



Governance Of Electoral Processes In Uganda

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ABSTRACT: This article offers the continuation of election systems but sets beginnings of understanding electoral management in Uganda specifically designing an election management model, electoral governance, electoral commission, election management body, legal framework, constitutional changes, major developments, challenges, continuous improvements, and post-election, democratization. The historical lack of a comprehensive framework for Electoral administration bodies has obliged election spectators and managers to make declarations on the basis of imperfect evidence, regularly collected on the day of the vote and count and on the basis of political convenience rather than the facts on ground. The intent in this article is the new framework provided for electoral management bodies to support them to perform their duty effectively. A qualitative method of analysis was used through library research. The framework delineated here will make it possible to identify arrangements for the success and failure in the fairness of elections. It should enable all stakeholders to focus on the challenging areas of election administration, where the government might then choose to focus its efforts to improve the quality of subsequent elections.

KEYWORDS: election management model, electoral governance, electoral commission, election management body, legal framework, constitutional changes, major developments, challenges, continuous improvements, post-election, democratization.

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I. INTRODUCTION

The world of electoral systems is diversified, compound, multiplex and fetching more all the time (Baldini, Pappalardo, & Pappalardo, 2009). The assortment of disparities among the diverse electoral systems makes the whole process and its administration quite challenging for the academicians, administrators and other stakeholders pursuing to produce an adequate geopolitical study and interpretation. One possibility might be to basically underpin a taxonomy of the classifications in relations to their outputs, that is, with reference to the procedure of transforming votes into representatives and seats thus (with a bit of luck) intensifying the outlook of resilient and stable government (Benoit, 2004). The electoral process of Uganda is managed by the Electoral Commission of Uganda (EC) remains a supreme body given their mandate, number of voters, voter rights, the geographic spread of polling stations and the organizational logistics involved. Major strengths of Uganda's electoral process include the new introduction ICTs (electronic voting machines) i.e. biometric voter's machines and legal frameworks although there is zero error results available within a few hours of tallying and announcement of block votes in percentages and numbers of various candidates. This management have led to a desire for sharing of administration, experiences and best practices with other developing countries (commission, 2016a).

At the same time, for democracy to represent the actual will of the people, elections should be inclusive, representing the participation of people from all strata of the society. Although concerted efforts by EC and other bodies have succeeded in increasing the voter participation significantly with the help of Non Governmental Organisations (NGOs), further action needs to be taken to enable the electoral system to reflect the immense diversity of the country and in order to achieve stronger participation of balanced gender especially women legislators.

With 15,277,198 million voters spread over 28,010 polling stations in Uganda, a country with total population 34,634,650 million (Secretariate, 2014) where half of them are registered voters and the recent concluded general elections that took place on 18th February 2016 a day for electing the President and Parliament representatives was declared a national holiday for voters (Kwesiga, 2016) but it was the case for local elections which could be the reason that explains the low voter turnout for the same

elections (Lubowa, 2016) i.e., though voting materials were delivered in time to most of the polling stations in Kawempe the voter turnout was low (Kasule, 2016). At Molly and Paul, one of the biggest polling stations in Makindye division in Kampala, only 50 people had lined up to vote by 11am. Other districts include Moroto, Kotido, Mukono, Jinja, Otuke, Sembabule, Tororo, Nwoya and Butambala, Kamuli, Masaka where the electorate claimed to be demoralized after their presidential candidate lost in the February 18 elections that saw president Yoweri Museveni of the ruling National Resistance Movement (NRM) declared winner. In some areas like Nakiwogo- Banga, they witnessed heavy Police deployment, with low voter turnout.

In Gulu district, low turnout of voters for election of chairman of the district and their councillors was tagged to frustration of voters, where many assumed that presidential elections were not free and fair (Kitara, 2016) hence the Electoral Commission to blame. Could it be that Ugandans are losing faith in election management body in Uganda asserted by (Adejumobi, 2000; Mwesigwa, 2015; Senkumba, 2016; William, 1997) as some Ugandan allege that, voting won't lead to leadership change, some suggest that the elections are engineered. Others argue that the country's leadership has failed to advance their social welfare. The question that remained un-answered was; does practice make perfect and no one is perfect then why do we practice voting? Ramathan Ggoobi made an exploration in The Sunrise Newspaper under the heading: Besigye Wins and Museveni rules hence unexplained contradictions (Ggoobi, 2015; Sabiti Makara, 2010; Sabiti Makara, Tukahebwa, & Byarugaba, 2003).

II. LITERATURE REVIEW

There are six issues underlying the complications of elections in Uganda, these include; the Changing Face of the Opposition in 2016 that included Amama Mbabazi former friend and NRM colleague, confidence in the Electoral Commission, youth militias, neutrality of the security forces, independence of the Courts, media and information technology (Studies, 2016). The electoral process in Uganda take many dimensions including the increased number of contenders each year. The three main contenders in 2016 included the incumbent Rtd Gen Yoweri Museveni, Rtd Col Kiiza Besigye and former Prime Minister Amama Mbabazi all have either military or security background and at one time served in the same government and were heroes of the 1986 revolution that toppled former dictatorial regimes.

The political status including the entry of Amama Mbabazi into the race changed many things, museveni's tactics including; counter intelligence on rival camps, buying off rival strategists, availing more than one MP per constituency, utilizing security agencies, freezing or blocking rival sources of funding and directly calling foreign leaders to express disappointment, intimidation of the electorate such as threatening violence in case his opponents 'work with electoral commission to deny him victory, massive mobilization at village level with a 30 member committee of kinsmen and womenfolk, his camp also has a strategy of using the national voters register and print an alternative voters register and tick over two million names of voters on counterfeit ballot papers that will be stuffed in ballot boxes at secret locations.

The Mbabazi's tactics and counter intelligence on rival camps, alliance members and within his team, courting the donor community and their security and defense apparatus for material and security backing, fielding candidates at all positions, massive mobilization at village level with a 40-member committee of men and women, infiltration of key government agencies for vital information including the electoral commission, police, ISO, ESO, military and state house. The Besigye's tactics included articulation of government failures thus appealing to urban dwellers most, formation of vigilant groups of 10-members per parish, fielding of at least ¾ of MPs in available constituencies.

Security was alert and all stakeholders including the general public were expectant of a degree of violence to mark this election. The evidence was; military will not accept a result not favoring him he is implying resorting to violence, Mbabazi told voters to help him only protect the ballots at village level, he is implying he has a mechanism even inside the electoral commission to handle the ballots as he wishes, Besigye formed vigilant groups he is preparing the population to engage into a people's power and by police trained a huge militia under the umbrella of crime preventers they are preparing the population to fight among themselves using crude instruments. The economy is suffering high inflation and with the nomination of MP candidates. This forced the central bank to increase the bank rate so that it can quell on the liquidity.

Elections marred with Violence is certain because all sides have planned it as a strategy, military intervention was certain and has already been hinted on by the minister for information and ISO director, military interference, external intervention to stop the violence to avoid what happened in Burundi, discussions on a new government of national unity were formed with AU supported by UN and western powers and the economy remained unstable up till July 2016 (Kitui, 2015).

Six newly created districts of: Nabilatuk, Bugweri, Kwani, Kapelebyong, Kasanda, and Kikuube; were added on the list and they conducted elections also government filled vacancies in about 264 of the 1,403 sub counties. For a cost-effective and democratic electoral process there was need to enlist the confidence of the wananchi (people) to participate in the different electoral processes, electoral reforms are a urgent since the

National Resistance Movement (NRM) committed to uphold the principle of democracy where citizens directly participate in regular, free and fair elections and the vision 2040 in which the need for democracy is recognized as the anchor to transform Uganda.

The Vision 2040, second National Development Plan (NDP II) cannot be realized without free and fair political and electoral processes. There is need to “enact laws to strengthen credibility of electoral processes in Uganda and citizen participation in the electoral process”. The 1995 Constitution gives Ugandans rights to participate and avoid controversy. The 2001, 2006 and 2016 presidential elections concluded in court disputes while in 2011, elections ended in violent public demonstrations. Since 2001, election observers, political organisations, civil society organisations and private individuals have proposed electoral and constitutional reforms that would guarantee credible, free and fairer elections in Uganda.

The persisting challenges in the electoral processes undermine commitments in the NRM manifesto, Vision 2040 and the NDP II and continue to paint elections as mere rituals that are incapable of translating the will of the citizenry into genuine democratic choice. The Judiciary received approximately 118 parliamentary election petitions, accounting for about 30% of the composition of the tenth Parliament. Contestations were as a result of widespread perceptions that elections are marred with irregularities and electoral malpractices, therefore falling short of constitutional and internationally accepted standards of free, fair and credible elections. There is continued violence, bribery and vote-rigging have been a constant feature of Uganda’s elections at different scales across the country.

It is worth mentioning that, the recent 2016 electoral process was marred by avoidable legislative, administrative and logistical failures, the impact of lack of trust in the independence and impartiality of the EC, questions about the impartiality of security agencies and the use of money in electioneering. The Supreme court ruling on the Presidential Election Petition No.1 of 2016 (*AmamaMbabazi v Museveni*) acknowledged electoral reforms as a prerequisite for free and fair elections in Uganda. The Supreme court recommended that the time for filing and determination of a presidential election petition be increased from 30 to at least 60 days; the use of oral evidence in addition to affidavit evidence be accepted in court; time for holding a fresh election where the previous elections has been nullified be increased from the currently prescribed 20 days;

The use of technology in elections was required to be backed up by law; sanctions against any state organ or officer who violates provisions of the law with regard to access to state-owned media would be provided; election related law reform be undertaken within two years of the establishment of the new parliament; laws be enacted to prohibit the giving of donations (during campaign periods) by all candidates including a president, who is also a candidate; laws prohibiting public servants from getting involved in political campaigns be made more explicit; laws be amended to make it permissible for the attorney general to be made respondent in a presidential election petition where necessary; and that the attorney general be the authority to follow-up with the Supreme court’s recommendations.

The recent recommendations of the Supreme court came against the backdrop of numerous calls for substantive electoral reforms by both state and non-state actors including: Cabinet (2005, 2009 and 2015), 7th, 8th and 9th parliaments, Electoral Commission (EC), Uganda Law Reform Commission (ULRC), National Consultative Forum (NCF), Uganda Law Society (ULS), Inter-Party Organisation for Dialogue (IPOD), Inter Party Cooperation (IPC), Citizens’ Coalition for Electoral Democracy in Uganda (CCEDU) among others.

The same said recommendations include: calls to review the appointment procedure of the EC to make it competitive and participatory; proposals on implementing a sustainable mechanism for continuous civic and voter education; proposals on mainstreaming the role of security in electoral processes; call to manage the illicit use of money and government resources especially during electoral seasons; proposals to enact and implement a code of conduct for political parties; proposals to review the mode of election of special interest groups in Parliament and other local government councils; calls to institute a comprehensive framework to manage the political transfer of power from an outgoing democratically elected president to an incoming President; provisions to counter gerrymandering; calls to trim the size of cabinet and parliament, among others.

These reforms mainly target seven pieces of legislation: The Constitution of the Republic of Uganda 1995; the Presidential Elections Act 2005; the Parliamentary Elections Act 2001; the Electoral Commission Act 2005; the Local Governments Act 1997; the National Youth Council Act 1993; and the Public Order Management Act 2013. While the reforms on voter registration, the security of tenure of the EC as well as other administrative and technological changes that have positively, albeit minimally, had impact on improving the integrity and outcome of elections. A lot to be done in order to improve the credibility of the electoral process. The key to achieving free and fair elections is focusing on the legal and institutional framework.

Low voter turn-out, high cost of elections, unprecedented numbers of spoilt ballot papers in elections, voter apathy, incidents of electoral violence, voter disenfranchisement, vote rigging, vote buying and misuse of money during campaigns; all point to the urgent need of a solid legal, institutional and administrative framework for election management in Uganda (Kaheru, 2018). The 2016 general elections cost over sh400b however, had

Uganda, for instance, aptly reformed its electoral process and deployed necessary technology, the cost would have essentially been lowered by over 60% (Admin, 2016).

III. METHODOLOGY

This manuscript used purely documentary review since 2016 elections. Documentary history was used due to limited resources at the time when the study was conducted. Documented newspapers from the Government owned newspaper the new vision and independent papers like monitor, observer and the independent to review relevant information needed for analysis. The themes in this manuscript were used in analysis as sub heading to discuss the issues at hand in relation to governance of the electoral processes in Uganda (Gaborone, 2006).

IV. ELECTION MANAGEMENT MODELS

The term Electoral Administration Body (EAB) commonly known as electoral management bodies (EMB) has been devised to refer to the body or bodies accountable for electoral administration, irrespective of the broader established structure in place (Network, 2016). They have been adapted as electoral administration bodies because the scope of administration is board. When we refer to government and its cross-sectional planning and implementation then it seizes to be management, but rather administration (Christensen & Læg Reid, 2002; Rosenbloom, Goldman, & Wayne, 1993).

An EAB is an organization or body that has the singular purpose of, and is legally responsible for, managing some or all of the features that are vital for the conduct of elections and direct democracy mechanisms (Ddungu & Wabwire, 1991; Ottemoeller, 1998) like referendums and national general elections, recall votes if those are part of the legal framework. These essential (or core) elements include: determining who is eligible to vote, voters registers, receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates), conducting polling, counting the votes; and handling voter complaints, tabulating the votes and announcing.

If these critical features are allocated to various bodies, then all bodies that share these tasks can be considered EABs. An EAB may be a stand-alone establishment, or a distinct management unit within a larger institution that may also have non-electoral on the day to day basis as tasks. It should be noted that essential elements of EAB varies from one to another and depending on the election management model adopted (Wall et al., 2006).

There is an upward and growing interest by régimes worldwide in the management of a smooth, Well-managed and transparent electoral practices with the assumption of the general unwillingness to embrace great balanced reorganizations (reforms) of the electoral system, it is conceivably understandable that courtesy would turn out a chance, at least, to the management of the electoral procedure itself which has been voiced since early and mid-2000 (Kitara, 2016; Reporter, 2016a, 2016b, 2016c, 2016d, 2016e) yet Electro Commission continued to defend the low voter turn up (Reporter, 2011) as they argued that, the institution of democracy does not depend on low voter turn up. This is the part with utmost scope for extra growth, as shown, for instance, by the slow and steady acceptance that new equipment, technologies, expertise and skills can have a role to play in making the electoral procedures more transparent, effective, well-organised and more cost efficient. We can see this, for example, in the gradual move away from the traditional paper ballots since biometric tools are being used in the national voters' registers (Mwesigwa, 2015) this type of technology for Biometrics is an extremely efficient tool to improve election transparency.

There were more improvements on the NVR in 2011 when the Commission added the biometrics component to its computerized register. The new biometric registrants (over 4 million) were combined with the already existing photo bearing register (over 10 million) and one register was produced. The Commission is in consultation with various stakeholders to ensure that the NVR for the 2016 General Elections is fully biometric to completely weed out any cases of double registration/voting which may not have been yet discovered during the cleaning of the register/duplicate analysis (Mwesigwa, 2015). In recent concluded 2016 elections in Uganda and many other African countries like Nigeria (Bratislava, 2016), they have been making use of electronic voting machines. India is moving towards full electronic voting, while in Brazil electronic voting is the only way for electors to cast their vote. In other countries (such as Belgium and the Netherlands) electronic voting is used alongside traditional manual voting (Sarah Birch, 2007, 2008; Cox, 1997). Estonia has taken things to the different level and enabled online voting in its 2007 parliamentary elections (Duverger, 1954; Petersen, 2001).

Although electro reforms are the order of the day now days, improvement of the process of election administration is more apparent than the rise of institutions dedicated to the management of the election process itself as it has duplicated in many countries. Such institutions i.e., Independent Electro Commission have presumed the obligation for a number of key roles including determining who is qualified to vote, management of candidates' campaigns, management of the nominations of opposition parties and/or candidates, harmonization of candidate campaign programmes, conducting the polling, calculation the votes, and presenting

the results and transmission, dialogue with the police, media, enhancing stakeholder participation, transparency and accountability (Farrell, 2011; Hazan & Leyenaar, 2014; Hellström & Karefelt, 2012; LeDuc, Niemi, & Norris, 2009; Medvic, 2013). By undertaking such events, these establishments recognised as Election Administration Bodies (EABs) (Farrell, 2011) not only safeguard that, elections are planned and accomplished efficiently, effectively but also encourage justice, honesty and transparency, and hence contribute to the legality of democracy and the improvement of the rule of law. EABs have played a noticeable role in the procedure of self-governing, strategic design and amalgamation in second, third, fourth and fifth wave democracies in countries like Uganda where the large part of government responsibilities is left and encouraged by foreign NGOs seeking to encourage capacity building and deliver suitable technical support (Farrell, 2011; Farrell & McAllister, 2006; Hartlyn, McCoy, & Mustillo, 2008).

Notwithstanding having a number of shared roles, EABs differ in their construction, arrangement and globally, there are three main types or models of establishments that can be recognised: independent EABs, governmental EABs, and 'mixed' EABs (S. Birch, 2011; Norris, 2015; Norris, Frank, & Coma, 2014; Trebilcock & Chitalkar, 2009). Independent EABs, as their name proposes, are either independent, semi-independent or un-independent of the executive branch of government and have full obligation for the execution of elections and very often also have an obligation for designing policy, strategy and making pronouncements that re-count to the electoral process (Farrell, 2011; Pastor, 2006). They are self-possessed of non-aligned specialists, or of agents from political parties (or of a mix of two) and are frequently answerable to the legislature. Governmental EABs, on the other hand, are headed by a chairman, minister or a civil servant who is answerable to the president or a cabinet minister. In this model, then, elections are prearranged and administered by the executive branch of government, either through a ministry (such as the Ministry of Internal affairs working together with security agents and police to keep law and order) and/or through local authorities.

Certainly, in many occurrences in countries like Switzerland and Sweden a central EAB deals with some key roles only, and leaves other responsibilities like Election Day to day management to local and/or regional bodies. Elsewhere in the U.K. and the U.S., the system is so decentralized that there is no central EAB, and all election activities are left to local authorities (Carter & Farrell, 2010; Pastor, 2004). Significantly, and irrespective of how decentralized they are, EABs in the governmental model only have the authority to manage the election by implementing orders from above for example the case of Uganda where the government ordered the mobile service providers to switch off internet using the concerned body namely Uganda communication commission, people protested and 20 were injured in riots during the week of the election 18th February 2016 (Vogt, 2016). The blocking of internet to stop the electorate from accessing Twitter, Facebook and Whatsapp spread rumors and create unnecessary chaos and the system has is commonly used in Africa in countries like Gambia. But surprisingly this might not necessarily be true following the new trend of electoral management bodies such as on December 1, 2016, Gambia has shut down the internet and blocked all international phone calls as the nation goes to the polls for its presidential elections (S Makara & Tukaheebwa, 2003). Analysts say there is a chance the people of the small west African nation will vote out the regime of President Yahya Jammeh (Debut, 2016) and In Angola, President Jose Eduardo dos Santos is ready to step down after 37 years in power. The opposition has argued that the ruling was put in place to prevent the public from reporting irregularities in the election process. These do not have the policy-making power that independent EABs have and the countries that are still failing in the management of electoral bodies need serious fixing (Carter & Farrell, 2010; Helle, SKAGE, & MAKARA, 2011; James, 2013; Wall et al., 2006).

Cultivating a democratic culture needs to be reinforced much earlier than during the time leading to elections. Key democratic principles such as 'equality among people, tolerance and inclusion of different opinions, popular participation in decision-making, accountability, social justice, and the rule of law' (Rauh, 2007) have never taken root in any society anywhere over night; they have always required deliberate and sustained educative efforts, including the public school system. Whereas this aspect of democratic development is utterly ignored, one should not be surprised if things should go terribly wrong during or after democratic elections and Gambia should not be an exception. Indeed, this should be considered a Pan-African challenge requiring a pan-African solution, if at all possible. The African Peer Review Mechanism (APRM) might still be part of the solution (Union, 2003), if fully allowed to work with the African countries themselves to find a lasting solution to the existing election challenges since 2016 has been considered a year of catastrophic human rights abuse across the globe, and if the rising destruction of the carefully created system of human rights and rule of law endures to gather motion, eventually everybody will suffer (Rights, 2016) as witnessed in South Sudan, Myanmar, Syria, Burundi, Philippines and Gambia where hate-mongers are the ones who have made democracy to fail in thus contributing to the defeating Gambia's latest democratic experience (Ottemoeller, 1998).

While Government Model involves the election being organized by the executive arm of government through a Ministry (most especially the Ministry of the Interior) and/or through local government authorities.

Such a body, most particularly be at the national level, is answerable to a Minister (Albert, 2008). Countries that use this model include Denmark, Singapore, Switzerland, United States, Sweden, Switzerland and UK (Network, 2016).

Finally, 'mixed model' EABs combine features of the independent and the governmental model. Elections are prearranged and implemented through a EAB, ministry and/or through local authorities, as in the governmental model, but there is a second body, independent of the executive, which undertakes roles for overseeing and supervising the election, and which, in some occurrences, has the power to develop a regulatory electoral framework under the law (Wall et al., 2006). Despite the classification of EABs into three types or models, no two EABs are undistinguishable. Relatively, the specific arrangement of each body is a creation of the country's past and its political party politics and lawful tradition. In many cases, the arrangement has been deeply influenced by former colony administrators, whereas in limited cases the account was 'spread clean' and solely new EABs have been recognized.

However, whatsoever the category selected, there has been a discernable trend for EABs to develop a deep rooted as everlasting institutions (Hartlyn et al., 2008; Pastor, 2004; Shaheen, 2013; Wall et al., 2006). While this model requires a combination of the two models. There are typically two componential EABs and two structures: (a) an independent EAB that forms policies, monitors and oversees elections and (b) an operation EAB that resides within a State department or local government. The later arranges an election while the independent EAB offers oversight functions that assist in democratising the arrangement in the system. Countries using this model in East Africa include Uganda and in West Africa include Mali, Senegal, Togo, France, Japan, Spain and many former French colonies, especially in West Africa, for example Mali and Senegal (Network, 2016). The role of the Constitutional Assembly can be clarified within the discussed structure. The Assembly has the power to tabulate and declare results and can be presented as a component of the independent EAB within the mixed model (Wall et al., 2006). In Chad, the Constitutional Assembly has powers over the referenda but not elections. In Mali, elections are prearranged by the Ministry of Territorial Administration but both the Independent National Electoral Commission and the Constitutional Court tabulate election results. In this case, three systems exist: one is governmental and two are independent (Albert, 2008; Wall et al., 2006).

Independent EABs are by far the most common form adopted by many countries. Certainly, of the states considered in this article, nearly majority have an independent EAB. While a number of recognised democracies such as Canada and Australia (López-Pintor, 2000) have independent EABs, this type of EAB is most popular in democracies of the second and third wave. A huge number of African countries, together with many former British Colonies have independent EABs (Trebilcock & Chitalkar, 2009). Equally, independent EABs are preferred in South America (apart from Argentina), in many countries that were formerly under the Soviet influence (Sarah Birch, 2007; Carter & Farrell, 2010), and in many Asian countries (Jørgen Elklit & Reynolds, 2005; J. r. Elklit & Reynolds, 2001; Hartlyn et al., 2008). Governmental EMBs, by contrast, are most common in (Western) Europe, North Africa and in a number of countries in the Middle East (Khalidi, 1979). New Zealand and the USA also have governmental EABs (Pallot, 1998; Yesilkagit & De Vries, 2004). Mixed EABs are the least common type of EAB, and are found in France (Ongaro, 2009) and in a number of former French colonies, in some West European countries such as the Netherlands, Portugal, Spain (Loughlin, 2001) and in Japan.

The different models of EABs present both arguments for and against elections, some of which are quite noticeable (Reilly, 2001). Countries practicing this model in East Africa include Kenya, Tanzania, Uganda, Rwanda, Burundi, South Sudan, Denmark, Singapore, Switzerland, UK, United States, Sweden and Switzerland (Network, 2016). While it's the commonest in democratizing societies in the world. This model necessitates that the EAB be institutionally self-directed of the executive branch of government. It must have and manage its own budget and not be answerable to a government subdivision beyond the usual parliamentary and judicial mechanism of some of its activities. Some developing countries formally announce their commitment to this model by adding the word "independent" to the name of their EABs for example Uganda. Many new and emerging democracies have chosen this model, including Armenia, Bosnia and Herzegovina, Burkina Faso, Canada, Costa Rica, Estonia, Georgia, India, Indonesia, Liberia, Mauritius, Nigeria, Poland, South Africa, Thailand and Uruguay.

For instance, an independent EAB benefits from being less likely to be exposed to limitations imposed by the government or to political pressures, and this autonomy, along with its sensitivity of neutrality, upsurges the chances of it being able to encourage electoral legality. This is possibly why independent EABs have been widespread amongst new democracies. Other arguments for independent EABs are that they may be well able to develop staff proficiency, ensure electoral administration is under combined control and strategy and institutionalize election responsibilities (Albert, 2008; Wall et al., 2006).

The arguments against government EABs is that independent EABs may lack political guidance, which could obstruct them in carrying out their responsibilities effectively and obtaining adequate funding. Furthermore, independent EABs tend to work at a higher cost since, unlike governmental EABs, they are not able to draw on a pool of skillful staff and co-opt governmental organisations to assist in the operation of elections (López-Pintor, 2000). Of course, it is not only the arrangement of the EAB which determines how well it accomplishes its tasks, and how competent, open, transparent and neutral it is and is assumed to be. This all depends on the EAB’s conduct too. Whereas EAB independence can be legitimately rooted in the constitution or the electoral law (such as in Mexico, Uruguay and many African countries), this does not mean that neutrality and independence from governmental control are unmanageable in other types of structures. Certainly many governmental EABs (like in New Zealand and Sweden) are alleged as being fair-minded and neutral despite being government. The performance of EABs therefore also rests on whether there is political will, obligation and commitment to allow the EAB to act without restrictions and neutrally, and on how the members of the EAB actually act in terms of behavior and follows the rules of the game (Wall et al., 2006).

V. APPOINTMENT OF ELECTION CHAIRMAN ELECTORAL COMMISSION IN UGANDA

The administration of elections is progressively generating emotional debate in these East African nations - Burundi, Kenya, Rwanda, Tanzania and Uganda. The election administration bodies that manage and conduct elections are, therefore, coming under strong citizen, participants and stakeholder scrutiny for the manner in which they are composed, how they are prearranged and how effective they are in their mandates, results and the aftermaths they achieve. The effectiveness of electoral administration bodies (EMBs) has largely been influenced by the impact of political violence on election management reforms in East Africa (Grossman & Baldassarri, 2012; Makulilo & Ntaganda, 2016).

Whether or not the results of an election would be seen to be legitimate depends largely on how much the electoral commission is perceived to have been neutrality (Wall et al., 2006). Hounkpe and Fall (2011) present two contending methods for dealing with this issue when constituting an electoral commission:

Either a deliberate consideration of the political dimension, with the risk of partiality which is expected to be averted precisely through a balanced representation of political forces;

Or an exclusion, in principle, of any political consideration, which is manifested not only in the exclusion of political parties in the selection of members of the Commission, but also in the demand for non-partisan affiliation of the members to be appointed into the Commission (Albert, 2008).

By 1996 Uganda had an interim Electoral Commission (IEC) which was appointed by government to organise the 1996 General Elections and headed by Stephen Akabway, with Mrs. Flora Nkurukenda as deputy. The aim was to organise the 1996 Presidential and General Parliamentary elections, which were Uganda’s first general election in 16 years after Obote II. In 1997, there was the enactment of the Electoral Commission Act (1997) using Parliament hence establishing a permanent and independent election management body to organise, conduct and supervise elections and referenda. This marked a significant achievement for the revival of democratic governance in Uganda (Admin, 2015). In 1997 the first permanent Electoral Commission was appointed comprising of seven members, to serve for a seven-year term, which could be renewed only once under the chairmanship of Hajji Aziz K. Kasujja-Chairman, Flora Nkurukenda-Deputy (Commission, 2016b). In 1999, the Commission adopted an administrative structure with directorates and technical departments, and also established permanent district offices to handle continuous voter registration and other election related activities at the district level.

Table 1: The chair persons and membership of electoral commission in Uganda as shown in the table below:

Chairman/Deputy	Year	Commissioners
Badru Kiggundu (chairperson) - PhD Joseph Biribonwa (deputy)-graduate of commerce	2002-2016	Tom Buruku (Commissioner) LLB Dr Jenny B. Okello (Commissioner) -PhD Stephen Ongaria (Commissioner)-higher diploma in textile technology Mugabi Justine Ahabwe (Commissioner)-BAE Sam Rwakoojo (Secretary to the commission)-BA in Accounting and Economics.
Chairman Judge Simon Mugenyi Byabakama-LLB Hajjat Aisha Lubega (deputy)	2016-todate	Peter Emorut, Steven Tashobya, Prof George Piwang and Mustapha Ssebagala Kigozi.
Chaired by Stephen Akabway, Flora Nkurukenda as (deputy).	1996 Interim Electoral Commission (IEC) was appointed by government to organise the	Charles Owor, Margaret Sekajja, Philip Idro, Syda Bumba, and Aziz K. Kasujja. This Commission organized the 1996 Presidential and General Parliamentary elections, which were Uganda’s first general election in 16 years.

	1996 General Elections.	
Chairman Hajji Aziz K. Kasujja (Chairman), Flora Nkurukenda(Deputy)	1997 - Enactment of the first Electoral Commission Act (1997)- 2002	Ted Wamusi, Robert K. Kitariko, Nassanga H. Miiró, Charles D. Owiny, Mary I.D.E. Maitum, Muwonge Andrew as the Secretary.

Source: Researcher

VI. ELECTIONS

Uganda provides national elections for a president and the legislature. The president is elected for a five-year term. The Parliamentarians are composed of members directly elected to represent constituencies, and one woman representative for every district; as well as representatives of special interest groups, including the army, youth, workers and persons with disabilities.

The first national election in Uganda was the Uganda National Assembly election of 1962. An alliance between the Uganda People's Congress (UPC) and Kabaka Yekka (KY) won the majority of parliamentary seats, and formed Uganda's first post-independence government with Obote as executive Prime Minister (Carr, 2003; Conroy-Krutz & Logan, 2012; Izama & Wilkerson, 2011; Tangri & Mwenda, 2010).

A period of dictatorship and political strife, including the tenures of Idi Amin, Yusuf Lule and Godfrey Binaisa, meant no elections were held until the presidential election of December 1980. Obote was pronounced the winner amid bitter dispute and allegations of electoral fraud. Yoweri Museveni, one of the presidential aspirants, declared an armed rebellion, and waged a guerrilla war (the Ugandan Bush War) against the government of Obote. Museveni's National Resistance Army (NRA) took power in 1986 from the government of Gen. Tito Okello Lutwa who had six months earlier toppled Obote's UPC government in a July 27, 1985 military coup, making him President.

Museveni and his National Resistance Movement (NRM) created a form of "no-party democracy", banning political parties from fielding candidates directly in elections (Kiiza, Makara, & Rakner, 2008; Sabiti Makara, Rakner, & Rwengabo, 2008; Mugaju & Oloka-Onyango, 2000; Nunley, 2007; Position, 2002; Tripp, 2004). In the "no-party" presidential election in 1996, Museveni defeated Paul Ssemogerere and Mohamed Mayanja by a landslide. Although international and domestic observers described the vote as valid, both the losing candidates rejected the results (Carr, 2003; Kiiza et al., 2008; Sabiti Makara et al., 2008).^[2] In the following presidential election, held in 2001, Museveni won by a substantial majority, with Kizza Besigye as the only real challenger. Despite a protest against the results, citing massive voter intimidation and rigging, the outcome was accepted by the Supreme Court of Uganda.

In the 2005 constitutional referendum, Ugandans voted to restore a multi-party political system, lifting the 19-year restriction on the activities of political parties. The 2006 general election was the first multiparty election in 25 years. Museveni won 59% of the presidential vote, and his party, the National Resistance Movement, won the majority of parliamentary seats. In Uganda elections in the past, were tended to be a low voter turnout for women's elections due to apathy and voter 'burnout' until the NRM party introduced district quotas for women (Ballington & Matland, 2004; Sabiti Makara et al., 2008; Paxton, Kunovich, & Hughes, 2007; Tamale, 2004)

One of the most important element of democracy is that leaders and representatives of the people are to be elected at regular intervals. Regular elections are the expression of the will of the people on how they are to be governed and by whom. For elections to be regarded as having legitimacy in a democracy, they have to be free and fair (Jørgen Elklit & Reynolds, 2005; Jorgen Elklit & Svensson, 1997; J. r. Elklit & Reynolds, 2001). The electorate must have opportunities to judge between different policies and their relevant and practical application to their daily life. The electorate must be free to exercise their inherent constitutional rights to vote for persons or political parties of their choice. For these reasons. It is a prerequisite to have a body either created by the Constitution or another law to organise. Conduct and supervise elections in a given democracy. Electoral bodies, wherever they exist are expected by the citizen to be independent and impartial. Consequently, in many democracies the composition of electoral bodies is a subject of intense consultations and debates. Usually persons appointed to the electoral bodies are expected to be people of integrity. Free and fair elections, where majority of people accept the outcome of the elections are some of key factors which contribute to stability and development in a country. They give legitimacy and acceptance of a political system in power.

Uganda has been independent for fifty-four years. We have had three general elections based on a multi-party system in 1962, 1980 and 2006. The results of the 1980 elections were highly disputed although the commonwealth observers said it was "free and fair under the circumstances". Whatever that meant! In 1989, we had election to the National Resistance Council (NRC) through electoral colleges from the village up to the national level. In 1996, we had both Presidential and

Parliamentary elections based on merits and not on political party lines. Political parties in Uganda are had been suspended. Candidates' campaigns are regulated by law. The candidates hold meetings chaired by an official of the Electoral Commission. No candidate may address the public individually. Candidates are prohibited by law to hold a meeting of more than ten people in a public place. A candidate may however, have consultative meetings with his/her agents (Gibb, 2012; Gloppen et al., 2006).

VII. ELECTION MANAGEMENT BODY IN UGANDA

The Uganda Electoral Commission is a body established by Article 60 of the 1995 Constitution. It was legally constituted on 11th November 1997. It consists of Chairperson, Deputy Chairperson and five Commissioners appointed for seven years. The seven are nominated by the President and approved by Parliament which has the right to reject any Presidential nominee. The appointment may be renewed for one more term. The functions of the Electoral Commission under Article 61 of the constitution of 1995 are: to ensure that regular, free and fair elections are held, to organise, conduct and supervise elections and referenda, to demarcate Constituencies, to ascertain and declare the results of the elections and referenda, to compile, maintain, revise and update the voter's register, to hear and determine elections complaints arising before polling, to formulate and implement civic education programme relating to elections and to perform any other functions as may be prescribed by Parliament.

The Commission is independent and is not subject to direction or control of any person or authority in the performance of its functions. Parliamentary Election Statutes and the Electoral Commission Act gives the Commission wider powers.

Recently the Uganda Electoral Commission (UEC) was renamed and currently it's referred to as the Independent Electoral Commission (IEC). The Electoral Commission is mandated under Article 61 of the 1995... Article 61 of the Constitution of the Republic of Uganda 1995 (as amended). Activist's and opposition members expected much from Parliament through presenting their bill to enable the proposed electoral reforms or amendments take place. The Bill attracted criticism when it was tabled before parliament on April 30 2015 for leaving out the electoral reforms that civil society organisations and opposition political parties had proposed under UCOFFE¹. In spite of the opposition MPs², a minority report, MPs like Fox Odoi (West Budama North) called the Bill "stupid" (Atuhaire, 2015). Later MPs rejected the government proposal to merely change the name of the Electoral Commission (EC) to the Independent Electoral Commission (IEC). The Committee argued that the government proposal to amend Clause 1 (Article 60) and change the name of the Electoral Commission to the Independent Electoral Commission (IEC) does not guarantee the much-needed neutrality of the electoral body (Arinaitwe, 2015a).

Further, the chairman of electoral commission in Uganda Kiggundu and his team steered clear of questions over the composition, independence and firing of commissioners of the Commission, only proposing to further change the EC's name to the Uganda Independent Electoral Commission or Independent Electoral Commission of Uganda (Arinaitwe, 2015b). While further three electoral reforms were proposed by The Inter-Party Coalition for Dialogue (IPOD) only change of name was acted upon (Uganda, 2015). This explains that the meaningful changes to benefit all stake holders were frustrated by the ruling party NRM under the stewardship of his excellence President Yoweri Kaguta Museveni.

Needless to add, opposition in parliament continued to push for reforms including but not limited to; Concerning the army, they want the army MPs removed from parliament and the military delinked from electoral processes. The opposition parties are also pushing for regional governments to be given federal status. For politicians who are removed from their seats on grounds of rigging, the opposition wants a law that, as punishment, will stop such people from contesting in any other future election. The parties also want the affirmative action representation to be reviewed in the drive for a lean parliament, so as to reduce the cost of public administration (Mulondo, 2013).

Election Commission (EC) Vision, "to be a Model Institution and Centre of excellence in Election Management". EC Mission "To Efficiently Organise, Conduct and Supervise Regular Free, Fair and Transparent Elections and Referenda to Enhance Democracy and Good Governance"

VIII. LEGAL FRAMEWORK

- a) Articles 60, and 61 of the 1995 Constitution of the Republic of Uganda establish and mandate the Electoral Commission (EC) to organize, conduct and supervise elections.
- b) Article 62 provides for independence of the Commission in delivering its mandate
- c) Article 60 (2) Members of the commission shall be persons of high moral character, proven integrity and who possess considerable experience and demonstrated competence in conduct of public affairs.

¹The Uganda Citizens Compact on Free and Fair Elections

² Members of parliament

- d) Article 60 (3) The members of the commission shall hold office for seven years, and their appointment may be renewed for one more term only.
- e) Article 60 (4) If the appointment of a member of the commission is being renewed, the renewal shall be done at least three months before the expiry of the first term.

IX. PROPOSED CONSTITUTIONAL CHANGES ON THE APPOINTMENT OF THE ELECTORAL COMMISSION

By and large therefore, if the constitutional amendments being proposed in respect of the electoral commission carry the day, it will be on step in the right direction. Of course there are other proposals being mooted to promote free and fair elections. They include: tenure of office, regulation of Financing and Monetization of Elections, restoration of Presidential Term Limits, separation of powers, role of the army in elective and partisan politics, size of parliament and involving all registered and recognized political parties in the in deciding the chairman of electoral commission. They can be considered on their own merit and if passed they can also advance Uganda's journey to full democracy (Magoba, 2016).

X. STRENGTHS OF THE ELECTORAL COMMISSION IN UGANDA

According to (Kiggundu, 2013) he identified ten (10) strengths of the electoral commission in Uganda¹; constitutionally established and constituted, staffed with competent technical personnel at Headquarter, Regional level and in all 112 Districts of Uganda, guided by a comprehensive legal framework, fairly good electoral system (National Elections after every 5 years), Uganda adopted a new system of Multiparty Political Governance following the 2005 National Referendum (with 38 parties registered), formulates a 5-year Strategic Plan out of which a Roadmap to general, elections is derived to aid implementation of election activities (currently launched the 2013-2017 Strategic Plan and Roadmap to 2016 General Elections), strong adherence to the legal framework, subscribes, recognizes and adheres to the International canons of free and fair elections and believes in and promotes multi-stakeholder responsibility to achieve free, fair and peaceful elections

XI. MAJOR DEVELOPMENTS RESPONSIBLE FOR THE COMMISSION'S SUCCESS IN ELECTION MANAGEMENT IN UGANDA

a) Compliance with the Electoral Legal Framework

During the implementation of its Constitutional mandate, the Commission is guided and controlled by an elaborate legal framework. Stakeholders including the Commission regularly proposes amendments and new legal enactments arise. The electoral laws that guide the Commission's planning and execution of its mandate include among others; the Constitution of the Republic of Uganda, 1995 (as amended), the Presidential Elections Act, 2005 (as amended), the Parliamentary Elections Act, 2005 (as amended), the Local Governments Act, Cap. 243, (as amended), the Political Parties and Organisations Act, 2005 (as amended), the Electoral Commission Act (as amended), and numerous regulations/guidelines.

b) The National Voters' Register (NVR)

During the 1990's and before, elections were conducted using handwritten registers which were easy to manipulate resulting to such anomalies as multiple voting. For the 2001 and 2006 General Elections, the Commission acquired technology to computerise, update and maintain the NVR with photos subsequently included to ease identification of the voter. There were more improvements on the NVR in 2011 when the Commission added the biometrics component to its computerised register. The new biometric registrants (over 4 million) were combined with the already existing photo bearing register (over 10 million) and one register was produced. The Commission is in consultation with various stakeholders to ensure that the NVR for the 2016 General Elections is fully biometric to completely weed out any cases of double registration/voting which may not have been yet discovered during the cleaning of the register/duplicate analysis.

c) Handling of Election Results and Transmission

In Uganda, voting takes place from 7:00 a.m. to 5:00 p.m. at every polling station. Immediately, votes are counted and announced by the Presiding Officer of that polling station. They are transported to the Sub County which is the collection centre and thereafter delivered to the District. The District Returning Officer tallies and declares the outcome for that level. The presidential results are announced only at the District and transmitted to the National Tally Centre for the general tally and final declaration within 48 hours after closure of polls (as per Article 103(7) of the 1995 Constitution of Uganda). The manner of results transmission has evolved over the years. For the last General Elections (2011), Development Partners supported the Commission and installed a new technology, much quicker and more transparent in transmitting results from the Districts to the National Tally Centre. This wireless transmission system enabled the stakeholders like political

party/candidates' representatives, observers and the media, present at the National Tally Centre to check on-line and get information about the results as they progressively trickled in from the Districts.

d) Enhancing Stakeholder Participation, Transparency and Accountability

Throughout the preparations of implementing election activities, the Commission has found it rewarding to be open and transparent throughout the election cycle. Various stakeholders including the Political Parties, Local and international Observers, and the Media, are allowed to observe all the activities right from the re-organisation of polling stations, to the printing, packing and dispatch of the polling materials to the Districts, the polling stations and to the tally centres. Prior to the display and polling activities, agents of political parties/candidates are recalled upon to be trained together with the field election officers so as to move in tandem with whatever is to be done. The Commission by law issues a polling register to participating political parties/candidates for each polling station to ease identification of voters between the polling officials and agents and also to ensure that anyone missing is not allowed to vote. Results are announced in clear view of the voters at polling stations and before observers and agents at tally centres.

e) Regular dialogue with the Media

It is a well-known fact that the media (Kjaer, 2008) can make or break you. This is why the Commission through regular dialogue urges the media to act responsibly in their operations. Media coverage of the electoral process is at three levels i.e. during the pre-election, during elections and post-election periods. The major role to be played by the media is also embedded in its traditional roles of:- informing; educating; mobilizing and entertaining.

The Commission is conscious that the media in a changing society has taken on new roles including: - agenda-setting; change agent; socialisation; watch-dog; interpreter; surveillance and companion etc.

f) Regular dialogue with the Police

Annually, the Commission engages the Police Training School students to inform them about their duties and responsibilities during elections. Regular dialogues also take place between the two institutions prior to any election/by-election to ensure that there is neutrality emphasized by professional conduct of the Police. Section 12 (f) of the Electoral Commission Act (1997) (as amended), requires the Commission to take steps to ensure that there are secure conditions necessary for the conduct of any election. The Police is the lead agency and other security organs can be called in by the Police as and when need arises to ensure that there is:- security of persons (life) and election materials, a conducive atmosphere for all stakeholders throughout the entire electoral process, freedom of movement, assembly, association and expression, proper investigation of electoral offences/malpractices and respect for the Rule of Law as contained in the electoral guidelines

g) Management of Candidates' Campaigns

Prior to the 2006 General Election period, candidates' campaigns witnessed a lot of clashes resulting into violence, loss of lives and destruction of property. The Commission proposed measures to minimise catastrophes and presented them to Government, Parliament and the Uganda Police. These proposals were a welcome relief and some have been passed into law while others are still being implemented as administrative measures between the Commission and the Police. The initiatives included among others; limiting the number of supporters and vehicles to the nomination venue and to the agreed campaign venue (permitted vehicles must have Police stickers), harmonisation of candidate campaign programmes between the Commission and participating parties/candidates. Any changes must first be agreed upon between the Commission and all participating candidates to avoid clashes (presidential candidates sign a Memorandum of Understanding to adhere to harmonised programmes) and observation of campaign time i.e. closure time is 6:00 p.m. daily

XII. MAJOR CHALLENGES OF THE COMMISSION

Despite the numerous measures/strategies that put in place to ensure peaceful, free and fair electoral activities, the Commission still encounters challenges while delivering its mandate and these include:- delayed enactment/amendment of the electoral laws leading to inadequate voter education, requisition of supplementary funding and crisis management of some electoral activities, delayed and inadequate funding therefore low wages for field staff which lead to engagement of low calibre officials prone to easy compromise, voter apathy, negative perception of the Commission by the public, losing parties/candidates, uneasy dealing with political parties some do not comply with legal requirement to declare assets/liabilities, sources of funding, and change of addresses which are not communicated to the EC, lengthy procurement procedures and unconfirmed position of

handling ICT initiatives e.g. a complete biometrics voters' register versus the National Identity Card project prior to 2016.

STRATEGIES RESPONSIBLE FOR CONTINUOUS IMPROVEMENTS

There are many strategies that can put in place to ensure continuous improvements such as; development of Strategic Plans and General Elections Roadmaps to ensure phased funding and implementation of electoral activities (at least in 3 FYs), phased implementation and funding of electoral activities, hence the 2011, holding of regular consultative meetings, seminars, workshops with all stakeholders e.g. political parties/candidates, Government, Police, Parliamentary Committees, media, civil societies, close partnership with the Police, establishment of a National Information Desk and District Complaints Desks during election periods, integration of voter education into the school and functional adult literacy curricular, intensive monitoring and supervision of all electoral activities, transparent identification, recruitment and training of election officials, timely display of lists of recruited temporary election officials for verification by public and political parties, zero tolerance for undisciplined electoral officials behaviour (black listing culprits) and decentralisation of election administration which includes; timely identification and submission of areas for electoral reform to stakeholders, training of party/organisation/candidates agents with electoral officials prior to demarcation, display and polling activities, secondary display of lists of voters' particulars recommended for deletion from the voters register (natural justice), provision of serialised Declaration of Results Forms for each polling station, organized and proper packing of the electoral kits at all levels, issuance of Statement of ballot papers indicating the quantity and serial numbers of ballot papers per polling station for easy tracking, use of transparent ballot boxes at all polling stations, use of tamper evident envelopes for sealing and retrieval of election results from polling stations, computerised tallying of election results and development of software to reject any result returns of 100% or beyond.

EXPERIENCES OF THE POST-ELECTION PERIOD

With reduced pressures, the post-election period constitutes an ideal time for a number of actions, such as:- review of lessons learnt and recommendations, strategic thinking, planning and proposing new initiatives, needs-assessment, consolidation and capitalisation from the gains made during the preparation and conduct of previous elections, filling of gaps and correction of deficiencies, discussing electoral reforms, structural changes, undertaking institutional strengthening and long term capacity development initiatives, without the considerable pressure of an electoral event, defining long term sustainable support programmes, adopting and applying lessons and recommendations, and implementing programmes. Proposing legal reforms/amendments, arranging capacity development, institution strengthening and voter education programmes, having dialogue and stakeholder consultation, making technical evaluations and audits, doing technology upgrades, drawing of new strategic plan and roadmap and lobbying for support to enhance better performance in next cycle of elections

FRAMEWORK FOR ELECTORAL GOVERNANCE

Good governance of electoral administration systems can serve as an entry point to raising institutional performance in the delivery of election services. Essential to high performance are election administration bodies' independence, election management model, and history of the country, legalization, impartial, behavior, integrity and skill of expertise, standards, information, incentives and accountability.

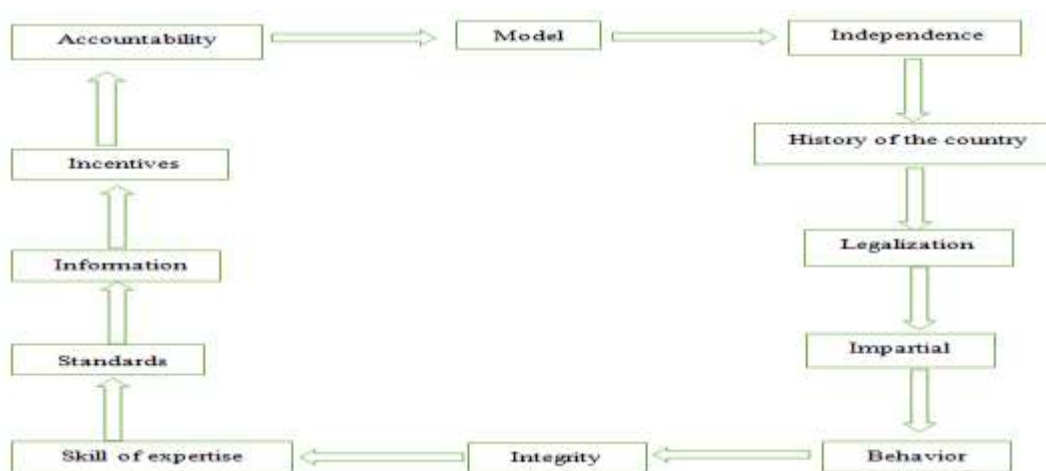


Figure 1: showing electoral administration bodies' performance frame work

CONCLUSION

The level of achievement of free and fair elections is dependent on the level and timely participation of all stakeholders, recognition and adherence to the legal framework by all stakeholders, and level of execution of respective roles by all stakeholders. Despite the diverse experiences both good and challenging in administering elections in Uganda, the Commission will always remain committed to serving Ugandans in line with the legal procedures and devising new strategies to improve service delivery. Time will tell whether the Committee's argument that the government proposal to amend Clause 1 (Article 60) and change the name of the Electoral Commission to the Independent Electoral Commission (IEC) does not guarantee the much-needed neutrality of the electoral body. Many countries in West Africa and East Africa have changed power democratically for example Nigeria, Gambia, Ghana, Tanzania and Kenya so can Uganda.

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