



INCLUSIVENESS IN UGANDA'S DEMOCRATIC GOVERNANCE

COMMISSIONED BY: BUILDING SYNERGIES-UGANDA (BSU)

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LIST OF ACRONYMS

ADF	Allied Democratic Forces
ANT	Alliance for National Transformation
AU	African Union
BSU	Building Synergies Uganda
CDF	Constituency Development Fund
CSOs	Civil Society Organisations
DEC	District Executive Committee
DP	Democratic Party
EAC	East African Community
EC	Electoral Commission
EU	European Community
FDC	Forum for Democratic Change
FGD	Focus Group Discussion
FPTP	First Past the Post
ICT	Information Communication and Technology
IPOD	Inter-Party Organization for Dialogue
IRCU	Inter-Religious Council of Uganda
JLOS	Justice, Law and Order Sector
KII	Key Informant Interview
LC	Local Council
LG	Local Government
LNOB	Leaving No One Behind
LRA	Lord's Resistance Army
MDAs	Ministries, Departments and Agencies
MP	Member of Parliament

NCF	National Consultative Forum
NEC	National Executive Committees
NGO	Non-Governmental Organisation
NIMD	Netherland Institute for Multiparty Democracy
NRM	National Resistance Movement
NUP	National Unity Platform
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific Organisation
UNGA	United Nations General Assembly
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
UNSC	United Nations Security Council
USE	Universal Secondary Education
PDM	Parish Development Model
PR	Proportional Representation
PRA	People's Redemption Army
PwDs	People with Disabilities
RECs	Regional Economic Communities
SIGs	Special Interest Groups
SDGs	Sustainable Development Goals
STV	Single Transferable Vote
TEFU	The Elders' Forum of Uganda
UGX	Uganda Shilling
UPC	Uganda People's Congress

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EXECUTIVE SUMMARY

Building Synergies–Uganda (BSU) commissioned a study on *Inclusiveness in Uganda’s Democratic Governance*, with the goals of: (a) *examining the state of inclusiveness in Uganda’s political-governance landscape* so as to gain understanding of why and to what extent Uganda’s electoral processes are or are not inclusive; (b) *analysing Uganda’s electoral system and how it contributes to inclusive governance*; and (c) *drawing implications of both the electoral system and the relationship between leaders and citizens for broad practices of political-governance inclusiveness*. This effort is intended to enhance stakeholders’ understanding of the ways in which political governance can be made more inclusive, with focus on strengthening foundations of stability and the attainment of Uganda’s development aspirations.

The desire for inclusive governance is universal. Under the United Nations’ Agenda 2030, the Principle of “Leaving No One Behind” underlies inclusiveness. Under the Constitutive Act of the African Union, African states committed to *promote and protect human and peoples’ rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law*. Under the East African Community Treaty [Article 3(3)(b)], Partner States made commitment on *adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice*. These commitments are reproduced in Article 6(d) and Article 7(2) of the Treaty which is emphatic on good governance and equal-opportunity principles.

In practice, inclusive governance is based on state structures, political choices, and policy-practices which should provide equal opportunity for all competent and interested actors to participate in governance, and place citizens at the centre of state-led governance (the provision of political goods). In polities with inclusive political governance: (i) processes and channels for expressing competing interests and values are open, accessible to everyone, and subject to consensual modification and reform; (ii) leaders account to citizens not out of compulsion but as an honoured duty; and (iii) formal, mandated and legitimate institutional structures replace arbitrary and personalised exercise of power. Leaders also recognize that at the heart of democracy are: consensus, participation, equal opportunity to express citizen preferences, responsiveness to citizens’ demands and expectations, plurality of opinions and interests, checks and balances among key state institutions, and citizens’ sovereignty; and governance practitioners jealously guard their democratic credentials and legitimacy. Furthermore, access to and exercise of political power are devoid of do-or-die competition, and democratically constituted authorities serve everyone without recourse to electoral support-bases or sectarian considerations. Such is what has eluded Uganda since the 1890s.

This study, therefore: (i) examines the implications of Uganda’s electoral system to establish the extent of political-governance inclusiveness; and (ii) assesses the relationship between political leaders in Uganda and citizens. The first element exposes the extent to which Uganda’s majoritarian, first-past-the-post (FPTP) electoral system compliments, contradicts or even impedes inclusive political governance. The second assesses: (a) the degree to which leaders (both elected and appointed) and citizens understand each other’s interests and aspirations as well as leaders’ respect for citizens’ needs, interests and aspirations; (b) the degree to which leaders are accountable to the citizenry in terms of reporting, and consultation mechanisms and practices; and (c) how leaders facilitate access to equal opportunities (through political, administrative, economic, social-development and judicial/conflict resolution measures) for the citizenry.

These inclusiveness elements bring to light Uganda’s Constitution which states that “All power belongs to the people”, and demands democratic governance via *constitution of authority according to clearly-stipulated rules and procedures, acquisition of power through electoral mandates, and the central role of citizens/Ugandans in power*

politics and governance. The study applies a qualitative methodology to fill gaps in our understanding of the implications of the electoral system and leader-citizen relations for Uganda's political governance inclusiveness. It then proposes ways of enhancing inclusive political governance in the country.

Major Findings

- i. **Uganda's FPTP electoral system enables individual voters to influence election outcomes through the single-person-single-vote principle:** This means that every voter's vote counts, and candidates need to attract as many individual votes as possible. However, the *electoral system contributes to politicians' behaviour of intense campaigning and vote solicitation* to seek electoral endorsement and secure victory at all costs. The current multiparty system, which has been in place since 2005, still relies on individual efforts because party candidates invest a lot of personal resources to win party primaries before being endorsed; and after endorsement, candidates invest more than their parties to finance general elections campaigns. Consequently, individual candidates suffer more costs and pains of election defeat than their political parties; and campaign violence and other electoral offences and malpractices partly result from this system.
- ii. **The power of citizens currently ends at voting:** After elections, the relationship between elected leaders and the voters remains impaired. First, there is limited information and/or organisation for citizen participation in post-election governance. Second, there are cumbersome procedures of recalling elected leaders who may not satisfy voters' expectations (as seen in section 14 of the Local Government Act, Cap. 243, 1997; and Article 107 of the Constitution). Thirdly, because of this weak relationship, there is growing voter apathy in participating in elections.
- iii. **Simple-Majority election principle and victories more often represent minority franchise:** Some of the elected leaders win with very small minority scores of the total valid votes cast. An elected leader whose victory is less than 50% (some as low as 22%) of total valid votes cast represents a minority franchise choice, and this anomaly worsens with low voter turnout. Under the FPTP system, when a voter's preferred candidate or political party loses, it means that the would-be policy choices of voters are not represented in governance even when the winning candidate or party wins with a very small margin.
- iv. **Non- Inclusive Appointment Mandates:** The electoral system engenders winner-take-it-all politics, which creates incentives for winners to exercise executive appointment mandates by choosing appointees from their parties and support-bases. This appointment mandate is also provided for in the Constitution and operational laws, and contributes to exclusion of would-be appointees that are not aligned to the party and/or ideology of the winning executive. This exclusive access to executive structures has persisted since 2005 when Uganda returned to multi-party dispensation.
- v. **Leaders are Detached from their Constituents:** Organised opportunities for citizens to meaningfully channel their needs and interests via elected leaders after elections are limited; and, during subsequent elections, leaders endeavour to win back voters through handouts. As citizen agency is reduced to handouts, elected leaders' incentives to meet shared expectations of voters and citizenry are reduced.
- vi. **Electoral Areas and Local Governments with limited Public Interest:** Since winning an election allows one to access power, politicians have incentives to maximise opportunities for electoral victory by, among others, creating electoral areas and constituencies that serve this purpose. Some of the newly-created electoral areas, constituencies, Local Governments and administrative units, are intended not as channels for citizen representation or service delivery, but as strategy for politicians to reappear

in elective positions. Citizens are also unable to grasp and avoid creation of governance structures that merely reward or console politicians.

- vii. **Political Parties have limited leverage over their Elected Leaders:** When elected persons deviate from positions of their political parties, aggrieved parties can hardly hold defiant leaders accountable to the party. This is compounded by a party-money incentive, where parties accept otherwise recalcitrant members only because these can win elections and increase the party's eligibility for state funding for that party. This excludes political parties from governance processes as their victorious members can ignore party policy positions and/or ideological interests in parliament and lower-level legislative organs.
- viii. **Constitutional and Legal Reforms:** Various stakeholders share the consensus that Uganda needs general and specific constitutional and legal reforms so as to enhance inclusivity in governance under the multiparty system. The country's political governance can be made more inclusive by adopting the Proportional Representation (PR) electoral system; amending the Constitution and relevant laws on elections of SIGs and regulation of independent candidates; adopting minimum education qualifications for elective positions; changing the mandates for appointing constitutional commissions, authorities and agencies; devolving powers from the Executive to the Legislature and Judiciary; and ensuring functional State institutions.

Recommendations

Against the above, the following recommendations are proposed for the enhancement of inclusiveness in Uganda's democratic governance:

1. **National Dialogue:** Responsible institutional stakeholders should plan and execute a comprehensive and inclusive National Dialogue. The purpose of the dialogue is to strengthen the constitutional foundations for inclusive political governance while also reconciling all Ugandans to sow seeds of sustainable nation building.
2. **Constitutional and Legal Reforms:** The Constitution should be amended to: (a) provide for a Proportional Representation (PR) electoral system; (b) restore of presidential term and age limits; (c) reducing the size of Cabinet, Parliament, and numbers of local governments; (d) review the powers of the Executive, especially regarding appointment to Constitutional Commissions, State Authorities and Agencies; (e) provide for minimum academic qualifications for all elective positions from LC III onward; (f) regulate conduct of stakeholders during and after elections; (g) institute term limits for leaders elected on affirmative action; (h) limit the role of the armed forces and security agencies in electoral processes; (i) reduce fusion by separating the ruling party from the government and the State by clearly defining the roles and limits of each.
3. **Regular Leaders-Citizens Interfaces:** An independent mechanism should be established to design regular engagements for face-to-face interaction between elected executives, representatives and citizens. These programs should cater for all leaders, from the president to the lowest elective office, and should entail detailed conversations and accountability exchanges between citizens and their leaders.
4. **Inclusive, Impartial, and Compulsory Leadership Training for all Elected leaders:** The state should design and implement an impartial leadership-training program for all political leaders, requiring that all political parties send their leaders for training to this academy, to enhance nationalism and the common good. The compulsory program can be conducted at the National Leadership Institute, Kyankwanzi, or any other acceptable institution. Retired senior political and technical leaders should be utilised in this regard.
5. **More Research:** The BSU, working with NIMD and other partners, should carry out more research and commission comprehensive studies on topical issues, especially regarding Ugandans' attitudes toward

leadership at different levels, their ideas to the National Dialogue, satisfaction with civic education, and an assessment of participation of Ugandans in different electoral activities.

I. INTRODUCTION

This study, on *“Inclusiveness in Uganda’s Democratic Governance”*, was commissioned by Building Synergies–Uganda (BSU). BSU is an independent, non-partisan think tank established to promote inclusiveness in Uganda’s democratic governance; and builds on the conviction that inclusivity is the bedrock of democracy, and that democratic polities ought to ensure that inclusiveness animates practices of political governance. The study examines the degree of inclusiveness (in terms of rules and/or governance practices or both); and unravels alternatives to exclusive governance rules and practices in Uganda. The research process generated evidence upon which key stakeholders will be engaged on how to make Uganda’s political governance more inclusive.

This inaugural study lays the foundation for deepening the understanding, among key stakeholders, of Uganda’s governance landscape; informing the choices of policymakers on the country’s political-governance trajectory in the 21st century; and for enabling Ugandans to consolidate political stability and democratic gains that have been made over the past nearly four decades. Given present-day global and regional geopolitical contexts, Uganda needs a more sustainable path toward democratic stability and inclusive development. Uganda’s present-day domestic political dynamics, her historical pains and gains, her aspirations that are encapsulated in the Constitution and Vision 2040, and the regional and international development commitments to which the country is party, require that key stakeholders drive the country toward more inclusive democratic governance. This effort requires thorough understanding of the degree to which Uganda’s political institutions, governance processes and practices are inclusive, and what may be done to make them even more inclusive at all levels.

The BSU conceptualisation of inclusiveness in Uganda’s governance posits that:

- i. Uganda has potential to become a democratic polity given her Constitution, other key policies and laws, and clearly-distinguishable executive, legislature and judiciary. Democratic practices are evident in acquisition of power; filling of elective positions through regular, and free electoral processes; and rules-based constitution of state authority. However, the extent to which these rules and practices provide for inclusive governance is a subject of debate.
- ii. Inclusiveness is assessed in the context of whether or not governance rules, structures and practices allow for meaningful participation of all Ugandans in governance processes at all levels.
- iii. Stakeholders need evidence-based analysis of the current state of inclusivity (or lack thereof) in Uganda’s democratic and development aspirations in order to collectively chart a path toward the country’s political stability.

This study goes beyond narrow focus on electoral competition for power, or electoral democracy, and considers the degree to which election rules and processes in Uganda are inclusive. It examines whether the electoral system contributes to exclusive governance, and highlights implications of current governance rules and practices for political inclusion or exclusion. To achieve these goals, the study compares Uganda’s majoritarian electoral system with other electoral systems, with

specific attention to Proportional Representation (PR), in order to draw important lessons for reform of electoral democracy and exercise of post-election power in Uganda. The study further analyses leader-citizen relationship and how this engagement contributes to feelings of inclusiveness or lack thereof. The possible political reforms and practical innovations that best bridge the gap, to make Uganda's political governance more inclusive and consistent with democratic ideals, are proposed.

A qualitative methodology was employed. This involved desk research, focus group discussions, and key informant interviews with purposively selected practitioners, expert analysts, and managers of Uganda's political-governance processes. The corresponding thematic analysis is aligned to the two core issues: relationship between electoral system and inclusive political governance, and the leader-citizen relationship in present-day Uganda.

The findings reveal that: Uganda's FPTP electoral system is rooted in the Constitution. The voter has limited choices under the electoral system with its resulting winner-take-it all governance designs. The electoral system contributes to intense campaigns in which politicians compete not as members of political parties, despite the post-2005 transition, but as individual political survivors. The power of citizens currently ends at voting; there is increasing low voter turnout and apathy as citizens realise their votes contribute little to the country's governance trajectory after elections. The simple majority election victories may represent minority franchise as some winners have as low as 22% of valid votes cast (and much lower when compared to all registered voters).

There is limited information, lack of organisation, and cumbersome processes on recalling elected leaders, which curtails citizens' power over the leaders they elect to serve or represent them. The political system was changed in 2005, from the Movement to multiparty/multi-organisational system, but the electoral system was retained. In addition, citizens' efforts to drive engagements on pressing national issues, especially via the National Dialogue, have not been respected.

Appointment mandates are entrusted with winners only, which gives winners incentives to appoint their allies and/or party members and to exclude other stakeholders from governance structures that get constituted after elections. This exclusive access to appointment opportunities contributes to growing disaffection with electoral processes, violence during party primaries and general election campaigns, and the view that losing an election means losing it all. Electoral offences and malpractices are becoming commonplace due to the intense investments politicians make in elections. Uganda's need for a National Dialogue to reconcile her different regions, social groups, and classes, as well as heal old wounds, cannot be overemphasised.

Political leaders are detached from citizens due to limited organisational opportunities for citizens to meaningfully channel their interests to elected leaders after elections. Some electoral areas and local governments play limited service-provision roles, and are instead created to largely serve the base interests of politicians. Political parties have no legal mandate to recall their elected leaders; some are forced to retain recalcitrant members as candidates because of party-monetary interests when

such members have greater chances of winning elections than party-obedient members. Some of the constitutional and legal reforms proposed as far back as 2001 have not been undertaken, and general and specific constitutional and legal reforms intended to enhance political governance inclusivity remain unprioritized.

This report is structured as follows: Section 1 introduces the study; Section 2 provides background to, and contextualises, political-governance inclusiveness in Uganda, with the purpose, objectives as well as justification for the study stated therein. Section 3 reviews pertinent literature and specifies the study's conceptual approach. Section 4 provides a summary of the methodological approach for the study. Section 5 analyses the findings about Uganda's electoral system and draws its implications for inclusive governance. Section 6 elaborates the findings on leader-citizen relationships, laying emphasis on, among others, futile attempts at organising the National Dialogue as well as detachments between electorates and leaders. Section 7 makes evidence-based proposals for enhancing inclusiveness in Uganda's political governance, and specifically requisite constitutional, structural and other changes. The final Section 8 highlights the general conclusions of the study.

About BSU

Building Synergies Uganda (BSU) is a recently-established Think Tank. Founded as a blended think tank, it differentiates critical issues from general issues; confidentiality from open-access information sharing; and intra-agency in-house reflections from public spread of information. It also separates strategic engagements from multistakeholder sharing. This unique blending enables the think tank to apply the most appropriate methods to secure unlimited access to all stakeholders while avoiding the perils of being constrained by either extreme.

At BSU, we understand that the transformation challenge is [more often than not] traceable to politics and political processes such as consensus generation, democratic processes and accountability, exercise of power, allocative justice, fighting corruption and impunity, and nation building. Considering this contextual background, BSU is aware that building bridges across generational, political, economic and technological domains, helps to grasp the challenges of the immediate past, the struggles of the present and uncertainties of the future. BSU bridges the gap between academic and non-academic worlds; between knowledge production and application (evidence-based decisions, allocation of resources, and practical actions); and between ideational concerns and practical engagements.

This “bridging” nurtures the necessary data-based governance, and informs evidence-based decision making, knowledge transfer, practice improvement and innovations. The more think tanks a society has [on various issue-areas] the more linkages there should be between knowledge and practice – and BSU is intent at building and sustaining these linkages. This is crucial because policy circles are demanding, and practitioners are always busy people. They can be held onto daily routines which reduce their ability to generate critical, unbiased knowledge to enrich their work. Think tanks and independent consultants can fill this gap.

2.0 BACKGROUND TO INCLUSIVENESS IN UGANDA'S POLITICAL GOVERNANCE

2.1 The Context

The present-day global, regional and national political dynamics call for inclusive political governance for the benefit of every citizen. Uganda is a signatory to (or member of) the United Nations, World Bank, African Union, East African Community and protocols of other international institutions that promote democratic and inclusive governance principles. These obligations compel Uganda to make strategic choices that can enhance inclusiveness in the exercise of state power.

International institutions are working toward more inclusive governance and development processes, as seen in the UNDP's 'Leaving No One Behind' (LNOB) Principle. Questions about how to make Uganda's political institutions more inclusive continue to rise. Hence, inclusivity is neither foreign nor unique to Uganda as a polity, as demonstrated by multi-locus demands for inclusive governance. The inclusivity genre mirrors Goal 16 of Sustainable Development Goals (SDGs): "*Promote peaceful and inclusive societies for sustainable development; provide access to justice for all; and build effective, accountable and inclusive institutions at all levels*", and other measures of progress in Sub-Saharan Africa.ⁱⁱ

At the international level, inclusivity remains a key aspiration, with power and politics expected to drive governance processes that are more inclusive and representative in both process and outcome.ⁱⁱⁱ For example, even UN General Assembly purposes to have an inclusive space for sovereign states to discourse on diverse thematic issues impacting governance, regions, global peace, security and development. Explanations for non-inclusive governance or degrees of inclusiveness are continually being demanded by international institutions working toward more inclusive governance and development. For instance, the UNDP's LNOB embodies the inclusivity principle; while the AU and EAC instruments to which Uganda is signatory, lay emphasis on democratic governance and inclusive exercise of mandates to govern by legally constituted authorities.^{iv}

In the case of Uganda, the country has sufficient national policies intended for inclusive governance despite her challenges on the same. The national objectives and directive principles of state policy, stated in the Constitution and development strategies, specifically National Development Plan II and III, all promise to deliver inclusive governance anchored on democratic principles. As Uganda's political institutions, and governance processes and practices strive to be inclusive, questions about how to make them more inclusive continue to emerge. These concerns on inclusiveness have haunted Uganda since the country's beginning in the 1890s, with the same issue remaining at the heart of country's cry for inclusive democratic practices and peaceful coexistence.^v

Democratic governance ought to be both inclusive and people-centred. Based on state structures and policy practices, inclusive governance recognises citizens as the most distinct and important entity in democracy. Under inclusive governance, processes and channels for expression posit competing interests to everyone. Here, leaders account to the led through formal, mandated and legitimate

institutional structures (as opposed to non-transparent and/or arbitrary exercise of power).^{vi} Democratic governance is people-centred when leaders recognize that at the heart of democracy are people-driven processes^{vii}. These processes invoke consensus, participation and equal opportunity, and clear channels for citizens to express their interests and preferences.

Democratic practices, such as responsiveness to citizens' needs and expectations, plurality of opinions and interests, and checks and balances among key state institutions, all serve to amplify sovereignty of the citizens in determining their systems of rule leaders^{viii}. Conversely, when governance processes cease to be inclusive, they lose their democratic credentials and legitimacy, whether or not they are electorally constituted by elected majorities. Many processes in Uganda's governance system display gaps in this respect, which emerge as one dissects inclusiveness in relation to service delivery. Thus, concerns about inclusiveness straddle social, economic, political and other aspects of life.

The political violence that has bedevilled Uganda over time arises, in the main part, from exclusion by specific social, political, economic and religious groups^{ix}. In *social affairs*, inclusiveness entails non-discrimination of social groups and/or involvement of all groups in governance. There are (inter)generational, social-class, ethno-regional, social-cultural and other forms of inclusion and exclusion which straddle Uganda's history, culture, institutions and social structures^x. In *economic affairs*, inclusive growth entails equitable access to economic opportunities and benefits without undue hindrance. Economic inclusiveness is a governance question because the government's ability to deliver it depends on the quality of governance guaranteed by transparency, accountability and inclusive political institutions that inform and monitor policy-making for reciprocal gains.

Political inclusiveness does not preclude competition for power as the hallmark of politics. Rather, it means that, beyond contestation for power, competing policy preferences, groups, parties or organisations and individuals have equal opportunity to acquire and exercise power and/or can influence policy making and resource allocation. Thus, political inclusiveness is second to none in democratic governance.

In Uganda, simple majorities of legislative elections and absolute majorities after presidential elections tend to marginalise minorities. This significantly contradicts notions of political inclusiveness and can engender disaffection with elections. Post-election governance is exclusive when majoritarian electoral outcomes side-line significant parts of the political class and the citizenry. Exclusive post-election practices often block losing candidates and their supporting groups from involvement in governance. Sometimes, winners of majoritarian elections don't garner absolute-majority endorsement, with the winner-take all of simple majorities side-lining losers which stymies inclusive establishment of post-election authority structures and exercise of power. This makes governance in such democracies more defective than is always acknowledged.^{xi}

Since 1995, Uganda's electoral processes have displayed three main features that raise questions about the inclusiveness of our democratic governance. First, electoral rules – from the Constitution to the Political Parties and Organizations Act, to the Electoral Commission Act, to the Presidential and

Parliamentary Elections Acts and the Local Governments Act – stress numerical scores in elections. Winners are determined by the number of votes cast (not as percentage of registered voters). Simple-majority scores in parliamentary and lower-level elections mean that ‘winners’ take all of the power and mandates associated with the office, leading to exclusion of losers (who may have collectively obtained significant minority votes) and their voters, and those who do not vote.

Second, executive powers of elected officers—from president to lowest executives like LCI chairpersons—are absolute in terms of mandate to appoint members of the executive (National Level - ministers, leaders of government agencies, and directors of critical services like security and intelligence, and District Level - DEC, etc). The exercise of this power, though constitutional and legal, is exclusive because elected leaders appoint persons on the basis of party membership or knowledge of these persons, oftentimes in disregard for competencies of the appointees. This stymies merit and also excludes would-be appointees associated with the electoral-losing side. Thirdly, electoral rules have created incentives to fight hard during elections, leading to tense electoral struggles and post-election conflicts and tensions as demonstrated in the recurrent post-election court battles, civil unrest like Walk-to-Work demonstrations, and public expressions of dislike in both electoral and judicial conflict-resolution processes.

In broad terms, and based on known experiences, constitutional principles undergirding Uganda’s current political governance need to be subjected to critical scrutiny. This is important for changing, reversing and gleaning from historical legacy. Forthrightly, issues of inclusive governance remain at the heart of the country’s struggle for democratic governance because every successive election in Uganda has turned out to be contentious, given incompatible perception that losing an election is a stain on one’s political career. Balancing these interests with those of pre-existing state preferences continues to create difficulties for enforcing an inclusive governance system^{xii}.

Against the culture of divisive politics, non-inclusive institutions have hampered recognition of citizens as the most important agents to facilitating power relations and political behaviour. Even where elected representatives expend efforts to account to citizens through legitimate state institutions, or avoid non-transparent and arbitrary exercise of power^{xiii}, serious gaps remain. These have to be constantly interrogated and objectively and fairly addressed

2.2 The Research Problem

The desire for inclusive governance is universal. Inclusivity is at the core of democratic governance as it facilitates equal opportunities. The United Nations’ Principle LNOB, under Agenda 2030, underlines global desire for inclusiveness.^{xiv} African Union (AU) member states are “determined to promote and protect human and people’s rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law.”^{xv} Among Partner States of the East African Community (EAC) there is also commitment, enshrined in the Treaty, to adhere “to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice”, with emphasis on good governance and equal-opportunity principles.^{xvi}

For Uganda, the Constitution stipulates that “The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance”, and demands that “political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organisations and practice.”^{xvii} Despite these commitments, however, the knowledge, understanding and practice of political inclusiveness remain limited. Specifically, political-governance inclusiveness in the country is elusive because Uganda’s democratic practices focus on electoral democracy, which is based on the First-Past-the-Post electoral system with its winner-take-it-all tendencies that ignore inclusiveness.

Ironically, little is known about the effect of Uganda’s current electoral system on inclusive/exclusive governance. In other words, why post-1995 constitutional-political reforms have not bred inclusive democratic governance, remains poorly understood. Moreover, no research has previously compared Uganda’s electoral system with other systems such as Proportional Representation (PR). Such a study would draw important lessons for informing reform of the electoral system with the view to enhancing inclusive political governance, consolidating post-1995 democratic gains, and preventing possible relapse into pre-1995 political uncertainties. Secondly, the apparent estrangement between leaders and citizens seems to have received little attention, and Ugandans are bereft of understanding whether limited relationship between leaders and citizens results from the electoral system that influences political-leadership behaviour, citizen agency, and exercise of power.

Researchers recognize that, in Uganda, voter apathy, citizen disinterest in governance processes, and growing disaffection may be spurring post-election uncertainties and, sometimes, political violence. They also recognize the growing perception that “democracy by revolution” as opposed to “democracy by elections” has become the country’s remaining option for dissatisfied politicians.^{xviii} Even then, not much is known about how this leader-citizen relationship contributes to feelings of non-inclusive governance; hence the need for more research to generate evidence that can inform political reforms and practical innovations that will make Uganda’s democratic governance more inclusive and consistent with national ideals enshrined in the Constitution, policies etc.

2.3 Research Objectives

The overall objective of this study was to *examine the state of inclusiveness in Uganda’s political-governance landscape in order to explain why or to what extent Uganda’s electoral processes are or are not inclusive; how Uganda’s electoral system contributes to exclusive or inclusive governance; and what implications it has for broad practices of political-governance inclusiveness and ownership of processes therein.* Comparing Uganda’s majoritarian electoral system with other systems, such as Proportional Representation (PR), is essential in drawing important lessons for reforming Uganda’s electoral processes, aspiration to democracy, exercise of post-election power, and discourse, management and reconciliation with all stakeholders.

The following were the specific research objectives of the study:

- I. To examine the implications of Uganda’s electoral system for political inclusiveness;

2. To assess the relationship, level of understanding, between two levers of governance in Uganda – the leaders and the led/citizenry; and
3. To generate practical recommendations for improving Uganda’s political-governance rules/norms and structures, and engendering practices that consolidate inclusiveness.

2.4 Justification

Uganda’s political system needs in-depth knowledge by all stakeholders, and examination of its inclusiveness (or lack thereof). As pointed out earlier, it is clear that there is need to broaden, amend and enforce rules as well as practices of democracy that go beyond competition for power or periodic elections. This is pivotal to enhancing inclusiveness and examining specific implications posed by exclusive governance.

Uganda’s majoritarian electoral system, when compared with other systems like PR, appears to be incapable of altering the country’s historical trajectory of intense power competition, and understanding these issues helps us to draw apt lessons for reform of our political-governance landscape. Equally, the apparent distant relationship between elected representatives and the electorate needs critical attention. Therefore, what meaning can Ugandans make of voter apathy, citizen disinterest in governance processes, and disaffection with the state? What are the implications of this citizen disquiet for inclusive rule in Uganda? Answers to these questions are important for the present and the future of Uganda.

Inclusive and exclusive entities differ within a given political establishment (*such as a State, rebel organisation, inter-governmental institution*); an economic entity (*e.g. business company*); a civic structure (*viz civil society organisation*); socio-cultural formation (*like a religious entity*), or philanthropic structures. Human organisations tend to evolve theoretical, practical and institutional aspects of inclusiveness and exclusiveness. Some may be by nature exclusive – such as secret societies, criminal organisations, or member-only clubs. However, polities that are exclusive risk disruption from the very societal forces they seek to rule over; hence the need to promote inclusiveness.

There are various mechanisms for creating inclusive governance structures or achieving inclusiveness in already-existing State and non-state structures. Inclusiveness is both an *aspiration* and *practice*. As an aspiration, it is the measurable desire to deliberately ensure that all stakeholders take part in a project, program or process that affects them within an organisation, society or polity. This desire can be expressed by creating inclusive rules, or by demanding that such rules be put in place.

As a governance practice, inclusiveness involves formal and informal institutions, practices and behaviours that accommodate all relevant stakeholders or give different human formations opportunity to participate in governmental and non-governmental processes. Citizens can have *desired inclusiveness* (aspirational) and practical inclusiveness, and can propose to have inclusive rules that eliminate exclusive practices. Studying political inclusiveness unravels availability, functionality and effectiveness of inclusive rules, institutions, behaviours and practices of political leaders, as well as political organisations (*like governments*) for consideration by all stakeholders.

All stakeholders in political governance, such as political parties, election management bodies, and security institutions need to be interested in this study for one reason: political governance influences all other aspects of governance- social, economic and ideational. The power, decision-making and allocative mandate wielded by political institutions and leaders place them in unique positions to influence the progress of any society. Political decisions made today, and their resulting institutional trajectory, create lasting positive or negative impacts on all aspects of human existence. Stakeholders need evidence to engage key governance actors with the view to influence policy choices, and reform or redesign of governance frameworks to make them more inclusive.

Mainstreaming inclusiveness in governance rules is the starting point for engendering inclusive governance practices and behaviours. Such practices can ensure holistic and sustainable transformation of a given polity by precluding disruptive behaviour arising from feelings and/or practices of exclusion. Since political institutions matter, and are the engines of progress, Ugandans need deeper understanding of the necessity for inclusive political institutions and the practices they engender. Ensuring that both procedural (rules-based) and non-procedural (practice-based) elements of inclusiveness are crafted and consolidated requires thorough understanding of the inclusiveness gaps in a given polity.

Without inclusiveness, any polity is poised to crumble, whether out of rejection and revolution or inability to generate, sustain, improve and reproduce valuable ingredients of security and stability. This BSU study therefore lays the foundation for thinking about and (re)designing Uganda's political-governance infrastructure that, when embraced, can ensure inclusive prosperity, stability, efficient utilisation of national resources and equal opportunities for all.

3.0 CONCEPTUALIZING INCLUSIVE POLITICAL GOVERNANCE

The idea of inclusivity presents difficult choices from all fronts. "Inclusiveness" underlies the concept of "*putting people first*", the principles of fairness and justice, equitable economic growth and social progress, and the improvement of people's lives. Political governance is inclusive when *electoral rules and practices* provide opportunities for election competitors to take part in the governance of their country. It is also inclusive when the *leaders and the led share a common understanding* about provision of political goods through meaningful and responsive interactions between the state and society. Since governance goes beyond governments, inclusiveness in decision-making, priority setting, allocation of resources, sharing of benefits, and sanctions for or against [non]performance are important for understanding the relationship between leaders and the led.

Political governance means exercise of political mandates to cause desired changes in a given society. Political mandates may be acquired via legally-constituted processes such as elections or appointments by elected leaders; or via self-imposition as occur in coups d'états, violent revolutions and foreign-power impositions. Inclusive-political governance is the exercise of the political mandate in ways that enable all stakeholders and/or their effective representatives to partake in decision making, resource allocation, development processes, and benefits sharing.

The inclusivity framework encompasses the *actors* (e.g. elected and appointed public officials and citizen groups), *processes* (e.g. how to access power and citizen/public consultations), and *mechanisms* by which these actors pursue common goals (inclusive, as opposed to exclusive, interests). While focus on political-governance inclusiveness is based on clear understanding that inclusive political institutions positively impact civic competence, politics, economic development and long-term stability of a country; while exclusive institutions breed uncertainty, socio-economic stagnation and development malaise. For purposes of simplicity, however, BSU narrows political-governance inclusiveness to two aspects: (i) the inclusiveness of the electoral system, specifically differences between PR and the extant FPTP electoral system in Uganda; and (ii) the relationship between Uganda's elected leaders and the citizenry.

The first aspect of the inclusiveness interrogates the extent to which Uganda's electoral system complements or contradicts, impedes or fuels inclusive political governance. The second, the leader-citizenry relationship, assesses: (a) the degree to which leaders, both elected and appointed, and citizens, understand each other, i.e. do citizens understand the interests and aspirations of politicians and other public servants and vice versa?; (b) the degree to which leaders are accountable to the citizenry via reporting and consultation mechanisms and practices; and (c) whether or not leaders facilitate equal opportunities across political, administrative, economic, social-development, and judicial/conflict resolution spectra for the benefit of the citizenry.

Political governance is inclusive when (a) *electoral rules/norms and political-governance practices give opportunities for election participants to take part in the governance of their country to the degree of their electoral advantages or gains*; and (b) *when leaders and the led share common understanding about provision of political goods and services through meaningful and responsive interactions between the state and citizens/society.*^{xxix} Inclusive political governance takes multiple forms. Where practised, its different forms amplify diversity and equal reciprocal opportunities. For instance, armed forces that reflect such diverse societal identities remain resilient against intrigue within the polity.^{xxx}

In this study, inclusiveness also entails not just the presence but participation of peripheral communities in policy-making processes and exercise of state power^{xxxi}; non-personalisation of rule-making and implementation^{xxxii} inclusiveness of the country's representative institutions; relationships between elected leaders and citizens; and inclusiveness of elected persons' worldviews. Since Uganda aspires for good governance (at least as stated in the 1995 Constitution and the regional and international protocols to which she is party or signatory^{xxxiii}, the country needs political structures and practices that promote inclusivity.

Thus, the nexus between democracy and good governance should also be best measured by outcomes and intentional citizen participation based on inclusive governance frameworks and practices. Some legal exclusive frameworks, for instance, can cause agitation. The controversies surrounding the Public Order Management Act are but examples of such rules.^{xxxiv} Therefore, inclusive governance is inherently democratic governance; and is a critical necessity for the stability of any political system, and for socioeconomic transformation and sustainability of state institutions.

Analysts conceptualise inclusive political governance as a continual and fluid process. They try to amplify strengths, interests and needs of citizens, and lay emphasis on the values of difference, commonality, participation and choice as constitutive elements of inclusion.^{xxv} They also reckon the truism that there are no universal solutions to building inclusive practices of a ‘plural values dimension’. An organic, bottom-up, appeal to inclusive democratic governance would invoke the African conscience of *Ubuntu* governance system;^{xxvi} while inclusivity and exclusivity in governance, which appeal to voice, participation and accountability^{xxvii}, are useful contrasts in this regard.

Considering Uganda’s Parliament, to what extent does the numerical size of a national legislature and executive display inclusivity? As Uganda has done over the years, increasing the numbers of legislators and executive appointments does not necessarily imply more inclusiveness. It may, instead, lead to high cost of public administration at the expense of public services, which has been the natural outcome of the increase in the number of local government entities. With the current 80+ ministers^{xxviii}, along with an increase of MPs from 326 during the 8th Parliament to 529 in the 11th Parliament, the public administration cost has subverted service delivery and inclusivity.

Considering the formal and legal recognition of “the Opposition” in Parliament by establishing and funding the Office of Leader of Opposition (LoP) (under Article 82A of the Constitution)^{xxix} and Section 6E (2) of the Administration of Parliament Act, 2006, to what extent is the LoP’s office and the appointment of a Shadow Cabinet, whose members hold portfolios similar to those held by government Cabinet ministers^{xxx}, contribute to inclusive governance?

The office of LoP is allocated financial resources and other state assets within annual budgets, a practice that simulates an intended ideal to governance by inclusion. However, the question of whether or not this practice engenders tangible results that citizens identify with is a matter of further empirical research. The laws and rules providing for the LoP would also indicate rules-based inclusive governance, but the quality and consequent output of its inclusion can fall short. Also, the need and desire for competent personnel, exposure, mentorship (by political parties so that refined minds and ideas are prepared for national, regional and continental service), influence, quality guarantees and ideological grounding, can haunt polities.

Political representation theoretically aims at “making citizens present in public policy-making processes, especially when political actors act in the best interest of citizens”.^{xxxi} Political representation and leadership that are largely focused on personal-political survival tend to be exclusive because inclusivity may be seen as threatening one’s power. As such, relevant institutional-political growth is limited when an adopted political system and political party setups are based on exclusive rules. This infallibly affects the quality of representation.

There are four distinct inclusivity nodes that put pressure on Uganda and agitate its citizens. *First* is the international node, including UN rules, which manifest as foreign policy and diplomatic practice. The node influences are promoted and overseen by international organisations (like UN), international body of State and non-State actors (like Global Green Growth Institute or the Extractives Industries

Transparency Initiative), international law/covenants/agreement actors (like International Criminal Court, UN Human Right Commission), and international non-governmental organisations. These nodal actors seek to mediate, moderate, modify or sometimes replace the roles of states. Though not unproblematic, these actors can pressure domestic political actors to think about and create semblances of inclusive democratic governance.

Second is the continental and regional node, such as the AU and its constitutive Regional Economic Communities (RECs). These tend to amplify interconnectivity synergies of peoples and systems across geographical boundaries, and seek region-wide inclusivity. *Third* is the state node which reflects historical experiences and contextual realities. For Uganda, this includes the 1995 Constitution and its operational rules as broadly conceived, but especially those related to electoral processes, and constitution and exercise of power. And *Fourth* is the African community node which embraces the three nodes with their civilisation, cultures, identity and community values. The community node stresses bottom-up inclusion, belonging, participation and ownership of governance processes, and this has been expressed in the form of *Ubuntu* philosophy.

In Uganda, deliberate inclusive minimum education standard set for entry into Parliament and top District leadership is Senior Six (or Advanced Level) in the country's education system. This is set in place to broaden inclusion and enable many to qualify for elected positions. At lower local government levels, this requirement is moot. Education-based inclusivity or exclusivity certainly reflects elites' concerns about levels of education and the nature of potentials within the electorate, and underscores experiences from the education-for-all principle implemented under Uganda's Universal Primary and Secondary Education (UPE &USE) to guarantee participation in national political offices. UNESCO however adds the element of *inclusive quality education* as a means to inclusive governance^{xxxii}, which implies that all marginal groups are included; their capacities for leadership are developed; and are supported to advance in political leadership because of their relatively disadvantaged statuses.

For several generations, Ugandans have striven to combat discriminatory attitudes, policies, systems and ideologies that hinder holistic growth and wellbeing, but little has changed as, within the education-for-all praxis, inclusion of all vulnerable groups continues to fail.^{xxxiii} Thus, relaxation of education requirements for political office may be a double-edged sword as evidence later shows. As such, failure to view individual differences as a common resource, and not as a problem, continues to flag and beckon all political realms for inclusivity in Uganda.

It is also a basic reality that democracy is based on how established state structures use policy making practices to organise and recognize citizens as the most distinctive and most important element in governance, and reciprocal obligations obtain whereby leaders are accountable to citizens through formal structures. It further means that consensus building, participation, merit-based opportunity for citizens to express preferred choices, and leaders' responsiveness to citizens' interests, needs and expectations are commonplace. In other words, a democratic space ought to be an inclusive space.

Inclusivity in governance respects checks and balances among key government institutions, alongside respect for sovereignty of the citizens (as stated in Uganda's Constitution). This implies the understanding that inclusiveness enhances democratic credentials of state institutions and leaders. As such, this study focuses on three aspects—*inclusiveness of the electoral system*; relationships between *leaders and the citizenry*; and how inclusiveness may be enhanced to methodically guides our choices. The implication here is that electoral rules and the resulting electoral system determine whether or not a country's political governance is inclusive and whether or not it is democratic; and comparative examination of electoral systems should guide possible choices on how to enhance our political-governance inclusiveness.

Finally, since electoral rules inform constitution and exercise of political power within state political institutions, the relationship between leaders and the led reveals enough about whether or not the polity is inclusive, hence the need for empirical testing of this element. On the basis of these analytic and empirical observations, it is possible to make proposals for enhancing inclusivity in Uganda's political governance, and whether this is doable through constitutional and legal reforms or through more inclusive political behaviour.

Uganda's First-Past-the-Post (FPTP) *electoral system is rooted in our Constitution* which also allows franchise rights to all adult Ugandans of 18 years and above. The electoral system has a legal basis which enables individual voters to influence the outcomes of elections through the single-person-single-vote principle. The electoral system also has three dimensions. First, a president to have been elected requires a 50%-plus-one-vote to win an election. This victory is determined not on the basis of registered voters but on the *valid votes* cast. Second, parliamentary and local government council elections are based on simple majority, with the winning candidate requiring *only the highest number of votes* cast. Third, special interest group elections for women, the elderly, youth, people with disabilities (PwDs) and Uganda People's Defence Forces (UPDF) representatives to Parliament also require simple-majority wins. This "simple majority", just like for the presidential election, is *determined from the number of valid votes cast*, and not as percentage of registered voters.

While voting is not legally compulsory, the interest of the Ugandan population in elections is dwindling amidst growing disinterest toward voting. As such, low voter turnout means that a presidential candidate could get fewer votes than 50% of registered voters but still win an elect, and acquired mandate from a minority of voters or citizens. The winner who scores 50%-plus-one-vote (absolute majority in the case of the president) and/or the highest number of votes (simple majority even if it is less than 50% of votes cast in the case of parliament and councils) takes all the spoils of office. Where victory is based on less than 50% of votes cast and/or of registered voters, the mandate acquired would be based on a minority franchise, with the winner-take-all principle disfranchising the majority of the population.

The FPTP electoral system is practised in mostly former British colonies that are a minority of countries (about 50) around the world. The system rewards the candidate with majority votes as winner of a competitive electoral process^{xxxiv}, even if that winner was just one vote above the second-next

competitor. While majority votes translate into electoral victory, in many cases, candidates that lose are hurt and so are their voters and supporters. This leaves them with after-election-emotional stresses, especially in stiff (tightly-contested) races where the difference between the winner and loser is numerically small. This situation has bred post-election conflicts, and is reason why the Proportional Representation (PR) electoral system needs to be seriously considered in Africa.

The PR electoral system is one where a political party/organisation receives a share of parliamentary (or local government council) seats in proportion to its share of the total votes cast. If a party won 10 percent of the votes cast in an election to a parliament or council of 100 seats, the party would be awarded 10 seats. If another party won one percent of the votes, it is awarded one seat. This goes on until all seats are fully (re)distributed, thus enabling all participating parties to share the governance mandate given by the people.

Under PR system, political parties submit their lists of candidate persons according to their preferences before the election, and they are accorded respective percentages to bring out names in order of ranking. Through this process, the principals or chairpersons and members of national executive committees (NEC) of political parties would not all miss being members of parliament. Members of provisional or district executive committees would also be members of their respective local government councils. This enhances national and internal inclusion for political parties, diversify ideological input in the governance structures, and prevent feelings of exclusion from power.

The PR electoral system is one of the most effective ways for citizens to express their voices through the electoral process; of rewarding parties according to electoral participation and performances; and of enabling politicians to share in their most-coveted goal of political power. The PR system allows competing parties to gain seats in proportion to the number of votes cast for them, which ensures that no party singly occupies government at any elective level. Participating parties are also able to contribute to a representative legislature that reflects ideological diversity of the society.

The PR system is common in countries that operate parliamentary systems, but can also apply to presidential systems such as in Uganda. About 14 African countries, out of the 81 countries worldwide, use some form of PR system. These are: Algeria, Angola, Benin, Burkina Faso, Burundi, Equatorial Guinea, Guinea Bissau, Lesotho, Mozambique, Namibia, Rwanda, South Africa, Togo, and Tunisia. It can take the forms of Party-List representation, Ranked-Choice selection, Mixed-Compensatory system and Proportional Apportionment, and a country can decide which form best suits its context. Regardless, however, PR fulfils the principle of inclusion that is a crucial element of stability in evolving societies like Uganda, but also benefits decision making in established democracies. It also provides for more balanced representation of minorities in decision making bodies; improve leader-citizen relations; and role models of minorities as elected representatives would reduce feelings of exclusion, such as is now growing in Uganda.

The relationship between leaders and citizens is a principal-agent relationship, and representative democracy consists of a sequence of these principal-agent relations. In this relationship, elected leaders

act as agents for and on behalf of citizens. In reality, however, political influence tends to shift upwards—from citizens to members of representative institutions, and then to holders of executive offices (presidents and heads of LG executive committees). Ugandans hold high expectations from representatives and political executives. Voters give candidates a mandate to represent them in parliament, local government councils, administrative committees and other spaces, and entrust their constitutional power, granted under Article 1, with elected representatives and executives. In return, they expect accountability, service delivery and development.

Ironically, these relationships are reversed in practice. Agents (elected politicians) who deviate from their obligations and act in ways that are independent of or even contrary to their principals (voters) may face public rejection but only in the next election. Even then, citizens face serious limitations. For example, relations between the elites, the media and citizenry impact inclusivity of the political system at various levels. Elites shape citizens' psyche about inclusive service delivery, accountability and exercise of power. Inclusiveness also obtains in rhetoric, with messaging and biased knowledge creating semblances of empowerment of the citizenry when practice disempowers citizens.

At another level, the political neutrality and non-partisanship of the military remains wanting when fused with the government and the ruling party. This raises questions about inclusive service to citizens, especially considering partisan deployment of armed forces during elections. The use and abuse of the armed forces for partisan political interests have negatively impacted the principal-agent relationship, rendering citizens beholden to the whims of political leaders who can exploit the state's coercive machinery, especially the armed forces, to compel citizens to do or accept behaviours and practices they would otherwise avoid.^{xxxv} This partly explains recurrent demands for national soul searching, with PR system a key option for Ugandans to consider. Hence the BSU Think Tank initiative, and this study that interrogates inclusiveness in Uganda's democratic governance.

4.0 METHODOLOGICAL APPROACH

In this study, qualitative methods were used to examine political-governance inclusiveness. This approach entailed relating inclusive rules and norms to practices of political governance; examining aspects of lack in inclusiveness (whether in terms of rules or practices or both) in Uganda; and exploring alternatives to extant exclusive norms/rules and practices. Resource support for the study was provided by the Netherlands Institute for Multiparty Democracy (NIMD).

4.1 Data and Methods

Among the data and information analysed in the study were quantitative findings derived from official reports and other studies, and qualitative data collected through key informant interviews and focus group discussions. In doing so, selection of data sources for qualitative research was undertaken mainly through purposive and snow-ball sampling. To derive data for use in analytic framing, the consultants identified and visited available sources of quantitative materials, including the National Voters Register; election results since 1996; Parliament documents (Hansards and Reports); and other reports and academic publications.

Following in-depth literature review, the qualitative-research instruments developed were the Key-Informant Interview (KII) Guide, and Focus Group Discussion (FGD) Guide. These were used to generate information from key stakeholders. A short-term fieldwork lasting 10 days was also conducted in and around Kampala, followed by telephone interviews with purposively selected informants beyond the capital city. During this process, the consultants undertook desk and field research concurrently that allowed continuous verification of findings from both sources.

Data Sources

The main sources of data for this study include:

- Governance frameworks, official/strategy documents, and reports
- Political parties' reports, records, and other documents
- Parliament Hansards and reports
- Electoral Commission reports
- Non-academic research reports like civil society organisations' reports,
- Reports of regional and intergovernmental organisations
- Media reports
- Academic publications
- Local Governments, and Local Governments Associations

4.2 Data Collection Methods

The main methods used during data collection include:

- Desk Research (documents reviews and analysis)
- Key-informant interviews (KIIs)
- Focus group discussions (FGDs),
- Research consultative meetings.
- Review and dissemination meetings

4.3 Data Analysis and Quality Assurance

Data analysis was guided by the following:

1. *Inclusiveness of the Electoral System.* Here, the empirical considerations included: (i) inclusiveness of electoral rules; (ii) participation of both election winners and losers in governance; and (iii) representativeness of post-election governance structures.
2. *Leader-Citizen Relationships.* Empirical interests here included: (i) interactions between elected and appointed persons and citizens (we examined plausible legal bases, quality, regularity rules/norms, and effectiveness of enforced governance practices in an electoral cycle); (ii) citizens' trust that elected leaders represent their voters' interests (indicating faith in elections as channels for expressing voters' governance interests, trust of elected government, and hopes for peaceful hand-over of power at different levels); (iii) effectiveness of citizen efforts in improving political governance processes (e.g. national dialogue efforts, recalls, censorship and petitions).

3. *Reform/improvement of opportunities.* Issues here included: (i) opportunities for reforming constitutional and legal frameworks to make them more inclusive (with due attention to entry-points/spaces, interested actors and timing); (ii) key stakeholders who can play important roles in undertaking reform processes (government, ruling party and the opposition, research institutions, media, civil society, development partners); and (iii) appropriate alternatives to exclusive political-governance practices that continue to stymie inclusive access to and exercise of power (e.g. PR, reorganisation of the State, reduction of executive powers, elite consensus, enforcing bottom-up consensus, and supporting National Dialogue efforts).

After collection, data was cleaned, findings were collated, and themes and sub-themes were developed in line with research objectives. Data was then analysed using thematic content analysis. In addition, secondary data analysis was fused with thematic data analysis. Subsequent process entailed development of themes and sub-themes aligned to the study objectives and BSU's conceptualization of inclusiveness, and presentation of findings along these shared themes and sub-themes. Quantitative findings were integrated in the analytic write-up of this report along the same themes.

Quality Assurance

The consultants guaranteed quality of data by diversifying and contrasting accessed sources of data for verification. Consultants also worked with NIMD/BSU to identify KIIs and FGD participants, and consulted on a regular basis with the NIMD/BSU team. This enabled reliable generation, analysis and presentation of findings that reflect the key political-governance spectra. The process also aided the NIMD/BSU review team to use as much detail as possible to compare these findings with existing knowledge. This served to ensure that both the analysis and reporting by consultants and the review processes, verified the findings to ensure that they are consistent with the country's democratic-governance landscape. The findings of the study are presents in Sections 5 and 6 below.

5.0 UGANDA'S ELECTORAL SYSTEM: IMPLICATIONS FOR POLITICAL INCLUSIVENESS

5.1 Election Victories Even When Minority Voters Cast Ballots

Uganda's winning candidates are declared upon getting only the majority votes from the total votes cast and not from the majority of total voters registered in that constituency or electoral area. This simple-majority element means that some of the elected leaders (Members of Parliament, Local Government Chairpersons and Councillors) oftentimes win elections with minority scores from the total valid votes cast. Such an elected leader who wins less than 50% (some as low as 22%) of total valid votes cast represents a minority's choice.

The election scenario even worsens when one factors in voter turnout relative to total number of registered voters in the respective electoral areas. The winning candidate could actually represent just a

small fraction of eligible voters in instances where the voter turnout is below the minimum threshold to give the winner’s votes a number higher than 50% of the number of registered voters in that constituency or electoral area. For instance, in a contest against four others, Achiro Lucy Otim of Aruu County North constituency, Pader district, won with only two votes and 32.75% of the votes cast (Table 2).^{xxxvi}

When assessed against the number of registered voters in the constituency, Achiro Otim’s percentage score was even significantly much lower. This in terms of absolute voting was not only representation for the minority (exclusion of majority voters in the constituency) but also too narrow a margin to bear on the part of opponents, and wastage of majority votes not cast or cast for others of far more than 67% of all registered voters in the constituency.

Uganda’s Constitution and the FPTP electoral system provides that the winning Presidential Candidate scores at least 50-percent-plus-one votes. Since 2001, however, the scores of the winning presidential candidate have been less than 50% of registered voters (Table 1). While this may be due to low voter turnout and even growing voter apathy, the fact remains that since 2001, the presidential mandate in Uganda has been based on scores of less than 50% of eligible/registered voters.

Table 1: Presidential Scores as Percentages of Total Registered Voters since 1996

Year	Total Registered Voters	Votes for Winning President	% of Valid Votes Cast	% of Total Eligible Voters
1996	8,460,509	4,428,119	74	52
2000-2001	10,775,836	5,123,360	69	48
2005-2006	10,450,788	4,109,449	59	39
2010-2011	13,954,129	5,428,369	68	39
2015-2016	15,277,198	5,971,872	61	39
2020-2021	18,103,603	5,851,037	58	32

Source: Electoral Commission Reports.

Election victories based on minority endorsements exclude both the losing candidates and/or political parties and voters who supported those candidates and/or parties as well as non-voters. In our First-Past-the-Post system, even on the basis of registered voters, in multi-candidate elections, electoral victories could as well still have been based on a minority of votes cast. In the case of the latter, the majority (both losing voters and non-voters) would still be excluded from participating in the governance of their country or local government entities (be it a district, city, municipality, city/municipal division, or sub-county).

Clearly, therefore, majoritarian exclusiveness, provided for under our Constitution and other operational laws, can engender minority-based electoral victories, exclusion of majority citizens and deceptive claims of victory for candidates and/or parties. This is because it is difficult to tell whether or not voters who fail to turn up would have voted for the winning candidate or party. Where a winner scored such number of votes as to qualify him, her or the party as having scored majority of votes from

all the registered voters (more than 50%), the non-requirement to form government with opposing contestants means that the losing majority are excluded from governing their country or local governments.^{xxxvii}

While constitutionally and legally defensible, this majoritarian practice is inconsistent with democratic ideals, and its exclusive nature has had enormous implications for the inclusiveness of Uganda's political governance system since 2005. First, there is a growing degradation of political parties to organisation of individuals that parrot existing founders' interests and biases.^{xxxviii} Save for the Democratic Party (DP), all other political parties in Uganda bear the founder mentality, and are becoming less structure and rules-based political institutions.

Because electoral victories are largely based on individuals instead of political parties, politicians swing between political-pressure-groups otherwise named "political parties" every election, but with limited commitment to the ideological convictions of such groups.^{xxxix} This complex but growing phenomenon is contributing to what is being called "de-institutionalisation" or "individualisation" of political-party politics, party primaries and general elections. This is a distinct contrast to Uganda's elections of the pre-2005 transition to the multiparty political dispensation. Even when current political leaders use their charisma to posture national vision for their weakening political parties, there remain enormous gaps in inclusivity that do not engender a national governance ideal.^{xl}

5.2 Behaviours and Practices of Intense Campaigns

Because of the consequences of the winner-take-it-all of Uganda's electoral system, politicians struggle less as members of political parties but more as individual political survivors seeking electoral endorsement by every single voter. According to political parties, because each candidate must work so hard to raise the necessary numbers of votes to win election, "We [meaning political parties] still rely on individual effort because party candidates invest a lot of personal resources to win party primaries [for those parties which hold them] before being endorsed by parties for general elections."^{xli} Moreover, "some politicians go to a political party not because they believe in it but because it will deliver them to [election] victory."^{xlii} After endorsement in general elections, candidates still invest in campaigns more than the parties and must raise resources to fund their campaigns. When an election is lost, defeat is felt far more by the candidate who would have invested huge personal effort, time and resources than by the political party which fielded that candidate.^{xliii}

Against the above, and due to poor beholden to their parties and cumbersome processes of recalling elected leaders, leaders elected tend to focus on personal gains with little fear of adverse consequences. Thus, "MPs, when they get to Parliament, they feel bigger than the party after amassing a lot of wealth."^{xliv} In sometimes acting in defiance of their parties, MPs know that their parties lack capacity to compel them to behave according to party rules and policy preferences via threat of removal. This confidence is reinforced by difficulty of removal based on our legal provisions.

As per section 14 of the Local Government Act, Cap. 243, 1997 (as amended), for instance, removing a Chairperson of a village/cell requires signatures of two thirds of the Council (all voting residents) of that cell/village. With similar provisions for removal of MPs, current laws render it almost impossible for Parliament and Local Councils to execute motions of impeachment (*Article 107 of the constitution requires one third of all members of parliament to sign on a motion of impeachment*). This complex process serves to dissuade would-be impeachment motions against elected leaders, which stifles checks and balances against leaders. Worse, it undermines issues-based politics, cohesion and effectiveness of political parties/organizations; and inclusiveness in governance and development- all to the detriment of national unity, stability and progress.

5.3 Political System was Changed but Electoral System Retained in 2005

Since Uganda's transition to multiparty political dispensation in 2005, the FPTP electoral system which was designed and applied under the National Resistance Movement (NRM) individual-merit principle has remained in place. Yet, the multiparty political dispensation ended the cooperative and issues-based approach to governance under the Movement System while it threw open adversarial and highly divisive polity alien to our cultures. In the circumstance, alternative multiparty governance systems, such as proportional Representation (PR), may enhance political inclusion by ensuring that political parties secure representations in councils and parliament according to their electoral scores. This would reduce feelings of electoral loss and accompanying post-election tensions.^{xlv}

In as much as citizenship guarantees participation in national political processes as stipulated in the Constitution, visible practices of exclusion during electoral processes continue to limit and restrain many individuals and some communities from belonging and participation in electoral politics. This is being evidenced by the overall voter turnout during elections, violence during party primaries and general elections, partisan conduct of security forces during elections, and mistrust for post-election conflict management processes. While the number of elective positions in Uganda has tripled since 2001, which seemingly shows that majority Ugandans are being effectively represented, in practice, the increased numbers of elected leaders have hardly translated to inclusive governance.

Moreover, each time "opposition politicians are appointed to Cabinet, they are transformed into supporters of NRM – they behave like Romans. They are assimilated."^{xlvi} This underlines the growing disconnect between leaders and their voters, especially when these leaders join the ruling party, with visible tendency to champion personal interests instead of the national interest or those of voters who elected them.

A special irony also remains concerning the inclusion of political party ideas and ideals in policies, as well as reflection of community preferences and ideals in party policy positions, that are undermining cohesion and inclusivity. As an illustration, some individuals who are selected to represent political parties, especially when electoral colleges are used, are sometimes rejected by community members who feel excluded from the processes of determining their preferred representative(s). The rejecting group within the party fields an alternative candidate as an "Independent Candidate", or choose to vote for another party that they would otherwise compete with. The use of electoral colleges to select party

candidates exploits legal loopholes within the Political Parties and Organisations Act and the Constitution, and has contributed to the phenomenon of “independents.”

The Independents are increasingly diminishing the proportion of political party candidates at nomination and in Parliament where, collectively in Uganda’s 11th Parliament, they presently constitute the second largest number of legislators after the ruling National Resistance Movement.^{xlvii} In fact, some of these “defiant” Independents sign Memoranda of Understanding (MoUs) with other political parties, especially the ruling NRM, and some get appointed to cabinet.^{xlviii} For example, Aida Nantaba and Persis Namuganza both belonged to the NRM during the 10th Parliament. After the 2016 elections, they were appointed as State Minister for Information and Communications Technology and State Minister for Lands, Housing and Urban Development, respectively, even when they had won elections as Independent candidates contesting against official NRM party candidates.

How did this arise? What intra-NRM infightings, intrigue etc. would motivate the appointment to an NRM government of elected MPs who had contested against official NRM candidates? What does this portend for intra-party inclusiveness, both in the conduct of party primaries and in the constitution of post-election government? If NRM primaries are anything to go by, it implies that NRM voters who preferred and chose official candidates were excluded from executive-appointment opportunities by their party-fielded successful presidential candidate.

From this study, findings show that there are no established frameworks for inclusive post-election governance, as nothing guarantees inclusiveness in as far as the filling of critical governance positions are carried out. These post-election realities dominate the winner-take-it-all politics now in place in Uganda, as the winning executive (such as president, local government chairperson) has the right to appoint office-bearers of his or her choice with limited constitutional and legal constraints. This pen-holder-focused governance can misleadingly be called democratic since it follows an election; yet it tends to reflect top-down governance preferences rather than bottom-up reciprocal bargaining and consensus that should reflect citizens’ choices. In other words, belonging, ownership and community in and outside a political party is secondary after election processes have placed appointing personalities in office.

While intra-party community and coalescence thrive on building corporate leveraging of shared interests, political parties in Uganda still struggle to secure common community interests as the pivot to inclusive governance. Here, the inclusivity-exclusivity divide disempowers party members and supporters when the political party plays minimal or no role in the post-election appointment of office bearers. When citizens feel unrepresented, in electoral choices, appointments, and in decision-making spaces, citizens’ interests suffer. The quality of debate and issues raised by pseudo-representatives, to a large extent, also ignore critical citizen interests, and a good number of voters, sometimes majorities, are excluded from determining their own affairs.^{xlix}

Similarly, local governments are disempowered in national decision making and determination of programmatic service delivery preferences. As an example, the Parish Development Model (PDM) has top-down imposed “priority” enterprise commodities which exclude crops that are the backbone of

some Ugandans' livelihoods in specific areas. This is possible because local governments, and more importantly the private sector, were not consulted during determination of PDM priority enterprises.ⁱ The tendency to exclude local governments in policy formulation has made the central government afraid of spaces of critical deliberations about devolution and reciprocal accountability.

When local governments and citizens are bereft of bottom-up participation, many questions remain unanswered. For example, what do Ugandan citizens own? Do Ugandans really bother about ownership of political power when they are bribed during elections? And how does limited citizen participation impact governance practices in a multiparty system? Such questions emerged as follow up reflection guides during FGDs and data analysis. Nonetheless, whereas the electorate would wish to claim ownership over their political-governance processes, winner-take-it-all continually fronts selfish interests of elected leaders, hence leading to a high magnitude of citizen exclusion. In the circumstance, the citizenry is resigned to an increasing cost of constituting governments (central and local) via expensive elections and running post-election governments composed of a large Cabinet, Parliament and many local governments. While this needs urgent reconsideration, initiative to improve our governance system have largely not been embraced.

In 2019, Wilfred Nuwagaba, then Ndorwa MP and Shadow Attorney General, sought to present a Private Members' constitutional amendment Billⁱⁱ to Parliament seeking to, among others, provide that: (i) the size of Cabinet be reduced; (ii) military representation in Parliament be abolished; (iii) the position of Deputy President (instead of Vice) be created as running-mate to the President during elections; (iv) the Leader of Opposition in Parliament be the Head of Opposition political party with the largest representation in Parliament; (v) the Attorney General and Deputy AG be appointed on two five-year terms (as ex-official MPs); (vi) presidential term limits be reinstated; (vii) ministers should not be appointed from among MPs; (viii) the positions of RDCs and Deputies be scrapped; and (ix) structural changes of the Electoral Commission be undertaken with Commissioners subjected to public vetting.ⁱⁱⁱ Consideration of this Bill was stalled because of vested interests in exclusive governance, even when its provisions were consistent with the interests of the citizenry. Thus, selfish politics reduce relations between elected leaders and citizens, and undermine commitments made during elections on constitutional rights and determination of governance systems and procedures.

5.4 Narrow-Margin Wins/Losses

It is also a reality in Uganda that the winner-takes-it-all electoral system, has been generating multiple cases of narrow-margin victory in Parliamentary and Local Government elections as illustrated by cases presented in Table 2. The hey effect of this is that many candidates have suffered stressful shocks from losing elections. Once one loses, they forfeit everything because the winner-take-it-all system generates governance exclusion of all the candidates who lose together with their supporters. This is increasingly an issue of electoral concern in the country that must be urgently addressed to stymie growing discontent and feelings of exclusion among the population that have potentials to generate discontent and even open resistance against perceived injustice and the status quo.

Table 2: Sample Narrow-Margin Wins in 2016 Parliamentary Elections

DISTRICT	CONSTITUENCY	NAME OF CANDIDATES	POLITICAL PARTY	VOTES ATTAINED	WINNING MARGIN
Jinja	Jinja Municipality East	IgemeNabeta Nathan Samson	NRM	7770	35
		Mwiru Paul	FDC	7635	
Moroto	Moroto municipality	Aleper Simon Peter	INDEPENDENT	1901	39
		Angella Fred	NRM	1940	
		Nangiro Sophie Betty Okwir	INDEPENDENT	80	
Pader	Aruu North County	Achiro Lucy Otim	INDEPENDENT	8599	2
		Kidega Nabinson James	NRM	8597	
		Odong Lawrence	INDEPENDENT	4199	
		Olong B. Obina	INDEPENDENT	426	
		Okena B. Okeny	FDC	4428	

Source: Electoral Commission, 2016 Election Results.

5.5 Monetization of elections

It is also a significant fact that Uganda's political competition has shifted from competing on ideas to competing with cash. When a lot of money is injected in an election only for a candidate to lose by a margin of less than 10, 50, 100, 200 votes to a simple majority winner, such loss automatically excludes both the candidate and her/his supporters from the governance system for that electoral term of 5 years. This is becoming a difficult moment for many individuals in the highly-monetised campaigns.

Monetised campaigns sometimes also lead to loss of good leaders who may not necessarily have much money to buy voters, or who abhor voter buying. Forced into monetized campaigns, feelings emerge among such elected leaders that after winning they owe the voters nothing given that they actually bought their votes. Some losers even doubt the election results and petition courts of law.

In 2016 for example, Paul Mwiro, Jinja Municipality East candidate, petitioned court against his opponent and the Electoral Commission in a process that overturned the opponents' victory (Table 2).^{liii} However, many such losers are rarely lucky enough to win court petitions, as was demonstrated in the many election loss petitions after the 2021 elections. Those who lose elections and further lose in courts suffer amplified grievances which further strain and erode their faith and those of supporters about the fairness of elections under the current majoritarian system.

The data in Table 2 highlight the above inadequacies of the current electoral system, as some winning persons have elective mandates based on the minority as opposed to the majority that true democracy

should entail. To this end, the results and resulting rule are inherently exclusive as the majority of citizens remain unrepresented and systemically excluded from the governance structure. It is always not clear whether or not in such instances of low voter turn-up, the non-voter citizens would have voted for the declared winner, as no effort has been made to study and explain the causes and drivers of non-voting practice in Uganda where voting is voluntary.

5.6 Exclusionary Appointment Mandates

In Uganda, executive powers lie with the President; Chairperson LCV or City Mayor; Chairperson LC IV (Municipal Mayor); Sub-County, Division, and Town Council Chairpersons (LC III), and Chairperson LCI. Once an election winner is declared, he/she has the legal mandate to nominate members of the executive. The winner-take-it-all political landscape creates incentives for winners to limit executive appointments to individuals from their parties and support-bases. This excludes other stakeholders from the governance structure and processes.

At the national level, appointees are subjected to the scrutiny of Parliament for ministerial positions. At district level, executive appointments are made from among elected councillors and/or with Councils' approvals. While parliamentary approval may ensure that only qualified persons are appointed to Cabinet, it is limited to only those persons who have been identified and proposed by the President. Even if Parliament rejected a nominee, it has no power to suggest an alternative appointee, and must wait for the President to appoint another person. Such a person may have no track record known by members of the legislature but only qualities and criteria known to the President. This implies that only persons within the President's circles are amenable to ministerial and other executive appointments. This makes the process exclusionary and without citizenry input.

At local governments levels, members of the executive are approved by members of that authority's respective councils, and elected leaders hardly nominate members to the executive who are from outside of their political affiliations and their circles of acquaintances. This practice is a good example of exclusive access to executive structures and therefore places power into the hands of victors and particular political (and sometimes social) groups in total disregard of the levels of support on the ground and votes earned during the elections.

Even when opposition leaders may be appointed, three aspects magnify exclusive agitation: (i) they are always numerically fewer than the winning-party's executive appointees, which renders them incapable of swaying decisions of the executive towards their parties' ideological and/or policy standpoints; (ii) such appointees are bound by the principle of collective responsibility, which prevents them from dissenting with the collective position of executive bodies like Cabinet or local government Executive Committees even when contrary to their party positions and beliefs; (iii) appointees are considered to have joined the government (central or local) instead of remaining members of their respective political parties that ideally would have formed an inter-party coalition government or power-sharing arrangement with shared policy and governance stands.

In the above circumstances, therefore, a candidate's electoral loss implies that all his or her would-be ministerial appointees (for presidential election) and secretaries (for local governments) are excluded from participation in decision making and governance of the country or local authority. The resulting disquiet explains why elections tend to be tense, and unfavourable outcomes are unduly resisted. With increasing frustration towards electoral governance in the country, these emerging challenges need to be urgently considered and addressed.

5.7 Mistrust of Elections Management & Post-Election Conflict Resolution

In Uganda, many candidates who lose go to courts of law, but few petitioners are satisfied with court rulings which they sometimes deem to lack fairness. Following the 2020/2021 general elections, for example, there was one presidential election petition; 92 parliamentary election petitions; and even up to 89 local government election petitions.^{liv} Few of the petitions led to courts overturning the contested election results. Even in the very few exceptional circumstances where elections were overturned, very few petitioners have been declared winners by Courts of law, and equally few won repeat elections held after court judgments cancelled the contested election.

In the Presidential elections, out of the six held in Uganda since 1996 four have had post-election petitions (inclusive of the one withdrawn in 2021). In the petitions made in 2001, 2006, 2016 and 2021, multiple claims of exclusion were made, especially in relation to the voter registers. The petitions and complaints signify recurrent dissatisfaction in the electoral processes by respective presidential candidates and their supporters. Complaints may also be arising from feelings that the political ground is not levelled, let alone the tremendous feeling of total loss due to the electoral system and its simple majority winner-take-it-all rule. These dissatisfactions are generating distrust of our electoral system and processes, generating voter apathy, fuelling political tensions and fears of exclusion from the governance and democratic processes.

Even when a presidential election petition was not made in the Supreme Court, specifically in 2011, one of the declared losers stressed that he no longer trusted Uganda's judiciary to adjudicate court battles over presidential-election contests. Instead, the losing candidate (Dr Kizza Besigye of the FDC party) resorted to civil citizenry actions of mobilising the population to revolt against the government through "Walk to Work" campaigns.^{lv} In reality, this was a post-election protest movement that amplified increased costs of living; questioned the legitimacy of the declared (re)elected President as well as their subsequent government; and a manifestation of disquiet about post-election exclusion.

5.8 Requirements of Minimum Education Qualifications

Uganda has various requirements for candidate eligibility for electoral positions, some of which have for long been issues of contention. Sections 111(4) and 116 of the Local Governments Act, Cap 243 (as amended) do not require any academic qualification for one to contest as councillor to district council, sub county/municipal division/city division/town council, and as municipal mayor and/or sub-county/municipal division/city division/town council chairperson or mayor.^{lvi} While these provisions might seem to make elective positions in local governments inclusive, given low literacy levels of the

population, the challenges of having illiterate leaders was ably identified through consensus of all registered political parties that form the National Consultative Forum (NCF). Accordingly, NCF members proposed electoral reforms to amend the Local Government Act before the 2020/2021 general elections.^{lvii} The Local Government Amendment Bill 2019, introduced by Hon. Elijah Okupa, sought to amend sections 111(4) and 116 of the principal Act and introduce education qualifications for local elective positions. This was the second attempt to introduce education qualification after the 1998 Bill that sought to introduce O-level qualification for local government leaders.

While the education requirement Bills were passed by Parliament, the President declined to assent to them. Returning the 2019 Bill to Parliament, the President argued that, “the amendments had the effect of disenfranchising the people of Uganda by limiting them on the choice of leaders they can elect into positions of leadership. It was discriminatory and not realistic in some instances where it requires qualifications of persons in certain offices yet these people perform different roles which require different competences”.^{lviii} Whereas this position seems to protect illiterate and semi-literate leaders, it contradicts the other provisions of the Presidential Elections, Parliamentary Elections and Local Governments Acts, all of which require a minimum of Advanced Level (or equivalent) for one to be elected President, Member of Parliament, and LCV Chairperson.

Furthermore, the President’s implicit argument that education requirements at LCV, City Mayor, Parliament and Presidency are not non-discriminatory is not sustainable because even the Constitution in (Article 21) does not stipulate education as a basis of discrimination. Even if one argued that lower level leaders deal with simpler issues that require no education compared to higher levels that deal with national policy issues that demand a certain level of education and intellectual ability to scrutinise critical issues, the lowest level of Uganda’s governance system is an important constitutional locus of decision making, priority setting and resource allocation under the devolved administrative system. For instance, a district council is the highest policy making organ. So, having Councillors and Council Speakers who lack adequate competencies to govern fails the spirit of decentralisation, which is a constitutional form of governance. It also undermines effective implementation of important subnational development processes like today’s Parish Development Model (PDM) whose pillars require technical competence at all levels.

While academic qualifications are not required at lower local councils, illiterate and semi-literate leaders in councils find serious challenges that curtail their effective participation in the governance of their areas of jurisdiction. Article 6 of the Constitution requires that the medium of communication in all councils be English or Swahili languages.^{lix} Paragraph 10 of the Third Schedule to the LG Act also prescribes that all Council documents, including minutes of meetings, be recorded in English. From these legal positions, leaders need a minimum level of proficiency in the English language that is most-easily attainable with a given academic qualification. Political leaders also require intellectual capacity to supervise Town Clerks, Senior Administrative Secretaries, and other educated technical personnel in districts, municipalities and lower-level councils, who are highly educated, transact businesses and write documents and work reports in English.

Similarly, Section 18 (para.2) of the LG Act (Cap 243) states that “the vice chairperson of a district shall be a person who qualifies to be a district chairperson.” This means that for one to be appointed Vice Chairperson of a district, one has to have the education qualifications for District Chairperson with eligibility and nomination only from among elected district councillors who have no education requirement. In an instance where all councillors do not have the required minimum education qualification of A’ Level or its equivalent, the district chairperson cannot nominate a vice chairperson from his/her council. As a case in point, the current District Executive Committee (DEC) for Moroto district is incomplete because the district chairperson, David Koryang, reportedly nominated Rose Adero, the district councillor representing Loputuk sub-county as vice chairperson. However, her nomination was rejected three times on grounds of lack of academic qualifications. This example, of delays in the full constitution of the DEC^x, illustrates the need for objective consideration of requisite qualification of leaders that ensure their effectiveness and deters unjustified accusations of bias and exclusion in our governance systems.

It is also further directed by Section 9 of the LG Act that a Council shall be the highest political authority within its area of jurisdiction, and have legislative as well as executive powers. Undertaking these roles require ability to read, understand, contextualise, and utilize the Constitution, Laws and regulations and other complex and technical documents like Indicative Planning Figures, Development Plans, budgets, strategy, and foreign-correspondence documents. It also requires education-based ability to participate fully in council deliberations and decisions, lobbying for opportunities, and learn from peers from across the country. All these roles cannot be adequately executed with limited levels of understanding and comprehension which are rooted in education qualifications. Elected leaders are often thus excluded from the governance of their jurisdictions by lack of competencies when even support staff, such as drivers, office assistants etc., require a minimum qualification of O-Level to be employed. Therefore, arguing that Subcounty Chairpersons or District Councillors and Speakers do not need minimum educational qualification is self-defeating.

At this strategic local governance stage, citizens who vote for uneducated Council representative and executive leaders who cannot participate in critical governance processes suffer capacity-based exclusion. They are inadvertently excluded as their leaders cannot effectively influence policies, reports and contents of documents they cannot understand. These leaders are excluded by technocrats and their relatively educated colleagues, and governance of their affairs is left in the hands of technocrats and few representatives which situation is the basis of the rampant corruption in local governments. In essence, the voters would have wasted their valuable time voting illiterate or semi-literate persons who fail to influence the governance processes within their areas. When voters are excluded in their governance in such a way, they remain at the mercy/goodwill of technocrats. This is inimical to democratic-governance principles stipulated in the Constitution and promised under the NRM’s 15-Point Program, and breaches regional and international governance and development rules.

In addition to these technical bases of exclusion through uneducated politicians, there is also the destruction of aspiration of the young generation by indirectly discouraging them from attending school: “why should one go to school when an illiterate can become a town mayor or local government

chairperson?”^{lxvi} When lower level leaders are required to have good of education, the “young people get inspired to study and become like these leaders, which is a motivator to be resilient and remain in school. At least, let it be there to inspire young people to go to school.”^{lxvii} By this inspiration, more young people may strive to attain academic levels that they would not have pursued without inspiration from educated leaders. It is also likely that educated local leaders will incentivize young people to persist in schools more than the uneducated ones.

Against the above need for inclusion through election of educated leaders, therefore, it is in order for electoral rules to require political parties to present highly qualified candidates for voters to choose from. Requiring education qualifications in local councils would also professionalise governance practices and give meaning to decentralisation of administrative, political and financial functions under devolution that is the constitutional purpose of local governance. In short, citizens who vote for excluded leaders reduce both citizens’ and their elected representatives’/leaders’ participation in governance processes. Subsequently, this erodes citizenry interest in electoral programmes and activities, which lead to voter apathy, low voter turnout, and spiral in exclusion from, and discontent with, the democratic governance processes.

4.9 Elections of Special Interest Groups (SIGs) by Electoral Colleges

The use of electoral colleges for some special interest groups (SIGs) renders their elections exclusive because only few members determine winners. This exclusion arose from non-use of universal suffrage for the respective SIGs, as the law at present does not define special interest voters as: all youths in the register; all PwDs in the register; all elderly persons registered. This makes electoral colleges exclusive domains of the selecting representatives of SIGs. And while the district woman representatives in Parliament are voted by universal adult suffrage, which allows all voters to vote their woman MP, the participation of men/males in this election remains unexplained and unjustified. The affirmative action is lost in the process when men participate in electing women MPs, the women candidates also need to appeal to men for votes.^{lxviii}

While the reason for the amendment of the laws on election of women MPs and Councillors to *universal women suffrage* was to make the elected women representatives accountable to all their electorates, the same universal accounting reason has not been applied for the other SIG categories. Contrastingly, although Uganda’s political system prioritises SIGs like youth, women, elderly, PwD’s, workers and UPDF, the nature of their representation is still exclusive. Thus, while all other SIGs campaign within their specific regions/jurisdictions/localities, PwD’s and the Elderly must traverse the whole country to access their five slots. And whereas PwDs from across the country vote in district colleges, the current five members still miss representation from Western Uganda, and yet these report and have to traverse the country for support and accountability. These anomalies do not enhance inclusiveness and need thorough review.

6.0 LEADER-CITIZEN RELATIONSHIPS IN UGANDA

6.1 Citizens’ Efforts to Address Impediments to Inclusive Governance Neglected

Presently, it is not farfetched to suggest that political uncertainty is widespread in Uganda amidst scepticisms about national security, socio-political cohesion, and opportunities for healing old and new wounds. Amidst this, ordinary Ugandans feel that they play insignificant roles in addressing exclusive exercise of power, and in pursuing soul-searching processes for reconciling the nation with itself. As evidence of this, many point to efforts to hold National Dialogue through the National Consultative Forum (NCF), which exercise has not progressed beyond consultations. This is undermining the opportunity for genuine engagement to reconcile Uganda's different regions, social groups and classes.

Since the 1986-1995 processes that led to the 1995 Uganda Constitution, no nationwide process has brought together Ugandans of different regions, social groups and classes to freely and amicably exchange views on various pressing national issues and chart a common way forward. Although the constitutional process and the 1995 Constitution addressed of Uganda's basic challenges and recurrent problems, the country failed to build on progress made in basically three ways. First, the Constitution's cushions against possible relapse to political uncertainty were diluted via the 2001-2005 debates about Regional Tier that did not take off; the 2005 transition to multiparty/multi-organisation political dispensation; the 2005 amendment to remove presidential term limits; and the 2017 removal of presidential age limits. Most importantly, the 2005 'transition process' was hurried before fully testing the Movement System through a presidential transition and peaceful change of power.

Second, some Ugandans retained the pre-1995 scepticism about the political future of the country under the National Resistance Movement (NRM), and rejected prescribed processes and channels of political engagement. Consequently, the Lord's Resistance Army (LRA) rebellion, led by Joseph Kony, afflicted Uganda for over 20 years; while the Allied Democratic Forces (ADF) that attacked Uganda in 1996 has remained a security threat to the country to-date. After 2001, there were also claims of the emergence of People's Redemption Army (PRA) although facts about the group remained murky. On the other hand, Uganda's different ethno-regional and socio-linguistic communities have not acquired minimum shared national identity, with portend to ethnic tensions and identity conflicts. These challenges constitute not just political uncertainty, but posit to prevent inclusion, nation building and national cohesion.^{lxiv}

The failure to hold the National Dialogue, despite its potential to reconcile Ugandans to themselves and their leaderships, raises important questions about the political promises made since 1995. As a reason, leaders from different political parties and institutions aver that the leadership in Uganda lacks clear political goodwill and interest in holding genuine dialogue that will reconcile and bring Ugandans together. Some informants claimed that the European Union (and other Western development partners) offer to fund the National Dialogue but government short-changed the initiative by claiming intention to fund the process itself. Since then, the National Consultative Forum (NCF) that coordinates this initiative has been waiting for funding to hold the National Dialogue. Presently, media reports place obligation for the National Dialogue with the Ministry of Justice and Constitutional Affairs, but the NCF and other stakeholders have no concrete information from the ministry.

While the NCF has no mandate to impose a dialogue process upon Uganda and the Government, it has a genuine commitment to reconciling conflicting forces and groups in the country. This commitment should be urgently utilized to stymie the deep political divide now threatening the country and utilize dialogue to promote inclusive governance and peaceful coexistence among Ugandans. In a recent example, the NCF informally helped to resolve the standoff between NRM and UPC leaders during the Oyam by-elections of July 2023.^{lxv} Therefore, Government's reluctance to support the NCF's National Dialogue process seems to support researched view that instead of consolidating peace, stability, prosperity, and democracy as was pursued under the non-party "Movement System", the ruling political class has exchanged the initial ambition to establish a democratic dispensation with unpredictability, institutional fusion, regime survival, and national fragmentation.^{lxvi}

6.2 Elections-Related Violence

Amidst declining of inclusiveness in Uganda's democratic governance system, and loss of faith in elections in the country, violence during election campaigns, after elections, and in periods of civil disobedience is emerging as a key tool of resistance and State control. Out of this has emerged three key attributes of our governance processes: (i) in elections, citizens have been coerced to support particular candidates and to desist from supporting others; (ii) citizens are sometimes brutally prevented from expressing their disaffection with the governance practices of the day; and (iii) some Ugandans have lost trust in formal and peaceful processes of political engagement. In all these the Police, Security operatives and sometimes the military who ironically are dependent on the citizenry for their institutional wellbeing, and against provisions of the Constitution and various laws, have become key actors.

When citizens resist, they are harassed, maltreated, arrested, abused, injured, and subjected to other inhuman actions by security forces. This partisan conduct of security forces has emboldened exclusive NRM Government's entitlement in the use of security assets for political advantages. Campaign violence is a means by which citizens are being coerced to support particular candidates/parties or to prevent them from supporting others. Widespread voter bribery and other electoral malpractices and offences result from the electoral system. At least 41% of Ugandans had received food, gifts or money in return for their votes during the 2021 general elections^{lxvii}, contrary to the electoral laws. These excesses are hamstringing electoral democracy in the country.

There have also been other forms of selective violence and politicization of security forces which recur during elections. Since 1996, elections have been marred by instances of violence and partisan politics. These were seen in 2001 during activities of the Kalangala Action Plan (KAP); the 2007 Black Mamba attack on the Judiciary; the 2017 entry into Parliament of Special Forces personnel and their violent attack of MPs in the Parliamentary Chamber; during control of the spread of the Covid-19 pandemic; during campaigns in the "scientific elections" of 2021.^{lxviii}

There are also emerging allegations that some leaders believe they can impose themselves on the electorates through intimidation and other means, and that incumbents can use inducements and other corrupt and illegal means to impose themselves on voters. The resort to and recurrence of violence and

non-legal means to advance political interests is indicative of the precarious decline in leaders-citizenry trust and cooperation now afflicting the country that, going forward, must be honestly and genuinely addressed through open dialogue and other appropriate processes.

6.3 No Sustainable Relationships Beyond Voting

Under the current winner-take-it-all multiparty system, all Ugandans of 18 years and above are legally entitled to vote and to contest for elective positions except for President, MPs and District Chairpersons that require minimum academic qualification of A-Level or its equivalent. The reality however is that voting is all that Ugandans can participate in during elections. After elections, winners largely pursue their personal views and interests, with minimal consultation of their electorates.^{lxxix} Some representatives even “never say anything in Parliament or local government councils, thus denying [their] voters [actual] representation.”^{lxxx}

The various feelings and sentiments about the ineffectiveness and exclusion of our democratic governance system possibly contributed to the 65 percent turnover rate of Parliament in 2021, as voters cast out MPs whom they accuse of not having served them well. During the 2021 local government elections, all LCV chairpersons from Lango sub-region were also voted out of office, indicating voter dissatisfaction with their leadership.^{lxxxi} While the electoral framework is applied every five years to elect citizen representatives with the hope of citizens influencing the country’s governance direction, in reality this has not been the case, and citizens have continued to lose hope.

The relegation of voters’ interests by MPs first became clear during the 2005 parliamentary process of removing the presidential term limits from the Constitution. MPs were reportedly bribed with UGX 5 million each to change the Constitution. The same scenario happened in 2017 during the debate to also remove the presidential age limits from the Constitution. This time round, MPs opposed to the amendment were subjected to violent attack by security forces on the Floor of Parliament.^{lxxxii} In both instances, citizens remained numb, restrained or unable to assert their voices against the developments that they otherwise did not support.

6.4 Political Leaders Detached from their Constituents

Another key perspective of our current democratic governance system is that citizens feel increasingly detached from the leaders they elect to further their interests. This is partly because many political leaders have no organised programmes for citizens they claim to represent; and some merely wait to bribe voters using money and handouts like soap, salt, alcohol and more in the next election campaigns. After elections, such representatives disappear from the public eye and hardly consult with citizens, hence excluding their principals (voters) from governance processes for five years.

It is also common for elected leaders, particularly MPs, to go back to their communities with cash offers in terms of burial and wedding contributions, ambulances, and appearance in religious gatherings and social functions. This is done not with the intent to serve their voters but to remain relevant for the next election. Some MPs even claim to lack facilitation following removal of the Constituency Development Fund (CDF) that existed during the 8th Parliament, while others are compelled to actively

participate in development programs instead of focusing on legislative roles.^{lxxiii} Regrettably, in the situation that now prevails, serious potential representatives with good programmes, are honest and upright, who refuse to yield or lack enough money often lose elections. Even more, their good ideas are hardly absorbed by the winning candidates. These perspectives of our elected leaders remains a virgin area for further interrogation and redress.

It is also true that many elected representatives, specifically MPs, “never say anything in Parliament [or local government councils], thus denying [their] voters [effective] representation.”^{lxxiv} Citizens whose representatives neither consult nor effectively participate in legislative processes are further excluded from decision making, and resort to waiting to remove such leaders in subsequent elections. In the circumstance, unfortunately, these citizens and their communities lose five-year that could have been used to advance their aspirations.

To this end, the feeling of ineffectiveness and exclusion of citizens may have contributed to the 65 percent turnover rate in the last Parliament, as voters cast out MPs they believed were not serving them well. During the 2021 local government elections also, all LCV chairpersons from Lango sub-region were voted out of office due to voter dissatisfaction with them.^{lxxv} The detachment of leaders from citizens becomes even more pronounced when we consider the difficulties citizens have in holding their leaders to account. This arises from lack of mechanisms for citizens to effectively sanction elected leaders when holding office, and the complications related to recalling such leaders. In the interest of improving our democratic governance systems, these concerns need to be addressed.

6.5 Complicated Recall Process

The right of citizen-voters to recall non-performing elected leaders provided for in the Constitution is neither widely known or easy to enforce amidst multiple vested interests and limited civic competence, and is also difficult and restrictive. As such, citizens only wait to remove such elected representatives in the next cycle of ballot casting. Even then, some of these representatives are sufficiently astute to manipulate voters with bribes or lies, suppression of opponents, and the creation of new electoral areas and/or constituencies to which they escape. Thus, beyond the turnover of political representatives in subsequent elections, some politicians have displayed uncanny ability to survive elections or reproduce themselves in new constituencies and electoral areas.^{lxxvi} These, unfortunately, means that citizens are unable to use the recall process to shorten elected representatives’ presence in offices. They are also unable to grasp and prevent creation of new electoral areas and constituencies intended to reward or console politicians.^{lxxvii}

6.6 Political Parties have no Legal Mandate to Recall their Elected Leaders

When elected persons do not represent positions of their political parties, the parties are left aggrieved and without capacity to hold the defiant leaders to account to their parties. One of the respondents said: “... Even when Members of Parliament turn against the political party’s position, you have nothing to do,”^{lxxviii} as legal avenues to remove errant party representatives was blocked by Supreme Court. In the Supreme Court decision on “Rebel MPs, on whether expulsion of an MP from a political party

amounts to vacating one's seat in Parliament, the Hon. Justices of the Supreme Court ruled by a six-to-one majority that “Political parties cannot subvert the will of the people.”^{lxxxix}

That judicial decision means that, for now, political parties have no legal channel for bringing their elected MPs (and other leaders) to order. Once politicians divert from their political party positions or violate party rules after they have been elected, they remain above party disciplinary controls. This contradicts the notion of political party sponsorship of political leaders seeking elective positions, and is probably now also contributing to the deinstitutionalization of politics in the country.

6.7 Voter Bribery and Electoral Irregularities

Facing electorates at the next elections with the realization that their support base had thinned, many such representatives resort to electoral offences like fraud and illegal practices to secure electoral victory. Representatives who amass wealth while in offices, or had amassed wealth before joining elective politics, resort to voter bribery and other illegal practices. An Afrobarometer study, for instance, revealed that at least 41% of Ugandans received food, a gift, or money in return for their votes during the 2021 general elections.^{lxxx} This is contrary to the provisions of the law against vote bribery and, during election petitions, a number of cases of voter bribery have been proven by Ugandan courts of law. Sadly, citizen exclusion seems to be positively correlated with such monetisation of elections, voter bribery and campaign violence.

6.8 Retention of Recalcitrant Persons for Party-Monetary Interests

Given the protective court ruling on elected representatives vacating their offices before end of their tenures which entrenched the individuality of elected representatives as against the wishes of their political parties^{lxxxi}, political parties' now lack institutional constraints of the behaviours and conduct of elected leaders. The inability of political parties to discipline their members renders the institutional basis of multiparty democracy suspect. As noted, “... Even when Members of Parliament turn against the political party's position, you have nothing to do!”^{lxxxii} Sadly, some political parties have even “..accepted to give their flags to *defiant* persons in order to retain the seats in Parliament for financial gains.” This has been especially so when political parties realise that defiant members are the only ones who can win the election under the flag of their parties.^{lxxxiii}

The situation is sadly so because Government funding for political parties that have representation in Parliament is a function of the number of MPs the party has in the House. For the money, potential winners who defy party discipline are left un-sanctioned and allowed to stand as party candidates. This is especially so when the political parties realise that these defiant persons are the only ones who can win the election.^{lxxxiv} The situation is also informed by the facts oftentimes political parties that deny their candidatures for election to errant but strong persons have ended up losing strategic electoral positions, with candidates even joining other political parties or contesting as Independent candidates and winning the elections.

With this legal lacuna, political-party policy positions and ideological convictions and interests, are not adequately protected in Parliament and in lower-level legislative organs since parties tend to depend

more on their members' ability to win elections than on those members' respect for party policy positions, ideological convictions and interests. Defiant party members who show potential to win are thus retained in parties for the sake of receiving higher party funding. This party-money incentive excludes political parties from decisions on governance priorities because their victorious members would not necessarily represent official positions or policy choices of their parties. Thus, all citizens who subscribe to such parties or vote for such leaders end up being excluded in governance.

The cases of Ingrid Turinawe and the Forum for Democratic Change (FDC) party and of the NRM party are very illustrative of the above challenges. During the 2020/2021 General Elections, Ingrid Turinawe, the then National Political Mobilizer for the FDC party, lost her party primaries for Rukungiri Municipality MP seat to Dr Warren Nuwagaba who polled 130 votes against Turinawe's 65 votes. Turinawe protested the results citing irregularities, and was then nominated and contested as an independent candidate.^{lxxxv} In the 2010/2011 elections also, "50 NRM sitting Members of Parliament who lost party primary elections refused to sacrifice their political careers for the sake of party discipline and even the threat of expulsion from the party and stood as Independents against official NRM candidates."^{lxxxvi}

Without effective resolution of these challenges, members of political parties will continue to defy party decisions on party candidatures and on individuals standing as independents in elections. Unless urgently addressed, this trend will further erode citizen rights over their representatives; promote selfish decisions by elected representatives; and wide citizen exclusion from governance processes, all to the detriment of the growth of democracy in Uganda.

7.0 PROPOSALS FOR IMPROVING UGANDA'S POLITICAL-GOVERNANCE INCLUSIVENESS

The attainment and consolidation of inclusive democratic governance is both an aspiration and a political choice. Ugandans aspire to a political-governance regime in which citizens and their elected representatives influence policymaking and/or have their interests and aspirations met. This invokes reciprocal need to be consulted, heard and for offered choices to be explained, and the inclusive governance that emerges will serve everyone and strengthen the bond between citizens, their elected leaders and government. This convergence between aspiration and choice can also bring citizens and leaders to common positions on how to design, embrace, and uphold constitutional and institutional infrastructures that serve everyone- as the hallmark of inclusive governance.

Interactions with key informant interviewees and FGD participants revealed seven entry-points for making Uganda's democratic governance more inclusive. These entry-points reflect constitutional, behavioural and practical realities in Uganda's political governance system. They are also consistent with the country's political-historical trajectory, current demographic and geopolitical context, and the prevailing aspirations of the citizenry. These are highlighted below.

7.1 Adopt Proportional Representation (PR) Electoral System

Since 1962, Uganda has used the “First-Past-the-Post” (FPTP) winner-take-it-all politics as its electoral system. This has failed to deliver electoral convergence of competing interests and, going forward, the country must explore more viable alternatives. According to a respondent in one of the FDGs, “proportional representation (PR) would offer some spurring solution to the experienced exclusion of losers” because politicians contest to get power.^{lxxxvii}

By its nature and practice, under the PR system the country would not be divided; political parties would contest for one nationwide electoral area; and the electorates would vote for parties as opposed to individual candidates. The PR system would therefore help reduce the current disparities in representation of various groups and interests, and to create culpability and onus for political parties to meet specific standards of merit and equity within the law. It also has potential to enhance party incentives to expand their national reach, which reduces sectarian tendencies.

To enable comparison between the FPTP and the PR electoral systems, rankings of four democracy parameters for three African countries that use the PR system and for Uganda that uses the FPTP system are summarized in Table 3 below. To appreciate the positivity of key attributes under the PR system as opposed to the FPTP system, summary description of such parameters as nature of electoral constituencies, candidate choice by parties, nature of campaigns, partitioning of electoral outcomes, and impact of election outcomes on the people and country are also summarized in Table 3 below.

Table 3: Comparing Countries with PR with Uganda on Governance-Related Indices

Country & Electoral System	2022 Governance Efficiency Ranking (89)		2021 Rank Countries by NG-GAIN Country Index, Vulnerability and Readiness (90)		2022 Electoral Democracy Index [91]	Freedom of Association Score [92]
	Rank	Score	Rank	Score	Score	Score
Burundi (PR)	170	29.0	169	35.5	0.19	2
Namibia (PR)	137	38.6	109	45.8	0.63	9
South Africa (PR)	74	48.1	95	48.3	0.69	8
Uganda	121	40.6	173	35.1	0.28	4

Table 4: Comparing FPTP and PR systems

First Past the Post (FPTP) System	Proportional Representation (PR) System
Smaller Constituencies	Bigger Constituencies
Voters vote Individual MPs. Voters mark an individual candidate	Voters vote group MPs. Voters mark their support for the party on the ballot
The choice of a voter for a candidate not likely to win makes no difference on the outcome.	Single Transferable Vote (STV) gives voters maximum choice on who to vote for by ranking all candidates in order of preference or just voting their favourite.

First Past the Post (FPTP) System	Proportional Representation (PR) System
Votes are wasted. Many votes are ignored because they went to non-winning candidates or were surplus to what elected candidate needed to win. <i>This leads to low voter turnout and voter apathy</i>	STV - Second vote is considered if the first choice has no chance of winning. Very few votes are wasted hence high voter turnout and increased incentives to cast votes.
There is only one choice available to the voter	STV- Allows for Multiple Candidate Preferences. Voters choose between candidates from the same or different parties as an incentive for political parties to present candidates who reflect diversity of the party and constituency.
Independent candidates are not recognised in the legislative structure. ^{lxxxviii}	Independent candidates are not seen as wasted votes
Disproportionate majorities that favour larger parties, voters in rural constituencies and does not reflect the true voting preference of the general public	Proportional results – Fairly translate votes cast into seats. Number of seats in parliament reflects the number of votes cast overall in elections.
Only majorities have a stake in developing political systems	Both majorities and minorities have a stake in developing political systems
Extremism in politics	Seat Bonuses for larger parties are minimised
Only big parties with majority in parliament have their voices heard in Legislature	Allows different voices to be heard. Smaller parties can have their voices heard in the legislature.
Political parties are rarely functional	Encourages formation of functional political parties with clear policy, ideology, and direction
Eliminates minority political parties	It facilitates minority parties to access representation. Even a small percentage of the vote can gain representation in the legislature.
Candidates campaign for their small constituencies	Maximise the overall vote by campaigning beyond the districts where a party is strong. Every single vote counts to winning a seat for the party. <i>This leads to higher turnout at polls as voters feel more engaged with the democratic process.</i>
Some members of political parties are only winners in some districts and constituencies	PR restricts the growth of dynasties of major political parties because of its tendency to reward minority parties with minority seats. There is no likelihood of having a case where a single party holds all the seats in a district or region.
Regular switches between two ideologically polarised parties making long-term economic planning more difficult	Leads to continuity and stability of policy. There is high voter participation, leads to governmental longevity and economic performance, coherence in decision making that allow for national development.
Increasing polarisation, weakening accountability	Power-sharing/coalition between parties and interest groups visible.
MPs serve the constituency they campaign in and tackle local issues and present specific views at a national level.	Helps extremist parties and radical ideas turn diffuse votes into seats in legislatures
	Increases turnout during elections and fosters more positive attitudes about the efficacy of voting.

Sources: World Population Review, 2023, *Countries with Proportional Representation 2023* (<https://worldpopulationreview.com>, Accessed on September 22, 2023).

Without any doubt, the PR electoral system is far better than the FPTP system now practiced in the country. With growing citizen dissatisfaction with our electoral system and processes, there is urgent need for the country to consider adopting the PR electoral system, particularly in the face of growing political tension among political parties and the citizenry, and in the country generally.

7.2 Amend the Constitution on Elections of SIGs

Elections by electoral colleges are exclusive by design, and under it only few members determine winners. Candidates often also find it easier to manipulate members of electoral colleges. This exclusion can be reduced by providing for universal suffrage of same category voters in respective SIGs constituencies or electoral areas within established law. The law can provide that voters: (i) for *Youth candidates* be all youths in the register for youth councillors and MPs; (ii) for *Persons with Disabilities* be all PWDS in the register for PWD councillors and MPs; (iii) for *Women* be all women in the register for women councillors and MPs; (iv) for *Older persons* be all Older Persons (aged 60 and above) in the register for OP councillors and MPs; and (v) for *Workers* be all workers in workers' register for workers councillors and MPs.

Currently Women representatives in Parliament are voted by universal adult suffrage which is burdensome during campaigns as candidates have to appeal to both male and female voters. In practice, women receive affirmative action for most positions, can run on merit upon qualification, and are by law segregated to have their own representation within a given constituency. Yet justifications for affirmative action is to ring-fence women's parliamentary seats and seats in local government councils and avoid patriarchal constraints.^{lxxxix} The legal instrument on election of Women MPs and councillors should therefore be amended to grant suffrage to only women as gender stakeholders. This would make women representatives more accountable to fellow women. Similar amendment should be made for universal SIGs suffrage for the other SIG categories.

7.3 Constitutional and Legal Regulation of Independent Candidates

Independent representatives, although elected on individual merit, tend to behave as legitimate groups, with parliament even providing them a caucus status, recognized leadership, and share in representation on parliamentary bodies and activities as a group. As these actors breach the concept of "Independent" as enshrined in the Constitution, party representation in both the National Consultative Forum (NCF) and the Inter-Party Organization for Dialogue (IPOD) proposed to Parliament "The Regulation of Independent Candidates Bill 2019," with the primary purpose of barring candidates who contest and lose in political party primaries from contesting as Independent candidates.

Leaders of political parties argued that the amendment would end confusion and divisions that politicians plant in political parties when they contest as Independent candidates after losing party primaries. Knowing that they were potential Independent candidates from lost party primaries, MPs frustrated the Bill.^{xc} Not surprisingly, during the 2021 parliamentary elections, 50.3 percent of parliamentary candidates who were nominated were Independent candidates (1,339 out of the 2,696)^{xcii}, as a result of which the independent-candidate phenomenon is threatening existing political parties' efforts to institutionalise and organise politics within party structures This is inconsistent with the 2005 transition to multiparty democracy^{xciii}, which imposes the urgent need for enactment of the constitutional amendment proposal on Independent candidates of 2019 to create the right environment for multi-party democracy to thrive.

During the 2010/2011 general elections, "50 NRM sitting Members of Parliament who lost party primary elections were not prepared to sacrifice their political careers for the sake of party discipline and even ignored the threat of expulsion from the party in order to stand against official NRM candidates".

(Commonwealth Secretariat, 2011. "Uganda's Presidential and Parliamentary Election 2011".

Under the current electoral setup, standing as an Independent is a huge *niche offered within Uganda's democratic governance system* for politicians who lose party primaries to get elected. Thus, the 10th Parliament of Uganda had 69 Independent MPs, while the current 11th Parliament has 77 Independent MPs. In contrast, the leading opposition political party in the 11th Parliament, National Unity Platform (NUP), which is the Official Opposition has only 59 MPs which makes it the 3rd largest group position in Parliament after the ruling NRM and the independents. This prevalence of Independents in our elective positions, even with three election cycles under the multiparty dispensation, signifies the persistence in the minds of voters of the "Movement-System" of choosing leaders, and the slow-paced embracing of multiparty democracy and the challenges of strengthening political parties as functional political institutions under the FPTP electoral system.

Although the "Independents," cannot legally be a collective membership as political parties or organizations are and so cannot be constituted as the Official Opposition in Parliament, their collective "numerical strength" undermine the mandate and roles the Official Opposition, which currently NUP, including ability to provide oversight as Chairs of Accountability Committees and members of the Shadow Cabinet. Yet the reality of Independents in Parliament now afflicts our multiparty governance system. As more Independents are elected, political parties also lose their mandates to be the channels of representing citizens at various levels.

Consequently, there is now urgent need to put in place legislative measures to curtail the challenges of independent candidates and representatives, so as to protect political party mandates and entrench the multiparty dispensation in Uganda. One option is urgent legislation to affirm the individual nature and status of Independent MPs as proposed by Opposition parties in their draft constitutional amendment Bill of 2019. In the alternative, the country should seriously consider adopting the Proportional Representation (PR) electoral system that will help stymie intra-party conflicts and the consequential emergence of too many independent candidates and representatives.

7.4 Provide for Minimum Education Qualifications for all Elected Positions

Education and schooling have become universal requirements and indicators of human progress. It is also becoming increasingly necessary to present solid qualifications to contest for representative and other elective positions in various levels of state governance. To attract candidates who can ably articulate citizens' needs, the Constitution and operational laws should be amended to provide for a minimum level of Advanced Level education for local government councils and executive leadership positions. Educated and professional representatives will most likely improve governance processes and enforcement of programmatic service delivery. With the mushrooming of university education in the country, consideration can also be given raising the education level requirements for MPs to diploma or degree levels, so as to enhance capacities of MPs for report scrutiny, policy reviews and consideration, legislation, and government oversight.

7.5 Review Appointment Procedures to Constitutional Commissions, Authorities, and Agencies.

Whereas Parliament approves statutory appointments sent to it by the President/Executive, and the process looks indirectly inclusive since Parliament is composed of people's representatives, the NRM ruling party and its numerical strength has capacity to inordinately approve such appointments without due consideration to critical

national interests. This relative numerical advantage of the ruling NRM guarantees approval of most proposals. To promote equity and fairness, political leaders from the NCF and IPOD have discussed, reached a level of consensus, and proposed a more inclusive constitutional amendment which, in collaboration with Civil Society organisations (CSOs), the NCF and IPOD submitted to Parliament in 2015.

The current status-quo excludes all opposition political parties from participating in the nomination of members of the EC and other constitutional Commissions (e.g., Equal Opportunities Commission, Human Rights Commission, Local Government Finance Commission, and sectoral service commissions), hence breeding exclusion and mistrust in the appointment processes. Under the present FPTP electoral system and harsh political environment in the country, for example, the fears of Opposition political parties is that the Electoral Commission (EC) can easily be compromised to favour the appointing authority.

It was therefore considered that the proposed constitutional amendment, when passed by parliament and assented to by the President, will fill the inclusiveness lacuna by making appointment of leaderships to constitutional bodies more inclusive and politically less prone to manipulation. Should the amendment be extended to cover all constitutional commissions, statutory bodies and authorities, the executive influences in state authority structures and functions, which tend to give unfair incumbency advantages to the ruling NRM party, would be reduced.

7.6 Separate Executive from Legislature

While appointment of Members of Parliament to ministerial positions is the mandate of the executive, their retention of constituent positions as MPs tends to disfranchise their voters due to their national roles. Effective presence of Ministers on the Floor of Parliament as constituency representatives is limited, especially because they are bogged down with ministerial tasks and beholden to the principle of “collective responsibility”. There is also fusion between the Executive and Legislature, which violates the principle of *Separation of Powers* between the organs of government. Because Ministers cannot debate on the Floor of Parliament on issues brought by their Cabinet colleagues, their constituents may be excluded from direct legislative processes.

Indeed, performance assessments of MPs rank Ministers as poor parliamentary performers due to this dual obligation which deny many constituencies effective parliamentary representation when their representatives are appointed ministers. Amending the Constitution to provide for MPs to relinquish their parliamentary seats upon appointment to ministerial positions, or providing that the President appoints ministers from outside of elected MPs, would benefit constituencies, parliamentary debates and processes, and enhance inclusiveness. With this process, conflict of interests would be minimised; separation of powers would be enhanced; and voters’ representatives would retain the constitutional tasks that their voters assigned them through election.

8.0 CONCLUSION

Two political-governance inclusiveness issues examined in this study affect Uganda’s democratic trajectory: (i) the exclusivity implications of the country’s FPTP electoral system; and (ii) the relationship between leaders and the led. The findings and analysis reveal that the FPTP electoral system strengthens incentives for exclusive exercise of political power, which incubates intense political struggles during elections, weakens politicians’ allegiance to political parties, and creates post-election governance

structures that exclude election losers. Intense political campaigns also mean that the relationship between leaders and the people is transactional, which detaches leaders from citizens. Enhancing constitutional and political measures for inclusiveness in Uganda's evolving democratic governance can reduce current tensions and uncertainties. The starting point for achieving this is to redesign the constitutional basis of elections, with a more inclusive system such as PR. The next step is to strengthen party-based politics, as well as constitutional checks and balances.

Historically, Uganda's incumbent leaders have employed the law "to limit the scope of action by domestic actors attempting to expand democratic liberties"^{xciii}; have strategically used constitutional provisions, courts of law and manipulation of legislative organs to hold onto office; and have strengthened their powers in ways that undermine democratic institutions or subordinate them to executive excesses. Leaders have also used their positions to neutralise the democratising influence of citizens and key stakeholders, co-opting some and weakening other institutions, groups and individuals. Pro-democracy actors are more disadvantaged when incumbents enjoy an impenetrable advantage for manipulating political institutions and State structures. This can breed "authoritarian resilience" against inclusive governance that should lay the foundation for avoiding relapse into destructive political conflict.^{xciv}

While constitutional, Uganda's FPTP electoral system has more serious flaws than the alternative PR system. The winner-take-it-all politics of the FPTP system is inappropriate for uniting a heterogeneous and historically fractured country like Uganda, let alone allowing for cordial relationship among leaders and between leaders and the led. It also limits incentives for incumbents to allow citizens exercise franchise rights in ways that harness accountability of leaders to the citizenry.

The FPTP electoral system is also partly responsible for the functional impairment of parties as political institutions, hence contributing to behaviours and practices of intense campaigns and do-or-die electoral politics now common among politicians. In reality, many of the elected leaders and representatives also ascend to their elective positions with minority votes due to voter apathy, low voter turnout and the simple-majority rule. They win on the basis of minority votes but act to the hurtful and harmful exclusion of election losers and majority citizens; hence the need to adopt a more inclusive PR electoral system.

Embracing PR requires that political parties continually engage voters. In this process, parties empower citizens to go beyond voting. The necessary constitutional, legal, and political reforms and processes, considered in this study, when embraced, will play an important part in laying the foundation for more inclusive democratic governance in Uganda.

By way of emphasis, all the above governance issues and many others that now afflict Uganda and are causing undue anxiety and apprehension in the population require calm, honest, inclusive and open consideration so as to bring unity, calm and harmony in the country. It is this imperative for national re-examination that compelled BSU to commission this study and to openly its outcomes with the Government, State institutions and all Ugandans. For us in BSU, the launch of this Report was the

critical first step to resetting Uganda's democratic governance processes for peace, unity, socioeconomic progress and the transformation of our beloved country.

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^{lxv} KII, Kampala. 14 September 2023

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- lxx KII, Kampala, 8 September 2023
- lxxi KII, Kampala, 13 September 2023.
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- lxxvii KII, Kampala, 8th September 2023.
- lxxviii FGD, Kampala, 7th September 2023.
- lxxix Republic of Uganda, 2015. “Supreme Court Rules That 'Rebel' MPs Should Be Reinstated.”, *Kampala: Judiciary* ([Online](#), 22 Sept 2023)
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- lxxxi Republic of Uganda, 2015. “Supreme Court Rules That 'Rebel' MPs Should Be Reinstated.”, *Kampala: Judiciary* ([Online](#), 22 Sept 2023)
- lxxxii FGD, Kampala, 7th September 2023.
- lxxxiii Respondent FGD 7th September 2023
- lxxxiv Ibid
- lxxxv The Independent, August 20, 2020
- lxxxvi Commonwealth Secretariat, 2011. “Uganda’s Presidential and Parliamentary Election 2011: Interim Statement”. Kampala: Commonwealth Observer Group (from <https://thecommonwealth.org/news/uganda-presidential-and-parliamentary-elections-2011-interim-statement>, 30 Oct 2023).
- lxxxvii Respondent FDG Kampala, 7th September 2023
- lxxxviii In the case of Uganda, for instance, while Independent Candidates constitute the second-highest number of Members of Parliament, they are not recognized and cannot form “opposition” in

Parliament. Thus, the Leader of Opposition (LoP) in Parliament, who appoints a Shadow Cabinet, is from the party with the third-highest number, presently the National Unity Platform (NUP). So, in Uganda, there is no Dean of Independents, no Chief Whip for Independents, unlike the Chief Whip for the Opposition and Chief Whip for the ruling party. This throws Independents into institutional fog.

^{lxxxix} Respondent FGD, Kampala, 7th September 2023

^{xc} Respondent KII Kampala, 12th September 2023

^{xci} Republic of Uganda, 2021. Report on the 2020/2021 General Elections, Kampala: EC.

^{xcii} FGD Respondent, Kampala, 7th September 2023

^{xciii} Ariolla, Rakner & van de Walle, Democratic Backsliding in Africa?, p. 2

^{xciv} Ibid, p. 2

ANNEX I: INDEPENDENT CANDIDATES WHO DEFEATED OFFICIAL PARTY CANDIDATES IN 2016

Table Error! Main Document Only: Independent Candidates who won elections in 2016 against official Party candidates for the position of District Woman representative to Parliament.[101]

DISTRICT	NAME OF CANDIDATE	POLITICAL PARTY	RESULTS
AMUDAT	NAUWAT ROSEMARY	INDEPENDENT	13312
	CHELAIN LOUKE BETTY	NRM	11891
BUHWEJU	KATWESIGYE OLIVER KOYEKYENGA	INDEPENDENT	23533
	BYAMUKAMA ALISON AYETORANIRE ANNAH	NRM	21592
	BWIRUKA JANE FRIDA AEKO	FDC	1040
	ABENAITWE EVATH KAFUREEKA	INDEPENDENT	102
BUKEDEA	AKOL ROSE OKULLU	NRM	26854
	AMONG ANNITA ANNET	INDEPENDENT	32866
BULAMBULI	NANDUTU ANNET	INDEPENDENT	1187
	NAMBOZO ESELI	INDEPENDENT	181
	MULONI IRENE MARGARET	NRM	20240
	NABUKWASI PETRA ENID	FDC	1961
	WEKOMBA SARAH NAMBOZO	INDEPENDENT	20808
BUSIA	NABULINDO JANA KWOPA	INDEPENDENT	45138
	NEKESA IRENE NINA	INDEPENDENT	12271
	NEKESA BARBARA OUNDO	NRM	37262
BUTAMBAL A	KABANDA AISHA NALULE	NRM	14693
	MIREMBE LYDIA DAPHINE	INDEPENDENT	14760

	NALUBEGA MARIAM	INDEPENDENT	3381
BUYENDE	BABIRYE VERONICA KADOGO	INDEPENDENT	24816
	NAKATO MARY ANNET	NRM	17058
	NAWEGULU SARAH	FDC	273
KAABONG	LOSIKE ANJELIA LUCY	INDEPENDENT	1194
	TUBO CHRISTINE NAKWANG	INDEPENDENT	19460
	AKELLO ROSE LILLY	NRM	19344
KAYUNGA	SINABULYA DOROTHY NANNONO BYEKWASO	INDEPENDENT	1370
	NANTABA AIDA ERIOS	INDEPENDENT	85988
	NALUNGA JULIET	NRM	13149
KYEGEGWA	RWABUHO RO FLAVIA	NRM	15337
	KIZZA STELLA	INDEPENDENT	23985
MAYUGE	ISANGA NAKADAMA RUKIA	NRM	50461
	NGIRUMUGABO LYDIA	INDEPENDENT	2639
	NAWANZIGE FLORENCE	FDC	7706
	MUKODA JULIE ZABWE	INDEPENDENT	54864
NTOROKO	TUMWINE ANNE MARY	INDEPENDENT	11593
	MUJUNGU JENNIFER K.	NRM	9696
NWOYA	ADONG LILLY	INDEPENDENT	12516
	APIYO SUSAN	INDEPENDENT	439
	ACHAN JUDITH PEACE	NRM	9003
	ACIRO CONCY	FDC	1740
	ATIM BRENDA KINYERA	UPC	395
	LAWOKO OLWE WINNIE	INDEPENDENT	349
SHEEMA	NYAKIKONGORO ROSEMARY	NRM	35270
	NTATUNDA BUSINGYE SHARON	INDEPENDENT	1783
	ATUHAIRE JACKLET	INDEPENDENT	45824
TORORO	ABBO ROSE MARY OWERE	INDEPENDENT	5218
	AKOYI JANET ONGARIA	INDEPENDENT	8341
	ACHOLA ANNET ROSE	FDC	19823
	AYO JACINTA	NRM	59806
	ACHIENG SARAH OPENDI	INDEPENDENT	62215
	MUSWANE DEBORAH ANGURIA	INDEPENDENT	1326
YUMBE	AVAKO MELSA NAIMA	NRM	24394
	DRIWARU ZAITUN	INDEPENDENT	32504

Sources: EC, 2016.

