

BUILDING SCENARIOS FOR THE 2021 GENERAL ELECTION IN THE FACE OF THE COVID-19 PANDEMIC.

(Towards a highly 'scientific' election)

MAY 2020

**Uganda National NGO Forum
(UNNGOF)**



Acronyms:

ACME	African Center for Media Excellence
CDC	Centre for Disease Control and Prevention
COVID-19	Corona Virus Disease
CSOs	Civil Society Organizations
DISO	District Internal Security Officer
EALA	East African Legislative Assembly
EC	Electoral Commission
FM	Frequency Modulation
GoU	Government of Uganda
ICG	International Crisis Group
LDU	Local Defence Unit
NGO	Non-Governmental Organisation
NRM	National Resistance Movement
NVR	National Voters Register
OP(s)	Older Persons
POMA	Public Order Management Act
PWD(s)	Persons with Disabilities
RDC	Resident District Commissioner
SIG(s)	Special Interest Group
UBOS	Uganda Bureau of Statistics
UCC	Uganda Communications Commission
UNNGOF	Uganda National NGO Forum
UPDF	Uganda Peoples' Defense Forces
UPF	Uganda Police Force

SUMMARY

Ordinarily, elections are high human-to-human interactive processes.¹ Nearly all electoral activities such as political party delegates' conferences, intraparty elections, nominations, campaigns, polling, and even counting of ballots, transmitting, and tallying of results are dependent on people coming together at a given time. With the Covid-19 pandemic, all traditions that rely on the mobility and convergence of humans are under threat. As such, there is a pressing need to rethink the structuring of most human-intensive activities with a view of adhering to the public health guidelines and rules aimed at preventing the spread of the virus. This may result in restrictions on movement, association, assembly, among others, which hitherto were the conventional means of engagement in elections.

The United States Centre for Disease Control and Prevention (CDC) recently (early 2020) released guidelines for holding elections safely during the Covid-19 pandemic. While many of the recommendations such as electronic and mail-in voting specifically speak to the western world which has already built the requisite infrastructure, there are some, which can be tailored to the African and indeed Ugandan context. Such are precautionary measures like equipping polling stations with hand sanitizer, observing social distancing, the mandatory wearing of face masks and gloves, and extending voting periods to eliminate crowding.

In this context, election administration and management, as well as civic engagement in the 2021 election will most likely be virtual; with political consultations, candidate identification processes, and candidate nomination by the EC among others conducted online. Campaign rallies could be moved to traditional and new media – with community radio stations offering the primary platform for engagement.²³ This will certainly come with complexities and limitations especially in relation to access and accessibility.⁴ Other technical complications may relate to monitoring media-based campaign activities through traditional election observation lenses.

1 What elections could look like in Covid-19 conditions, by Election Expert, Crispin Kaheru: <https://www.independent.co.ug/what-elections-could-look-like-in-covid-19-conditions/>

2 The Uganda Communication Commission reported that there were 292 licensed FM radio stations in Uganda as at June 2018. On average, each of the 135 districts of Uganda has a community-based radio station.

3 The Independent Magazine - Analysis by Election Expert, Crispin Kaheru, on what elections could look like in COVID-19 conditions

4 A 2011 study by the African Center for Media Excellence (ACME), titled: "Radio Ownership and its Impact on Political Speech in Uganda", shows that majority of Uganda's radio stations are owned by the ruling (NRM) party politicians. The few state-owned and those owned by independent business proprietors depend significantly on government contracts for advertising revenue. It is difficult under such a media ownership regime to guarantee fair and equitable radio airtime for individuals representing alternative voices or political opinions.

Besides the likely unprecedented change in the modus operandi for conducting elections, the adverse effects of the pandemic on the economy will not spare the 2021 election. The risk of voting decisions being made based on 'tokenism' as opposed to policy agenda presented by candidates remains contextually high. As such, incumbent candidates may participate in the election with a higher advantage because of their current access to resources and special authorization to directly engage district/ constituency leadership on Covid-19 response programmes.

An open platform for incumbent candidates to donate relief food will most likely be exploited and used for clandestine political campaign activities. Furthermore, the possibility of continued distribution of relief food during the electoral period will make it difficult to monitor and identify cases of voter bribery or manipulation.

In previous elections, CSOs developed and implemented election programmes such as research, voter education, voter mobilization, election observation, political candidates' debates, development of citizen, and special interest groups' policy agendas through high human interactive activities. While there has been an attempt to utilize e-platforms for some of these activities, much of the investment has been person-to-person interaction actions, which have proved effective. In the new context, CSOs may have to rethink and contextualize their election interventions embracing highly tech-based and virtual actions. Besides, there is an apparent need to reflect on the capacity of CSOs to observe tech-based electoral processes whether or not supported by relevant laws.⁵

Considering the probable complexities of engaging the electoral process in a post-COVID-19 environment, CSOs have set out to scan the pre-election environment whilst identifying possible scenarios for the 2021 election. These will inform comprehensive and contextualized interventions. The scan is informed by six (6) questions:-

- 1) How do CSOs plan interventions around an election whose roadmap has been significantly disrupted by the Covid-19 pandemic?
- 2) Can CSOs re-calibrate their originally planned interventions to match an election that is likely to rely heavily on technology, conventional and new media? Putting into consideration the possibility of excessive controls and restrictions by the government.
- 3) How do CSOs push back on the incumbent (NRM) party exploitation of party/ state fusion to impede some of the critical civil and political liberties?
- 4) How and whom do CSOs engage to limit excesses of security/military/LDUs involvement in elections, exploiting their role in the government response to Covid-19?
- 5) How do stakeholders deal with an election that is already perceived as an "incumbents' affair"? Mitigating the unbalanced field in favors of incumbents who unlike their opponents have unfettered access to the voters in their Constituencies through government Covid-19 response programmes?
- 6) How do CSOs engage in voter education with an emphasis on issue-based participation, discourage voter bribery, and vote-buying in the context where many citizens are struggling to meet their basic needs?

⁵ With hardly 8 months to the election, it is not clear what technology will be used. The EC Bill is not yet assented to, by the President.

1.0

INTRODUCTION

Uganda is preparing to conduct its fourth multiparty general elections in January 2021⁶. Although the Electoral Commission (EC) launched its roadmap to 2021 as early as 2018, the implementation of preparatory activities has been largely compromised by a weak legislative framework for managing credible elections on one hand as well as reluctance by the government to resource critical aspects of election administration.⁷⁸ While some electoral reforms were passed by Parliament in March 2020, critical reforms relating to the independence of the Electoral Commission (EC), a comprehensive and effective legal framework for campaign financing still elude the electoral environment. Besides, sticking issues such as the politically motivated 'partisan' implementation of the Public Order Management Act (POMA), illegal use of state resources, and premature campaigning by public officers, including the President were not addressed by the electoral amendments.

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The COVID -19 Pandemic and Elections in Uganda

The declaration of the novel coronavirus (Covid-19) outbreak a global pandemic on March 11, 2020, affected almost all areas of public and private life all over the world – and elections were not an exception. About 40 elections worldwide planned for 2020 have been suspended including elections in Ethiopia that were scheduled for May 2020.⁹ A few countries have continued to conduct elections under restricted health and safety regimes. The Republic of Burundi will, for instance, will conduct its local and presidential elections on May 20, 2020, amidst the coronavirus outbreak that has already resulted in fatalities. In March, Mali and Guinea held elections amidst the pandemic. In Guinea, civil society and opposition boycotted the election.

In March 2020, when the government issued lockdown directives, the EC was completing the public display of the national voters' register in preparation to conduct Special Interest Group (SIG) elections. These

⁶ <https://www.ec.or.ug/sites/default/files/2020-2021-general-elections/REVISED%20KEY%20MILESTONES%20FOR%20THE%202021%20GENERAL%20ELECTIONS%20ROADMAP.pdf>

⁷ <https://www.parliament.go.ug/news/3336/gov't-seeks-more-time-table-electoral-reforms>

⁸ https://www.newvision.co.ug/new_vision/news/1513988/govt-loan-elections

⁹ *Local elections in Nigeria, Tunisia, Zimbabwe, South Africa, Gambia, Kenya*

were originally scheduled for April 2020.¹⁰ Several subsequent electoral activities, which were originally scheduled between March and May 2020, have been affected by government measures to prevent the spread of the coronavirus. These include Display of tribunal recommendations for deletion or inclusion on the National Voters Register (NVR); gazetting and publishing of candidates' nomination dates and venues; Elections of Special Interest Groups (SIGs) including older persons, Persons with Disabilities (PWDs) and youth at village and parish levels; internal political party candidates identification processes (delegates conferences, party primary elections, etc.).

With hardly eight (8) months to the polling dates, stakeholder discussions are underway on the possibility of postponing the general elections – due to the disruption caused by the coronavirus pandemic. At the onset of the pandemic in Uganda (mid-March 2020), a concerned Ugandan citizen filed a suit before the High Court Division in Kampala, asking the court to declare a state of health emergency in the country and halt all elections until 2026 or otherwise. Two (2) members of the East African Legislative Assembly (EALA) representing Uganda have also indicated plans to petition Parliament, the President, and EC calling for the postponement of the elections to 2023 due to the Covid-19 disruption.¹¹

These developments have fed into an ongoing debate among civil society and political stakeholders on the country's preparedness for the general elections amidst the effects of the Covid-19 pandemic. Whereas this remains a defining discourse on the future of the 2021 election, its visibility is not apparent among the populace/electorate, which is pre-occupied with day-to-day livelihood and 'survival'.



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Depending on the way government and other political stakeholders choose to deal with the effects of the Covid-19 pandemic, this may be an opportunity to reset Uganda's electoral process or further take it down the drain. Inevitably, the legal and administrative framework of managing elections is likely to undergo changes with a view of integrating amendments that promote health and safety measures to control the spread of Covid-19. This window for reform could be exploited to push for more substantive electoral changes that the government has been reluctant about adopting since 2006.

Uganda has had six general elections since its independence in 1962. Each of the elections has been a learning experience, revealing areas that require strengthening in Uganda's electoral system. Budgeting and funding of election activities; voter and civic education; party registration and financing; electoral disputes resolution; electoral boundary demarcation; and election management body institutional strengthening have consistently come out as key areas that call for a thorough review in light of the electoral dynamics in Uganda. Although various stakeholders including political parties, civil society groups, parliamentary committees, select government offices, international and domestic election

¹⁰ Special Interest Group elections for youth, Older Persons (OP) and Persons with Disability (PWDs) at village and parish levels

¹¹ East African Legislative Assembly (EALA) MPs Hon. Denis Namara and Hon. Paul Musamali to petition Parliament on the postponement of the 2021 general elections: <http://www.bruniquedevelopers.com/blogmoreinfo.php?NewsID=222&Headline=Ugandans%20on%20EALA%20vow%20to%20push%20for%20postponement%20of%202021%20elections>

observers have proposed a number of improvements in Uganda's electoral system, the government has used the pretext of insufficient time not to undertake concrete reforms.

In any case, the pull and push factors to prompt substantive progressive electoral reforms have primarily been absent beyond regular advocacy. Covid-19 could, therefore, present catalytic opportunity to reflect-on and implement broader political and Constitutional reforms especially within a context of a postponed election. While this would be an ideal scenario where the elections are extended for two or more years, it remains very unlikely that the schedule of the 2021 general elections will be significantly altered to provide for a broader window for meaningful reforms. This scenario would largely depend on how much risk pro-reform forces create the status quo to compel real changes.

Key legal provisions relating to the postponement of elections

The Constitution of Uganda under Article 103 (3) (d) provides for postponement of a Presidential election as a result of the existence of war or state of emergency in which case, the election should be held within such a period as parliament may by law prescribe. Section 2 (3) (d) of the Presidential Elections Act, 2005 prescribes a postponement of a Presidential election where the normal presidential election cannot be held as a result of the existence of a state of war or a state of emergency. In which case, the presidential election should be held within such a period as Parliament prescribes, by law. Article 105(1) of the Constitution provides for the President to hold office for a term of five years and the extension of this tenure can only be done through a referendum as per Article 260(1) (f). On the other hand, Article 77 envisages the extension of the term of Parliament for not more than six months if a state of war or emergency is in existence. The threshold for the postponement of the 2021 general election remains unavailable in the current context.

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2.0

POSSIBLE SCENARIOS OF THE 2021 GENERAL ELECTIONS AND KEY IMPLICATIONS.

2.1

SCENARIO ONE

UGANDA HOLDS GENERAL ELECTIONS AS PER SCHEDULE IN JANUARY – FEBRUARY 2021

As previously indicated, the 1995 Constitution of Uganda (as amended) under Article 103 (3) (d) provides for postponement of a Presidential election as a result of the existence of war or state of emergency in which case, the election should be held within such a period as parliament may by law prescribe. Section 2 (3)(d) of the Presidential Elections Act, 2005 prescribes a postponement of a Presidential election where the normal presidential election cannot be held as a result of the existence of a state of war or a state of emergency. In which case, the presidential election should be held within such a period as Parliament prescribes, by law. Article 105(1) of the Constitution provides for a term of a five-year term for the President. Article 260(1) (f) provides for the extension of this term only through a referendum. However, the Constitution is silent on the timeframe for such an exercise. Article 77 of the Constitution envisions extending the life of Parliament for six months at a time under either a state of emergency or war if an election cannot be held. Holding a referendum ahead of the 2021 elections would present the same complexities as an ordinary election. This then would defeat the essence of its objective.

Declaring a state of emergency takes away the powers of the President and revoking it requires Parliamentary approval. The possibility of the President temporarily relinquishing power to the Speaker of Parliament is highly unlikely especially given the current state of the relationship between the Executive (President) and Parliament (Speaker). As such, the elections are likely to happen as planned, regardless of the avoidable complexities and challenges – largely for political reasons .¹²

Article 77

of the Constitution envisions extending the life of Parliament for six months at a time under either a state of emergency

¹² Incumbents at Presidential, Parliamentary and Local Council levels are very likely to prefer going for an election under the pandemic situation as it gives them advantages to access the electorate over above their opponents. Incumbents are part of the countrywide Covid-19 response structures at national, district and constituency levels with limitless access to citizens despite the 'lockdown' situation. The President (H.E Yoweri K Museveni) has for instance since the announcement of Covid-19 in Uganda (March 2020) addressed the nation regularly, almost weekly (13 addresses as at May 4 2020). Opposition politicians on the other hand remain locked out citizens due to mobility and assembly restrictions – as part of the Covid-19 health and safety measures.

Context:

As part of the extended Covid-19 response, the Government of Uganda (GoU) will most likely sustain the severe restrictions on core civic freedoms including freedom of movement, assembly, association, and expression. Although restrictions are currently necessary to save lives and protect health care from overburdening, the government could exploit emergency measures to impose and justify restrictions on civic space that might have mid- to long-term consequences well beyond the Covid-19 pandemic.

The government of Uganda's response to the Covid-19 pandemic puts incumbents in a vantage position. The government has generally succeeded in keeping the rate of Covid-19 infections low (compared to other countries in the region). The health and safety measures instituted to deal with the pandemic such as: banning gatherings, social distancing, "stay home" directives, national lockdown, have generally affected political parties and formations that were already conducting political consultations in preparation for the 2021 general elections. While all political parties may be affected, the opposition is the hardest hit. The ruling NRM holds the majority of incumbent elected office bearers – at local government and parliamentary levels, besides holding the presidency. The government's decision to integrate elected officials in the Covid-19 taskforces at national, district and constituency levels gives incumbent leaders incentive to engage in 'early campaigning' in their respective areas where opponents are unable to reach due to movement and assembly restrictions.¹³

The 2021 general election will take place in the context of an economic low-down. In a context where sources of livelihood are disrupted, the election will likely take place in an environment where citizens are exposed to social and economic vulnerabilities.¹⁴ This will influence both candidates' and voters' behavior. Bribery and indifference towards participation in electoral activities are generally high likelihood.

“...economic growth, which ranged between 6-10% during the boom year of 2000, has fallen to an estimated 3.6% in 2020.

The economic and social stress as a result of the Covid-19 pandemic notwithstanding, the government's political response could be laying the groundwork for future civil strife. Annual economic growth, which ranged between 6-10% during the boom year of 2000, has fallen to an estimated 3.6% in 2020.¹⁵ The majority of Ugandan youth are concerned with the daily struggle of poverty, unemployment, food shortages, the rising cost of living, and lack of access to quality social services.¹⁶ This makes youth more susceptible to political manipulation with the aid of money or, in the worst cases, criminal recruitment. Given Uganda's young demographics,

¹³ In the past elections, the ruling NRM party has leveraged the infrastructure of public officers including the Resident District Commissioners (RDCs) and District Internal Security Officers (DISOs) to ramp up its political bidding. As part of government's Covid-19 response plan, these specific offices have been technically equipped as well as resourced to effectively execute both their technical and political duties.

¹⁴ <https://www.monitor.co.ug/News/National/780000-Ugandans-risk-losing-their-jobs-over-coronavirus/688334-5497056-uyd2hiz/index.html>

¹⁵ Data source: International Crisis Group (ICG).

¹⁶ The Uganda Bureau of Statistics (UBOS) 2014 statistical projections indicate that 13,966,200 of Uganda's population will be aged between 18 and 40 by 2021. This accounts for 79% of the total voting population (approximately 17,700,000 voters/2021).

some political formations could be tempted to create youth groups to mobilize supporters and instigate low-intensity pre-election, Election Day, and post-election violence.

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...a national voters registration exercise was presumed to exclude over 1.5 million eligible (youth) voters

All this comes on the backdrop of a contested national voters registration exercise, that was presumed to exclude over 1.5 million eligible (youth) voters¹⁷ ; a questionable re-organization of polling stations and demarcation of electoral areas; concerns regarding state security agencies' curtailment of only opposition political parties' activities at the benefit of the ruling party; as well as mounting fears around the likely use of the large-scale Local Defence Units forces (LDUs) to intimidate voters.

Implications of Elections Organized Under this Scenario

- 1) 1Recasting of the 2021 Elections' Roadmap to integrate activities not conducted due to Covid-19 disruption¹⁸;
- 2) EC developing and issuing election guidelines to counter the spread of the Covid-19 pandemic during the conduct of election activities ahead of the 2021 general elections¹⁹;
- 3) Undertaking last-minute amendments to the legal framework of election management in order to abide by the health and safety measures adopted due to the Covid-19 pandemic. There is a likelihood that the government will in the short-run introduce changes in the form of ministerial instruments, guidelines, and standard operating procedures in order to prevent the spread of Covid-19 within the context of elections. The government will remain reluctant to adopt any Constitutional amendments especially under the pretext of timing or exhaustiveness of the process.
- 4) The general credibility of the election will be largely questioned based on insufficient meaningful electoral reforms, inadequate time to undertake all electoral activities, questions around the inclusiveness of the national voters' register, limited contextual voter education as well as limited space for open, inclusive and transparent dialogue on critical national matters.
- 5) A 'scientific election' administered through technology and media – political party' consultations, delegates conferences, candidate nominations, campaigns, results' transmission, tallying, and display done electronically. Higher risk of fake news, hate-speech, discreet voter bribery through tech applications such as mobile money

17 1.3 Million Teenagers to Miss Voting in Uganda's 2021 Elections, *The Observer newspaper*, December 4, 2019

18 Activities including: the display of the national voters register, elections for Special Interest Groups (SIGs), gazetting and publishing of candidates' nomination dates were halted at the on-set of the Covid-19 pandemic in Uganda

19 Developing and issuing health and safety guidelines to prevent the spread of Covid-19 during electioneering.

transfers. Likelihood of unfair and inequitable airspace distribution²⁰.

- 6) Glaring advantage of incumbency at all elective levels – local council, parliamentary, and presidency. ‘Incumbents’ election’ – countrywide Covid-19 taskforces likely to be exploited for campaigning purposes.
- 7) Security continues to play an active role. This remains evident during the response to Covid-19²¹. An election during the Covid-19 or immediate post-pandemic will further provide a platform for security agencies to extend their active involvement in electioneering;
- 8) Low civic participation arising from dissatisfaction among the electorate and opposition candidates, with the conditions under which the election is held. People may also stay away from polling out of fear for contracting the virus.
- 9) Possible agitation and discontent among political opponents of the NRM due to perceived upstaging by the NRM, taking advantage of the Covid-19 preventive measures. This may lead to demonstrations, riots and call for a boycott of the elections.

Possible Immediate Term Civil Society Interventions Under this Scenario

- 1) Engage the government on amendments in the electoral roadmap to ensure that they are reflective of reality. Changes in the electoral roadmap should be credible, provide ample time to political actors and reflect fairness to relevant stakeholders (engage the EC to undertake a risk analysis and mitigation plan within the Covid-19 pandemic context)²²;
- 2) Engage government (EC, Executive, and Parliament) on timely and necessary amendments in the election laws. Directly engage the Electoral Commission on the process of

²⁰ 60% of radio stations are owned by active politicians, 20% by former politicians

²¹ Security agencies including the Uganda Police Force (UPF), Uganda Peoples’ Defence Forces (UPDF) and the Local Defence Unit (LDU) continue to play a critical role in direct Covid-19 response and prevention as well as playing their regular security roles.

²² Encourage regular stakeholder engagement, for instance through establishing “Electoral Commission – Civil Society regular roundtables” on the implementation of the electoral roadmap. Regular engagements between CSOs and EC will also serve to smoothen working relations between the two

developing and issuing clear, comprehensive, fair and inclusive election guidelines reflective of the health and safety measures for the prevention of Covid-19;

- 3) Conceptualize a voter education intervention that is infused with health education as well as utilize both media and technology platforms for information and message disseminate;
- 4) Explore possibilities of innovatively (virtually) monitoring media usage and deployment of technology within the context of elections. Activate social media activism against disinformation, misinformation and hate speech narratives;
- 5) Conceptualize a robust tailored intervention to mobilize, motivate, and enhance civic participation in electoral and general political processes. The intervention should leverage technology including social media;
- 6) Involve (seek the opinion of) the electorate through conducting (online) opinion polls and surveys on topical issues about the electoral process – including polling on expectations, concerns, and hopes around the 2021 general elections. For instance, surveys to determine: whether or not the 2021 elections should be postponed; the level of interest in elections; policy issues of interest, etc would provide for more informed (evidence-based) citizen-government engagements around elections;
- 7) Conceptualize an all-inclusive resilient local election monitoring model with clearly articulated (technical) competencies focusing on areas with consistent flaws in elections – including among others timely advocacy work towards ‘de-securitization’ and ‘de-monetization’ of elections, fair access to media, and impartial application of legal and administrative directives;
- 8) Enhance synergies and collaboration among partners and other players conducting election efficacy assessments for more effective results and evidence-based proposals for any possible ongoing modifications in the election legal and administrative framework;
- 9) Promote internal alertness and bold action (online advocacy, petitions) towards repressive election-related engagement processes (related to POMA or Covid-19 related unfair guidelines);
- 10) Revitalize the call and advocacy for an inclusive national dialogue, peace, and mediation processes to de-escalate tensions and mitigate potential electoral violence ahead of and during the 2021 elections.

SCENARIO TWO

OPPOSITION POLITICAL FORMATIONS AND INDIVIDUALS BOYCOTT THE 2021 ELECTIONS

2.2

Context:

While the Electoral Commission (EC) may go-ahead to prepare for and conduct the 2021 general elections, it is possible that some opposition political parties and organizations could refuse to participate in the electoral process. There is a general acknowledgment of and link of government's preventive measures over the past weeks to the most effective control of the spread of Covid-19. However, this is tagged with the growing perception that measures put in places such as restriction of assembly and movement are a targeted strategy to counter the prevailing visibility of opposition forces among the electorate.²³ While opposition groups and persons are not able to engage the electorate during the Covid-19 time, the incumbent NRM elected leaders at various levels are engaged in pandemic response programmes across the country. The voices of the few opposition leaders in parliament and local government level are overshadowed by government interventions.

Recent remarks by President Yoweri Museveni on elections further cast a ray of uncertainty around whether Uganda will head to the polls in 2021 or not; as well as how the electoral process will be managed. This has generally been perceived as a ploy to keep the opposition in a state of unpreparedness to effectively participate in the general elections should they be held in January/February 2021. Discussions and indications of a planned rushed process especially for political campaigns; printing of ballot papers and legal tender in the country against the backdrop of highly monetized elections, vote-rigging, among others enhance sentiments of suspicion among opposition political actors.

The apparent reluctance by Parliament on one hand to receive and debate private member electoral reform bills introduced by opposition MP Hon. Wilfred Niwagaba in time has further cast doubt on government's commitment around reforming the legal and administrative framework for elections.²⁴ Prior to the disruption by

²³ <https://www.hrw.org/news/2020/04/28/uganda-opposition-leader-reported-tortured-police>

²⁴ <https://www.monitor.co.ug/News/National/Finance-accused-frustrating-Bill-Constitution-amendments/688334-5307090-87orr4/index.html>

Covid-19, major political parties and formations had embarked on stakeholder consultations to determine their electoral agenda. In fact, by March 5, 2020, twenty-four (24) presidential aspirants had formally notified the EC about their intentions to hold political consultations.

The Presidential Elections Act, 2005, states, “an aspirant may consult in preparation for his or her nomination as a presidential candidate within 12 months before the nomination date.”²⁵ The government’s decision to halt public gatherings as the first measure to counter the spread of Covid-19 was widely perceived as a targeted move to disallow the opposition an opportunity to proceed with political consultations.²⁶ While no official statements have been made by opposition forces in relation to their concerns, it is understood that opposition political actors are generally losing interest in running for elective offices ahead of the 2021 election.²⁷ If the restrictions affecting public gatherings and movement continue, it is likely that the opposition who feel more structurally disadvantaged, could stay away from participating in the electoral process.

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...Uganda may witness the lowest voter turn out for the 2021 elections,..

If the opposition takes a unified stand to boycott the elections and effectively mobilize the electorate in that direction, Uganda may witness the lowest voter turn out for the 2021 elections, compared to previous elections. However, Uganda’s weak history of successful election and political boycotts is worth noting. For instance, whereas opposition political parties planned to boycott Uganda’s 2011 general elections citing an unfair political environment, this was later compromised by individuals within the opposition who competed for elective positions – at both national and lower local government levels.^{28,29}

Even though the mainstream opposition chose not to participate in the elections, the ruling NRM would likely fashion its own ‘opposition’ in order to create a semblance of ‘competitive’ elections. Therefore, while the grounds that would prompt a boycott of the election to exist, it remains very less likely that indeed opposition actors would collectively mobilize for a mass stay away from participating in the electoral process. Besides, within a context of a weak economy and high unemployment, elective offices have become a source of livelihood and economic security rather than service for majority Ugandans.

25 Presidential Elections Act, 2005 (as amended) section 3(1)

26 <https://www.africanews.com/2020/01/06/uganda-police-blocks-bobi-wine-s-publicized-political-consultations/>

27 <https://nilepost.co.ug/2019/11/06/dp-asks-opposition-to-boycott-2021-elections/>

28 <https://books.openedition.org/iheid/707?lang=en>

29 Civil Society Organisations played a critical role in persuading the opposition political parties to drop their plans to boycott the 2011 elections. Part of the reason why the opposition abandoned its plan to boycott the 2011 polls was because CSOs ramped up their election programming in citizen mobilization and the opposition political parties felt ‘left out’ of the political matrix.

Implications of Scenario 2:

- 1) A successful boycott would discredit the electoral process. This could potentially push the incumbent to negotiate with the opposition and institute substantive electoral and political reforms;
- 2) It would enhance the bargaining power of the opposition for substantive political reforms and potentially enhance their credibility and relevance among the populace;
- 3) There would be an increased appreciation of the need for a shared political agenda and strategy among opposition politicians which would increase their capacity to check the excesses of the ruling party and possibly place them in a more vantage position to outcompete the incumbent in an election.
- 4) A failed boycott would further erode trust, the relevance of the opposition among the populace and would take away the substantial political bargaining power of the opposition;
- 5) It would place CSOs at crossroads with the need to take a critical decision on whether or not; and how to engage with the electoral process. The decision taken by CSOs would have a far-reaching impact on the sector's relations with either party as well as relevance to the electorate and population in general. If CSOs participate, then they could be viewed as legitimizing an illegitimate election and if they didn't, then they could be perceived as siding with the opposition.

Possible Immediate Term Civil Society Interventions Under this Scenario

- 1) Engage relevant actors to create conducive space for political dialogue aimed at addressing the underlying issues, and consensus-building;
- 2) Design tailored and targeted peace campaigns aimed at ensuring a violence-free environment especially among the young people;
- 3) Take up the opportunity to lobby for substantive political reforms through the parties involved. Presents an opportunity for a Constitutional review process;

2.3

SCENARIO THREE | **OPPOSITION FORCES AND DISGRUNTLED ELECTORATE ENGAGE IN MASS ELECTION-TRIGGERED VIOLENCE:**

Context:

Covid-19 has deepened the economic and socio-political drivers of anti-political sentiment, globally. In Uganda, the response to Covid-19 seems to be presently exploited by the elite to increase control over majority vulnerable population. The government remains reluctant to announce any concrete economic recovery plans, despite widespread calls from the public. There are concerns around the perceived government's unwillingness to institute mechanisms to offer socio-economic relief to mitigate the effects of the total national lockdown. Social relief package through food distribution to vulnerable households in Kampala and Wakiso districts was poorly managed. Allegations of corruption and misuse of Covid-19 response funds donated by institutions and individuals have further fueled anti-government sentiment. There is a general frustration that the government and its loyalists are benefiting from the Covid-19 funds to further entrench a patronage system rather than respond to people's pressing livelihood needs. As the impact of the pandemic and the specter of effective and ineffective policy decisions taken to manage Covid-19 become clearer, criticism towards government is rising.

It is possible that political elements could leverage the public's displeasure towards the government to lead the opposition in the form of public protests and demonstrations. The 2021 pre-election context, offers a fertile platform to galvanize angry and frustrated sections of the public to actively express their concerns. Demonstrations will likely be met with high-handedness from well-equipped state security agencies as seen in the past. The 2011 post-election economic and political frustrations triggered the 'walk-to-work' public protests across Uganda. With the currently pertaining conditions, it is possible that Uganda could witness a rendition of violent 'walk-to-work' demonstrations within the context of the pre-2021 election period. Economic and societal stress could trigger unrest and political instability.

Allegations of corruption and misuse of Covid-19 response funds donated by institutions and individuals have further fueled anti-government sentiment.

Implications of this Scenario:

- 1) Circumstances may prompt the revitalization of the Uganda National Dialogue Process with increased commitment and goodwill from the ruling party - as a pathway to adaptively address the conflict.
- 2) Response to demonstrations with highhandedness may deepen the conflict hence slipping the country into complete anarchy and instability.
- 3) Increased human rights violations such as arbitrary arrests, torture in detention centers.
- 4) Anarchy in Uganda would certainly have a far-reaching impact on peace and stability in the great lakes region. Opportunistic armed groups in the region could take advantage of the unrest to reinforce their positions in countries where the UPDF has played a central role in maintaining peace. On the other hand, the infiltration of these groups in Uganda would complicate the security situation and increase organized crime.

Possible Civil Society Interventions Under this Scenario:

- 1) Play a key role in advocating for and popularizing an inclusive national dialogue process to facilitate critical consensus building on issues of national importance;
- 2) Monitor, track human rights issues while advocating for the respect of fundamental freedoms and rights of persons by all parties;
- 3) Humanitarian support for affected communities.

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Opportunistic armed groups in the region could take advantage of the unrest to reinforce their positions in countries where the UPDF has played a central role in maintaining peace.

2.4

SCENARIO FOUR | THE 2021 GENERAL ELECTIONS ARE POSTPONED

The necessary conditions for the extension of the election as provided for in the Constitution are within the current context not available. The Constitution of Uganda under Article 103 (3) (d) provides for postponement of a Presidential election as a result of the existence of war or state of emergency in which case, the election should be held within such a period as parliament may by law prescribe. Section 2 (3)(d) of the Presidential Elections Act, 2005 prescribes a postponement of a Presidential election where the normal presidential election cannot be held as a result of the existence of a state of war or a state of emergency. In which case, the presidential election should be held within such a period as Parliament prescribes, by law. Article 105(1) of the Constitution provides for a term of a five-year term for the President. Article 260(1) (f) provides for the extension of this term only through a referendum. However, the Constitution is silent on the timeframe for such an exercise. Article 77 of the Constitution envisions extending the term of Parliament for six months at a time under either a state of emergency or war if an election cannot be held. There is no war in Uganda. Secondly, a state of emergency has not been declared. Considering the success with which the government has been able to respond to the Covid-19 pandemic so far, it is highly unlikely that a state of emergency will be declared.

Implications of Elections Organized Under this Scenario

- 1) The EC would have to draw a fresh election road map to the new election date(s);
- 2) Fresh voter registration, which would then cater to the currently disenfranchised (youth) citizens. Voter registration, and fresh registration of political parties;
- 3) There would be ample time for consideration of the Private Member's Constitutional Amendment Bill, 2020. This would open up for a possible comprehensive constitutional review which is being shelved;

- 4) There would be an opportunity to re-engage and advocate for more comprehensive and substantive electoral reforms ahead of the next election.
- 5) Possible Civil Society Interventions Under this Scenario
- 6) Engage the executive, parliament and other stakeholders to secure more substantive electoral and constitutional reforms ahead of the next election;
- 7) Recast and re-launch advocacy for dialogue processes among key political stakeholders and citizens to deflate tensions, and mitigate risks of violence ahead of next elections;
- 8) Design and undertake a comprehensive civic engagement intervention that facilitates better understanding and appreciation of voter education intervention that is infused with health education as well as utilize broader platforms to disseminate messages;
- 9) Build capacity of CSOs to allow for a more organic, multifaceted, collective engagement around electoral processes in Uganda – embracing new ways of working (tech-based interventions) and popularizing new approaches among the citizenry and stakeholders.

Possible Civil Society Interventions Under this Scenario

- 1) Engage the executive, parliament and other stakeholders to secure more substantive electoral and constitutional reforms ahead of the next election;
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2.5

SCENARIO FIVE | MEANINGFUL POLITICAL AND CONSTITUTIONAL REFORMS ENACTED.

It is possible that the Covid-19 pandemic could offer a pathway to reset Uganda's electoral process. Inevitably, the legal and administrative framework of managing elections is likely to undergo changes with a view of integrating amendments that promote health and safety measures to control the spread of Covid-19. This window for reform could be exploited to push for more substantive electoral changes that the government has been reluctant about adopting since 2006. Uganda has had six general elections since its independence in 1962. Each of the elections has been a learning experience, revealing areas that require strengthening in Uganda's electoral system. Budgeting and funding of election activities; voter and civic education; party registration and financing; electoral disputes resolution; electoral boundary demarcation; and election management body institutional strengthening have consistently come out as key areas that call for a thorough review in light of the electoral dynamics in Uganda.

Although various stakeholders including political parties, civil society groups, parliamentary committees, select government offices, international and domestic election observers have proposed a number of improvements in Uganda's electoral system, the government has used the pretext of insufficient time not to undertake concrete reforms. In any case, the pull and push factors to prompt substantive progressive electoral reforms have primarily been absent beyond regular advocacy. Covid-19 could, therefore, a present catalytic opportunity to reflect-on and implement broader political and Constitutional reforms especially within a context of a postponed election. While this would be an ideal scenario where the elections are extended for two or more years, it remains very unlikely that the schedule of the 2021 general elections will be significantly altered to provide for a broader window for meaningful reforms.

This scenario would largely depend on how much risk pro-reform forces create the status quo to compel real changes.

Each of the elections has been a learning experience, revealing areas that require strengthening in Uganda's electoral system.

3.0

CONCLUSION

An analysis of the prevailing context reveals no satisfactory conditions that would warrant postponement of the 2021 election. Cognizant of the constitutional conditions for postponement of an election, several stakeholders including key opposition political leaders, the Speaker of Parliament, and sections of citizens have urged the President to declare a state of emergency which would pave way for the postponement of the election. The President has not yielded to these calls and is unlikely do so in the near future if the government's grip on the Covid-19 response is maintained. This means that Uganda will have to prepare for a "*scientific election*" with all stakeholders positioning themselves for context-specific election interventions.

This context, is likely to be characterized by a weather-beaten economy, high levels of involvement of security forces, and an advantage to the incumbent candidates. For fear of contracting the coronavirus, citizens are also likely to stay away from polling activities. What this means, is that electoral stakeholders including CSOs need to promptly invest in a critical study of the political and electoral environment, and draw pointers to possible effective election programming to ensure that the electoral process is meaningful to most citizens. This will require, (i) regular and consistent stakeholder dialogues, (ii) innovative investment in civic and voter education through both traditional and new media, and (iii) monitoring and documentation of key issues around the electoral process to inform corrective interventions and stakeholder dialogues.

Acknowledgments

This scenario building paper was prepared as an outcome of a virtual scenario building session held on Thursday, May 7, 2020. The session brought together a cross-section of civil society actors engaged in electoral processes in Uganda. The Uganda National NGO Forum would like to acknowledge all the stakeholders who participated in this session for their efforts and invaluable contributions. Attached is a list of individuals and names of organizations that participated in the discussion.

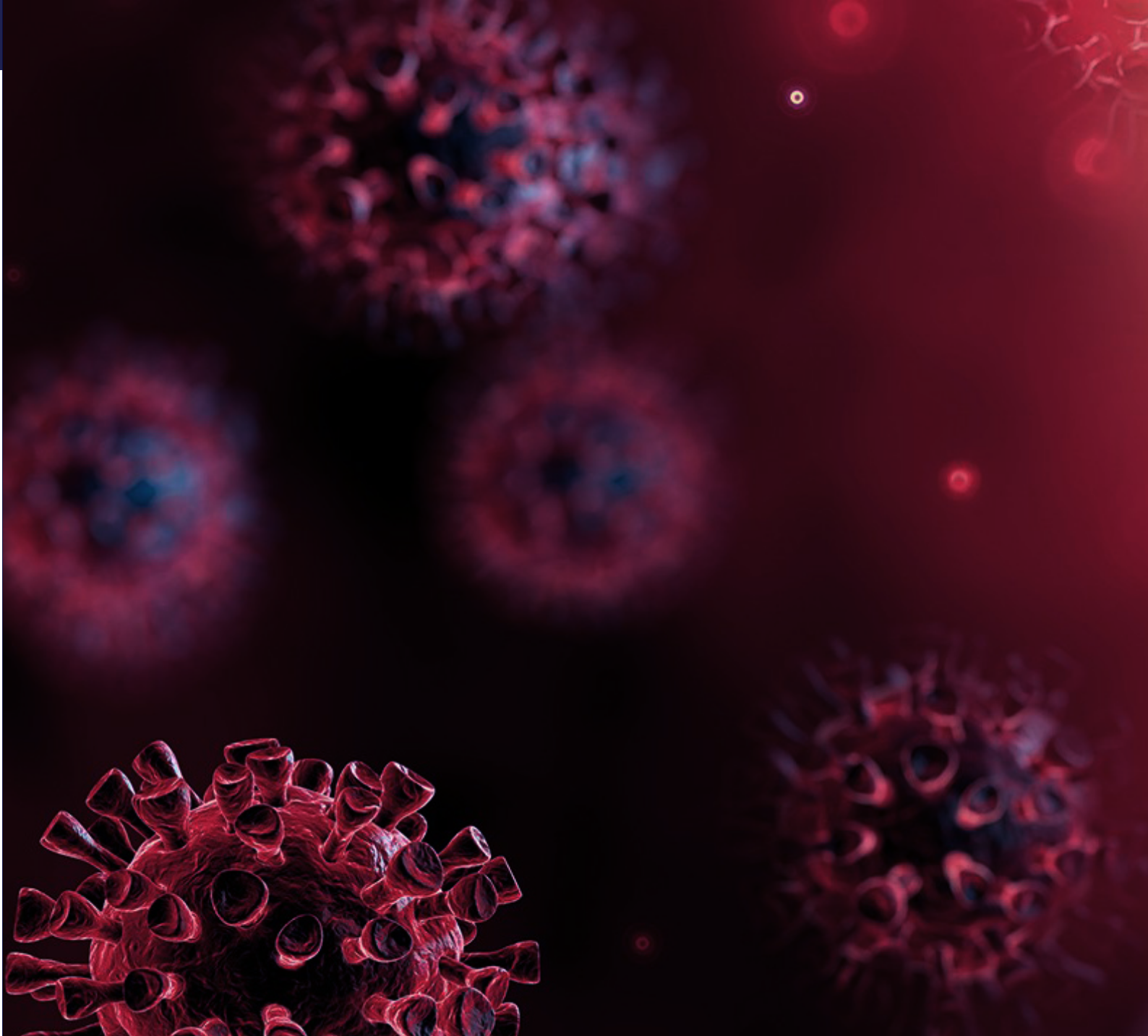
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APPENDIX

List of Stakeholders who participated in the Scenario Building Session on Elections and Covid – 19

No	Name of Participant	Organisation
1	Crispin Kaheru	Citizen
2	Henry Muguzi	Alliance for Election Campaign Finance Monitoring (ACFIM)
3	Catherine Rodgers	Restless Development
4	Geoffrey Okello	Gulu District NGO Forum
5	Catherine Kanabahita	Development Network of Indigenous Voluntary Associations (DENIVA)
6	Charity Ahimbisibwe	Citizens Coalition for Electoral Democracy in Uganda (CCEDU)
7	Dr. Maria Matembe	Citizens Coalition for Electoral Democracy in Uganda (CCEDU)
8	Patricia Munabi	Forum for Women in Democracy (FOWODE)
9	Hellen Kezie-Mwoha	ISIS-WICCE
10	Job Kijja	Innovations for Democratic Engagements and Action (IDEA)
11	George Kiprotich	Kapchorwa Civil Society Organizations Alliance (KACSOA)
12	Perry Aritua	Women in Democracy Network (WDN)
13	Feni Twaib	Arua NGO FORUM
14	Kitamirike Emmanuel	The Public Policy Institute (PPI)
15	Otim Ivan	Youth Coalition on Electoral Democracy
16	Muhindo Johncation	Creations Forum Afrika
17	Rita Aciro	Uganda Women's Network
18	Bogere Peter	UPIMAC
19	Kaiso Daudi	Citizen
20	Micheal Sessanga	Community Development And Child Welfare Initiatives (CODI)
21	Benson Ekwee	Public Accountability Centre (PAC)
22	Xavier Ejoyi	Action Aid International Uganda (AAIU)
23	Wasagali Esther	
24	Oontho Godfrey	Uganda Joint Christian Council (UJCC)
25	Sophie Kyagulanyi	OXFAM GB
26	Sarah Bireete	Constitution Centre Governance (CCG)
27	Micheal Aboneka	Action Aid International Uganda (AAIU)
28	Nsubuga Samuel	African Centre for Treatment Rehabilitation of Torture Victims (ACTV)
29	Simon Peter Olum	Agency For Development Of Young Farmers in Uganda (ADYOFU)
30	Gabriel Iguma	WIZARTS Media
31	Wanzala E. Martin	Youth Coalition for Electoral Democracy (YCED)
32	Rev. Grace Kaiso	Citizen



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