the audience:

- Is the Peoples Liberation Army (PRA) a creation of government?
- Is the Police issue a ploy to entrench the President in power?
- Wonder whether the Army will respect the ruling of Parliament in relation to the third term issue.
- What has the NRM done to end the war in Northern Uganda?
- Why doesn't the government use the avenue that understands the implications of the strategic objective, that is, Parliament in deciding the political system under which the country will be governed?
- What are the implications of being a Movement system for the East African Community?

Dr. Kiyonga responded in the following manner:

- The PRA is not a creation of government. Government cannot pursue them in the Congo due to donor resistance.
- Every Ugandan has the freedom to join the Police Force.
- The President and the Uganda Peoples Defence Forces (UPDF) will accept if the article is not passed.
- Election violence exists every where except the degree differs. Policing of elections is being improved.
- Support of the NRM in the North is low, that is, 7 percent because of the war in that part on the country.
- Prospects are high on ending the Northern war. The incidents of attacks have example reduced. The changes in Southern Sudan with Garang signing for peace with the Khartoum government will make it hard for the LRA to operate in Southern Sudan.
- The peasants can understand issues and can make wise decisions in relation to the referendum.
- The NRM owns the process of change even though donor pressure is a factor.
- The reference will succeed as an exercise but spending on the Police in an environment which is unstable cannot help.
- The five million (5M) given to the MPs was from the NRM and not from the consolidated fund.
- Efficiency in government is low and needs to be worked on, for example, fighting poverty.
- Borrowing is not bad but the borrowed funds must be utilized in the right way.
- "Keeping ourselves in power to fight corruption" is in our favour.
- On the question of the place of gender in the political transition, the presenter noted that the Movement has lit the fire and the pressure is on. It is an irreversible move. Equal opportunities act is not the making and unmaking of the Movement.
- In response to the land issue, the presenter noted that the issue has been put in the hands of the people. Investment is in the public interest. The transformation of Malaysia arose from economic restructuring and good governance. The NRM though has not done anything as we had to create a suitable environment first before embarking on poverty.

- Commenting on the sale of the national Bank, Uganda Commercial Bank (UCB), the presenter noted that UCB was not a strategic unit. Government wanted to improve on the structure of accessing finances. Things are now better he noted with the Bank in the hands of private sector.
- There should be consultation between the President, the Speaker of Parliament, and the Judiciary. The presenter said that the concept of separation of powers should not be understood literally as physical separation.
- Measures are in place to reduce poverty in the country. In 2001 for example, it was at 51% and in 2002 it came down to 38%.
- On donor dependence, the presenter noted that there has been a lack of intellectual coalition between the NRM ideologue as this would be the source for a solution.
- Lastly, the presenter agreed that foreign currency is necessary for obtaining foreign capital. He noted that internal borrowing is good but cannot be the sole solution to the problem.

6. Electoral Violence

The sixth key note presenter returned to the issue of electoral violence. *Dr. Simba Kayunga*, Makerere University based his discussion on four major themes:

- Manifestation of violence
- Actors in violence
- Timing of violence and
- Causes of violence

On theme one, the presenter noted that election related violence is manifested in the actual beating of the opponents pre election, during election time and post election. Pre election violence would be at a time when the opponents are campaigning, while celebration by winners could incite post election violence. The presenter also noted that opponents could self inflict violence on themselves in an attempt to generate sympathy.

On theme two, the presenter said that the violence could be between individuals, group's verses individuals, group's verses groups, and the state verses the individuals.

On theme three, the presenter noted that election related violence takes place before election, for example during nomination of candidates, campaign and mobilization time. Violence can also take place on election day in the form of organized exclusion by chasing away people who have turned up to vote for the opponent. Violence could also occur after the election as winners celebrate their victory.

On theme four, the presenter noted that violence could be caused as a result of institutional factors, for example the sharing of the same campaign platform. This could pit one campaign group against another. Violence could also erupt as a result of the method of voting chosen, for example open voting and lining up behind candidates would allow the opponent to know who voted for who. Election violence could also be a result of winner takes all as it gives the opponents no chance at all.
The presenter also noted that election related violence could be caused by political factors. Lack of legitimacy for example, could cause election violence if a candidate

without a clear election margin declared himself/herself a leader. Manifestation of a failed state or a weak state incapable of controlling violence inciters would also be a recipe for violence.

The presenter also dealt with social and psychological factors of violence. Under this, the presenter talked of lack of a culture of tolerance and the militarization of politics. He gave the example of people saying that only a military person can manage President Museveni. Another socio-psycho cause of violence is when political differences are not perceived in a democratic way, but opponents instead are taken as enemies. The presenter also cited the case when candidates have high expectations to win. Another cause of violence the presenter cited is what he referred to as the patriarchy mentality. This is when one believes that it's a legitimate right for him/her to compel their family to vote like them.

The presenter refuted the argument that the state benefits from violence. In his conclusion, the presenter gave three hypotheses:

- Violence may not cause any significant change.
- Victims/opponents may be the beneficiaries – where the military has been significant or less supportive
- Regime … when the opponents refuse to vote …

7. Gender and Political Transition

Ms. Sarah Ssali from the Gender and Women centre, Makerere University gave the final key note presentation. The presenter noted that the concerns of women are out of the mainstream discussion of the transition politics. Gender, she noted is inadequately situated in the debate and that emphasis may go more on ideology and non women issues. The presenter refuted the accusation by the opposition that women are very close to the current government.

The presenter further noted that rules of the game are not very clear. The majority of the Women members of parliament were elected by electoral colleges. She posed the question, what is it going to be like in the transition? She however, acknowledged that nothing can now turn the clock back given the exposure that women have had under the movement system.

The presenter also questioned history of women's representation, asking whether the focus was on biological differences of women. This she noted would lead to social construct labels on women. The presenter gave the example during campaigns when male candidates were asked for their manifestos while female candidates were asked whether they could sing, dance, and kneel.

The presenter warned of the 'ghettoisation' of women's issues and advised that we need to do the important things first for women and the rest will follow. The presenter asked some pertinent questions like: who do the women actually represent? Is it the women or both men and women? What is the legitimacy of women representatives? Do women represent an area or people? What is the women's constituency?

The presenter also pointed out the constraints of women's participation. For example, women wait to run for women specific posts. "Your chance will come later, this is for men". The presenter also pointed out economics as one of the major constraints of women. How much money do they have? Other constraints include the rise of cultural and religious issues, voter and civic education – with empty polling stations when women are standing for election, and finally the role of the media who only report what sells.

CMI – Makerere Research Collaboration

Venue: Colline Hotel, Mukono

WORKSHOP PROGRAM

DAY 1: Friday 4 Feb. 2005

TIME		ACTIVITY
8:30 AM	-	**Registration of Participants**
9:00 AM	-	Workshop Starts - Remarks, Project Director (Prof Lise Rakner) - Remarks by the Head of Dept. of Political Science - Comments by Norwegian Embassy Official - Opening Speech, Makerere University Vice Chancellor
9:40 – 10:00 AM	-	**Coffee/Tea Break**
10:00 AM	-	**Workshop Presentations Begin**
10:00 – 10:30 AM	-	Background and Philosophy of the Project (including comparative perspectives (Prof. Lise Rakner)
10:30 – 11:00 AM	-	Discussion of the Background Paper
11:00 – 11.30	-	**Keynote Presentation on Constitutional Issues Related to Political Transition in Uganda.** (Prof. Oloka Onyango)
11:30 – 12:30 PM	-	Plenary Discussion
12.30 – 1.00 PM		Small Group Discussions (Follow Thematic Groups)
1:00 – 2:00 PM	-	**Lunch Break**
2.00 – 2.30 PM	-	**Key Presentation: Election-Related Violence (Andrew Mwenda)**
2.30 – 3.00 PM	-	**Key Presentation: The Role of the State Media in Election Monitoring (Mr. Robert Kabushenga)**
3.00 – 3.15 PM		**Coffee/Tea Break**
3.15 – 3:45 PM		Plenary Discussion
3.45 – 4.15 PM	-	Small Group Discussions
4.15 – 4.45 PM		Reports of Small Groups (In Plenary Session)
4.45 – 5.30 PM		**Lesson Drawing – By Research Team** & Embassy Officials

DAY 11: Saturday 5th Feb 2005

9:00 – 9:30 AM		**Key Presentation: Role of the Judiciary in Democratic Transition in Uganda** (Hon. Justice Patrick Tabaro)
9.30 – 10:00AM		Plenary Discussion
10:00 – 10.30 AM		**Critical Observations & Comments** - Dr. Simba on Democratization and Political Violence. - Mr. G. Tukahebwa on Constitutional Issues in the Political Transition. - Dr. Sarah Ssali on Gender Dimensions in Electoral Politics and Democratization.
10:30 – 10.45 AM	-	**Coffee/Tea Break**
10.45 – 11.15 AM	-	**Working Group Discussions (Follow Thematic Areas)**
11.15 – 12.00	-	**Panel Presentations** on: - Election Observation (the Media, Civil Society, & Foreign Observers) - Government-Opposition Relations Panel - Election Observers Panel - Political Representation Panel - Election Management Panel
12.00 – 1.00 PM	-	**Working Group Discussions (Focus on Lesson Drawing)**
1.00 – 2.00 PM		**Lunch Break**
2:00 – 3:00 PM	-	**Issues Emerging from Presentations & Discussions** - The Role of the Electoral Commission in Election Administration (Lise Rakner and Sabiti Makara). - Party – Movement Relations (Kiiza and Lars – Svasand). - Parliamentary – Executive Relations (George Okiror, Vibeke Wang and Arne Tostensen). - The Role of the Judiciary in the Context of the 2006 General Elections (Emmanuel Kasimbazi and Siri Gloppen).
3:00 – 3:30 PM	-	**Plenary Discussion**
3:30 – 4:00 PM	-	**Coffee/Tea Break**
4:00 – 4.30 PM	-	**Plenary Session: Emerging Issues & the Way Forward**
4.30 – 5.00 PM	-	Closing Remarks – By Project Director (Prof Lise Rakner) **Official Closing Remarks** – By Head of Mission, The Royal Norwegian Embassy
5.30 PM		RECEPTION HOSTED BY THE ROYAL NORWEGIAN EMBASSY

LIST OF INVITED PERSONS

Name	Place of Work
1- Ruzindana .A	Parliament
2- Ekullo-Epak	Parliament
3- Zam Zam	NRM Secretariat
4- Kakooza J. B	Democratic Party
5- Prof. Jjukko	Faculty of Law
6- Chrispus Kiyonga	NRM Secretariat (Worker's House)
7- The Head of Mission Norwegian Embassy	Norwegian Embassy, Kampala
8- Rev. Grace Kaiso	Democratic Group/UJCC
9- Ms. Perry Aritua	Democratic Group/UJCC
10- Mr. Wafula-Ogutu	FDC Headquarters
11- Dr. Sarah Nabwire	Gender & Women Studies
12- Mr. Robert Kabushenga	The New Vision
13- Mr. Silver Mugyenyi	Electoral Commission
14- Mr. Andrew Mwenda	The Monitor News Paper
15- Mr. Kevin Aliro	The Weekly Observer
16- Dr. Oloka Onyango	Law
17- Dr. Paul Omach	Political Science
18- Dr. William Muhumuza	Political Science
19- Dr. Simba	Political Science
20- Dr. Murindwa Rutanga	Head, Political Science
21- Dr. Onoria	Head, Public & Company Law

<u>Makerere Researchers</u>
1- Dr. Julius Kiiza
2- Dr. George Okiror
3- Mr. Kasimbazi
4- Mr. Makara Sabiti

<u>Norwegian Researchers</u>
1- Lise Rakner
2- Lars – Svasand
3- Vibeke Wang
4- Arne Tostensen
5- Siri Gloppen

<u>Research Assistants</u>
1- Sabastiano Rwengabo
2- Alexander Kabandama
3- Robert Tabaro