

**UGANDA:
PRESIDENTIAL, PARLIAMENTARY AND LOCAL
COUNCIL ELECTIONS
2006**

Report
by
Carl E. Petersen

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Preface

In February and March 2006 the Ugandan electorate had the opportunity to participate in elections for president, members of parliament and members of local councils (district and lower levels). These elections were the first multi-party elections since 1981, after Ugandans voted in favour of "opening up the political space" in a referendum in July 2005.

The Norwegian Resource Bank for Democracy and Human Rights (NORDEM) was asked by the Norwegian Ministry of Foreign Affairs to identify four short term election observers (STOs) to observe the Ugandan presidential and parliamentary elections taking place on 23 February 2006, as part of the European Union's Election Observation Mission (EU EOM) to Uganda. The STOs were: Henrik Hovland (deployed to Mitiyana), Torbjørn Hustoft (deployed to Bundibugyo), Sigurd Gramstad (deployed to Moroto) and Elisabeth Salvesen (deployed to Rukungiri).

In addition to deploying the four STOs, NORDEM contracted Carl E. Petersen to produce a desk study on the election process, based on information gathered by the STOs as well as published and on-line information sources. Carl E. Petersen has extensive election observation experience and specialist knowledge of Uganda. He observed the Ugandan General Elections in 2001 and wrote two NORDEM reports assessing the 2001 electoral process. He was also deployed as election expert during the referendum in 2005.

This report is based on the observations of the four Norwegian STOs and a number of other sources, including the briefing materials from the EU EOM and its preliminary statement, statements and reports of the Ugandan Democracy Monitoring Group (DEMGROUP), reports in the printed press, statements and reports from a group of observers from the Commonwealth, as well as from the Uganda based Foundation for Human Rights Initiative (FHRI) and the US based Human Rights Watch.

The EU EOM deployed 8 long-term observers some three weeks ahead of the 23 February elections and about 170 STOs, out of whom a significant number were resident diplomatic staff. A core team including media and legal experts have coordinated the observation and analysis. The DEMGROUP deployed observers to nearly all polling stations (PSs) throughout the country, and had a considerable regional and central apparatus.

This report is disadvantaged by the lack of first hand observation by the author. The author has attempted to verify information by cross checking different sources, but is aware that election related information is often provided by actors with a political agenda, and that press reports are often based on hearsay. All opinions expressed in this report are the responsibility of the author and do not necessarily reflect the views of the Norwegian Centre for Human Rights.

Oslo, May 2006

Contents

Preface

Contents

Map of Country

Introduction	1
Historical and political overview of Uganda	1
From colony to “No-party state”	1
Important political events between 1986 and 2001	2
Referendum 2005	3
The Legislative Framework	4
The Electoral Administration	5
The administrative and electoral structure	5
The EC, the political stakeholders and the supreme court	5
Voter and Civic Education	6
The EC and civic education	6
Civic and voter education by other actors	6
Voter Registration	7
Polling day observations regarding the voter register	8
The pre-election/post referendum phase	9
Issues dominating the debate during the campaign	10
Observers’ view of the campaign period	11
The voting, counting and tallying of results	11
Election day procedures	11
Observations from the polling process	12
The counting of votes	12
Aggregation of results	13
Observations from the counting and tallying process	13
The Elections of Representatives of Special Interest groups	13
Election of representatives of persons with disabilities (PWDs)	14
Election of representatives of the workers, army and youth	15
The Media and the Election Campaign	15
Mass media in Uganda	15
The media and the election	16
Infringements on the freedom of the media	16
Comments on the results	17

Election petitions.....	18
Conclusions and comments	19
Recommendations.....	20
Recommendations to the government and NRM/O.....	20
Recommendations to the opposition.....	20
Recommendations to the EC.....	21
Recommendations for future election observation.....	21
Acronyms	21
Appendices	22

Introduction

The elections in Uganda in 2006 were the first multiparty elections in the country in 20 years. A new parliament, a new president and new members of local councils were elected during some hectic days in February and March. The long ruling National Resistance Movement (NRM) finally had to compete with other political forces and the process was followed with immense interest both in Uganda and abroad.

The election of the president, directly elected members of parliament and women representatives was conducted on 23 February 2006, while elections of the other representatives of special interest groups were conducted on other dates. Local council elections were conducted in the weeks following the parliamentary and presidential elections. This report is mainly concerned with the presidential and parliamentary elections.

Historical and political overview of Uganda

From colony to “No-party state”

Uganda came into being as an entity following the explorations in the 19th century and the Berlin conference of 1885, which decided that the territories that today constitute Uganda should be within the British sphere of influence. The Buganda agreement of 1900 with the Buganda kingdom (from which the country’s name is derived) and agreements with the kingdoms of Ankole, Busoga, Toro and Bunyoro made Uganda a British protectorate. The agreement secured an advanced position of the Buganda kingdom and the protectorate was for many years governed according to the doctrine of “indirect rule”.

It is common to distinguish between the peoples from the north of the country, who are Nilotic or Hamittic speaking, and the Bantu-speaking south. The peoples of the north were considered by the British authorities to be less organised, as no kingdoms of the size found in the south existed. Agents from the southern peoples were often trained as administrators while northern peoples to a large extent were considered to constitute a labour reserve. The armed forces recruited most of their soldiers from the northern areas.

Independence from the British was granted on 9 October 1962 following prolonged conflict with particularly the Buganda kingdom. The first independent government of Uganda was based on a coalition between the party Uganda’s Peoples Congress (UPC) and the royalist Buganda based party Kabaka Yekka (“The King Alone”). Dr. Milton Obote from the UPC became prime minister, while the Kabaka Mutesa II became the country’s first president.

In 1966 Dr. Obote suspended the constitution, deposed the president and assumed all executive powers. The kingdoms were soon abolished, the Kabaka’s palace was stormed

by the troops of army commander Idi Amin and the Kabaka narrowly escaped abroad. He later died in exile.

In 1971 Idi Amin staged a coup while Dr. Obote was at a commonwealth conference in Singapore. Mr. Amin's reign led the country in a continuing downward spiral where political repression, plundering, exiling and killing opponents – imagined or real – became the order of the day. When he in a usual fit of megalomania attacked Tanzania in 1978, his faith was sealed. The Tanzanians, together with Ugandans in exile, invaded Uganda and Mr. Amin was ousted.

After a political interlude that saw two presidents and a military commission as rulers, national elections were held in 1980. The main parties were UPC with Dr. Obote at the front and the Democratic Party (DP) led by Paul Ssesemogere. The Uganda Patriotic Movement (UPM) led by today's president Yoweri Museveni and the Conservative Party (inheritors of the Kabaka Yekka legacy) were other contenders. 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. Legend says he went straight to the bush after the elections and formed a peasant based army.

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 suffered, mainly at the hands of the Uganda National Liberation Army (UNLA). Some have characterised this violence as genocide. 2-300 000 people are commonly estimated to have been killed during the civil wars between 1981 and 1986. Strife within the army led to a coup in 1985, but Mr. Museveni with his National Resistance Army (NRA) would not accept a division of power with the new rulers Tito and Basilio Okello. The war continued and Kampala was conquered by the NRA in early 1986.

The forces of UNLA, which under the Okellos had become dominated by Acholi soldiers from the north, were pursued to the north and atrocities against civilians and soldiers alike reportedly followed. This area has since experienced more or less continuous rebellions.

Mr. Museveni soon appointed a broad based government, and included former enemy military forces into the NRA (now Uganda's People's Defence Force – UPDF). The economy has been liberalised and Uganda has experienced a relative stability. Security has been restored in many parts of the country. Growth has characterised the economy, which is heavily fuelled by donor money.

In the bush war days (a mythological as well as descriptive term) the National Resistance Movement (NRM) 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".

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.

Important political events between 1986 and 2001

- In 1989 Rwanda was invaded by deserters from the NRA supported by Uganda.

- In 1989 NRM extended the government's term of office for another 5 years, starting January 1990.
- In 1993 the kingdom was restored in Buganda, and other kingdoms followed. The king's role was defined as a traditional and cultural ruler.
- In 1994 a Constitutional Assembly was elected to create a new constitution.
- In 1995 the new constitution was amended. It prescribed a referendum within 5 years over which political system Uganda was to have.
- In 1996 Mr. Museveni was elected president of Uganda with 74.3 % of the votes against Paul Ssesemogere with 23.6% and Kibirige Mayanja with 2.1%.
- In 1996 parliamentary elections were held.
- In 1996 Ugandans invaded Congo (then Zaïre) and a prolonged involvement in the conflict there followed.
- In year 2000 a referendum on the future political system was held, and the Movement system was chosen. More than 90% of those who cast their ballot, voted for the movement system, but only 51.1% of the registered voters did vote.
- In 2001, on 12 March, the second presidential election under the 4th constitution was held. President Yoweri Museveni was re-elected with 69.3% of the votes cast while his closest contender Kizza Besigye received 27.8%. Dr. Besigye filed a petition for the annulment of the election to the supreme court, which was narrowly rejected (with two out of five judges voting for annulment).
- Dr. Besigye later went into exile due to fear of arrest.

Referendum 2005

A referendum on the political system was held in Uganda on 28 July 2005. The voters were asked: "Do you agree to open up the political space to allow those who wish to join different organisations/parties to do so to compete for political power?" 92.5 % of the voters voted for a yes and the voter turnout was 47% (preliminary results after counting results from 99.6% of the polling stations). In the 2000 referendum, the NRM had campaigned to retain the Movement system of government, but in 2005 it campaigned for a yes.

The (preliminary) result in 2005 prompted the Electoral Commission (EC) to declare: "The EC hereby declares that the people of the republic of Uganda have adopted the Multi Party Political System."

The opposition political parties were in principle supporting a multi-party political system, but argued that a referendum was wrong for (at least) two reasons: The exercise was costly and the freedom to organize politically through parties is an inherent human right and should not need to be verified through a referendum. The opposition parties therefore promoted a boycott, but without much enthusiasm.

The campaigns before the referendum were not very contentious but a notable feature was the fact that the government supported the campaign for a yes vote financially in contravention of the election laws. This was revealed when cabinet minutes were leaked to the paper "The New Vision". To the author's knowledge, no legal reaction has been instigated against the government for this flagrant illegality.

The referendum provided a test for the EC, which performed comparatively well according to the DEMGROU and other observers. The quality of the voter register remained the most problematic technical issue. The EC estimated at the time that as many as 20% of the eligible voters were not registered to vote.

The Legislative Framework

The main legal documents governing the parliamentary, presidential and local elections in 2006 were:

- The Constitution of Uganda, adopted in 1995 and last amended in 2005
- The Parliamentary Elections Act, enacted in 2005
- The Presidential Elections Act, enacted in 2005
- The Political Parties and Organisations Act, enacted in 2005
- The Electoral Commission Act, enacted in 1997

In addition a number of regulations and guidelines govern the conduct of elections and election petitions.

The constitution of Uganda, enacted in May 1995 after years of deliberations by an elected constitutional assembly, covers “Representation of the people” in its 5th chapter. The constitution’s section 59 ensures universal suffrage for all Ugandans above the age of 18, and instructs the State to take all necessary steps to ensure that all citizens that are qualified to vote shall register and exercise their right to do so. The constitution was last amended by the parliament in September 2005 and made it possible for Mr. Museveni to run for president for the third time under this constitution.

The Electoral Commission Act of 1997 gives the responsibility to the EC to organise elections in Uganda. The EC’s duties include to:

- demarcate constituencies
- maintain the voter register on a rolling basis
- appoint election officials
- organise all election materials; and
- gather, collate and announce the election results.

The act regulates many procedures in detail, but section 38 gives the EC power to take emergency measures as it sees fit, even if this should contravene with other sections in the act. This emergency measure was used when the EC shortly before the elections declared that a voter card with photo would not be required to vote.

The Presidential Elections Act of 2005 regulates the nomination of candidates, required qualifications for candidates, campaigning, voting and counting procedures, the announcement of results, illegal practices and the process for handling complaints. A much debated section, number 21, makes it legal for the president to utilise facilities connected to the office of president.

The Electoral Administration

The EC has the responsibility to organise, conduct and supervise elections in Uganda. It is headed by 7 commissioners who have been appointed by the president. The duties and responsibilities of the EC are, as previously mentioned, described in the constitution in sections 60 to 68, and in the Electoral Commission Act of 1997. The EC presiding during the election cycle of 2005-2006 consists, with one exception, of new commissioners. The previous EC became tainted with accusations of corruption and other mal-practices and a new commission was needed in order to restore confidence among the public and political actors.

The administrative and electoral structure

The administrative structure for elections and the structure for other administrative purposes are in most instances parallel. Uganda has 69 districts that are administered through a system with local levels, known as local council (LC) levels. At village level, a local council (LC I) is elected by all residents over the age of 18. These elected counsellors constitute the electoral college that elects representatives to the next level, the parish (LC II). The subsequent level is sub-county or LC III level, county is LC IV and district is LC V. Level LC IV is the constituency level, where one member of parliament (MP) is elected from each county, and may in a few instances correspond with a district.

District women members of parliament (69 in all) were elected at the same time as other MPs, and for the first time through universal adult suffrage. Previously they were elected by an electoral college, consisting of members of the LC-structure.

Each district has a Resident District Commissioner (RDC) who is appointed by the president and who has the responsibility for e.g. national security issues in a district. During elections, the RDC has the role of security co-ordinator. The opposition has in some locations claimed that the office of the RDC functions as the government's tool for curbing local democracy.

The Chief Administrative Officer (CAO) in each district is acting as the returning officer during elections, and s/he is thus the EC's representative in the districts. An assistant returning officer, as well as other election officials at all levels, are appointed by the returning officer in each district. At sub-county level the chief is the highest civil servant. In 2006 sub-county leaders were also elected directly (on 10 March) by secret ballot.

The appointments and duties of election officials are described in the Election Commissions Act of 1997 in sections 30 to 34. The designation of the number of polling stations is at the discretion of the returning officer. S/he should take into consideration practicalities such as geography and transport facilities when designating the locality and number of polling stations. The total number of polling stations for the elections in 2006 was 19 786. The last ones were announced as late as 18 February, which made it difficult for some voters, party agents and observers to locate the PSs.

The EC, the political stakeholders and the supreme court

The EC attempted to have a pro-active approach to complaints and concerns from the different stakeholders in connection with the elections. They established National

Liaison Committees at national and district levels, where agents from all parties were invited to present their concerns and complaints. Both the EU EOM and the DEMGROUP commend this move as very constructive, and point out that many potentially contentious issues were resolved through these committees. The EC also held regular press briefings and gave an overall impression of being confident and in control of most aspects of the arrangements of the elections. Despite this, the Supreme Court concluded its deliberation on Dr. Besigye's petition for the annulment of the election by a unanimous verdict that the EC had not complied with the law, but that the breaches were not of a scale to significantly affect the results.

Voter and Civic Education

The EC and civic education

The responsibility to "formulate and implement civic education programmes related to elections" belongs to the EC (Ugandan constitution, article 61, subsection G). Prior to the referendum in 2005, the EC employed elected local council (LC) officials to conduct voter and civic education. LCs are often perceived to be part of the Movement apparatus, and thus not "neutral" agents. The same officials could be seen taking part in recruitment of members for the then newly formed National Resistance Movement - Organisation (NRM-O). The decision by the EC to contract the Uganda Human Rights Commission to conduct civic education prior to the election was probably a step in the right direction, even if the EU EOM states that the education never really got off the ground, due to a lack of funds. The EC itself conducted voter education through its own administrative structures.

Advertisements in the print media, as well as in TV and FM stations were also part of the voter and civic education. The Election Support Unit (ESU) – an office financed by the donors participating in the programme for Democracy and Good Governance – funded some of these advertisements.

Civic and voter education by other actors

Newspapers and electronic media published supplements and articles to educate the public about the electoral procedures and the rights of the voters. Most candidates also arranged for the training of their agents so that they could protect the interests of their candidate. The International Republican Institute (IRI) financed and published a handbook for polling agents, which describes the rights and duties of polling agents for candidates. The publicity and marketing company Uganda Project Implementation and Management Centre was funded by the ESU to conduct a blitz/road show in all 69 districts. The ESU also financed the printing and distribution of 2.5 million leaflets and 500 000 posters with information about the elections. Other actors such as Mellefolkelig Samvirke and FHRI also conducted some sort of civic and/or voter education.

The impact of voter and civic education

The EU EOM finds that "there has been a clear lack of civic and voter education", considering that these elections were the first under a multi party system in more than 25 years. However, a report by Wilsken agencies (supported by the IRI and USAID), based on a survey conducted in January 2006, suggests a relatively high awareness of the upcoming elections and their impact on the politics of Uganda. The presidential election attracted most attention, while parliamentary and local elections generated relatively less interest. The understanding of the voting procedures and knowledge of the election date was also relatively high. The observations on election day of the EU EOM and the DEMGROUP also suggest that the voters' understanding of the process was relatively good.

Another issue, of course, is whether the electorate had received sufficient objective information about the political issues at stake to make a properly informed choice in a situation where the ruling movement for years has had the power to define the political space and to portray the previous leaders and systems as "criminal and undemocratic."

Voter Registration

The EC is responsible for updating the voter register on a continuous basis. The voter register consists only of Ugandan citizens residing in Uganda. No provisions have been made to accommodate the many Ugandans residing abroad who may want to vote.

There is no national register of citizens on which to base a voter register. In 2001 the voter register contained approximately 11.6 million voters, which many observers considered to be too many, as available census data from 2002 put the number of residents at approximately 25 million. A new voter register with photographic images of eligible voters has since been produced. It is not clear whether this register is made from scratch or if it is still based on the "old" register.

For the referendum in July 2005 there were 8 524 230 registered voters. The EC then estimated that about 80% of the eligible voters were registered. In its preliminary statement on the present election, the EU EOM state that the 10 450 788 voters in the register represent some 90% of the potential voters. Registration ahead of the 2006 elections was ongoing until October 2005 and some 10.6 million voters were registered by then.

The voter register was supposed to be publicly displayed between 22 December 2005 and 11 January 2006. On 6 January 2006, the EC announced that the voter register would be displayed for an additional six days. Potential voters could in this period check if their names were in the register and collect their voter cards. Efforts were also made to delete those who had died or had moved to another area. This reduced the number of eligible voters in the register to about 10.45 million.

The DEMGROUP released a statement on the display of the voter register on 10 January. They commended the EC for being pro-active when they extended the period of display. They also noted that district EC officials were responsive towards matters that were raised by DEMGROUP observers or others. The DEMGROUP did, however, comment on a number of shortcomings such as:

- The display exercise started late due to the late arrival of materials.
- The merging of former polling stations without proper notification bewildered voters, with the result that some potential voters missed the chance to check the register.
- A number of display officers and camera operators were absent from display centres.

The DEMGROUP also noted that some display officers were going from house to house in order to update the register. This contravenes the EC act, which stipulates that the update exercise must be done in a public place.

The intention of the EC was to distribute voter cards with photos to all eligible voters, but by the end of the display period some 2.3 million voters had not received a voter card. A number of photos of voters (about 350 000) were also missing in the register itself. This left many voters in doubt about whether they would be allowed to vote. The EC clarified this by stating that everyone in the register would be allowed to vote, if they could be identified by a photograph in the register or "by other accepted means." This decision was taken late in the process and many voters and polling agents or polling officials had not comprehended this. The phrase "other accepted means" made identification by personal knowledge legal. In rural districts this did not appear to be a problem, but the DEMGROUP stated that it could be problematic in urban or border areas where personal knowledge is less common.

Another potential weak point of the voter registration process was that it was carried out by parish tribunals. The parish chief is part of the Movement structure, and often a NRM supporter or NRM-O member. The tribunals continued their work even after the display period, resulting in deletions that voters had no opportunity to rectify. Parts of the opposition (see e.g. Dr. Besigye's petition) claim that known opposition supporters were among those who were deleted from the register. The EU EOM estimates that the number of "unjustified" deletions could have been "somewhat smaller than 150 000."

The creation of new polling stations (approx. 2 000) made it difficult for some voters to find the venue where the voter register was displayed. On the other hand, the display process also gave voters the opportunity to locate their polling station ahead of election day.

Polling day observations regarding the voter register

The DEMGROUP in their preliminary report stated that their observations indicate that more than 150 000 Ugandans were disenfranchised because their names were not in the register. They recorded an average of 5 people per PS who were refused to cast their ballots for the reason that their name was not in the register. It is not clear from the DEMGROUP statement if these people had been removed from a previous register or if they had simply not registered. The reports of the Norwegian STOs do not contain information about the quality of the voter register. Disenfranchised voters were reported by other EU EOM observers in a number of locations.

The FHRI report on the election day notes a quite revealing incidence in Nakasero market PS in Kampala. As more than 200 voters were missing from the voter register, the FHRI observer notified the EC. It turned out that the register brought to the PS in the morning was the old register used in the referendum in 2005, and it therefore did not include all those who had registered since then. A new (and updated) register was

produced, allowing 62 persons who had previously been sent away to vote. The FHRI state categorically that the EC failed in its role to accurately compile and update the voter register.

None of the observer groups seem to endorse the view that known opposition supporters were missing in a disproportionate number, as voters from all camps found their names missing from the register.

The pre-election/post referendum phase

The result of the July 2005 referendum made the EC declare that “the people of the republic of Uganda have adopted the Multi Party Political System.” The acts regulating the elections in 2006 were passed by the parliament in the following months. “Old” parties such as the UPC and DP once again had the opportunity to open offices locally, and new parties could do the same. The ruling NRM had organised itself as a party called National Resistance Movement - Organisation (NRM-O). Both NRM-O and the Forum for Democratic Change (FDC) opened offices and endeavoured to recruit members across the country. The “old” parties attempted the same, but had fewer resources and managed only to establish an official presence in a few places.

As previously mentioned, a constitutional amendment that allowed the sitting president, Mr. Museveni, to be a candidate for a third term under the 1995 constitution, was passed in September 2005. (Strictly speaking, another term for Mr. Museveni would actually constitute a fifth term, as he has been in power since 1986.) The process had been dubbed *Kisanja*¹ and had been a hotly debated issue in the prelude to the referendum. At the time of the referendum, the parliament had just been through the second reading of the constitutional amendment bill and passed it with a comfortable majority.

The creation of a significant number of new districts in July 2005, was seen by many as another step for the regime to consolidate its power. In the same period, an important source of independent revenue for the districts, the graduated tax, was scrapped. The implications of these moves were (at least) twofold. More positions that may be awarded to people loyal to the regime were created. Moreover, the loss of a significant part of the revenue of the districts increased the dependency on the central authorities.

Primary elections were held within the parties during the last months of 2005. The NRM-O held a big party convention and elected Mr. Museveni as its presidential candidate. It also elected candidates for the parliamentary elections. These elections were often hotly contested and many incumbent MPs lost their candidacy. Some of these later decided to register as “independent” candidates.

¹ *Kisanja* means dry banana leaf in Luganda. To the author’s knowledge, the symbolic significance is that these brown leaves are used in connection with funerals to indicate that one stage has come to an end. From death, new life must grow. The president is dead – long live the “new” president!

The FDC also held primary elections and elected Dr. Kizza Besigye as their candidate for the presidential elections. The FDC primaries for parliamentary candidates were, according to some reports, not characterised by strict democratic procedures.

Other candidates were Miria Kalule Obote (widow of former president Milton Obote, and the candidate of UPC), Ssebaana Kizito of the DP and Abed Bwandika. These candidates had only nominal support in certain areas and received little attention in the press or among the electorate. The main battle in the presidential election was between the incumbent president Mr. Museveni and his former ally and rival, Dr. Besigye.

Among the parties participating in the parliamentary elections, only NRM-O managed to field candidates in virtually all constituencies and in all special interest group elections. The FDC ran in 138 constituencies, while the DP and the UPC only managed to field candidates in 66 and 77 constituencies respectively. Some candidates who lost in the (primarily NRM-O) primary elections decided to run as independent candidates.

Issues dominating the debate during the campaign

Dr. Besigye had left Uganda after his defeat in the 2001 presidential election and the narrow rejection of his petition to the Supreme Court for the annulment of the elections. He claimed that he went into exile because he feared for his life or arrest. He returned to Uganda in October 2005 and immediately started campaigning. After three weeks, he was arrested and charged by the high court in Kampala for treason and rape. In addition, charges of terrorism and illegal possession of firearms were brought against him by the Military Court Martial (MCM). Dr. Besigye was remanded in prison, and was only let out on bail after some time. During the campaign before the elections, he was requested to appear in the two different courts on numerous occasions. By the time of writing the charge of rape had been dropped, while the MCM seems to respect the constitutional court's decision that Dr. Besigye may not be charged in both courts at the same time.

The consequences of the arrest for Dr. Besigye's and FDC's campaign were obviously quite detrimental. Not only was Dr. Besigye in arrest during parts of the campaign period, but when he was released on bail he was obliged to go to court in Kampala time and again and thus interrupt his campaign programme. Also, the media devoted most of its reporting about Dr. Besigye and the FDC to the charges brought against him and all the different legal aspects connected to it. The FDC seldom had the chance to explain its political platform and was associated with the legal struggles its presidential candidate was undergoing. Some commentators view the arrest and court charges as a confirmation of the opposition's claim that the NRM regime is corrupt and uses all means available to fight them.

Attempts to arrange debates between candidates were made, but the electorate never had the opportunity to see the main rivals in a face-to-face situation where political arguments and programmes were presented and discussed.

The humanitarian crises in Northern Uganda, where some 1.4 million people are living in so-called protected villages or IDP-camps, was not as high on the campaign agenda as could have been expected. However, the issue of security and stability was the main message from the NRM-O and this message still seems to appeal to large numbers of people in the south and west of Uganda.

Observers' view of the campaign period

The DEMGROU has published a number of reports where different aspects of the pre-election period has been reported on. Their views are summed up in their preliminary statement, and raise a number of concerns. They note that the charges and petitions against Dr. Besigye denied him sufficient time to conduct his campaign and that they impacted negatively on his image. They also note that the independence of the judiciary was threatened by some government officials and senior military officers. This cast doubt on the commitment of the authorities to the rule of law and caused fear and uncertainty among the population.

Regarding the election campaign, the DEMGROU note that the transformation of the NRM to a political party was not regulated properly. The failure to put in place legislation to regulate the functioning of political parties in good time and to de-link the government and the NRM-O party structures have in their view worked in favour of the incumbent president and other NRM-O candidates. The EC did not heed the concerns about this raised by a number of civil society associations.

The voting, counting and tallying of results

Election day procedures

As mentioned earlier, the voters had three separate choices to make on election day and cast their votes for president, directly elected MPs and women district representatives. The location of polling stations was gazetted by the EC, and voting in most cases took place outdoors. The polling kit from the EC was supposed to contain all necessary materials to arrange the polling station and to conduct polling. The officials arranged the station outside of a school or another public building and the polling station was supposed to be open for polling from 7 am until 5 pm. No polling stations were located inside army barracks, hospitals or prisons. Prisoners were not allowed to vote, while some polling stations were dedicated to army voting but located outside the barracks.

After arriving at the PS the identity of the potential voter was to be verified by the polling staff, either by the presentation of ID (voter card) or through personal knowledge, and they were then supposed to be marked at the cuticle of the right index finger by indelible ink before leaving the polling station.

In each polling station there was a presiding officer, at least three assistants and an election constable. In addition, two agents for each candidate or party were allowed to be present, provided they carried the proper accreditation. An observer from the DEMGROU was present at most polling stations, and other accredited observers could also be present.

The election constable normally let voters approach one by one the table where the presiding officer should ask them to state their name. The voter should then present voter ID, but personal identification by agents and PS staff was also accepted. The name and picture was to be found in the register and the name ticked off by the presiding officer. Fingers should be checked for ink before ballot papers were issued. One of the officers should then explain the voting procedures. The voters should take the ballot paper to a

washbasin at least 15 meters away that functioned as a polling booth, where they either ticked or put a thumb print beside the name and picture of their preferred candidate. Another 10 meters away, the voters found the ballot box, where they cast their vote. At the exit a polling official should mark the voter's right index finger with indelible ink, before they left the polling station.

Observations from the polling process

The EU EOM declared in its preliminary statement that "voting procedures were generally well followed by polling station officials and the secrecy of the vote was generally well maintained". It did, however, note a number of technical shortcomings, such as a lack of seals on ballot boxes and a lack of checks of fingers for indelible ink.

The DEMGROUP notes a similar trend, with most polling officials conversant with their role and procedures generally followed well. They do, however, note that missing materials were a problem in some PSs, and that late opening occurred in some places. They also refer to "significant anecdotal evidence" regarding lack of seals on ballot boxes.

The FHRI, in their Periodic Election Observation Report, agree that the polling process went rather well, but they also note some serious shortcomings. Many potential voters were disenfranchised as their name did not appear in the register, *despite the fact that they had inspected the voter register during the display period and had been given voter cards*. They also note that the EC had, in some cases, appointed polling staff that was openly partisan.

The Commonwealth observer group also note a number of shortcomings, such as the late opening of some PSs, a lack of training of polling staff, party agents seated too far away to be able to follow procedures properly and inadequate alternative arrangements for the case of bad weather. In effect rain disrupted the polling process in a number of locations.

The observations of the Norwegian STOs do not contradict any of the above summaries. Late opening of PSs seems to have been a quite common occurrence, lack of seals and of checks for ink also. Elisabeth Salvesen was present in Rukungiri stadium when presidential candidate Dr. Besigye came to vote and demonstrated how the ballot box was not sealed by picking it up for all to see. He was later accused by the EC of "tampering with electoral material", according to news reports. It is not clear at the time of writing if he has been charged for this.

Despite the shortcomings noted by the observers, none of them appear to believe that the deficiencies noted were part of some deliberate large scale operation to rig the process in favour of a certain party.

The counting of votes

Voters still in line at closing time, 5 pm, were supposed to be allowed to vote. The presiding officer should announce that the polls are closed. The officials should count and record the number of unused and spoilt ballot papers and note their serial numbers. The number of spoilt and unused ballot papers was to be subtracted from the total number given to the polling station, and the result should equal the number of ballot papers in the box. The ballot box was emptied in view of all present, including members of the public. The number of ballot papers from the box was to be counted and reconciled with ballot papers issued excluding the spoilt ones. The ballot papers were

sorted, read out one by one in full view of agents and the public and put in piles; one for each candidate and one for invalid votes. The votes cast for each candidate and invalid votes were counted and the results announced. The forms for declaration of the results were then signed by the presiding officer and the party agents, before they were transported to the returning officer in each district. The agents also received a copy each, while one form was supposed to be displayed at the polling station and one copy was sealed in the ballot box together with all ballot papers, voter register, declaration of identity forms and unused forms. The box was also to be transported to the returning officer, and eventually to the EC.

Aggregation of results

At the districts, arrangements for retrieval of result forms were made. Results were normally collected at sub-county level and brought to the district headquarters. There, results were aggregated and communicated to the EC headquarters in Kampala. The system for communication depended on the facilities available. Fax machines, land line telephones, cell phones, e-mail, HF e-mail and radio calls were all means of communication provided for.

Observations from the counting and tallying process

The EU EOM stated that the counting procedures were generally respected, but that the reconciliation of the votes at the start of the counting did not take place in more than half of the counts observed. The Commonwealth observers noted that the counting of votes at the PSs was transparent and generally properly conducted.

The DEMGROUP does not note any particular concerns regarding the counting, tallying or publication of results. Their sample group of 383 PSs constituted a weighted sample of the 19 786 PSs and to a large extent confirmed the results of the presidential elections.

The observations of the Norwegian STOs leave the same impression. The process of counting was transparent but not all procedures were strictly followed. The tallying process (to the extent it was possible to observe it) was transparent and professional.

The preliminary results of the presidential elections were announced well within the time limits stated in the Presidential Elections Act of 2005, as were the results of the elections of District Women Representatives (DWRs) and directly elected MPs.

The Elections of Representatives of Special Interest groups

The 1995 constitution provides for the election of representatives of special interest groups. In the 2006 elections 69 DWRs, 10 army representatives, 5 youth representatives, 5 representatives of the disabled and 5 from trade unions were elected. The election of the representatives from the special interest groups is further regulated in The Parliamentary Elections Act of 2005. Further details regarding the election were provided by the EC in guidelines for the respective interest groups.

In contrast to the elections in 2001, when the DWRs were elected by electoral colleges, in these elections they were elected by universal adult suffrage. All other representatives for special interest groups are elected by electoral colleges.

Election of representatives of persons with disabilities

Two independent Norwegian observers financed by an organisation for disabled in Norway, Kristine Nordenson and Ann-Marit Sæbønes, went to Uganda specifically to observe the election of representatives of persons with disabilities (PWDs) to the parliament. Due to delays in their flight, they missed the actual polling process. The information in this section is partly based on information from them.

The Legal Framework

Further regulations stipulate that the representatives shall be elected by an electoral college consisting of four persons elected from each district from the organised associations and groups under the structure of the National Union of Disabled People of Uganda (NUDIPU). Four representatives were elected from the northern, eastern, western and central regions respectively, while the fifth representative was a woman representative. The delegates from each district should represent the blind, the physically handicapped and the deaf respectively and must include at least one woman. All delegates were obliged to vote for all candidates, irrespective of the district they represent or their gender.

Preparations for elections

The date and venue for the election were decided so late that it was hard for PWDs to get there. The process took place at Collin Hotel in Mukono. The delegates stayed at the hotel during the days of campaigning and polling.

The electorate for these elections was said to be mainly the same as in 2001 and had been appointed by NUDIPU. The National Council for Disabled has had an advisory role towards the EC on the conduct of the election. It is not clear to the author how the electorate was appointed or elected, particularly as there were 69 districts in 2006, while Uganda only had 53 districts at the time of the parliamentary elections in 2001.

The election

Thirteen candidates were fielded for the election, among them three incumbents. As it turned out, only NRM-O candidates were elected. The only incumbent that was not re-elected was Mr. James Mwendha, who represented FDC. He is said to have delivered a petition to the EC, but the independent Norwegian observers do not know on which basis. Two outgoing MPs for PWDs were fielded as DWRs for NRM-O and were both elected.

Almost 40.000 PWDs serve in elected posts in the LC structure in Uganda. In glaring contrast to the women representatives, these representatives have had no education regarding their rights as citizens and PWDs. No particular voter education has been offered to the PDWs either.

Ms. Nordenson and Ms. Sæbønæs encountered two Kenyans with election observation accreditation, but heard of no other international observers present to observe preparations, primaries or elections.

Election of representatives of the workers, army and youth

Only very scant information about these elections has been available, and at the time of writing (April 2006), the youth elections are still to be held. The author is not aware of any observer groups being present, or having produced any reports on any aspect of these elections.

According to newspaper reports, four incumbent representatives of the workers were re-elected, while the candidate for the women worker representative in 2001 finally was elected in 2006. In 2001 the electorate consisted of delegates from the National organisation of Trade Unions (NOTU), but in 2006 the break-away Central Organisation of Free Trade Unions (COFTU) could also field candidates and delegates.

In 2001, the 10 representatives from the army were elected by an electoral college consisting of the military council. These were members of the high command, senior officers of the army since 26 January 1986 (the date the NRM took power), brigade commanders, directors at army headquarters, battalion commanding officers and commanders of independent units. The members of the high command consist of members since 26 January 1986, present high command as well as division commanders and deputies. The composition of the military council is regulated by the NRA statute of 1992. The electoral college in 2001 consisted of 125 persons.

The author assumes that the procedures and regulations were similar in 2006. 125 persons is obviously a very small college to elect 10 MPs. In comparison, directly elected MPs typically had 15 - 40 000 voters in their constituency.

The Media and the Election Campaign

Mass media in Uganda

Uganda has a vibrant and pluralistic media universe. The government is one of the owners of the daily newspaper "The New Vision" and the vernacular "Bukedde", as well as Uganda Radio and Uganda Television. The other daily newspaper in English, "The Monitor", is privately owned. Dozens of other newspapers and magazines are published and many are highly critical of the government and the Movement political system. While Radio Uganda has the best coverage of all FM stations, many other private broadcasters on the FM band reach far and deep into the countryside. The main newspapers have a circulation of around 30 - 45 000 copies.

Web sites with coverage of election related news and other political stories have become an important source of information. The many Ugandans abroad and resident Ugandans as well rely on information from the internet to stay abreast of the developments in Uganda. The established media outlets, such as "The New Vision" and "The Monitor" have daily internet editions, while some publish exclusively on the web.

The media and the election

The Uganda Journalists Safety Committee (UJSC) under the DEMGROU umbrella has analysed the coverage of election related issues and the candidates during the campaign. Their findings have been published in advertisements and news releases, as well as in several DEMGROU reports. The EU EOM also analysed the media situation in the weeks prior to the 23 February elections. This section is based on the findings of both reports, as well as on newspaper reports.

Article 67(2) of the Constitution of Uganda of 1995 states that no candidate for elections should be denied reasonable access and use of state owned communication media. Despite this, there are no specific regulations spelled out in the Parliamentary Elections Act of 2001.

The monitoring conducted by the UJSC covered both TV, radio and the printed media during the last weeks before the elections. Their findings give the impression of media giving disproportional space and time to the president and known Movement candidates. The reporting is in the main positive towards these actors. Not surprisingly, the government owned media is overall more positive towards Movement candidates than privately owned media. The election of representatives of special interest groups was less visible in the media than their number and importance should imply. Radio stations were reportedly a very important vehicle during the campaign for many candidates throughout the country. The lack of a system for allocating time to different candidates, certainly favoured those with resources and influence.

Many media outlets played a critical role in informing the public about the electoral process. The radio stations were instrumental in distributing the late decision by the EC to allow people without voter cards to vote, provided that they could be identified by other means, such as other ID or personal identification by polling boards.

Infringements on the freedom of the media

The UJSC reports some intimidation and harassment of journalists, but concludes that this was not widespread.

The site www.radiokatwe.com created scandal with their speculative reporting, and attempts were made to shut down their website. It remained in operation throughout the elections, but could not be accessed from most computers in Uganda. According to Radiokatwe, the Uganda Communications Commission (UCC), thus ultimately the government, was behind this "blockade".

The newspaper "The Monitor" established a tallying centre to gather, tabulate and publish results, particularly of the presidential election. They were publishing the results as they were received from the polling stations and districts both on radio (KFM) and on the internet. Their continuous reporting of results was stopped, but unfortunately it is not known by which government agency).

Mr. Blake Lambert, a Canadian journalist reporting for, among others, "The Economist", was thrown out of Uganda a few days after the election. At a press conference assembled to explain the expulsion, a government minister warned the assembled correspondents: "You are vulnerable people in this country. In case of any trouble causes as a result of bad reporting, you will not be spared."

In Gulu in northern Uganda, the FM station Choice was closed by the Broadcasting Council (BC) for "violating broadcasting standards and lacking a broadcasting licence". The trouble for the station reportedly arose from a political talk show that "was likely to create public insecurity" according to the BC.

The EU EOM referred to attempts by the police to confiscate a FDC campaign documentary as a "serious bypassing of the regulatory institutions and independence of the media". Other infringements on the freedom of press could be mentioned, but suffice to say that an atmosphere of fear is widespread among journalists and editors. The threat of closure of media or the prosecution of journalists and editors is common and must surely lead to self-censorship and a fear to expose news or facts that will be seen as hostile to the rulers.

Comments on the results

The presidential election was won in the first round by the incumbent, Mr. Museveni, who received some 59% of the votes. Dr. Besigye received 37%. Mr. Museveni won comfortably in most of the west, and east, while Dr. Besigye's stronghold is in the north. The central part of Uganda almost mirrored the national results. The only areas, apart from the northern region, where Mr. Museveni did not receive a majority of the votes, were the capital Kampala, Kasese in the west and the Teso-region in the east. The *obusinga* issue, an initiative promoting the return of the king, permeates all politics in Kasese, and according to many locals, Mr. Museveni's regime has not been forthcoming. In Teso a Lord's Resistance Army incursion with the following army presence and the creation of local government sponsored militia, has created a lot of animosity towards the NRM regime. In Kampala the majority expectedly voted for Dr. Besigye. A common reason provided is that the educated "middle class" and urban youth are more inclined towards the opposition, as they see the NRM as a self-preserving organisation, which has clung to power for too long. Be this as it may, the president has received a mandate to rule for another 5 years and to finish his third term under the 1995 constitution – or the fifth in real terms.

The parliamentary elections brought a large majority of NRM-O candidates to the 7th Ugandan parliament. In many cases there is a connection between the results of the presidential election and the party affiliation of the elected MPs from the different regions and constituencies. It appears that the electorate primarily associates the parliamentary candidates with their party, but there are exceptions. Some independent candidates who had broken with NRM-O won despite the threat from the party that they would not be let back in the fold should they challenge the primaries by running as independent candidates.

The five representatives elected from among people with disabilities are all members of the NRM-O. There is little information about the party affiliation of the representatives of the army, workers or youth.² It is, however, fairly safe to assume that the army representatives are all sympathetic to the NRM-O. The representatives of the workers

² Youth representatives are not yet elected at the time of writing

have been known to be "Movementists" in the past, and these elections saw four incumbents re-elected.

At the time of writing it would seem that the results in the parliamentary elections give the NRM-O a comfortable majority of more than two thirds of the seats. This enables the NRM-O to legislate at will and even to change the constitution.

An overall picture of the results of the local elections is not available at the time of writing. The author's impression is that the picture regarding party affiliation is more complex in the local elections, as local issues mix with the national political scene and party structure.

It appears that the electorate voted strategically in some areas, as a historic UPC stronghold such as Lira, voted overwhelmingly for Dr. Besigye of the FDC in the presidential election even if local Miria Obote was on the ticket representing the UPC. But the electorate sent a UPC candidate (Mr. Jimmy Akena) to parliament, defeating long time UPC MP Cecilia Ogwal.

Kampala city voted Nasser Ssebagala back to the office of mayor as independent candidate in the local elections. He was formerly a DP member, but fell out with the party leadership and ran as an independent candidate. Kampala central voted a DP candidate to parliament, while Dr. Besigye of the FDC received a majority of the votes in Kampala as a whole in the presidential elections. The return of Mr. Ssebagala to political office is a rather interesting case, as his career has been somewhat crooked. While he was mayor in Kampala in the 1990s he was arrested in the USA carrying counterfeit traveller's cheques (bicupuli in local terms). He was convicted, spent time in US prisons and lost his post as mayor, but on his return to Uganda he received a hero's welcome by a large crowd. Now he is mayor again.

Election petitions

Statutory instruments provide the rules for petitions that challenge the validity of the presidential elections, and describe the trial a petition will be given. A petition must be delivered within 10 days of the election and the supreme court will have to rule within 30 days of the receipt of the petition. The Supreme Court ruling cannot be appealed. Such a petition was delivered by Dr. Besigye. The ruling of the Supreme Court was announced on 6 April and the verdict was as follows:

- Did the EC comply with the law? No (by unanimous vote)
- Was the election Free and Fair? No (by unanimous vote)
- Did malpractices affect results? No (by four votes against three)
- Is candidate Museveni innocent? Yes (by 5 votes against two)
- Should elections be annulled? No (by four votes against three)

Dr. Besigye also delivered a petition in 2001, which was rejected with an equally narrow margin, i.e. with three votes against two.

Petitions challenging the results and/or procedures during the parliamentary elections are regulated in the Parliamentary Elections Act of 2005. Petitions must be presented to the

high court as the first instance court. The high courts in Uganda have received a number of these petitions, some of which are still pending as of April 2006.

The EU EOM state that the election legislation does not establish adequate procedures for the handling of complaints and appeals against decisions made by the election administration or other election offences. In practice, complaints submitted prior to election day were submitted to a variety of institutions including the EC, the police and different courts, thus creating considerable confusion and doubt regarding the handling of complaints.

Conclusions and comments

Bearing in mind that these were the first party elections in Uganda in 20 years, the elections constitute a milestone in the political development of Uganda. The will of the people to some extent found its expression through the elections. In many parts of the country, and in some of the special interest groups, the eligible voters could vote for the candidates of their choice relatively freely. However, the elections were also marred by serious flaws.

Firstly, candidates that were endorsed by the ruling clique had a head start on the other candidates, as the NRM-O was a direct heir to the more than 20 year old NRM, while other political parties only had a few months to organise, fundraise, mobilize and campaign. The resources of the NRM secretariat, the NRM-O, the government and the president's office were used to campaign for certain candidates and to block others, which gave the impression of an interweaved government and NRM-O party. The use of state resources for political campaigns was proved during the 2005 referendum, and was very likely widespread during the 2006 elections as well.

The role of the army in the legal charges against the presidential candidate Mr. Besigye and certain utterances by high ranking officers left the population with the impression that the UPDF would not accept any other result than a re-election of the president. The provision for the election of 10 army representatives to the parliament by a very limited electoral college is difficult to justify and hard to reconcile with a multi-party political system.

The performance of the EC was better than it was during the elections in 2001. Still the shortcomings were many. The EC failed to update the voter registers properly, as required by the law. It also failed to issue voter cards of a satisfactory quality in time and had to decide that they were not required in order to vote. These factors and other technical flaws contributed to confusion and created opportunities for fraud. These were clearly exploited in some places.

In spite of this, the election day procedures, the counting, the aggregation and announcement of results went reasonably well in most parts of the country. The local election officials mostly did a good job and the voters impressed all observers with their dedication to let their vote count and their patience with an often less than smooth process. There is little reason to doubt that the counting of votes, aggregation and announcement of the results went without serious flaws in most of the country.

The press played an important role in informing the public about the elections and the rights of the voters and in publicising results and election related events. The freedom of the press was respected to some extent, but government owned outlets gave more – and in the main positive – attention to NRM-O candidates and the incumbent president. The attempts by government agents and agencies to censor media outlets and reporters are worrying and contrary to the spirit of the Ugandan constitution and universal human rights.

The legal instruments for election petitions seem to favour those who can afford a long and costly process. The supreme court's ruling with the narrowest possible margin (four votes against three) against Dr. Besigye's petition, leaves the impression of a genuine deliberation by the judges. Some might comment that this ruling was the best possible for the re-elected president, as it both demonstrates the independence of the judiciary, and endorses his re-election.

Recommendations

The next five years until the next presidential and parliamentary elections will present the opportunity for all political actors in Uganda to prove their dedication to the democratic principles enshrined in the constitution. The opposition will have the chance to organise legally through political parties, and the ruling NRM-O will have the opportunity to demonstrate that party and government is not one and the same.

Recommendations to the government and NRM-O

The NRM-O and the government must ensure that the party and the government are separated, i.e. that the government and the government institutions will operate independently, not least financially. This is the only way the party and government can gain credibility as institutions dedicated to democratic development.

The role of the army must be more clearly defined as an instrument of the people, and not of a particular ruler or ruling force.

The independence of the judiciary must be respected and safeguarded, and not be undermined by overt or subtle attempts to influence the due course of legal processes.

The independence of the media must also be ensured, as independent reporting and publication of views and news are a prerequisite in a democratic society.

Recommendations to the opposition

The opposition has finally achieved what they have been advocating for during many years; namely a multiparty democracy. The opposition should use this historic opportunity to work tirelessly and constructively to build democratic institutions in their own parties and in Uganda. While it is obvious that opposition against the long ruling NRM-O is not a downhill ride, the opposition has a unique chance to prove that they are better than the NRM-O at promoting tolerance, respecting opposing views, giving political space to women and promoting peace.

Recommendations to the EC

As this report and many other reports have discussed, the quality of the voter register is still questionable. The interim period before the next elections should give ample time to prepare a better register, which is vital for the legitimacy of the electoral process.

National liaison committees, such as have been in place for these elections, should become permanent institutions. Such committees may serve to defuse conflicts and raise awareness among the stakeholder of the practicalities of the electoral process.

All possible efforts should be made to plan the practical arrangements well ahead of the next elections.

The procedures for the elections of representatives of special interest groups should be publicised widely and the contradictory status of the army representatives should be explained.

Recommendations for future election observation

The reports and statements of the different observer groups, domestic and international, provide sufficient – and at times brilliant – insight into most aspects of the election process. One glaring omission is the lack of reports on the elections of representatives to parliament and local councils from the so-called special interest groups.

More information on the alleged illegal use of government resources for campaign purposes would probably give insight into the collusion between the government and the NRM-O. A sharper focus on the financial issues is thus recommended for future election observation missions, not least as it could provide perspectives on the (lack of) balance between incumbents and opposition.

Acronyms

BC	Broadcasting Council
CAO	Chief Administrative Officer
COFTU	Central Organisation of Free Trade Unions
DEMGROUP	Democracy Monitoring Group
DP	The Democratic Party
DWR	District Women Representatives
EC	Electoral Commission
ESU	Election Support Unit
EU EOM	European Union Election Observation Mission
FDC	Forum for Democratic Change
FHRI	Foundation for Human Rights Initiative
IRI	International Republican Institute

LC	Local Council
MCM	Military Court Martial
MP	Member of Parliament
NOTU	National Organisation of Trade Unions
NRA	National Resistance Army
NRM	National Resistance Movement
NRM-O	National Resistance Movement-Organisation
NUDIPU	National Union of Disabled People of Uganda
PS	Polling Station
PWD	People with Disabilities
RDC	Resident District Commissioner
STO	Short Term Observer
UCC	Uganda Communications Commission
UJSC	Uganda Journalists Safety Committee
UNLA	Uganda National Liberation Army
UPC	Uganda Peoples Congress
UPDF	Uganda People's Defence Forces
UPM	Uganda Patriotic Movement

Appendices

(The Appendices are not published in the web edition)

EU EOM Uganda 2006: Statement of preliminary conclusions and findings

Commonwealth Observer Group Uganda Presidential and Parliamentary Elections
February 2006: Interim statement

DEMGROUP: Preliminary statement on the Presidential and Parliamentary Elections
2006