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The Supreme Court begins to hear a case challenging President Yoweri Museveni's (1986 – present) victory in the 18 February presidential election. While the case against Museveni appears to be stronger than a similar petition challenging his victory in 2006, the Supreme Court is likely to uphold his victory. The energy ministry receives seven bids for six oil exploration blocks in its licensing round for the Albertine Rift basin. The bidders are junior oil companies, with those oil companies already present in Uganda not bidding amid frustration at the pace of the sector's development. In Kasese District and Bundibugyo District, 22 people die in ethnic clashes.

Supreme Court begins to hear presidential election case

The **Supreme Court** has started to hear defeated candidate **Amama Mbabazi's** petition against President **Yoweri Museveni's** (1986- present) victory in the 18 February presidential election.¹ The court is likely to rule in Museveni's favour, though this is unlikely to end opposition grievances about the conduct of the election. Mbabazi filed election petition No 1 of 2016 at the Supreme Court on 1 March. The court has 30 days in which to hear the petition and issue a ruling. The government is keen to promote the Supreme Court case to bolster the legitimacy of Uganda's electoral process. According to a senior member of Museveni's cabinet,

*"If there was any doubt ever about rule of law in Uganda then this election petition clears it. We have been telling people that instead of demonstrating or organising civil disobedience they should always resort to court if they have any grievance. This is the essence of the democracy that the government has always advocated for and we will respect whichever decision the court comes up with in the petition."*²

Mbabazi's petition seeks the annulment of Museveni's election victory citing alleged electoral fraud including vote rigging, ballot stuffing, voter intimidation and bribery, and the use of state resources during campaigning in breach of the **Presidential Elections Act 2005**. Mbabazi's petition also cites Museveni's alleged unwillingness to transfer power in the event that he lost the election. Mbabazi also criticises the **Electoral Commission** for refusing to publish the voter register. Mbabazi introduced a second petition on 7 March providing additional allegations of electoral fraud, and accusing inspector general of police **Kale Kayihura** of authorising demonstrations against him.³ Mbabazi in the second petition also accuses former **Internal Security Organisation** director general Lieutenant General **Henry Tumukunde** of disrupting **Go Forward** party rallies.⁴ Mbabazi is calling for a recount in opposition strongholds **Kampala, Wakiso, Jinja, Arua, Luweero, Apac, Moroto, Gulu, Kisoro, Ntungamo, Rukungiri, Rakai, Sironko, Kanungu, Butambala, Rubirizi, Soroti** and **Serere**.

Museveni on 7 March filed his response to Mbabazi's original petition, claiming that it lacks specific details.⁵ Museveni denied that he had either directly or through agents engaged in electoral fraud, or that pre-election donations to communities constituted bribery.⁶

¹ Daily Monitor, 7 Mar 2016.

² Source, senior cabinet minister, Kampala

³ Daily Monitor, 7 Mar 2016.

⁴ Daily Monitor, 7 Mar 2016.

⁵ The New Vision, 7 Mar 2016.

The Presidential Elections Act provides for the annulment of the election if the Supreme Court finds that the winning candidate or their agents failed to comply with its provisions. Defeated candidate **Kizza Besigye** made similar allegations before the Supreme Court when he ran in 2006, but failed to prove that Museveni knew and consented to alleged electoral fraud. There are, however, differences between Besigye's previous challenges and Mbabazi's petition that focuses on the electoral process itself.

"Mbabazi's petition is different from the petitions we have been looking at in Uganda's election history. Besigye has challenged election results two times and lost but this time this petition is different. The other two petitions, Besigye and his lawyers were only looking at results but this one is focused on the process leading to the elections. The petitioner actually wants original declaration forms and biometric machines to be presented to court to prove that the respondent got the votes that the Electoral Commission used to declare him winner. He is also asking questions like did the Electoral Commission have a tally centre? And if not where did they get the results?"⁷

There is a perception that Mbabazi has stronger evidence of wrongdoing than Besigye did previously.

"The lawyers handling this particular petition now know what to do because in 2006, the issue of bribery was brought to the attention of court but it was dismissed. This time the lawyers have collected good evidence including video recordings which they will tender in court."⁸

Legal teams for Museveni, Mbabazi, the Electoral Commission and attorney general **Fred Ruhindi** attended the initial pre-hearing conference on 7 March over administrative issues.⁹ Chief justice **Bart Katureebe** and all nine justices presided over the pre-hearing conference despite typically only one judge doing so.¹⁰ Katureebe was a Supreme Court justice at the time of the 2006 case, ruling then that any wrongdoing was insufficient to challenge the overall result of the election. The other judges are **Jotham Tumwesigye, Esther Kisaakye, Stella Arach-Amoko, Augustine Nshimye Sebuturo, Faith Mwendha, Ruby Aweri Opio, Eldad Mwangusya** and **Lillian Tibatemwa Ekirikubinza**.

The election petition is unlikely to change the result. Museveni has appointed loyalists to key judicial positions resulting in a compliant judiciary unwilling to challenge the **National Resistance Movement (NRM)**.¹¹

"I know the petition cannot overturn the results of the elections."¹²

This scepticism about the utility of the election challenge has encouraged Besigye to not support it. According to an opposition activist,

"The court room drama unfolding in Kampala is at best a test of judicial integrity, at worst another fatal distraction from the business of revolutionary change which must come.... It is also of course a contest for power within the same political class. It excludes the people of Uganda who are not represented. I therefore tend to agree with Besigye's non-co-operation stance. The courts are not independent and cannot be, not only due to patronage, but because of their historical role as mere arbiters of laws which have never been translated into local languages. The courts are now simply used to give a thin veneer of respectability to a flagging dictatorship, which is seen through by the majority of Ugandans who don't care. Whichever side wins is irrelevant to the general struggle of ordinary people for justice, for dignity, for work for decent pay, for health and education, for wealth and for freedom."¹³

⁶ The New Vision, 7 Mar 2016.

⁷ Source, newspaper editor, Kampala

⁸ Source, constitutional lawyer, Eastern Uganda

⁹ Daily Monitor, 7 Mar 2016.

¹⁰ Daily Monitor, 7 Mar 2016.

¹¹ Source, businessman, Uganda

¹² Source, newspaper editor, Kampala

¹³ Source, opposition activist and priest, Kampala

Outside the legal challenge, other opposition protests have failed to gain traction. Opposition **Forum for Democratic Change (FDC)** calls for an economic boycott beginning on 10 March had little impact on business activity.¹⁴ The FDC's **Free My Vote** campaign aimed to protest the continued detention of defeated presidential candidate Besigye. The FDC has called for a weekly economic boycott every Thursday.¹⁵ However, the first day of action passed without significant incident and business activity continued undisturbed.¹⁶ Local media quoted Ugandan workers saying they were worried about possible dismissals should they strike.¹⁷ The Free My Vote campaign also involves the boycott of all NRM events and activities, as well as those musical groups linked to the ruling party.

Seven oil companies make final bids in licensing round

The energy ministry on 2 March said it has received seven bids for six oil exploration blocks in its licensing round for the **Albertine Rift** basin.¹⁸ The licensing round covers the **Semiliki** and **Kanywataba Blocks** in **Ntoroko District**, **Taitai** and **Karuka** blocks in **Buliisa District**, the **Mvule** block in **Yumbe** and **Moyo Districts**, **Ngassa** in **Hoima District**, and the **Ngaji Block** in **Kanungu** and **Rukungiri Districts**.¹⁹ The lack of interest amongst international oil majors will concern the energy ministry. It had conservatively selected acreage where exploration activities had already occurred and, therefore, have pre-existing data.

The energy ministry launched the round in February 2015, following an eight-year moratorium to introduce an effective regulatory framework. The government issued bidding documents to 16 oil companies in October. International oil companies already operating in Uganda – **Total E&P Uganda**, **Tullow Oil Plc** and **China National Offshore Oil Corp (CNOOC)** – did not submit bids. This suggests continued concern about delays to production licences, as well as the lack of required infrastructure (see below). All three companies continue to cut back their activities in country and are carrying out retrenchments due to low international prices.²⁰ Sector experts have estimated that it will cost \$50 to extract every barrel of Uganda's viscous crude oil. With current global spot prices around \$40 per barrel, Uganda's reserves are beginning to look economically unviable in the short term, and the Ugandan oil sector is at a "standstill".²¹ International oil companies already active in Uganda are considering divestment or farm out agreements.

Only seven companies submitted final bids: **Australia-based Armour Energy Ltd**, **Nigeria-based WalterSmith Petroman Oil Ltd**, **Nigeria-based Oranto Petroleum International Ltd**, **Nigeria-based Niger Delta Petroleum Resources Ltd**, **Canada-based Rift Energy Corp**, **United States-based Glint Energy LLC**, and **Australia-based Swala Energy Ltd**.²² The energy ministry said it plans to confirm the winning bidders and sign production sharing agreements before the end of June.²³

One possible reason for the lack of interest in the bidding round is the slow progress of infrastructure notably required for oil exports. The route of the oil export pipeline remains uncertain after reports that Museveni and **Tanzania** president **John Pombe Magufuli** (2015-present) reportedly agreed to a pipeline from **Hoima** through Tanzania to the northern seaport city of **Tanga**.²⁴ The Tanzanian government is investing in the **Port of Tanga** to allow the offloading of petroleum products. In August 2015, Uganda and **Kenya** agreed provisionally to a route from the **Albertine Graben** oil region (Uganda) to **Lokichar** in **Turkana County** (Kenya) to the under-construction **Port of Lamu**

¹⁴ The Observer, 9 Mar 2016.

¹⁵ The Observer, 10 Mar 2016.

¹⁶ The Observer, 10 Mar 2016.

¹⁷ The Observer, 10 Mar 2016.

¹⁸ www.Rigzone.com

¹⁹ Daily Monitor, 6 Feb 2015.

²⁰ Source, oil sector analyst, Kampala

²¹ Source, business consultant, Uganda

²² Daily Monitor, 2 Mar 2016.

²³ Daily Monitor, 6 Feb 2015.

²⁴ East African, 21 Sept 2015.

(Kenya).²⁵ It is unclear whether this agreement is either on hold or dropped entirely. Total is reportedly concerned that its partner in Uganda, Tullow, has a vested interest in a pipeline that passes through northern Kenya where parent company **Ireland**-based Tullow Oil Plc has interests in oil fields.²⁶ The debate of route is, however, entirely academic as long as low international oil prices make it highly unlikely that oil companies will make available the necessary capital investment to produce, process and export oil from Uganda.

Ethnic violence breaks out in western Uganda

Museveni has warned of increased ethnic violence in western Uganda as 22 people died in clashes in **Kasese District** and **Bundibugyo District** following local elections.²⁷ Ethnic militias in western Uganda regularly clash over access to resources and political influence. The violence in Bundibugyo District started after incumbent independent district chairman **Jolly Tibemanya** lost to NRM candidate **Ronald Mutegeki** in the 24 February election.²⁸ At least 15 people died in clashes between supporters of the rival candidates in **Kirumya Bughendera County**.²⁹ In Kasese, violence started after incumbent NRM **Hima** local council chairman **Musana Katura** defeated independent candidate **Tom Wabukombi**.³⁰ Following the election, security forces used teargas to disperse protesters demonstrating against the result. Rival supporters burned 150 houses in Kasese. A group of approximately 60 armed individuals attacked a **Uganda People's Defence Force** patrol killing two people. Security forces shot dead six people in operations to secure weapons. Museveni met on 10 March with a delegation of minority ethnic groups, **Basongora**, the **Banyabindi**, the **Bagabo**, the **Bakyingwe** and **Bafurukyi**.³¹ Museveni warned the ethnic groups against trying to form a secessionist **Yiira Republic** involving the **Bakonjo** in the **Democratic Republic of the Congo (DRC)**.

Implications

The Supreme Court is likely to uphold the election victory of Museveni. Under the most likely scenario, the Supreme Court will repeat its 2006 ruling, acknowledging that there were logistical challenges but that these were insufficient to affect the overall result. Opposition protests are likely to mark the announcement of the Supreme Court ruling expected on 1 April. These have the potential to turn violent, but violence will be localised and will not become nationwide or threaten the stability of the government. A critical Supreme Court ruling will add impetus to long-standing opposition calls for reform of the electoral system. Increased and independent oversight and accountability of politics and elections could reduce the use of patronage to win polls. This could empower and encourage the emergence of effective opposition that is eventually able to win free and fair elections. At present, this scenario is extremely unlikely.

The development of Uganda's oil sector has stagnated. The junior nature of the oil companies that bid in the licensing round highlights that the sector has lost its attractiveness to oil majors needing to make operational cutbacks. High production costs and costly government regulation in Uganda make neighbouring Kenya relatively more attractive. Financing challenges will delay both the export pipeline and Hoima refinery resulting in slow upstream development, and decreased tax revenue for the government.

There is a persistent incompatibility between modern political boundaries in Uganda and its traditional tribal identities. Similar questions about the political status of the **Buganda** kingdom and calls for a federal Uganda will remain unanswered. Land disputes are commonplace in Uganda and are

²⁵ East African, 10 Aug 2015.

²⁶ East African, 21 Sept 2015.

²⁷ Daily Monitor, 12 Mar 2016.

²⁸ Daily Monitor, 12 Mar 2016.

²⁹ Daily Monitor, 12 Mar 2016.

³⁰ Daily Monitor, 12 Mar 2016.

³¹ Daily Monitor, 12 Mar 2016.

likely to increase in frequency as demographic pressures grow, but should not threaten Uganda's wider stability.

About Africa Risk Consulting:

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