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POLITICAL AND ELECTORAL LAW REFORM IN UGANDA

CIVIL SOCIETY ENGAGEMENT STRATEGY

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1. INTRODUCTION

This Civil Society Electoral Law Reform Strategy Paper examines the contextual factors impacting on civil society influence on political and electoral law reform in Uganda and explores new strategies to strengthen this influence ahead of the 2026 general elections. To inform the strategy paper, the Public Policy Institute (PPI) in partnership with its allies¹ employed the political economy analysis approach, drawing on the lived experiences of local-national actors in recent reform efforts. The political economy analysis was intended to enable PPI to explore how the actors within and beyond the Civil Society Election Engagement Platform (CEEP) can synergize and collaborate with other key players in a political and legal electoral reform process. This strategy paper heavily draws on a recent analysis by PPI that explored civil society's influence on political and public policy reform in Uganda².

1.1. Rationale for Citizens Engagement in Law Reform Efforts

Globally, elections are considered the heart of any democratic dispensation. The delivery of regular, free, fair and credible electoral processes legitimizes political leadership and strengthens public confidence in the governance architecture of any country. Elections equally strengthen both the demand and supply sides of governance, with rallying freedom amongst citizens to choose their leaders and decide on the direction of public policy. Animashaun, (2010, p. 3) argues that 'the extent to which elections advance democratic order depends in large part on the existing electoral system, its nature and its acceptance by the stakeholders in the electoral process'. Uganda has successfully held four³ regular multiparty general elections under the current constitutional order, which in itself demonstrates a significant positive departure from the country's political past. However, all the four general elections have had their outcome contested⁴ by mainly the opposition candidates citing, among others, the partiality of the Electoral Commission (EC) and the interference of the Executive in the EC's management of the electoral process.

There is, however, a growing feeling among several actors in the political and development communities that the impact of civil society on political and electoral law reform in Uganda has not been commensurate with the advocacy efforts.⁵ The often-cited examples of recent civil society engagements in the political or electoral law reform arena include the resistance against the lifting of presidential term limits from the constitution in 2005, the quest for political reforms for free and fair elections ahead of the 2016 general elections, the attempts to facilitate an opposition coalition (the Democratic Alliance or TDA) against the NRM in 2016, and the 2017 resistance against removal of the presidential age limit from the constitution. Civil society organisations (CSOs) may not have attained their ultimate goals in the above-mentioned endeavours but this paper argues that the process gains, including the citizen empowerment effects, need not be discounted.

¹ *Mainly those who constitute the Civil Society Election Engagement Platform (CEEP)*

² http://ppi.or.ug/wp-content/uploads/PEA_book.pdf

³ *Multiparty elections have been held in 2006, 2011, 2016 and 2021*

⁴ *The 2006 election results were challenged in the Supreme Court by the first runner up Dr Kiiza Besigye alleging, among others, the commission of numerous electoral offences and illegal practices; the 2011 election results were contested on the streets through the walk-to-work protests led by the first runner up Dr Kiiza Besigye citing lack of independence of the Electoral Commission and involvement of the army in voter intimidation; and the 2016 election results were contested in the Supreme Court by one of the contestants, Hon. Amama Mbabazi citing noncompliance with the provisions of the law. The 2021 election outcomes were challenged by the first runner up Hon. Robert Sentamu Kyagulanyi citing several electoral malpractices and irregularities.*

⁵ *This perception was expressed by several respondents in this study.*

1.2. Objectives of the Paper

The central objective of this strategy paper is to analyse the context and factors affecting civil society influence on political and electoral law reform in Uganda and to explore new strategies to strengthen this influence ahead of the 2026 general elections. The paper attempts to identify locally available opportunities and resources that can be leveraged by CSOs to increase their impact on a range of identified political and legal reforms.

1.3. Conceptual Framework

This strategy paper draws on two analytical pieces of literature – the 2013 World Bank Study on the political economy of policy reform (Norton et al., 2013) and the Space Will and Capacity Framework (SWCF) of the National Democratic Institute (NDI).

The World Bank study points out three critical elements for diagnosing policy reform including

- the reform context** in relation to the country's socio-economic, political and economic characteristics;
- the reform process** in relation to information flow and participative processes; and
- the action framework** as the operational implications and measures that practitioners can use to design and implement reforms. Although the NDI-SWCF was developed for the analysis of political party support, it provides a useful tool that can be adapted for studying civil society political and legal reform influence.

The SWCF focuses on:

- political space** as the environment within which parties operate and interact;
- political will** as the incentives that influence political parties and individual actors; and
- capacity** as the skills and resources needed by the political parties. This strategy paper uses a blended framework for analysing civil society political and legal reform influence, drawing heavily from both the World Bank and NDI frameworks. The blended framework focuses on three elements: **the operative context** for CSOs seeking reform, **the reform process**, and **tools and capacity**.

The CSO Operative Context - refers to the overall environment within which CSOs seeking to impact on the political and legal reform operate. It includes the political, economic and cultural context as an enabler or constraint on civil society engagement and the behaviours of agents charged with the enforcement of existing laws and policies.

The Reform Process and Actors - examines whether there is an ongoing reform process and the place of civil society in that process. Key questions include; Who drives the process? What are their levels of influence? What mechanisms are employed to steer or block change in a certain direction? This element further examines the interests and incentives of diverse actors in the reform process, and how these impact on their levels of influence.

Tools and Capacity – is concerned with the capacities of civil society actors seeking to influence legal reform and the existing tools that they can leverage to bolster the influence. The analysis goes beyond examining project cycle management tools and financial resources to instead focus on CSOs as organisations or networks that can be leveraged to bolster influence.

2. POLITICAL ECONOMY ANALYSIS

2.1. The Civil Society Operative Context in Uganda

The space within which Ugandan civil society agencies operate and interact is characterised by an ambivalent legal framework and an equally ambivalent government attitude, particularly towards advocacy organisations.⁶ The legal framework does not bar the activities of civil society out rightly; on the contrary, there are constitutional guarantees for civil society to exist and engage. However, certain legal provisions contained in the Non-Governmental Organisations (NGO) Act of 2016 and the Public Order Management (POMA) Act 2013 were reported as being exploited by the state to narrow the operating space for civic actors. On the other hand, individual political actors in government have severally been critical of advocacy-oriented civil society, especially those engaged in the business of agitating for political reform. Besides the formal rules enshrined in the constitution and other Acts of Parliament, Uganda represents a high degree of institutional duality where informal rules operate side by side with formal legislation, especially regarding rights and social relationships. This section examines the operating context for Ugandan civil society with a focus on the constraints and opportunities therein for political and electoral law reform.

2.1.1. The Legal Framework

The dominant public debate tends to suggest that Uganda's legal framework is constrictive of civil society. On the contrary, however, existing laws do not bar the activities of civil society organisations out rightly. Civic organisations and their activities are instead buttressed by constitutional guarantees where the state is required to involve the people in the formulation and implementation of development plans and programmes. The 1995 constitution states that 'the state shall take all necessary action to involve the people in the formulation and implementation of development plans and programmes which affect them'.⁷ The constitution also recognises the role of civic organisations and provides that 'civic organisations shall retain their autonomy in pursuit of their declared objectives'.⁸ Article 38 (1-2) of the Constitution of Uganda gives every citizen the right to participate in the affairs of government, individually or through his or her representatives in accordance with the law and the right to participate in peaceful activities to influence the policies of government through civic organisations.

Further constitutional guarantees for civic activity are contained in Chapter 4 (Article 29), which provides safeguards for a diversity of mechanisms and tools which are often applied by civil society to influence politics or legal reform. Article 29(1)(a) guarantees the 'freedom of speech and expression', which, according to the constitution, includes 'freedom of the press and other media.' Article 29(1) (d) provides for the freedom to assemble and to demonstrate, while article 29(1)(e) provides for the freedom of association, which includes the freedom to form and join associations or unions, including trade unions and political and other civic organisations. However, despite the above stated constitutional provisions, participants pointed to some ambivalence within specific enabling laws or the implementation of such laws. Specific reference was made to the Anti-Money Laundering Act (2013), the POMA (2013) and the 2016 NGO Act.

⁶ Rubongoya (2010) discusses the ambivalent government attitude towards advocacy organisations in his paper on civil society and counter-terrorism.

⁷ *The Constitution of the Republic of Uganda (1995). National Objectives and Directives of State Policy.*

⁸ *Ibid.*

On August 20, 2021, Uganda's National Bureau for Non-Governmental Organisations (NGO Bureau⁹) which falls under the Ministry of Internal Affairs, suspended/ or halted the operations of 54 organisations for alleged non-compliance. The 54 organisations included NGOs engaged in advocacy for political and electoral reforms as well as think-tanks. The August 2021 suspension of organisations strengthens an ongoing concern within the civil society of the continuing efforts by the state to further constrain and shrink the space for civil society actors through legislation and enforcement. Previously, over 100 NGOs in humanitarian programming were closed by the Office of the Prime Minister while 13 NGOs¹⁰ engaged in policy advocacy, governance, and human rights promotions had their offices broken into, bank accounts frozen and staff arrested on flimsy charges using the Anti-Money Laundering Act (2013) and the NGO Act (2016). The increasing clamp-down on legally registered NGOs has led to self-censorship thereby undermining their capacity to continue to engage in civic work particularly advocacy. Ugandan society presents a high degree of institutional duality where informal rules operate hand in hand with formal legislation. This dualism has implications for effective advocacy and civil society influence on political and electoral law reform.

2.1.2. The Political Context

Rubongoya (2010) observes that civil society in Uganda is affected by an ambivalent government attitude, particularly towards advocacy organisations. As such, many organisations concentrate on service delivery rather than on political or policy matters.

A 2015 study by the Konrad-Adenauer-Stiftung established that several district-based CSOs were reluctant to engage themselves in discussions of political topics which they found to be sensitive and feared that such engagement would put them at loggerheads with politicians and security operatives. Participants during the consultative activities, however, noted that 'increased donor interest and funding towards democracy – and governance-related topics had incentivised many CSOs to engage with the hitherto feared political topics as the donor grants made engaging political matters worth the risk'.

In terms of the existing political set-up, Uganda's political context is characterised by what can be termed as a dominant-party-dominant-leader political settlement. The ruling NRM enjoys unrivalled control of the legislature where it commands more than the two-thirds majority required to pass any law. The NRM, furthermore, enjoys control over most Local Councils (with the exception of a few in the urban areas). Moreover, NRM party functionaries or sympathisers are deeply anchored in the state agencies responsible for the implementation and enforcement of the laws, e.g. the police, the Resident District Commissioners (RDCs) and the Internal Security Organisation (ISO), to mention but a few. In effect, the NRM has the numbers needed to pass any legislation in Parliament; it has the president to assent to the legislation; and it controls the tools of enforcement. Therefore, the legal route to political or electoral law reform in Uganda is less likely to succeed without buy-in from the NRM. The experience with the unsuccessful civil society-led demand for political reforms for free and fair elections in 2016 supports this assertion.

⁹ *The National Bureau for NGOs (NGO Bureau) is a semi-autonomous body under the Ministry of Internal Affairs established by the NGO Act 2016. The Act mandates it to register, regulate, coordinate, inspect, monitor and oversee all NGO operations in the country*

¹⁰ *Some of the NGOs affected included Chapter Four Uganda, NGO Forum, Uganda Women's Network, DGF, and Action Aid International Uganda among others.*

President Museveni, as founding and still reigning chair of the NRM, remains the ultimate power holder in the party and in the country. The NRM constitution gives the Chairperson powers to appoint leaders to influential positions within the party. And as president, the Ugandan constitution gives Museveni powers to make appointments to influential positions in the state bureaucracy. The prerogatives of the president give him considerable control over the decision logic of government officials who are, in effect, the decision-makers at national and local government levels. As rational actors, public officials have a proclivity to serve at the whim of the president as a way of safeguarding their own security of tenure in the positions they hold. Thus, they are more likely to use their official powers to block actions of critical civil society through denying necessary permits or stopping specific events rather than facilitate events likely to challenge the established order. Thus, any mapping of power holders and influencers of policy in Uganda ought to consider the NRM and President Museveni as the stakeholders with highest levels of influence.

Besides the formal mandate, President Museveni applies his charisma to dominate informal power. He maintains influential relations with significant power centres, such as the church and the leadership of the Islamic faith as well as with traditional kingdoms. Within the NRM party, the president maintains an influence on who gets to hold the NRM flag in the elections for Parliament and Local Councils. He enjoys the allegiance of influential associations, such as the veterans, women and youth groups, to whom he continuously provides gifts and donations. President Museveni is, therefore, effectively the omega and alpha of both formal and informal power in Uganda, which makes him a key determinant figure of the country's political and policy direction. Yet most civil society initiatives of political change have repeatedly framed Museveni or his closest allies as the targets, rather than potential partners, in the pursuit for change. It is argued here that this approach is akin to expecting Museveni to legislate himself out of power.

The political opposition in Uganda remains weak and fragmented. The traditional parties, such as the Democratic Party (DP) and the Uganda People's Congress (UPC) are still struggling to rebuild after the 20-year ban during which their structures and support base atrophied (Kiranda & Kitamirike, 2016). The parties are financially constrained: given the high poverty levels, they cannot register any considerable revenues from domestic sources yet under the governing law, the Political Parties and Organisations Act of 2010, they are barred from raising more than UGX 400 million (USD 106,000) a year from external sources. Many parties are also marred by internal bickering and the absence of internal democracy. Therefore, opposition parties, as challengers to the NRM's established power, remain largely absent.

There are six (out of 25 registered) opposition political parties with representation in the 11th Parliament.¹² All the opposition parties have a combined total of 109 (20 percent) representatives in a legislature of 529 seats. The opposition has often achieved bipartisan unity in challenging major political changes intended to entrench the power of the NRM or President Museveni.¹³ However, the dismal number of opposition members in Parliament has meant that their collaborative efforts yield no impact even when they win over a few independents and pro-reform agents from the NRM.

¹² *The opposition political parties include National Unity Platform (NUP) with 57 seats, Forum for Democratic Change (FDC) with 32 seats, DP with 9 seats and UPC with 6 seats, JEEMA and PPP with 1 each. There is a total of 25 registered political parties, according to records from the Electoral Commission.*

¹³ *A recent example of opposition bipartisan unity was during the 2017 removal of the presidential age limit from the constitution.*

While there is apparent consensus among the opposition political parties on the need for unity if they are to present a formidable challenge to the NRM's dominance, incessant conflicts during elections undermine the prospects for sustained cooperation. Given the office-seeking characteristics of political agents, opposition politicians often find themselves divided during competitions for parliamentary and Local Council elections as party agents compete against each other. The differences which get sowed during electoral contests spill over into intra- and inter-party relations going forward, which also affects the ability of the parties to strategize on influencing broader political reforms. All these factors compound to make the political opposition an actor with limited influence in Uganda's policy processes.

It is glaringly obvious that the opposition's political strategy is primarily targeted at dislodging President Museveni from power and many CSOs have been trapped in this strategy. The rhetoric from the opposition, which is often regurgitated by prominent CSO leaders, is that political change should mean a change of guard from President Museveni to another leader, and that meaningful political reform can only follow, not precede, such political change. This paper does not necessarily discuss the merits of this argument. However, it is observed that such an outlook has driven civic and political actors into resignation on the possibility of attaining reform impact to instead concentrate their resources on mobilising against President Museveni and the NRM, which is an extremely challenging goal in view of the prevailing context. It is, hence, the considered opinion of this paper that reform agitators should consider the NRM and President Museveni as potential partners, rather than framing them as the targets for political reform.

The process of conducting consultations for this strategy paper repeatedly came across the conventional proposal that CSOs need to engage with so-called pro-reform agents within the NRM as a way of manoeuvring through the complex political context. This idea sounds logical and can be exciting but may have to be taken with caution for two reasons.

First, the NRM has registered a reputation of castigating pro-reform agents in the party. At times, party members who challenge the positions of the top party leadership have been branded rebels¹⁴ and get distanced from inner party bargains. Pro-reform agents in the NRM are treated as opposition for which reason they may be less likely to provide inroads to influential decision-makers within the party.

Secondly, civil society itself as discussed later in this paper is largely seen as partisan and opposition leaning. If NRM members who are contesting the positions of power holders in the NRM are seen to be in alliance with an 'opposition leaning' civil society, their alienation within the party may only increase. Indeed, hobnobbing with the opposition was one of the reasons cited by the NRM top leadership while expelling its Members of Parliament from the party.

¹⁴ *As was, for example, coined to describe Members of Parliament—Theodore Ssekikubo, Wilfred Niwagaba, Muhammad Nsereko and Barnabas Tinkasimire*

2.2. The Reform Process and Actors

The reform arena in Uganda is a spectacle of two competing protagonists. On the one hand is the NRM with an interest in maintaining the status quo to hold on to power. On the other hand, is the political opposition's agitation for change, which is driven by the need to get the NRM out of power and to then occupy that space. Facilitating this contest is a myriad of civil society actors and development partners that are typically embedded in the international good governance agenda. While CSOs are expected to be non-partisan, there is a general perception, as discussed earlier, that they are in most cases opposition-leaning.

There is a vibrant, lively and at times sensational debate within Parliament and in the public arena concerning political and policy reform in Uganda. The state generally allows this debate with some controls. Civil society actors play a prominent role both as facilitators¹⁵ as well as key protagonists in the debate. The challenge – as observed by several participants in this Political Economy Analysis (PEA) – is that the debate, although powerful, has little influence on key political matters. Instead, much of the important decisions are taken in the NRM Parliamentary Caucus. The caucus meets outside Parliament and is firmly controlled by President Museveni. Given the more than two-thirds majority enjoyed by the NRM in Parliament, the approvals of its caucus are guaranteed to easily pass into law when laid on the floor of Parliament.

2.3. Tools and Capacity

In this section, the paper focuses on the tools and capacities of civil society actors to influence political and electoral law reform. The first tool to be considered is the 'organisation'. Indeed, organisations have been defined as the '...tools that individuals use to seek and create human contact and relationships, to coordinate the actions of many individuals and groups, and to dominate and coerce others' (North et al., 2009). Therefore, in order to discuss the tools and capacities of civil society actors seeking to influence politics and public policy, a considerable part of the discussion focuses on CSOs where attention is paid to their structures and capacities as well as the incentives that drive CSO agents.

2.3.1. The Two Dichotomies of Civil Society

The idea of civil society assumes a public arena in which 'different values, ideas, and political visions are debated, contended and struggled over' (Howell & Lind, 2010). Relatedly, civil society has been seen 'as the population of groups formed for collective purposes primarily outside the state and the marketplace' (van Rooy, 1998 cited in Lewis, 2001). This paper has presented two dichotomies of organisations populating the public sphere in Uganda – the 'old' and 'new' civil societies. The civil society space in Uganda is mostly dominated by professional NGOs despite the existence of a comprehensive ecosystem of more influential 'old' civic actors in the form of trade unions, media, academia, business associations and religious groups. According to the study participants, the NGO dominance is attributed to donor influence. The availability of financing was observed to be a major incentive for civil society engagement in political and electoral law reform matters. During the review, all major civil society actions around electoral law reform matters were underlined by donor support.

¹⁵ Based on their roles in the organisation of public dialogue on political or policy matters.

2.3.2. A Socially Rootless ‘Political’ Civil Society

Linked to the aspect of donor dependence is the question of social rootedness of Ugandan civil society especially the NGOs. Civil society in theory means people and civil society policy influence should also be construed as the influence people have on policy outcomes. It is argued in this paper that if CSOs are to hold a representative role for the people, it is critical that they are embedded within the society. This might be through the organisation drawing a considerable number of its membership from society or having an elaborate mechanism through which society defines the organisation’s agenda and holds the leadership of the organisation to account. In this way, the organisation becomes a facilitator in the pursuance of people’s collective aspirations rather than the CSO being the one that defines the development agenda for the people.

Social rootedness is important in influencing policy because the rationality of decision-makers is often anchored in specific social systems and the emancipatory aspirations of society (see Palermo & Ponzini, 2010). If, in theory, the people are expected to influence political and electoral law reform through civil society, then there should be clear mechanisms through which the people influence civil society ideas. What was established from the interviews, however, is that the relationship is inverse to this expectation. Rather than the people influencing civil society ideas and initiatives, it is civil society that attempts to influence people’s thinking and gets them to buy into civil society ideas. During consultations, a participant expressed the view that what is often termed as consultative meetings are typically ‘information events’ where NGOs seek to mobilise people towards a certain perspective of the policy based on the pre-existing position of the NGO.

2.3.3. Civil Society Capacity

The major issue related to civil society capacity is the general understanding of government policy processes, appreciation of power holders and influencers of politics as well as skills in citizen-state bargaining. Following successive support schemes from international benefactors, CSOs have gained considerable capacities in project cycle management as well as the ability to propose and present notable policy alternatives. There have been some positives, especially where CSOs have designed and collectively engaged on specific political and policy issues.

3. PRINCIPLES AND STRATEGIES FOR ELECTORAL LAW REFORM IN UGANDA

3.1. Principles

The following principles, if adopted by civil society actors can greatly strengthen the group's influence on political and electoral law reforms in Uganda;

- a) Understanding the Electoral Laws. Electoral laws are a vital mainstay of electoral democracy. The nature of the electoral system adopted by the country, and the procedures and processes for election are all entrenched in law.
- b) Understanding key stakeholders' roles, and the power that they hold. The key stakeholders at every stage are important for purposes of informing the key electoral reforms. The key electoral reforms should as well affect all the stages of the electoral cycle.
- c) The need for multiple strategies under this principle. CSOs and other stakeholders ought to consider various scenarios which are regularly updated to inform appropriate response.
- d) Timely reforms before the electoral cycle. In many cases, laws may not be sufficient if not implemented. It may be unsuccessful to have any reforms that the enforcement mechanism is not strengthened or there is not enough time to enforce them.
- e) Participatory approaches to negotiating political settlements through electoral reforms, but not joining politics to make money. This involves identifying key stakeholders to push for the required reforms. Whereas Government plays a leading role in the process of reforming laws, ideas and recommendations for reform are not the preserve of Government.
- f) The process of electoral reforms should not be politicised. The overall credibility of the electoral process is dependent on all relevant groups, including the political parties, government, civil society, and the media as well as citizens. This is because the outcome is an independent impartial free and fair elections management system which benefits all parties.
- g) Civil society organisations must exhibit the highest level of integrity and trust. In a political and reform process, civil society actors ought to remain impartial and in most cases, allow key institutions such as the Electoral Commission, Legislature or Executive to be the face of political and electoral reforms. The principle of who is the face of any reform matters to the ruling party.

3.2. Strategies for Successful Political and Electoral Law Reform

This section presents the strategies that CSOs can adopt to influence political and electoral law reform in Uganda in light of the analysis regarding the CSO operative environment, the reform context and CSO tools and capacity.

3.3. Engage with the Supply Side of Governance

Politically, law reform initiation in Uganda remains a preserve of the Executive with some minimal leverage by Members of Parliament to initiate legislation up to the first reading of a proposed law. As seen in the political context analysis above, the NRM enjoys an absolute majority in Parliament and as seen in the recent legislative processes, critical parliamentary business is debated and considered in the NRM Caucus before being brought to the floor of Parliament for endorsement. Efforts to initiate legislation outside of the NRM and where there is no buy in from the President have been futile. The experience with the unsuccessful civil society-led demand for political reforms for free and fair elections in 2016 supports this assertion. President Museveni, as founding and still reigning chair of the NRM, remains the ultimate power holder in the party and in the country. It is therefore proposed that civil society influence and success in reforming the political and electoral laws can only succeed if it has the buy in of the ruling NRM and more specifically the party Chairperson.

3.4. Strengthen the Demand-side for Reforms

This paper has elaborately analysed and demonstrated how civil society agencies engaged in political and electoral law reform are socially rootless and asserted that ‘if CSOs are to hold a representative role for the people, it is critical that they are embedded within the society’. Similarly, the paper argues that a comprehensive ecosystem of more influential ‘old’ civic actors¹⁶ were rarely engaged and involved in previous reform initiatives. It is therefore proposed that a key strategy to build the case for political and electoral law reforms is to develop key political and law reform messages that speak to the concerns and interests of the citizens and work through/ or with old civic actors to bolster audience from the supply side of governance.

3.5. Continue to Generate Evidence on the Need for Political and Electoral Law Reforms

Broadly, Uganda’s multiparty system is nascent and participants in this study believed that citizens and policy makers would benefit a great deal from empirically generated information to build a broad-based rationality and informed activism for political and electoral reforms. PPI is convinced of the necessity for continuous enquiry to develop explanations regarding Uganda’s complex electoral and political context.

More specifically, there is need to generate evidence on;

- (i) citizens’ opinions about political and electoral reforms;
- (ii) the much-anticipated political transition in the context of the current political and electoral law environment;
- (iii) the current political and electoral structure and its impact on inclusive political participation;
- (iv) judicial decisions on electoral processes and outcome; and
- (v) corruption and bribery in Uganda’s electoral system, among others.

¹⁶ *Old and influential civic actors include media, academia, trade unions, business associations and religious groups*

3.6. Adopt an Incremental Approach to Reform

As analysed in this paper, previous electoral law reform efforts by civil society actors proposed big bang reforms without mobilising influential decision-makers to appreciate the value of the proposed reforms as well as answer the question of ‘what is in it for them?’. From a highly pro-reform President in the 1980s and 90s, President Museveni has metamorphosed into an anti-reform figure in the 2010s, only favouring less political system re-engineering reforms. That said, there have been some electoral law reforms spearheaded by the State that have incorporated proposals from other actors including from the Supreme Court and Election Observers as follows;

- a) The Electoral Commission Act, Cap 140 was amended by Parliament in March 2020 to provide for the use of technology in the management of elections;
- b) The Presidential Elections Act No 16/2005 was amended to recast and expand the provisions of section 24 (1) on equal access to State owned media. The amendments obligated the EC to ensure equal treatment of all presidential candidates on State owned media;
- c) Section 21 of the Presidential Elections Act No 16/2005 was amended to stipulate the time for holding of campaigns in presidential elections as between 7am and 6pm;
- d) Section 30(8) of the Parliamentary Elections Act (2005) and section 31 (8) of the Presidential Elections Act (2005) were amended to require opening of polling procedures to be carried out in the full view of at least 10 voters who are registered to vote at the polling station rather than, as it was previously in the full view of only 5 voters present; and
- e) Section 83A of the Parliamentary Elections Act (2005) and section 79A of the Presidential Elections Act (2005) were amended to ban the involvement of public officers in campaigns and made it an offence punishable by a fine and/ or imprisonment.

In view of a ruling political elite resistant to a political system re-engineering, and evidence of some recent amendments to the electoral law, it is proposed that actors ought to adopt an incremental approach to political and electoral reform, and subsequently enlist the buy in from influential players on the supply side through responding to their behaviours and incentives.

4. PROPOSED POLITICAL AND ELECTORAL LAW REFORMS AHEAD OF 2026

In light of the analysis regarding the CSO operative environment, the reform context and CSO tools and capacity, this section presents a description and rationalisation of the nature of political and electoral law reforms that are likely to succeed ahead of the 2026 general elections.

4.1. Consider Only Two Election Days

Voter turnout for Presidential/Parliamentary versus Local Governments in the previous four general elections are presented in Table 1 below.

Table 1: Voter Turnout in the Last Four General Elections in Uganda

Year	Voter Turnout		Variance
	Presidential/ Parliamentary	Local Government	
2006	69.19%	46.30%	22.89%
2011	59.29%	30.62%	28.67%
2016	67.61%	34.88%	32.73%
2021	59.35%	34.36%	24.99%
Average	63.86%	36.54%	27.32%

Source: Electoral Commission General Elections Reports 2006, 2011, 2016 & 2021

As evidenced from Table 1 above, the voter turnout over the last four general elections shows a marked difference between Presidential/Parliamentary and Local Government. There was a recorded 27.32 percent less turnout in Local Governments compared to Presidential/Parliamentary elections over the last four general elections. Participants in the study adduced several reasons for this recorded decline such as voter apathy and widened disinterest that follows hotly contested Presidential and Parliamentary elections. Article 61 of the Ugandan Constitution provides broad functions of the EC regarding the conduct of elections in the country including discretionary powers to schedule the elections. Section 2 (2) of the Presidential Elections Act (2005) stipulates that ‘the election of the President shall, subject to article 61 of the Constitution, be held during the first thirty days of the last ninety days before the expiration of the term of the President’ while Section 2 (1) of the Parliamentary Elections Act (2005) provides that ‘a general election of Members of Parliament shall be held in accordance with Article 61 of the Constitution’.

The EC therefore has broad mandate to schedule the elections of Members of Parliament and Local Government leaders. To increase voter turnout at Local Government, the EC should consider an administrative reform to change the elections procedures and have the Presidential, Parliamentary and Local Government V election taking place on the same day.

4.2. Every Eligible Citizen Should Be Allowed to Vote

Article 59 (1-2) of the Constitution of Uganda gives ‘every citizen of eighteen years of age or above ‘a right to vote and a duty to register as a voter for public elections and referenda’.

Section 18 (1) of the Election Commission Act (2005) mandates the EC ‘to compile, maintain and update, on a continuing basis, a national voters register, which shall include the names of all persons entitled to vote in any national or local government election.

In the two last general elections, the EC has not registered voters and instead relied on data generated by the National Identification and Registration Authority (NIRA) to generate the National Voters Registrar. The EC should consider an administrative reform to have all citizens in the NIRA database that shall be 18 years of age and above at the time of elections incorporated into the National Voters Register. This will ensure that registration of voters fulfils section 18 (1) of the Elections Commission Act (2005).

4.3. Review Nomination Fees for Selected Electoral Positions

Section 10 (6) (b) of the Presidential Elections Act (2005) provides that the nomination paper for a Presidential Aspirant shall be accompanied with ‘a non-refundable fee of four hundred currency points (UGX: 8,000,000) payable to the Uganda Administration in cash or bank draft’.

Similarly, Section 11 (3) of the Parliamentary Elections Act (2005) provides that the nomination paper for a Parliamentary Aspirant ‘shall be accompanied by a nomination fee of ten currency points (UGX: 2,000,000) in legal tender or a bank draft for that amount payable to the Uganda Administration’.

To strengthen Uganda’s nascent multiparty system, section 10 (6) (b) of the Presidential Elections Act (2005) and section 11 (3) of the Parliamentary Elections Act (2005) should be amended to provide for a waiver of direct nomination fees for any Member of Parliament representing a political party/organisation in Parliament.

The rationale for this waiver is to enable government execute section 14 (a) of the Political Parties and Organisations Amendment Act (2010) that obligates Government to contribute funds or other public resources towards the activities of political parties or organisations represented in Parliament and section 14 (b) that states that ‘in respect of elections, Government shall finance political organisations and parties on equal basis.

The execution of this amendment would enable political parties and organisations to leverage their resources to provide nominations and other campaign resources to their cash-hardened and previously excluded aspirants/ or candidates.

4.4. Political Reforms in the Public Arena

There has been widespread public debate citing anonymous proponents within the NRM mooted a plan to amend Article 103 (1) of the Constitution that requires a President to be elected by universal adult suffrage through a secret ballot to a Parliamentary System in which the party with the greatest representation in Parliament forms government. This paper acknowledges that previous fundamental political reforms including the removal of terms limits and age cap for the President have been introduced on to the public scene in a similar manner. We therefore provide a minimal analysis on the pros and cons for a Parliamentary System and conclude on whether or not it is likely to see the light of day.

Presidential elections in Uganda have been hotly contested¹⁷, very expensive¹⁸ to conduct and brought with them heightened social and economic tensions prior, during and after. The outcome of the last four presidential elections have been contested both in the Supreme Court and on the streets of Uganda. The 2006 election results were challenged in the Supreme Court by the first runner up Dr Kiiza Besigye alleging, among others, the commission of numerous electoral offences and illegal practices; the 2011 election results were contested on the streets through the walk-to-work protests led by the first runner up Dr Kiiza Besigye citing lack of independence of the Electoral Commission and involvement of the army in voter intimidation; the 2016 election results were contested in the Supreme Court by Hon. 3rd runner up, Rt. Hon. Amama Mbabazi citing noncompliance with the provisions of the law; and the 2021 presidential election outcome was challenged in the Supreme Court by the first runner up Hon. Robert Sentamu Kyagulanyi citing several electoral malpractices and irregularities.

Besides the above, Uganda's Presidential system is a 'winner takes it all' implying that candidates who garner a substantial following are relegated to the fringes of governance as they leave empty handed. The principle of 'winner takes it all' makes the elections a do or die affair, that raises the stakes not only within the contenders but equally throughout the citizenry.

¹⁷ *Presidential elections in the last four cycles have resulted into several deaths such as the 2020 November killings that resulted into the death of over 50 Ugandans.*

¹⁸ *The cost of the general elections (substantially contributed to by the presidential elections) was UGX: 698.656 billion (USD 195 million)*



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