

UGANDA

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Guarding the Guardians

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MANAGING PEACE AND NON-VIOLENCE DURING THE ELECTIONS IN UGANDA

On February 18, the second general election since the re-introduction of multi-party democracy will be held in Uganda. There are widespread speculations that violence may affect the polling process and the period after. In consequence, the countries' security scheme has been strengthened in anticipatory preparedness, with the government stating that this was necessary to ensure that core democratic values such as a peaceful, free and fair election process could be defended. Some political sections, notably the political opposition, have, however, contested this security enforcement arguing it was mainly intended to create fear and to eliminate possibilities of legitimate resistance to an election process they view as unlikely to be free and fair.

As Uganda moves towards the general elections due on February 18, there has been an intensive - and highly showcased - build up by the country's security agencies in what they have called to be preparedness to ensure peace and non-violence during and after the polls. The Uganda Police Force, which is the body mandated with the primary responsibility of keeping law and order, has in the recent past, besides the procurement of high-tech anti-riot equipment taken on an unprecedented recruitment of some 5.500 new officers ahead of the elections. In addition, the national army, the Uganda People's Defence Force (UPDF) has indicated through its top commanders that while holding the commitment to respect the poll outcomes, it would intervene should cases of electoral violence emerge. The local press has reported that various security

agencies had joined forces under the police leadership to ensure violence-free elections.

These developments are, however, put into question particularly by opposition parties who insist that the security build-up is a move intended to intimidate the public and to prevent possibilities of expressing dissatisfaction with the conduct of the electoral exercise even by legal and legitimate means. The opposition contends that the election process so far is already inconsistent with principles of freedom and fairness. It has regularly accused the security agencies of being partisan in favour of the ruling party, the National Resistance Movement (NRM).

Prospects of Electoral Violence

As the polls draw nearer, there are deepening concerns that the exercise may not be all free of violence. To this effect, some international organisations including the UN have already issued warnings to their staff. The US state department has also issued warnings to their citizens living in or planning to travel to Uganda. A similar mood also seems to exist among sections of the wider public.

At the technical level, Mr. Asan Kasingye, Assistant Inspector General of Police in an interview for purposes of this paper contended that some indicators to the effect that there may be election violence exist ahead of the polls, which is why the police is getting prepared beforehand. Mr. Kasingye made reference to recent terrorist attacks in Kampala and existing threats of similar actions being attempted to disrupt the elec-

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tion exercise. In addition, he said that some people (politicians), in the process of conducting their campaigns, are making remarks which insinuate that they will try to rally the public towards acts of violence if the electoral results do not turnout in their favour. To this he added a historical trend where incidents of violence have been experienced during previous elections.

On government side, reference is also made to the Kenyan post-election violence of 2007 that left over 300,000 people displaced and hundreds others killed, as well as to the assumption that "Ugandan's have grown politically" over the past few years.

While incidents of violence were experienced for example during the party primaries – mainly of the ruling NRM, the only party to conduct its primaries under universal suffrage – the campaign season has indeed been generally peaceful until present. At the same time the results of an opinion survey conducted by Afrobarometer in January show that the number of people who expect poll violence is at 52% (compared to 57% in December). There are some indicators that the current tranquillity may not persist throughout the entire election period. One question in this regard remains whether or not the election outcome will be accepted by the side that loses. Recent opinion polls, among them the above mentioned one by Afrobarometer, have given the incumbent, President Yoweri Museveni, and the NRM a clear lead over their competitors. But the opposition has rejected such statistics claiming they have been influenced by the ruling party to prepare the public for what they argue will be a rigged victory for Museveni. The political opposition, led by the Inter-Party Cooperation (IPC), a loose coalition of four political parties, is complaining about a generally uneven playing field and about the conduct of the electoral exercise. They argue that the Electoral Commission as the body presiding over the election exercise is not independent. They insist that Yoweri Museveni, both president and candidate, has appointed all commissioners and therefore has some control over the electoral body which the opposition accuses of having allowed

rigging of previous elections in his favour. Moreover, the voters' register and several polling procedures have been contested by the opposition.

In the scenario that President Museveni again emerges victor of the polls there is the possibility that the opposition – citing irregularities in the exercise – will not accept the election outcome. It is hard to predict what course of action the opposition will take in that case. The IPC presidential candidate, Dr. Kizza Besigye who has twice lost to President Museveni under controversial conditions and with election disputes in both instances being taken to the Supreme Court has indicated that he will not again take his contest of election results to the judicial courts. Dr. Besigye and the opposition are generally unsatisfied that the court has twice not reached a majority to annul Museveni's election even when malpractices in the process had been proved – but were classified as "not substantial" after the 2006 elections. Thus, the opposition now says that they will take election disputes to the "court of public opinion" which the police interpret as an indication of attempts to mobilise for violence.

Besides a general possibility of violence emerging from the election results, Uganda like many of her African counterparts has several underlying socioeconomic challenges. These make the population to some degree susceptible to violence. The challenges include controversial land ownership, unemployment particularly among the urban youth and an increasingly rigorous dispute over the position of traditional leaders in the republic. Tensions between Buganda, the largest traditional kingdom, in 2009 resulted in demonstrations in which over 20 people lost their lives and in the consequence of which several media houses were closed. The recently passed so-called Kings Bill has contributed to fresh and fierce discussions about the role, the rights and the limitations of traditional leaders in society.

The wave of civil protests and masses-led uprisings that has swept through Africa since recently has implications also for Uganda. Kenya, an immediate neighbour

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within the East African Community and Zimbabwe were both locations of deadly election violence in 2007 and 2006 respectively. Similarly, both the authorities and the politically active public in Uganda are aware of the prevailing stalemate in Ivory Coast and the uprisings in Tunisia and Egypt. These protests show that civil protest can be possible where it was thought to be impossible, sometimes with positive outcomes, and sometimes with a high price to be paid. These recent developments may influence the resolve of some of the opposition actors also in Uganda to consider engaging in some form of demonstration, and already the developments are being captured occasionally within the rhetoric of prominent politicians. If, however, the current northern African cases – despite being discussed in all Ugandan political circles – indeed present a realistic scenario for Uganda is to be doubted, considering the significant differences regarding the general background. On the other hand, the circumstances as they were found during and after the election phases in Zimbabwe, Kenya or still in Ivory Coast present warning examples for Uganda as well.

Containing Violence

The subject of containing election violence has been high within the political rhetoric on the part on the government. President Museveni himself has spoken out about government's readiness and preparedness to deal with cases of electoral violence. Running for a fourth term as elected president of Uganda he was recently quoted in the local press to have said: "Whoever attempts (election violence) will do so at his or her own risk". Related comments have been made by the police and the army.

Article 212 of the constitution assigns the Uganda Police Force to among others protect life and property, preserve law and order and to prevent and detect crime. These constitutional provisions encompass the mandate to take responsibility of keeping the peace during the elections. Based on the assessment of the prevailing environment the police have been undergoing intense preparations ahead of the polls. Mr.

Richard Bisherurwa, head of recruitment and training in the force, confirms that 5.000 probation police constables and 500 police cadets have been recruited. The police in addition are recruiting large numbers of local citizens as what has been termed "crime preventers" at village level. According to police sources, the crime preventers will be associated to the police and shall assist the force in detecting and reporting crime and in designing mechanisms for preventing crime in their communities. In addition, the police recently held a much observed show of high-tech anti-riot equipment in a demonstration of anticipatory preparedness to handle election violence.

The national army, the Uganda People's Defence Forces, through its top commanders has regularly indicated it shall intervene if and where there is election violence. Army Spokesman Lt. Col. Felix Kulaigye confirmed this position, although not confirming at what stage the army would intervene. He, however, mentioned that the army understands and respects the function and mandate of the police and would only play a supportive role.

The View of the Competing Sides

Although a consensus on the need for security guarantees seems to exist, there are contradictory perspectives between supporters of the ruling NRM and the opposition parties with regard to the security preparedness. In an interview for purposes of this article, the spokesperson for the NRM party, Hon. Mary Karoro, while generally being reserved to comment on the subject, noted that the opposition – meaning mainly the Forum for Democratic Change – could attempt to cause violence as according to her they have a history of not accepting election results which are not in their favour.

On the other hand, the opposition parties have expressed concern on what they termed "so-called security preparedness". Mrs. Magaret Wakuri, Spokesperson of the IPC, in an interview for this paper doubted the context and spirit in which the current preparations are being made, while generally acknowledging that it is essential for

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the citizens to be guaranteed of their security. Of concern are occasional reports in the local press of senior military officers threatening to “crush people”. Mrs. Wakuri suggested that some planned security measures are inconsistent with election guidelines, for example ordering voters to return home immediately after having finished casting their vote although the electoral laws allow people to stay around the polling station as long as they keep 20 metres away from the polling area. The opposition concludes that the supposed security measures present a “fear factor” intended to prevent opposition supporters from turning up for the polls or protecting their vote from being manipulated.

Uganda’s security agencies are partisan in favour of the ruling NRM.

Excessive Force

If the security preparedness is to be taken in principal as necessary, some fundamental issues still emerge. There is a general concern that a strong security presence can either deliberately or by default bar citizens from expressing dissatisfaction even if that is happening through legally acceptable means (such as peaceful demonstration) and over legitimate concerns (e.g. if the elections were manipulated). In the past, the police have been accused of using excessive force in attempting to disperse demonstrators, for example by firing live ammunition. In the case that demonstrations related to the election results take place – whether authorised or not - it remains to be seen if the security agencies will exercise adequate restraint in the event they have to deal with civilian violence. The government on the one hand legitimately has to provide the police with appropriate means of crowd control with differentiated steps of escalation. On the other hand, the lines between legitimate crowd control and lifting the security forces into a position where they take sides for one political actor and are part of voter intimidation procedures are easily blurred. Mr. Asan Kasingye of the Uganda Police Force, however, promises that the peoples’ right to demonstrate shall be protected. The same assurance is given by Lt. Col. Felix Kulaigye of UPDF. The opposition side, however, doubts that such promises are genuine, claiming that