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By Dr. Stephanie M. Burchard

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In this Monday, August 7, 2017, file photo, a Kenyan election volunteer walks past ballot boxes and electoral material to be distributed to various polling stations in Nairobi, Kenya. (Source: AP Photo/Jerome Delay, File.)

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Ugandan lawmakers brawl in the Parliament in Kampala, Uganda, on Tuesday, September 26, 2017. (Source: AP Photo/Ronald Kabuubi.)

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The Institute for Defense Analyses is a non-profit corporation operating in the public interest.

IDA's three federally-funded research and development centers provide objective analyses of national security issues and related national challenges, particularly those requiring scientific and technical expertise.

IDA's Africa team focuses on issues related to political, economic, and social stability and security on the continent.

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## Kenya's Election Voided

The Supreme Court of Kenya ruled that the presidential election was [invalid](#) due to substantial procedural irregularities and ordered fresh elections held within 60 days. The opposition had filed a petition challenging the election after incumbent President Uhuru Kenyatta was declared the winner of the August 8 poll. The opposition presented nearly 25,000 pages of evidence [alleging](#) the results were fraudulent and "[computer-generated](#)." The crux of the opposition's case was that (1) the final results were uploaded onto the electoral commission's website even though thousands of official election forms were not available until more than a week after the results were announced and (2) approximately one-third of the forms lacked the requisite [security features](#) such as watermarks or serial numbers. Furthermore, the electoral commission refused to comply with the court's order to give the opposition full access to its server. In a landmark [decision](#), the Supreme Court sided with the opposition. If the process could not be trusted, the Supreme Court reasoned, how could the results?

## Criticism of Election Observation

International observers in Kenya have been [sharply criticized](#) by a [number](#) of [actors](#) for passing such a quick and favorable judgment on an election that was ultimately revealed to have significant problems. While the Kenyan election has brought recent attention to international election observation, many of the criticisms surrounding election observation are not new. Early proponents believed that international observation would promote democracy by detecting or deterring fraud, which would increase the credibility of the electoral process as a whole. But Thomas Carothers cautioned in [1997](#) that election observation suffered from several problems that could serve to undermine its positive contributions. These included the proliferation of organizations involved in observation efforts, which resulted in several low-quality observation missions and a myopic focus on election-day events.

Writing 20 years after Carothers, [Stephen Chan](#) argues that election observation still suffers from some of these same problems and that the model hasn't evolved much beyond its original design. Observers remain hyper-focused on the act of voting itself, neglecting other important steps in the election process, especially the tabulation, transmission, and verification of results. Chan also argues that observer groups have failed to keep pace with the many technological advances that have occurred in the intervening years. Fraud has become more sophisticated, yet election observation relies on a model that is almost 40 years old.

[Judith Kelley](#), who has written [extensively](#) about election monitoring, has [noted](#) several problems with international election observation. She finds that the quality of observer assessments worldwide varies from



In this Monday, August 7, 2017, file photo, a Kenyan election volunteer walks past ballot boxes and electoral material to be distributed to various polling stations in Nairobi, Kenya. (Source: AP Photo/Jerome Delay, File.)

organization to organization, with some groups unlikely to levy genuine criticism. She also finds that there is an increased likelihood that certain observers will endorse elections held by major recipients of foreign assistance. Kelley argues this is because these observers are seeking to avoid upsetting key development assistance relationships, suggesting that not all observers are immune to political considerations.

## Why Different Interpretations of Kenya's Elections

How did the observers and the Supreme Court come to two different conclusions about the integrity of the Kenyan election? There are several possible explanations. First, the observers were using a much lower standard than the Supreme Court. The observers were [reportedly](#) looking for obvious evidence of fraud that would have changed the outcome of the election. But the Supreme Court was looking at the integrity of the process as a whole, as well as the inability of the electoral commission to produce evidence that would verify the outcome.

Second, the observers were not equipped to detect the type of fraud that the opposition alleged occurred. Not a single one of the [nine](#) international observer groups was able to evaluate the opposition's claims on their merits. The groups either lacked the technical skills to evaluate the claims or had failed to secure the permission of the electoral commission before the election to access its servers. That they could not properly evaluate these allegations yet felt comfortable offering up a preliminary judgment about the credibility of the election is troubling.

Another explanation centers on the implicit biases of the observer groups themselves and exactly what they intend to accomplish through election observation. A recent [article](#) published in the American Journal of Political Science argues that election observation suffers from an inherent "curse." According to the authors, to be effective at reducing both fraud and post-election violence in most elections, observers must be indifferent to potential post-election violence. Observers must be willing to objectively comment on fraud, regardless of the likelihood that it will provoke post-election violence in a given situation, because it is the threat of violence that might then deter fraud in other future elections. Given Kenya's [long history](#) of electoral violence, how likely is it that observers can remain indifferent to the prospect of post-election violence occurring?

## Conclusion

The differing assessments of the quality of the Kenyan elections indicates there are structural problems with election monitoring as currently constituted. Observer groups need to rethink the standards by which they assess election quality, what aspects of the electoral process they should be observing, and the technical skills of their staff. Additionally, if observers believe they are preventing violence in the short term by withholding criticism of the quality and conduct of elections, they should be aware they may be encouraging both fraud and violence in the long term.

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## Museveni's Path Toward Authoritarianism

Museveni's interest in extending his term did not come as a surprise. Although early in his career he famously [criticized](#) leaders who stayed past term limits, he has undergone a change of heart over the past 15 years. In [2005](#), he benefitted from a parliamentary movement to remove term limits, making the two-term president eligible to run again. While the same act reinstated multiparty politics, Museveni has proven adept in quieting the opposition through [co-optation or coercion](#).

Museveni has also maintained strong public popularity. His approval rating is consistently between 60 and 70 percent, in part bolstered by his [legacy](#) as the leader who stabilized Uganda following the chaotic and violent regimes of Idi Amin, Milton Obote, and Tito Okello. This made a difference at the polls. As [Africa Watch](#) has reported, despite widespread irregularities in the 2016 election, Museveni likely won the popular vote by a wide margin.

A January 2017 [Afrobarometer](#) survey showed that 75 percent of Ugandans did not think the constitution should be altered to remove the age limit. The same survey showed, however, that Museveni maintained a 70 percent approval rating.

## Growing Opposition, Growing Problem

Although Museveni continues to dominate Ugandan politics, there are signs that his control is beginning to slip. Before the 2016 election he fired Amama Mbabazi, a long-time supporter and former prime minister, who promptly ran against him on an opposition ticket. Richard Dowden, Director of the Royal African Society, [pointed out the consequences](#): “[Museveni's] former comrades have abandoned him. The best went first, and he is now just left with servants rather than comrades.”

The administration has responded to growing opposition with a heavy hand. Before the debate over removing the presidential age limit, more than 20 university students were [arrested](#) for violating a ban against protesting, and the [mayor](#) of the capital, Kampala, was arrested in the midst of a television interview and charged with allegedly planning to lead a protest.

In addition, the Uganda Communications Commission [forbade](#) broadcasters from playing live footage of the parliamentary debate over the motion to abolish the presidential age limit. Opposition parliamentarians were violently [expelled](#) from parliament chambers, allegedly by Ugandan Special Forces dressed as plainclothes police.

This forceful response is in keeping with previous repressive moves. For example, in 2011, “Walk to Work” [protests](#) were violently put down in urban areas across the country. While Museveni may be able to control the public narrative by cracking down on opposition, stemming public debate does little to address Uganda's broader challenges.

## How Will Museveni Address Growing Economic Problems?

If Museveni does extend his time in office, he may face a growing set of economic challenges. Although [GDP](#) growth is strong, at 4.5 percent, it has declined from the 7 percent it reached in the 1990s and early 2000s.

More important, Uganda's [debt](#) has risen to 38.6 percent of GDP. The country has secured billions of dollars of [Chinese loans](#) for infrastructure projects. While the [World Bank](#) reports that Uganda's "risk of debt distress is low," both the [IMF](#) and Uganda's [central bank](#) have expressed concern over Uganda's debt level.

Museveni has seemingly banked on Uganda's oil reserves to solve its economic problems. In 2011, Museveni [predicted](#) that oil revenue would mean Uganda "should be able to achieve 12, 13, or 15 percent economic growth." Oil was first discovered in 2006, but production will likely not begin until at least 2020. The delay is due in part to the resistance of potential partners to Museveni's demands that investing companies build a large [refinery](#). Although Uganda has finally agreed to terms with a [consortium](#) to build a pipeline and refinery, critics are already concerned by [missing payments](#) and the [risk of corruption](#). Given these challenges, and reduced oil prices globally, oil will likely not prove a magic bullet for Uganda's economic woes.

## Conclusion

Uganda's economic challenges directly affect its citizens. The [National Household Survey](#) recently released by the Uganda Bureau of Statistics showed that the poverty level rose from 19.7 percent in 2013 to 27 percent in 2017. The survey also found that at 17 percent, youth unemployment is high, which is concerning given the country's [youth bulge](#).

As Museveni continues in office he will face increasing pressure to respond to these challenges. So far he has opted to suppress dissent rather than seek economically meaningful solutions. While Museveni's continued popularity may mean he will be able to continue to avoid dealing with Uganda's fundamental challenges, he is likely to bequeath a difficult legacy to a new generation of Ugandans when he finally departs office.

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