

REALITY CHECK



THE STATE OF MULTIPARTY DEMOCRACY IN UGANDA

Edited by Yusuf Kiranda and Mathias Kamp



Konrad
Adenauer
Stiftung

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The views expressed in this publication do not necessarily reflect the views of the Konrad-Adenauer-Stiftung but rather those of the individual contributors

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Table of Contents

1. Foreword
3. About the Contributors
6. List of Abbreviations
- 8. PART I: The Environment – Historical Background, Institutions and Rules of the Game**
9. Introduction (Mathias Kamp)
- 29. The Challenge and Prospect of Multiparty Democracy in Uganda** (Sabiti Makara)
- 61. Are the Checks and Balances to Power and the Political Playing Field Sufficient to Consolidate Multiparty Democracy?** (Yasin Olum)
- 90. Synthesis of the Discussions** (Ojjo O.M.P. Al Amin)
- 103. PART II: The Actors - Political Parties**
104. Introduction (Yusuf Kiranda)
- 110. To What Extent Does the Political Opposition Offer an Alternative to the National Resistance Movement Government?** (Awel Uwihanganye)
- 125. To What Extent Does Uganda’s Political Opposition Present a Viable Alternative for Effective Governance?** (Omar D. Kalinge-Nnyago)
- 144. Synthesis of the Discussions** (Ojjo O.M.P. Al Amin)

Foreword

The year 2011 marks a six-year anniversary of the legal reintroduction of multiparty democracy in Uganda after the referendum held in 2005. This according to the country's electoral cycle implies that a second multiparty general election takes place, following the first one held in 2006. Such a period is to be recognised as a milestone particularly in a country still working on several aspects of democratic consolidation, building and strengthening political pluralism being one of them.

The Konrad-Adenauer-Stiftung considers this publication as being one of the ways to recognise and celebrate six years since the reintroduction of political pluralism in Uganda. The book **Reality Check: The State of Multiparty Democracy in Uganda** is an outcome of a symposium on the subject held in Kampala in October 2010. It brought together academicians, politicians and civil society actors as a platform for meaningful dialogue regarding the advances of and challenges to multiparty democracy in the country. In this publication the papers as contributed by academic experts and political actors are presented together with some general introductions and a synthesis of the discussions that transpired.

While the dialogue at the symposium covered a range of issues, the main contributions and synthesis of the discussions have been organised along two main themes: The first theme which is the part one of this publication focuses on 'the institutional political system and environment' where the main topics are:

- the extent to which Uganda has transited from the movement system to a multiparty state;
- the checks and balances to power and how far these are sufficient to ensure successful multi-party democracy;
- the extent to which a political level playing field been established.

Part two of the publication focuses on the political actors operating within the environment. In this context it is analysed to what extent the political opposition presents a viable alternative for effective governance.

The symposium and this publication all come at a time when a reflection about the state of Uganda's multi-party democracy is both timely and relevant. This relevance goes beyond celebrating six years since the reintroduction of multiparty democracy. It is also to be noted that - as the second multiparty elections are held - a debate on the advances and challenges of the political system is relevant to guide yet another decisive step in the maturation process of democracy. Much as the new multiparty dispensation is still rather young, the experiences Ugandans have with multiparty politics date back to the times shortly after independence. There have been several expressions both in literature and the political rhetoric within Uganda that these early experiences are not something that make the people look back in pride. Instead, the challenges that were experienced in the past remind all stakeholders of the fragility of an open and competitive political system and its reliance on committed, responsible and credible actors on all sides and at all levels.

This book is prepared as a reference point for scholars, policy makers and political actors desirous to gain a deeper insight into the salient issues of multiparty democracy for the second time it is practiced in Uganda. Dr. Sabiti Makara and Dr. Yasin Olum who present the main contributions in the first part are renowned political science scholars. They have proved their credence once again by clearly interlinking theory and practice in an assessment of the political environment. On the other hand, Mr. Awel Uwhanganye and Mr. Omar Kalinge Nyago tap on their political experience to analyse the political actors. Both parts have a general introduction presented by KAS officers Mathias Kamp and Yusuf Kiranda respectively, whose vast experience working on democracy promotion in Uganda is clearly reflected in their contributions. With such a team of experienced contributors the content is expected to be enriching. Special thanks go to Max Walter, who was not only involved in the conceptualization of the symposium and the publication but also provided the idea for the title "Reality Check".

Peter Girke
Country Representative

About the Contributors

Omar Dawood Kalinge-Nnyago

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Awel Uwihanganye

Works as a communications consultant at Tetea Uganda, where he is a Managing partner. Previously he worked as Founder and Director Operations of Concordia Volunteer Abroad program, an international internship program focusing on bridging cultural divides between the West and Africa. He co-founded the Young Achievers Award in 2009, which recognises young talent, innovation and achievement. His work has been recognised through numerous Awards such as the Forces Avenir Award, for his work on Peace and Justice issues, and the Colors of Concordia Award, for promoting cultural understanding. In 2008 he was named Goodwill Ambassador of SOS Children's village Uganda. Awel Uwihanganye is a fellow of the African Leadership Initiative (ALI) in recognition of his proven leadership abilities, and commitment to causes that benefit society. The ALI fellowship is part of the Aspen global Institute fellowship.

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List of Abbreviations

CBO	Community Based Organisation
CBS	Central Broadcasting Service
CHOGM	Commonwealth Heads of Government Meeting
CP	Conservative Party
CSO	Civil Society Organisation
DP	Democratic Party
EC	Electoral Commission
FAD	Foundation for African Development
FDC	Forum for Democratic Change
FDM	Federal Democratic Movement
FES	Friedrich Ebert Stiftung
FHRI	Foundation for Human Rights Initiative
FIL	Forum for Integrity in Leadership
IGP	Inspector General of Police
ISO	Internal Security Organisation
IRI	International Republican Institute
JEEMA	Justice Education Economy Morality African Unity
KAS	Konrad-Adenauer-Stiftung
KY	Kabaka Yekka
LC	Local Council
LRA	Lord's Resistance Army
MP	Member of Parliament

NC	National Conference
NDI	National Democratic Institute
NGO	Non-governmental Organisation
NRA	National Resistance Army
NRM	National Resistance Movement
NSSF	National Social Security Fund
PAC	Public Accounts Committee
PPP	People's Progressive Party
PPOA	Political Parties and Organisations Act
RDC	Resident District Commissioner
SACCO	Savings and Credit Cooperative
SDP	Social Democratic Party
UBC	Uganda Broadcasting Corporation
UHRC	Uganda Human Rights Commission
UNC	Uganda National Congress
UNLF	Uganda National Liberation Front
UNRF	Uganda National Rescue Front
UPC	Uganda People's Congress
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education

PART I: The Environment – Historical
Background, Institutions and Rules of the Game

Introduction

Mathias Kamp

In order to undertake an assessment of the state of multiparty democracy in Uganda and to do – as it reads in the title of this publication – a “reality check”, it is important to include multiple perspectives and consider different relevant dimensions.

As a starting point, four crucial dimensions can be identified in this context, which basically focus on four indicators that can tell us how far multiparty democracy has progressed in Uganda and to what extent it is institutionalised and sustainable. The factors are:

1. the legal fixation of a multiparty democratic system: To what extent is the multiparty system guaranteed and protected by the constitution, and to what extent do the laws in the country reflect the multiparty political dispensation?
2. the reflection in the institutional set-up: Do the existing political institutions reflect the pluralistic democratic approach?
3. democratic culture of political actors: To what extent are the principles of democracy and multipartyism reflected in political practice and in the way in which political actors particularly conduct themselves? Do the political actors accept competition and do they compete in a fair and tolerant way?
4. democratic culture in society: Has the multiparty ideology won the hearts and the minds of the people? Is there a wide consensus on the democratic and pluralistic political system and do the people understand and support it?

The contributions in this publication provide a range of perspectives, taking into consideration these four dimensions.

The experts' and practitioners' contributions in this publication as well as the synthesis of the discussions during the symposium on the state of multiparty democracy in Uganda provide a range of perspectives, arguments and explanations taking into consideration these four dimensions.

While in Part Two the focus will be on the major actors in the multiparty system, i.e. the parties themselves, this first part of the publication is dedicated to the wider context and the political environment with a major focus on the historical context, the relevant institutions and the so-called *rules of the game*.

This introduction aims at narrowing down the topic and focus, featuring a literature review and moving from a theoretical starting point to the African context and finally the specific situation in Uganda.

Political Parties and Democracy

Political parties play an essential role in the functioning of every modern democracy and consensus almost exists that the concept of democracy is indivisibly linked to the concept of multipartyism, in which effective participation and competition should be guaranteed. Political parties are central actors in a democratic system, as they organise and articulate interests and ensure political participation and competition, which constitute major features of a democracy.

It appears to be an "incontrovertible fact among most political observers" (Kuenzi, Lambright 2005: 423) that political parties are an essential requisite for a democratic political system. They perform several roles critical to the functioning of a democracy as they are the central means to aggregate

interests and thereby translate “mass preferences into public policy” (Sartori 1988: 254) and “representative institutions that endow regimes with legitimacy; provide ideologies that represent social, economic and political interests; and produce leaders who through democratic elections form the machinery of government [...] or opportunities for political participation” (Salih, Nordlund 2007: 20).

In the light of the above functions, it is obvious that political parties have a major influence on politics. Furthermore, the manner in which parties carry out these functions is “an indicator of whether a particular democratic system is institutionalized or fragile” (ibid.).

With the changing perception of political parties, the initial fear that parties are a divisive force that promotes particularism and have the capacity to undermine national unity and the political order has decreased in favour of the realisation that parties are essential for democratic participation and competition. This, however, “does not negate the possibility that the existence of multiple political parties can generate political and social disorder” (Kuenzi, Lambright 2001: 438). Yet, while this is a challenge that should be dealt with by the political system and the rules and norms for settling differences between the parties (Sartori 1988: 253), there is still a general consensus among most scholars that political parties play a crucial role in political stability and democratic consolidation. Thus, Salih and Nordlund (2007: 20) state that “[d]emocratic consolidation can hardly be achieved without political parties playing a significant role not only in the debate but also by practising the principles and policies they advocate”. Similarly, other authors like Nolte (2000) and Olukoshi (1998) emphasise the essential role of political parties in establishing and consolidating democracies. While Olukoshi (1998: 76) argues that “[t]he institutionalisation of a multi-party system is [...] indispensable to the principle and practice of democracy”, Lipset (2000: 48) even makes

this "indispensability" a core element of his definition of democracy:

Democracy in a complex society may be defined as a political system which supplies regular constitutional opportunities for changing the government officials, and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office, that is, through political parties.

Randall and Svasand (1999: 4) emphasise that

"it is evident [...] that political analysts see the actual or potential contribution of parties as varying at different stages of the democratisation process. In general the perception is that their contribution gets increasingly important as the process evolves and is especially central to successful consolidation".

This is underlined by their statement that "although it seems that strong parties are not necessary for inaugurating democratic regimes [...], they are almost certainly necessary for the long-term consolidation of broad-based representative government" (ibid: 3).

Party Systems in Africa

As a first step, it is important to distinguish between the party system and the party as a single entity. Mainwaring and Scully (1995: 4) define a party system as "the set of patterned interactions in the competition among parties".

Basedau (2007: 108) stresses that:

"a party system is more than just the sum of political parties in a given country. [...] What makes several parties work as a system are the nature of the relations between

the parties and the stability of interaction between them. Moreover, the party system has to be conceptualised as a subsystem of the political system. More precisely, the party system is characterised by its intermediate position between society [...] on the one hand and state and government on the other hand."

A party system can be characterised by a number of quantitative and qualitative features, including the overall number of parties, the strength of individual parties, the degree of fragmentation and polarisation, as well as the interaction between the parties.

In trying to categorise different party systems, the easiest approach is the simple counting method, which allows the differentiation between one-party systems, two-party systems and multi-party systems as a first step.

Corresponding with these categories, Bogaards (2007: 169f.) distinguishes three party-system functions: aggregating social cleavages (two-party system), translating social cleavages into political cleavages (multi-party system), or blocking the politicisation of social cleavages (one-party system).

Giovanni Sartori (1976) has so far provided the most popular and convincing typology of party systems. Instead of applying purely numerical criteria, he combines quantitative and qualitative criteria to create a typological framework that considers the number of relevant parties, the fragmentation and the ideological polarisation of the party system.

For the numerical criterion, Sartori introduces a counting method that only considers "relevant" parties, which are identified not only according to their strength in elections and their representation in parliament but also according to their "coalition potential" or their "blackmail potential":

"In summary, we can discount the parties that have neither (i) coalition potential nor (ii) blackmail potential. Conversely, we must count all the parties that have either a governmental relevance in the coalition-forming area, or a competitive relevance in the opposition area." (Sartori 1976: 123)

Based on the three categories mentioned above, Sartori formulates seven different types of party systems. The result of his method is a typological framework that distinguishes between the following systems: (1) one party, (2) hegemonic party, (3) predominant party, (4) two-party, (5) limited/moderate pluralism (three to five parties), (6) extreme pluralism (more than five parties), and (7) atomised (ibid: 125).

When taking a look at the different types of party systems that can be identified in Africa, it is important to keep in mind that most African party systems can still not be considered as structured party systems but rather have to be seen as what Sartori (1976: 244) calls "fluid politics". Many party systems in Africa are not clearly structured and are barely institutionalised. Instead they still appear to be in a phase of transition or are once again undergoing restructuring processes. This becomes particularly obvious when taking a look at the high volatility between elections, the number of new party foundations, and the processes of party fusion, splitting and dissolving (Emminghaus 2003: 107). Thus, a categorisation of African party systems according to the common types has less explanatory power. Nevertheless, it is relevant at least for illustrative purposes to take a look at the party systems that are found in Africa and to find out which ones are the most common types. The first type that can be identified is the *one-party system* or one-party state. This type was common in Africa from the late 1960s until the early 1990s, a time during which most African states were governed by authoritarian regimes. These kinds of systems were

justified by a variety of arguments such as emancipation from imposed "Western" (colonial) concepts and the protection of national unity. The fear that multipartyism would be dividing the society, particularly along ethnic lines, also benefited the justification, and the fight against so-called "tribalism" was a popular argument of authoritarian leaders. Finally, in a number of the one-party states there was a movement-like ideology, often related to an initially socialist ideology, in which the promotion of development was presented as a "national project" that needed strong leadership. Salih and Nordlund (2007: 44f.) distinguish between two types of one-party systems. On the one hand, there are "*de jure*" single-party states where the constitution only allows one political party in the country. These were mainly found in state socialist regimes, where the one and only (communist) party was closely connected to or almost identical with the political system. On the other hand, there are the so-called "*de-facto*" single party states, in which the "constitution was not changed to mandate one party, but in reality the ruling parties in these countries gained and kept a monopoly on power, dominating all branches of government" (ibid: 45). This distinction is almost identical with Sartori's distinction between one-party states and what he calls "*hegemonic party systems*". In his description he states that

"[t]he hegemonic party neither allows for a formal nor a de facto competition for power. Other parties are permitted to exist, but as second class, licensed parties; for they are not permitted to compete with the hegemonic party in antagonistic terms and on [an] equal basis. Not only does alternation not occur in fact; it cannot occur, since the possibility of a rotation in power is not even envisaged".
(Sartori 1976: 230)

The second category is the *multiparty system*, which can again be separated into sub-categories. In *two-party systems* power basically alternates between two major parties that are

competing with more or less equal chances of getting into power. Typically, coalitions are not necessary and other existing parties only play minor roles. Erdmann identifies Ghana and Cap Verde as the only two stable, i.e. institutionalised, two-party systems (Erdmann, Basedau 2007: 11). In contrast, the *pluralistic* version of a *non-dominant multiparty system* is characterised by competition between more than two parties which increases the likelihood of coalitions. With regard to the institutionalised systems Sartori distinguishes again between moderate and polarised pluralism, depending on the degree of ideological differences between the relevant parties. In Africa, a number of non-dominant party systems are present, but only few institutionalised exceptions exist, with Mauritius being an outstanding exception with institutionalised moderate pluralism (ibid.; Salih, Nordlund 2007: 52f.). The extreme version of pluralism, a *pulverised party system*, with a highly fragmented and conflictive party system is – against sceptical expectations because of the ethnic fragmentation – hardly found in Africa, with Benin being the only case. Instead, data show that most of the multiparty systems in Africa can be classified as *(pre)dominant party systems*. According to Erdmann and Basedau (2007: 8), “the effect of multi-party elections in Africa is rarely that of high fragmentation of parties, but rather the emergence of a dominant one party”. Randall and Svasand (2002b: 35) observe that “on the one hand African party systems contain an ‘impressive’ number of political parties, but in terms of ‘effective number of parties’ there is a high degree of concentration around one or two”. All in all, van de Walle (2003: 298) concludes, “the emerging modal party system in the region consists of a dominant presidential party surrounded by a large number of small, highly volatile parties”.

Firstly, dominant party systems should not be confused with single-party systems, although they share some similar characteristics. Secondly, often the distinction between dominant and hegemonic party systems is quite difficult.

While in *dominant* party systems there is still a certain degree of competition and at least a certain chance of alternation in power, in *hegemonic* systems fair competition is not given and alternation is hardly possible, if not impossible (Salih, Nordlund 2007: 48f.; Gentili 2005: 8).

With regard to the impact on democracy and democratic consolidation, dominant party systems are seen as rather negative, whether in a highly authoritarian or quite competitive context. Salih and Nordlund (2007: 51) point out four challenges to democracy resulting from dominant party systems:

- “they impede competitive politics, which contributes to political apathy and low voter turnout [...];
- dominant parties dominate the legislature and could monopolize the lawmaking process to promote the predominant party’s economic and social interests;
- governments formed under the system are less accountable to the legislature, which they dominate, and the opposition, which is too small to be effective; and they encourage government to develop the arrogance of power and become irresponsive to citizen demands.”

Multipartyism in Uganda

Much as the new multiparty dispensation is only five years old, Ugandans’ experiences with multiparty politics date way back to the times shortly after independence. Self-rule in Uganda has been characterised by several ups and downs since the country attained independence from the British in 1962. At the onset of independence, Uganda sought for self-governance under a multiparty system. This demonstrates clearly the consciousness among Ugandans at that time that the free association of people in political parties and the competition among those parties for the power to govern the country

guarantee genuine and substantial democracy. However, the early experiences with multiparty democracy in Uganda were rather disillusioning and the several challenges experienced made it inevitable for that first attempt at political pluralism to fail. In retrospective, these negative experiences remind us of the fragility of an open and competitive political system and its reliance on committed, responsible and credible actors on all sides and at all levels.

After taking over power, the National Resistance Movement (NRM) proclaimed an era of “fundamental change”, based on a “Ten-Point-Programme” whose principles had been elaborated during the Bush War (Oloka-Onyango 1995: 159). President Museveni promised an interim period of four years for restructuring the system and creating democratic institutions and was able to initially base his rule on broad popular support. But Museveni did not allow a multiparty system and prohibited political party activities for the supposed interim period during which a new constitution was to be elaborated. At the same time, the NRM installed “an intricate structure of resistance councils from village to district levels wherever its writ ran in Uganda” (Hansen, Twaddle 1995: 139), and in the following years elections were held on these levels. The resistance councils were the core element of the NRM’s concept of grass-roots participatory democratisation (Hartmann 1999: 234).

The political parties as such were not completely banned, but all political activities by the parties were prohibited. They were allowed to continue in existence, but not to hold meetings, to campaign and to take part in elections.

The prominent justification for the system was a strong rejection of multiparty systems as not being appropriate for the Ugandan context, especially considering the negative experiences of the past. According to Carbone (2005: 3), “the ideological underpinnings of no-party politics were provided

by an interpretation of Uganda's post-independence history as a spiral of violent conflicts prompted by ethnically-based political parties".

The promised elaboration of a new constitution only began in 1988. Since the process was delayed several times this also meant extending the transitional period of the NRM regime. Because of serious controversies around the proposals of the Constitutional Commission, the NRM decided to hold direct elections for a Constitutional Assembly, in which individuals could run as independent candidates, but not represent any political party. Finally, the constitution was adopted in October 1995. However, the question of the future political system was not explicitly answered in the constitution. On the one hand, there was no majority within the Assembly for an immediate reintroduction of a multiparty system. On the other hand, a constitutional fixation of the Movement system could also not be agreed upon, since there was no consensus about its basic functions and principles even within the Movement. The Assembly therefore decided to extend the existing system of no-party government for another five years, after which a popular referendum would have to decide about the future political system. Thus, the constitution extended the "status quo" for another five years and the "movement" became the official political system.

The 1995 Constitution established major political institutions. It adopted a presidential system, an electoral system according to majority vote and – temporarily – the continuation of the Movement system, which was still not clearly defined, but simply described it as "broad based, inclusive and non-partisan" (Art. 70). This description was complemented by four structural principles, which are participatory democracy, transparency, access to political leadership positions and individual merit, as criteria for being elected (Wiebe 1998: 90f.). The constitution recognises the right to political

organisation (Art. 29) and the right to form political parties. But although parties are allowed, even if they oppose the Movement system (Art.73), the massive restrictions on their political activities remained in the constitution and were fixed in Article 269, which prohibited the establishment of regional party offices, public rallies and campaigns, party meetings and all kinds of activities against the Movement system as long as this is declared the political system.

Under the new constitution, the first direct presidential elections took place in May 1996, followed by parliamentary elections in June 1996. Officially, no political parties were allowed to be involved in the elections in any form. While the Movement side used the organisational structure of the state, the opposition, consisting of the Uganda People's Congress (UPC), the Democratic Party (DP) and the National Liberation Party (NLP) formed an Inter-Party Committee and appointed Paul Ssemogerere, chairman of the DP, as their candidate. Museveni won the elections clearly with 74.2 percent, compared to 23.7 percent for Ssemogerere. Although the opposition accused Museveni of rigging, electoral observers validated the results (Leefers 2004: 168).

Because of the experience with the presidential election, the DP boycotted the parliamentary elections, in which, out of 214 Members of Parliament, only 145 were directly elected, while the remaining 69 were appointed by the President to represent specific groups of society, namely women, youth, workers, and the military.

In the second presidential election in 2001, Museveni was re-elected as expected, with a majority of 69.3 percent of the votes. His closest challenger, Kizza Besigye, a former friend and ally who ran on an anti-corruption platform, received 27.8 percent.

Despite the fact that the Movement system was supposed to be only a transitional system, an interim period until a future political system would be created according to the will of the people, the system was extended several times and the Movement actually continued governing the country under a “no-party democracy” for 20 years. It was only recently, in 2005, that the system finally changed and Uganda formally introduced a multiparty system. The NRM – now officially transformed into a party – was still able to maintain its superiority over other parties and stay in power.

Following the regulations laid down in the 1995 Constitution, the first referendum about the future political system was held in 2000. With over 90 percent of the poll, the vast majority of Ugandans voted for the Movement system which the NRM and Museveni had massively promoted.

Quite surprisingly, the situation changed during the years that followed. An internal debate that started after the 2001 elections led to the decision of the NRM in 2003 to open up the political system and transform the Movement into a political party. In 2005 a second referendum was held, with Museveni himself spearheading the campaign in favour of multipartyism. This time, the vast majority of voters – again more than 90 percent – opted for the introduction of a multiparty system.

In February 2006, the first elections under the new multiparty system took place and brought a decisive victory for Museveni and the NRM, although the number of votes significantly declined. Museveni won the presidential election with a majority of 59 percent, while the leading opposition candidate, Kizza Besigye, got 37 percent of the votes. In the parliamentary elections the NRM won 202 seats, while the main new opposition force, the Forum for Democratic Change (FDC) won 40 seats.

The 2006 elections were characterised by strongly personalised campaigns, discussions about the fairness of the electoral process and accusations of vote rigging. But despite some deficits and irregularities, international observers validated the results and confirmed significant improvements compared to previous elections.

A closer look at the elections and the campaign phase shows that many observers criticised the massive extent of pre-election manipulation, which seriously distorted the playing field, making it biased in favour of the NRM (Rakner, van de Walle 2009: 115; Diamond 2008: 146; Ciganikova 2008: 67f.).

Assessing Multiparty Democracy in Uganda in 2010

On a very general level, one would expect an enhanced process of democratisation as a result of the reintroduction of multipartyism in Uganda. Indeed Uganda has made a big improvement concerning the – at least formal – guarantee of basic democratic standards and the element of party competition has entered Ugandan politics. However, this competition still does not appear to be taking place among equal competitors. The governing party is still massively dominating the system and political parties are still weak in their performance as essential actors in a democracy.

The party system as it appears now is characterised by a high degree of imbalance, which is typical even of many other African states, with a dominant ruling party facing a weak and sometimes fragmented opposition. That means that the “normal” struggle between two or more parties with similar potential is not – or not yet – a given. Of course it has to be taken into consideration that the multiparty system in Uganda is extremely young and therefore still developing. It will remain interesting and relevant to see what shape it will take in the future.

But at this stage one can hardly talk of a balance between the different forces, the different parties. The strength and the dominance of the NRM vis-à-vis the other political parties are still very obvious.

All in all, it can be argued that democratisation has taken place in Uganda to a certain extent since the country has already left behind a period of no-partyism that was not fulfilling the standards of a pluralistic democratic. But the system right now still has several shortcomings with regard to its democratic content. When the types of party systems described above are taken into consideration, the Ugandan transition from no-partyism to multi-partyism might as well be described as a transition from a *hegemonic* to a *dominant* party system.

While the imbalance in the system and the dominance of the ruling NRM can easily be seen by any observer, the explanations for this status quo are diverse. While some observers emphasise external factors that have to do with the wider context of the political system and the political institutions, others put a stronger focus on internal factors, i.e. on the parties themselves and the internal reasons for their weakness.

The wide range of arguments and explanations brought forward from both sides of the political spectrum include, among others:

- the negative historical experience with political parties and the resulting mistrust towards them;
- the “hangover” of the Movement system and the legacy of a long period without multiparty competition;
- the performance of the NRM – first as a Movement and later as a party – including the successful establishment of a certain degree of peace and stability;

- the benefit of incumbency on the part of the NRM. The strategic – and financial – advantage of the party in power;
- the lack of a level playing field and the lack of freedom and fairness in campaigns and elections;
- the weakness of the opposition parties due to fragmentation and lack of unity, lack of professionalism, weak structures, and internal wrangles.

All the arguments and concerns that have been brought forward can lead to possible explanations. But surely there is a diversity of opinions and whoever else is asked might give a completely different answer, depending on the observer's standpoint.

The following two contributions from two Ugandan political scientists provide a critical outlook on the contextual factors, i.e. the historical, legal and institutional background. The paper by Dr Sabiti Makara gives a general outlook on the state of multiparty democracy, taking into consideration the historical background as well as the current context. He observes weaknesses in the opposition parties which he relates to internal as well as external factors. According to him, the latter include the dominance and advantages of the ruling party and the lack of fairness in campaigning. All in all, he concludes that "it will be difficult for multiparty politics to deepen democracy in Uganda unless there is a new commitment to the rules of the game, institutions of the state are separated from those of the ruling party, and all parties are perceived as equal not only before the law but also the state".

The second paper by Prof. Yasin Olum has a more specific focus on two very important factors for consolidating a genuine multiparty democratic system:

1. the existence and strength of checks and balances in the political system;
2. the existence of a level playing field.

He argues that both factors are rather weak and worrying in the Ugandan context, with one major reason being the "fusion between state institutions and the NRM party structures". Based on this observation, he urges the ruling NRM to "realise that the opposition is now part and parcel of the political discourse in the country and should be allowed to build themselves into viable parties which can take over political power through a democratic contest".

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The Challenge and Prospect of Multiparty Democracy in Uganda

Dr. Sabiti Makara

Introduction

Uganda's political history has been at a crossroads. The country has vacillated between multipartyism, one-partyism, military regimes and the Movement regime. These regimes created political uncertainty. Since colonial times, Ugandans have suffered misrule, civil strife, political instability and authoritarianism, resulting in political, economic and social hardships. In Africa, Uganda can be classified among the exceptional and unsteady states, whose attainment of political independence nearly 50 years ago has not advanced the common good of the people. Why this has been the case needs to be critically analysed. The purpose of this paper is to contextualise Uganda's political dilemmas and to locate the nature of regime politics and the consequences thereof. The focus is on the argument that if well harnessed the multiparty political system has great potential to bring about political stability, accommodate diverse interests and accelerate social development. While some African leaders would want to dismiss multiparty politics as merely suitable for the industrialised West or as fiats for liberal orthodoxy, multipartyism can be part of the solution to political chaos that generally characterises several African states.

Background to Uganda's Post-colonial Politics

While the colonial masters made no pretence of ruling democratically, the country's immediate post-independence regime promised a tolerant and vibrant multiparty system. However, the promise was short-lived and the country soon collapsed, in 1967, under Apollo Milton Obote, into a

one-party state (Mazrui 1967, 1974; Satyarmurthy 1975; Mujaju 1976; Uzoigwe 1983). This was followed by Idi Amin's military coup in 1971. Amin's nine years of brutal dictatorship (1971-79) were sustained by military governors in almost all state positions, suppression of most avenues of free political expression, brutal murder of suspected opponents and instilling fear among the population.

The expulsion of the Asian businesspeople led to poor economic management and international isolation of the regime (Southall 1986; Shaw 1973; Short 1971; Lofchie 1972). Amin's regime was forced out of power in 1979 by the combined armed forces of Ugandan exiles with the backing of the Tanzanian People's Defence Forces (TPDF). The overthrow of Idi Amin, however, gave rise to a phase of unstable regimes (Avigan and Honey 1982; Gertzel 1980; Mazrui 1980; Bwengye 1985). Between April 1979 and December 1980, three governments had come and gone. The controversial 1980 elections, organised on a multiparty basis, failed to produce a clear winner, sparking off another wave of instability and civil strife. Between 1981 and 1986, the country suffered a guerilla war fought by the National Resistance Army (NRA); the war was spearheaded by Yoweri Museveni. The guerilla war partly failed Obote's second Uganda People's Congress (UPC) government efforts to return the country to normalcy.

The capture of state power by the National Resistance Army/Movement (NRA/M) in 1986 ushered in the Movement regime, which claimed the "restoration of democracy", in Point No.1 of its *Ten Point Programme*, as one of its aims. Emphasis, however, was placed on "participatory democracy" based on "individual merit" in elections and "non-partisan politics". In line with those principles, the NRM government suspended the activities of political parties (Mamdani 1988). Indeed, the elections held in 1989, 1996 and 2001 (Kasfir 1981, 1998; Makara *et al.*, 1996, 2003; Apter 1995) under the Movement

system were organised under the concept of “individual merit”. The 1995 Constitution (Article 269) provided that candidates for all elections were prohibited from seeking sponsorship of a political party, opening branches, displaying party colours, or in any way attempting to use the facilities and slogans of a political party. In other words, the legal framework under the NRM has tended to undermine the work and growth of political parties. On its part, the NRM used the suspension of activities of parties to entrench itself politically. Moreover, the Constitution required that change in the political system had to go through a referendum (Barya 200; Bratton and Laambright 2001; Onyango-Odongo 2000). Referenda on political systems took place in 2000 and 2005. The one of 2000 reaffirmed the Movement system while the one of 2005 changed the system to multipartyism.

Why Multiparty Politics was Reintroduced in Uganda

The irony of party politics is that even if authoritarian leaders loathe it, it has an appeal for those who believe that it is likely to allow them space to participate in the governance of the country, especially the minority. Ruling parties may also find it convenient for the survival of their regimes. Thus, even when some sections of the leadership of the dominant NRM had rejected the reintroduction of party politics, a decision was taken in 2003 by the National Executive Committee (NEC) of the Movement under Museveni’s directive, to open up the country to multiparty politics.

The limitation on enjoyment of political pluralism in Uganda ended in 2005. In that year, the Political Parties and Organisations Act (PPOA) effectively legalised the existence of political parties and freed their activities. In effect, parties became free to organise their delegates’ conferences and party primaries, to open branches, to solicit funding, and to come up with policies and party manifestos.

The nascent party system in Uganda is characterised by a number of notable factors:

- some parties have wide national coverage with branches across the country. Five political parties are represented in Parliament;
- some parties are regional parties drawing support mainly from specific regions;
- some parties that participated in the 2006 elections performed very well while others did poorly;

It is estimated that about 34 political parties have so far registered. All political parties have their headquarters in the capital city – Kampala. However, not all parties have branches beyond Kampala.

Party Politics in a Historical Perspective

Political parties in contemporary Uganda have had very limited opportunities of contributing to the democratisation of society. During colonial rule, political parties were viewed with suspicion by the colonial rulers and Christian oligarchies (Low 1971; Karugire 1980; Mamdani 2001; Mudoola 1993) as “communist organisations” while the Buganda kingdom establishment viewed them as “untamed forces” that would throw out the privileges accorded to the Buganda ruling elite by the colonial government under the Agreement of 1900 (Mamdani 2001: 200; Onyango-Odongo 2000:29). Besides, the nationalist parties in Uganda were founded on one parochial ground or the other. The Uganda National Congress (UNC), founded in 1952, acted as a champion of peasants’ and traders’ interests. It was the only major party that transcended ethnic and religious loyalties.

The Democratic Party (DP), formed in 1954 and founded largely by the Catholic Action Movement, had a Catholic base,

hence it was referred to as "*Dini ya Papa*" (religion of the Pope) (Mamdani 2001: 218). Because it was opposed to the privileges of the Buganda political elite, the Buganda kingdom and the chiefly establishment opposed the DP vehemently. Thus, though the DP was born and led by Baganda Catholic elites, it was neither popular among the Baganda nor the Catholics in Buganda. To counteract the Catholic-based DP, the Protestant elites created the Progressive Party (PP). The key objective of PP was to protect the privileges of the Protestant chiefs and clergy. Ethnic and religious misunderstandings were to later divide the truly nationalist UNC itself, resulting in the formation of Uganda People's Congress (UPC) (early 1960s), which derived most of its support from outside the Buganda region.

Fractious relations among the political parties were to undermine the post-colonial management of state affairs. While the first "self-government" elections in 1961 were won by the DP, the UPC teamed up with the *Kabaka Yekka* ("King Alone") faction of the Baganda to deny the DP victory in the pre-independence elections in 1962. The Buganda region pursued a separatist agenda and boycotted the direct elections, hence nominating its representative to the National Assembly. Because these acrimonious relations between parties divided the population on parochial grounds, the governance of the country in the 1960s vacillated between crisis management and one-party rule, without a clear ideological direction. There were no general elections from 1962 to 1971. This led to Amin's military coup. Following the fall of Idi Amin's military regime in 1979, political parties attempted to compete for power in the 1980 elections. However, the same old factions re-surfaced, resulting in the civil strife that followed thereafter.

Parties in Uganda have gone through tribulations, but have been resilient. During the colonial period, political parties survived three threats to their existence:

Christian clergy and their establishments, colonial administrators, and the Buganda ruling oligarchy. The first two groups imagined that parties were fronts for “communist propaganda” while the latter was keen to protect its privileges, including its desire to break away from the rest of Uganda. During the first decade of independence, political parties suffered the intolerance inherent in Obote’s political machinations, including threats and bribery to opposition elites. By 1967, most of the prominent opposition Members of Parliament from the DP and *Kabaka Yekka* (KY) had either been imprisoned or bribed to cross the floor (Uzoigwe 1983). By the time Obote was overthrown in 1971, only a handful of opposition MPs remained in Parliament. During the Amin period, parties were forced to close shop. In the 1980s parties existed but their members were constantly harassed, and in many cases alleged to be collaborators of the NRA that fought in the incumbent government. As noted earlier, under Museveni’s regime, the activities of political parties were banned for 19 years. Despite these extraordinary constraints, parties survived underground and new ones emerged. This disproves the claim by Museveni that parties are only good for industrial societies (Museveni 1992).

The Current Context of the Multi-party Dispensation

Since the freeing of political parties in 2005, they have demonstrated their efficacy in various ways. Parties have actively fought for human rights, pressed for alternative policies as well as exposing the weaknesses of the government’s positions on several issues. They have also been seeking to mobilise voters, as evidenced by the increasing the share of opposition votes in relation to the NRM ones. For example the NRM experienced a decline in national election results as follows: 75 percent in 1996, 69 percent in 2001 and 59 percent in 2006. This reduction in the NRM’s share of votes is an indication of the growing strength of opposition parties, and the population’s disaffection with government policies.

In terms of programmes presented in party manifestos, particularly in the 2006 elections, it is evident that the NRM presented a manifesto that detailed the achievements and plans of its government. Museveni promised "Prosperity for All", locally termed as "*Bonna Bagagawale*". On the other hand, the manifestos of the opposition political parties highlighted governance issues such as tackling corruption that has become endemic in the government. The opposition parties pointed at the corruption involving the Global Fund for Aids Prevention, Malaria and Tuberculosis in which high-profile government officials were implicated. There was also the so-called Temangalo debacle in which high-profile persons in government breached procurement rules and inflated the price of the land they sold to a government department. Parties also criticised the government's excessive expenditures on public administration, its undermining of the institution of Parliament, and its scrapping of presidential term limits. Political parties further scored some realistic policy outcomes such as their opposition to the outrageous proposal by the government to sell off the natural forest of Mabira to Indian sugarcane growers. The Forum for Democratic Change (FDC), the main opposition party, campaigned against and caused government to scrap the unpopular graduated personal tax (a harsh direct personal tax per adult) that was introduced during colonial times. Parties have also exposed the weaknesses in the electoral system by petitioning the courts of law.

Opposition parties have withstood the harassment and violence unleashed on their leaders and supporters by the state. In the run-up to the 2006 elections, Besigye, the leader of the FDC, was charged with the offences of treason and rape, in both the civil and the military courts. His nomination as a candidate was delayed by the legal fiat, besides which he lost some campaign time due to the requirement for him to appear regularly in the two courts. Since 2006, the police have intensified a campaign of harassment targeting assemblies organised by the opposition parties. However,

opposition activists have challenged this kind of treatment in courts of law, where the judges have ruled that the right to assemble is God-given, not given by the state (Makara 2009).

Legal struggles in courts of law were a key instrument used by parties which helped to compel the Movement government to open up political space. An example is the case in which the DP President General and others challenged the constitutionality of the provisions of the Political Parties and Organisations Act (PPOA) 2002, seeking to distinguish between a Movement and a party (Ssemwogerere and Others vs. Attorney General, Constitutional Appeal 4/2002). In their petition, they successfully challenged the constitutionality of the Movement, arguing it was a political party. Their petition was upheld by the constitutional laws.

Weaknesses of Opposition Parties

It might appear attractive to blame the ruling party for the failure of democratic rule in the country, but a critical look at Uganda's opposition parties indicates that they have serious weaknesses. These include:

- the tendency by the main opposition parties to devote most of their resources to the presidential elections and neglect the financing of their parliamentary candidates;
- the failure of the opposition parties to cooperate, unite and work together. For example while the FDC, CP, JEEMA and SDP have agreed on an inter-party cooperation, the DP, which was among the founders, has stayed out of it, and openly criticises fellow opposition parties. The Buganda region is a DP stronghold and thus the party won nine parliamentary seats in the region in the 2006 elections. Sometimes, the DP expresses animosity towards fellow opposition parties when they field

candidates or win seats in areas it considers to be its political strongholds;

- opposition parties lack sufficient financial resources to run their programmes. While it would be expected that parties would raise resources locally from among their supporters, this strategy is beset by three confounding factors:
 - (a) parties have not been permitted to campaign freely in the whole country. Their rallies are constantly dispersed by police as “illegal gatherings” (Makara 2009);
 - (b) their situation might become even more difficult with the impending “Management of Public Gatherings Bill” soon to be tabled in Parliament, where it is proposed that any gathering of three or more people requires the permission of the Inspector General of Police;
 - (c) some of the supporters of the opposition political parties will not come out openly to express their support for their preferred party, for fear that the government may harm their interests, for example through being sacked from a government job or being denied business opportunities (*The Monitor*, 29 January 2006). Some supporters of the opposition parties also fear intimidation by security agencies;
 - (d) most of the would-be local financiers of opposition parties play a double game, giving some support to the ruling party and some to one opposition party or other. At the end of the day, the ruling party receives more financial resources than the other parties. Moreover, the ruling party illegally uses some of the state resources for its campaigns (Kiiza 2008).

Opposition parties have also been accused of lacking consistent alternative policies to those of the government. Some critics point out that even where opposition parties have alternative policies, either they are abstract in content or they are not skilfully articulated to capture the imagination of the voters (interview with a key respondent).

Political Parties in Parliament

The 2006 multiparty elections ended the NRM’s monopoly of politics in Parliament, where the Movement acted as if it was a political party through its Movement caucus. Political parties were not allowed to form caucuses. By law then, all Members of Parliament belonged to the Movement. Despite the dominance of the NRM, the debate was largely free and democratic. Multiparty politics has impacted on the performance of Parliament in various ways. For example, there is the government side, the opposition side and the independents, who sit on either side.

The present (Eighth Parliament) is composed as follows:

Composition of Eighth Parliament

Category	Number
Directly Elected	215
Women Representatives	79
UPDF Representatives	10
Youth Representatives	5
Representatives of Persons with Disabilities	5
Workers’ Representatives	5
Ex-Officio Members	13
Total	332

Members of Parliament by Party Affiliation

Affiliation of MP by Organisation	No. of MPs
NRM	211
FDC	38
DP	10
UPC	9
Justice Forum (JEEMA)	1
Conservative Party (CP)	1
Independents	26
Total	308

As the table above indicates, the majority of Members of Parliament belong to the ruling NRM. The NRM was able not only to secure most of the seats for the directly elected Members of Parliament but also the majority of reserved seats for the army, people with disabilities, and the representatives of the workers, women and youth. Regarding the reserved seats, the opposition parties have been unable to make any serious inroads. These constituencies seem to have been grateful, or they are reminded to be grateful, that it is the NRM which "gave them the privilege to be represented" in Parliament, hence their support for the NRM. It is also known that the NRM employs money, security and other resources to manipulate elections of special electoral groups. There are also the controversial 10 seats reserved for the army (UPDF). These MPs are supposedly non-partisan. However, they are not allowed to criticise the government's position on any issue. Reference is usually made to the famous Brigadier Tumukunde case. Tumukunde is a former Director General of the Internal Security Organisation (ISO), an army MP who spoke his mind on a radio talk show, criticising the government. Tumukunde was removed from Parliament simply for doing that. He challenged his removal in a Constitutional Petition 6/2005. The court, however, ruled against the petitioner, arguing

that while the army personnel in Parliament enjoyed the fundamental rights as enshrined in the Constitution, the army personnel cannot expect legal protection if they criticise the government even as MPs. The judges observed in this case that some questions are too political for the courts. Observers have, therefore, concluded that the ten seats reserved for the army are under the "president's control" (Gloppen, Kasimbazi and Kibandama 2008: 61). The reserved seats are generally in the political hands of the NRM. This obviously gives the ruling party and edge over the other parties. The Constitution also allows the President to nominate unelected Ministers as ex-officio Members of Parliament. There are currently 13 ex-officio MPs in Parliament and these are, by implication, NRM members.

Capacity to Campaign

The capacity to campaign depends on whether a party has well-established structures, programmes and personnel to extend its campaign. However, there are also structural weaknesses. Most of the parties in Uganda exist only in name, and are based at their headquarters. It is, for example, difficult for citizens to recall the names of most of the thirty or so registered parties.

On its part, the NRM seems to have used the state apparatus to frustrate the activities of the opposition political parties. The Ugandan police have gained notoriety for dispersing opposition party assemblies on the pretext that they have not secured police permission to assemble. The police and other security agencies have been infiltrated by military personnel, who seem not to perceive themselves as servants of the state but as agents of the ruling party and its leadership. Since 2000, the government has appointed the successive Inspectors General of Police from within the top ranks of the army. Thus in dealing with the opposition parties, the heads of police sometimes exceed their official

limits. A good example is when the paramilitary group called the "Black Mambas" blocked the FDC leader, Besigye, from being released on bail granted by a court, in the midst of the 2006 presidential election campaigns. Another example is when another paramilitary group allied to the Uganda police known as "Kiboko Squad" dispersed demonstrators during the Mabira protests, with brutal force. Both the army (UPDF) and the police are decidedly pro-NRM. The President, who is also the Army Commander, has said that the UPDF will not allow "bad people" to take over from the NRM (*The Monitor*, 1 September 2005). He appears to have been referring to opposition politicians.

Equally, the police in Uganda have earned themselves the image of a repressive force. Using the colonial law of regulating assemblies, the police have been vigorously involved in the violation of freedom of association and assembly. Opposition rallies have routinely been blocked and demonstrations violently dispersed. The increasingly common excuse for prohibiting lawful assemblies is that they disrupt business in the city centre of Kampala. This justification cannot withstand scrutiny, considering that pro-NRM assemblies are never dispersed. The police dispersed a DP rally at Mpigi on 26 January 2007 when there was no business to disrupt, since it was a public holiday.

Respect for Democracy and Human Rights

Under the NRM regime, there has been improvement in respect for human rights and the practice of democratic participation. For example, most Ugandans who had fled during the previous regimes have returned to their country. The government also established the Human Rights Commission which oversees and protects citizens from human rights abuses. The government has put in place the Equal Opportunities Commission to cater for the interests of the disadvantaged groups. Civil society organisations have proliferated and are

active in pointing out the failures of the state. Some of the human rights civil society organisations have helped in shaping the agenda for the protection of human rights. Despite the existence of these human rights NGOs, however, the state of human rights remains poor, especially state violation of political rights (*Human Rights Watch*, 2006). State agents have been indicted for spreading terror during elections. For example, during the 2006 election campaign, one serving officer, Lt. Magara, shot two supporters of the FDC at a rally at Bulange.

Transparency, Accountability and Non-Corruption in Political Parties

The world over, political parties play controversial roles in society. On the one hand, they are defenders and advocates of human rights and accountability. On the other hand, they are accused of secrecy and corruption. In Uganda, historically, people generally regard parties as corrupt organisations. For example, there was the gold allegation in 1966, when Prime Minister Obote and his army commander, Gen. Amin, were accused by Parliament of looting gold from Congo (Mujaju 1987). Under the NRM government, prominent personalities in the ruling party have been accused of corruption. Senior officers of UPDF were accused of plundering Congo's mineral resources. Ministers were also accused of influence-peddling in the privatisation of services at Entebbe Airport. Ministers of Health were accused of diverting the Global Fund monies for treatment of HIV/Aids. It is reported that the President issued a directive to the Bank of Uganda to give an unsecured loan of US \$11 million to a local businessman, who happens to be politically connected to his ruling party as the chairperson of the NRM Business League (Kuza 2008). In 2008 the Secretary General of the NRM was accused of irregularly and corruptly selling his land to the National Social Security Fund (NSSF) at an inflated price of UGX 11 billion (5.5 million dollars).

Some opposition parties are also afflicted by accountability problems. For example, the intermittent wrangles afflicting the UPC are associated with the Obote family claiming remittances from the properties belonging to the Milton Obote Foundation, which is supposed to be a UPC foundation, not family property.

Factionalisation of Parties

Parties in Uganda have historically been factionalised on the basis of ethnicity, religion and region. The DP was perceived as a “Catholic party” and the UPC as a “Protestant party”. When the NRM ascended to power in 1986, it campaigned on the grounds of anti-sectarianism, arguing that it intended to uproot such parochial tendencies within Uganda society. The return of parties in 2005, to some degree, marked a new beginning for party politics. It is difficult today to brand any particular party as a faith-based party. This is not to say that religious values are not manipulated opportunistically by political parties. Most of the political parties, including the NRM, are fond of taking their campaign to places of worship. The NRM has focused on Pentecostal (*Balokole*) churches and Muslim groups for recruitment of support. President Museveni is known for offering 4WD vehicles as gifts to religious leaders, especially bishops, at their installation. Such gifts are clearly meant to buy their loyalty to him and his party. Leaders of opposition parties usually make it a point not to miss most of the important religious functions such as Uganda Martyrs Day that falls on 3 June every year, even when they are not of Catholic or Protestant faith.

Polarisation of Ugandan parties has significant antecedents. This is partly because for most of the time, whenever parties have been active, there is a tendency towards a two-horse race. This was so in 1961, 1962, and 1980 – mainly between the DP and UPC. In the recent elections of 2006, the race was mainly between the NRM and the FDC.

The other parties and the independent candidate in the presidential elections polled slightly less than 3 percent of the vote. However, the DP and UPC candidates managed to do better in the parliamentary elections, securing nine and ten seats respectively.

Party Ties with Specific Constituencies

During the 2006 elections the UPC, CP, DP and JEEMA were able to secure seats in Parliament. This is partly explained by the fact that these parties have certain “traditional” constituencies. For example, the UPC used to be very popular in Obote’s home area of Lango. In fact, most of the parliamentary seats it gained in 2006 hail from there. The DP, on its part, also gained all its nine seats from the central region (Buganda). The FDC, though new on the political stage, was able to spread its net more nationally in its first ever contest. For example, the FDC presidential candidate, Dr Besigye, scored 37.3 percent of the national vote, distributed as follows: 34.7 percent in the central region, 41.2 percent in the eastern region, 62.9 percent in the northern region, and 20 percent in western Uganda. The FDC scored highest in northern and the eastern Uganda despite the fact that Besigye hails from western Uganda. In contrast, Museveni’s biggest support was in his home area, the western region, where he achieved 78.5 percent of his national vote. Museveni scored a miserable 29.6 percent in the whole of northern Uganda. On the whole, one can say that because the old parties (DP and UPC) had been negatively portrayed and de-campaigned by the Movement leadership for a long time, by the time they resumed their active role, much damage had been done to their credibility. The Movement also made it a point to poach leading members of the old parties by either placing them in government positions or dishing out business favours to them. The new parties face serious challenges in their efforts to recruit support. Such challenges include:

- the difficulties involved in penetrating the Local Council (LC) structure, which is largely tilted in favour of the NRM;
- the military establishment that is almost exclusively loyal to Museveni as a person;
- a police force that is decidedly pro-government and anti-parties;
- a large percentage of the population that is poor and illiterate, hence politically vulnerable. The government agents employ intimidation tactics and use money to induce support for the NRM;
- there is a hostile campaign against the political parties by the government which makes the population suspicious of the motives of political parties;

At the same time, several new parties suffer from their own internal weaknesses. Most of the registered parties have no claim on any constituency, let alone being known. It is generally believed that some of the political parties are “briefcase” parties, which registered in the hope that government would offer them financial favours. It is also believed that some of the parties were registered as “proxies” of the government to undercut the support of the genuine parties. Such parties have all sorts of names, for example Bridge Party, Reform Party, Progressive Movement, National Peasant Party, Uganda Mandate Party, People’s United Movement, to mention but a few. “Much ado about nothing!” seems to be particularly applicable to them.

The NRM has obvious advantages in terms of retaining its constituencies. The NRM has maintained multiple constituencies that include national youth councils, women councils, trade unions, business associations, local councils etc. All these organisations benefit from state patronage in one way or the other, through their ties with the NRM. The

NRM also ideologically identifies with peasants, persons with disabilities, and the victims of the bush war (veterans). Despite the NRM's efforts to reach out to all sorts of constituencies, it has had problems in the North, West Nile and the East. This is largely due to the prolonged war waged by the Lord's Resistance Army (LRA) of Joseph Kony that displaced over one million people in these areas and spread terror, leaving thousands dead and those that remained alive without the basic necessities of life. This war alienated the people in these regions from the NRM, which partly explains why the debutant FDC was able to make serious inroads in the regions in the 2006 elections. Most of the voters in northern and eastern Uganda perceived Dr Besigye (FDC leader) as a man who could deliver peace and provide alternative leadership that would understand their plight. Generally, opposition parties were able to do very well in the conflict areas.

Citizens' Engagement in Politics and Public Debate

Since 1986, there have been various avenues for citizen's engagement and debate in public politics. These have included active participation of ordinary people in local elections at various levels, from LCI to LC5 and in the national elections. All in all, today there are 945,351 contested seats in the country at all levels. There are over 100 FM radio stations, seven television stations, several newspapers and newsletters, five mobile telephone networks and several internet providers. Open radio talk shows (*bimeeza*) have increased citizens' engagement in public debate on almost all subjects of public concern. However, following the riots of 12-14 September 2009 the government suspended four radio stations and a number of radio presenters. The live radio public debates were also suspended. The state, however, has at times unleashed its long arm – arresting and charging journalists (Human Rights Watch 2006). The state has also been sponsoring callers to constantly rebut the opinions expressed by opposition personalities on radio and TV talk shows.

The NRM has used the state media (which is supposed to be politically impartial) to advance its viewpoints. The state owns the *New Vision* newspaper as well as its sister papers *Rupiny*, *Etop*, *Bukedde* and *Orumuri* that are used to propagate the NRM ideology. More recently, the New Vision Group established two new radio stations, namely Vision Radio, Bukedde Radio, and acquired Radio West (previously a private radio). The government established a northern-based radio, Mega FM. On these radios, much of the discussion is tilted to favour the NRM policies and ideology. It appears that they are created to counter the more liberal and critical views expressed on private radios such as the Buganda Kingdom-owned Central Broadcasting Corporation (CBS). There is, however, a relatively free atmosphere for debate in the country. Exceptions include incidents where Besigye was denied the right to campaign on Radio West even when he had paid for the airtime (*Human Rights Watch* 2006). This is partly explained by the fact that most of the FM radio stations are owned by the NRM bigwigs in Kampala as well as in upcountry towns.

Other forms of citizen engagement are through civil society organisations (CSOs) and community-based organisations (CBOs). It is estimated that there are over 4,000 registered NGOs and several thousand CBOs. In recent years, the state came up with the idea of the "Prosperity for All" programme. Through this programme the state is funding local savings and credit cooperative societies (SACCOs). These operate on the basis of rotating small credit among their membership at the local level. Although they are supposed to be non-partisan, the funding by the state ties them to the NRM party. The NRM cadres politicise the state funding to these societies to the extent that some individuals belonging to other parties are coerced into denouncing their party affiliation in order to "benefit". Hence, through SACCOs, the "*Bonna Bagawale*" ("Prosperity for All") project, the NRM has intensified its penetration of the lives of ordinary people and their communities using state resources. In addition,

most civil society organisations have to tread carefully when dealing with the state in Uganda because there is always the need for them to renew their registration annually, which the state may deny for “security” or other reasons.

The emergent political parties have attempted to forge links with local CSOs. However, most of the CSOs claim they are “non-partisan”, hence not committed to the programme of any opposition party. The contradiction in civil society-party relations is that the notions of “partisanship” diverge. Whenever a CSO allies itself with an opposition party, it is accused of being partisan. CSOs in alliance with the NRM are not seen as “partisan” by the government. Opposition parties have clearer links with some party foundations, such as the International Republican Institute (IRI), the National Democratic Institute (NDI), Friedrich Ebert Stiftung (FES) and Konrad Adenauer Stiftung (KAS). Some of these CSOs are political in nature, for example the Foundation for African Development (FAD) that is allied to DP. Otherwise, the opposition parties have not struck up alliances with CSOs (Diklitch and Lwanga 2003).

Parties in Government

The objective of any political party is to struggle to gain control of government. In a democratic polity, there is constant anticipation that time will come when an opposition party would gain control of government and see its cherished policies implemented. Opposition parties play a key role in shaping the agenda of a government as well as suggesting alternative policy ideas. In Uganda, history has little to offer in terms of the role of the opposition in guiding government policies for there has never been a peaceful handover of government from the ruling party to an opposition party. In 1967 most of the members of the opposition crossed the floor and joined UPC in government. In the early 1980s, the opposition was virtually dominated, if not silenced, by the second UPC government.

The current multiparty system has made some positive changes. There are 61 MPs elected on opposition party tickets, 31 MPs elected as independents, and 10 “non-partisan” UPDF (army) MPs. Slightly over 200 MPs are NRM members. However, the NRM has also signed protocols of cooperation with some independent MPs, either to support its positions in Parliament or not to oppose them. Some independents have been offered ministerial positions in government while others are believed to have been paid to support the government. It is also believed that some MPs elected on opposition party tickets have been paid by the NRM either to cause trouble in their parties or to support the government positions in Parliament. There seems to be some “political prostitution” among the independents. As Muriaas points out, “informal practices and people’s notions of representation prevent opposition parties from establishing a foothold at the local level” (Muriaas 2009: 91).

Many political observers argue that the opposition parties represented in Parliament have not provided the necessary alternative leadership. On several critical issues, such as the Domestic Relations Bill that has been shelved in Parliament, and other critical policy matters such as land policy, displacement of squatters, labour regulations, industrial policy, investment policies, oil policy, food policy, conflict resolution etc. the opposition is blamed for preferring to be reactive rather than proactive. On their part, opposition parties argue that the process of introducing Private Members Bills is limited by the constitutional provision on the financial implications that such Bills should not impose a charge on the Consolidated Fund.

Nevertheless, on the formal level, there is a semblance of a functional multiparty Parliament. There is the Leader of the Opposition who enjoys the benefits, privileges and space to talk on behalf of the opposition members. There is a Shadow Cabinet drawn from the opposition MPs of all

parties represented in the House. Some of the parliamentary committees are headed by members of the opposition, including major ones such as the Public Accounts Committee (PAC) that scrutinises government spending and other accountabilities. Two of the eight members representing Uganda in the East African Legislative Assembly were nominated from opposition ranks.

The above niceties aside, some opposition Members of Parliament have had it rough outside the House. Some of the opposition Members of Parliament who led the Mabira protests are still facing various charges in court. The charges include inciting violence.

While the opposition parties and their members have struggled in Parliament to make a contribution to good governance, the structure of the government in Uganda is built on patronage politics (Tangri and Mwenda 2001, 2006). The NRM has a cabinet of 72 Ministers, over 100 paid presidential advisers, over 80 Resident District Administrators and their assistants, and over 80 District Chairpersons. The expansion of districts from 56 in 2006 to the present 112 has increased patron-client politics that bolsters the NRM. In effect the state pays the bills for the “campaigners” of NRM. It has been proposed that all LC officials be paid salaries by the government (*The Independent*, 14 July 2009). The LC structure and its officials are already skewed in favour of the NRM in most parts of the country. The proposed pay would just be the last step in using state resources to turn the elected local officials into NRM party functionaries.

Factors affecting Democratisation and Performance of Political Parties

Has multiparty ushered in a new democratic regime? A number of factors directly or indirectly affect the performance of the party system in Uganda. These include the electoral

system, the legal system, government programmes and the internal functioning of the parties themselves.

The performance of the political parties is enhanced by a belief within them that there are fair electoral laws and institutions that can ensure free and fair elections. In Uganda, parties have been revived amidst the existence of an intransigent Electoral Commission (EC) which has been accused by the opposition groups as skewed in favour of the NRM. Such a view was given credence by the Supreme Court in the aftermath of the 2001 and 2006 elections when it ruled on both occasions that the EC failed to administer free and fair elections. In May 2009, opposition parties presented a list of political and electoral reforms that they believed would strengthen democratic governance. However, President Museveni categorically stated he would not put into effect any of those reforms. In August 2009, President Museveni reappointed the same Electoral Commission team presided over by Badru Kiggundu amidst protests by opposition supporters. On his part, the Secretary General of the NRM, Mr Amama Mbabazi praised the reappointed EC, saying that in the past it had done an "excellent job". On the other hand, the president of FDC, Dr Kizza Besigye, countered this view by saying that the current EC has no legitimacy to preside over any election in the country (*New Vision*, Wednesday 26 August 2009:5). He asserted that every election the EC has presided over has been marred by rigging, violence and other irregularities (ibid. *New Vision*). The reluctance of the government to correct the errors pointed out by the courts of law and its pressing on with the appointment of a discredited EC means that the parties will face a difficult task in preparing for the next elections in 2011. The NRM government has also sent a wrong message to the voters and to the world at large so that even if the EC was to perform to its best ability, there would always be accusations that they were not impartial and credible.

Political parties in Uganda have significant confidence in the judicial system. The courts of law helped political parties in their struggles for the opening up of political space through judicial rulings on party petitions over repressive laws. FDC president, Dr Kizza Besigye, has taken his electoral grievances to court twice (2001 and 2006). There are, however, allegations that in the recent past, Museveni has increasingly appointed NRM cadres to all courts of law. It is believed that Museveni is preparing for favourable court rulings in future. The courts of law have been proactive in governance matters such as anti-corruption rulings, the settlement of commercial disputes and others. It is the political cases that seem to have proved rather elusive for the courts of law. For example, in *Brig. Tumukunde vs. Attorney General and the Electoral Commission*, Tumukunde argued in a constitutional petition 6/2005 that he was unfairly removed from Parliament and that his human rights had been violated. The bench ruling in favour of the defendants argued that "(...)even when there is a justifiable claim and constitutional rights are at stake, some questions are too political for the courts" (Gloppen and Kasimbazi 2008: 61). The judges concluded that rights and freedoms under Articles 20, 21 and 29 of the Constitution can only be enjoyed within the confines of the law, and are not absolute. This, indeed, is a contentious position if not a dilution of people's rights.

Political Education

Education is supposed to be a life-long process. However, since the majority of Ugandans are illiterate, there is need for public civic education. This has not been taking place. In the last two elections the EC failed to carry out an effective voter education, resulting in several voters failing to exercise their democratic voting rights. On its part, the NRM conducts compulsory ideological politicisation courses for civil servants, civic leaders, and ordinary citizens at Kyankwanzi Institute of Political Education. Though the aim is to spread the NRM

ideology, the school is funded by public money. Opposition political parties have complained about this to no avail.

Ethnicity

This is a persistent problem in Uganda's politics. The Buganda kingdom has consistently demanded *federo* (federal status). Both the government and opposition parties have been canvassing the Buganda government over this issue without a concrete position on the federal demands.

In a bid to manipulate the ethnic factor to its advantage, the NRM government has created ethnic-based districts throughout the country, with the number rising from 39 in 1992 to 112 in 2010. This is likely to favour NRM in future elections. Opposition parties see this as early gerrymandering.

Persistent poverty

This is a problem affecting all political parties. The category of people living below US \$1 per day (absolute poverty) stands at 31 percent of the population. The NRM claims credit for poverty reduction from 52 percent in 1986 to 31 percent at present. There is excessive inequality between the super-rich and the poorest of the poor. The irony of wealth accumulation is that most of the wealthy people have benefited from political connections with the regime in power, by holding big jobs or securing government contracts. Such people are reluctant to associate with the opposition parties, lest they lose their state accorded privileges. State patronage has undermined the formal channels of wealth-making and doing clear business. This partly explains the low levels of investment in long-term sectors such as heavy industries, hence lack of opportunities in the formal employment sector for college graduates. Desperate job-seekers are easily manipulated by the state agencies, just as are the peasants.

Urban vs. Rural Areas

Uganda is largely a rural country. The rate of urbanisation in recent years has been 6 percent, so that the urban population doubles almost every ten years. For example Uganda's urban population more than tripled between 1980 and 2002, from 940,000 to 3,028,809 people. This is politically important because whereas the NRM believes that it has most of its support among the peasants in the rural areas, the opposition parties have their strongest support in urban areas. Hence, as the educational opportunities continue to expand, and as more young people live in urban areas, there is the likelihood that opportunities for political parties to gain support will increase. Moreover, most of the major parties have also gained a foothold in the rural areas as evidenced by the 2006 elections. Thus, whereas the state may not be interested in encouraging democratic pluralism, democratic struggles in various political groups are likely to force a wave of change, when the population structure changes over time.

Observations and Conclusion

This paper has surveyed the key issues for consideration in the promotion of a democratic multiparty system. It has looked at the nature of the state in Uganda and its reluctance to promote and deepen multiparty democracy, even after opening up political space in 2005. State institutions, especially the coercive arm of the state, are perceived as working for the wishes of the ruling party. Other institutions of the state, especially the judiciary, are generally perceived as being fair to all. However, there are indications that such institutions are being "tamed and trimmed" by the ruling elite to compromise their independence.

The paper also highlights the resilience of political parties and their ability to survive political "storms". The strategy to "kill off" parties has never succeeded. Even those who do

not like parties come to acknowledge their efficacy as power brokers, hence the intermittent return to multiparty politics. If multiparty politics is to nurture democracy, political parties need to sweep their houses and to keep them in order. The stronger the support of the voters, the more the parties will be able to push a human rights and good governance agenda. By working together on common issues such as free and fair elections, freedom of the press, poverty eradication, civic education, and the general concerns of the common person, there will be a shift from just changing the current leadership to broad issues that will eventually shape the ideologies of political parties. Opposition parties face an uphill task in challenging the incumbent government because the ground is not level so that can participate equally. Within the parties themselves many challenges remain, such as lack of internal democracy, lack of internal discipline and lack of adequate funds. As a prominent political scientist (Tom Lodge 2001:3-4) has put it:

“Weakly institutionalised party systems, in which political parties are characterised by shallow social roots, unstructured membership, authoritarian leadership, haphazard internal procedures, vague policies and programmes, and erratic financial arrangements represent formidable obstacles to democratic consolidation”.

From this perspective, it will be difficult for multiparty politics to deepen democracy in Uganda unless there is a new commitment to the rules of the game, institutions of the state are separated from those of the ruling party, and all parties are perceived as equal not only before the law but also the state.

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The Political System and Environment in Uganda: Are the Checks and Balances to Power and the Political Playing Field Sufficient to Consolidate Multiparty Democracy?

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Introduction

The November 2005 referendum that led to the reintroduction of multiparty politics was meant to usher a new democratic political order in Uganda. The struggle to reintroduce multiparty democracy was a result of the fact that the Movement system that operated from 1986 when the National Resistance Army/Movement (NRA/M) captured state power to 2005 had systematically denied other political actors the opportunity to participate fully in the political process. This argument is embedded within the pluralistic philosophy which argues that reality cannot be explained by one substance or principle. Indeed, political pluralism recognises the existence of diversity in social, institutional and ideological practices.¹ The Movement was viewed by the opposition as a one-party political system in spite of its architects defining it as being “no party”. Ultimately, its vehement rejection forced President Museveni and his loyalists to reform the political system.

However, this reintroduction has largely failed to embed fully fledged multiparty democracy. The main reasons for this failure are that the foundations of multiparty democracy and the “rules of the game” to guarantee a level political playing field have not been institutionalised. This paper contends that the failure to construct a proper system of checks and

¹ This explanation of the philosophical meaning of pluralism and political pluralism is cited from Dunleavy Patrick and O’Leary Brendan (1987) *Theories of the State: The Politics of Liberal Democracy* (Macmillan Education Ltd), p. 13.

balances and a level political playing field by the dominant NRM party so as to frustrate the opposition parties largely explains the delay in consolidating multiparty democracy in Uganda. In pursuance of this thesis, the paper is located within the specific contexts of the nature of the checks and balances to political power and the nature of the political playing field prevailing today. To address these issues, this paper will begin by defining the key operative terms – separation of powers and level playing field. Then, these two terms will be analysed to demonstrate the complexity of embedding multiparty democracy. A conclusion will wrap up the discourse.

Explaining the Doctrine of Separation of Powers and Level Political Playing Field

John Locke, an Englishman who lived in the seventeenth century, classified and described the powers and functions of government as being threefold:² Legislation (the formulation of rules according to which man's rights, namely life, liberty and property, were to be judged); Judiciary (the executive power concerned with the enforcement of laws and penalties); and Executive (the federative part which deals with powers of war, peace, leagues and alliances). He argued in his *Second Treatise of Civil Government* (1689) that the state should rest upon consent and the governing authorities should never have absolute power.³ He was critiquing Thomas Hobbes who had contended in *Leviathan* (1651) that vesting absolute power in the government was necessary to avoid an anarchic 'war of all against all'. Thereafter, the French Enlightenment political philosopher, Baron de Montesquieu, examined further the functions and powers of government by exposing the doctrine of separation of powers. He noted that "...only good government brings prosperity [to the prince]."⁴ Montesquieu

² For an elaborate discussion of the doctrine of separation of powers, see Kanyehamba G. W. (2002) *Constitutional and Political History of Uganda: From 1894 to the Present* (Kampala: Centenary Publishing House Ltd.), June, pp. 297-301.

³ Dunleavy Patrick and O'Leary Brendan (1987), op. cit., p. 13.

⁴ For this illustrious statement, see Higgs Robert (2004) *Against the Leviathan: Government Power and a Free Society* (Oakland California: The Independent Institute), p. 283.

specified that the independence of the judiciary has to be real and not apparent because it is the most important of powers, independent and unchecked, and the least dangerous. Cascading the doctrine to the Chilean and Mexican contexts, Galleguillos rightly notes that:

Democratic theory ... maintains that while one of those powers legislates and the other administers, it is the role of the judiciary to sanction the excesses committed by the legislative and the executive. In doing so, the judiciary helps to preserve democracy... for one power to effectively check the others it must be autonomous from the latter... the effectiveness of the judiciary in a democratic society resides in it being autonomous from the executive and judiciary...since politics...identifies those whose goals are to attain control of political power through the executive or the legislative, it follows...that the members of the judiciary must be apolitical, non-partisan,...to guarantee their immunity from the political contamination which would otherwise impinge on their autonomy.⁵

Thus, the doctrine implies that the three organs of government should be kept in three separate compartments. "Separation of powers" is a feature more inherent to presidential systems, whereas "fusion of powers" is characteristic of parliamentary ones. Although no constitution in the world is as perfect as this doctrine suggests, it is clear that if this were to happen, it "... would result in stalemate in government and make public administration rigid and unworkable and therefore undesirable".⁶

5 The clarity of the centrality of the judiciary in the doctrine of separation of powers is fully covered in Galleguillos Nibaldo H. (1997) "Checks and Balances in New Democracies: The Role of the Judiciary in the Chilean and Mexican Transitions: A Comparative Analysis", being a paper delivered at the 1997 Latin American Studies Association, held at Continental Plaza Hotel, Guadalajara, Mexico, April 17-19, pp. 2-3 - unpublished.

6 Kanyehamba G. W. (2002), op. cit., p. 298.

Hence, democracy has to be defined as a government which derives its power from the consent of the people, given in regular, free and fair elections under conditions of freedom of the press, freedom of assembly and freedom of speech. The cardinal contribution to democratic practice has been the development of a system of “checks and balances” to ensure that political power is dispersed and decentralised. It is a system ingrained in the belief that government is best when its potential for abuse is curbed and when it is held as close to the people as possible. Yet the persistent violation of the doctrine in most developing countries tends to undermine the quality of democracy in both overt and covert ways. Indeed, democracy is eroded when autocratic leaders seize executive power and act to undermine the legislature and the judiciary.

A level playing field is a concept about fair competition in which each player does not necessarily have an equal chance to succeed, but all players play by the same set of rules. Thus, a metaphorical field is said to be level if no external interference affects the ability of the players to compete fairly. A level playing field is created and guaranteed by the implementation of rules and regulations. Therefore, to create a level political playing field that satisfies to international partners, every country should ensure that it attends to four major dimensions: the political system and ideology; the role of government in the economy; political instability; and the country’s international political relationships. On all these counts, Uganda does not score highly.

Checks and Balances to Power: Can it Ensure Successful Multiparty Democracy?

Historically, the basic liberties of the citizens of any country are normally protected in a constitution.⁷ Although the doctrine of separation of powers is generally entrenched in Uganda’s 1995 Constitution, the practice is quite different.

7 On the embedment of civil liberties in constitutions, see Rawls John (1993) *Political Liberalism* (Columbia University Press), pp. 292-293.

Practically, the tendency is to accumulate the three powers of government in the hands of the executive. There is evidence that the incumbent government has passed whatever laws (the Land Act, the Phone Tapping Act, the Anti-Terrorism Act, and the establishment of new districts) it wishes without due regard to the rights and objections of opposition political parties, civil society, and individuals.

One major reason why the above behaviour has occurred is because of Uganda's constitutional system of governance. The basic design of the presidential and parliamentary systems has shaped the institutional variables at work. The two systems have affected the NRM's capacity to cope with the fundamentals of multiparty democracy. On certain occasions, the president has usurped the authority and powers assigned to the other organs rather than acknowledging their sphere of influence by seeking their consent and co-operation. The appointment of some "political judges" in the High Court and the Constitutional Court should be seen as a strategy to ensure that the decisions of these courts are supportive of the ruling NRM party. Yet it is a well known principle that "...when judges are adjudicating upon disputes arising from the way the policy was decided, passed into law or is being implemented they should do so independently of the other two organs of state".⁸ In Uganda, the executive is so powerful that the other organs do not have the capacity to impose restrictions on it even when it abuses their constitutional powers. Because the legislature is dominated by NRM supporters and is appointed by the president, it cannot censure and correct the all-powerful executive if it has erred. Although the judiciary is not supposed to engage in politics, it has to play a balancing role between creating order and dispensing justice as Lord Denning once observed.⁹ Indeed, the judges and other political actors should realise the danger that "...when politics goes badly, not only disappointments but

8 Kanyeihamba G. W. (2002), *op. cit.*, p. 300.

9 With regard to the balancing act by the judiciary as propounded by the common law judge, Lord Denning, see Kanyeihamba G. W. (2006) *Kanyeihamba's Commentaries on Law, Politics and Governance* (Kampala: Renaissance Media Ltd), p. 44.

dislocations are likely to result. And...when politics goes well, we can know a good in common that we cannot know alone."¹⁰

Furthermore, in Uganda, some MPs are also cabinet ministers. Clearly, the 1995 Constitution has vestiges of fusion of roles of the executive (cabinet) and parliament, thus negating the principles of separation of powers of government. Added to this abuse of the representative democratic system is the issue of caucusing in Parliament. Several different caucuses in Parliament (NRM caucus, opposition caucus, Buganda caucus, and caucus of MPs from the North) are subverting the cardinal principle of parliamentary democracy because positions have been taken by parties even when they require MPs to seek either the consent of their constituents or to make decisions based on their conscience. A clear case of flagrant abuse of parliamentary democracy is where some MPs have been accused of stealing millions of shillings – such as is reflected in the Commonwealth Report – and then the NRM party has decided to caucus to defend them, thus subverting the cardinal principle of representative democracy.

However, the particular mode and outcome of a regime's transition to embedding representative democracy can be determined by a hegemonic party. A hegemonic party determines the characteristics of its emerging competitors, the parameters of electoral competition, the institutionalisation of the party system, the quality of the representative system and the prospect for its consolidation.¹¹ In Uganda, the NRM, both as a party and a movement, has been in power for over twenty-five years. Consequently, it has reorganised Ugandan society and restructured the political system from a Movement type of politics to a multiparty system according to its interests. Its longevity has ultimately led to the domination of the political system and the construction of a symbiosis between the NRM and the state.

10 This fundamental statement is contained in Sandel Michael J. (1984) "Justice and the Good", in Michael Sandel (ed.) *Liberalism and Its Critics* (New York: New York University Press), p. 176.

11 On this analytical statement, see Chu Yun-han (2001) "The Legacy of One-Party Hegemony in Taiwan", in Larry Diamond and Richard Gunther (eds.), *Political Parties and Democracy* (Baltimore and London: The John Hopkins University Press), p. 266.

Thus, the state-party synergy is central to the construction of the limited electoral competition at the national and local levels. In local elections, the NRM was compelled to open up its closed structure, relax the selection criteria to include individuals from all walks of life, and actively recruit party members from the grass roots less on the basis of ideology than on the demonstrated capacity to mobilise votes. Thus, as Uganda shifted from the Movement political system to multiparty democracy, the NRM party inherited from the Movement system an established pattern of electoral dominance and a socio-economic development strategy¹² that had a broad nationwide appeal.

However, the party-state synergy is becoming increasingly problematic for the NRM in its effort to shape the democratic transition. The process of democratic transition would have necessitated the complete overhaul of the Movement's structural relationships with the state, political society and civil society.¹³ For Uganda's democratisation process to be complete, it would have required the NRM party to release its partisan stranglehold on the state bureaucracy, the military, the judiciary and the agents of political socialisation (such as schools and mass media), to put its governing position at risk in a free and fair democratic contest, to renounce its manipulative tendencies over basic rules of political contestation, and to relinquish its monopoly on political recruitment and interest representation and aggregation.

Instead, there is continued appetite for control of the state bureaucracy, the military, the judiciary, schools (the patriotism clubs are meant to achieve this) and sometimes the media (critical media and journalists are silenced and restrictive media laws are introduced). The NRM has never permitted

¹² Although the NRM started off as a Marxists-Leninist organisation that had more inclination to the East than the West, it eventually embraced the latter by introducing liberalisation that ushered in private property rights and markets, all of which were backed by the rule of law. The implication of this socio-economic development strategy is that it delivered rapid growth which dramatically changed the industrialisation sector and the citizens' conditions of living – which had become horrible under the previous regimes.

¹³ For a similar argument on the need to overhaul the state-party fusion to intensify the democratisation process, see Chu Yun-han (2001), *op. cit.*, p. 267.

the opposition to be in a position to defeat it in a free and fair democratic contest. For instance, it has manipulated the 1995 Constitution which has encouraged the life-presidency through the removal of the two-term presidential limit and it has continued to contain the scope of reform, which has undoubtedly preserved certain residues of the authoritarian elements of the Movement political system in the new multiparty dispensation.

The difficulty for the opposition to dislodge the NRM from power can vividly be seen in the ill-treatment Dr Kizza Besigye, President of Forum for Democratic Change (FDC), received in the run-up to the 2001 general elections, including his arrest and subsequent arraignment in the courts of law on trumped-up charges.¹⁴ Commenting on the Constitutional Court's dismissal of a petition by Dr Kizza Besigye and ten others challenging their trial in the High Court and the terrorism trial in the Court Martial, the USA Assistant Secretary Bureau of Public Affairs, Mr Philip Crawley, stated that:

*Functioning democracies require an independent judiciary, and we believe the court's decision to dismiss these charges reflects such independence... It also underscores the importance of ensuring that opposition leaders have the legal and political space to campaign freely.*¹⁵

The panel of five judges observed that the state cannot continue with the cases against Dr Besigye and ten others in the High Court and in the General Court Martial by besieging the High Court and re-arresting the suspects to block their release on bail.¹⁶ Adding his voice to this ruling, the Executive

14 Joshua B. Rubongoya correctly notes that the NRM was apprehensive about its prospects at the polls given its limited possibilities for support in the North in 2001 and the emergence of a formidable challenger in Besigye; for this argument, see Rubongoya Joshua B. (2010) "The Politics of Uganda's Anti-Terrorism Law and Its Impact on Civil Society", in Jude Howell and Jeremy Lind (eds.) *Civil Society Under Strain: Counter-terrorism Policy, Civil Society and Aid Post-9/11* (Kumarian Press), p. 214.

15 See *Daily Monitor* (2010), 15th October, p. 5.

16 *Ibid.*, p. 5.

Director of the Foundation for Human Rights Initiative (FHRI), Livingstone Sewanyana, observed that:

it is a clear signal that impunity can no longer be tolerated. For us to have democracy and rule of law, we must adhere to the constitution and promote the independence of democratic institutions.¹⁷

These unconstitutional actions by the state have serious implications on democratisation. Indeed, while releasing the Uganda Human Rights Commission (UHRC) Research Report on the forthcoming 2011 election, its Secretary, Gordon Mwesigye, argued that on the basis of the violent scenes that characterized the NRM's primaries and delegates' conference, the environment for violence and commercialization of politics and impunity had been set in motion. Thus, to the UHRC, the 2010 elections is likely to be violent and its credibility suspect.¹⁸

Furthermore, the NRM regime has been accused by some journalists and opposition politicians of curtailing their civil liberties.¹⁹ They base their accusation on the rate at which they are being arraigned before the courts of law. Indeed, a High Court judge recently acknowledged that one of the reasons why justice is not being dispensed properly is because the police first arrests and then starts investigations before ascertaining the reasons for arresting the culprits.²⁰ In fact, the manner in which the NRM has been behaving is captured in the following words:

The NRM (...) exerted stricter political control, drifted away from guided democracy toward a co-opted form of transition, and in so doing began distancing itself from the practical

17 *Daily Monitor* (2010) 14 October, p. 5.

18 *Daily Monitor* (2010), 15 October, op. cit, p. 4.

19 Ssemujju Ibrahim Nganda (2010) "Museveni Is Becoming More Intolerant", in *The Observer*, 14-24 October, p. 9.

20 *Ibid.*, p. 8.

imperatives of representativeness, consent, and political competition. This shift presaged the reemergence of neopatrimonialism and its twin institutions of clientelism and presidentialism.²¹

It is, therefore, clear that because power began to be concentrated in the hands of the executive (president), it greatly undermined the efficacy of other constitutionally established state institutions such as the legislature and the judiciary; an adverse development that eroded the very foundations of democratic legitimacy. Indeed, the executive has publicly attacked rulings by the judiciary from time to time. For instance, on 27 June 2000, President Museveni rejected a constitutional ruling that nullified the 2000 referendum, arguing that the government would not accept its contents. He strongly stated that the ruling revealed an absurdity and shocked the general moral of commonsense:

We restored constitutionalism and the rule of law. That is why judges can rule like this against the government. There were times when if a judge made such a ruling, he would not live to see tomorrow. The ruling will not work. It is simply unacceptable. Judges say article 74 evaporated. Article 74 is not dead. The Movement system is not dead. We are all here.²²

Clearly, the above quotation shows four things. First, it shows President Museveni's anger against the ruling. Second, it shows that because he fought for the restoration of the rule of law, no judgement should go against his regime. Third, he intimidated the judges. Fourth, he was determined to block the ruling of the court. Fifth, he referred to Article 74 of the 1995 Constitution, which provides for "Change of political system by referenda or elections" to demonstrate that the

21 This critical statement is uttered by Rubongoya Joshua B. (2007) *Regime Hegemony in Museveni's Uganda: Pax Musevenica*, (Palgrave Macmillan), p. 131.

22 This citation was obtained from Nampewo Zahara (2007) "State of Constitutionalism in Uganda: Challenges in Observance", in Lawrence Mute (ed.) *Constitutionalism in East Africa: Progress, Challenges, and Prospects in 2004* (Kampala: Kituo Cha Katiba and Fountain Publishers), pp. 93-94.

Movement had come to stay. Because of his threat, the Constitutional Court had to close. Subsequently, the state mobilised a section of the public to demonstrate against the ruling. Arguing that the judges were not impartial, he castigated the Democratic Party (DP), which he alleged had filed a “weak” petition but had been assisted by “their friends the judges”. He pledged to “sort out” the judges who were hiding behind the principle of separation of powers to mete out injustice against the people.

However, the Court’s ruling in favour of Dr Kizza Besigye and the ten “culprits” also indicates that there are instances where the independence of the judiciary is assured. So the opposition should realise that much as there are occasions when it can lose petitions, there are other moments when it can triumph.²³ Political parties should, therefore, operate within the state’s legal-cum-constitutional framework based on the principle of the rule of law. The principle embodies equality before the law, fairness and justice. These principles are the cornerstone of democratic governance because they guarantee the functionality and autonomy of institutions.

In sum, the idea of separation of powers of government is to avoid oppression and tyranny so as to diffuse the power of government in order to attain efficiency and effectiveness. Today, the doctrine is central to fostering democratisation, justice and liberty. In Uganda, using this doctrine to assess the current multiparty political dispensation clearly indicates that the three organs of government may be free on paper but not in practice because it is becoming increasingly difficult to keep the NRM under control and transparency and justice are lacking in certain respects.

23 On this issue, see the “Opinion”, in the *Sunday Vision* (2010), 17 October, p. 10.

The Political Playing Field: Is it Level?

To develop political pluralism in Uganda, there is need to establish the necessary political climate in which all parties and other political actors can effectively participate. Political parties, whether in government or the opposition, should interact constructively and share ideas in the interest of advancing the common good. Unfortunately, in Uganda this scenario does not obtain to the fullest, thus adversely affecting the institutionalisation of multiparty democracy and free and fair political competition.

In Uganda, the relationship between the NRM party and the opposition has largely been adversarial. The former is largely intolerant of the opposition parties, calling them “enemies” rather than competitors. Some NRM diehards and opposition fanatics have had running battles since the multiparty system came into force. Intimidation and harassment have been witnessed from both sides but especially by state functionaries towards opposition activists. It is arguable that the NRM party uses this confrontational approach to deliberately frustrate the democratisation process. However, the opposition has also used provocation and confrontation against the NRM to highlight their plight of being denied the political space to freely operate, arguing that the restriction is meant to hinder them from getting their messages out to the electorate. It should, however, be realised that the relationship amongst the opposition parties has not been harmonious. As they struggle individually to establish themselves, they have been prone to incessant clashes. For example, the DP has been torn between the current President-General Robert Mao and a breakaway function originally spearheaded by Nasser Ntege Ssebagala, who has now joined the NRM party. The countrywide chaos that recently engulfed the NRM party’s primaries has caused some founding members to threaten to quit.

One way of grounding true multiparty is through the principle of the rule of law. One such constitutional grounding is to

provide a mechanism for the political parties to interface. Under Article 71(2) of the 1995 Constitution (as amended), Parliament was mandated to enact a law to prescribe a Code of Conduct for political organisations and political parties and for the establishment of a National Consultative Forum (NCF). Section 20 of the Political Parties and Organisations Act (PPOA) provides for the establishment of the NCF; Section 20 (2) of the PPOA states the composition of the NCF.²⁴ The NCF is supposed to liaise with the Electoral Commission (EC), ensure compliance with the Code of Conduct for political parties, and make recommendations to the Minister on any matters under the PPOA. Funding for the PPOA is subject to appropriation by Parliament. Up to this day, the NCF has not been established.

Even before its establishment, some opposition parties have expressed mixed feelings towards it. The new political parties sought legal redress in the courts of law to ensure that the NRM complies with the establishment of the NCF. The Uganda People's Congress (UPC) objected to its statutory framework because it is not sufficiently broad to widen political consensus that will lead to a National Conference (NC) intended to include the views of all sectors of society such as religious groups, civil society and traditional institutions. Clearly, the failure to establish the NCF shows lack of goodwill by the NRM party to establish a peaceful atmosphere for multiparty democracy to thrive. Instead, what it does is to enter into separate arrangements with the opposition parties on its own terms. For instance, President Museveni convened a consultative meeting at Nakasero in Kampala on 28 July 2006 to forge a working relationship with the opposition.²⁵ This meeting agreed to set up an inter-party committee. DP's Ssebaana Kizito, UPC's Miria Kalule Obote, Independent Dr Abed Bwanika and three nominees

²⁴ The composition includes: one representative from every registered party appointed by the party, the Chairperson of the Electoral Commission, the Attorney General as an ex-officio member and the Secretary of the Electoral Commission.

²⁵ Those who participated in this meeting included: all former presidential candidates, representatives of political parties that took part in the 2006 general elections and have representatives in the Eighth Parliament.

each from their organisations attended. The other opposition parties (FDC, People's Progressive Party, and later the Forum for Integrity in Leadership stayed away, arguing that they were not involved in drawing up the agenda and that it was a public relations ploy by the NRM to swallow up their parties rather than engaging in constructive political dialogue. The FDC and the PPP insisted on establishing the NCF. The FIL, which attended at the beginning but later withdrew because its president, Emmanuel Tumusiime, disagreed with President Museveni over its regularity, inclusivity, and contravention of the PPOA, formed a loose coalition of new political parties to pressurise the NRM to establish the NCF. The inter-party committee eventually collapsed because the DP and the UPC opted out, arguing that the NRM was not fully co-operative and was systematically persecuting their supporters.²⁶

In Africa most ruling political parties behave in condescending ways because of overstaying in power. Because they control the public purse and state apparatus, they have made it virtually impossible for the opposition to operate effectively. In Uganda, the dominant NRM party has continued to shape the party system as a result of its huge presence in Parliament. In spite of the opposition's struggles to ensure that the political space fully opened up, the NRM party has constrained their growth; this explains why some of the opposition parties cannot field candidates in some districts/constituencies. As stated earlier, owing to the fusion of roles, there is no clear distinction between the NRM party and state structures because the two behave as one. For instance, some senior military officers utter political statements without being reprimanded by the relevant organs. President Museveni has severally stated that he will deploy NRM cadres in all strategic state institutions such as the judiciary and the civil service. Also, some Resident District Commissioners (RDCs), LCV Chairpersons and security agencies overlap their roles

²⁶ UPC pulled out of the inter-party committee on 31 January 2007. DP withdrew in December 2006. The splinter group of Conservative Party (CP) led by Nsubuga-Nsambu as well as Dr Abed Bwanika never withdrew until after the collapse of the committee.

by openly supporting the NRM regime. For example, on 30 January 2007, while addressing the press at the government-owned Media Centre, the UPDF's Chief of Defence Forces, General Aronda Nyakairima, warned the opposition

(...) not to hold 'illegal' public rallies in the Central Business District which would disrupt normal business...the army was ready to deal with anyone bent on causing trouble in the City centre.²⁷

It is not clear why an army general should be the one to utter such a stern warning rather than, say, the Inspector General of Police (IGP) or the Mayor. This kind of talk has caused some of these state institutions to behave in a partisan manner contrary to established law.

Hence, the other critical factor that demonstrates the lack of a level political playing field is the role of the military in the political process. Historically the military has taken centre stage in changing regimes in Uganda. Because state institutions have been highly militarised, the army has always interfered with the democratisation process. In spite of the fact that the current law prohibits army officers from engaging in partisan politics, Parliament has ten army officers representing the UPDF as one of the interest groups.²⁸ Whereas the opposition has opposed their presence in Parliament, President Museveni sees them as "listening posts" who should avoid controversy. Thus, his perception raises the question as to why they are in Parliament if it is not for purposes of intimidating the opposition and bolstering the NRM's support. In Zimbabwe, where a sham election was held, some freedom fighters categorically stated that they would never support any person other than Robert Mugabe. Although elections in Africa are largely violent, given the immaturity of most of the people involved, one can argue, as the EC frequently does,

²⁷ See *Weekly Observer* (2007), February 8-14, p. 19.

²⁸ The other interest groups include: women, youth, people with disabilities, and workers. See *Daily Monitor* (2010), 28 October, p. 2.

that the army may be required to provide security alongside the police and other security organs to maintain law and order. However, the crux of the matter is when they take sides in favour of a party against another.

Another crucial issue that impairs the level political field in Uganda is the enactment of laws that bar opposition parties from participating freely in the political process. Legislations such as the Police Act (Cap 303) restrict the free operation of the opposition. Such laws, some of which were enacted during the Movement system, have found their way into the new multiparty system. Hence, some state operatives have been deployed to block the opposition from engaging in lawful political activities. For example, in a letter he wrote on 24 January 2007, the IGP advised the DP District Chairperson of Mukono, Mr. D. D. Muguluma, to reschedule the celebration of Betty Namboze's court victory against the then incumbent MP, the Rev. Bakaluba Mukasa, to some other date to enable the NRM to celebrate its day uninterrupted. Betty Namboze was the DP's Spokesperson. Clearly, this directive amounts to interference in the affairs of the opposition by denying it the space to enjoy its right while guaranteeing that of the NRM.

On yet another occasion, while speaking at national prayers for peaceful elections in 2010 held at Kololo Airstrip in Kampala, the IGP advised Dr Kizza Besigye and Dr Olara Otunnu as follows:

It is too bad that Besigye hasn't come here. I want to pray for him as his brother and friend. He should turn to God if he wants to lead. He cannot lead with such a heart full of hatred and dirt on the heart ... he should turn to God. Why hasn't he come here? We should pray for him and Olara Otunnu so that they have a change of heart. You cannot lead Uganda with hatred.²⁹

29 Bogere Hussein (2010) "Besigye Needs God – Kaiyura", in *Weekly Observer*, 26-27 October, p.

Clearly, the IGP's attitude towards Dr Kizza Besigye and Dr Olara Otunnu is sectarian. First, whereas other presidential candidates were invited to attend the national prayers but did not turn up, he only chose to single out the two. Second, he has placed himself above the national constitution by asserting that Dr Kizza Besigye cannot lead Uganda "unless he turns to God". Third, his remark is contradictory when he says that Dr Besigye has "a heart full of hatred and dirt" while at the same time referring to him as a "brother and friend".

The dominance of the NRM party and the militarised politics cannot be divorced from the "big man" syndrome that pervades Ugandan society today. The personality of President Museveni is so domineering that much of what transpires within the NRM party and the country must first receive his tacit consent. The fear to stand against him in the NRM party and the reduction of national elections to a contest between him and "others" (such as the coalition Inter-Party Cooperation candidacy of Dr Kizza Besigye) attests to the character of personalised politics in the country, respectively. Hence, most institutional and political processes have been reduced to the "big man". For instance, under the Movement system, while addressing a rally in western Uganda in 2001, President Museveni stated that:

I am not ready to hand over power to people or groups of people who have no ability to manage a nation ...Why should I sentence Ugandans to suicide by handing over power to people we fought and defeated? It's dangerous despite the fact that the constitution allows them to run against me...At times the constitution may not be the best tool to direct us politically for it allows wrong and doubtful people to contest for power.³⁰

30 This quotation is cited from Hameso Seyoum (2002) "Issues and Dilemmas of Multiparty Democracy in Africa", in <http://www.westafricareview.com/vol13.2/hameso.html> p. 14.

This utterance raises several worrying trends. First, he has condemned the 1995 Constitution and placed himself above it in spite of the fact that he swore allegiance to uphold it when he assumed office. Article 99 (3) of the 1995 Constitution categorically stipulates that "It shall be the duty of the President to abide by, uphold and safeguard this Constitution and the laws of Uganda and to promote the welfare of the citizens and protect the territorial integrity of Uganda". Second, he is not willing to peacefully hand over power to another person even if that person is democratically elected. Third, he has placed himself as the sole judge of who can qualify to be the President of Uganda.

Therefore, the Movement system's legacy generated an uneven development of the competitive party system right from the onset of the multiparty system. Consequently, the hegemonic NRM party remained heavily dependent on state control. In addition, its long grip on political power gave it structural, financial and political leverage that largely tilted the electoral process in its favour. Hence the opposition has an uphill task in: undermining the NRM's corporatist arrangements; loosening the NRM's grip on organised interests; dissolving the partisan allegiance of state bureaucracies and military officers; and redressing the gross asymmetry in resources between it and the NRM party. In spite of the NRM party's dominance, the lack of internal democracy within it, as in the opposition, is bound to produce disaffection and splintering.

The party system in Uganda has also been central to the way in which political competition has unfairly played out. Party system essentially means the way the political parties interact with one another within the politically competitive environment. There are basically four types of party systems: one-party system, two-party system, multiparty system, and dominant-party system. The NRM party belongs to the dominant or hegemonic type. The dominant party system is different from the one-party system in the sense that it has

more than one party. In a dominant-party system, a party has the capability within the political structure of a state to become dominant to the extent that victory at elections is considered a formality. Because of its extended stay in power, a dominant party can, and does, shape society through its policies and actions. Features of a dominant-party system include the following: the party in power becomes complacent and views its position in power as “guaranteed”; the difference between the party in power and the state becomes blurred in the sense that when both appear to merge, and where senior state officials are rewarded by the party in power irrespective of whether they are qualified or not (some NRM MPs have been found to have forged academic qualifications and yet they continue to be supported); and an era of a dominant party is also one where opposition parties are in total disarray.

The NRM has been able to establish its dominance in the multiparty political dispensation because of incumbency. It has continuously shaped the emerging party system through its power of institution-making and its huge presence in Parliament. Although Uganda has more than thirty-eight registered political parties, the scene is such that the NRM is usually assured of victory because of incumbency, the machinery it sets in motion during elections, and the enormous funds at its disposal. For over two decades, the Movement and now the NRM party have drummed into the minds of the youth, most of whom have not lived under a multiparty system under any other leader than President Museveni, the “evils” of multiparty politics. In fact, the NRM party has systematically obstructed the opposition parties from developing strong organisational ties with the voters and civil society (through the NGO Act) to the extent that the former lack structures at grass-roots level in some parts of the country. Because the NRM regime can be referred to as “electoralism” or “soft authoritarianism”, it has legally allowed the opposition to operate but ensures that it is too weak to dislodge it from power. To weaken the opposition, the NRM party has

used tactics such as: constitutional quirks that deliberately undermine the capacity of the opposition to effectively thrive; organising institutional and/or organisational conventions that support and entrench the *status quo*; subjecting opposition parties to varying degrees of harassment such as restricting them from freely holding political rallies; muzzling free speech disseminated by the critical media; and stringent electoral laws such as gerrymandering of electoral districts or “districtisation” whereby the new districts end up owing their allegiance to their creator – a situation which usually puts the opposition at a disadvantage (because the first-past-the-post – FPTP – permits a high level of wasted votes and an election under the FPTP is easily gerrymandered. Through gerrymandering, constituencies are deliberately designed to unfairly increase the number of seats won by one party at the expense of another); and outright electoral fraud through rigging, intimidation and violence. However, supporters of the NRM party are quick to argue that their party is doing an excellent job in government; instead they accuse the opposition of continuously proposing unrealistic and unpopular reforms.

Besides the type of party system that Uganda has constructed is the electoral system that has been established. An electoral or voting system is how votes are translated into seats by determining the number and the kinds of votes necessary to award seats to candidates and parties in an election. Different electoral systems produce different kinds of results and present voters with different kinds of choices. There are three main types of electoral systems in the world, with several variations within each one of them, namely: plurality where candidates are elected with a plurality and not a majority of votes cast; majority where candidates are elected with a majority or more than 50 percent of votes cast; and proportional representation (PR) where candidates are elected based on the total percentage of votes cast for their party. The plurality voting system is a single-winner voting system often used

to elect members of a legislative assembly which is based on single-member constituencies. The simple plurality voting system is the FPTP. In this voting system, the single winner is the person with the most votes cast. Hence, there is no requirement that the winner gain an absolute majority of votes. In Uganda, supporters of the opposition parties are in a disadvantaged position because the electoral system is based on FPTP. This system disfavours them because the dominant NRM party has the advantage of access to a disproportionate amount of resources to traverse the entire country. Unfortunately, in spite of the DP agitating for the use of the FPTP, the opposition parties have never given serious thought to the PR system which could enhance their electoral chances.

Furthermore, the party and electoral systems of any country are defined by the constitutive system of government. There are two types of government – presidentialism and parliamentarism. In the former, which evolved first in the USA, presidents are elected for a fixed term. They have the authority, at least nominally, to manage the governmental bureaucracy. Although the executive's term may or may not coincide with the legislature's, their selection is technically independent of the legislature. However, when the executive's party controls the legislature, the executive often reaps the benefits of "fusion of powers". Under parliamentarism, a balancing rule prevails that produces the fusion of executive/legislative authority in some kind of cabinet. The cabinet and its leader, the Prime Minister, need the support of a parliamentary majority to stay in power. Because parliamentarism is viewed as being more democratic than presidentialism or that it is a "better" system, it is more likely to survive as a democratic form of governance. In a parliamentary system, when the term of the legislature ends, so too may the tenure of the executive selected by the legislature. Uganda's constitutive system is amorphous because it combines the two systems incoherently. On the one hand, the 1995 Constitution gives excessive powers to the president while at the same time

it creates the office of Prime Minister, who is the Leader of Government Business. Article 98 (1) of the 1995 Constitution provides that there shall be a president of Uganda who shall be the Head of State, Head of Government and Commander-in-Chief of the Uganda People's Defence Forces and the Fountain of Honour. Under Article 98 (4), it is provided that the president shall not be liable to proceedings in any court". In spite of Article 98 (5) which states that "Civil or criminal proceedings may be instituted against a president after ceasing to be president [...]", Article 98 (4) has caused some leaders to suppress the rights of the citizens with impunity. Calls for trimming the excessive powers of the president and passing them to Parliament have fallen on deaf ears. One way of curbing the dominance by the presidency would have been through holding democratic elections.

However, for free and fair elections to be held there is need for an independent electoral body. Article 60 (1) of the 1995 Constitution provides that: "There shall be an Electoral Commission which shall consist of a Chairperson, a Deputy Chairperson and five other members appointed by the President with the approval of Parliament".³¹ Much as the EC has done a lot in organising elections since the NRM came to power in 1986, its credibility to organise free and fair elections has been questioned by the opposition and the judiciary. After the 2001 and 2006 general elections in which the Supreme Court gave a damning judgement of the EC's performance, its credibility has been queried. Hence, opposition political parties have expressed the urgent need to replace it with an independent EC whose composition reflects the current multiparty political dispensation.

However, one of the major constraints the EC faces in organising free and fair elections is lack of adequate funding. It usually receives less than a half of its budget. This low

³¹ See more provisions on the functions of the EC (Article 61) and the independence of the EC (Article 62) in the Republic of Uganda (2006) *Constitution of the Republic of Uganda* (Kampala: Uganda Law Reform Commission), 15 February. See also: Republic of Uganda (2006) *Compendium of Electoral Laws* (Kampala: Uganda Law Reform Commission), 15 February.

funding has impaired it from fully functioning to the extent that voter and civic education programmes are not carried out properly. Yet the voters' awareness needs to be raised if they are to participate effectively in the electoral process. During the 2006 general election, many Ugandans did not only show limited understanding of the voting process, but did not clearly appreciate the functioning of a multiparty system. Yet the state, as an embodiment of civil society, is supposed to pursue the welfare of its citizens [*and the democratisation process – my addition*];³² when it fails, the contribution of civil society becomes inevitable.³³ Civil society organisations (CSOs) should, among other roles, raise the level of consciousness of the people about the functioning of a multiparty system. Indeed, their involvement in checking the party in power and those in the opposition to conform to the principles of democratic practice, the rule of law, and constitutionalism is more relevant today than ever before. However, as they immerse in monitoring and engaging political parties on minimum standards of accountability, transparency, equity, among others, they should practise these principles in their own organisations.

President Museveni has rejected calls for the disbandment of the EC and instituting electoral reforms to level the political playing field as demanded by the opposition, development partners (including USA), and civil society. Consequently, some political parties have called for a boycott of the 2011 elections. Notable among the parties are the UPC, led by Dr Olara Otunnu. He is currently traversing the country collecting signatures from five million voters to block the 2011 elections. Other parties, such as the DP and the FDC, while struggling to have the EC disbanded, have decided to participate in the elections so as not to give the NRM a free

32 Nkurinziza Deusdedit R. K. (2004) "The Role of the Media in Peace Building in Uganda", in Deusdedit R. K. Nkurinziza and Levis Mugumya (eds.) *Towards a Culture of Peace and Non Violent Action in Uganda*, (Kampala: Makerere University Printery), Africa Peace Series, Volume Two, p. 39.

33 The argument regarding the significance of civil society organisations in Uganda's democratisation process can be found in Olum Yasin and Mette Kjaer Anne (2008) "From Confrontation to Acquiescence? The Role of the Civil Society and the Media in the 2006 Democratic Elections in Uganda", in Julius Kiiza, Sabiti Makara and Lise Rakner (eds.) *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections* (Kampala: Fountain), pp. 175-200.

ride. This disagreement amongst the opposition parties over participating or not participating in the 2011 elections, among other reasons, has led to the UPC's withdrawal from the Inter-Party Cooperation (IPC) whose flag-bearer is Dr Kizza Besigye. The UPC's withdrawal has weakened further the IPC after the DP, led by Nibert Mao, refused to join. It has to be noted that the opposition parties have not revealed any strategy that they will adopt if their struggle to disband the EC fails. This lack of clarity by the opposition over a number of political issues of national importance has produced a negative effect on its capacity to dislodge the NRM from power.

Another critical factor that has interfered with the political playing field is the amount of resources, especially funds, the parties command. The amount of resources a political party can mobilise is central to determining its political campaign and election results. If one looks at the budget of the main political parties (NRM, FDC, DP, UPC), clearly the disparity is huge.³⁴ When the presidential campaigns for the party president is excluded (this was estimated at US\$1.5bn in the 2006 campaign), the NRM has tentatively budgeted for US\$45-50bn, the highest estimate of all the parties. This colossal sum of money is meant for the NRM party's flag-bearers at LCI to district and parliamentary levels. The breakdown is as follows: MP candidates – US\$30m; Woman MPs – US\$50m; LCV Chairpersons – US\$50m; Mayor – US\$70m; District Councillor – US\$1m; LC III Chairperson – US\$1m; Sub-County Councillor – US\$300,000/=; LC I Chairperson – US\$100,000/=. These figures are expected to be revised upwards to take care of rising cost of living and inflation. In September 2010, the NRM spent US\$7bn on its Delegates' Conference and US\$5bn on its primaries. The IPC estimates to spend US\$800m on the nomination fees of its flag-bearers at all levels and US\$6-8bn on its campaigns. In 2006, the FDC spent about US\$600m on the campaigns. Dr Kizza Besigye recently returned from a trip to the UK to raise campaign money, among other purposes, from party

³⁴ For the disparity in the budgets of the main political parties, see *Observer* (2010) "2011 Cash Race", 18 – 20 October, p. 3.

supporters in the Diaspora. Acknowledging that it is going to be a struggle to raise money, the DP's National Treasurer, (Hon.) Issa Kikungwe, observes that the party is estimating to spend US\$6bn to fund the party's campaigns. He also noted that the party will use SMS to fundraise, whereby DP supporters would send a text message to a particular telephone number while the proceeds will be shared between the party and the telecom company involved. Although UPC's figures have not yet been divulged, its Treasurer, Peter Walubiri, observes philosophically that the party will spend the amount they will get. Whereas the demand by opposition parties for state funding seems genuine, the government is unable to meet the budgetary needs of all the political parties because it too does not have enough resources to inject into the major sectors of the economy. While the NRM party does not seem to portray that it is short of funds, the opposition parties will have to mobilise campaign money from their members, well-wishers and donors. It is incumbent upon political parties to seek sustainable sources of funding their activities because relying on handouts from whatever sources is definitely an unsustainable way to build their resource bases. However, with President Museveni's influence, the NRM is unlikely to have problems raising the required money; it tends to access state resources, it has many businesspersons who do not fear to contribute to the party because of incumbency, and it has many foreign friends and governments from whom it can mobilise resources. Besides these sources, the EC is mandated to give each nominated presidential candidate US\$20m in addition to two vehicles – one for the candidate's use and another for his or her security personnel. However, for political parties to mobilise funds the PPOA prohibits them from mobilising more than US\$400m from external sources in one financial year. In spite of this prohibition, and given the fact that some of the parties (including the NRM) have yet to account for the funds they spent in previous elections, it is difficult to tell whether this law is being respected by all the major parties. Nevertheless, with national and local politics

being heavily commercialised, and the 2011 elections set to be highly competitive, money, among other critical factors, will certainly play a decisive role in determining the voting pattern and the outcome of the results.

In sum, it has to be noted that greater democratisation through multiparty democracy can only be attained if all the parties act in the national interest. The rules of the political game should level the political playing field, whereby all the parties are free to organise, compete, and have equal chance of capturing political power. The notion that this or that party will never be allowed to take over political power is authoritarian. What the individual parties need to do is to continuously refine their internal operations, and then reach out to the electorate with their manifestos in a free and fair political contest. This should happen periodically in an environment where individuals and parties can be elected or rejected without resort to violence and other unconventional means.

Conclusion

Uganda is now in the multiparty political dispensation. For this system of democracy to be nurtured, durable institutions should be constructed and the political playing field should enable all political parties to freely and fairly compete for political power. In addition, for multiparty democracy to flourish there is need to clearly separate state institutions from political parties and structures. The fusion between state institutions and the NRM party structures in Uganda does not augur well for embedding true multiparty democracy. This fusion certainly denies the opposition parties the opportunity to be equal players in the country's democratisation process because the political playing field is such that it favours the incumbent NRM party. The interference by the executive in the functions of the judiciary and Parliament is meant to stifle the development of the multiparty political system by denying the opposition

the opportunity to operate freely. Also, the hostile relationship between the NRM party and the opposition because of the intolerant attitude of some leaders within the former towards the latter, as well as the behaviour of some overzealous opposition activists, have adversely affected the development of the multiparty system. It is, therefore, incumbent upon the ruling NRM party to realise that the opposition is now part and parcel of the political discourse in the country and that they should be allowed to build themselves into viable parties which can take over political power through a democratic contest. It is only when this happens that the country will remain politically stable so that the socio-economic agenda can then take off without the fear of future political instability.

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Synthesis of the Discussions

Ojijo O.M.P. Al Amin

Has the Movement fully made the transition to a political party on one side and a multiparty state on the other? What residue, if any, remains on either side?

Non-democratic nature of the Movement

Although there was not full consensus with regard to the position of its democratic credentials, the discussions generally portrayed a feeling among most of participants that the Movement system under which Uganda had been governed before the referendum of 2005 deviated from democratic principles, in particular the principle of freedom of association. In addition, even with the opening up of political space, the Movement, which turned into the National Resistance Movement Organisation (Party) and which has continued to be in power till 2010, has (deliberately) not facilitated the necessary conditions for full-fledged multiparty democracy to be established in Uganda.

Taking a historical perspective, some participants noted that whereas at the beginning, the main elements of the Movement system were individual merit, no party sponsorship etc. and the NRM was the only government, such aspects were inconsistent with the democratic principles of free association. Any other political organisation was labelled as opposition which, however, could not present any recognisable challenge to the Movement government since the opposition was not in legal existence. This position kept changing gradually for the worse until the opening up of political space where at least the existence of the political opposition was legalised, although several challenges remained. In addition, it was argued by a section of the participants that the Movement had been unable to deliver on its promises, and this according to them

caused the sharp split and departure of its former luminaries, such as, to name but a few, Justice Prof. Kanyeihamba, Col. (rtd.) Dr Kizza Besigye, Maj. Gen. (rtd.) Mugisha Muntu. It was emphasised that when NRM came to power, the restoration of democracy was included in the 10-Point Programme, which meant economic empowerment, direct democracy and parliamentary democracy. According to the participants' comments, it is debatable whether these have been achieved in the country: "The party has not achieved on the promise of the Ten-Point Plan, and neither has it consolidated the tenets of democracy," one participant argued.

With regard to the transition from the Movement system to multiparty democracy, it was generally observed by the participants that this was not a genuine desire for democratisation on the part of the NRM, but a result of pressure and strategic considerations. Thus, the government remained reluctant to ensure that the necessary conditions for catalysing the success of political pluralism are in place. One participant observed: "This is why the opposition has been hounded, harassed, arrested, persecuted and prosecuted endlessly with reckless abandon."

What was presented as a positive development is the registration of more than 35 parties in Uganda since the opening up of political space. The country can hence be classified as a multiparty democracy. However, one participant still observed that in spite of this seeming progress, the space for operations and the relations between the NRM – the party in government – and the opposition parties were characterised by nemesis rather than political competition. She further observed that NRM top officials are wont to refer to opposition parties as 'enemies' rather than political opponents. This shows the lack of embedment of the culture and fundamental principles and pillars of democracy by top officials in the Movement."

Another argument put forward was that the removal of term limits for the president had a trickle-down effect that institutionalised “a propensity to get power and die in it, or die protecting it”. According to one participant, “it provides for personification of power, from the top down [...] hence everyone now wants to stay on, from president to LC 1. This makes it very hard for true and meaningful democratic transition in leadership to take place since it is very hard for the opposition (that are outside leadership) to penetrate as every one (of those in leadership) is protecting their job”. To this effect, a suggestion for the restoration of presidential term limits was made. In fact, one participant, albeit generating controversial feedback, suggested that term limits should be introduced for offices below that of president to include, for example, Members of Parliament who, he suggested, should serve only two five-year terms. The consensus was, however, that clinging to power was one of the deep-rooted problems in Uganda at present: “The culture of the leaders convincing the led to accept less than they deserve, and even deny them the opportunity to run for the highest office in the land”. This was noted as not helping the cause of democracy since it locks people out of certain political offices.

A discussion of whether the Movement can guarantee genuine democracy raised some conflicting opinions. For example, in offering proof of lack of democracy within the Movement, one participant referred to a new situation he termed ‘movementocracy’, which he also translated to mean rule by the Movement. This, he argued, “leads to a sickness of the mind, as the psyche of the masses is shadow cast given the fact that most movements do not behave like multiparty democracies. The ‘movementocracy’ is also consolidated by the removal of term limits”. He cited as examples of countries where there was little progress towards multiparty democracy those in which revolutionary governments are in place, such as Eritrea, Ethiopia, Zimbabwe, etc. This line of argument was, however, contested with evidence from Mali and Ghana,

which countries have both had revolutionary governments, but have been able to establish truly democratic multiparty governments. Yet another participant noted that even a movement can serve people and lead to a democratic system, through free and fair elections. He nevertheless also observed that the notion of 'movementocracy' has led some individuals to believe that the country cannot go on without the current leaders and that same concept could be the reason why the current president (Yoweri Museveni) views himself and has publicly announced that he is the only who has a vision for Uganda. According to him, "there is a myth in Uganda that without a particular leader, the country is doomed. This is a lie, since everyone dies at one time. In other countries, the countrymen and women have appreciated the truism that the country will still go on. It is because people are living that we argue like that. Ugandans must be able to see the lies, and believe that someone else can lead, and no one must be the only leader. Even without personality cult, the system will continue". He cited the example of the *Chama Cha Mapinduzi* (CCM) party in Tanzania which had demonstrated "that presidents can go, and new ones will come in, and hence it is upon Ugandans to ensure that it is possible to have a system where individuals can go, and Uganda can continue [...], a system where a major general can continue and salute anyone in power. That scenario does not obtain in Uganda [...] hence there will be no transfer of power."

Another argument against the democratic credentials of the Movement was raised by a participant who argued that the Movement had promoted ethnicisation of politics. He claimed it was anathema in certain parts of Uganda to be seen not to support the NRM, especially the western region, yet it was a political right to belong to another party, other than the NRM. He encouraged Ugandans to borrow from Tanzania, which, despite having more ethnic groups, has no culture of ethnic politics.

Is multipartyism the right system?

Some participants were of the view that multiparty politics was divisive and sectarian and could accelerate chaos within society. To support this opinion, they observed that multipartyism had been responsible for the chaotic history of Uganda and that political parties are also responsible for the current incidents of political violence experienced at certain times within certain areas of the country. While no single participant suggested a reversal to a movement system, the need to “go slow” in the transition to multipartyism and on issues of democracy in general was suggested by some.

In spite of the above observations, the view expressed by most of the participants was that multiparty democracy was good for any country since it facilitated coexistence and progress. “If regimes do not have anybody asking question, they forget their mandate”, one participant stated. The presenters also emphasised multipartyism as a precondition for genuine democracy which would strengthen accountability, good governance and provision of social services and development generally.

One participant observed that Uganda has had several experiments with authoritarian rule and regimes that exhibited some level of democratic practice. She argued that the system of governance practised in Uganda was and still is the colonialist authoritarian system, inherited by the first leaders, and which has not fundamentally changed. Hence, according to her, “it is the masters that changed, but the relationship is still that of master and servant”. “From the colonial times, there was sheer authoritarianism. The colonialists did not accept any form of democratic pluralism, and this was the cause for the call towards independence, so that the people could govern themselves, by their own choice of leaders, and not be governed by colonialists. And even though there were elements of democracy at local levels, there were no political parties allowed to contest power to

govern the country. The same obtains today, where there is semblance of democracy, but the practice is in variance with the fundamental principles of democracy.”

On the question of incidents of violence experienced in the country, participants argued that this was usually a result of lack of democracy, and not vice versa. Particular reference was made to the statements by President Museveni when he warned in 1980 that if elections were not carried out in a democratic manner, he would go to the bush, which he actually did when he concluded that the elections had been rigged.

The question that the participants found challenging is how long does and should it take for Uganda to build and nurture its democracy, particularly multiparty democracy. Citing the examples of the UK and USA, which took over two centuries to entrench the culture of democracy, one participant observed that building democracy in Uganda should be given time and not rushed and that democratic culture should be left to evolve slowly and naturally. This view, however, did not resonate with most participants who insisted that Uganda can and should build and exercise genuine democracy in the present and not wait for centuries to pass.

What some participants considered to be a challenge to the multiparty system is the observation that the opposition parties were simply taking a cue and copying from the West, besides asking for money to implement western ideas (of democracy), and not trying to apply Uganda's homemade solutions. Furthermore, they argued that multiparty politics was a luxury, and only suitable for the more industrialised countries which had principled visions. The response to this view, from both the presenters and participants, was that it was good to share the experiences of other countries in order to facilitate and speed up the process of democratisation. In addition, the presenters deemed the criticism of getting

assistance and help from the West to be myopic, arguing that the world was now a “global village” and hence countries should share experiences, which experiences should enliven their own debate about progress, development and prosperity, and not to curtail the process of mutual partnership for development based on narrow individual interests. In support of this view, one participant stated: “We cannot construct a completely indigenous system of governance, political, economic or even social in the 21st century. The 21st century nation cohabits with fellow nations in the global system, global village, and must of necessity work together, for mutual benefit.” Similarly, another participant noted: “We do not need to re-invent the wheel; we can borrow from experiences abroad, and even within the region, in Kenya, after the successful referendum, and even in Ghana, the experience, born of a political culture of term limits, is creating a difference.”

Lack of political will to entrench democratic ideals and practice

Some participants argued that the NRM was showing lack of pre-emptive and propulsive action to enhance free and fair elections and hence democracy. They complained that, for instance, the government had refused calls from various actors, including research and reports from foreign governments and the Ugandan judiciary, to dismantle the Electoral Commission for lacking the merit to carry out free and fair elections.

Are the checks and balances to power sufficient to ensure successful multiparty democracy in Uganda?

Lack of separation of powers

A participant noted that if the French political thinker Baron de Montesquieu, who coined the term ‘*Trias Politica*’ which translates into ‘separation of powers’, referring to a model for

the governance of democratic states, was still alive, “he would definitely not be amused by the current use of these words [...]. This is because although modern ‘democratic states’ like Uganda have adopted this model in their constitutions to protect democracy and prevent dictatorship, this is only so on paper as two of the three arms of the state – the judiciary and the legislature – are only respected when there is need and disregarded when the executive finds it fitting.”

Lack of constitutionalism

It was noted that “having a constitution does not make the government to be constitutional or to exhibit the tenets of constitutionalism”. A participant explained that constitutionalism would go further than constitutionality, which would mean behaving according to the constitution, to the real concept of social contract, and that whereas Uganda gave herself a very good constitution in 1995, the country had not entrenched a good culture of constitutionalism. “Many people did not have a chance to see one president go, and another come in [...]. This complicates the issue of voting, since the leaders remain. The democratic culture is not being consolidated by elections because they are not free and fair. The lack of service to the people leads to extremes and the biting poverty makes it very hard for any person to choose properly,” he argued.

Another respondent combined his criticism with the issue of jiggers: “There is a contradiction, since, in President Museveni’s book, he argues that African presidents are stupid, that they fly in jets and their people have jiggers. One wonders what happened to him now that the same obtains and he is the president.”

Yet another commentator summarised his critical assessment as follows: “In Uganda, like in most African countries, leaders have a very narrow definition of constitutionalism. Leaders do not serve their people but they serve themselves and want

to keep power because they have vested interests. Politics is a source of self-aggrandisement, hence they want to benefit economically from political offices. It is clear that whatever takes place in Uganda today must receive the blessings of the president. This weakens state institutions, and becomes a potential source of nurturing dictatorships and arrogance in state institutions. The long grip of NRM party gives it structural, financial and institutional power to unsettle political power.”

Furthermore, one participant argued that the lack of constitutionalism was also promoted by the “lack of respect to the constitution by the president.” He further observed thus: “Museveni once said that at times, the constitution is not the best way to govern a country, since it allows wrong and doubtful people to run and gives them opportunity to rule. Hence, he is not willing to hand over power to such people. Such statements are a bottleneck to ensuring that the constitution and statutes can check the executive, especially the presidency.”

The advantage of incumbency

According to some comment, the ruling party would take advantage of the incumbency, and hence weaken other parties.

It was argued that the incumbent, in this case the NRM, had political experience, money, and unrivalled media coverage unlike the opponents, and also access to state resources. As one participant stated, this could be seen during the nomination of UPC presidential candidate, Olara Otunnu, when the Uganda Broadcasting Corporation (UBC), the state broadcasting service, decided to air the previous day’s events (of the incumbent president’s nomination), whereas it had broadcast President Museveni’s nomination live. He further argued that “the president uses public resources, and turns every other occasion into a political gathering, campaigning for another term [...]. There is also a tendency of the state-owned media to portray the

government side more than other sides. Avenues of communication are highly subscribed by the governments. The incumbency is too much. It manipulates things through handouts, privileges and patronage, hence by the time of elections, so much government money has been spent on rewarding those who will be supporting the incumbency, and it is not easy for the opposition to also mobilise such enormous resources.”

To what extent has the level playing field been established in Uganda?

Adversarial relationship between political parties and NRM

A participant stated that to develop political pluralism, there was need for the existence of a political climate that enabled and stimulated active participation. The gist behind this argument is that political parties, whether in government or in the opposition, should share ideas in the interest of advancing the common good: “The failure to obtain this situation negates the advancement of not only free and fair elections, but development generally. The relationship is not peacefully competitive, but adversarial.”

Electoral Commission

Participants complained that the EC, which is supposed to be impartial, had, among others, commissioners who were “rejected” party leaders, and seem to have been appointed to the commission as a rewarded for being NRM loyalists. This, viewed in the context of the president’s statement that he would fill various key positions in government with NRM carders, and the report from US, the courts and other agencies that the EC is not impartial, in the words of one participant “leads to a natural blow below the belt for any competitors depending on the commission to defeat the ruling NRM”.

Electoral malpractices

There was also the concern by participants that incumbent leaders can rarely be defeated in elections owing to electoral malpractices. Participants pointed out electoral malpractices such as bribery and vote rigging, usually in favour of incumbents, as some of the factors that make it difficult for new entrants to win political offices.

Weakening opposition political parties

One other factor that leads to lack of a level playing field, as far as one participant was concerned, is the deliberate government policy to weaken parties. He lamented that in many cases, the police were always on standby to disperse the opposition whenever they attempted to meet the public and that there was intimidation of opposition supporters by security agents.

Opportunities to be pursued

Participants also noted that there are opportunities which could in time enhance the practice of multiparty democracy. Examples are given below.

- A tendency to have regular elections. Elections, despite their faults, are a good training ground for citizens to learn about democracy and about what to look for in the person who should lead them.
- Some level of political stability, and hence a good ground for consolidating democracy.
- Ugandans, according to recent ratings, have a strong belief that the judicial system is somehow independent and fair to all sides. This followed the acquittal of Kizza Besigye by the Supreme Court and the acquittal of Andrew Mwenda of treason charges. A strong judicial system is a prerequisite for multiparty democracy.

- There are various avenues for lodging appeals, e.g. the Human Rights Commission, courts of law, the Ombudsman, etc.
- Despite limitations, a diversity of radio stations, newspapers, websites and other media exists, which can help in deepening democracy.

Inability of the opposition to penetrate special constituencies at the grass roots

According to one participant, it is difficult for the opposition to penetrate the special constituencies, for instance, the army, the workers and the disabled. He also complained that “the Movement also killed the multiparty system at the LC levels when it changed the LC 1 Chairman into an administrative position without providing for elections of the same officer, whereas the same officer is an NRM person, under the Movement system. This hijacking of the LC1 system leads to a death blow of democracy at the grass roots.”

Fear of violence

Some participants expressed fear of violence, particularly in the light of the violence experienced already during the NRM primaries. One commentator summarised this fear thus: “One wonders what will happen when it comes to the time for real contest. The NRM refers to the opposition as enemies, and not political competitors, and not equals. This trickles to the society, and whoever is in NRM thinks that the opposition supporters are enemies, and leads them to violently crush that other person [...] this confrontation is used to frustrate the development of multiparty democracy in Uganda.”

Concerns were also expressed with regard to the militarisation and policing of elections. According to one participant, “this arrogance, dominance, militaristic or militarisation of politics in the country cannot be divorced from the Big Man syndrome that pervades the Uganda society today.”

Participants expressed concern that the army continues to engage in elections “usually in a partisan manner”, especially in stopping public assemblies organised by political parties and even uttering strong political statements. This would create a feeling on the part of the opposition that they are not entirely free to enjoy their political rights and freedoms.

However, the presenters noted that, generally, security officers are well trained individuals. Not all of them could be considered to be spoilers. There were only a few who would end up using their skills to cause fear and to intimidate people with differing opinions and political affiliations.

Central to the discussions was the problem of weak internal democracy in all political parties and the limited tolerance of divergent political views by actors. In the wake of internal party elections that have been marred by malpractices and violence, participants expressed worries that such a negative trend could easily spill over into the general elections in 2011. This, they expressed, would greatly jeopardise Uganda’s democratisation process. The participants challenged each other to take up the responsibility of promoting the values of tolerance and other democratic virtues.

Commercialisation of politics

One further argument put forward was that the Movement system had commercialised the political parties. Ideally, it is people who should finance the party, but now it was the party financing the political process. As one participant noted, “since the government in power has access to rudimentary approaches in doing the same it is bringing a lot of challenges”. He further stated that “commercialisation of politics has grown over the years and has made the ground extremely unlevelled, with vehicles given to religious leaders so that the entry point becomes extremely difficult”. Another participant observed that the opposition members of political parties would not contribute adequately to fund their parties: “They do not contribute, and hence, their parties are constantly broke and cannot hold massive sensitisation campaigns.”

PART II: The Actors - Political Parties

Introduction

Yusuf Kiranda

A key component of a democratic system is the capacity of political actors to fulfil their functions and ensure their effective performance. Thus, in order to examine the state of multiparty democracy in Uganda by 2011, an assessment of the political parties as central actors in the democratic process is made. As the first part of this publication has addressed the political environment, the second part will focus on the actors, examining their credentials for effective governance in Uganda's new multiparty order.

To have a more comparative discussion, the opposition, representing the political parties out of government including, among others, the Conservative Party (CP), the Democratic Party (DP), the Forum for Democratic Change (FDC), Justice Forum (JEEMA), the People's Progressive Party (PPP) and Uganda People's Congress (UPC), is pitted against the political party in power, i.e. the National Resistance Movement (NRM).

The focus of the discussion is how far the parties in the opposition, whether as individual entities or a coalition, present an alternative to the NRM. This question statement is not in any way intended to make judgements on the NRM in terms of whether or not it has been able to deliver effective governance both as a system before and as a political party after the opening up of political space in 2005. Rather the focus is to examine the readiness of the political opposition as a government-in-waiting – which is a fundamental principle of multiparty democracy – to deliver effective governance if it were to remove the NRM from power. Three questions guided the discussions.

- Do the political parties in the opposition have the capacity to win government power from the ruling NRM in a democratic process?

- How far do the political parties in their present form meet the minimum requirements to be able to establish and sustain a government?
- Do the opposition parties present any clear programmatic proposals for effective governance?

The two papers in this section are contributed by political practitioners from opposite sides of Uganda's political spectrum and hence represent diverging views: Mr Awel Uwhanganyé's paper is argued from the NRM side while Mr Omar Kalinge presents his arguments from the opposition perspective. The views of several stakeholders of this subject are presented together with a synthesis of the discussion from the symposium. This introduction is an attempt to narrow the debate down to some of the specific considerations in assessing the extent to which the political opposition in Uganda presents a viable alternative to the NRM government.

Political Opposition in Uganda's Democracy

A discussion of the legal existence of political opposition as a tenet of democracy is justified, in particular in countries like Uganda with over 20 years of the Movement system. Throughout the entire period of the Movement system political party activities had been banned in Uganda although the Movement itself in many ways acted as a political party. Was Uganda therefore not a one-party state at that time? This question could also be examined in the light of the fact that, following the referendum of 2005, the Movement without any significant changes registered and transformed itself into a political party.

The fact that, owing to the ban on political party activities, the parties could not present their objectives and programmes to the population is crucially important in this context. There was

no mechanism for informing the citizens that another political organisation (party), other than the NRM, could provide an effective government. The negative history of political parties before the advent of the Movement also could not help the situation. The parties had been associated with dividing the population along ethnic lines and with promoting conflict and violence within the political process. This backdrop to multiparty politics had been presented by the NRM as a key factor in banning political parties and continued to be the strongest content in the NRM propaganda against multipartyism. In summary, during the time the Movement system held sway, political parties (and therefore political opposition) were not just banned but were also presented as dangerous for the country.

The period before the advent of the Movement was not any different with regard to the functioning of political parties. There had not been a period in Uganda's past where the political opposition had been able to harmoniously exist and challenge the ruling government. The relations were always adversarial. And thus there had been banning of political parties under both the Milton Obote and the Idi Amin regimes.

In spite of the above challenges, it should be observed that the existence of a formal and credible opposition to any government is essential for genuine democracy to be practised. In this case, the role of the opposition goes beyond monitoring and providing checks and balances to the government in power to include the fundamental value of presenting citizens with an alternative government.

Given the purpose of the opposition as a government-in-waiting, it is very necessary that the political environment allows this alternative government to effectively organise and become strong and to contact the population and to present their policy alternatives. There are several factors in the case of Uganda which would allow the conclusion that the political

playing field is not level, to the disadvantage of the opposition. In many instances, the NRM has an advantage in the political system beyond the normal benefits of incumbency. Implicitly, this means that even when the opposition on its part is credible enough to be considered an alternative government, the conditions within which they have to compete may make it very difficult for them to win power and form a government. Thus the contributions in this part also take a look at the external challenges that may affect the possibility of the opposition to win power and form a government in Uganda.

Do Uganda's Political Parties Meet the Minimum Standards as a Government-in-waiting?

The core goal of any political party is to win government power for it to be able to implement its policies and programmes. There are some minimum standards that a party should meet for it to be considered a government-in-waiting. These include but are not limited to having:

- legal existence, i.e. it should be legally registered,
- well-established and functioning structures,
- visionary leadership,
- clearly defined objectives and policy alternatives for the country,
- popular and broad-based support.

Given the situation where 38 parties have registered since the 2005 referendum, it can be concluded that most of the political parties in Uganda meet the first minimum standard, i.e. legal existence. However, there are questions regarding the establishment and functioning of the party structures and the credibility of the leadership within the parties. Similarly, there are divergent opinions on whether the parties have

clear objectives and policy alternatives and whether they have popular and broad-based support.

As already pointed out, opposition political parties in Uganda had not been allowed to operate throughout the period of the Movement. It is therefore to be expected that other than being legally registered, the parties, including the ruling NRM, are most likely to score less on the other minimum standards. While it is important to recognise this challenge, there has to be some visible attributes within the parties against which they can be assessed with regard to the minimum standards. For example, since the 2005 referendum, each of the major political parties has been able to hold delegates' conferences and elect their leaders at least for the national-level structures. There are also continued efforts within several of the parties to mobilise nationwide support.

Does the Political Opposition Present Any Programmatic Alternatives to the NRM?

Critics of the political opposition in Uganda argue that the parties have failed to present any programmatic alternatives but instead have been focusing on what is termed the *narrow* objective of ousting the incumbent president and the ruling NRM from power. On the other hand, proponents of the opposition present the argument that the opposition parties have clear policy alternatives for dealing with Uganda's development challenges.

One aspect that is crucial to this debate is how far a political party should focus its campaign on ousting an incumbent leader. This is especially a legitimate question given the arguments and, in fact, the admissions by the parties themselves that the allied opposition under the Inter-Party Cooperation is intended to strengthen them so that they are able to defeat Museveni and the ruling NRM. Critics go ahead

to argue that beyond this objective, the parties do not have a clear outline of how they would govern the country better than Museveni and the NRM. Thus, this section will also take a look at the policy alternatives presented by the opposition.

Is the Opposition Able to Form and Sustain a Government?

There are cases where doubt exists with regard to the ability of the political opposition in Uganda to form and sustain a government. Two factors can be considered in this context. First is the argument that the opposition is too fragmented, with rather small individual parties having diverse and unclear ideologies, in which case none of the parties would be able to win power on its own. On the other hand, a union of the opposition is likely to be unsustainable given the overwhelming differences among the opposition parties. Second is the argument that the NRM is so entrenched within all state institutions, including the public service and the military, that it presents a daunting challenge for an opposition-led government to function effectively in Uganda.

Conclusion

Each of the two main contributions gives a diverging opinion on whether the opposition presents a viable alternative for effective governance in Uganda. It can be quite difficult to appreciate either conclusion. What can be taken into account, however, is that in spite of having several political parties, the UPC and the NRM are the only parties to have held government power in Uganda. At the time when each of these parties assumed power, they had significant shortfalls in organisation, structure and support. They were, however, all successful to varying but significant extents. This background has to be considered in assessing the viability of Uganda's current opposition as a government-in-waiting.

To What Extent Does the Political Opposition Offer an Alternative to the National Resistance Movement Government?

Awel Uwihanganye

Introduction

With the introduction of political pluralism after the 2005 referendum, Uganda started to be governed under a multiparty system. A key tenet of multiparty governance is that there is a ruling party and one or many other opposition political parties. After five years since the opening up of political space, more than 38 political parties had been legally registered in Uganda, although by 2011, only a handful are visible in the political spectrum. This is an indication that notwithstanding the challenges, Ugandans have embraced the new multiparty political system. This development and the aspiration for good governance have allowed the vibrancy of political parties' activities through active participation in the electoral activities as well as a degree of freedom of political expression. Prior to the 2005 referendum, Uganda was being governed under the individual merit Movement system, a creation of the top leadership of the NRM as an alternative to political pluralism that was at the time characterised by ethnic demarcations. Following upon the over 95 percent "yes" vote to go multiparty and the subsequent general elections in 2006, the National Resistance Movement Organisation (NRMO), which was one of the parties registered after the 2005 referendum, won government power at the presidential level, supplemented with an overwhelming majority of seats in Parliament. The overwhelming success of the NRM in the first multiparty elections after over 20 years indicated a system that is quite strongly entrenched among the masses.

Although the new multiparty political dispensation has galvanised Ugandans into effectively engaging in and with the political processes, doubt still exists as to the capacity of any of the opposition parties to become an alternative to the NRM. The political opposition in Uganda faces a number of challenges that are so formidable to overcome that the NRM still appears much stronger and capable of ruling the country for many years to come. On the other hand, the NRM is so entrenched that it remains the biggest challenge for the opposition to overcome. Thus, this paper presents the argument that the political opposition in Uganda in its current form and at its current level of organisation can neither defeat the NRM in a democratic process nor provide a better government than the NRM. This analysis is premised on the weaknesses of the parties from the historical backgrounds of the political opposition in Uganda since independence, related to the era after the abolition of multiparty politics under Idi Amin Dada and throughout the 1980s and 1990s when political parties were either banned or in abeyance.

It should be noted that the contemporary epoch represents the longest period under which this country has exercised multiparty democracy following the referendum. This was after nineteen years of the “no party” or Movement system. However, major challenges have been witnessed since the reintroduction of multiparty politics, namely: the influence of donor agencies and foreign embassies in shaping the path to multiparty democracy; lack of committed and focused leadership within especially the opposition parties; and tribal and religious factors which continue to play a central role in informing not only the formation but also the composition of the parties.

The paper concludes that whereas there are political parties in the opposition which are meant to serve as a government-in-waiting, the same parties still struggle with ideological positioning, lack focused leadership with a

clear vision to manage the affairs of the country, and are largely detached from the masses who live in the rural areas but instead appeal to the urban elite in making their case against the government. Lastly, the current opposition weaknesses are also a result of limited resources, as compared to the NRM party that has been in power for the last twenty-three years and that still enjoys the privileges of incumbency.

Topic Summary

The very topic presented for discussion – To what extent does political opposition offer an alternative to the NRM government? – presupposes that doubt exists about the capacity of the opposition in Uganda to offer a viable alternative leadership to the ruling NRM party. On the other hand, it also confirms the acknowledgement that the NRM government is governing from a position of strength, and is well entrenched systematically, which remains the biggest challenge for the opposition to overcome.

However, regardless of how one wishes to interpret the topic, the arguments presented in this paper will mostly confirm the doubts about the ability of the political opposition to offer a viable alternative for effective governance.

History of Political Parties in Uganda

The history of political parties since Uganda attained independence in October 1962 is an essential reference point for the state of opposition politics in Uganda today. Generally, the political parties that emerged as a basis for the struggle for independence were more pragmatic than ideological and were rooted in democratic principles and values. Basically, the euphoria that engulfed most African colonies around the time of independence saw African elites, who had attained education in missionary schools and universities in Europe,

spearhead this struggle. However, the people who led the independence movements were largely inexperienced in managing affairs of the state, and had not been adequately prepared by the outgoing colonial masters to manage a system which demanded checks and balances synonymous with democratic institutions. The final decision by the British to grant independence to Uganda earlier than expected and without allowing parties to establish themselves in an environment characterised tribal kingdoms and chiefdoms became the basis of their weakness.

Furthermore, the two major parties that were later to play a leading role in shaping the political destiny of the country, the Uganda National Congress (UNC) and later Uganda Peoples' Congress (UPC) and the Democratic Party (DP), were shaped by the events of the post-1890s. Although they were led by charismatic leaders such as Ignatius Kangave Musazi and Benedicto Kiwanuka and others, the parties had had barely enough time to prepare to assume the mantle of national leadership when the British colonialists eventually exited. The result of grouping all the tribal regions into one country to be known as Uganda without adequate preparation of the citizens' psyche was to lead to the formation of a state that was politically divided, thus encouraging the politics of 'divide-and-rule' (the UPC was Protestant-led and DP was Catholic-founded); it is this historical background that has led to the present-day recruitment in political parties based on tribe, region and language.

Therefore, parties in Uganda, just like elsewhere in Africa, whether they are in government or in the opposition, were neither formed nor based on serious values but on personalities and sectarianism. Added to the tribal and religious divisions that were central to the formation of these parties were the methods put in place to exploit national resources and to employ citizens. In the case of Uganda, a culture of 'eating' developed and each region, tribe and religion bitterly struggled

for a share of the 'national cake'. The pursuit for leadership and control of each party's leadership therefore became an avenue for a particular group of people to gain access to political power and national resources at the expense of others. Specifically, this method of work was never to be a good foundation for the future political opposition to build on.

Pursuing access to political power and control of national resources sometimes resulted in unprincipled and unholy political marriages to get into power. The first such marriage of convenience was the *Kabaka Yekka* (KY) and the UPC alliance which was designed to undermine the DP that was due to take over political power and whose chances of emerging as a major political player in the post-independence era were evidently high. Because this alliance was never grounded in firm principles and ideological thought, it led to bitter tribal divisions between the North, mainly comprising the Luo who were the main supporters of the UPC, and the people of central Uganda who are predominantly Baganda and constitute the bedrock of the KY.

This unconventional political arrangement by UPC/KY intended to gain access to political power by whatever means was to lead to the 1966 crisis and the political chaos that ensued thereafter. The flight of the Kabaka Edward Mutesa I to the United Kingdom and the desecration of his kingdom still reverberate even in modern Buganda. It is no wonder, therefore, that owing to Buganda's central geographical location, history and centrality to the country's politics, Idi Amin returned the body of the deceased King of Buganda and former first president of independent Uganda, Sir Edward Mutesa I, to the country for burial. Despite being the commander that the then Prime Minister, Dr Apollo M. Obote, had sent to attack the Lubiri palace in 1966, this somewhat endeared Amin to Buganda.

Today, the formation of the Inter-Party Cooperation by the three parties (FDC, Jeema and SDP) seems to resemble the main intentions of the UPC/KY alliance of the 1960s – to ally in order to topple the incumbent regime. However, some of the parties (first the DP and later the UPC) have fallen out of this co-operation not so much over the vision or direction the country should take, but rather over the strength of the parties and the type of candidate to be selected as presidential flag-bearer. The other contentious issue that saw the UPC quitting the co-operation is over the question of whether or not the opposition should participate in the forthcoming 2011 general elections. Dr Olara Otunnu, the president of UPC, insisted that the IPC should boycott the elections because the NRM government had refused to disband the Electoral Commission (EC); he strongly argued that the EC is partisan in its actions and that it favours the NRM party. On his part, Dr Kizza Besigye, the IPC flag-bearer was clearly in favour of participation in the election as the struggle to disband the EC continued. However, it came as a surprise that Dr Olara Otunnu, who had broken away from the IPC marriage on the grounds that he would not participate in an election presided over by the existing EC, was a few weeks later nominated as presidential candidate on the UPC ticket in a process presided over by the same EC. Could it be that there are “hidden factors” behind the UPC-IPC fallout and that the issue of participation or non-participation in elections organised by the current EC is simply a blindfold? Whatever the case may be, the shifting positions within the UPC on this issue clearly indicates a lack of principle and firm convictions among some leaders in the opposition, which is perhaps one of the most important hindrances to the positive development of the opposition parties in Uganda. It also points to the level of immaturity of some of the leaders who wish to become an alternative to the present NRM-led government.

Tribal and Religious Aspects

In Uganda, as in other African countries, politics is practised along ethno-regional lines.

Generally, the parties that are formed are supported through personalities and organised groupings, especially tribal and religious ones, in the absence of established party structures as elaborate channels to be used to win nationwide support. Most party activities end up being conducted in the capital city, Kampala. The views and aspirations of the majority of the voters who live in the rural areas in poverty-stricken conditions tend to be ignored. It is, therefore, arguable that the way in which party functionaries relate with the realities is based on rhetoric and is largely devoid of values and principles of common national interest. This approach to party activities has bred a narrow membership base hinged on tribal, religious and other forms of sectarian allegiance rather than on ideological convictions and both subjective and objective conditions obtaining in the country. It is also quite clearly evident that tribal and religious influences dictate the nature of the policies and leadership within these parties.

At its inception, the DP was formed by Baganda Catholics to counter the UPC that they viewed as geared towards advancing the interests of Protestants. To date (in 2010), the DP is still struggling to appeal to a broad section of Ugandans because of its historical genesis. In fact, the party's President-General, Norbert Mao, is still struggling to win the loyalty of several forces within the party who do not support him largely because he is a Northerner. A splinter group has since emerged after the elections held in Mbale on the 21 February 2010. The election of Norbert Mao as president of DP was engineered by some of the progressive youth within the party, who wished to see the party's image renewed based on a national character. However, this objective is being opportunistically undermined by the same forces rooted in the prejudices and narrow thinking from a breakaway DP faction who still want

to hang on to the old politics of sectarianism. After legally failing to challenge the election of Norbert Mao as president, they have since broken away from the mainstream party, to form their own party led by a hitherto unknown Sam Lubega. In the same vein, a Baganda-dominated political organisation with links to the Mengo establishment called Ssubi 2011 has suddenly come on the scene. Like the KY of the 1960s, Ssubi 2011's main agenda is to campaign for a federal system of government and promote Buganda's and the Kabaka's interests ahead of the 2011 general elections. It is also seen as a strategy to deny Norbert Mao outright support in Buganda, where DP previously enjoyed popularity. Because of DP's narrow outlook and internal crisis, its political future is yet to be fully redeemed. What remains to be understood is the driving force behind Ssubi 2011's alliance with the IPC at the expense of the NRM which restored the kingdoms except in Ankole, as well as the DP which espouses most of Buganda's interests.

This tribal and religious allegiance is also one of the factors that shaped the hierarchy of the breakaway faction of the Social Democratic Party (SDP) led by Hon. Mike Mabikke. Just like the main DP faction, the SDP is a predominantly Baganda-led party with a high concentration of Catholic membership.

The same can be said of the UPC which, apart from being predominantly supported by Northerners, also managed to win only 10 parliamentary seats, most of them by Northerners. The party is also under pressure to redefine itself after the death of Dr Milton Obote, its founding and longest-serving president, who was succeeded by his wife Miria Obote. His son, (Hon.) Jimmy Akena, failed to succeed his mother in the electoral contest where Dr Olara Otunnu emerged the winner. With Dr Olara Otunnu's election as president of the UPC, the leadership of the party is still Northern-oriented.

Newer Political Parties

The newer political parties, such as Justice Forum (JEEMA) led by Asuman Basalirwa, People's Progressive Party (PPP) led by former NRM Cabinet Minister, Jaberu Bidandi Sali, and the Social Democratic Party (SDP) led by the Hon. Mike Mabikke, the Forum for Integrity in Leadership (FIL) led by Emmanuel Tumusiime, and other inconsequential ones, remain on the fringes of the political process. It is only the Forum for Democratic Change (FDC) led by Dr Kizza Besigye which had succeeded in winning over three million supporters by 2006, thus posing a serious challenge to the NRM government. Yet again, Dr Kizza Besigye, who has been selected as the IPC's flag-bearer, is to tussle it out with President Museveni in the 2011 presidential race.

Whereas the FDC has proved to be a formidable force in the country's multiparty politics that is not built on religion or tribe, like other opposition parties, it, too, faces serious challenges in its effort to dislodge the NRM from power. Its main challenges are failure to establish a party based on values and principles synonymous with democratic systems, and a lack of responsible and principled leadership. The FDC founding leader Dr Kizza Besigye, a former member of the NRM and a retired colonel of the Uganda People's Defence Forces (UPDF), has failed to build the party with ideas and vision beyond his disagreements with NRM, thus failing to position himself as a national figure who can bring transformational change.

He has mostly built the party on the basis of opposing NRM policies and largely failed to champion any particular issue successfully. He has also not been able to market his ideas as alternative policy positions. Other than campaigning for the removal of President Museveni, his former ally, the FDC has not built a new political environment based on values, principles and participation across the board. Instead a culture of intolerance and violence looms over the party activities as

recently witnessed in its primary elections to choose the party flag-bearers.

The other shortcoming of the FDC president, Dr Kizza Besigye, is that he has fallen into the same trap of the leaders he criticises by refusing to hand over power within the party to another capable leader. Since FDC's inception in 2000, he has been at the helm of the party as president and as its presidential candidate, losing to President Museveni twice in 2001 and 2006. The insistence on Besigye's part to remain party president for another term and to offer himself as presidential candidate in the 2011 general elections, where another attractive candidate existed in the person of General Mugisha Muntu, was a major setback for the party for it lost an opportunity to project itself beyond the leadership of just one man. The FDC therefore lost the moral high ground to argue that the NRM was pushing for a life-presidency project by removing the presidential term limits as a constitutional requirement.

The NRM and Incumbency

Uganda's political system is established on the basis of Western multiparty democracy, with a strong British influence. This means that the system is built on the three different arms of government, namely the Judiciary, the Executive and the Legislative. Whereas this particular system remains the ideal to ensure democracy and personal freedoms, for a country like Uganda which is still considered a developing nation, it can have negative outcomes, which has to a certain extent affected the performance and readiness of the opposition as a government-in-waiting. Within the mainstream parliamentary representation, there are special interest groups which are represented as either nominated members or elected through electoral colleges. All districts in Uganda have a woman representative. In addition, there are ex-officio members, the youth,

the disabled, workers' and army representatives. To have a significant impact on policy when motions are presented, a quorum has to be satisfied, that is a two-thirds majority has to be fulfilled if any bill is to be passed. The opposition is constrained by the reality of numbers in effecting any meaningful contribution to policy debates and consequently oversight of the Executive. The NRM maintains an absolute majority in the Eighth Parliament, and indications are that the situation will not change much with the Ninth Parliament. Out of the 333 Members of Parliament, 212 are NRM, compared to a meagre 38 from FDC, ten from DP, ten from UPC and one each from CP and JEEMA. Others include the army representatives (UPDF) and 37 independent MPs, who mostly vote with the NRM. The above statistically illustrates how formidable a party the Movement is. Managing to triple all the opposition members combined clearly shows that the opposition still has a long way to go before it is able to replace the NRM. It would not even be conceivable that the opposition can sponsor and pass a bill that is not favoured by the ruling party. Unless the opposition reverses this trend in the forthcoming general elections, it is likely to be next to impossible to for power to shift in the foreseeable future.

However, much as the NRM government's performance is marred by shortcomings with regard to service delivery, it has to a large extent improved the standards of living of the ordinary Ugandan citizen. As we head into the February 2011 general elections there seems to be a growing perception that the opposition is less prepared to take on Museveni and his ruling NRM government. This is highlighted, for example, by the local council by-election of 24 May 2009 in which the NRM fielded 625 candidates unopposed out for the 1400 positions contested – that is a nearly 48 percent sweep of the by-election before polling day. All this clearly illustrates how the NRM government is deeply entrenched within the livelihoods of Ugandans and the massive support it commands. It also demonstrates how the opposition has failed to find a

clear-cut penetration strategy to reach a potential constituency. Furthermore, the failure of the political opposition to facilitate alternative policy proposals on key sectors like the economy, public service, security, roads etc, as they have often been more vocal about what they do not want rather than what they actually stand for.

Being the incumbent party, the NRM is still a force to be reckoned with in Uganda's political arena as far as the opposition is concerned. The ability to access state resources as well as having the upper hand in terms of mobilisation structures has further strengthened the NRM's capacity to withstand opposition tactics and even counter them. The Movement is still deeply entrenched within key sectors of the economy such as agriculture, security and energy where it has a strong influence. This has made it very difficult for the opposition to make any significant impact on the nation. Having such privileges and abundant resources at their disposal, the NRM has fully tightened its grip on power, frustrating efforts by the opposition to assert themselves on the scene and to offer counter-efforts to mobilise the masses to replace the incumbent government which has for the last five years based its programmes on the fundamental principle of "prosperity for all".

Whereas some of the policies the NRM government has implemented have largely been unsuccessful, it can be credited for at least introducing them. For example the NRM government has implemented Universal Primary Education (UPE), which increased affordability and accessibility to primary education for the average Ugandan child. Despite the apparent shortcomings of this policy, the opposition has failed to give alternative policy advice and sensitise the public to the better strategies they would employ to implement the UPE programme should they assume control of government. They should, for example, have drawn up an alternative strategy with specific solutions such as a reduced teacher-

student ratio through the introduction of study timetables for different groups of pupils. This gives an ideological opinion on the situation which has an objective undertone to it.

This failure to create and market alternative policy positions and instead of only reacting to those presented by the NRM, has weakened the opposition in the eyes of the public and portrayed its leaders as just power-hungry individuals with no clear mission, vision and strategic objectives to effectively govern the nation.

On the economic front, the NRM, it is generally agreed, even among critics, that in general Ugandans are economically better off under the NRM. The NRM has steered Uganda through major economic achievements such as sustainable rapid economic growth, with the GNP growing at an average of 1.5 percent for over two decades, according to a World Bank report on sub-Saharan African countries. The mortality rate has reduced, thus creating a huge consumer market and altering the demographics of the electorate.

The other achievements under the NRM which give it credit in the eyes of the public include the ability to demystify the power of the army, which in the past used their position to terrorise rather than protect and defend the people.

These notable successes by the NRM, and in the light of the opposition's low level of exposure to national governance, present the opposition with a serious challenge of convincing the electorate that they can provide better service.

Donor Support to Opposition Political Parties

For as long as the main funders of opposition party activities remain largely foreigners and outsiders, the perception and the reality will remain that the same parties are primarily accountable to foreigners. For effective democracy to be

established in Uganda, and internally within the different political parties, Ugandans have to be encouraged to create ownership by making the necessary contributions that will facilitate party activities. At the very least over 50 percent of the necessary resources should be raised internally among the membership and well-wishers within the country. What is true, though, is that political opposition activities in Uganda have been largely funded by foreign donors, development partners, and foreign missions, which include The Deepening Democracy Programme, a basket of funds to which five donor countries accredited to Uganda contribute. The support to most politically active organisations, including political parties, is targeted at increasing activism in dialogue and deepening democratic participation among ordinary persons.

However, in offering this support to the political parties which heavily rely on these funds to organise their activities, the different donor and support agencies insist on particular approaches of engagement and in the process distort the natural development of these parties, and sometimes force choices of issues to champion into their plans. Part of the strength of the NRM party has been the ability to access resources from within and therefore it rarely uses external funds in organising party activities, which allows the freedom to choose any strategies and approaches, free of any outside influences. The IPC was seemingly an idea supported by the donors with a genuine interest in strengthening political opposition ahead of the 2011 general elections, but has failed miserably, leaving the architects in disarray. The failure to raise funds internally and to create strong grass-roots structures, results in a feeling that the party is not authentically 'owned' by ordinary Ugandans, and therefore creates opportunities for the ruling NRM party to undermine them in the eyes of the public.

Conclusion

In the light of the above, it is glaringly clear that, after over two decades, Uganda's second attempt at political pluralism has achieved only limited progress. The lack of understanding of multipartyism within the general citizenry, coupled with lack of civic competence of our leaders, is directly impinging on the effectiveness of opposition political parties to reorganise themselves and constitute a formidable force that can challenge the status quo established by the NRM government.

It is clearly demonstrated that multiparty politics has been introduced in both legal and practical terms. The NRM as the ruling party and the opposition are now locked up in a serious struggle for the minds and hearts of Ugandans through political competition. The fact that the NRM party, the successor to the NRM, has been in power for about 23 years to-date has given it the leverage to control the political destiny of this country. The opposition parties, which seek to dethrone it, have not demonstrated the capability to do so, at least as of now. Unless the opposition parties can sort themselves out individually, let alone entering into the IPC arrangement, they will find the ouster of the NRM party from political power an extremely daunting task.

To What Extent Does Uganda's Political Opposition Present a Viable Alternative for Effective Governance?

Omar D. Kalinge-Nnyago

Introduction

The central issue in Uganda's political transition from the monolithic National Resistance Movement (NRM) (system) of 1986-2005 to the current multi-party system was and still is whether or not there is scope for opposition political parties to provide a serious and meaningful challenge to the ruling party. This is because democracy will only thrive if the opposition becomes viable, on the one hand, by enjoying the capacity to compete effectively with the incumbent party and, on the other hand, by portraying itself as a capable and credible government-in-waiting. An effective opposition is an important measure of the extent to which a system based on political pluralism will become a vehicle for the realisation of democracy.

Uganda is a democracy in transition. Like in all transitional democracies, political parties, especially those in the opposition, face numerous challenges, some external, others internal. The prevalence of these challenges (as will be discussed later in this paper) usually leads some political observers to the thought that opposition parties in transitional societies may not have the capacity to organise, mobilise and win power in a democratic process. This paper examines the extent to which the political opposition in Uganda can be considered a better alternative for democratic governance by analysing the existing weaknesses and strengths of the opposition parties as well as their political ambitions.

Political Parties and Democratic Transition

The existence of effective political parties is a prerequisite to multipartyism and hence to democracy. They are one of the primary channels for building accountable and responsive government by providing a link between ordinary citizens and their political representatives. They represent political constituencies and interests, recruit and socialise new candidates for office, set policy-making agendas, integrate disparate groups and individuals into the democratic process and form the basis of stable political coalitions and hence governments (Reilly, Nordlund 2008). Beyond these functional activities, parties provide a number of deeper systemic supports that make democracy work effectively. For example, they mediate between the demands of the citizenry on the one hand, and the actions of the government on the other, thus aggregating the diverse demands of the electorate into coherent policy. They also make effective collective action possible within legislatures. The importance of political parties in transitional societies is magnified in conflict-prone societies. As key agents of political articulation, aggregation and representation, political parties are the institutions that most directly affect the extent to which the social cleavages are translated into national politics.

Political parties in transitional countries, and also in Uganda, display several weaknesses across the board that undermine their ability to deliver the kind of systemic benefits on which representative politics depends. Some weaknesses are listed below.

- Political parties are frequently poorly institutionalised, with limited membership, weak policy capacity and often shifting bases of support.
- They are organisationally thin, coming to life only at election time.
- They often lack a coherent ideology.

- They often fail to stand for any particular policy agenda.
- They often fail to ensure disciplined collective action in Parliament.
- They also struggle to manage social conflicts and fail to deliver public goods and thus to promote development. (Ibid, 2008)

Characteristics of Uganda's Opposition

The opposition's landscape

There are dozens of political parties in Uganda that can be classified as opposition parties. However, a group of five opposition parties, namely the Conservative Party, the Forum for Democratic Change, Justice Forum (JEEMA), the Social Democratic Party and a pressure group named Ssuubi, have agreed a joint electoral platform – Inter-Party Cooperation (IPC) - and have already chosen a joint presidential candidate. They have also agreed to field single candidates at all electoral levels.

The IPC is the embodiment of the honest and stark realisation by the cooperating parties that no single opposition party is strong enough to confront the ruling party alone, that it is only through collective action that this can be done. It is also a response to the opposition population's long-held demand for the opposition parties to pool the scarce resources and work together for peaceful democratic change in Uganda.

Other major parties, such as the Democratic Party, have had a different view of this. The DP believes that putting all their eggs in one basket risks reducing the chances of the opposition to sufficiently split the national presidential vote. The DP, too, recognises that they cannot win the election alone, but that their participation outside a pre-election alliance would reduce the chances of the ruling party's presidential candidate

to win an absolute majority in the first round of elections, thus forcing the top two contenders into a second round.

The DP seems to be bent on the thought that a meaningful alliance would then be possible after the true strengths of each party have been determined empirically, by looking at the results of the first round. The IPC does not want to think in terms of a second round; instead it thinks that it is possible, by pooling all available opposition resources, to win the ballot in the first round. The IPC focuses on the performance of the ruling party's presidential candidate in the past three elections, which indicate a nearly 10 percent loss of support in each subsequent election. In the recent past, the divisions and confusion in the ranks of the ruling party arising out of a poorly managed and consequently disputed primary election have emboldened the IPC further to seriously pursue a first-round victory.

The DP has indicated the desire to cooperate with the IPC parties only at the parliamentary and other electoral level, such as the local governments. This would be a tall order, considering that it already has a presidential candidate in the election, Nibert Mao, competing against the IPC candidate, Dr. Kizza Besigye. The DP argues that the ruling party would be sufficiently weakened if their absolute parliamentary majority is reduced. It tends to espouse a parliamentary election strategy than the presidential, which is clearly the IPC pie. The IPC is not persuaded, though, that both presidential and parliamentary victories cannot be achieved in the first round, especially as they have agreed a joint electoral platform, with one preferred candidate from any of the alliance partners standing in every electoral position.

The debate still rages on, and may not be resolved in the next few days. It seems that only time will tell. The results of the 2006 elections point to a voter trend of dominant candidature, forcing a two-way race on the electorate. In 2006, as in 2001,

there have been two dominant candidates: NRM's Museveni and FDC's Besigye, who is now the IPC joint candidate for 2011.

Alliance/coalition politics in Uganda

There is also the lingering matter of the vulnerability of coalitions, as evidenced in Uganda's history evoking the memories of the Uganda People's Congress-*Kabaka Yekka* alliance, and the Uganda National Liberation Front (UNLF), the political-armed coalition that overthrew Idi Amin. Across the border, neighbouring Kenya has had its nasty experiences arising out of a political coalition gone sour.

One of the arguments pointing to the uncertain future of a coalition-led change of regime in Uganda in 2011 is that Uganda would slide into anarchy after the NRM regime is defeated. Frequently cited is the possibility that the coalition partners are too diverse ideologically and seem to be bound together only by their ambition to break the 24-year incumbency of Yoweri Museveni. These arguments tend to use history not as a source of learning and correction, but as a tool of bondage. It seems there is a growing school of thought that seeks to hold Ugandans hostage to historical experiences.

What is interesting is that whatever is said about political alliances in Uganda, these alliances have caused real change at every stage of Uganda's political history, starting from the independence struggle of the 1950s to 1962. When Idi Amin interrupted the not-so-democratic civilian administration in 1971, it took eight years of coalition-building until a final putsch, largely supported financially and militarily by Tanzania, was launched at Moshi. The alliance was named the Uganda National Liberation Front (UNLF). In 1986, the final formation that overthrew the Okello Lutwa military junta was an alliance of Museveni's National Resistance Army, Moses Ali's Uganda National Rescue Front (UNRF), Fred Nkwanga's

Federal Democratic Movement (FDM) and Andrew Lutakome Kayiira's Uganda Freedom Movement (UFM). In all these cases, the alliances achieved their major objective, that is, of causing regime change and establishing a new administration. The resultant tensions and conflicts that followed the victories notwithstanding, the colonialists, Idi Amin, Obote and Lutwa did not return to power.

Ethnicity and religion within the political parties

There is the widely held view that political parties in conflict-prone societies are often based around narrow personal, regional or ethnic ties rather than reflecting society as a whole. This is not true for Uganda's opposition parties.

The argument that one of the reasons that political parties in Uganda are weak is because they are ethnic or religious or even personalised cannot be sufficiently persuasive. A look at the six parties which have representation in Parliament, and which can therefore be considered as major parties, confirms that none of them is ethnically based. The parliamentary parties in Uganda are: the Conservative Party (CP), the Democratic Party (DP), the Forum for Democratic Change (FDC), Justice Forum (JEEMA), the National Resistance Movement (NRM), and the Uganda People's Congress (UPC). They all have a national agenda and their membership is countrywide. An examination of the lists of delegates to the past two National Delegates' Conferences indicates no evidence of ethnicity – or even religiosity – in representation. It is, therefore, an easy pastime to assign ethnic and religious labels to Uganda's political parties. Generalisations such as the UPC is the party of Protestants from the northern region, the NRM the party of Protestants from the West etc. are extremely misleading. If at one time (perhaps 25-30 years ago) it was fairly reasonable to assign ethnic labels to some parties, it is not accurate anymore. Also a close look at the political party leaders displays a healthy national and religious

mix that can only promise a truly democratic future for the country.

Today, the DP Party President, Nobert Mao, is from the northern region. The DP National Chairman is Haji Baswale Kezaala from the Busoga tribe. In the election of 1996, JEEMA fielded Kibirige Mayanja, a Muslim from Buganda. Today the JEEMA Party President is Asuman Basalirwa, from Busoga. Throughout the 14 years of JEEMA's existence, the National Chairman has been a northerner, the Rev. Santos Okema. The Vice President has been a northerner, Alex Ojok. Today the National Vice Chairman is Ogwal Diana, from Lira (North). The head of JEEMA Women's League is Hellen Ajilong, from Teso. In the Conservative Party's last Delegates' Conference of August 2010, the party returned Dan Masumba of Bugisu, eastern Uganda, as Secretary General.

Beyond the discernible national nature of Uganda's political parties, there is the often neglected but critical indicator - voter preference. At the presidential level, in 1996, in the first election since the NRM took over government, an electoral alliance between two major parties, the UPC and the DP and led by the DP joint candidate from Buganda, was supported across the country. At the national level, Ugandans of all tribes and religions chose Col. Besigye for president in 2001 and 2006. Besigye is a Protestant from the western region. The rest chose Yoweri Museveni, another Protestant from the West. The Baganda, the most populous tribe in Uganda, chose a non-Muganda presidential candidate in both 2001 and 2006, and are likely to do so again in the 2011 elections. Mama Miria Obote and Ssebaana Kizito, both Baganda (Protestants), were rejected by their own tribesmates in the 2006 elections. Little is mentioned of the fact that JEEMA has been receiving more votes in northern Uganda, notably in Apac, than from Buganda, followed only by Busoga (1996 and 2001 general elections).

There is need for further analysis of parliamentary election results over the years. But there is evidence that Ugandans know how to rise above religion and ethnicity when it comes to political choices. This puts Uganda at the threshold of true democracy, if a few things are ensured.

Obstacles to Uganda’s Political Opposition Attempts to Form a Government

To ask to which extent opposition parties present a viable alternative for effective governance is also to ask whether they can actually assume power through democratic competition, i.e. through a free and fair election. Matters are not helped by the present electoral management body, the Uganda Electoral Commission, which is clearly a disputed body, deemed unable to deliver a free and fair election.

Uganda’s opposition parties have shown tremendous resilience and commitment since the struggle for the restoration of multiparty democracy in Uganda. The majority of the present opposition leadership has endured oppression and harassment, including imprisonment. Their party workers have braved police brutality in pursuit of their freedom to demonstrate, associate and assemble. The DP spearheaded the struggle for pluralism with unfettered determination throughout the years of NRM’s monolithic system. They went to the streets and to the courts, thus causing tremendous irreversible gains for democracy in Uganda.

The now not-so-prominent Uganda Young Democrats (UYD) was for a long time the only viable youth democratic movement in Uganda. Its products are now in the vanguard of the opposition DP. The DP’s Erias Lukwago, Kampala Central MP, is perhaps one of the most sued MPs in recent times. Some, like Mike Mabikke, MP Makindy East, now of the Social Democratic Party (SDP), have moved on to form new political parties.

Other opposition leaders have had more unique challenges, having triggered off the first transition by defecting from the ruling party in 2001. The exile and subsequent arrest of (formerly Reform Agenda's and now FDC's) Kizza Besigye on his return to the country from South Africa in 2005 just before the 2006 multiparty elections – the first of its kind- is a tale of resilience of the highest order. Despite trumped-up charges of rape and treason being brought against Besigye, he did not snap. He has since been acquitted of all charges, and for the first time in many years, he stands in a presidential election as a free man.

The majority of opposition leaders have been in and out of court, or in and out of prison on flimsy charges that would easily pass as unconstitutional. The struggle against the Mabira Forest giveaway saw opposition legislators bundled in prison for expressing their disapproval of the environmental violation the ruling party had sought to effect by giving away a large chunk of natural forest to a sugarcane investor in eastern Uganda. JEEMA's Hussein Kyanjo and FDC's Hon. Beatrice Atim Anywar, also affectionately known as "Mama Mabira", were thrown in jail and are still attending court. Kyanjo has been summoned to Police CID headquarters on more than a dozen occasions to explain himself on utterances he has made in pursuit of his freedoms.

There are more examples of resilience on the part of the better-known political leaders as well as the less-sung heroes, the party workers who have been incarcerated and often tortured in the so-called safe houses, with some being maimed permanently. Their cases have been documented in various human rights reports. The kidnap and torture by security forces of Buganda Kingdom officials-now-turned-opposition-politicians Medard Sseggon Lubega, Charles Peter Mayiga and Buganda loyalist, now Member of Parliament, Hon. Betty Nambooze are a case in point.

Role of the military

Related but even more critical is the perception that Uganda's military cannot hand over power to the opposition even after a democratic victory, as they are viewed not as a truly national army but a subservient tool of the ruling NRM and its enduring Chairman, who is not constrained by presidential term limits. This view, like others before it, are contestable, but there is need for a more frank discussion of this risk.

Despite the steps that Uganda has taken towards democracy, military involvement in politics continues to pose a serious risk. After Yoweri Museveni's re-election in February 2006, the Seventh Parliament voted to maintain the provision for ten nominated army Members of Parliament, entrenching the military further in Uganda's political psyche. In a multiparty system, the armed forces' role in politics remains risky, even suspect, and the army's pretensions to neutrality are sure to be put to the test.

The "rationale" for soldier representation in Parliament is embedded in Uganda's turbulent history. It has been argued that soldiers intervened twice to disrupt civilian rule, in Idi Amin's 1971 coup and again in 1985, because they were not sufficiently politicised or politically educated to understand their role in a democracy. They could therefore not grasp the relationship between civilian and military authority, which leads to indiscipline and rivalry.

Because the army must by default monopolise the power of coercion, the civilian population could only be victims of intimidation, physical abuse and often, decimation. This is the irony of history that should interest keen observers. In order to establish a new order in which soldiers would, according to the official story, "return to barracks", the gun was the preferred tool of the NRM when it waged a costly five-year war that left half a million people dead in the central region between 1981 and 1986. Yet again,

an army, this time a guerilla army, had established itself as a key factor in political change in Uganda. And it did not go back to the barracks. It came to Parliament (Kalinge-Nnyago 2006).

However, the Ugandan army in 2010 seems to be fairly professional and is not likely, in the event of a clear opposition victory, to sabotage the democratic process by imposing a loser on the electorate by force of arms. If they did so, they would be taking the risk of turning against the people, and the fate of past armies that did so should be vivid in their collective memory. It is highly expected that the present Uganda People's Defence Forces (UPDF) is not going to risk being disbanded like former armies, if they lost the war with the population. There is not a single time in Uganda's political history that the army has triumphed over the will of the people. The UPDF would not choose to reduce itself to a personal army of Yoweri Museveni. Nevertheless, to recognise the army as an important stakeholder is wise counsel.

Opposition Party Challenges

The opposition is yet to demonstrate clarity of strategy and approach for the following important areas:

1. meaningful engagement with civil society organisations (CSOs), business organisations, religious groups and traditional/cultural institutions – key institutions that must be convinced to participate in the agenda for change
2. a clear and comprehensive youth and women policy. The next election will be decided by the youth and the women. While every opposition party named has a youth and women league respectively, the leagues are structurally weak and administratively inefficient. The youth have tended to be a little undisciplined in some parties;

3. engagement with the security forces, especially the army, which are feared to be a potential obstacle to the consolidation of democracy. Negotiations for a peaceful transfer of power in the possible event of an opposition victory should already have started;
4. lack of demonstrable focus on development and people issues. The opposition has, on the most part, failed to mobilise the population for development, leaving development and people issues to the sitting government. Opposition parties have not invested in social programmes to uplift even their own members;
5. alternative policy development and articulation is not strongly discernible among opposition parties except at the time of the manifesto/party platform just before and during elections;
6. there is no evidence of any “think-tanking” activity in many opposition parties. Investment in research, analysis (and publication) among opposition parties ranges from zero to minimal;
7. income-generation in opposition parties for political party work has remained pathetically low. No opposition party can be described as financially sound;
8. not enough attention has been given to the subject of corruption within opposition parties. There do not exist enough anti-corruption awareness programmes and training in preventing and combating corruption;
9. training of political party workers is inadequate as is new member orientation. Not enough resources are available for membership ideological development, thus making the quality and conviction of membership less than desirable;

10. rural penetration, and therefore presence, has remained low for most opposition parties, yet it is in the rural areas that the bulk of the voters live. There are observable signs, though, that the situation is slightly better than it was in the first multiparty elections of 2006.

Strengths of the Opposition

At least three of the opposition party leaders – UPC’s Olara Otunnu, DP’s Nobert Mao and JEEMA’s Asuman Basalirwa – are former University Guild presidents. This could be indicative of their solid background in leadership learnt over a long period of time in the most challenging of political times when multiparty democracy was considered a bad word in Uganda.

The opposition has in its ranks some of the most decorated soldiers and accomplished civil servants, legislators and institution builders. Opposition stalwarts like FDC’s Maj. Gen. Mugisha Muntu, the former army commander, UPC’s former ministers and civil servants and the wealth of experience they bring cannot be ignored. The Conservative Party’s John Ken Lukyamuzi will be remembered as one of the most versatile legislators of the Seventh Parliament.

These and other factors make Uganda’s opposition one of the most experienced in Africa. There is no risk of inexperience or lack of knowledge in statecraft when the opposition forms the next government. The opposition as we know it today has six manifestos and well thought-out policy documents developed since the 1980s, a period of 30 years. They all have a clear idea of the Uganda they want and also are aware of their limitations. It is perhaps this mixture of education, experience and youthfulness in the opposition that makes the opposition in Uganda a formidable alternative. Some opposition parties like the DP, SDP and JEEMA are clearly youth-led parties with an enviable reservoir of energy

and political entrepreneurship. They seem to represent the democratic future of the country.

Uganda's opposition has expressed their commitment through various pronouncements, including their well documented electoral reform proposals. It is frequently asked not only by voters but by the opposition party leaderships themselves whether they would be permitted to form the next government in a peaceful power transfer in the event that the opposition won the election. If the opposition is 'allowed' to form a government, would it then consolidate or entrench democracy? Or would the scary opposite would happen, i.e. would a new, supposedly democratic, government slide into authoritarianism, perhaps more accurately, semi-authoritarianism, thus leading to poor governance outcomes and to involvement in more corruption than the regime they defeated?

Would the new government become more nepotistic, and employ their wives, children, relatives and in-laws in positions of authority as has been the case with the regime they defeated? Would the new governors be more irresponsible and perhaps worse than the semi-authoritative regime of the immediate past? Would the former opposition stick together, or slide into an abyss of infighting and selfish pursuits? Would the new government keep the army out of politics? Would they uphold human rights and allow a free media unfettered avenues in the exercise of their role as the fourth estate? Would they be transparently accountable and let institutions work without interference? Would they maintain the same crude view of power as an "opportunity to eat" as is allegedly the present regime's view, or will they have another view of power as an "opportunity to serve"?

Alternative Opposition Proposals for Effective Governance

To ensure effective governance, the opposition has also proposed the following, among others:

1. the fight against corruption, cronyism, nepotism and the actualisation of the Equal Opportunities Act, to be the *raison d'être* of the next government;
2. an end to impunity and putting accountability at the forefront of service;
3. restoration of presidential term limits to curb the rise of dictatorship;
4. total independence of the Uganda Electoral Commission;
5. security of tenure of the Chairman and commissioners of the EC;
6. reduction of the cost of administration by reducing the number of Cabinet Ministers, Ministers of State, and presidential advisors and abolishing the office of Resident District Commissioner;
7. revisiting army and special interest groups in representation in Parliament through a constitutional review process;
8. restoration of the dignity of the Office of the President which has been eroded by the current president's methods of work that have put him at the centre of the pettiest of activities;
9. absolute protection of media freedom;
10. absolute protection of human rights;
11. depoliticisation of the military and police by abolishing the offices of Political Commissar in the army and police;

12. allow institutions to operate without executive interference;
13. ensuring the speedy consideration of restructuring Uganda's governance system to respond to the desire for a federal administration;
14. revisiting Uganda's electoral system to introduce proportional representation in place of the winner-takes-all system obtaining today, as a way of reducing the conflicts that arise out of an electoral system that makes every election a matter of life and death.

The opposition has also proposed several development interventions geared towards poverty eradication including, but not limited to, increasing investment in agriculture, establishment of an Agricultural Development Bank, revival of railway and water transport, and stimulating local businesses by reducing interest rates. They have also suggested the stimulation of home-based small industries and the establishment of low investment export processing zones.

They plan to make education a lifelong experience, expand open and distance learning using a combination of information and communication technologies and traditional distance-learning media. They have planned to establish the Open University of Uganda in their commitment to the massification of higher education, and to levy a training tax to fund "technikons", commonly known as technical-vocational schools, throughout the country.

Under consideration also are some radical proposals on land use, the introduction of a joint parent-government school feeding programme, re-establishment of the cooperative movement and the popularisation of interest-free banking, a departure from the interest-based SACCOs that have caused misery to poor families countrywide. The IPC opposition has

mooted other major policy shifts that put the development of people first. One such proposal is to make school feeding an integral part of free primary and secondary education. Another important policy proposal is the departure from the stalled “minimum wage” debate to the promise to institute a “living wage” in the first five years in power.

Conclusion

In conclusion, it is correct to say that the opposition is faced with many challenges, none of them insurmountable. But it has to invest more in studying the political and social environment in which it operates and to take informed steps to overcome the obstacles. The opposition ought to become more inward-looking and self-correcting. Owing to overt and covert government intimidation and harassment of the opposition elite at the national level, and local branch leaders and their supporters especially in rural areas, Uganda’s opposition has been driven underground. So it is difficult to gauge opposition presence or support by casual observation. Opposition support in Uganda is much stronger than is apparent. As the opposition focuses on raising the indispensable financial and human resources required for the task of building their individual parties and dislodge an entrenched ruling party that has no qualms about misusing national resources for party activities, they may also want to consider the possibility of a negotiated transition and make sufficient preparations for it.

Fears that the 2011 election will be a disputed affair are not misplaced. Apprehension persists that entrenched undemocratic forces may not allow the opposition to assume power after their expected victory. Increasingly there is disquiet that Uganda’s next election may be decided, not at the ballot box, but in the boardroom. This is in reference to the recent Kenya and Zimbabwe experiences where the “verdict” of the electorate was replaced by “behind-the-scenes understanding” of a power elite, sadly, not before colossal human and material losses.

Uganda's opposition is not short on manpower, resilience, experience or commitment and has sound policy alternatives. Uganda's opposition in 2010 is arguably the most tried, tested and prepared alternative government in a long time. Constraining factors notwithstanding, Uganda's opposition presents, to a great extent, a viable alternative for effective governance.

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Synthesis of the Discussion

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To What Extent Does the Political Opposition Present a Viable Alternative for Effective Governance?

Lack of ideologies

A participant noted that Uganda suffers a lack of ideological orientation in all political parties. However, this statement was contested by another participant who noted: "This is not true because the parties clearly have policies, otherwise how UPC could have ruled the country for so long?"

Another participant noted that the NRM was ruling from a position of strength and stated that "the current opposition cannot offer an alternative to be more effective than the current government has been. One would say that the opposition does not have the forward thinking vision to take us forward." He further explained that some of these shortcomings did not result from the internal weaknesses of the parties, but are also derived from the history of the country. He noted that the old political parties, now part of the opposition, were quickly formed when the march to independence was gaining momentum: "Unfortunately, at that time, there was not enough preparation for these leaders to internalise the values of democracy and rule of law, which was a cornerstone of the system they had to take on. Most of the leaders were firebrand, eloquent, with a vision for a new Africa, but many rarely had the training to manage the affairs of a country, let alone a political party. The parties were formed on the disadvantaged background of lack of value, hence the later division of the parties, on the basis of tribe and religion."

With regard to the issue of religion and ethnicity, one participant emphasised his view that "unlike NRM, which is clearly setting

the agenda of a certain class, and tribe, Uganda's political parties are neither ethnic nor religious. There are no ethnic parties. These are lies, which have been peddled by the government and its propaganda agents, intimidating young people, who have been de-intellectualised."

Political double standards among opposition parties

Some participants challenged the sincerity of the opposition party members running for presidency when they said they had no confidence in the Electoral Commission and yet were willing to submit their applications for nomination. According to one participant, these parties should have boycotted the elections in line with their threat to do so if the Electoral Commission was not disbanded. Other participants retorted that for change to take place there would have to be action, and not inaction. One commentator noted that "the opposition leaders, especially Kizza [Besigye], went on to court, got their application rejected and despised the courts. However, when the same courts went ahead and acquitted him of the charges, he and his supporters were very happy to celebrate. One wonders, to what extent the leaders' practise fairness or whether they don't have double standards."

Political party rivalry

A participant noted the rivalry among opposition parties was also working to their disadvantage. He argued that there were serious weaknesses within the opposition parties, including bickering and the failure to rally around a common cause and confront the ruling party.

Some participants argued that in countries where the incumbent had held power so long and penetrated all institutions of power and governance, the only way to get him out was for the forces of change to work together. The opposition in Uganda, they said, had imbibed this wisdom and formed an umbrella system, a loose coalition named the Inter-Party Coalition (IPC).

A participant noted that real change would come “when many people coalesce around an idea and give it wings to fly”. Citing the situation in Kenya as an example, he noted: “In Kenya, the people must have become tired of the system. They hence managed to rally around an idea of change, with one candidate, but (perhaps) Ugandans are not yet tired of the system. How can they still defend a system that lets them die of jiggers, potholes, poor hospitals etc.? Again, in Kenya, people organised themselves. The parties came together to fight the one political nemesis.” Ugandans have many lessons to draw from the Kenyan example.

One participant added that civic action was very important in pressing for and ensuring that true democracy is delivered: “Mabira Forest issue (when people demonstrated and successfully stopped the selling of a large part of the forest area to sugar cane growers) shows that when people organise and work together, it is possible to bring about change,” he noted.

Lack of grass-roots coverage for opposition parties

The participants noted that there are many parties that have their headquarters in Kampala but do not reach out to citizens beyond the capital. There was a general observation that unlike the NRM, several parties tended to concentrate on elections, in particular the presidential elections, and neglected reaching out sufficiently to the grass roots. They thus, for example, would not perform well in local council (LC) elections, which explained why most LC leaders are from the ruling party. As a recommendation, the participants emphasised that opposition parties would have to reach out to the grass roots if they are to be established among the masses and if they are to present a credible option for an alternative government.

The opposition as a watchdog

The role being played by the opposition in the governance process was clearly recognised. Particular emphasis was put on the watchdog role which the opposition in Uganda was applauded for playing very effectively. The role played by opposition leaders in bringing to the fore the abuse of public resources (by government officials) during the Commonwealth Heads of Government Meeting (CHOGM) held in Kampala in 2007 was one of the examples given. Opposition parties were further commended for having continuously agitated for the restoration of presidential term limits, although this agitation has so far been unsuccessful. With a list of several (good) proposals presented by the opposition parties being mentioned, a cross-section of the participants were precise in concluding that the opposition had proved to have clear programmes and that they were ready to work, and therefore can be trusted with more responsibility.

Opposition having few MPs

One participant noted that the current situation where the opposition holds very few seats in Parliament whereas the Movement holds over a two-thirds majority means that an opposition-led government is not possible, and if it were to be established, the country would be in a crisis. He observed that no party would, even if it won executive power in an election, be able to function successfully with a Parliament largely controlled by another party, in which case, he said, Parliament could frustrate many government programmes. He thus observed that if the opposition are to present themselves as a credible alternative for governance, they need to get more serious about working to buttress their support at grass-roots level as well as ensuring that they increase their representation in Parliament and on local councils. This would make them credible enough to compete with the NRM

Confrontational approach of the opposition

Another factor pointed out as militating against the opposition's ability to present a credible alternative for effective governance was the confrontational nature of some opposition parties. One participant observed that this confrontational nature put the opposition in conflict with key organs of the state such as the police, which organs would have to remain even if the opposition won power and which, in any case, cannot be changed overnight. He further observed that it was possible for the opposition to work with the organs of the state, so that politics can be practised progressively. Other participants, however, observed that many of the state organs have worked to only frustrate the opposition, which makes it impossible for the opposition to harmoniously relate with them. This makes confrontation rather inevitable.

Issues, not personalities

Other contributors emphasised that it was necessary to shift the political debate from sentiments such as "Museveni should go" or "NRM has been in power for too long" to discussing real issues and the needs and demands of the people. One participant put it as follows: "What is the one fundamental thing that the opposition is putting in place, apart from Museveni going away? It seems some politicians are not seeking political but individual democracies. They seek to fight Museveni as a person, rather than the system, and rather than focusing on its efficiency to deliver to Uganda the social changes it needs."

Funding of parties

The weakness of the opposition parties was furthermore attributed to lack of funds. The ruling party, it was argued, had other means of obtaining money, which methods are not available to the opposition. The lack of funds makes it difficult for the opposition parties to reach out to the grass roots. It was noted that this had also distorted the political

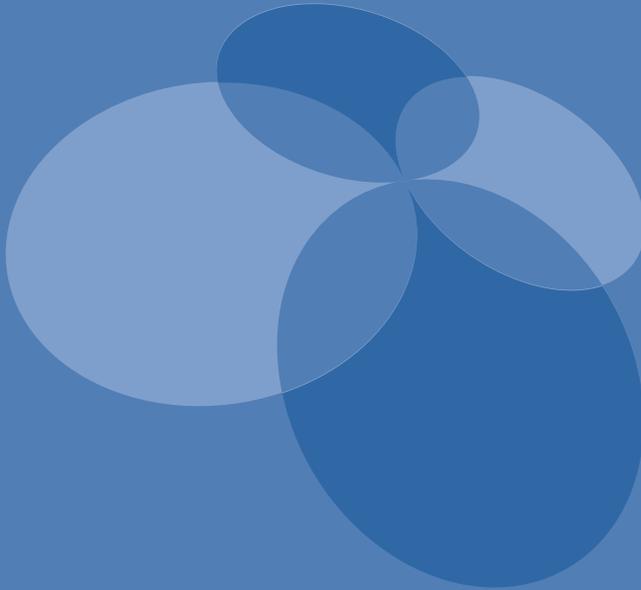
playing field, which is not level. "The incumbent has more chances of getting resources," one participant argued, "unlike the oppositional parties. However," he noted, "even the law on funding of political parties is not effective. Money, among other critical factors, will play a decisive role in determining the result of the elections."

Related to the above, one participant noted that the opposition parties were mostly funded by the donors, thus their agenda might not be that of Ugandans but rather be controlled by the donors who fund these parties.

Another contributor emphasised the importance of financial resources as the basis of competition: "Parties need money in order to establish a proper infrastructure, run an effective campaign and reach out to the grass roots." It was suggested that unless the opposition parties can have access to a considerable amount of resources, it will remain difficult for them to compete against the NRM.

Post-election scenario: change followed by internal conflict?

A participant was worried that after winning under a coalition arrangement, the opposition might start having internal wrangles. The presenters and other participants, however, noted that such infighting would be normal, but it would not return the status quo, which was the essential motive for the struggle, it would not negate change, or render it nugatory. "Even when the Kabaka Yekka party fought with UPC," one participant asserted, "the colonials did not return. Even when UNLF threw out Obote, Amin did not return. Even when Moses Ali was in jail, Obote did not return. We should not confuse the effectiveness of an alliance with the aftermath of the same. The important thing is the lesson learnt. We know there is potential for conflict after change, but it does not negate the need for the same".



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