



Research Paper

The Aftermonth Of Eletoral Democracy In Uganda

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ABSTRACT: *The purpose of this paper is to analytically connect the post management of elections and electoral democracy in Uganda. In particular I focus historical and political synopsis of Uganda-from colony to “one-party state”, conceptualization of elections, majority rule and minority rights, pillars of democracy, types elections, who votes in Uganda, making decisions regarding political participation a theoretical explanation, detention of main opposition leader, state of fear for war after elections , crime preventers, army and policy deployment across streets, election violence, religious leaders, defiance message, strategies for defiance and court petition.. I used a historical perspective to locate the linkage between elections and democratic processes. The squabble of the paper is that, while elections are essential condition for democracy, they do not establish democracy per se. The sardonicism is that, democracy cannot exist without the elections process taking place, although elections that have taken place in most of the African countries including Uganda since the 1996; have been self-governing deficits and setbacks in Uganda. This research was purely library based where the research kept track on issues of 2016 elections before and after from all types of media i.e newspapers mainly balanced independent papers rather than government owned. The videos, radio and television talk shows and tweets where the public expressed their views. The internet was to check for online newspapers that the researcher failed to access in hard copy. Specifically, inference to the previous regimes of no democracy in the 1970s when elections and civil freedoms were a dream to reality progress were people claim for their rights to participation through voting since the mid-1990s. The problem though is the design, management and quality of the elections outcomes in Ugandan and the confidence that the government can be trusted to guarantee steadiness, harmony, reconciliation, continuity and growth. Is the current government pledging to consolidate transparent, fair and free elections going forward in the 2016 election aftermath? Why then create a situation of uncertainty after elections? Was there a leveled ground? Was it a fair and free contestation?*

KEY WORDS; *After month, 2016 Elections, Democracy, crime preventers, violence, Defiance and Uganda*

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I. INTRODUCTION

Historical and political synopsis of Uganda-From colony to “One-party state”. Uganda emanated into existence as an entity following the explorations in the 19th century and the Berlin conference of 1885, which resolved that the territories that currently constitute Uganda should be within the British sphere of guidance. The Buganda agreement of 1900 (Low & Pratt, 1960) with the Buganda kingdom (from which the country’s name is derivative) and agreements with the kingdoms of Bunyoro, Toro, Ankole and Busoga made Uganda a British protectorate (Lee, 1965). The agreement safeguarded a forward thinking and advanced position of the Buganda kingdom and the protectorate was for many years administered according to the doctrine of “indirect rule” (Ibingira, 1973; Pratt, 1900).

To date, it is common to differentiate between the peoples from the north of the country, who are Nilotic or Hamitic speaking, and the Bantu-speaking south. The peoples of the north were considered and reflected by the British authorities to be less organized, establish as no kingdoms of the size found in the south existed. Mediators (Agents) from the southern part of the country were often skilled as officers while northern peoples to a great magnitude were defined and measured to constitute a labour reserve. The armed forces hired most of their militias from the northern areas (Mullins & Rothe, 2007).

Independence from the British was approved on 9th October 1962 following a lengthy struggle with especially the Buganda kingdom. The first independent government of Uganda was centered on an alliance or

coalition between the party UPC¹ and the royal monarchist Buganda based party Kabaka Yekka². Dr. Milton Obote from the UPC became prime minister, while the Kabaka Mutesa II became the country's first president (Museveni, 2000; Mutibwa, 1992).

In 1966 Dr. Obote suspended the constitution, overthrew the president and undertook all executive powers. After assuming all powers the kingdoms were abolished, the Kabaka's palace was raged by the troops of army commander Idi Amin and the Kabaka's family escaped abroad where he later died in exile. In 1971 Idi Amin staged and phased a coup while Dr. Obote was attending the commonwealth conference in Singapore. Mr. Amin's reign led the country into an enduring descending loop where the country experienced a political authoritarianism, loot, exiling and killing challengers imagined or real became the order of the day. When he in a usual fit of overbearingness attacked Tanzania in 1978, his conviction and persuasion was sealed. The Tanzanians, together with Ugandans in exile, attacked Uganda and Mr. Amin was overthrown in April 1979.

In the aftermath of his overthrow, a political interlude that saw two presidents and a military commission as rulers was followed by the national elections that were held in 1980 where the main participating political parties were UPC of Dr. Obote at the front and the DP³ led by Paul Ssesemogere. The UPM⁴ led by today's president Yoweri Museveni and the Conservative Party (inheritors of the Kabaka Yekka legacy). The UPC was declared the winner, but there is a widespread belief that the elections were rigged, and Mr. Museveni is among those who never accepted the results and instead took his discontent to bush and formed a peasant based army NRA⁵.

Years of guerrilla warfare followed and some parts of the country experienced extreme violence particularly the so-called Luwero Triangle north of the capital Kampala that suffered a lot, mainly at the hands of the UNLA⁶. Some have characterised this violence as genocide. 200,000-300,000 people are estimated to have been killed during the civil wars between 1981 and 1986. Then the strife within the government army led to a coup in 1985 that overthrew Obote's Government, who immediately entered into Peace talks with Mr. Museveni of the NRA but these talks never yielded a permanent solution as NRM never wholly accepted to enter into power sharing with the military junta of Tito and Basilio Okello. The war then continued until January 1986 when Kampala fell into the hands of the NRM.

Mr. Museveni was soon sworn in as the new president of Uganda who warned Ugandans that "this is not a mere change of guards, but a fundamental change" (Kjaer, 1999; Lindemann, 2011; Muhumuza, 2009), and promised to reconstruct a new Uganda along a Ten Point Programme among which democracy, rule of law and economic sustainability were prominently highlighted.

In the bush war days (a mythological as well as descriptive term) the NRM⁷ was created. It is in theory a grass root democracy consisting of five levels of local authority. NRM is Mr. Museveni's political base and was supposed to be an inclusive organisation in contrast to the political parties of the past. Political parties were only allowed to operate under severe restrictions, and candidates to public offices could only take part in elections based on "individual merit" and not party lines.

Mr. Museveni has been the undisputed ruler of Uganda since 1986, with the positions of President, chairman of the NRM, the minister of defence and commander of the army. In a country where more changes of regime have been a result of military coups than elections, the importance of the latter two positions cannot be underestimated. Furthermore, since then today, there has been quite a number of fundamental changes in the areas of law, politics and administration. First, it is during this period that the new Constitution of the republic of Uganda 1995 was promulgated, the Political Parties and Organisations Act 2005 (Amended in 2010), Electoral Commission Act, 1997, Presidential Elections Act 2000 (Amended 2010 and 2015), Local Government Act 1997, Parliamentary Elections Act, 2005 (as amended) etc. Secondly, on the political front, there has been a shift from the Movement System of government (One-party) i.e. National Resistance Movement that ended by the 2005 referendum on political system to multiparty system, regularly holding national elections from 1996 to date after every 5 years and of which the latest is the 18th February 2016 national election the focus of this paper.

II. METHODOLOGY

This manuscript used a narration method to describe the aftereffects of the just concluded elections in Uganda (2016). The researcher used documentary review method because before, during and after the election

¹Uganda's Peoples Congress

²"The King Alone".

³Democratic Party

⁴Uganda Patriotic Movement

⁵National Resistance Army

⁶Uganda National Liberation Army

⁷National Resistance Movements

periods there was voter intimidation and the respondents were very suspicious with the research and hesitant to give information (Gaborone, 2006). The researcher also used observation at a five polling stations in Kampala and Wakiso district since these districts are main opposition strong holds and government had planned well for their election. Observation method was used as a supplementary method since the research need information from a wide scope through the use of television channels during news time and political talk shows and stations used included NTV, BBS telefayina and NBS. The researcher also listened to the news using radio frequencies and targeted radios like BBS 89.2 and 88.8 fm, radio one, super fm and akaboozikubiri since they have focused political debates and topics discussed late 2015 and early 2016 were in line with the study. The data collected was transcribed using themes which were later used as sub topics of the study.

III. LITERATURE REVIEW

Conceptualization of Elections

Elections are the central institution of democratic representative governments. Why? Because, in a democracy, the authority of the government derives solely from the consent of the governed. The principal mechanism for translating that consent into governmental authority is the holding of free and fair elections. Elections are a democratic process where citizens aged 18 and over elect political leader to represent them and their interests locally, nationally or internationally. The process is determined by a voting system, where citizens vote for one candidate. The candidate with the majority of votes is elected. Anyone who is enrolled on the Electoral Register is able to vote (Fiorina, 1981).

An election is a formal and organized choice by vote of a person for a political office or other position (Black, Newing, McLean, McMillan, & Monroe, 1958). An election, usually held at regular intervals, in which candidates are elected in all or most constituencies or electoral districts of a nation. An election is a formal decision-making process by which a population chooses an individual to hold public office. Elections have been the usual mechanism by which modern representative democracy has operated since the 17th century. In any State the authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage (Google, 2016).

According to (Kirkpatrick, 1981) scholar and former U.S. ambassador to the United Nations, has offered this definition: "Democratic elections are not merely symbolic. They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticism and to present alternatives. "There are four different six (6) of election:

Democratic elections are sustainable and competitive. Opposition parties and candidates must enjoy the freedom of speech, assembly, and movement necessary to voice their criticisms of the government openly and to bring alternative policies and candidates to the voters. Simply permitting the opposition access to the ballot is not enough. Elections in which the opposition is barred from the airwaves, has its rallies harassed or its newspapers censored, are not democratic. The party in power may enjoy the advantages of incumbency, but the rules and conduct of the election contest must be fair.

Democratic elections are periodic. Democracies do not elect dictators or presidents-for-life. Elected officials are accountable to the people, and they must return to the voters at prescribed intervals to seek their mandate to continue in office. This means that officials in a democracy must accept the risk of being voted out of office. The one exception is judges who, to insulate them against popular pressure and help ensure their impartiality, may be appointed for life and removed only for serious improprieties.

Democratic elections are inclusive. The definition of citizen and voter must be large enough to include a large proportion of the adult population. A government chosen by a small, exclusive group is not a democracy no matter how democratic its internal workings may appear. One of the great dramas of democracy throughout history has been the struggle of excluded groups whether racial, ethnic, or religious minorities, or women to win full citizenship, and with it the right to vote and hold office. In the United States, for example, only white male property holders enjoyed the right to elect and be elected when the Constitution was signed in 1787. The property qualification disappeared by the early 19th century, and women won the right to vote in 1920. Black Americans, however, did not enjoy full voting rights in the southern United States until the civil rights movement of the 1960s. And finally, in 1971, younger citizens were given the right to vote when the United States lowered the voting age from eighteen (18) and some countries it goes to twenty-one (21) years. Democratic elections are definitive. They determine the leadership of the government. Subject to the laws and constitution of the country, popularly elected representatives hold the reins of power. They are not simply figureheads or symbolic leaders.

Democracy is a government of the People by the people and for the people (Rosenstone & Hansen, 1993). Democracy may be a word familiar to most, but it is a concept still misunderstood and misused in a time when totalitarian regimes and military dictatorships alike have attempted to claim popular support by pinning

democratic labels upon themselves. In the Merriam-Webster (Merriam-Webster, 2004) dictionary definition, democracy "is government by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system." In the phrase of Lincoln (Lincoln, 1980) democracy is a government "of the people, by the people, and for the people."

Freedom and democracy are often used interchangeably, but the two are not synonymous. Democracy is indeed a set of ideas and principles about freedom, but it also consists of a set of practices and procedures that have been molded through a long, often tortuous history. In short, democracy is the institutionalization of freedom. For this reason, it is possible to identify the time-tested fundamentals of constitutional government, human rights, and equality before the law that any society must possess to be properly called democratic (Mandelbaum, 2007). Democracies fall into two basic categories, direct and representative. In a direct democracy, all citizens, without the intermediary of elected or appointed officials, can participate in making public decisions.

3.1 Majority Rule and Minority Rights:

All democracies are systems in which citizens freely make political decisions by majority rule. But rule by the majority is not necessarily democratic: No one, for example, would call a system fair or just that permitted 51 percent of the population to oppress the remaining 49 percent in the name of the majority. In a democratic society, majority rule must be coupled with guarantees of individual human rights that, in turn, serve to protect the rights of minorities whether ethnic, religious, or political, or simply the losers in the debate over a piece of controversial legislation. The rights of minorities do not depend upon the goodwill of the majority and cannot be eliminated by majority vote. The rights of minorities are protected because democratic laws and institutions protect the rights of all citizens (De Tocqueville, 1972, 2003). There are many Pillars of democracy and according to Cincotta (1998) he identified eleven (11) pillars of democracy including: sovereignty of the people, government based upon consent of the governed, majority rule, minority rights, guarantee of basic human rights, free and fair elections, equality before the law, due process of law, constitutional limits on government, social, economic, and political pluralism and values of tolerance, pragmatism, cooperation, and compromise

Finally, democratic elections are not limited to selecting candidates. Voters can also be asked to decide policy issues directly through referendums and initiatives that are placed on the ballot. In the United States, for example, state legislatures can decide to "refer," or place, an issue directly before the voters. In the case of an initiative, citizens themselves can gather a prescribed number of signatures (usually a percentage of the number of registered voters in that state) and require that an issue be placed on the next ballot even over the objections of the state legislature or governor. In a state such as California, voters confront dozens of legislative initiatives each time they vote on issues ranging from environmental pollution to automobile insurance costs.

According to Boundless (2015) there eight types elections include but not limited to; **General election** is an election in which all or most members of a given political body are chosen/ election is a procedure by which voters can remove an elected official from office through a direct vote before his or her term has ended.; **By-election** is an election held to fill a political office that has become vacant between regularly scheduled elections; **Primary election** is preliminary election to select a political candidate of a political party /is an election that narrows the field of **candidates** before the general election. Primary elections are one means by which a political party nominates candidates for the next general election; **Closed primaries**, are elections within the party and only party members can **vote**.

By contrast, in an open primary all voters may cast votes on a ballot of any party; **Referendum** a direct popular vote on a proposed law or constitutional amendment. It is a direct vote in which an entire electorate is asked to either accept or reject a particular proposal, usually a piece of legislation which has been passed into law by the local legislative body and signed by the pertinent executive official(s). It is also a situation where the state voters approve or disapprove proposed legislation and often used for constitutional amendments. In this way, voters engage in making or ratifying legislation at the state level; **Caucus** is a meeting at the local level in which registered members of a political party in a city, town or county gather to express support for a candidate. For statewide or national offices, those approvals are collectively determined by the state party nominee. Caucuses, unlike conventions, involve many separate meetings held concurrently at multiple locations. All political parties for example in America the Democratic and Republican parties have their own rules governing caucuses and those rules vary from state to state (US, 2016); **Convention** are meetings sponsored by political parties for members of the party to discuss issues, candidates and campaign strategies and these meetings can last several days (US, 2016).

Local government elections are Council elections are held at the district level to vote for Local councils and Local council five (5) chairmen, District Directly Elected Councilors and District Women Councilors, in electoral the following areas where the elections were suspended; **Electoral College** is the group of citizens designated by the states to cast votes for the president and vice president on behalf of state citizens.

The process for selecting electors varies from state to state, but usually the political parties nominate electors at state party conventions or by a vote of the party's central committee. The voters in each state, by casting votes for president and vice president, choose the electors on the day of the general election. The Electoral College, not the popular vote, elects the president, but the two votes are tied closely (US, 2016).

3.2 Who votes in Uganda?

Under Chapter Five of the Constitution of Uganda, every eligible citizen of Uganda 18 years of age or above has a right to vote, and the state and Parliament shall take all steps to make sure that qualified citizens can vote. To vote, Ugandan citizens also need to be registered. Accordingly, only registered voters will be allowed to vote at the polling station where they are registered, and this shall include persons whose particulars and photographs appear on the National Voters' Register, whether they have a National Identity Card or not, as per Section 34 of the Parliamentary Elections Act of 2005 (as amended).

Even though the constitution provides the right to vote to every eligible Ugandan, prisoners in Uganda do not vote, and this has been the case throughout the country's history. Currently, there are 20,348 detainees across the country and about 24,844 remanded in custody awaiting trial. It is important to note that there is no express or implied law that bars a prisoner from voting, as the law including the Prison Act, is silent on this. However, the Electoral Commission (EC) does not make any special voting provisions for those in prison as a result of sentencing or on remand. Civil society, activists, the Uganda Human Rights Commission and various electoral stakeholders are concerned that prisoner's rights per the constitution are being violated. The EC says the commission is open to having prisoners vote, but that it does not have the mandate to make such a call, and therefore the law should be amended to clearly define this issue. The EC also notes that the environment in prisons is unique; for prisoners to participate in voting, special provisions (e.g., setting aside special time slots on Election Day for prisoners to vote) have to be made by the commission. Uganda has a total of 15,277,198 voters registered in the National Voters' Register to be used in the 2016 general elections (E.C, 2015). They will be able to cast their votes at 28,010 polling stations distributed across the country. The number of registered voters for the 2016 election has increased from the 13,954,129 voters who were registered for the 2011 elections.

3.3 Making decisions regarding political participation a theoretical explanation

Individuals make decision on a daily basis and just like other decisions, decisions regarding political participation is to start from the assumption that all individuals are rational and seek their daily decisions to maximize utility, which Anthony Downs classically defines as "a measure of benefits in a citizen's mind which he uses to decide among alternative courses of action." (Downs, 1957, p. 36; 1995).

Although, the costs comprises of the expenditure and energy associated with voting, such as registration to vote, becoming knowledgeable about one's choices, and the time-lag and fuel spent traveling to the voting (polling) place (Wattenberg, 2002). For the first-time voters, the costs might also include traveling to the nearest district or Local Council Chairman to acquire a registration application, voting slip and overcoming the social nervousness associated with completing an unexperienced task. Rational choice's agenda is so forthright and well-expressed in its conceptualization that the theory is solid to disregard. It articulates little more than that individuals vote when it is in their best interest to do so, each rendering to his or her own analysis of the costs and benefits elaborated.

Additionally, this conceptualization delivers satisfactory clarifications for many trends connected with voter turnout and why numerous policy changes have flourished and failed. The Rational choice theory does, though, exhibit at least one major inadequacy in an application to voter turnout.

This becomes tangible when its logic is expressed mathematically as $qA + R > Z$. Where q is the probability that a person's vote will influence the outcome of the election, A is the paybacks associated with a victory by one's party of choice, R is the excludable "selective incentives" associated with voting, and Z is the costs related with voting (Green, Shapiro, & Shapiro, 1994, p. 49). In conveying values to these variables one must be directed to trust that, while A and Z are undoubtedly optimistic or (positive), the large number of voters in almost all elections will cause the value of q to approach zero. Just as, empirical explanations of variations in turnout have cast doubt on the likelihood that discriminating inducements alone are adequate motivators for turnout (Green et al., 1994, p. 54). The logical summary is that voting is a universally an irrational act.

Deliberately challenging to this account is the noticeable fact that people do in fact vote. Indeed millions turn out for national elections in spite of the fact that their guidance is negligible to the consequence. This discrepancy has led to the description of elector turnout as the "paradox that are in the rational choice theory" (Fiorina & Shepsle, 1989). The blames of the theory are practically applied to turnout are numerous (Brennan & Buchanan, 1984). Still, its advocates assume that the theory is general and universal enough to apply approximately to political behavior and point to some observed evidence in support of its expectations. As we will know, the rational choice structure has been used to explain how various legal-frameworks and structures reforms may be accountable for alterations in turnout on the voting day. A compromise has yet to be

extended, however, with respect to adequacy of these explanations. Finally the new appointed electoral commission spoke out on electoral commission constitutional reforms were he advised stakeholders to engage the prime minister in the post-election period to lobby for comprehensive electoral constitutional amendments/reforms (Wassajja, 2017). Since 2011 religious leaders, political parties, politicians, civil society organizations have been calling for these reforms as a key pillar for peace and sustainable development.

The substitutes to rational choice theory naturally focus on social-psychological factors that ponder in voting decisions (Gerber, Green, & Shachar, 2003). The hypothesis in these cases is that sociological influences performance a role in the attitudes of people they develop towards voting. It was pointed out by Stephen Shaffer, for instance, a reduced sense of political efficiency among nonvoters (Shaffer, 1981) while other scholars have discovered that the sense of civic responsibility (Irvine, 1975) and level of biased attachment (Caldeira, Patterson, & Markko, 1985) are associated with voting behavior. Certainly neither does this model exist without its critics like those from G. Bingham Powell finds that clarifications concentrating on these variables tend to break down when practiced cross-nations (Campbell, Converse, Miller, & Stokes, 1960; Leighley, Piven, & Cloward, 2001) and other inquiries recommend that social-psychological studies that are disposed to confusing causation (Hays, 1981; Leighley et al., 2001).

IV. RESULTS

The 2016 general elections

President Yoweri Kaguta Museveni was pronounced winner of the doubtful elections with a 60 per cent poll victory, spreading his 30-year rule for yet additional five-year term. His main contender, Dr Besigye, who rests under house arrest, is said to have polled 35 per cent, according to the Electoral Commission (EC) (Musisi, 2016b). The General elections were held on 18 February 2016 (V. Reporter, 2015) to designate the Leader, Parliamentary Assembly members and followed by local councils. All the opposition candidates denied the results saying that the elections were stained by extensive deception, voting irregularities and wrong doing, the frequent arrest of opposition candidates and a climate of voter terrorization and intimidation (Shankar, 2016). Many stake holders like European Union and United States have since condemned the election for lack of transparency and imprisonments of opposition contenders and others like common wealth observers too have been critical in outlining the misappropriation of state powers in favor of the ruling party (France-Presse, 2016; State, 2016).

A number of eight candidates contested the presidential elections namely Yoweri Museveni was running for his sixth term in office in 2016. He grabbed power in 1986 after charming a guerrilla war against President Obote he has stood as a president since 1996 to-date and Kizza Besigye, who had run against Museveni in 2001, 2006, 2011 and 2016. Claims of rigging and violence at polling stations were reported and voting was extended in several locations after reports of people not being allowed to cast their votes (Schlindwein, 2016). According to the Electoral Commission, Museveni was re-elected with 61% of the vote to Besigye's 35% (Team, 2016). Amama Mbabazi, the previous Prime minister of Uganda and one of the establishment members of the ruling NRM party, competed in contradiction of the incumbent president under the Go Forward ticket. Mr. Mbabazi was dismissed as head of business (Prime Minister) in 2014 in a control scuffle with Mr. Museveni. Other presidential candidates were Abed Bwanika, a veterinarian, also ran for a third time. The doctor ran under the People's Development Party (PDP) banner (Editorial, 2016a) who is running the third time for the tenure of office of the president and he completely failed to gather considerable support, Benon Bilalo under the Farmer's party, Venansius Baryamureeba, Faith Kyalya and Joseph Mabilizi for independent ticket who were running for the first time in the row.

Summary of the 18th Thursday February 2016 Ugandan presidential election results

| Candidate | Party | Votes | % |
|----------------------------|------------------------------|-------------------|------------|
| Yoweri Museveni | National Resistance Movement | 5,971,872 | 60.62 |
| Kizza Besigye | Forum for Democratic Change | 3,508,687 | 35.61 |
| Amama Mbabazi | Go Forward | 136,519 | 1.39 |
| Abed Bwanika | People's Development Party | 89,005 | 0.90 |
| Venansius Baryamureeba | Independent | 52,798 | 0.54 |
| Faith Kyalya | Independent | 42,833 | 0.43 |
| Benon Biraaro | Uganda Farmers Party | 25,600 | 0.26 |
| Joseph Mabilizi | Independent | 24,498 | 0.25 |
| Invalid/blank votes | | 477,319 | - |
| Total | | 10,329,131 | 100 |
| Registered voters/turnout | | 15,277,198 | 67.61 |
| Source: (commission, 2016) | | | |

The pitfalls in the 2016 polls

While praising Ugandans for spiraling out in huge numbers to vote on February 18, both Mr Leinen and Mr Kukancomprehensively tinted the inadequacies that tarnished the political, democratic exercise, such as, “the NRM dominance of the political scenery, the irregular access to funding and a campaign pigeon-holed by a stratosphere of terrorization, intimidation.” Constraints of opposition leader to level that US requested president Museveni to free him, “release” Besigye, who was placed under what government and police describes as “preventive arrest” in the aftermath of the just concluded presidential election. “Furthermore, there were un-leveled access to media platforms and a lack of transparency, independence and trust of the Electoral Commission among the electorate,” a statement from EU Parliament read in part. The blocking of social media on the voting day, the committees were told, constrained freedom of expression and access to information (Musisi, 2016a, 2016b, 2016c). With the above mentioned circumstances that forced the government and opposition leaders to react the way they did hence creating a state of fear of what will happen in the aftermath of the February elections in Uganda.

First runner up opposition leader and main challenger to president Museveni detained

Warren Kizza Besigye Kifefe (born 22 April 1956), commonly known as Kizza Besigye, is a Ugandan physician, politician, and former military officer in the Uganda People’s Defense Forces. He served as the president of the FDC⁸ political party and was an unsuccessful presidential candidate in Uganda's 2001, 2006, 2011, and 2016 presidential elections, losing all of them to the incumbent His Excellence Yoweri Kaguta Museveni. However, in all the four occasions he has never accepted defeat, only vehemently maintaining that elections have always been rigged in favour of the incumbent, a point he not once but twice (2001 and 2006) proved in Courts of Law but unfortunately for one reason or the other a political rather than a legal decision has been made. For example, in 2006, Dr. Kizza Besigye of the FDC, challenged the results of the elections in the Supreme Court by filing an electoral petition. The court found that the elections were riddled with intimidation, violence, voter disenfranchisement, and other irregularities, including inaccuracies in counting and tallying votes. Despite these findings, the justices voted 4-3 to uphold the results on the basis that the electoral malpractice did not “substantially affect” the outcome of the election, confirming Museveni's re-election. It is against this background that he vowed never to go the Uganda Courts again over election matters and for this reason, in 2011 he didn’t seek redress from Courts and too vowed never to participate in any election organized by Museveni according to (Zziwa, 2013) in The independent newspaper The Daily Monitor.

In 2014 a year later he was still persistent that he would not run for presidency come 2016, informing the observer of another independent newspaper (Walusimbi, 2014) that it is unmanageable to win an election that is being organized by Mr Museveni. But in 2015, he changed his mind set and was nominated by his party FDC as its presidential flag bearer contesting against other seven presidential candidates including the incumbent Mr. Museveni. His drive this time around was the “Defiance” strategy sold at all his crusades and campaign rallies for the 2016 election that were also characterised by supporters giving donations, including clusters of bananas and live goats, sheep, fruits, other grassroots foods like potatoes - a stark divergence to most campaign rallies on the continent, which saw the candidates allotting gifts hoping to secure the votes of the beneficiaries.

Eventually, the elections were held on 18th February 2016 but are alleged to have been marred by lots of irregularities and malpractices prior to the nominations and during the campaigns period. There was unequal access and use of government resources, bribery of the public, irregularities and malpractices, harass every perceived political opponent, failure to implement structural and legal reforms for a leveled ground, a dependent electoral commission, incumbent’s use of his position to the disadvantage of other candidates, unequal use of state owned media and wasting public money into election management materials which safeguarded by from parliament through additional grants to state but the rule of the game is mainly designed to legislate for the ruling party. The EC has mandate that they failed to use especially in regulating the management of candidates rallies and messages passed on to the public did not show interest in constraining candidates and the use of money, plentiful of Ugandans missed voting because EC had not allocated them any polling station, interchanging the polling station without the knowledge of the voters, missing names on the voter register, allotting far voting places for public who don’t support the incumbent and worst of all playing politics of delayed voting materials on the polling day. Leading to many to miss out.

Specifically, Dr. Besigye has been arrested 48 times since 2015 according to (Akawungezi, 2016) and eight times in four days in a country with young democracy (Sserunjogi, 2016a; Sserunjogi, 2016). While it may be hard to believe but democracy takes time (Kakaire, 2016a) and the Inspector General Police in Uganda Kale Kayihura explained why he had to re-arrest Dr. Besigye again and again, on 26th February police arrested Besigye for the sixth time in 10 days, despite protests from the United States-based Human Rights Watch and the European Union against the opposition leader’s continued harassment by the government. The responsibility

⁸Forum for Democratic Change is one of the major opposition political party in Uganda

for police actions is that involves Rtd Col DrKizzaBesigye during, and after the campaigns lies squarely on his shoulders and that of his unruly and unmanageable supporters”. The Ugandan Police arrested him again when he tempted to address a public rally at the Great Makerere University. Since then, he has been arrested five more times, with police even denying him the opportunity to travel to his home district of Rukungiri to vote during the local council elections the preceded after presidential and parliamentary elections. While the public challenged his detention as a way to prevent him from challenging the presidential election results in court (Kakaire, 2016c). The advantage for Ugandan is that Dr. Besigye is willing to take peaceful measures through courts of law (Sserunjogi, 2016a). The tweets on the same feeling clearly indicate that there is a section of Ugandans who believe that Dr.Besigye will not get a fair hearing in courts of law by clearly referring to Judges as “NRM Mafias” (Sserunjogi, 2016b). Below are tweet trails on how unfair the process might be for Dr. Besigye and voices for peace;

Consequently, the outcome of the 18th February 2016 election, which has since been rejected by all the opposition candidates, the sentiment held by majority Ugandans indicated the incumbent scored 61% according to electoral commission (Team, 2016). This position forced one of the contenders to seek help from courts of law to help him nullify Mr. Museveni as a legitimate winner of the 2016 elections (Kasozi, 2016) for which the high court ruled that there was lack of evidence (Editorial, 2016b)andthis forced the public to react in response to the percentage win in favor of the incumbent in tweets following the article in the monitor newspaper: Mbazilists 28 grounds to court to nullify Mr.Museveni as a winner to the just concluded February 18th 2016 elections (Kasozi, 2016)as detailed below;

Moses Okuda ;”Your evidences will be grabbed by the NRM mafia if you are not careful. I hope you've backup copies”.

Freedom n Justice ;”KB, we are in prayer with you. They can't kill you. Expose the system, even if you don't become President, history will remember you for your fight against injustice, election rigging by M7 and corruption in Uganda!! Shame on M7⁹ and NRM¹⁰.....you are forcing someone on us!! We call on the International Community to see Museveni as an obstacle to democracy in East Africa and should therefore go”!!

Steven Wesonga; “Good contemplation. exhaust all peaceful avenues. Most importantly, expose these so called Justices to come out for us to know where they really stand. On the side of true democracy in Uganda or on the on the side of a jungle tyrant”?

Disqus_uS1eqd1hzZ ;Tell me something new. “You're offered your medical expertise to a camel (Rwandese child refugee) the camel chased you out of your tent. Your tried the legal thing before. It did not work for you. I want to continue believing in you. Show me something concrete”!

Osende Paul ; “vote by a city dweller still counts as much as a vote by a villager. So if those in upcountry and rural towns voted for M7, shouldn't we respect their choice? Democracy is not tramped on when KB loses but when he wins? Guys lets get real”.

Sam ;”Unless that court comprise of non-Ugandans otherwise he (Dr. Besigye) will hardly win because that court is full of corrupt Ugandans, corrupt NRM silent banners”.

Tito Manyanga ;”Dr. KizzaBesigye should leave the Museveni's court alone and it will waste of energy, resources. There is no separation of powers in Uganda. The court is Museveni, no need for Besigye to go to Court”.

Jan Ahereza; “I wish KB success in his "hard to win" case”.

Michael Juma; “Let him not go that way (to court). The ruling is already known- the cadre judges will this time say there was no rigging at all”.

Watson ; “if there where any voting rigging it could nt have given such a big margin”!

naboma;”They wont allow us to demonstrate so Kb go to court and expose the thieves”.

matek;”Legal action. The FDC presidential candidate says he was considering court action to challenge the election results"Besigye what? Now that is pure insanity”,!!!!

OriginalAfricanmatek ;”It's not insanity. It's meant to exhaust and expose the list of institutions M7 has”.

Rhodsamatek; It is still better than "going to the bush"...

Levi AsanasioRhodsa; “Surely i find it very prudent to seek legal redress to the dissatisfaction pertaining the election process than talking of the bush this will show that we are growing and can push for what we want to be changed in a more soft but organized way so that we live in a Uganda that works for us all”.

nabomamatek ;”why is that insanity? Because you think he has no case to prove or you know the biased court won't give him justice? In my view going to court would expose the rot in the elections for some doubting thomases like you to see”.

⁹Mr.Museveni

¹⁰National Resistance Movement

It is important to note that a legitimate government can only manage to rule if there is a will of the people. From the tweets above its evidence that the public doesn't trust the judiciary and one would think they were right since court stated that there was evidence and the case was dismissed (Editorial, 2016b).

State of fear for war after elections

Fear of violence swings over the Ugandan capital Kampala as the country arranged for polls which took place on Thursday 18th February 2016 to choose whether to re-elect the president a man who has held power for 30 years or opposition leaders. Rounds of tear gas were fired during a rally in Makerere University (Marima, 2016) to disperse the chanting crowd, who had lit fires and torn down campaign posters featuring the face of the Current president (Kasamani, 2016).

Random tear gassing of gatherings organised by the Forum for Democratic Change, or FDC, and the Go Forward opposition movement, as well as the double arrest of Besigye for leading supporters through the streets of Kampala, the capital City .

Religious leaders continued to pray for peace in the hope that peace will prevail over the voting and after the voting days. Similarly journalists fear prolonged crackdown after disputed Uganda election (Mutiga, 2016). Besigye's multiple arrests, the FDC were uncalled for yet after detention there are no charges pressed against him which would raise eye brows on whether the election is free and fair (Marima, 2016).

Throughout this period the ruling party and the security forces used to disrupt opposition campaign trail especially those of FDC and AmamaMbabazi. Amama lamented that "we have held rallies as per the calendar and with the authorization of the Electoral Commission, but we have been disturbed in one way or another so we cannot assume a fair election to take place," (Marima, 2016). The crackdown just before the crusade's end, we now fear there could be a low turnout for the rallies and on the voting day. The campaigning manager alleged that "voters are scared there might be violence or they might be intimidated into voting for the NRM. Once again, we are not on a fair-minded footing, platform and, with the police, the NRM clearly have the upper hand." When 2011 elections were concluded, thousands of people participated in the walk to work protests against Museveni, current political and economic conditions might stop rallies reaching such a critical mass. In 2011, during Walk to Work protests, the real motivation was the bad economy and high prices of basic necessities, such as food, which in some cases almost doubled in price. Most Ugandans expected some urban demonstrations if the incumbent win, perhaps in places like Rukungiri, Gulu, Kasese Masaka, Kampala, Jinja nearby and Soroti in the north, which would inevitably bring some violence and tear gas (Marima, 2016).

While activists are anticipating inflation hike, bank of Uganda had published inflation increase from 7.1 to 7.6 percent in February and the increment was not tagged on the recent concluded elections but rather attributed it to increased expenses on annual energy, fuel and utilities. Alliance for Campaign Finance Monitoring (ACFIM), reported that that Mr Museveni spent Shs27b on campaigns between November and December last year, 12 times more than his two closest challengers combined. Independent presidential candidate AmamaMbabazi spent a total of Shs1.3b or 4.6 per cent in the same period. Dr Kizza Besigye, the FDC presidential candidate spent a total of Shs976m or 3.3 per cent (Admin, 2016; Arinaitwe, 2016; Kafeero, 2016; Kigambo, 2015).

The electorate didn't understand why the situation was handled the way it was but the background was until then what was to be done to avert rising anger and possible violence emanating from the fear that the election may not have been free and fair. Further the establishing respect for human rights by lessening the recent repressive measures, further demonstration of willingness to promote political pluralism, and promoting equity in accessing State resources hence a doctrine of 'an African solution for African problems' is feasible (Baligidde, 2016). Tension and fear of election-related violence also continued to arise across the country. Pressure increased after strong recent statements by the top ruling NRM leaders of the army and police, threatening challengers of President Yoweri Museveni that they will be destroyed and crushed. The secretary general was quoted having said that; "Let me tell you the truth," Lumumba said at a public gathering, "this NRM government is not going anywhere and if you send your children to Kampala and Wakiso to disorganize peace they will be killed. General Kayihura proclaimed that they will not hand over power to the opposition to destabilize the peace which we fought for," Kayihura told the 65,000 crime preventers in the eastern district of Kapchorwa. He added that crime preventers that they would soon be changed from stick-wielding officers to those who carry rifles so they may get ready to defend this country in case of any attack. Many critics called it "psychological rigging" (Musoke, 2016).

Critics alleged the statements were an sign that the NRM party is in "panic mode". The situation worsened when an outspoken rited general, David Sejusa, self-appointed coordinator of election-related protests, was arrested the rules of the game changed and opinion polls in January by a local firm, Research World International (RWI), put Museveni at 51%, 32% Kizza Besigye at 32% and 12% AmamaMbabazi former Museveni ally and Prime Minister. NRM politics is politics of militarism and the threats continued throughout the election period sending a message that, unless they won, there cannot be any other winner" as quoted

by Mwambutsya Ndebesa (Musoke, 2016), from the great Makerere University. Discussions continued among European Union, civil society activists, religious leaders and members of the opposition have joined those calling for the army and police to be unemotional and ensure a peaceful election.

Similarly neighboring countries like Kenya have taken the lead as the first country in Africa where the Supreme Court nullified the elections citing irregularities (CitizenTV, 2017; F. E. News, 2017). It's an embrace to election observers as well who keep commenting that elections are free and fair although they don't deny some irregularities (CNBC, 2017). Kenya Supreme Court ruled that, "the presidential election was not conducted in accordance with the constitution rendering the result "invalid, null and void" and that President Kenyatta was not elected properly. There will have to be a new election within 60 days". Many commented that courted has given justice to Kenyan and the public is ready to re-vote for their new president (S. D. News, 2017). Kenyan opposition leader Raila Odinga is calling for the election commission to be disbanded. Opposition supporters celebrated the decision (CNN, 2017; TRT World, 2017).

Crime preventers

Crime preventers are officially a volunteer group of civilians enrolled and managed by security forces to report on and prevent crime in collaboration with the 15,000 strong police and their local societies. Police public relation office said the work force also offer intelligence on local related crimes, land wrangles or robberies (Buchanan, 2016). IGP Gen. Kayihura has polished that Nyumba Kumi concept that existed in the 80s and 90s is what has transformed into Community Policing, the transformation is that as civilization progresses in society, so does crime, while in the late 80's and 90's we had magendo, waragi trade, and occasional highway robbers, currently we experience various forms of serious crime that may need physical battle with the criminals and he defended by arguing that, the Police Act, the Minister of Internal Affairs are allowed, at any time, to call the police to serve as a armed force, so by extension the crime preventers in case of any a war according the intelligence they had was the best option (Reporter, 2016b). We have Islamists, child sacrifices, intensified robberies, killings, unlawful drugs trade and rape. So if crime preventers are going to help the police in protecting their communities, then certainly they must be able to have basic self-protection skills and also to comprehend their place in police command pyramid (Ocungi, 2016) and the president requested the IGP to pass out crime preventers and he explained his target was to ensure it happens (Blaise, 2015; Masaba, 2016).

The general should have noticed that the entire world is experiencing similar even worse crimes than those existing in Uganda i.e. violence, lies, rape, injustice, infectious diseases, death, stigma, Luweero triangle, electoral fraud, abortions, global warming, theft, Joseph Kony, neo-colonialism, the AIDS pandemic, murder, cocaine, climate change, Libya, torture, Nebanda, EU refugee crisis, cancer, amputations, Afghanistan, racism, mass graves, South Sudan, zikra virus, water-boarding, Central African Republic violence, endemic corruption, Migingo Island, terrorism, Gupta family, Mediterranean sea migrants, tsunami's, Syria, tuberculosis, western fascism, carpet bombing, human-trafficking, Tony Blair, slavery, Hiroshima, sectarianism, CIA assassinations, malaria, drone attacks, sexual assault, Al-Shabaab, ebola, segregation, Third term projects, Ukraine, miscarriages, George Bush, exploitation, diarrhea, Islamic State, car accidents, malicious abuse, Malaysian Airlines, Rwanda genocide, Abu Ghraib prison, hunger, slander, Fukushima nuclear disaster, drought, Boko Haram, inequality, STD's, poverty, illiteracy, war, homosexuality, Nazi camps, Gaza, greed, selfishness and political hypocrisy do they use crime preventers? Ugandans are aware of what crime preventers were trained to disrupt polls (Ocungi, 2016). However the Prime Minister, Dr. Ruhakana Rugunda has said that crime preventers are helpers intended to protect and check crime and should not be involved in prejudiced politics, the (Parliament, 2015).

Better still many Ugandans believed that crime preventers (Nakabugo, 2015) and the the timing, the people managing it and the absolute numbers being enrolled has elevated anxieties that this could be a well-orchestrated political arrangement and chaos to help the incumbent win 2016 elections. Andrew Mwenda, its owner, described crime preventers as Kayihura's brilliant idea to use police resources to mobilize for President Museveni and destabilize the opposition.

Other opposition participants compared crime preventers Interahamwe (Tugume, 2016). Due to a tight budget the President Museveni paid crime preventers with maize and Sim Sim (Kiwanka, 2016; S. reporter, 2016). The civil society organizations like Human Rights Watch, Human Rights Network Uganda requested government to urgently suspend the new militia force commonly known as Crime Preventers calling it a huge unregulated force that threatens to undermine the security and integrity of Uganda (International, 2016; Sunrise, 2016) and when they struggled to ensure that they stop them the IGP told them to hang (J. Kato, 2016b). The question is do crime preventers have any impact in the last concluded elections? Yes they provided security, shared information with police that helped to beef up security in some parts of the country never the less due to a short period of training they registered multiple incidences of human right abuses, there no official records of the number and the roles are not clear, they became soft targets for the opposition to deal with (Buchanan, 2016).

The army and police deployment across streets in Kampala, Wakiso and other parts of the country

The deployment of security originated from the rallies that Dr. Besigye held in the City Kampala and parts of Wakiso as part of his conclusion campaigns just eight (8) days to the end of the campaigning period and started deploying in parts of Katwe, Lubage, Wankuluku, Makindye, Kibuli and Arua as Government claimed that they are protecting the lives and property of the people (Bukonya, 2016).

The Uganda People's Defence Forces (UPDF), together with anti-riot police, on the 20th of February 2016 after elections heavily deployed around Kisekka Market, Bwaise, Bombo, Wandegaya, Najjanankumbi, Lubaga, Kawempe and other areas in Kampala following a police raid on FDC offices in Najjanankumbi. The Kampala Metropolitan Police spokesperson Patrick Onyango claimed they were groups of people moving on motorbikes intimidating traders that they should not open their shops because a war would start soon. The heavy police and military deployment in City dwellers lined up along the roads as armed security personnel patrolled the streets and trucks carrying soldiers. The army spokesperson, Lt Col Paddy Ankunda, alleged that UPDF arrangement was not meant to harm people but to keep peace and security. The residents of deployed places, said the deployment came after a group of youth blocked the road from Bwaise to Kawempe in protest of police storming the FDC office. They allege that, "the situation is not good, people are scared and we don't know what will happen after as ten people were arrested as a result of the deployment" (Albert Tumwine, 2016; A. T. a. J. Kato, 2016).

While this paper is looking at the post-election period the army and police deployment started way before the elections which had a direct impact on the after month of the election as the Chief of Defence Forces, Gen Katumba Wamala, said security agents will not allow election violence (Bagala, 2016; Bukonya, 2016) the trainees, comprised of 3,000 provisional police constables and 500 cadets, who underwent obligatory nine-month training at Masindi Police Training School-Kabalye in Masindi District and on successful completion, they were sent to Kampala Metropolitan Police area as police fights to get sufficient numbers to secure the 2016 general election in urban areas. He further warned that it will not stomach turbulences by any election loser. He added that Uganda has come a long way from an unstable past and the military stands ready to protect these gains, the country's national and territorial integrity which the role of the Army. He was quoted, "I know there is a lot of excitement and the message is that, If the results are not in your favour, you have no right to destabilise the country and his role is to ensure that no one tampers with the stability and peace in the country despite the post-election violence predicted by particularly the European Union election observers" (Mukisa, 2016).

The Army's worry was that the message from opposition especially The Forum for Democratic Change (FDC) party ticket was "defiance" and he added the recruitment of ten (10) people per village, christened Power Ten (P10), to secure its votes on polling day and this was followed by Kampala Lord Mayor Erias Lukwago unveiled a guard group, named Solida, after Maj Kakooza Mutale, a presidential aide whose Kalangala Action Plan informal group were indicted for perpetrating violence during the 2011 elections, the "potential election violence "predicted by EU (Media Ltd, 2016) and cross-shoulder bellicose exchanges by rival camps, accusing each other of enlisting militia groups as the campaigns stretch to homes which is very dangerous (Mukisa, 2016).

The Police spokesperson argued that, the trainees were meant to carry out foot patrols in Kampala Metropolitan area and other municipalities to increase police visibility in order to discourage criminals from unsettling the country's steadiness. However they encountered quite a number of challenges like; lack of accommodation, bad food, leaking tents and shortage of toilets which had health related issues (Bagala, 2016). On the polling day the police deployed over 70,000 UPDF and 150,000 prison warders and intelligence security personnel, 30,000 Electoral Commission new recruits and constables to help the 48,000 police officers to oversee the general election. The distribution involved one unarmed police officer inside, two armed officers outside the polling center, 36 security personnel at every sub-county, 12 at tallying centers, and 55 standby law enforcers in 112 districts (J. Kato, 2016a). This situation resulted into; President Yoweri Museveni's main challenger, Dr Kizza Besigye, was arrested, Besigye was held at a police station outside of Kampala, top opposition figures' arrest sparked clashes across the capital and police and army were deployed and police used tear gas and bullets to prevent rioters

Election violence

The 2016 elections was witnessed by the beating of supporters who were articulating their freedom of gathering and expression had a potential risk of strife and conflict it creates within communities due to unequal and unfair treatment of supporters. For security to prevail, the police must express the principle of professionalism and neutrality while on duty, using unreasonable force is prohibited, Police brutality, unlawful arrests must not be seen to take place, media must be balanced, not to spread false hood and hatred, that can lead to electoral violence. It's everyone's responsibility to uphold the Constitutional provisions and must be observed to enable us deepen our democracy and promote peace and security in our Country (Franck, 1992; Sebatindira, 2015; Svensson & Elklit, 1997).

Electoral violence is related to political violence in which actors employ intimidation in an influential way to spread their benefits or accomplish both general and precise political (Sisk, 2008). Any harm or threat to harm any person or property in the electoral process itself, during the election period (Ottemoeller, 1998). Political or Electoral violence is beyond physical violence and the purpose behind the intentions of violence. It is intimidating, use of force and thoughtful approach used by political actors especially incumbents as well as disagreement parties to spread their benefits or attain general or specific political goals relative to an electoral contest.

To prevent electoral violence In Uganda, we should work to address; lack of understanding of the electoral process, non-transparent voter registration processes, perception that the police is a tool of enforcement for the ruling party and are politicized, failure by political parties to conform to democratic principles, use of violence as a campaign tool by political rivals, failure to draw constituency boundaries in accordance with the law and increase the responsiveness of the complaints procedure and dispute resolution mechanism during the campaign period

Quite a number of issues were not observed like; Article 63(5), (6) of the Constitution). Where the boundary of a constituency established is altered as a result of a review, the modification shall come into effect upon the next termination of Parliament. The Electoral chairman was heard making utterances unfit for the opposition leaders that Dr. Besigye is not a presidential material and he had a right he would stop him from nominations.

Rights that we had to observe include; freedom of speech and expression by constituents, parties, candidates and the media, freedom of assembly to hold political rallies and to campaign, freedom to register as a voter, a party or a candidate and most importantly, Freedom from violence, intimidation or coercion and all candidates should have equal access to the electoral process. Where violence exists, there cannot be free and fair elections. The Constitution commands the Electoral Commission (EC) to ensure that regular, free, and fair elections are held every five years.

Article 1 (4) of our Constitution (GoU, 1995) provides that: The people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda.

Free and fair elections are not an occasion; they are a portion of the entire process that should deliver obvious and peaceful transformation of government and dissemination of power. For elections to claim to be free and fair (Goodwin-Gill, 2006); during the pre-election, election, and post-election periods we must see opening up of democratic space and the shelter of fundamental rights; engage in full participation of all citizens in the democratic development process; ensure citizens enjoy fundamental freedoms and human rights including freedom of assembly, association and expression; ensure that the dates or periods are prescribe by law; take all necessary measures to prevent corruption, bribery, favoritism, political violence, intolerance and intimidation; promote and respect the values of the electoral justice which included: integrity, impartiality, fairness, professionalism, efficiency, and regularity of elections; promote necessary conditions to foster transparency, freedom of media, access to information by the citizen and equal opportunities for all candidates and political parties to use the state media; guarantee an environment of open contest with no undue exclusion and restrictions on anyone to vote as well as the right to eligible and qualified citizens to stand as candidates in any elections; encourage regular reviews of the participation of citizens in the diaspora in national elections; uphold and guarantee the impartiality and independence of the Judiciary, the Electoral Management Bodies (EMBs) and all other electoral institutions; ensure that voter education capacitates and empowers all eligible citizens; as well as fostering ownership of the electoral process and the democratic political system; ensure the adherence to a binding Electoral Code of Conduct; ensure the acceptance of the election results by all electoral stakeholders as proclaimed to have been free, fair, transparent, credible and peaceful by the competent and independent national electoral authorities in accordance with the respective laws of the land; condemn and eject unconstitutional change of government and non-acceptance of results, after due process, as announced by the legally competent authorizes;

According to Admin (2015) Electoral commission boss Eng. Dr. Badru Kiggundu cautioned the members of the public and the candidate themselves have to respect all electoral procedures and guidelines in direction to safeguard that the campaign period is approved out successfully and without any disturbances and "be honorable and law abiding". Violence erupts days ahead of Uganda elections as one person has been killed in Uganda's capital Kampala as police clashed with opposition supporters (Aljazeera, 2016a, 2016b) but president Museveni has reassured Ugandan of no electoral violence (N. V. Reporter, 2015). It should be noted that National Solidarity (NS) should overtake political party interests," Archbishop Church of Uganda, Stanley Ntagali, had earlier noted in a pastoral letter sanctioned by the Inter-Religious Council of Uganda (N. V. Reporter, 2015) yet many people were very worried about violence and its impact to businesses in the city and major towns in Uganda (Winsor, 2016).

One of the democratic principles of elections according to EAC is to engage in full participation of all citizens in the democratic development process. Article 21 of the Universal Declaration of Human Rights (UDHR) states that everyone has the right to take part in the governance of their country by electing leaders and the will of the people shall be the basis of the power to govern and of the rights that we had to observe during elections are, freedom of speech and expression by constituents, parties, candidates and the media, freedom of assembly to hold political rallies and to campaign, freedom to register as a voter, a party or a candidate and most importantly, freedom from violence, intimidation or coercion and all candidates should have equal access to the electoral process. However if there is mismanagement of electoral processes, this can lead to electoral violence like the case that happened in Jinja and NGOs and the complainant argued that Jinja district returning officer should be fired after names of candidates were not written correctly and the party symbols for NRM and FDC were interchanged which provided for a clear grounds to cancel the elections in that area (Ahimbisibwe, 2016).

They further alleged that Polling assistants are paid 20,000/- and presiding officials 40,000/- are paid little money hence corruption an allegation election commission didn't deny and when Citizens Election Observers Network-Uganda (CEON-U) they established that some officials were out of office but the file that contained the information was available but not willing to provide the official information since results were declared since LC-III and parish elections for Jinja district that were conducted on March 9, 2016 unfortunately results were announced after twenty four (24) hours (Ahimbisibwe, 2016). Such issues cause anonymity among the candidates and the electorate but the delay in announcement was explained by faulty printer and waited for a technician from Kampala to rectify the problem. Precisely, Jinja elections were ill organized and managed and the people especially those the losers are provoked, annoyed, and unfortunate which causes lack of distrust in the electoral process in Uganda (Ahimbisibwe, 2016).

Religious leaders

Religious leaders under the Umbrella of inter-Religious Council (IRCU) tried to preach the message of peace to Ugandans including organizing the presidential debate headed by the former Justice Ogoola. Religious leaders launch forum to promote peace during 2016 elections. Christian archbishops under the Uganda Joint Christian Council (UJCC) have named for the peaceful co-existence of Ugandans despite their party-political and spiritual dissimilarities. In his sermon the Archdiocese Bishop Kizito Lwanga to celebrate Good Friday at Nakivubo stadium, the Bishop Church of Uganda, Stanley Ntagali, distinguished that the 2016 general elections left citizens separated (URN, 2016b). The political leaders articulated dissatisfaction, saying the ministers had not come out powerfully to denounce the continued imprisonment or house arrest of Dr. Kizza Besigye.

In a joint declaration distributed by the Mufti of Uganda, Sheikh Shaban Ramadhan Mubaje at the IRCU secretariat, different days were allotted for the different faiths to pray for peace after 2016 elections i.e; Muslims held their prayers on Friday 12th February 2016, Seventh-day Adventists on Saturday 13th, while Catholics, Anglicans, Orthodox, Pentecostals, Evangelicals and other prayed together in a prayer held on Sunday 14th (Nakatudde, 2016). He further identified some challenges faced in the past which brought the hopeful democratic process to disrespect yet they remain the important anxieties of many people both local and international stakeholders and need urgent attention i.e: vote buying, voter apathy, intolerance and violence, militia groups, intimidation, use of abusive language and Ballot stuffing," he said. "A few weeks to the polling day, inadequate internal democracy within political parties and credibility of the Electoral Commission.

The Mufti commended all leaders from the Christian, Muslim, and other societies to request the candidates, the electors, numerous groups containing women, children, youth and other stakeholders for a peaceful elections (Officer, 2016). Religious leaders continued to call for peace upon the public to preserve peace and admit the consequence of the general election as they use legal resources to resolve any disputes. General Secretary of the Uganda Bible Society, Rev. Simon Peter Mukhama, said that everybody loses when the country's peacetime is bargained (Ntv, 2016b). Spiritual leaders continued to warn factions and contenders in the 2016 polls against challenges to disturb the crusades of competitors ahead of the February 18 general elections (Kwesiga, 2016). Uganda Joint Christian Council (UJCC) continued to caution Ugandans to hold the spirit of multiplicity under a multiparty political dispensation (Council, 2016) and requested the public to pray and be peace maker and lovers. They prayed for peace to prevail in Uganda and most particularly Kasese district where there are clashes as a result of post-election violence," Kampala Archdiocese Bishop Kizito Lwanga told an audience (Wandera, 2016).

Defiance message from opposition leaders

Defiant means open resistance; bold disobedience or defiance may refer to a refusal to obey something or someone: the act of defying someone or something or sometimes it is referred to as the behaviour in which someone refuses to obey someone or something or it's a situation where you choose to stand up when the powers that be order you to sit down in other words you stand up to the ordering authority (Merriam-Webster,

2004). Military regimes sometimes need open defiance as one of the most salient secret message of these smaller competitors for the purpose of recollecting the lost campaign. Resolution that influence everyone to resume to their usual business activities in defiance of the County elections stimulated local interest to send a message to the ruling governments that they are not inline and on the page in terms of election results since the new politics is the politics of the judiciary being used by the ruling governments hence no separation of powers (Champagne, 1963; Gandhi & Lust-Okar, 2009; Sample, Jones, & Weiss, 2006; Tachau & Heper, 1983).

Since 2015 October, the FDC leader Dr. Besigye preached to Ugandans that this time round the elections for 2016 will be managed using “defiance”. The Forum for Democratic Change (FDC) party ticket was “defiance” and this prompted police to warn Ugandans on the issues to do with the recruitment of ten (10) people per village, christened Power Ten (P10), to secure its votes on polling day and this was followed by Kampala Lord Mayor Erias Lukwago unveiled a guard group, named Solida, after Maj Kakooza Mutale, a presidential aide whose Kalangala Action Plan informal group were indicted for perpetrating violence during the 2011 elections, the “potential election violence” predicted by EU (Media Ltd, 2016) and cross-shoulder bellicose exchanges by rival camps, accusing each other of enlisting militia groups as the campaigns stretch to homes which is very dangerous (Mukisa, 2016). Many Ugandans attacked the defiance strategy saying that it smelt bad and stinks (Okurut, 2015).

The EC chairman went ahead to warn him that he insists with the message he is not fit to be a president of Uganda (Tumwine, 2015) and some analysts thought that this is the worst undoing message for Dr. Besigye in his political career (Reporter, 2016a). A section of Ugandans thought that Dr. Besigye’s defiance message was justified since he cited that EC chairman is biased to one candidate Mr. Museveni and therefore he needs to know that they will not compile to rules of EC. The EC failed to push for the successful implementation of the electoral reforms proposals, hence the government overlooked, political stakeholders had expected the government would want to build agreement by accepting some of the projected amendments to the EC and ‘independent’ to the Electoral Commission in being responsibility to, the government reinforced its control on the EC by without members of the opposition and civil society from contributing to its arrangement and transparency mechanisms.

This explained that the issue with Kiggundu’s EC remained unresolved hence called for defiance and noncompliance to those unjust conditions thus led to Eng Kiggundu to lose in words, qualities and actions. It is not an open secret that the EC is funded from the national treasury. Since the EC chairman spoke dissatisfaction with Dr. Besigye in public, and by contravening into attacking Besigye’s family, he showed his aggrieved-seated disrespects, and prejudgment to his candidature. The EC Acts gives them the power and resources at its disposal to call to instruction any candidate who does not sing to the rules of the game like they did to Honorable Nambooze Betty of Mukono when they invited the candidate with their agents for a one-on-one meeting, use police to help keep law and order and in the sharp contrast the EC failed to condemn NRM for frequently snooping with Amama Mbabazi’s Go Forward gatherings one would as is this a fair platform (Komakech, 2016)?

Strategies for defiance message from main challenger FDC

After electoral commission chairman Eng. Dr. Badru Kiggundu announced results of the elections on the 19th February 2016 and followed by Dr. Besigye’s arrest, the main challenger to president Museveni decided on the way forward including asking Ugandans to wear black and mourn for the country following his dispute of the election results and police’s detention not to allow his party members time to file a petition yet time was limited to only 10 days. The speaker for FDC launched a peaceful campaign following the detention of their leader below are some of the defiance messages that currently going on in Uganda to protest Museveni as the currently elected president and court ruling on the presidential petition that was reported by one of the candidates Amama Mbabazi to cancel the election for lack of evidence;

FDC Monday launched a “free my vote” campaign protesting the continued detention of Kizza Besigye” (P10, 2016; Ssali, 2016).

Blue Friday approach was suggested by a collection of youth campaigners associated to the Forum for Democratic Change party have sprang a campaign called "Blue Friday" as a demonstration of together for support for FDC presidential candidate Dr. Kizza Besigye, who is currently under house arrest (Ntv, 2016a).

The home imprisonment will be in protested because it is unlawful to detention the main opposition leader Kizza Besigye. I cannot breathe campaign Dr. Besigye dressed in a black t-shirt with the words “**i can’t breathe**” asking civil society to condemn what is going on in terms of detaining him at home as a way to silence him from voicing is dissatisfaction following the just concluded elections (Smart-Abbey, 2016).

Every Tuesday they go for prayers at every party office “putting on black” to continue mourn for lost election until government sets him free.

Among others, party officials called upon Ugandans nationwide to boycott activities by Museveni and all other supporters including musicians who campaigned for any National Resistance Movement flag bearer in

the presidential elections. "If they come to a function you all leave. If they play a Chameleon's song when you are in the taxi you leave. Government spokesperson Ofwono Opondo has mocked opposition for launching a new campaign boycotting businesses of people who support President Yoweri Museveni (Reporter, 2016c).

"Independent Election Audit" by the international community. Till today Besigye says he won the elections and is now planning to form his own people's government. Today I am under house arrest. My home is sealed off and I am not allowed to leave. Nobody is allowed to access my home," Besigye said and he appealed to the "international community" not to recognize the results (Agencies, 2016).

"Wearing black", 'Black Thursday', as a system of mourning, prayers for election loss and staying home," Opondo cynically tweeted. The Uganda Media Centre boss said there is no harm if they (opposition) are peaceful and stay in their homes(Reporter, 2016c). Is it sustainable strategy businesses employ Ugandans and pay taxes how will the government manage to provide services to Ugandans? Businesses employ Ugandans and pay taxes to Ugandans.

Putting argument into perspective

They are the minority let us assume that NRM is supposed to be the people's party with 10 million members and be the giant liberations party out of 36 million people then there is a cause to worry over the defiance message?

As NRM supports put up a "Question is for how long will they stand?" it should be noted that it is not in Uganda were elections are challenged by opposition leaders this strategy has been adopted by developing countries like Malaysia this strategy when Anwar Ibrahim claimed that the election was dishonest even though the opposition won two states Kelantan and Penang. Over 50, 000 protestors wearing black headed to football stadium in the Kelana Jaya district of Selangor, an opposition-controlled state bordering Kuala Lumpur and mourned the last concluded election in 2013 and it was called the black Thursday while many failed to enter to the stadium due to overflow they were challenging the results of the election by the current prime minister Najib(Grant, 2013).To date Malaysian economy is unstable one problem after another because the ruling government does not have the will of the people.

Defiance is everywhere in the world and it is a sigh of discontent that should be respected if we are to embrace mature politics and pure democracy and in Asian countries like Malaysia opposition leader spoke open defiance asking Malaysian to defy police orders over mourning rally (VoA, 2013) are ranked as defying police orders to attend an illegal rally.

Sustainability is easy because it does not involve any cost and the outcome will have an impact to the community but over time. Let's put the word sustainability into context, laying strategies today that have the ability and capacity to be maintained over time or in the near future. From the offset of the campaigns it was very clear that a large section of Ugandans were yearning for change so they might be silently willing to comply with the FDC strategies. Secondly if FDC did not have the will and sympathy of the people they would not have laid such thoughtful approaches. How many Ugandans have complained over the defiance messages and strategies?

It should be remembered that after 2011 elections Dr. Besigye went to court to report the election irregularities and court was sieged off by black mambas (Nsubuga, 2012). In Uganda we are now discussing judicial politics were incumbents are using courts to legitimize power and could explain why Dr. Besigye this time round his message was no court only defiance.

Going to court

As earlier indicated, the seasoned opposition leader Dr. Besigye after the 2001 and 2006 election petitions had vowed never to go back to the courts but this time around, there were clear indications that FDC would go the courts but the Uganda Police led by IGP Keihura had a different idea. This in effect, the Police did everything in their powers to completely thwart the FDC's efforts to petition courts by incarcerating the main opposition leader Dr. Besigye at his home, twice storming the FDC head office and confiscating all the necessary documents among others the already gather evidences, and also going on the rampage nationwide arresting FDC supporters especially those who worked as returning officers and polling agents who had the would be evidences and witnesses. This consequently, left FDC officials with no other choice but to abandon the whole project of petitioning leaving it to the GoFoward of Mbabazi who went ahead and petitioned courts.

After elections the third runner's up Hon Mbabazi listed twenty eight (28) grounds for court to nullify Museveni election victory(Kasozi, 2016). The Petitioner, who was one of the candidates in the Presidential election that was held on the 18th February, 2016 petitioned the Supreme Court, under the 25 Constitution, the Presidential Elections Act and the Electoral Commission Act. He challenged the result of the election and sought a declaration that Yoweri Kaguta Museveni, was not validly elected and an order that, the election be void examples of the counts included; illegal nomination of the 1st respondent, illegal Extension of deadline for nomination of Presidential Candidates, failure by 2nd respondent to Compile a National Voters' Register, Use of

unreliable Biometric Voter Verification Machine (BVVK) 5 and Failure by the 2nd respondent to identify Voters, late delivery of polling materials, starting Voting without first Opening Ballot Boxes, allowing Voting without Secret Ballot, pre-Ticking and Stuffing of Ballot Papers, voting before and after Polling Time, multiple Voting, allowing unauthorized persons to vote in the Presidential Elections - Voter Verification System (BVVS) eliminated the possibility of unauthorized 25 voting, prevention of Petitioner's Agents from Voting, chasing away Petitioner's Agents from Polling Stations, denying Petitioner's Agents Information, alleged noncompliance by the 2nd respondent during the process of counting, tallying, transmission and declaration of results, failure to accord equal treatment/coverage by State Media agencies, failure to conduct free and fair elections resulting from use of Police and Military presence at Polling Stations, intimidation, having made due inquiry into the petition and on the basis of our findings set out in the judgment and declared that, the 1st respondent was validly elected as President in accordance with Article 104 of the Constitution and section 59 of the Presidential Elections Act.

Accordingly, the petition was dismissed by court with no order as to costs due to lack of evidence on most counts (Kakaire, 2016b; Reporter, 2016d; URN, 2016a). The supreme judge's matter, pointed out fifteen areas that need improvement and some of the areas that seem to come up at every Presidential election included: an incumbent's use of his position to the disadvantage of other candidates, use of state resources, unequal use of state owned media and late enactment of relevant legislation etc. They noted that in the past two Presidential Petitions, this Court made some important observations and recommendations with regard to the need for legal reform in the area of elections generally and Presidential elections in particular. Many of these calls have remained unanswered by the Executive and the Legislature.

V. CONCLUSION

I agree with what Chief justice Katurebe if we lived in a free society. However, we are dealing with those who do not respect the rule of law but they are a law in themselves. They harass every perceived political opponent, how about a witness. Our purpose was to protect our witnesses. On the other hand, having so many lawyers i see it as a weakness on our side because there may be spies as well. Hence the precise targeting of our resources. Furthermore such a high profile case we should have CCTV¹¹ and also disperse the documents to make it impossible to beat us. A case is won within and without.

The tone took shape, the judges raised very pertinent question but is he aware that on Election Day police arrested Besigye in a Naguru house when actually he had called them to intercept in whatever pre ticking or tallying instead of Namboole? How on earth can a man run to police claiming to have taken computers and files when on a broad daylight FDC offices were raided by the same force and the same items were confiscated! The difference here is only time. The former is day and the latter is night time. Does this need also evidence? The law is really lawless.

We have looked at some of the election Observer Reports. Although the five (5) Reports point to several instances where the observers found irregularities and malpractices, the main thrust of these Reports must be seen to be directed at the need for structural and legal reforms that would create a more conducive atmosphere that would produce genuinely free and fair elections. The CEON -U¹² made the 10 very important Observation:

"Uganda's legal framework limits the foundation for conducting credible elections. These limitations prompted civil society to produce the Citizens' Compact on Free and Fair Elections, which includes recommendations for legal reform: overhauling the Electoral Commission to ensure independence 15 and impartiality; reforming the demarcation of electoral boundaries; ensuring recruitment of Polling officials is done in a transparently, competitively and based on merit; and the establishment of an independent judiciary to adjudicate on electoral disputes impartially. These recommendations were not taken up for the 2016 elections".

At the hearing of this Petition, they allowed, amici curiae, a group of prominent Constitutional Scholars from Makerere University. They gave a brief on issues pertaining to the holding of free and fair elections in Uganda. This suits to say at this point that, it is high time that the Executive and the Legislature started seriously to think about the crucial need to address legal twenty-five (25) reforms in our electoral laws. We shall consider these proposals in deeper detail when we give our full opinion.

Did Museveni and his NRM shelter such a win in 2016 elections and what are the consequences of this authority for democracy and steadiness? Therejoinders to these queries lie squarely with the approaches engaged by the current ruling party to secure the statistics. The 2016 elections are

alleged as an election that was approved by use of government resources, bribery of the public, irregularities and malpractices, harass every perceived political opponent, failure to implement structural and

¹¹Closed-circuit television (CCTV), also known as video surveillance, is the use of video cameras to transmit a signal to a specific place, on a limited set of monitors.

¹²Citizens Election Observers Net-work – Uganda

legal reforms for a leveled ground, a dependent electoral commission, incumbent's use of his position to the disadvantage of other candidates, Unequal use of state owned media and wasting public money into election management materials which safeguarded by from parliament through additional grants to state but the rule of the game is mainly designed to legislation of the ruling party.

The EC has mandate that they failed to used especially in regulating the management of candidates rallies and messages passed on to the public did not show interest in constraining candidates and the use of money, plentiful of Ugandans missed voting because EC had not allocated them any polling station, interchanging the polling station without the knowledge of the voters, missing names on the voter register, allotting far voting places for public who don't support the incumbent and worst of all playing politics of delayed voting materials on the polling day. Leading to many to miss out. Newly created districts for patronage purposes were reserved for the ruling party. Accountability was beaten by their own game due to the introduction of the biometric voter machines, block updates while tallying and having multi tally centers that where identified by opposition leaders in Naguru.

The aftermath of the elections, violence especially in parts of central, east and western, social unrest was proliferating. The opposition staged "defiance strategies" protests, shunning public artists who are in support of the ruling party, blue Tuesday, prayers, free my vote, boycotting president Museveni's functions encouraging that members of the public should accept the results for the election but also protest the home arrest of the first runner up opposition leader, Kiiza Besigye in the just concluded elections. They put a dictator in his car take was confiscated by police in last concluding rallies in the city of Kampala before the voting day. In all places of protests against the detention of their leader, the response of the police was punitive and in several cases, brutal. Several lives were lost at the hands of the police who are partisan force, including the Wandegaya saga where their own officer was killed. The intensified pressure was a sign that ill management of elections, lack of an independent electoral commission could result in violence. What happened in the after month of the 2016 elections was a robust pointer that steadiness in Uganda was still mysterious in long resolution of political indecision on how this country will move forward in its road to the promised land either using democracy or confrontation. The definitive resolution lies squarely with government especially with President Museveni's generous priority to political, social and electoral reforms as recommended by the judges not only in 2006, 2011 and 2016 elections through guaranteeing that all stakeholders are self-assured that there will be a leveled by all contenders in 2021 elections after all, were there is no will of people, there is no legitimate government.

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