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Foreword

As the independence wave swept across Africa in the 1960s and 70s, there was a fundamental conviction by the nationalist movements and their proponents that this would be the commencement of an unprecedented development regime in the continent. Several decades later, however, the African development project has proven to be such a daunting and an uphill task. The changing experience of African development is now indeed a testament that we still know so little about what exactly can be done to be place the continent on a right path to socio-economic and political transformation.

This not only calls for a deeper interrogation of the diverse challenges that the continent grapples with but also highlights the need to deduce lessons from both success stories and failures, taking into consideration the experience of countries both within and outside the continent.

In recognition of this fact, the Konrad-Adenauer-Stiftung in Uganda is happy to continue its partnership with the University Forum on Governance (UNIFOG) in order to support scholarly thoughts and perspectives on the crucial issues mentioned above. The initiative of the Journal of African Democracy and Development (JADD) was motivated by the need to promote African scholarship by African writers, living and working Africa, to provide a scientific understanding of the patterns and dynamics of democracy and development.

The maiden issue published in January 2016 comprised just about five articles but was widely read across universities and civic organisations and has become a point of reference for those undertaking further research on democracy and development in Africa. We are encouraged by the fact that this second issue has attracted contributions from altogether 14 scholars researching in three African countries.

I wish to reiterate that research remains an indispensable element to intellectual growth, as well as to political, economic and social transitions across societies. It is especially crucial for organisations like KAS and UNIFOG working in the area of promoting democracy and development in open and pluralistic societies. A journal of this kind, therefore, becomes an incredible source of reference.

I would like to congratulate the University Forum on Governance for continuing to work towards ensuring that successive issues of the journal are produced as well as for continuously striving to improve the scope and quality of the journal. As a partner, the Konrad-Adenauer-Stiftung is proud to have supported the preparation and publication of this second issue. I

welcome all those who have an interest in democracy and development in Africa to read this issue and hope that you will find the articles thought provoking and intellectually enriching.

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Acknowledgements

Editorial Note

I have the distinguished honour and privilege to introduce to you the second issue of the Journal of African Democracy and Development. However, I wish to mention that the first issue came out under the name, *the Journal on Perspectives of African Democracy and Development*, which has now been revised to the *Journal of African Democracy and Development*. The current volume is a collection of eleven articles on issues pertaining to democracy and development from different scholars researching three countries in Africa that is, Uganda, Kenya and the Democratic Republic of Congo (DRC). Those who read these papers will find that they raise important implications on the received wisdom in the pursuit of democracy and development in Africa.

Here is a brief about the papers: in the first paper, Mbate revisits the theoretical debate on the benefits of decentralisation on governance and accountability in developing countries. Unlike existing theoretical arguments that highlight the positive and negative benefits of decentralisation, Mbate uses comparative evidence to argue, that to the extent that decentralisation lead to good governance and accountability depends on (a) the degree of participation of citizens and social organisations in decision-making processes; (b) the level of political competition and (c) bureaucratic capacity. These, Mbate observes, determine whether local officials have the incentives to be accountable downwards and respond to the needs and preferences of the local electorate. Ocan analyses the worsening state of land wrangles in Northern Uganda and attempts to explain the underlying causes of these land conflicts. He draws on Malinowski's 'three column approach' to culture contact and change (1939), to empirically explore the principles, practices, interactions and evolution of the customary land tenure systems alongside the modern private land ownership system in Acholi-land whilst also assessing the consequences of these interactions in relation to women's claim to land access. He argues that the regular and continuous land policy reforms to accommodate grievances since the 1998 Land Act support Malinowski's theory that contradictions between value systems play a big role in the refining of the law to create what is acceptable to more parties. This seminal piece generates important insight into the search for the understanding of land conflicts in Uganda and influentially contributes to process of reforming land tenure systems to make them more secure in order to facilitate inclusive development.

In 'Are land disputes responsible for Terrorism in Kenya? Michael Nyongesa analyses the Mpeketoni Attacks in 2014 to argue that terrorism

could be stemming from the historical land grievances which politicians from different ethnic groups have used to fuel tension and radicalise the youths. Consequently, the terror groups have utilised this, as a fertile ground of ethnic tension to carry out the attacks. The paper points out important lessons for combining non-military and military approaches for fighting terrorism in the twenty first century. Looking into Civil Society and the war on Terror, Yusuf Kiranda examines the role civil society organisations have played in combating terrorism, particularly with respect to the the spread of fundamentalist networks and the unilateralist, repressive way in which states pursue counter-terrorism. Using evidence from Kenya and Uganda, he posits that while civil society actors are attempting to defend human rights, they are circumscribed by a repressive-securitised regime. In addition, Yusuf further underscores that the existing contestations of the role of international institutions like the International Criminal Court (ICC) on the African continent tend to distract civil society actors from advocating for multilateralism and global governance. At the same time, high levels of poverty and lack of basic services at home means East African civil society can hardly campaign for humanitarianism beyond the borders of its territorial states. He identifies two major constraints that limit civil society response to the war on terror: on the one hand, civil society is now circumscribed by fear and insecurity perpetuated by terrorism and counter-terrorism; and on the other hand, it is sandwiched by a spate of legal and security restrictions that only serve to complicate its work.

Mugisha and Kitamirkire question why Uganda's two decades of rapid economic growth has not translated into high job creation. They argue that a combination of 'wrong' orientation of macroeconomic reforms and political patronage, fueled by a shift to multi-party democratic politics, and the desire of the NRM regime to consolidate itself in power, explains the current unemployment and underemployment problem. They provide empirical evidence to further suggest that the increase in political patronage has crowded out private and public investment in increasing the stock of physical capital formation required to support a strong foundation for firm growth and employment creation. Ojok and Achol grapple with the increasing violent characterisation of youth participation in Uganda's competitive electoral process. Drawing on the political economy literature, they theorise that the increasing proclivity of young people to violent actions in their political participation is driven by a combination of the failure of the past economic policies to expand opportunities for a ballooning youth population, playing into, and partly contributes to the deepening political clientelism. The clientelistic networks bolstered by economic vulnerability

have in turn created the structural incentives for young people to serve various elite coalitions in both the opposition and incumbent parties competing for political power. In this context, electoral competition very often exacerbates rather than mitigates political violence because of heightened stakes for inclusion in a governing political settlement. Ojok and Achol conclude with a cautionary note that business as usual threatens to undermine democratic consolidation in Uganda and call upon various stakeholders to undertake various measures to mitigate rather than encourage young people to engage in violent means of political participation.

Adongo examines the nature of Uganda's multi-party politics in the broad context of re-democratising the Ugandan state since early 2000s. She argues while the pressure from the emerging middle class in Uganda tremendously contributed to the return to multi-party politics in 2005, these actors have had limited participation and contribution in supporting the consolidation of the democratisation of the Ugandan state in the outer years. Tshimba takes a look at the political transition crisis in the Democratic Republic of Congo (DRC) as part of the broad problem of the International Community's obsessive rush in holding elections in post-conflict societies. He analyses two electoral experiences in the Democratic Republic of Congo that is 2006 and 2011 to argue that the insistence on the organisation of elections for purposes of legitimisation of power may simply not be very meaningful in the first place or, worse still, may lead to a renewal of violence only capable of worsening an already bad situation. Tshimba concludes the paper by asserting that there is 'no better concretisation of a politeia than for a people to govern themselves, as opposed to be merely governed by a hijacking political elite – whether resulting from a ritualised 'free and fair' election or not.' Omaada Esibo's paper undertakes an anthropological approach to study the basis of what is often referred to as 'the republic character of the Iteso society'. He traces this axiom in the context of the democracy and development of the Iteso with a focus on the traps and obstacles to the democracy and development in Teso society, and on attempts to transcend the identified traps and obstacles.

Ayub Kiranda revisits the debate on the role of cooperative unions to agricultural (under)development in Uganda. The paper takes on the existing competing theories that on one hand portray cooperatives unions instruments of elite exploitation of the poor, and on the other hand see cooperatives as critical foundational assets for agricultural transformation. Kiranda adopts a more nuanced approach to argue that the extent to which cooperative unions contribute or undermine agricultural transformation depends in large part on their organisational dynamics which are too often buttressed by the level of

shared organisational values and accountable leadership, social capital and social rootedness, and participation in high-value chains. Finally, Bruce and others looks at Uganda's 2016 general election experience to examine what approaches would be more effective for catalysing political reform in Uganda for those interested in supporting the political reform process. They focus on two particular approaches: one that mobilises pro-change agents to force a powerful regime into reform, and another that involves employing persuasive alternatives that enlist buy-in from powerful actors from the ruling group. Kabaasa and others argue that given Uganda's contextual conditions that shape and determine the structure of political settlement, a two-pronged approach can be mutually reinforcing in the promotion of multi-party democracy. On one hand, designing interest-based, incentive-compatible reform packages that promise to facilitate possible buy-in from influential dominant group agents, and on the other hand, complementing this with the building of strong and credible opposition political parties that can take advantage of the changing environment to foster pluralistic political competition.

With this brief overview of all the papers contained in this volume, the Editor invites everyone to read the detailed analysis contained in each of the papers.

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Decentralisation, Governance and Accountability: Theory and Evidence

Michael Mbate[a]

Abstract

This article provides an overview of the theoretical debate on the relationship between decentralisation and governance. It begins by examining the rationale behind decentralisation and the various mechanisms through which it is postulated to enhance governance outcomes, public accountability and the provision of public goods and services. Using a case study of two local counties in Kenya, the analysis reveals that the positive effects of decentralisation are contingent on several preconditions such as inclusive and participatory systems that enable citizens to express their opinions and influence decision-making processes, a high degree of social capital which fosters mutual trust and solves collective action problems, strong local bureaucratic capacity in terms of physical, human and financial resources, and the degree of political competition at the local level. These findings cast doubt on recent studies that portray decentralisation as a spontaneous means of achieving better governance outcomes in developing countries.

Keywords: Decentralisation, governance, accountability, Kenya

1. Introduction

Following the demise of top-down hierarchical and centralised systems as the ideal governance model, developing countries are experiencing a paradigm shift towards decentralised systems meant to transfer central government powers to local jurisdictions. This reform has gained prominence in the last two decades, as centralised governments are perceived to be abusive, corrupt and portraying few incentives to be accountable to citizens. By bringing the government 'closer to the people', decentralisation is anticipated to establish democratic governance that enhances allocative efficiency (by matching

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the provision of public goods and services with citizens' preferences), promotes productive efficiency (by fostering public accountability and reducing bureaucratic red tape) and induces public accountability by shifting political power downwards (Smith & Revell, 2016; Smoke &White, 2005). As a result, at least more than half of African countries have decentralised their political, fiscal and administrative functions from the central to the local level, with high and increasing hopes of responding efficiently to the demands of the local electorate (World Bank, 2011; Yilmaz, 2009).

Yet, despite this policy reform, contrasting outcomes of decentralisation are being witnessed between and within countries, with marked divergence in anticipated outcomes related to governance and the provision of public services. Several studies underscore the positive impact of decentralisation (Faguet, 2012; Albornoz-Crespo & Cabrales, 2013) while others show its detrimental effect (Treisman, 2006) and even some show no effect at all (Khaleghian, 2003) or mixed evidence (Smith & Revell, 2016). In general, evidence from different country experiences shows that the economic and political effects of decentralisation are context- and time-specific, and vary according to local power structures that shape the incentives that elected officials face.

The objective of this article is twofold. First, it provides a nuanced and analytical overview of the theoretical literature on decentralisation. Second, it presents a case study of the recent decentralisation initiative in Kenya, with the intention of disentangling the various conditions/factors that catalyse decentralisation as a channel of fostering good governance and public accountability. This article argues that contrary to popular belief, decentralisation does not spontaneously translate into improved governance and downward accountability – or its associated gains – because the underlying theoretical causal mechanisms underscoring this link do not always apply in the real world. And even when they do, its effectiveness may be conditional on the dynamic interaction between political forces at both the central and local levels. The case studies show that the extent to which decentralisation deepens governance and accountability hinges on several factors, such as the level of citizen participation in making decisions at the jurisdictional level, the strength of political competition at the local level and organisational structures which build trust and coalitions across cross-cutting cleavages. As discussed, these factors enable citizens to hold their leaders accountable by altering the nature of incentives they face once elected into public office, an aspect that corresponds to the classical theoretical proposition of 'exit and voice' advanced by Hirschman (1970).

This article proceeds as follows. The next section discusses the theoretical arguments in favour of decentralisation as well as the mechanisms through which it is hypothesised to lead to a more responsive and accountable government. Section 3 then presents the counter-arguments to decentralisation, drawing from existing empirical literature. In reconciling the two conflicting schools of thought, section 4 presents a set of factors that drive the differences between governance outcomes across local jurisdictions in Kenya. Section 5 concludes.

2. Theoretical Rationale for Decentralisation

The theoretical mechanisms through which decentralisation promotes good governance are well established in the political economy literature. A key proposition posits that decentralisation deepens the levels and nature of *political competition* (Qian & Weingast, 1997). Three potential channels have been proposed. First, decentralisation is associated with increased *political entrepreneurship*, where more avenues and opportunities are created for individuals to join the political arena and compete for electoral positions. This in turn creates a pool of competitive candidates seeking elective positions and thus increases the incentives for candidates to align their policies with the preference of voters in order to get elected (Faguet, 2014). According to the median voter theorem, candidates whose policy ambitions reflect the needs of the median voter – usually the poor in developing countries – are more likely to be elected, an aspect that reinforces policy alignment with the needs and preferences of the local electorate (Myerson, 2006). Second, an increase in political competition promotes *transparency and accountability*, as candidates who lose elections join the local opposition parties, and thus act as 'watchdogs', constantly mounting pressure on elected incumbents to deliver public goods and services in accordance with established rules and procedures (Selee, 2011). Finally, political competition leads to the *formation of multiple political parties*, providing citizens with the option of switching their political affiliation from existing and well-established parties to new ones that reflect their preferences (Faguet, 2014).

A second mechanism advocated in the literature relates to the effect of decentralisation on bolstering the levels of *public accountability*. Support for this mechanism is grounded in the influential works of Wallis and Oates (1988), which argue that decentralisation promotes downward accountability by placing the fate of local officials in the hands of the local electorate. As a consequence, decentralisation re-orients the flow of power, where local officials are no longer accountable to the central government but

rather the local citizens they represent in their jurisdictions. This enhances accountability as local citizens are able to monitor the quantity and quality of services provided, and are thus capable of disciplining politicians by rewarding or sanctioning them in competitive elections. Given this possibility of 'exit', local officials then have the incentives to provide public services in order to reduce the probability of non-re-election (De Figueriredo & Weingest, 1997). Relatedly, given that career prospects as well as upward mobility of public officials directly hinge on the electorate, local officials become responsive to the demands of local citizens in order to signal superior performance and increase their chances of getting re-elected or progressing towards more powerful political positions at the central level. This is in contrast with top-down hierarchical governance structures where local politicians are accountable to the central government, a situation which can worsen accountability when the priorities at the centre are not aligned with those of the locals. Therefore, 'the effect of decentralisation is to dramatically tighten the loop of accountability between those who produce public goods and services and those who consume them' (Faguet, 2014, p.3).

Besides its effects on political competition and downward accountability, several authors argue that decentralisation increases *responsiveness to local needs*, by better targeting the provision of public goods and services, owing to an increase in information flows and frequent interactions between the locals and public officials. This proposition, as advocated by Smith and Revell (2016), hinges on the assumption that establishing sub-national units reduces the problem of information asymmetry that characterises centralised and hierarchical governance structures. In centralised systems, the multiplicity of vertical tiers of governance acts as barriers to information flow, partly due to coordination failures and differences in incentives across bureaucrats (Treisman *et al.,* 2009). On the contrary, in decentralised systems, public officials are well suited to make correct inferences on the prevailing needs of the electorate owing to increased proximity and lower costs of obtaining and verifying information. This in turn leads to the provision of tailored public goods and services which are aligned with the heterogeneous demands and expectations of multiple segments of the local population (Leeson, 2013). In addition, given the spatial proximity at the sub-national level, bureaucrats are well positioned to work in conjunction with community-based organisations (CBOs) and civil society organisations (CSOs) to identify prevailing problems and respond to these challenges through innovative and effective solutions. This argument is partly in line with Hirschman's (1970) concept of 'voice', where decentralisation

enhances the capacity of local citizens to express their needs and preferences to public officials using different solidarity movements and forums.

A fourth mechanism through which decentralisation leads to improved governance pertains to the *reduction of political and ethnic instability*. This school of thought argues that in countries which are polarised across different cleavages such as ethnicity or religion, decentralising power to sub-national units can lessen the risk of violence and political tensions which emanate when parts of the population are economically, socially or politically excluded (Scherrer, 2008). Through decentralisation, minority groups are bestowed with the power and authority to control local resources and make decisions on local matters. Miodownik and Cartrite (2010) argue that this is mostly relevant in countries which are endowed with natural resources clustered in geographical regions in which different ethnic groups cohabit. In addition, by decentralising power and guarantying political representation to women, local elites and disadvantaged minorities, the risk of revolutions and conflicts against the central government is mitigated. According to a theoretical model by Diamond *et al.* (1995), decentralisation can address the risk of public riots and dissatisfaction by ensuring that public goods and services as well as political power are distributed to encompass different ethnicities and minority groups. Finally, for societies which are clustered along cleavages such as ethnicity, Miodownik and Cartrite (2010) empirically show that decentralisation readjusts the structure of the relationship between different agents from such a class-based identity to an organisational structure inherent in the decentralised system.

A final mechanism that has received substantial emphasis, at least at the theoretical front, relates to the role of decentralisation in promoting good governance through *inter-jurisdictional and yardstick competition* (Tiebout, 1965; Oates & Schwab, 1988). Proponents of the inter-jurisdiction argument postulate that, given that factors of production such as capital and labour are mobile, sub-national units will compete against each other in attracting entrepreneurial ventures and business firms. As a result, there are greater incentives for public officials to design and implement regulatory policies which boost the investment atmosphere. According to Bardhan (2002), inter-jurisdictional competition lessens the discretionary and monopoly power of public officials, as jurisdictions that are marked with high levels of corruption and low provision of public goods and services are more likely to witness an outflow of these mobile factors to neighbouring or other jurisdictions where local governments are more responsive and less predatory. This form of accountability corresponds to Hirschman's (1970) concept of exit mechanism where local citizens have the option

to switch to other local units when dissatisfied with the performance of their public officials. In a theoretical model developed by Chu and Yang (2012), the authors show that in countries with weak electoral systems, inter-jurisdictional competition can lead to sound governance through the implementation of optimum tax policies as well as reducing bureaucratic procedures which deter the creation of new business ventures and thus boost the mobilisation of local tax revenues. Regarding the yardstick competition argument, it is argued that citizens have the potential to compare policy outcomes in different local units and thus have a benchmark to evaluate their elected officials (Besley *et al*., 2003).

3. Decentralisation and its Negative Effect on Governance and Public Accountability

On the contrary, a competing school of thought argues that decentralisation can worsen governance outcomes, and lead to a deterioration in public accountability as well as poor provision of basic public goods and services. Several theoretical propositions have been advanced in support of this argument, although empirical evidence remains inconclusive. For instance, opponents of decentralisation normally point to the classical problem of *soft budget constraints* which leads to mounting fiscal pressures, debt default and increased risk of macroeconomic instability (Rodden, 2006). According to this view, sub-national units 'have strong incentives to overspend and reap the benefits, while nationalising the cost of their behaviour through central bailouts' (Faguet, 2014, p.8). According to Prud'homme (1995), local officials are aware that in the event of financial distress, part of the liability will be borne by the central government. This arises from the fact that most projects implemented at the local level are managed or financed in conjunction with the central government, and owing to information asymmetry, voters are unable to differentiate whether in case of failure the blame should rest on the local or the central government. Therefore, local politicians are more likely to overspend budgetary resources or engage in corruption in expectation of bailouts from the central government, an aspect which can lead to fiscal deficits. Even in cases where the central government could decide to instil financial discipline by not bailing out local units, it is argued that this commitment cannot be credibly upheld, as the central government knows that part of the blame will rest on it and thus it will be sanctioned by voters in competitive elections. Therefore, decentralisation creates *perverse incentives* for local leaders to engage in wasteful spending of financial resources in anticipation of bailouts from the central government.

A second argument against decentralisation relates to the risk of *capture by local elites and powerful special interest groups*. According to this notion, local elites such as tribal leaders, political brokers, landlords or even religious figures are capable of influencing local economic and political decisions, as well as capturing the power bestowed on local institutions. Such diversions of local resources can then be used to promote self-interest motives which run counter to aggregate societal welfare, resulting in corruption and rent-seeking (Miller, 2002). For instance, empirical evidence by Jones (2013) in the Philippines shows that local elites influence procurement allocations and engage in over-pricing in jurisdictions where they financed election campaigns for the incumbent public officials. As discussed by Besley *et al.* (2003), local elites may also be against the establishment of a strong sub-national government as it would act as a threat to their influence in their respective jurisdictions. In fact, unlike in centralised systems where the influence of local elites is minimal owing to numerous small elite groups competing against each other and counteracting one another's influence, a decentralised governance structure can have the opposite effect, reinforcing elite cohesion and local capture. Miller (2002) argues that this effect occurs for two main reasons. First, at the local level, it is easier to organise and establish collusion between powerful groups and individuals residing in small geographical areas, and second, the probability of detection and sanction is low as Civic Organisations may not be present across all local units in a particular country. Therefore, decentralisation is deemed to result in redistributive capture and is considered as a means of devolving corruption from the central level to local units.

Besides its effect on soft budget constraints and local elite capture, it has also been argued that decentralisation sparks *conflicts and tension across different tiers of government*, some of which may hinder the effectiveness of the state to govern its citizens (Tendler, 1997). This phenomenon arises as decentralisation involves a 'territorial distribution of power' and thus reconfigures political, fiscal and administrative arrangements between different agents, most of whom have conflicting or contrasting objectives and preferences. According to Wilson (2006), inter-governmental conflict can arise owing to bureaucratic resistance to accept change, ambiguity about the functions and responsibilities of different public officials operating at the various levels of government, and disagreement on which level of government receives credit or blame for policy outcomes – especially when development projects are co-financed by both the central and local governments. In fact, empirical evidence by Redoano *et al.* (2015) shows that in Italy, local jurisdictions whose leaders are aligned with the ruling

party at the national level receive higher amounts of discretionary grants compared to those local units under the control of officials from the opposition. As a result, the national government blocks development by limiting financial resources to jurisdictions which do not support their bills at the parliamentary level. In the case of Argentina, evidence by Ardanaz *et al.* (2014) shows a similar occurrence where local units which vote in favour of government bills at the central level receive more revenues. Therefore, this evidence is in line with the argument that decentralisation may generate conflicts within the government, instead of forging complementarity amongst different governance tiers.

A fourth proposition, normally advanced in economics literature, posits that decentralisation leads to a *reduction in the quality of public policies as well as a decrease in economies of scale*. Proponents of this view normally point to the fact that the level of technical and administrative expertise at the local level is low and this can manifest itself in poorly designed public policies (World Bank, 2011). Compared to the central government, local units do not have the absorptive capacity to budget the significant resources at their disposal and implement sustainable and pro-poor projects, as a result of limited human capital (Yilmaz *et al.*, 2003). In addition, this strand of literature contends that in the provision of public services in countries with multiple sub-national units, inefficiency is bound to arise owing to an increase in overhead costs and the purchase of production inputs in smaller quantities. In an empirical study in Nigeria, Daniel (2014) shows that the provision of public goods such as infrastructure is cost-effective if undertaken by the central government owing to its ability to pool more resources and purchase raw materials in bulk as this reduces the unit cost of production due to an increase in economies of scale.

A final argument against decentralisation relates to its potential to *widen inter-regional inequalities*. Given the differences in initial conditions such as resource endowment, geographical location, income levels and human development indicators (health, education and literacy levels), some sub-national units are in a stronger position to generate more local taxes and thus provide higher quality services vis-à-vis those local units where tax revenues are low. As a consequence, this may create uneven development across jurisdictions. Empirical evidence from Barako and Shibia (2015) shows that in Kenya, local counties located in urban areas perform relatively well compared to those in the rural areas in terms of mobilising property taxes. The authors argue that this is due to the fact that urban areas are characterised by formal property rights, well-identified market prices which can be used for property valuation as well as high administrative capacity in terms of enforcing tax payment.

4. Case Study: The Kenyan Decentralisation Reform—A Tale of Two Counties

Examining the effects of decentralisation is to a large extent an empirical and context-specific exercise. In 2013, the Kenyan government operationalised a radical decentralisation initiative, establishing 47 local counties across the country. The decentralisation move encompassed three different forms: *de-concentration*, where central agencies previously located in the capital city of Nairobi were relocated to the different counties to facilitate administrative functions; *delegation*, where certain services were transferred to specialised semi-autonomous local units; and, perhaps the most instrumental one, *devolution*, where the central government transferred fiscal and political functions/responsibilities to independent sub-national units which enjoy autonomy under state law. As stated in the constitution, decentralisation aims:

> (a) to promote democratic and accountable exercise of power; (b) to foster national unity by recognising diversity; (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them; (d) to recognise the right of communities to manage their own affairs and to further their development;) to protect and promote the interests and rights of minorities and marginalised communities; (f) to promote social and economic development and the provision of proximate, easily accessible services; (g) to ensure equitable sharing of national and local resources; (h) to facilitate the decentralisation of State organs, their functions and services, from the capital; and (i) to enhance checks and balances and the separation of powers. (Government of Kenya, 2010, p. 107-108)

Over the last two years, variations in outcomes related to the above objectives have been witnessed across the counties, with some counties performing well while others have deteriorated. A case in point is the performance by two neighbouring counties, Machakos and Kitui, located in the Eastern Province, which is marked by a notable discrepancy. Both counties are estimated to have had similar initial conditions before the reform (a population of about 1 million people, approximately 60 per cent of the locals lived below the national poverty line and social-economic indicators such as education, health and infrastructure were comparable (KNBS, 2015)). However, recent studies and policy documents show that Machakos county has considerably outperformed Kitui, with the local government being considered more responsive to local needs, as illustrated by the shift in public expenditure towards pro-poor services and rankings

across different surveys on citizens' perceptions (SID, 2014). This section draws on secondary literature to identify the conditions under which decentralisation has led to positive outcomes in Machakos, as a means of developing hypotheses which can be tested empirically in future research. It also draws on studies conducted in other regions to underscore the importance of these conditions.

4.1 Decentralisation Fosters Responsiveness to Local Needs When Decision-Making Processes are Participatory and Inclusive

One of the key institutional features characterising the Machakos county government has been the establishment of initiatives and forums which enhance citizens' participation in local decision-making processes. Such forums include public invitations to attend and follow the proceedings of county-level meetings where individuals express their opinions and influence budget allocations and development programmes to be launched. In addition, the county has established a disclosure system where financial documents detailing revenues and expenditure as well as local taxes are accessible to the public for audit (Wamae, 2014). The local government frequently interacts with key stakeholders and interest groups, such as civil society, traditional leaders, business groups, religious bodies and professional associations, in order to elicit information on the prevailing needs, as well as report and get feedback on the status of ongoing projects in the jurisdiction. A report by SPA (2015) shows that fiscal expenditure in the county has been re-oriented to address health, education, security and infrastructure development, services which citizens have prioritised in county-level meetings. For instance, the establishment of the Machakos Park, a sports stadium, was as a result of pressure from youth groups demanding opportunities to establish entrepreneurial ventures. In addition, the local county has heeded calls by the local citizens and launched an initiative called '*maendeleo chapchap*' (translated as 'sustainable development') where more than 100 ambulances were purchased in 2014, an elementary school bursary scheme for poor households was established and feeder roads to enhance market access for citizens living in rural areas were constructed (Government of Machakos, 2015).

These inclusive and participatory mechanisms are, however, lacking in Kitui county. According to the *Monitor* (2016), evidence of citizens' participation in county meetings is minimal and non-influential. Independent surveys show that most citizens deem existing projects as unnecessary and only benefiting the rich. There is also evidence that student loan schemes

are allocated along patronage lines. Although the county has established a website where financial plans can be obtained, only a small segment of the population has access to the internet, and given the low literacy rates, citizens are unable to interpret the often complex and technical reports. This contrasts with Machakos where county-level information is broadcast on local-language radio stations that have a large audience and thus information is disseminated in a more user-friendly manner.

Therefore, the argument that decentralisation enhances the incentives of local public officials to tailor the provision of public services to the preferences of the local citizens partly hinges on the extent to local citizens can participate in and influence local decisions and budgetary allocations. This evidence is consistent with a randomised field experiment by Sheely (2015), who shows that in Kenya, participation of the community in local government reduces discrepancies in the misallocation of projects at the county level.

4.2 Decentralisation is Effective When Local Jurisdictions Have Strong Bureaucratic Capacity

Establishing a skilled workforce within Machakos county has been a top priority for the local government, and appointments to bureaucratic positions have been solely on merit. For instance, all the 10 departmental heads in the local jurisdiction hold at least a master's degree, in addition to substantial working experience in the public sector (Government of Machakos, 2015). As discussed by Wamae (2014), capacity constraints have not been detrimental to the effective delivery of public services, project design, oversight and implementation. Staff competency, especially in financial management, has been high, as reflected in independent audit reports by the State's Office of the Auditor General. On the contrary, Kitui county has been characterised by a bloated and unskilled workforce. The shortage of a skilled workforce is partly attributed to political interference in the appointment process of local staff, as most of them were either nominated by the ruling political party or absorbed from the previous centralised government. As a result, the weak bureaucratic capacity has translated into poor financial management. In fact, according to a report by the Auditor General published by the *Standard* (2014), massive corruption scandals have continued to affect the operations of the county. Despite its huge revenue base, the county is yet to embark on training programmes for its workforce, in contrast to Machakos county, where local officials have forged partnerships with international donors, such as the World Bank, that deliver training programmes to its officials. This finding shows that the extent to which decentralisation translates into

sound governance and better management of fiscal resources is contingent on the bureaucratic capacity and skills level of local officials.

4.3 Decentralisation is Effective When There is a High Degree of Social Trust and Civic Organisation

Consistent with the theoretical proposition by North *et al.* (2009), Machakos county has promoted an open-access order system, recognising that individuals engage in political processes through collective groups established across overlapping cleavages. In order to mitigate the negative effects of power struggles, several groups exhibiting different social-economic and political interests, such as the Machakos Farmers Association, local media, the youth and civil society such as *Bidii*, are supported and incorporated into decision-making processes. The existence of these social organisations, which normally sprout organically, has led to the strengthening of citizens' voice in governance issues. In addition, such organisations help address the collective action problem. For instance, local citizens in Machakos have formed several traditional public oversight committees which monitor spending related to mega projects such as infrastructure and dam construction (Rose & Omolo, 2013). In addition, business groups have lobbied for increased security and urban planning while the local media has played a significant role in criticising local officials. In addition, the local opposition party has been strong, consisting of four leaders who lost to the incumbent but who play a key role in ensuring that the incumbent performs. Such examples of social groups have also been found to be efficient in reducing corruption and wasteful spending in local jurisdictions in Bolivia (Fontana & Grugel, 2016). On the contrary, social organisations in Kitui are lacking, inhibiting citizens from aggregating their preferences and having a 'common and powerful voice' when interacting with public officials.

This evidence is in line with a classical study by Putnam (1993) which shows that variations in institutional performance between local jurisdictions can be partly explained by differences in the levels of social capital. Putnam shows that the level of accountability and public service provision is high in local units with a vast number of community-based institutions and civic organisations as these for the basis for trust and cooperation between local officials and the electorate. This empirical evidence is also consistent with cross-country evidence by Lessmann and Markwardt (2009) who show that the positive effects of decentralisation on governance and especially the mitigation of corruption depend on the strength of civic organisation such as a free and independent media which criticizes local officials.

5. Conclusion

In the wake of major governance turmoil associated with top-down governance systems, African countries are experiencing waves of decentralisation aimed at re-designing the political, economic and social contract between governments and citizens. While the theory on decentralisation has been centred on the positive effects it has on governance and accountability, this essay has challenged this widely held conception. It has highlighted that decentralisation can also have unintended consequences and reinforce pre-existing regional inequalities, lead to local elite capture, fuel inter-governmental conflicts and reduce the quality of public policy. Reconciling the conflicting theoretical propositions, the Kenyan case study illustrates that the relationship between decentralisation and its associated benefits is complex and presupposes the existence of several social-economic and political conditions. The evidence points out that it is the presence or absence of these conditions (degree of participation of citizens and social organisations in decision-making processes, level of political competition and bureaucratic capacity) which determine whether local officials have the incentives to be accountable downwards and respond to the needs and preferences of the local electorate.

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Institutional Hybridity: An Analysis of Land Tenure Systems and Land Wrangles in Acholi-land

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Abstract

In 1953, the British colonial government's Royal Commission identified the customary land tenure system as one of the foremost constraints on economic development and recommended a gradual substitution of this system with individual land ownership. This led to the introduction of private land ownership based on a neo-liberal principle which runs counter to the principles of customary land ownership, leading to an institutional dichotomy of modern-state systems versus customary land systems in Uganda. With land wrangles worsening in northern Uganda, this paper examines the extent to which these wrangles are a function of the contradicting dual land institutional set-up in the region. This paper uses Malinowski's 'three column approach' to culture contact and change (1939), to empirically explore the principles, practices, interactions and evolution of these land tenure systems in Acholi-land while also assessing the consequences of these interactions in relation to women's claim to land access. Findings show that the regular and continuous land policy reforms to accommodate grievances since the 1998 Land Act support Malinowski's theory that contradictions between value systems play a big role in the refining of the law to create what is acceptable to more parties. The paper also finds that in the new set of land institutions in Uganda, women's rights to land access are continuously being recognised. Findings from this paper contribute to the search for a deeper understanding of the causes of land wrangles in Uganda as the government seeks to make policy adjustments.

Keywords: Land tenure systems, principles and practices, land conflicts, women's land rights

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1. Introduction

The British colonial government in 1953 formed a Royal Commission to examine and make recommendations on ways to promote economic development in East Africa. After two years of research, the commission identified the customary land tenure system as one of the foremost constraints on economic development and recommended a gradual substitution of this system with individual ownership of land.[1] This led to the introduction and extension of new individual property rights based on neo-liberal principles in areas where that extension ran up against the principles inherent in traditional property rights. Benjaminsen and Lund[2] argue that the restructuring of the indigenous customary laws to fit the set-up of modern state laws introduced the dichotomy of modern versus customary in Africa. This has created a situation where two sets of institutions, one backed by the law and bureaucracy and the other by ideas and age-long value systems, have produced real conflicts on the ground, with people who have customary tenure rights confronting people who want to alienate it from them.[3] The conflict often unfolds as one form of practice undercutting the other and offering ways to circumvent and replace the other.

Recently President Museveni, while speaking at the burial of a victim of land wrangles in Luweero, apportioned the blame for land conflicts to the British colonial masters.[4] Moore[5] views these conflicts as a process of evolution of institutions which is a part of human nature as they adapt to new and changing situations that they are faced with. She says it is the work of the state to manipulate, circumvent, remake, replace and unmake these rules in which people seem almost equally engaged.[6] Malinowski (1945) encourages an empirical investigation of the processes of these interactions between culture contact and change.

In northern Uganda, land conflicts have become a serious issue in the post-conflict times, with 98 per cent of all cases presented to LCII executive court committees and 70 per cent of all cases presented to traditional leaders being directly related to land issues.[7] A study by Phoug and Vinck[8] found that 35 per cent of the population in Acholi-land had direct encounters with land conflicts between 2006 and 2011 and Burke and Kobusingye[9] found the percentage at 50. The most common causes of land conflicts reported are loss of boundaries while people were in the internally displaced persons' (IDP) camps, issues concerning land inheritance and ownership/management of land.[10]

In this essay, I empirically explore the principles, practices, interactions and evolution of these two systems in land tenure systems in Acholi-land.

I also look at the consequences of these interactions in relation to women's claim to land access. I hypothesise that the clash of value systems brought by these two sets of institution has produced a hybrid situation in which women's rights to land claims have been amplified.

My analysis is based on the principles of Malinowski's 'three column approach'[11] to culture contact and change. Malinowski posits that the processes of transformation of cultures in Africa amount to trans-culturalisation caused by the diffusion of modern and unfamiliar institutions into age-long indigenous systems of operations. He asserts that the relationship between these two sets of culture with different goals and objectives produce new elements which are different from their original forms and this is what he terms as the 'second column'. Findings from this essay show that the regular and continuous land policy reforms to accommodate grievances since the 1998 Land Act support Malinowski's theory that contradictions between value systems play a big role in the refining of the law to create what is acceptable to more parties. The essay also finds that in the new set of land institutions in Uganda, women's rights to land access are continuously being recognised. These findings contribute to the search for a deeper understanding of the causes of land wrangles in Uganda as the government seeks to make policy adjustments.

This essay will start by reviewing the principles and practices of both traditional and modern land laws practised in Acholi, and then look at the land conflicts and land policy gaps and end with what this means for women in Acholi.

2. Land Ownership in Acholi-land: Principles and practices
2.1 Customary Land Ownership

Land tenure refers to the method by which land is owned, occupied, used and disposed-of within a community.[12] Contemporary narratives on land use in Africa are divided between advocates of tenure reform through state cataloguing of individual titles to land and others who posit that customary or 'communal, kinship' tenure is the best way to avoid landlessness among the poor and that 'pro-poor' land policies should seek to strengthen customary rights to land.[13] In sub-Saharan Africa only between 2-10 per cent of land is held under the individual ownership system[14] and the rest is held under customary tenure. Cheater[15] argues that, because the bulk of the land is still held under the customary system of ownership, land access is continually determined by this indigenous system although it has evolved over time.

Traditionally, customary land in Acholi is divided into the following components: homesteads (including the family compound and a small plot for cultivation), agricultural lands, grazing grounds, hunting grounds, and forested areas used as sources of firewood, honey, medicinal herbs, and other necessities. The latter three types of land were used communally based on membership in a family, clan or region.[16] Customary land was traditionally managed by *rwodi kweri* ('chiefs of the hoe'), whose responsibility was to allocate land according to community needs and serve as a judicial body when disputes occurred.[17] Other elders and community leaders also participated in land management, and decisions regarding customary land were made by consensus between all male elders.

Although customary land is owned in common, its use is not permanently assigned. In the patrilineal society of Acholi, once a young man marries, the family allocates him a piece of land on which he may build a house and farm and settle with his new family.[18] Land is allocated to each individual family and a portion is reserved for communal use and general use. Family land is used for building homes, cultivating food crops and grazing domestic herds. If a man decides to settle in a place other than his own village, he can ask for permission to settle in the new community.[19,20] Permission is granted upon recommendation and confirmation that the applicant is of good character. If the applicant later decides to return to his own people, the land reverts to the clan and it is reallocated. Under the customary land tenure system women relate to land not as farmers or workers but only as wives, daughters and mothers.[21] In cases where a woman is not married to a man, in the eventuality of his death, land can be reclaimed by the brothers of the man's family, generating many land conflicts.

2.2. Modern Land Institutions

The introduction of western land systems in Acholi-land came much later in the course of colonisation of Uganda as the British had largely ignored northern Uganda since they considered it too dry and sparsely occupied to be of much interest.[22] In 1902, Acholi was officially given district status and in 1910 an administrative centre was created in Gulu town. While the British colonialists attempted to promote cotton production as a cash crop in the area, one administrator argued in favour of such a venture to be combined with the introduction of a system of individual land tenure. His argument was that it would create a stable society and promote the intellectual, moral and economic progress of the people (Atkinson, 1994; UN-Habitat, 2007).[23]

This individual land tenure system was established under English law where the Crown is the undisputed owner of all land and its subjects hold

estates which are basically divided into freehold and leasehold forms of land tenure. The law treats the 'estate' as property and a land 'title' given to a person indicates their 'interest' in the piece of land even though the land still belongs to the Crown (Heap, 1955).[24]

The 1995 Constitution of Uganda overturned this policy by putting ownership of the land in the hands of the citizens of Uganda, in accordance with the land tenure systems provided by the constitution. However, the terms and principles of the English property law continued in use and the courts of law would draw on principles established under the English legal system. For example, in Uganda's Judicature Statute 1996, there is a provision that 'in every cause or matter before the High Court, the rules of equity and the rules of the common law shall be applied concurrently.'[25] The law specifies that equity shall always prevail in matters of variance with the rules.

Though the 1995 Constitution draws much upon British law, it presents a new neo-liberal principle that observes individual rights to property ownership and one that is being pushed by big financial institutions such as the World Bank.[26] The neo-liberal agenda is based on the notion of 'inclusivity', by law, of all the 'poor people' because as long as some people are left out of the legal system, they cannot participate in the neo-liberal economic project which their nation is pursuing.[27]

Different new meanings have been attached to land and varying hopes invested in land reform in the course of the past couple of decades. The idea that land should do more than just provide shelter and a means of livelihood started being pushed.[28] To most governments in Africa land has become a vehicle for investing, accumulating wealth, and transferring it between generations.[29] With a proliferation of financial institutions, access to land became an incentive to make investments and a way for the poor to access financial markets.

2.3. Discussions on Principles and Practices

From the above analysis of the two sets of land tenure systems we see that the push for the introduction and extension of new individual property rights based on neo-liberal principles in areas where that extension runs up against the principles set out by traditional property rights creates a contradiction between those systems and produces real conflicts on the ground, with people who have customary tenure rights confronting people who want to get hold of their land to alienate it.[30] Lule[31] found that 80 per cent of all court cases in Acholi were related to land wrangles.

It is also possible that some people with customary rights have used modern state law to register their land under freehold systems. That means that the land has been taken away from the clan forever because if one decides to leave, the land does not revert to the chief to be reallocated. This disrupts the whole pre-existing customary system and conflicts with the principles of customary rights.

And it is because of this juxtaposition of two different existing systems that the need arises to critically understand what the principles of each of these two systems are and how they differ.

3. The Changing Face of Traditional Land Justice in Acholi

In Acholi tradition and customs, the whole concept of 'adjudication' by leaders was not a part of the roles of clan leaders, except in situations where land conflicts had spiralled out of control and needed a high council of elders and leaders. Girling[32] argues that the concept of 'customary justice' was introduced by the European colonial masters, that it was more despotic than customary practice, and was better termed as 'social ordering', administered by appointed or elected members of the community. This form of 'social ordering has continued to-date and many post-independence governments have continued to recognise it. Hopwood[33] argues that this 'social ordering' based its decision-making process on age-long practices of customs, focusing on ideas of appropriate resolution and very rarely on state law and notions of formal justice. The inclusion of traditional leaders as land conflict mediators with unhinged roles and responsibilities has since produced great results in land conflict management.

The ambiguity in the state laws has caused contradictions and clashes in value systems between the state laws and the customs and it is one that has struck through the idea of social ordering and the means by which it has taken shape within these communities. Porter[34] observes that priority is given to the continuity in practice of customarily appropriate social relations, over the concept of customary justice by legal process in contemporary Acholi. To Porter, social harmony takes centre stage in the mediation of conflicts because the need to maintain or achieve communal harmony is the ultimate goal of social ordering after wrongdoing. Individual penalties or retributions against an individual are always a side issue in matters where the concepts of 'victim' and 'perpetrator' are part of a social setting.

4. Uganda Land Laws and Policy Gaps

One of the gaps that create conflict between traditional and modern state institutions in Acholi has been the customary land tenure system in the north.

Here different communities have their different ways of managing land, all of which are legal by law.[35,36] There is no codified system of management of customary land for courts to follow; each case is handled uniquely, creating the problem of non-uniform decisions.[37] The mandate given to traditional institutions to mediate some of the land conflicts through the Alternative Dispute Resolution[38] has gone a long way in covering the problem the courts of law face in resolving land conflicts, however, traditional leaders have limited powers as mediators and are unable to sanction anybody. Therefore, in cases where an offender refuses to heed their collective ruling they can only refer to the courts of law, which also have limited resources and inadequate numbers of staff and thus always have a heavy backlog of cases.[39]

The issue of land sales is one that causes great concern among most people in Acholi. In traditional Acholi, the sale of land was unheard of, but with the push towards neo-liberalism and the increasing monetary economy, the people have had to go against their own customary practices to sell pieces of their land in order to survive. However, some of the transactions involving land purchase and/or lease are highly impervious and only a few details are made public, and these have caused a lot of suspicions among the populace.[40] The investors sometimes buy a whole sub-county[41] (Mabikke, 2011) in the name of setting up development projects and because the people are desperate they just sell. Since there is no law that forbids the selling of customary land and the transfer of this land to freehold, chunks of land in Acholi have been bought and transferred to investors/businesses as titled land. This has led to loss of land, especially among women who are not usually involved in the process of land sales or the distribution of the proceeds. The children are also affected by these deals, and in cases where the parents are irresponsible with the money obtained from the sale of such land, these children grow up to become landless and unemployable and hence turn to crime.

In some parts of Acholi, traditional leaders have come together to guard against such acts and protect the land from being sold to outsiders through instituting ordinances that allow land to be sold only to a person who comes from the village where the land in question is located (Burke & Egaru, 2001). However, these ordinances are usually weak and unable to hold up in the courts of law, especially in instances where a member of the clan buys the land and then sells it off to an outsider. In such cases, the member of the clan usually pretends to be buying the land for themselves but, in fact, will be standing in somebody else – an outsider.

The law on bona fide occupants in the Land Act Cap. 227 has so far created the biggest hurdle. This falls under the modern law system of individual ownership, where if someone stays on your land for 12 years unquestioned or undisturbed, the law purports that the land automatically becomes his. This law is contradictory to the customary practice where land always belongs to the clan no matter how many years it has been unoccupied. This has become a bone of contention between people who went to the camps believing that they would return to their land but only to come out of the camps and find that somebody else legitimately owns the land because they have stayed on it for over 12 years. Many people lost their land this way, and the problem of returnees has been exacerbated by the fact that there were no legal instruments to address the issue of land abandoned owing to emergencies.

The other issue that has arisen due to the institution of modern land laws in Acholi-land has been the unclear and suspect Land Acquisition Act 1965 Cap. 226 and the Land Act 1998 Cap 227. The Act makes provision for compulsory acquisition of land for public use or/and such acts as are related to public purposes or on account of security risks. Sections 1,2,3 and 4 of the Land Act 1998 Cap.227 gives absolute powers to the Minister of Lands to 'authorise any person' to find out the suitability of a piece of land, make a declaration of its suitability and send assessment officers to assess the identified piece of land. This process is prone to corruption and malpractice as it vests so much power in the ministers. It is for this reason that the Act has made the returnees from camps suspicious that this eminent domain may be misused by government officials to grab land legally in the name of the state.

Mabikke[42] observes that communal lands have already been grabbed by powerful individuals such as army officers, politicians and government officials, leaving the extremely vulnerable persons, especially the women, children, youth and elderly, landless wonderers in their own homeland. There have also been several government attempts to acquire land in Acholi to give to rich business owners and companies such as the Madhvani Group.[43] This has led to the locals fighting back through local means such as the prostration by naked women in Apaa in April 2015[44] in defence of their land, which they claimed the government was attempting to take away from them. This perceived scarcity of land has driven everybody into a state of panic and has made everyone want to protect the little land they have; hence violent reactions will occur at the slightest provocation.

Although in exploring the above issues we have been able to highlight some of the issues women are faced with, the general idea was to establish a basis for the complexity of land ownership in Acholi-land. In the next

sections of this essay, we shall primarily focus our attention on the impact of these land conflicts on the women and, by extension, their children in Acholi.

5. Women and Access to Land

Uganda has been recognised as having outstanding legal policies to protect women and as having institutionalised gender mainstreaming and gender-sensitive policies. Uganda has also ratified several international human rights treaties on gender equality and the protection of women's right. However, there have been gaps between the laws and the implementation of these laws, as stated in the National Land Policy 2013. The enforcement of these mechanisms is still lacking and although traditions, customs and practices which largely discriminate against women in matters of access to, use and ownership of land have since been outlawed, the practices still continue to persist undetected by the law keepers.[45,46,47]   Cultural traditions such as land inheritance that favour only men, leaving the woman's rights to inheritance at the mercy of the male relatives (Uganda National Land Policy 2013).

Ugandan national land law has also not addressed this problematic practice in the Acholi sub-region where women's relationship to land is tagged to a male figure. Attempts have been made to redress this inequity in the Domestic Relations Bill but Parliament has declined to pass it, the fact that the speaker of the Ugandan Parliament is a woman notwithstanding. The *Court of Appeal in Uganda Women Lawyers and 5 Others vs. the Attorney General Constitutional Petition No.2/03* and the *Uganda Women Lawyers vs. the Attorney General Constitutional Petitions Nos. 13 /05 /& 05 /06 [2007] UGCC 1 (5 April 2007)* fortified the rights of women to equality under the constitution, specifically Article 26, which regards the rights of a woman to own property. The problem is that women do not have the same leverage with men. For example, in a cohabiting relationship, a woman is not legally recognised as married to a man even if the parties have stayed together for 10 years in that relationship. So in case of a break-up the woman is bound to lose everything; and even worse, in cases where the man passes on before marriage is contracted, the woman is ejected from the land, sometimes along with her children, by the man's relative since she does not have a right to his property.[48]

However, these cases are becoming few, having been largely averted by the inclusion of women representatives on the land committees at village level.[49] Also, the advocacy for women's rights by various NGOs has helped bring justice to the women.[50]

Hopwood (2015) observed that the status of claims by the women and particularly their children (who are considered outsiders at their maternal homes) have been evolving over time with elders, clan leaders and community members tending to support such women's claims and sometimes those of their children as well. Girling[51] and Finnstrom[52] note that the chances of acceptance of these children into the clan are greatly increased by stronger bonds between the children and their mother's clan (ibid.).

The inclusion of traditional leaders as mediators in land conflicts meant that the traditional leadership became an official structure of the state and one whose rulings would be respected by the courts of justice, too. This is an important step towards land conflict resolution and women's land access claims. The meaning of this is that the traditional leadership now has to account both to the people and to the government and this has checked their otherwise patriarchal actions. This also means that the government and civil society organisations could advocate the inclusion of women representatives in these conflict management structures, something that would greatly benefit the women. LEMU, an NGO, has designed a document on the principles of natural justice to guide clan leaders in land conflict resolution.[53]

As shown above, a hybrid system has been adopted to include and protect women's right to land access where the clan leaders are now being asked by the government and various NGOs to observe women's and children's rights in the mediation of land conflict while also putting into perspective their principle goal of restorative and reparative social ordering. This situation promotes more equitable access and security of land use for women and children.

5.1. Women's Marital Land Claims

The weak laws on marriage, cohabiting and divorce have played a big role in the eviction of women from their husbands' land and their return to their fathers' homes. The allocation of pieces of land to new members of the family is usually done by the heads of the family. In instances where the woman was not married or where the woman has been divorced by the man, the family is entitled to protect her. However, this has not usually been the case since women in these situations are usually evicted by the family-in-law, most commonly the brothers-in-law.[54] These evictions are done for several reasons, including the genuine threat of land scarcity, opportunistic greed because of the commoditisation of land, or through rejection of the women's claims by the brothers' wives.

In instances where there is actual fear of land shortages, attempts are made to reduce the number of claimant to the land and in the process male members of the family are favoured. The reasoning, sometimes genuine, is that women will always get married into another family and, therefore, the men need the land the most because they are the ones who marry women and bring them home. However, this often leads to landlessness among those women who have no desire to get married, those who have returned home from a broken marriage or even the ones who have either lost their husbands or have been divorced.

Hopwood[55] found that these categories of women are now decreasing, as the clan leaders have stepped in to protect the rights of such women. She found that clan elders are more empathetic with the plight of women as they are more concerned with the interests of and their obligation to them in the social ordering of the clan as a whole.

So, as presiding members of the clan, their decisions override those of any family members or family heads. Furthermore, now that the 2013 National Land Policy gives them legal status as mediators in land conflict issues, women's right to land access has taken centre stage in the mediation of the cases of land grabbing or land deprivation. This assumption is supported by data from the study by Hopwood and Atkinson (2015). Another study that shows the effectiveness of these traditional leaders and their observation of women's right to land access is the one by Burke and Egaru (2011) for the UN Peacebuilding Programme on the identification of good practices in land conflict resolution in Acholi. Kimani[56] highlights the roles of the NGOs in bringing justice to women based on her discussions with Uganda Land Alliance from which she heard about cases where land had been returned to women who had lost it through unfair customary systems.

It should be noted that, while there is a positive turn of events for women, the cases where women receive redress are still few compared to those where women face injustices under the unregulated law and the unfair patriarchal arrangements provided for under the customary systems. But as both government agencies and civil society continue to carry out civic education on the right of women to access land, as Hopwood found, a shift is taking place in a positive direction for the women.

5.2. Women and Informal Land Markets

An important factor that has played a role in helping the cause of the woman is what Hopwood (2015) calls the introduction of the notion of the 'paying guest' or renting of land. The notion is a sensitive one and one that is a little obscure as permanent sale of land in Acholi still draws a lot of

disapproval, but is also one that has enabled women to buy and rent land albeit at increasing cost.

The push for the neo-liberal system of individualistic land ownership has created a big advantage for this notion of informal land sales. These informal markets are now more common than ever as a result of an increasingly neo-liberal, monetary economy where the need for money has immensely increased. The sale of land on the informal or formal market raises serious issues, since distress sales are likely to predominate, leading to landlessness and extreme poverty (Burke & Egaru, 2011).

The existence of informal markets that are based on individual tenure actually favours disadvantaged woman who otherwise face massive discrimination within the customary tenure system and the common land ownership practice in the community. This informal market now gives the women the opportunity to gain access to land through renting or buying. Hopwood (2015) found that while a few women have the money to buy plots of land, many women now rent plots of farmland, often as a supplement to day labouring commonly known as *leja leja*, a local term for petty business. Community savings groups commonly known as Village Savings and Loans Associations (VSLAs) sanctioned by most livelihood NGOs in northern Uganda have also helped the women save some money with which they have been able to rent or buy plots of land.[57]

6. Conclusion

The British colonialists respected the traditional institutions and, in fact, used them in attempts to maintain their control over the people. However, as observed above, the establishment of modern private ownership systems threatens these rights. In a situation of increasing land scarcity and social disruption caused by war, this has also contributed to the ubiquitous social unrest in northern Uganda today. This problem has been compounded by commandist-state interventions that enabled elites to appropriate land and the weak policies and enforcement processes that did not safeguard the rights of people herded into concentration camps due to the LRA insurgency. The neo-liberal agenda in itself is not a bad idea, but in a society where there is uneven distribution of resources and a huge monetary gap, it is fair to say the poor will stand no chance against the mighty businessmen and investors. This push towards a neo-liberal society and land ownership has only compounded the problem further by commercialising the land and bringing into play the informal land markets, which has also worked to give access to land by 'investors' or 'businessmen' who in the end exploit the poor.

However, in all this, this essay unearths the fact that the interactions caused by the entanglement between the traditional and modern state institutions have in a way had a positive influence on women's claims to land access. The traditional leaders are beginning to understand and value women's contributions to society and treat her as equal to their male counterparts.

President Yoweri Museveni, in his speech referred to earlier in the paper, calls for the Parliament of Uganda to amend the laws on land ownership but this amendment, like many others before it, must resist being a fire brigade amendment which tackles issues that arise without deeper understanding of the underlying cause. The appreciation of the roles played by the dual nature of these institutions through critical analysis will give the legislation clear policy recommendations. I would recommend the use of Malinowski's three column approach to enable the appreciation of the nuances in the process of change.

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Are Land Disputes Responsible for Terrorism in Kenya? Evidence from Mpeketoni Attacks

Michael Nyongesa[a]

Abstract

This article explores how land disputes have influenced domestic terrorism in Kenya. The author first examines the general trend of terrorism in Kenya and then compares the various causal factors for both domestic and external terrorism. This article establishes that historical land grievances have been politically and ethnically utilised by the politicians to fuel tension and radicalise the youths. The terror groups have utilised this fertile ground of ethnic tension to carry out the attacks. The article concludes that addressing domestic terrorism should incorporate strategies of addressing land grievances and economic inequalities.

Keywords: Terrorism, land disputes, marginalisation, Kenya, Mpeketoni

1. Introduction

The recent terror attacks in Brussels and Paris exemplify increased global radical Islamist terrorism, and this indicates that no country is safe from terrorism. The Horn of Africa and eastern Africa have been scenes of conflicts and terror attacks in the recent past. Kenya, in particular, has experienced increased terror attacks since 2012. Al-Shabaab, which is Al-Qaeda's affiliate militant group in Somalia, has claimed responsibility for most of the attacks. The theoretical and political debates underpinning the 'causes' or 'conditions' for increased terrorism activities in Kenya have come up with several contrasting hypotheses which fall into two categories. One line of argument focuses on *external causes* which include: Kenya's proximity to unstable neighbours (Karari, 2014; Aronson, 2013), Kenya's close ties with Western countries (Adan, 2005; Rohwerder, 2015) and the presence of Kenya's troops in Somalia (Mellgard, 2015; GOK, 2014; Lind *et al.*, 2015). The second line of argument focuses on *domestic factors* which

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include: youth unemployment (Sibena, 2015; Odhiambo, 2015), oppression and marginalisation of Kenyan Muslims (Karari, 2014; Bradbury & Kleinman, 2010) and finally economic and political grievances (Odhiambo, 2015; Botha, 2014). Each of the above factors cannot adequately explain every attack in Kenya as the phenomenon of terrorism is complex and the cause and reason vary from place to place (Whittaker, 2004). It would be misleading to analyse them from a general point of view as there are different reasons for attacks exhibited by al-Qaeda and ISIS in Syria and Iraq, Boko Haram in Nigeria and the Taliban in Afghanistan (Mohammed, 2015).

Kenya has a long history of land injustices and grievances and any domestic economic grievances are related to land (Boone, 2012; Kanyinga, 2009). Therefore, this paper is of the view that land grievances constitute the *fulcrum* of domestic terrorism in *some parts* of the country. Land is pursued indirectly and beneath other factors like ethnicity. Less research has been done to establish the interaction between land grievances and domestic terrorism in Kenya. *Land grievances* have only been mentioned to supplement other internal conditions facilitating radicalisation.

In that regard, the aim of this paper is to assess how land disputes and grievances have influenced terrorist activities in Kenya. This topic is relevant to development because a lot of resources are being allotted to fighting terrorism. Furthermore, this paper also contributes to the counter-terrorism policies domestically and at the global level. Coastal Kenya, and Mpeketoni in particular, was used as a case study because it has experienced the highest number of attacks in the country in most recent times (ACLED, 2015) and, at the same time, has 'extreme' cases of historical land injustices in Kenya. This paper exclusively utilised desk-based qualitative research as the primary methodology where a review and analysis of the relevant literature on terrorism and land in Kenya was done.

The central finding of this paper is that, while other factors predominate and provide a primary explanation for the increased terror attacks in other regions such as Nairobi and northern Kenya, in the case of Mpeketoni, land injustices and grievances have been exploited politically, fuelling hatred and tension between the natives and the outsiders. This hatred and tension has been utilised by the Al-Shabaab to infiltrate, recruit and radicalise Muslim youths who, in turn, carry out terror attacks targeting the outsiders who are non-Muslims in order to displace them from their areas. Al-Shabaab is utilising this fertile land of ethnic tension, frustration and religious dichotomy to win over financiers and sympathisers. This is really helping Al-Shabaab to infiltrate Kenya and advance their economic and political

motives. It is evident that if the Kenyan government continues to deny the real domestic socio-economic grievances on which extremists have relied to radicalise and recruit, Kenya risks presiding over the growth of a fully developed domestic Al-Shabaab insurgency (Mellgard, 2015). Therefore, anti-terrorism policies and strategies should start by addressing the domestic socio-economic inequalities (Menkhaus, 2015), build strong relationship with the Muslim communities and reform the security institutions to enable them to gather intelligence information and respond quickly.

2. Overview of Terrorism in Kenya

Terrorism in Kenya dates back to the colonial era when the British rulers labelled the freedom fighters named Mau-Mau terrorists and yet the group was a legitimate liberation movement (Mogire & Agade, 2011). From 1970 to 2014, Kenya experienced 440 terrorist attacks. They resulted in around 1,400 deaths and around 5,800 injuries (Pate & Miller, 2015). Most of these attacks occurred in the northern and coastal regions as well as Nairobi. The most fatal attack was in 1998 when al-Qaeda attacked the U.S. embassy in Nairobi where more than 200 people died and around 4,000 were injured (ibid.). From 2012 to 2015, the terrorist attacks significantly increased, with the Al-Shabaab claiming responsibility (Mellgard, 2015). The other notable attacks include the Mpeketoni (Coast) attack in 2014 where over 100 people died (Butime, 2014). Another major attack was on Westgate Mall (Nairobi) in September 2013 where 67 people died and, most recently, the Garissa University attack where 147 students were massacred.

Figure 1: Kenyan Map Showing Patterns of Al-Shabaab Attacks from 2007-2015

3. Mpeketoni Terror Attacks as a Case Study

Mpeketoni is situated in Coast Province and in Lamu County. It experienced a lot of terrorist attacks in 2014 as highlighted in Figure 2 below. Greater Mpeketoni is a fertile farming area located along the East African coastline that runs from Mombasa to the Kenya-Somalia border. It was created as a settlement scheme for the landless Kikuyus in 1968 by the Kenyatta government (Boone, 2012). The relocation of Kikuyus to Mpeketoni has been labelled as 'rigged development' and the Kikuyus are termed as 'outsiders' by the locals who are Swahilis and Muslims (IRIN, 2014). This relocation altered the ethnic and religious composition of Lamu and most of the Coast region (Butime, 2014). The influx of more Kikuyus, and members of other tribes who were Christians, resulted in the indigenes being the ethnic and religious minority, which has led to a lot of tension (ibid.). The locals believe that this relocation was a deliberate attempt to destroy their economic power, which adds to the narrative of marginalisation (Bradbury & Kleinman, 2010). Lamu is the only county in Kenya where nearly 50 per cent of the population is non-indigenous (IRIN, 2014).

Figure 2: Death Toll in Lamu as Result of Terror Attacks - June to July 2014
15 June: 65 people killed in Mpeketoni and the environs
17 June: 15 killed in Poromoko and Witu
23 June: 5 killed in Taa village, Pandanguo area
5 July: 12 killed in villages in Hindi area
5 July: 9 killed at Gamba
18 July: 7 killed near Mpeketoni centre.
*Source***: IRIN news 23 July 2014**

3.1 Predicting and Predisposing Factors for Increased Terrorist Activities in Kenya

To understand and unravel the mystery of increased terrorist attacks in Kenya (Coast), the major contending, motivating and facilitating factors advanced by various scholars will be qualitatively and theoretically analysed and tested.

3.2 The Presence Of Kenya's Troops In Somalia

In October 2011, the Kenyan government deployed Kenya Defence Forces (KDF) to Somalia under the AMISOM unit. This was after the Al-Shabaab had abducted some Kenyans, tourists and foreign aid workers (Odhiambo *et al.*, 2015; Mellgard, 2015). KDF's invasion of Somalia re-amplified

the tenuous relationship between the Muslims and the Kenyan state (Rohwerder, 2015). It has been argued that this offensive invasion, referred to as Operation *Linda Nchi* (Swahili for 'protect the country'), has been the primary reason for increased transnational terror attacks in Kenya since then (Rohwerder, 2015). The same argument can be reinforced by data from ACLED that indicates increased terrorist activities from 2012 up to 2014, as shown in Figure 3 below.

Figure 3: Fatalities Per Province Since 2008-2014
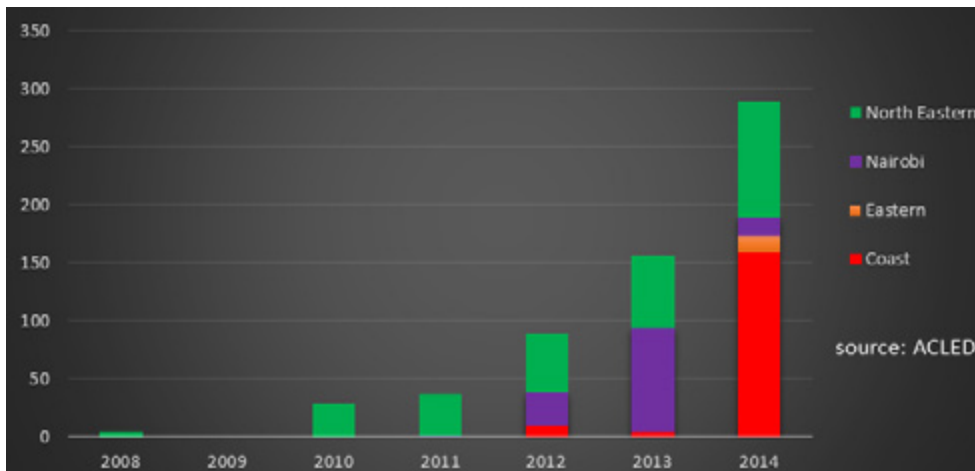
As shown by the bar graph above, the number of attacks has significantly increased since 2012, just after the incursion of Kenyan's troops into Somalia. These increased attacks are perceived to be retaliations by the Al-Shabaab. Political debate in Kenya is muted on withdrawing troops from Somalia (Lind *et al.,* 2015) as a possible solution to increased terrorist activities. However, this hypothesis falls short on several grounds, as explained below.

Geography of the attacks: As Figure 3 above indicates, the attacks in 2012 and 2013 were primarily in north-eastern Kenya and Nairobi. The shift of the bulk of the attacks to coastal Kenya in 2014 needs a proper explanation. The possible reason is that the attackers could be looking for places that are fertile for conflicts because of simmering economic grievances and ethnic tensions (Butime, 2014) and Mpeketoni is one such place.

Target type: Most of the attacks in 2014 were in the coastal region (Figure 3) and on private citizens and their businesses (Figure 4 below). In 2012 and 2013, the attacks were primarily directed at the police and military, which represented a clear message of retaliation because of the presence of Kenyan troops in Somalia.

A shift in 2014 to primarily attacking the citizens and their businesses who are non-natives of Mpeketoni discredits this hypothetical factor.

Figure 4: Trend in Targets from 2012-2014
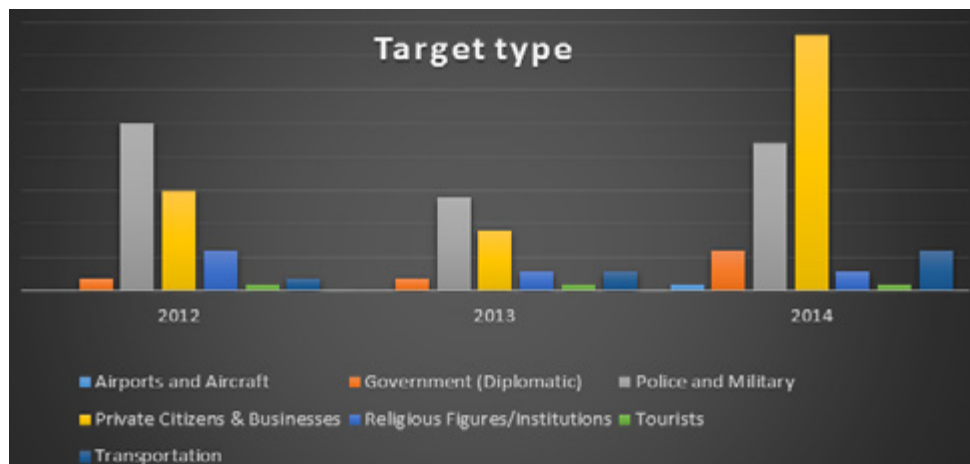
Furthermore, attacking the coastal region is perceived to have a link with its vibrant beach tourism industry that is at odds with the locally dominant Islamic religion and culture (Rohwerder, 2015). However, this link can be contested on the grounds that, even though Mpeketoni town itself is situated along the main coastal road leading to the Lamu tourist resorts, it does not host foreign tourists. The absence of tourist attractions there made it an unlikely target for the Al-Shabaab seeking to hurt the tourism industry and the fact that there were no foreign tourists among the victims reinforces this argument (Butime, 2014). Other countries have troops in Somalia and have nearly the same geographical proximity to Somalia as Kenya but they have not experienced as many attacks as Kenya. Ethiopia, Djibouti, Uganda and Tanzania have all experienced one attack each in 2014 compared to Kenya with over 60 attacks (ACLED, 2015). These statistics further nullify this assumption and call for consideration of other factors.

3.3 Unstable Neighbours and Porous Ungoverned Borders
The long-running state collapse of Somalia and conflict spill-over act as 'external stresses' on peace and stability in Kenya (Lind *et al*., 2015 p.4). When the Somali state collapsed in 1991, it created a lawless society where Islamic radical ideologies flourished (Aronson, 2013). Insecurity, lack of governance and development vacuums in these areas have enabled armed groups, weapons and the jihadist ideology to gain ground and cause a threat

to the Kenyan state (Gibbons, 2014). Most of the radical Islam comes from the Middle East and Somalia owing to porous insecure borders (Aronson, 2013). In 2003, President Bush reiterated that 'stabilising Somalia is essential in sustaining the war against terrorism' (Mogire & Agade, 2011). The geographical terrain, especially in north-eastern and partly coastal Kenya, is difficult to secure, hence remains 'ungoverned spaces', making it easy for Al-Shabaab to infiltrate Kenya (Kleinman & Bradbury, 2010; Anderson, 2014). The same argument is reinforced by Ombaka (2015:11), who dubbed these porous borders as an 'arc of insecurity'. In northern Kenya, the situation is worsened by the frequent conflicts between pastoralist communities due to cattle raiding and competition for pasture and water for their animals (Anderson, 2014). According to Mogire and Agade (2011), Somalia has played a big role in transiting weapons and Islamic fundamentalists who have coordinated most of the deadly attacks in Kenya.

The ungoverned spaces also hint at the failure or laxity in government and security surveillance which enables the terrorist groups to network, hide and flourish undetected (Bradbury & Kleinman, 2010). This factor of insecure borders best explains most of the attacks in northern and coastal Kenya, especially in 1990-2010 (Aronson, 2013). The I990s attacks were also hinged on Kenya's close ties with Israel and the West (Adan, 2005; Rohwerder, 2015). It can be argued that the geographical terrain and position of Mpeketoni provided the assailants with many routes of egress after the attack, which could be a possible reason for targeting it (Butime, 2014). Mpeketoni's location, being adjacent to the expansive Pandaguo forest to the north that extends into Boni wildlife forest that connects into Somalia and other routes heading to Witu and Lake Kenyatta, also favours hiding of the attackers. Given the fact that Al-Qaeda operatives involved in the deadly 1998 and 2002 attacks stayed in the same area also reinforces this argument (Bradbury & Kleinman, 2010). However, the assumption that the Al-Shabaab chose Mpeketoni because of the ungoverned spaces and the escape routes is not convincing. It can be contested on the grounds that the high concentration of security forces in the area makes it unattractive. The location of the General Service Unit (GSU) and KDF bases in Hindi, Mokowe and Witu meant that the attackers risked heavy confrontation. In 1998 and 2002, security had not been reinforced in the area as it is currently (GOK, 2014). Therefore, if the driving force behind the attacks was this factor, then northern Kenya would have been the most appropriate because of the many ungoverned spaces, but not Mpeketoni.

3.4 Marginalisation and Oppression of Muslims Facilitating Radicalisation

There is a history of secessionism based on distinct ethno-political, regional identities and claims of socio-economic marginalisation of the two regions – northern and coastal Kenya (Dowd & Raleigh, 2013; Bradbury & Kleinman, 2010). Kenya's domestic policies, politics and practices in relation to uneven distribution of socio-economic development resources and the treatment of Muslims as 'second class citizens' have made them rebel against the state (Lind *et al*., 2015; Botha, 2014; Aronson, 2013). Both regions have experienced political alienation and lag behind in development and infrastructure, i.e. education, health service provision, access to clean water, unemployment and poverty (Bradbury & Kleinman, 2010). The issue of radicalisation in Kenya is principally influenced by marginalisation (IRIN, 2015; Karari, 2014). This implies that resentment against the state is strong and extremist groups have identified that particular gap, and have infiltrated the Kenyan communities by offering development where the state has failed. In keeping with Osama Bin Laden's statement about the U.S. – i.e. 'We speak for the poor and oppressed of the world' – oppression and poverty destroy the human spirit and erode reason (Moghaddam & Marsella, 2004). The same argument is reinforced by the deprivation theory which holds that marginalised groups harbour feelings of deprivation and frustration which underlie the groups' decision to engage in violent conflict (Martin, 2003). The state has also pursued aggressive counter-terrorism policies directed mainly at Somali and Muslim Swahilis among the coastal populations (Menkhaus, 2015). Unexplained assassinations, torture and mistreatment of suspected terrorists cause tension among the Muslim communities who perceive themselves as being targeted by the state (Botha, 2014; Karari, 2014). Muslim youth have joined Al-Shabaab (hence more radicalisation) in a counter-reaction to the government's imposed 'collective punishment' driven by the perception that all Somali and Kenyan Muslims are potential terrorists or sympathisers (Botha, 2014).

However, this factor (marginalisation) cannot adequately explain the attacks in the coastal region and particularly Mpeketoni. Compared to other areas of the country, Mpeketoni is far better than them in terms of development with vibrant economic activities and a developed infrastructure (GOK, 2014). Resentment is strong in Mombasa with vibrant Mombasa Republican Council calling for secession and therefore, it would have been a more appropriate target, just like in other years when there were more numerous attacks in Mombasa than in Mpeketoni (ACLED, 2015). Moreover, the selective attacks against Christians and Kikuyus were also

viewed as revenge for the counter-terrorism assassination of Muslim leaders by the government (Crisis Group, 2014). Attacking principally Kikuyus in the full knowledge that the president was a Kikuyu was a direct attack against the state. However, this assumption can be contested on the basis that other retaliatory attacks, especially after the assassinations, were directed at churches and police stations, not private citizens, as witnessed in Mpeketoni. Furthermore, the timing was totally inappropriate because most of the assassinations were in 2012 and 2013, well before mid-2014 when the Mpeketoni attacks occurred. Therefore, these demerits re-open the debate about historical land injustices and grievances in Mpeketoni as the fourth reason that facilitated the attacks.

4. The Land Factor
4.1 Origin of the Land Question in Kenya

The question of land tenure in Kenya remains unresolved and is often treated with sensitivity and fervent sentimentality (Kanyinga, 2009). The disputes concerning land revolve around the three fundamental land tenure issues, i.e. land administration, land ownership and land laws. The diverse interpretations and misunderstandings of land ownership and land use rights have resulted in land disputes in various parts of the country. These disputes have been mediated and moderated by other variables such as ethnicity, and have turned into land conflicts, leading to loss of lives, population displacement, property destruction, food crises and international humanitarian crises (ibid.). A trace of the evolution of land disputes reveals failure of land order which was occasioned by colonial rulers and the successive regimes of Kenyatta and Moi (Boone, 2012). The colonialists assumed proprietary powers over land. Furthermore, British land policy favoured the white settlers, leading to the suppression of indigenous land ownership rights and the dispossession of many indigenous communities of their land in the Rift Valley, Coast, Nyanza, Central and Western regions. These areas were termed as the 'white highlands' (ODI, 2008).

Land alienation was highly contested by the natives and was the motivation underpinning the Mau Mau rebellion movement that led to Kenya's independence in 1963 (Boone, 2012). The land grievances and dispossession were further aggravated by the Kenyatta government from 1963 to 1978. The Kenyatta government began a series of resettlement schemes to compensate the displaced populations. He distributed land, among other resources, to the communities that were supporting him at the expense of communities that were opposed to his ideologies (Ajulu, 2002).

Branch and Boone also note that after the exit of the colonial rulers, the natives were meant to buy back the land and most Kenyans could not afford this, so the elite who could afford benefited more. The resettlement schemes were biased towards the rich under the slogan 'willing buyers, willing sellers' (Nyong'o, 2005). The schemes were characterised by corruption, nepotism, patronage and ethnic politics (ibid.) hence favouring influential politicians and particular ethnic groups.

In particular, the Kikuyus were imported and settled in fertile areas of the Rift Valley and the Coast at the expense of the native communities in those areas such as the Kalenjin, Maasai, Mijikenda, Luo etc. The land grievances and tensions were further exacerbated by President Moi who succeeded Kenyatta in 1978. Moi portrayed the opposition who were Kikuyus as an exclusionary project to control land (ODI, 2008). To recover the stolen land, Moi evicted Kikuyus in some areas through stage-managed conflicts, as was seen in 1992 before and after the elections and again in 1997 (ibid.). Whereas the new 2010 constitution guarantees the right of land ownership anywhere, land disputes remain complex; they did not only form the basis for the war for Kenya's independence but also constitute an impediment to Kenya's peaceful coexistence and have profoundly undermined ethnic harmony (Nyadimo, 2005; GOK, 1999).

The issue of land conflicts can be resolved through the resettlement of communities, nullification of fake titles, and land (re)distribution but using a gradual approach (ODI, 2008). Furthermore, land reforms need to centre on the restructuring of power relations (Mamdani 1996). Therefore, in order to arrive at a long-lasting solution to land conflicts, the state needs to understand and address the root causes of injustices that were caused by the British from a historical perspective and rectify the problem (TJRC, 2013).

4.2 Land Politics and Elections

Land politics is a game that creates winners and losers (Boone, 2012). The various Kenyan administrations have used their discretionary powers over land allocation as an instrument of (re)distributive politics, granting land access strategically to engineer political constituencies that would bolster them against their rivals (ibid.). Gerrymandering and incitement have also been instrumental in pushing out rival communities and containing those that support the political leaders. Control over resource allocation and access, especially to land, has become a means by which power and privilege are retained and expanded in the political system (ibid.). Therefore, land disputes in Kenya are intertwined with how state power has been used to gain political advantage, lock in this advantage, and create winners and

losers in the national political-economy at large (KNHRC, 2008; Boone, 2012; Ndungu, 2006).

The primary objective of land-related conflicts among Kenyan communities during the electioneering period is to influence voting patterns by eliminating some ethnic groups perceived to be a threat to the successful candidature of a powerful politician (Krätli & Swift, 1999). For example, boundary conflicts among the Samburu, Turkana, Pokot, Kalenjin, Kikuyu, Luo and even the Ameru have been witnessed during electioneering periods in Kenya since the advent of multi-party politics in 1992 (Osamba, 2000). The epicentres of electioneering violence are northern Kenya, the Coast, the Rift Valley and Nairobi (Bradbury & Kleinman, 2010; KNHRC, 2008). For example, Baragoi sub-county in Samburu county has been experiencing a series of serious territorial and ethnic clashes between the Samburu and Turkana since 1994. The worst and latest incident was the Baragoi massacre that led to mass deaths and injuries in November 2012, very close to the 2013 general elections. It led to the displacement of many people in the area and the closure of schools and businesses. The population of the Turkana has increased over the years, leading to fears of the 'foreign' Turkana influencing the local voting patterns in what the Samburu politicians perceive as their exclusive territory (Muchai, 2003; Weiss, 2004). Land conflicts seem to increase in frequency and intensity before elections (Krätli & Swift, 1999). Another case was the Mpeketoni (Coast) clashes and tensions in 2012 close to the 2013 elections on which the Al-Shabaab capitalised in 2014, making the area a fertile zone for the attacks (see Figure 2) in which over 100 people died (Butime, 2014). Ethnic cleansing, land seizure and forced displacement characterised the attacks and their aim was to reduce autonomy and create ethnically homogenous areas.

Furthermore, the displacement crisis following the 2007 presidential election results was not an anomaly; it was part of a sequence of recurrent displacements that stemmed from unresolved and politically aggravated land grievances, in a context of population growth, poor governance and socio-economic insecurity (ODI, 2008). Land issues underpinned the conflict (Boone, 2012) just like 'greed' is hidden under the grievances in social conflicts (Keen, 2012).

4.3 Land Grievances as a Possible Explanation of the Attacks

The coastal region has the highest number of squatters and landless and, at the same time, recorded the highest number of terrorist attacks in 2014 (Karari, 2014). The debate about and rhetoric of domestic terrorism are focused on socio-economic inequalities to which land grievances central

(Mellgard, 2015). This implies that the Al-Shabaab has skilfully manipulated historical land injustices and socio-economic inequalities to radicalise and recruit members (Lind *et al*., 2015). The number of Kenyans, both Muslims and Christians, in al-Shabaab continues to grow because of the domestic socio-economic grievances and inequalities (Botha, 2014; Mellgard, 2015).

As borne out by the sub-section on the geographical location and targeting of the attacks (also see Figures 3 and 4 above), the attacks have shifted to coastal rural and agricultural zones, particularly in Mpeketoni. The initial attacks in 2012/2013 were concentrated in urban areas like Nairobi, Garissa, Mandera, Moyale and Mombasa. They were also indiscriminate and Al-Shabaab claimed its attacks were in revenge for the presence of Kenya's troops in Somalia. The recent attacks in 2014 and 2015 primarily targeted rural areas, specific religions and communities (Mellgard, 2015). According to Mellgard, the shift from Kenya's urban, more developed regions to rural areas at the coast – which are less developed – is because conflict is more likely where there is inequality and economic battles, in this case with regard to *land*. More developed (urban) regions are more likely to experience riots and protests than drawn-out conflicts which are mostly common in rural (less developed) areas; hence Al-Shabaab's shifting its sights to those potential conflict zones (ibid.). The fact that Mpeketoni is a resettlement scheme with a history of land grievances, which characterises the Coast region at large, brings us to the central argument. According to Butime (2014), the central argument relating to most of the attacks at the coast in places like Mpeketoni stem from simmering social tensions embedded within land grievances, hence favouring radicalisation and domestic terrorism. Land conflicts in Mpeketoni have created a prospective conflict environment that has fitted in with the motivation underpinning the Al-Shabaab Islamist insurgency in Kenya (Butime, 2014:1). After the 2007/2008 post-election violence, the ethnic composition of the area was slightly altered with non-natives moving in. The natives have complained about the new influx of IDPs as a result of 2007/2008 post-election violence and they have opposed government's move to resettle more IDPs in the area (Otieno, 2014). Butime (2014) further argues that the major cause of these recurring attacks that principally target the non-natives has little to do with the presence of Kenyan troops in Somali but is intended to displace those who have unfairly acquired their land and to reassert their identity as the minority whose rights have been taken away by the 'outsiders'.

The rationale behind *target selection* (Kikuyus who are Christians and non-natives) poses a challenge in explaining. However, it stems from the conflicting perspectives of domestic motivations and land grievances which

relate to uneasy relations between the wider coastal region and the Kenyan government over unfair land resettlement (1CG, 2014). This argument points to the fact that the attacks were rooted in domestic land politics intended to displace the outsiders and control power and resources in the region (ibid.). Given the fact that ethnic Kikuyus and Christians were selectively attacked, it is plausible to deduce that the terrain of Mpeketoni's simmering social tensions had presented the attackers with a canvas on which to violently express their land grievances and ideals to the 'outsiders' (Butime, 2014). According to Odhiambo *et al.* (2015), the attackers were radicalised Muslim Kenyans in the coastal region who had links with Al-Shabaab from Somalia. The commonality of land grievances cutting across the wider coastal region of Kenya, coupled with the ethno-religious selectiveness in the targeting of victims, points to the possibility that the Mpeketoni attacks were primarily a product of internal land politics (ibid.). The large-scale land acquisition, development projects, and internal migration by other ethnic groups have also created tensions over land in the region (Sharamo, 2014: 8). Mega development projects by the government have caused conflict. For example, the discovery of oil in Lamu and the commissioning of the multi-billion dollar Lamu Port South Sudan Ethiopian Transport (LAPSSET) corridor have led to a rise in the price of land and land grabbing by non-natives of the region because of their financial abilities (1CG, 2014). The project's impact on local livelihoods is a real cause for concern and in-migration is significantly high, fuelling land tension (IRIN, 2014). This horizontal inequality created in the region between the natives and the non-natives has resulted in feelings of frustration, fuelling instability in the coastal region of Kenya.

However much the state continues to publicly downplay the land factor and other economic grievances as causes of radicalisation, it is evident in their actions, especially in the coastal region, that they recognise the need to address the land problem. In late 2013 and early 2014, the government distributed 60,000 title deeds to squatters in the Coastal region (Blair, 2014; Nyassy, 2013) and in 2016, the government has begun distributing close to 5,000 title deeds (Gari, 2016). According to the *Daily Nation* (2014), the initial distribution in 2014 was biased and fuelled tensions, which possibly might have contributed to the Mpeketoni attacks. Therefore, it can be deduced that the major evidential cause of the attacks in Mpeketoni is related to ethnic cleansing, land seizure and forced displacement with the aim of reducing the autonomy and creating ethnically homogenous areas, which is line with the argument that the belligerents aim to control space and land resources (De Waal, 2009).

5. Conclusion

This paper suggests that, while other external explanations have merit, increased terrorist activities in Kenya have a strong link with domestic factors. Of the domestic economic grievances, land grievances are the most influential factor in the coastal region of Kenya and it is exacerbated by other factors, such as the politics of ethnicity, marginalisation and unemployment. According to the influential social conflict theories by Collier and Hoeffler (2004), these economic incentives attached to the struggle are tentatively viewed as proxies for 'grievances' (ownership of land and injustices by the state) and 'greed' (politicians influencing attacks). Land grievances have been exploited politically on the basis of ethnicity and religion, causing radicalisation. At the same time, Al-Shabaab has utilised these grievances to win over new partners, financiers and sympathisers and to launch the attacks in the interests of the financiers (politicians), e.g. by attacking specific communities to displace them either for political purposes or to settle land grudges. Furthermore, the counter-terrorism strategies adopted by the state have been discriminatory and oppressive, hence exacerbating radicalisation. The perceived 'collective punishment' of the Muslims and the assassination of the key suspects have done more harm than good and have induced new wars between the Muslims and Christians, thereby helping the Al-Shabaab to advance and foster extremism. Therefore, this paper proposes the following counter-terrorism policy measures.

The counter-terrorism policies and measures should incorporate addressing domestic inequalities and socio-economic marginalisation by following Kenya's 2010 Constitution provisions on land reforms and resource distribution. In this way, more development resources will be distributed to the affected regions and the landless in the affected areas will be resettled to avert tensions over land.

The security agencies and the state need to improve their relationship with the Muslim community by refraining from hate speech and collective punishment of the Muslims and instead preach for national cohesion. This should involve dialogue with Muslim leaders, consultations with media editors who spread hate messages in the media, the inclusion of Muslims in national politics and parastatal appointments and facilitating Muslim-driven mosque and madrasa reforms (Rohwerder, 2015).

Lastly, the state needs to reform the security institutions and agencies. This involves equipping them to respond faster, enabling them to gather intelligence information before the attacks occur, deploying many security officers in the volatile regions and prosecuting the security officers who violate the rights of Muslim communities in their counter-terrorism operations.

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Civil Society and the War on Terror in East Africa

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Abstract

This article concerns what role civil society actors such as non-governmental organisations (NGOs), religious groups, media organisations, grass-roots organisations, and advocacy networks play in responding to terrorism and the war on terror. The analysis focuses on two often reinforcing challenges of terrorism and counter-terrorism: the spread of fundamentalist networks and the unilateralist, repressive way in which states pursue counter-terrorism. The paper explores whether global civil society can be the panacea for confronting fundamentalism and if civil society can steer a deliberative process based on multilateralism, human rights, humanitarianism, and dialogue within the international response to terrorism. The evidence from Kenya and Uganda suggests that while civil society actors are attempting to defend human rights, they are circumscribed by a repressive-securitised regime. Furthermore, the existing contestations of the role of international institutions like the International Criminal Court (ICC) on the African continent distract civil society actors from advocating for multilateralism and global governance. Lastly, the high levels of poverty and lack of basic services at home means East African civil society can hardly campaign for humanitarianism beyond the borders of its territorial states. Overall, two major dilemmas limit civil society response to the war on terror: On the one hand, civil society is now circumscribed by fear and insecurity perpetuated by terrorism and counter-terrorism; on the other hand, it is sandwiched by a spate of legal and security restrictions that only serve to complicate its work.

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1. Introduction

What is the role of global civil society in changing the world? This article applies the idea of civil society as 'an answer to war' to assess whether it can be a transformative force for changing a world circumscribed by terrorism and counter-terrorism. Kenya and Uganda are used as case studies. The concept of civil society as an answer to war is premised on arguments that civil society is a secular constitutional order, where the rule of law, based on a social contract, replaces force as a method of governance (Kaldor *et al.*, 2006). A counter-argument to this view concerns violent nationalist and fundamentalist networks (see Kaldor, 2003). While groups such as the al-Qaeda, the al-Shabaab or the Mungiki sect in Kenya can in theory be categorised as civil society, they are also acknowledged to use violence rather than dialogue to advance their agendas – in essence they are not 'a secular constitutional order'. In South Africa, it can be claimed that a nationalistic movement orchestrated the 2015 xenophobia attacks against foreign nationals. In this essay, however, I adopt the definition of civil society as the public arena in which 'different values, ideas, and political visions are debated, contended and struggled over' (Howell & Lind, 2010). This arena consists of groups and organisations through which individuals can influence and put pressure on centres of political and economic authority, in particular those through which they negotiate new social contracts or bargains (Kaldor, 2003:146).

This paper concerns what role civil society actors like NGOs, religious groups, media organisations, grass-roots organisations, and advocacy networks play in responding to terrorism and the war on terror. The analysis focuses on two often reinforcing challenges of terrorism and counter-terrorism: the spread of fundamentalist networks and the unilateralist, repressive way in which the war on terror is pursued. Can global civil society be the panacea for confronting fundamentalism? Can civil society steer a deliberative process based on multilateralism, human rights, and humanitarianism within the international response to terrorism?

The evidence from Kenya and Uganda suggests that while civil society actors are attempting to defend human rights, they are circumscribed by a repressive-securitised regime. Furthermore, the existing contestations of the role of international institutions such as the ICC on the African continent distract civil society actors from advocating multilateralism and global governance. Lastly, the high levels of poverty and lack of basic services at home means East African civil society can hardly campaign for humanitarianism beyond the borders of its territorial states.

The remainder of this essay is presented as follows: First I discuss the notion of global civil society as an answer to war, followed by comments on the challenges of the war on terror. I then explain how in theory civil society is expected to respond to the war on terror. The essay then discusses the war on terror in East Africa, starting with a general background before debating the civil society response.

2. Civil Society as an Answer to War

The idea of civil society as an answer to war is anchored in the argument that civil society is a secular constitutional order, where the rule of law, based on a social contract, replaces force as a method of governance (Kaldor *et al.*, 2006). This social contract, Kaldor argues, is one in which security is provided through human rights and humanitarian law (2003:158). How civil society promotes this order defines its function as an answer to war. In this regard, Kaldor talks of civil society helping to institute and being constituted by a global system of rules underpinned by overlapping inter-governmental, governmental and global authorities (2003:2). It can, therefore, be argued that the success of civil society as an answer to war centres on its ability to promote a system of rules that circumscribe war-making by states, encourage deliberative alternatives to solving conflicts, and emphasise humanitarian responses and human rights. Examples in this regard can draw on the functions of multilateral frameworks such as the United Nations and its agencies, the ICC, the African Union (AU), the African Court of Human and People's Rights (ACHPR), the East African Court of Justice (EACJ) as well as statutory and voluntary organisations that act to promote dialogue, defend human rights, and provide humanitarian responses. It can furthermore be argued that such an order, while promoted by civil society, also enabled civil society to respond to violence, particularly in the traditional context of war, or 'old wars' as Kaldor (2012) terms them, where the actor in violence was the 'centralised state', which had a monopoly of violence, and where wars were fought by armed forces with certain rules to reduce civilian causalities (Kaldor, 2003; 2005; 2012).

2.1 Terrorism and Counter-Terrorism: Dilemmas for Civil Society

The war on terror presents two dilemmas that challenge the foundation of civil society as well as the ability of civil society actors to respond as an antithesis of violence. The first challenge has to do with fundamentalist networks that use terror to cause insecurity and spread fear. Kaldor argues that effective civil society needs an atmosphere free of fear, and

suggests that the removal of fear and the absence of violence and coercion in everyday life are important for people to feel able to speak freely and be heard (2003:109). Terrorism, it can be observed, challenges such an atmosphere through the proliferation of violence and targeting of civilians. As Albrow and Helmut observe about terror groups, 'they appeal to values that are beyond the nation-state and at the same time exploit the freedoms of movement, association and speech that the democratic state serves to protect. They attack non-military targets and the civilian population. Indeed, they are an even greater challenge to civil society than they are to the state' (2007:7). Therefore, we can observe that civil society faces a task of not just counterbalancing the 'war-making state' but also, and probably most importantly, dealing with fundamentalist networks which exploit the very liberties pursued by civil society to execute their violent agendas.

The second problem has to do with the war on terror and the myriad of counter-terrorism measures states have adopted. Major concerns in this regard include the global unilateralism of the United States which pursues counter-terrorism through an approach of 'spectacle war' (see Kaldor, 2003; Howell & Lind, 2010). Kaldor suggests that such an approach only reinforces fear and insecurity and that it also serves to amplify local cleavages and strengthen extremist networks (2003:150, 152). Other scholars eloquently and convincingly stress that the emphasis on military solutions and 'securitisation of development' has had far-reaching implications for human rights and the spaces for civil society (Lind & Howell, 2010; Fowler & Sen, 2010). Indeed Howell *et al.* (2008) suggest a backlash against civil society whereby the growing prominence of security concerns and the concomitant expansion of counter-terrorist measures across the world threaten the spaces for civil society to flourish and act (see also Fowler & Sen, 2010). In particular, it is observed that governments across the world have capitalised on the climate of fear generated by the perception of terrorist threats to introduce a swathe of restrictive counter-terrorist legislation, measures and practices (Howell & Lind, 2009:1279). The methods employed in the war on terror, such as the rendition programmes and targeted killings of suspected terrorists, as the U.S. has done in several parts of the world, or the arbitrary arrests[1] and extrajudicial killings of suspected supporters of terrorism[2] that the Kenyan government – a key U.S. ally in the war on terror – has been accused of, are clear repudiations of international law and a challenge to human rights.

The above challenges, it can be argued, present major dilemmas for global civil society. On the one hand, civil society is now circumscribed by fear and insecurity perpetuated by terrorism and counter-terrorism; on

the other hand, it is sandwiched by a spate of legal and security restrictions. Albrow and Helmut (2007) talk of civil society reaching a critical juncture when it comes to responding to terrorism. But how then should civil society respond to a war that challenges the very foundations of its existence and where the space for its operation is significantly narrowed? Below I comment on how in theory civil society is expected to respond to the war on terror.

3. Civil Society Response of the War On Terror: Theoretical Propositions

Mary Kaldor argues that civil society is needed now more than ever before 'to help set a new global agenda, to reach out across borders to the excluded groups of the world, especially among the Islamic community, to influence popular opinion and so develop a political alternative to fundamentalism at all levels' (2003:149). She advocates 'a global social contract or bargain in which global security is provided through upholding human rights and humanitarian law, and challenges civil society groups who favour such a bargain to construct alliances with like-minded actors to strengthen their position in the bargaining process with political institutions, companies and other civil society groups of a different persuasion' (2003:158). Civil society can also play a role in promoting the rule of law which is considered to dampen citizens' opportunities and willingness to engage in political violence (Choi, 2010:940). These propositions suggest that civil society can counteract radicalisation narratives and counterbalance the unilateralist war approach pursued by states. Catherine Barnes, for example, boldly hints on changing the state's 'security monopoly' where she argues for civil society to participate in addressing the structural causes of conflict (2006:8). I argue that while these suggestions offer an appealing idea of how in theory civil society should respond to the war on terror, their realisation can only be context-specific. Civil society response will most likely be affected by existing conditions, including the legal regime, the financial capacity including sources of funding, and prevailing economic conditions in society. This proposition can find validation in studies that have suggested changes in civil society as a result of shifting donor priorities, such as when donors use aid to meet political and defence objectives (see, for example, Howell & Lind, 2010; Fowler & Sen, 2010). How exactly is the situation in East Africa?

3.1 Terrorism and Counter-Terrorism in East Africa

On 2 April 2015, the world was shocked by news of an attack on Garissa University in northern Kenya, in which at least 147 people, mostly university students, died and 79 others were injured.[3] This occurred barely seven months after a devastating invasion of Westgate Mall in Nairobi, the country's capital, had claimed 67 lives and wounded 200 others.[4] In both cases, the Al-Shabab, a Somali-based militant fundamentalist group with links to the al-Qaeda,[5] claimed responsibility.

The Garissa attack and the developments in its aftermath expose the severity of the double-edged problem we face regarding terrorism and the war on terror. This problem is characterised by a fundamentalist network that uses terror to spread fear and insecurity and a centrist state that reacts to this challenge through spectacle war where human rights and humanitarianism are sidestepped, and where fear and insecurity are reproduced. Following the Garissa attack, the Kenyan president, Uhuru Kenyatta, in a tone no different from that of former American president George Bush after the 9/11 attacks on the United States, vowed to respond in 'the severest ways possible' and branded the al-Shabab 'an existential threat'.[6] Indeed, the Kenyan government retaliated by bombing two al-Shabab camps in Somalia.[7] Meanwhile the deputy president, William Ruto, publicly asked the United Nations to close the Dadaab refugee camp on claims that it is a breeding ground for al-Shabab militants. Mr Ruto was also quoted to have drawn parallels between his country and the United States by stating 'the way America changed after 9/11 is the way Kenya will change after Garissa.'[8] Kenya was also reportedly constructing a 700-kilometre wall along its border with Somalia, with the expectation that the al-Shabab would be kept out.[9] Earlier on, following the Westgate attack, it had been recommended that the Kenyan government 'declare war against al-Shabaab wherever they are' (Williams, 2014). In summary, it would seem as if the Kenyan leaders were reading from a similar script as their American counterparts did following 9/11. In this regard, it is not surprising that counter-terrorism in East Africa is referred to by some texts (e.g. Shinn, 2014) as 'the American war on terror in East Africa and the Horn'.

In neighbouring Uganda, around the period of the Garissa attack, foreign government missions (particularly led by the US embassy[10]) and local security agencies regularly warned of several attacks planned by the al-Shabab. Security was heightened in public places and a number of suspected terrorists were arrested.[11] Within the same period the police had launched an attack on and closed several Islamic schools known as madarasas, which they accused of being recruiting grounds for al-Qaeda

and the al-Shabab.[12] Similar sentiments had been expressed by Kenyan authorities much earlier.[13]

East Africa has been described as an arena of US counter-terrorism operations (Ruteere & Ogada, 2010). International attention on terrorism in East Africa gained momentum following the 1998 bombing of U.S. embassies in Kenya and Tanzania that killed 224 and injured 5,000 (see Lyman *et al*., 2004). In Uganda's case, the more serious terrorist attacks in the country occurred in 2010, claiming at least 74 lives of revellers who had gathered at separate places to watch the World Cup finals on 11 July, and the al-Shabab claimed responsibility.[14] There have also been other terrorist branded organisations that operated in Uganda, notably the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF) (see Rubongoya, 2010). Kenya, in particular, has suffered from several incidents of international terrorism (Ruteere & Ogada, 2010:230). Both Kenya and Uganda are upfront in the war on terror locally and internationally. With regard to their international engagement, the two countries offered themselves as allies to America in the Iraq war (ibid.) and both have had their troops deployed as part of the African Union Mission Force (AMISON) fighting the al-Shabab in Somalia—a factor which has been advanced by the al-Shabab as the reason for its attacks on these countries (*The Guardian*). Locally, both countries present a myriad of counter-terrorism measures, including pieces of legislation which impose limitations on the human rights and civil society space in several ways (Lind &Howell, 2010; Rubongoya, 2010; Ruteere & Ogada, 2010).

While there are several violent groups operating in East Africa, the al-Shabab and its fundamentalist agenda dominate the terror spectacle. The militant group is based in the Horn of Africa, Somalia to be specific, which has been largely described as a failed state (Menkhaus, 2007). Furthermore, the group uses radicalisation to recruit (see Williams, 2014). In Kenya, for example, government discrimination and high-handed policing tactics are believed to have created perfect breeding grounds for the al-Shabab.[15] Another factor worth noting is the regional characteristics. Lyman observes that 'the greater Horn of Africa – an area that includes Sudan, Eritrea, Ethiopia, Somalia, Djibouti, Uganda, Tanzania, and Kenya, is home to interlocking conflicts, weak and failing states, pervasive corruption, and extreme poverty. It is chronically susceptible to drought... And it is plagued by HIV/AIDS' (2004:76). It is argued that such problems are encouraging factors for radicalisation and conflict, and dealing with those issues could fit the content of Kaldor's proposed 'new social contract'. But is civil society in East Africa responding to these challenges?

East African Civil Society and the War on Terror

Who constitutes civil society in East Africa?

The literature points to a myriad of organisations comprising East African civil society. In Uganda, it includes membership-based and professional associations, advocacy groups, service delivery organisations, cultural and faith-based organisations (FBOs) and media organisations (Rubongoya, 2010). It also includes interest groups: women, youth and persons with disabilities. The situation is not much different from Kenya, except that in Kenya human rights groups seem to be more active than in Uganda (see Ruteere & Ogada, 2010).

In the following section, I assess civil society responses to the war on terror against four expectations, namely: defending human rights, advocating for multilateralism and international law, promoting humanitarianism and support to marginalised groups, and promoting dialogue as an alternative to fundamentalism and violence.

East African civil society and human rights

There is evidence that civil society actors have been active in defending the rights of terror suspects as well as those of human rights defenders. In Kenya, for example, the government, following the Garissa attack, published a list of 86 alleged terror supporters;[16] the list included some prominent human rights organisations such as Muslims for Human Rights (MUHURU) and Haki Africa. The international organisation, Human Rights Watch (HRW), came out to challenge the Kenyan government on the publication and insisted that some organisations were being targeted for their important work in listing human rights violations by Kenyan security forces.[17] In another advocacy coalition, international human rights groups from as far away as the United States joined the condemnation of the list.[18] Furthermore, studies have established that civil society actors, particularly in Kenya, have played an active role in defending the rights of suspected terrorists (Ruteere & Ogado, 2010; Lind & Howell, 2010). Kenyan civil society organisations, for example, monitored and documented the fate of terror suspects arrested by the Kenyan government, challenged Kenya's participation in rendition programmes, and secured the release of some suspects (Ruteere & Ogado, 2010:237). Additionally, human rights groups are also credited with challenging the Kenyan government's attempt to introduce legislation that would have eroded human rights (Ruteere & Ogado, 2010; Lind & Howell, 2010).

In Uganda, civil society has not been as active as their Kenyan counterparts with regard to human rights issues surrounding the war on terror, although their engagement is still visible. Rubongoya (2010) observes that civil society in Uganda has been weakened by failure to find independent funding and hence is vulnerable to co-optation by external donors as well as being circumscribed by unfavourable laws and an ambivalent government attitude, particularly towards advocacy organisations. As such, many organisations concentrate on service delivery; it can also be argued that this phenomenon relates to mainstream civil society in Kenya as well (see Lind & Howell, 2010).

A study by the Konrad-Adenauer-Stiftung (2010) established that civil society organisations (CSOs) in Uganda were reluctant to engage in political topics which they considered sensitive and would, for that matter, put them at loggerheads with politicians. It is perhaps due to the absence of a vibrant human rights-oriented civil society, alongside what has been generally defined as a rubberstamp parliament[19], that Uganda's Anti-Terrorism Act (2002), with its implications for human rights, was passed with minimal debate. Nevertheless, organisations such as the Foundation for Human Rights Initiative (FHRI), Human Rights Network Uganda HRNU) and Human Rights Network for Journalists (HRNJ) have advocated for a due process in the case of terror suspects. Furthermore, civil society actors have been generally active in advocating for the rights of people arrested under the Terrorism Act: for example, during the closure of the Daily Monitor newspaper in 2002 or the arrest of opposition leader Kiiza Besigye in 2005 and 2012.

Multilateralism and international law

When it comes to advocating multilateralism and international law, there has not been much literature on the contribution of East African civil society. Nevertheless, concerning international institutions such as the United Nations Security Council (UNSC) and the ICC, it can be observed that East African civil society actors are trapped in a debate about the role and legitimacy of these institutions on the African continent. The involvement of these organisations in controversial developments in Africa, for example the 2007 post-election violence in Kenya and the botched prosecution of Kenyan President, Uhuru Kenyatta or the uprising in Libya, has not only generated mixed reactions but also put these agencies at the centre of a raging debate on sovereignty and foreign influence in Africa. No wonder that some African countries, notably South Africa, Burundi and the Gambi, have initiated a process of withdrawal from the ICC.

This state of affairs, unfortunately, obscures a possible reflection by civil society on how organisations like the UN and the ICC can play a positive role in conflicts like the war on terror. In contemporary discourses[20] these institutions are perceived as extensions of western influence in Africa. Activists from the continent have also begun to subscribe to such narratives, which were initially fronted by African leaders.[21] On the other hand, indigenous frameworks such as the AU and the Intergovernmental Authority of Development (IGAD), are also criticised for being dominated by leaders who are less democratic. The fact that these organisations receive much of their funding (for example AMISOM) from western governments only serves to reinforce the scepticism. The LRA, for example, is one of the listed terrorist organisations in East Africa – which operated mainly in Uganda. While the LRA leader Joseph Kony and his top commanders have been indicted by the ICC for war crimes, there is a domestic debate challenging the involvement of the ICC in the LRA case. Such contestations were, for example, expressed when one of the top commanders, Dominic Ogwen, was arrested and handed over to the ICC.[22] This suggests scepticism about the role of international institutions in Africa, which also circumscribes the commitment of civil society actors to advocate for strengthening the so-called global authorities to deal with conflicts like the war on terror.

East African civil society and humanitarianism

In terms of promoting a humanitarian regime, East African civil society actors are always quick to express solidarity and condemn terrorist attacks, including in the Garissa case.[23] Indeed, organisations such as the Red Cross provide humanitarian responses following terrorist attacks.[24] While such reactions are good for compassion and unity, the main challenge has to do with the plight of marginalised groups, particularly the communities of Somali origin and neighbours in conflict-ridden states such as South Sudan, Sudan, Burundi, the Democratic Republic of Congo (DRC) and Somalia. The exclusion, profiling and exploitation of Somalis is well documented, particularly in Kenya (see Williams, 2014; Ruteere & Ogado, 2010; Aljazeera, 2015; TAMUKANEWS, n.d.). The conflicts in South Sudan and the DRC have driven considerable refugee numbers into Uganda. Besides the challenges of conflicts and other push factors, the refugees also face problems of accessing basic services in the camps. Extreme poverty and pathetic conditions breed frustration and hence susceptibility to radicalisation.[25]

Indeed, there are several[26] civil society actors engaged in service provision and attending to the challenges of refugees; however, they do so

basically on the basis of foreign funding. Civil society organisations are also involved in advocating for the rights of marginalised groups, for example in the case of Somali immigrants. However, the high poverty levels in East Africa mean that indigenous citizens, too, are barely managing to survive as evidenced by the fact that several communities, for example in northern Uganda, still live on handouts from donor agencies. Considering failure by civil society actors to mobilise independent funding (Rubongoya, 2010) they rely on the contribution of external donors who have their own (mainly security-oriented) agendas (see Howell & Lind, 2010).

Kaldor's suggestion that civil society should create alliances with like-minded actors could be advanced to encourage local civil society to partner with western NGOs in promoting and advocating for a humanitarian regime. The challenge, however, is that international NGOs, as some studies (e.g. Howell & Lind, 2010; Fowler & Sen, 2010) have suggested, are forced to adjust their priorities to meet the political and defence goals of their financing governments. Moreover, an effective humanitarian regime needs to be promoted beyond the state borders yet this remains a challenge in East Africa as civil society is domestically encircled by poverty. A case in point is when suggestions by the Ugandan government to offer scholarships to students from war-stricken South Sudan were met by criticism from sections of civil society that claimed that there were several pressing demands home. In short, civil society faces competition between altruism and self-interest, which makes it difficult to promote humanitarianism.

Civil society dialogue as an alternative to fundamentalism

On the final aspect of this analysis, i.e. dialogue as an alternative to fundamentalism, East African civil society first and foremost is active on debates that aim to address the causes of radicalisation. The media plays a particularly important role by providing platforms for debate on issues of marginalisation, inequality and security measures that have the potential to cause radicalisation.[27] Furthermore, religious groups are taking centre stage in the dialogue on peace. At the first ever East African conference of religious leaders held in Kigali in September 2014, a resolution was arrived at to create an East African Community Inter-Religious Council.[28] The declaration from the conference condemned religious justifications of indiscriminate violence and encouraged advancing 'from religious tolerance to mutual respect.'[29] Muslim groups are particularly becoming more active in challenging distortions of Islamic teachings by fundamentalist networks. During a dialogue on radicalisation held at Makerere University, the deputy chair of the Uganda Muslim Youth Assembly committed to greater engagement in

mosques to challenge radicalisation.[30] The problem, however, is that while this dialogue has prospects of facilitating change domestically, East African civil society is still unable to reach out to the epicentres of radicalisation and conflict, for example, in Somalia. Ideally, an indigenous civil society ought to emerge in these areas but this is challenged by the fact that Somalia is still not stabilised (see Williams, 2014), and the ongoing conflict – the absence of peace –challenges the very foundation of civil society. In this regard, calls have been made for dialogue with the al-Shabab[31] although the prospects for this are still grim.

4. Conclusion

This essay article demonstrated that while civil society actors in East Africa are attempting to play a role in the war on terror, several limitations circumscribe the prospects of a significant impact. While civil society has the possibility o confront radicalisation, it also faces challenges in its attempts to secure its space, which is currently sandwiched by a spate of human rights restrictions within the counter-terrorism security regime. Furthermore, a possible civil society contribution towards advocating multilateralism and global governance is circumvented by the trap in debates on the role and legitimacy of international institutions in Africa. This is exacerbated by the lingering scepticism towards home-grown frameworks like the AU and IGAD. Moreover, high poverty levels alongside a plethora of domestic challenges inhibit civil society from paying attention to promoting humanitarianism beyond the borders of its territorial states.

The challenge of terrorism in East Africa is mainly twofold – the presence of fundamentalist networks whose strategy is to use terror to spread fear and insecurity, and the centrist states reacting to this challenge through spectacle war while sidestepping human rights and humanitarian concerns, thereby reproducing fear and insecurity.The theoretical propositions suggest that civil society needs to help set a new global agenda, and to reach out across borders to the excluded groups of the world, especially among the Islamic community (Kaldor, 2003). While East African civil society seems to be waking to this call, there is need for more strategic reflections regarding how to overcome the inherent barriers discussed above. How can more civil society actors be mobilised to engage in political advocacy? How can civil society actors transcend sovereignty debates on global institutions and global governance? Studies on these questions could generate ideas for strengthening the contribution of East African civil society as an answer to war. A final challenge comes up in relation to addressing poverty and inequality domestically, which is important both for mitigating cleavages

and radicalisation but also for providing civil society actors with a firm base to champion humanitarianism beyond the confines of their states. The increasing recognition of the value of dialogue presents a key opportunity for generating new narratives about terrorism, security and human rights.

Notes

1. See Ruteere and Ogado (2010:235).
2. See Aljazeera (2015). The trap of insecurity: Extrajudicial killings in Kenya. Available at http://www.aljazeera.com/indepth/opinion/2014/12/trap-insecurity-extrajudicial-ki-20141288552608186.html
3. The attack and its aftermath dominated local and international media, including dominant channels like CNN, Aljazeera and the BBC as well as major television channels and newspapers in the region. At the time of writing, different sources reported 147 or 148 deaths.
4. Williams, D. (2014).
5. See BBC World News (2015). Who are Somalia's al-Shabab? Available at http://www.bbc.co.uk/news/world-africa-15336689
6. Quoted by BBC News. Available at http://www.bbc.co.uk/news/world-africa-32184638
7. Cited in *The Telegram*, 06.03.2015. Kenya bombs Shabab camps in retaliation for Garissa attack. Available at http://www.telegraph.co.uk/news/worldnews/africaandindianocean/kenya/11517903/Kenya-bombs-Shabaab-camps-in-retaliation-for-Garissa-attack.html
8. See BBC News. Kenya tells UN to close Dadaab camp after Garissa attack. Available at http://www.bbc.co.uk/news/world-africa-32269944
9. Ibid.
10. See *USA Today,* 25.03.2015. The U.S. Embassy in Uganda warns of possible terror attack. Available at http://www.usatoday.com/story/news/2015/03/25/us-embassy-in-uganda-warms-of-possible-terror-attack/70443316/
11. See the *New Vision*, 07.04.2015. Uganda arrests two terror suspects. Available at http://www.newvision.co.ug/news/666710-uganda-arrests-two-terror-suspects.html; Africa Review, 07.04.2015. Three more terror suspects arrested in Uganda. Available at http://www.africareview.com/News/Three-more-terror-suspects-arrested-in-Uganda/-/979180/2678296/-/n9dsouz/-/index.html
12. See *Africa Report*, 30.03.2015. Uganda: several mosques and Islamic schools closed. Available at http://www.theafricareport.com/East-Horn-Africa/uganda-several-mosques-and-islamic-schools-closed.html
13. See *Daily Nation*, 24.04.2014. Police to shut down radical madarasas in terror clampdown. Available at http://www.nation.co.ke/news/Kenya-to-shut-down-radical-madrassas/-/1056/2464268/-/gl41r1z/-/index.html
14. Aljazeera 13.07.2013.
15. See Aljazeera (2015). Garissa attack: Could it have been prevented? Available at http://www.aljazeera.com/programmes/insidestory/2015/04/garissa-attack-prevented-150406190521777.html
16. Human Rights Watch, 13.04.2015. Kenya: Ensure due process on terrorist list. Available at http://www.hrw.org/news/2015/04/12/kenya-ensure-due-process-terrorism-list
17. Ibid.
18. Business and Human Rights Centre, 15.04.2015. Intl. groups condemn Kenya government listing of human rights NGOs at terrorist sponsors. Available at http://

business-humanrights.org/en/intl-groups-condemn-kenyan-govts-listing-of-human-rights-ngos-as-terrorist-sponsors

19. See Rubongoya (2010).

20. On the basis of seven years of work experience in politics and democracy, the author participated in a plethora of debates on international institutions in Uganda, including public dialogues, workshops and social media discussions.

21. See, for example, Mungai and Kiranda (2014). The collapse of Uhuru Kenyatta's case could be a potential death blow to the ICC. Africa LSE blog. Available at http://blogs.lse.ac.uk/africaatlse/2014/12/16/the-collapse-of-uhuru-kenyattas-case-could-be-a-potential-deathblow-to-the-international-criminal-court/

22. See Ojok, D. (2015). War child or war lord? Justice paradox in Ogwen's ICC case. Africa at LSE. Available at http://blogs.lse.ac.uk/africaatlse/2015/02/23/war-child-or-warlord-the-justice-paradox-in-ongwens-icc-case/

23. See, for example, *USA Today*, 06.04.2015. Kenya religious leaders argue for unity after Garissa attack. Available at http://www.usatoday.com/story/news/world/2015/04/03/religion-news-service-kenya-garissa-attack-religious-leaders/25254935/

24. For example, in the case of the Westgate Mall, this was confirmed through conversation with Eve Wemanga (LSE), who worked with the Red Cross at the time of the attack.

25. Author's notes from a dialogue on radicalisation at Makerere University. For details see http://news.mak.ac.ug/2015/04/multidenominational-composition-uganda-plus-tolerance

26. As already discussed, mainstream civil society actors are engaged in service provision.

27. Debates on marginalisation, exploitation, oppression and security schemes that accelerate radicalisation featured in mainstream media for the period January 2015–April 2015 which were reviewed for purposes of this essay.

28. The East African Community. Kigali conference of religious leaders forms EAC Inter-Religious Council for Dialogue and Peace. Available at http://www.eac.int/index.php?option=com_content&view=article&id=1668:kigali-conference-of-religious-leaders-forms-eac-inter-religious-council-for-dialogue-and-peace&catid=146:press-releases&Itemid=194

29. See East African Community (2014). Kigali Declaration on the Establishment of the East African Community Inter-religious Council.

30. Author's notes taken from the dialogue.

31. See, for example, Maina Wachira (2015). Dialogue with the al-Shabab and walls across borders are ridiculous ideas. In the East African. Available at http://www.theeastafrican.co.ke/OpEd/comment/Dialogue-with-Shabaab--walls-across-borders-ridiculous-ideas-/-/434750/2661304/-/9cnh09z/-/index.html

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Two Decades of Growth with Limited Job Creation: What Explains Uganda's Economic Growth Paradox?[1]

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Abstract

This paper examines why Uganda's two-decade impressive economic recovery trajectory has had limited impact on employment creation. The paper argues that a combination of 'wrong' orientation of macroeconomic reforms and political patronage fuelled by a shift to multi-party democratic politics, and the desire of the NRM regime to consolidate itself in power explains the current unemployment and underemployment problem. Regression and case study analysis reveals that the increase in political patronage has crowded out private and public investment in increasing the stock of physical capital formation required to support a strong foundation for firm growth and employment creation.

Keywords: Economic growth, political economy, unemployment, Uganda

1. Introduction

Uganda's economy has performed impressively over the past two and a half decades thanks to the stabilisation policies in the 1990s that restored macroeconomic stability and increased investor confidence in the economy.[2] Economic growth expanded rapidly, averaging at 6 per cent for nearly two decades.[3] This growth in fact enormously contributed to the reduction in poverty levels from as high as 56 per cent in the mid-1990s to below 20 per cent in 2013. However, despite this remarkable performance, there has been increasing concern about unemployment and underemployment that have, paradoxically, become a defining feature of Uganda's economy.[4] Paradoxical

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because the economy has not stopped expanding – at least according to economic pundits – and yet unemployment and underemployment are relentlessly increasing. The concern about unemployment and underemployment is informed by a number of reasons.

First and most obviously, unemployment affects social-economic welfare because of its exclusionary effect on access to social services. Second, it makes the transition of young people into adulthood highly fraught and subsequently raises the threat of social instability due to a high crime rate.[5]Third, high levels of unemployment weaken the proclivity of private investment in human capital because the expected returns on further investment are discounted significantly.[6] This could further weaken the entrepreneurial and innovative capacity of the economy and further depress job creation. Fourth and most importantly, high levels of unemployment and underemployment are a threat to our democracy. Joseph Stiglitz's argument, powerfully articulated in his seminal publication on *the price of inequality*, shows that unemployment increases the spectre of inequality which weakens individual as well as collective capabilities, an essential ingredient of the proper functionality of a democracy.[7]

The writing of this paper and the interrogation of the structural explanation of Uganda's unemployment and underemployment are pursued in the spirit of the above reasons. And the main question the paper seeks to examine is: Why has unemployment and underemployment remained a pervasive feature of Uganda's economy despite impressive sustained economic growth rates over the past two and a half decades? This question is important mainly because classical economic literature advances the argument that a growing economy should be in a position to generate employment. Seen from this perspective, why then has Uganda's economy not generated the required level of employment to meet the job demands of her population?

Some have argued that the level of underemployment and unemployment is characteristic of any country at Uganda's level of development.[8] In other words, it simply reflects the phase of economic transition in which Uganda is at the moment. Others have argued, instead, that Uganda's accelerating demographic transition has resulted in the growth of a labour force that far outstrips the capacity of the economy to meet its employment demands.[9] While these arguments provide insight into understanding Uganda's development challenge, they could be seriously flawed in their conclusions. The demographic argument is not particularly convincing mainly because there is often a considerable time lag between birth and entry into the labour force – estimated at 15 years. Proper planning would, therefore, anticipate expected entrants into the labour force at any given time and economic

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decisions could be made to turn around the economy in a way that meets future job demands at any given time.

This paper advances the argument that Uganda's unemployment and underemployment problem is reflective of the dynamic complex political and economic processes of Uganda. Emerging out of the civil war in the late 1980s at a time when the neo-liberal economic policy stance dominated the global development paradigm. Uganda's economic reconstruction reform programme under the auspices of the World Bank and IMF placed emphasis on private sector market-oriented growth; never mind that much of what would have constituted the private sector in Uganda had been annihilated, first by Idi Amin's draconian policies that led to the expulsion of Asian businessmen and, secondly, by the two-decade civil war.

Although this policy stance contributed enormously to the stabilisation of the economy, subsequent rapid economic growth relied less on the vibrancy of the private sector (because there was not much of a private sector to speak of) and more on the increase in commodity prices, mainly primary commodities driven largely by currency devaluation. In addition, the enormous deficit of social services in Uganda by the mid-1990s, illuminated by the high levels of poverty, motivated the creation of Poverty Eradication Action Plans (PEAP) with a view to increasing the stock of social services, mainly in the provision of education, health, water and sanitation, in order to reduce poverty levels. In the subsequent years (from around 1995 to 2005), a lot of donor funding, which accounted for nearly 80 per cent of government expenditure, was allocated towards increasing the stock of social services and less towards investment in physical capital, a key ingredient in building a dynamic private sector-enabled, employment-generating economy.

However, in the early 2000s, the pressure to embrace a multi-party democratic dispensation from the donors threatened the survival of the NRM regime. And in a desperate attempt to stifle opposition contestation for political power and ultimately the desire to consolidate his regime, President Museveni unleashed the decentralisation programme which, in essence, was the proliferation of district creation. According to Green (2008), the decentralisation programme was frontloaded as an effective instrument for dispensing political patronage in order to weaken the ability of the opposition to wage an effective counteroffensive to the regime's entrenchment in power. The consequence of political patronage has been the expansion of government consumption expenditure, which has further crowded out public investment in physical capital. But more deleteriously, the proliferation of political patronage through an explosive increase in the number of districts

has significantly fueled corruption within the public sector and weakened its capacity to deliver public goods and services. The sheer malfeasance and incompetence of the public sector have compounded what the World Bank (2007) called 'a syndrome of an underinvesting state', subsequently undermining the capacity of the economy to support a vibrant private sector. Firm growth has remained low, mainly stifled by significantly high costs of doing business underpinned by pervasive infrastructure constraints. The low growth of firms has weakened the growth and diversification of different sectors of the economy, resulting in high levels of unemployment and underemployment. The changing demographic conditions have simply compounded this status quo rather than accounting for it.

The rest of the paper is structured as follows: Section 2 reviews Uganda's post-war economic recovery macroeconomic policies and their impact on economic growth. This section also discusses the employment patterns as well as the job dynamics in Uganda. Section 3 examines the paradox of Uganda's rapid economic growth rate and high unemployment and underemployment, while the last section concludes the paper.

2. Uganda's Economic Recovery and Growth Process: Why has it Generated Less-than-expected Employment Growth?

Prior to the 1990s, Uganda's economy had been completely decimated. Nearly two decades of economic mismanagement and civil war during the 1970s and 80s had completely wiped out, in the words of President Museveni, the 'colonial enclave economy'. Physical infrastructure had completely been destroyed, agricultural activity reverted to subsistence, with the largest share of cash crops such as coffee smuggled to neighbouring countries such as Kenya. Manufacturing output had also fallen significantly by 50 per cent, following the expulsion of the Asian business class during the Amin regime, and since their businesses had been taken over by politically connected Ugandans who refused to pay taxes, the tax base had also become hugely eroded.[10] Di John and Putzel (2005) observe that per capita income in the period 1971-1986 declined by 40 per cent, exports nearly disappeared, capital flight increased significantly (by 1986, nearly 60 per cent of Ugandan wealth was held abroad), and state revenue collapsed, partly as the degree of informal economic activity increased dramatically. Subsistence activities (excluding livestock production and construction) increased from 21 to 36 per cent.

However, beginning with 1990, the Museveni-led NRM government embarked on an economic recovery plan, primarily characterised by the

adoption of neo-liberal stabilisation policy programmes.[11] These included the devaluation of the Ugandan currency, the privatisation of state enterprises, the removal of price and exchange rate controls and, most importantly, the introduction of the Medium-Term Expenditure Framework (MTEF) that restored fiscal discipline.[12] As a result, inflation was significantly curtailed and Uganda restored macroeconomic stability that laid the foundation for rapid economic growth in the subsequent years. The economy managed to expand at an average rate of 6 per cent for nearly two decades from 1991 to 2012 (see Figure 1).

Figure 1: Uganda's GDP growth (annual %), 1987-2014

Source: **World development indicators**

This impressive economic growth resulted from the recovery of productivity in the agricultural, industrial and services sectors. Productivity in the agricultural sector improved to 53 per cent between 1987 and 1995 while productivity in the industrial sector rose from 12.1 per cent between 1987 and 1995 to 19.5 per cent between 1996 and 2003 (see Table 1). In fact, largely as a result of this productivity growth, Uganda successfully managed to reduce poverty levels from 56 per cent in the mid-1990s to 19.6 per cent in 2014.[13]

**Table 1: Uganda's Macroeconomic Performance Indicators 1987-2014**

Indicator	1987-2003	1987-1995	1996-2003	2003-2010	2003-2014
GDP growth (annual %)	6.4	6.7	6.1	7.5	6.8
Sectoral growth (values added)					
Agriculture (annual % growth)	4.0	4.2	3.7	1.7	1.9
Industry (annual % growth)	10.3	11.3	9.3	9.4	8.2
Services (annual % growth)	7.3	7.4	7.1	6.1	6.3
Economic structure					
Agriculture, value added (% of GDP)	46.3	53.5	38.3	25.5	26.1
Industry, value added (% of GDP)	15.6	12.1	19.5	23.6	23.2
Services, value added (% of GDP)	38.1	34.3	42.2	50.9	50.7
Inflation, consumer prices (annual %)	37.0	66.2	4.1	7.9	8.8
Investment rates					
Gross fixed capital formation (% of GDP)	16.0	13.4	18.9	22.8	24.3
Gross domestic savings (% of GDP)	4.3	1.8	7.1	11.5	12.8
Poverty data					
Headline poverty, national (% of the population)	49.5	55.0	44.0	24.5	19.5

Source: **World development indicators**

However, beginning around 2008, the growth momentum started to wane (see Figure 1) as the concerns about unemployment as an underlying feature of Uganda's economy started to make headlines in public discourse. In fact, it had also become increasingly noticeable that productivity in the agriculture sector had stagnated despite the increasing employment of Uganda's labour force within the sector. Equally, productivity in the industrial sector was in irreversible decline despite continuous emphasis of the private sector-led growth approach that had been expected to stimulate the increased flow of foreign direct investment. In addition, the main driver of economic growth during the late 2000s (i.e., the service sector) was running out of steam as the share of telecommunications subscribers began to plateau.[14]

Analysts posited that the reduction in sectoral productivity resulted from the growing infrastructure constraints that, in turn, contributed to the fall in the competitiveness of Uganda's economy. Empirical evidence suggests that inadequate infrastructure was increasingly shrinking the productive base of Uganda's economy. Corroboratively, Escribano *et al.* (2010), using evidence from firm-level surveys, observe that as much as 58 per cent of the 'productivity handicap' faced by Ugandan firms could be attributed to infrastructural constraints (see Figure 2).[15] This led the World Bank to attribute the slow pace of Uganda's structural change to what it called 'a syndrome of an underinvesting state'.[16]

Figure 2: Total Factor Productivity Growth in Uganda
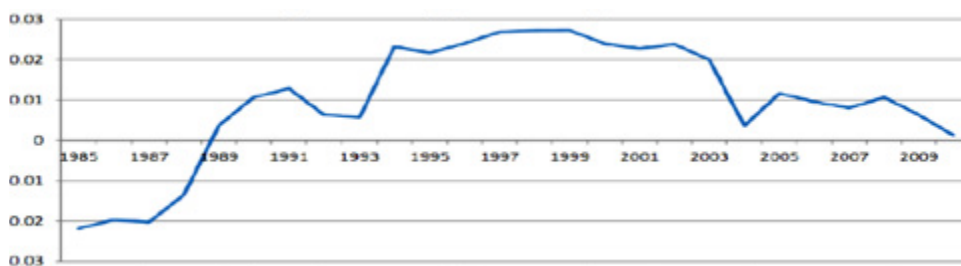
Source: Hassler et al. (2013). Note:Total factor productivity growth measures the contribution of technology and efficiency in overall economic growth (rather than the growth of labour and capital inputs)

However, to be fair, we ought to recognise that in the early years of the economic recovery reform, there was enormous pressure to address the dire shortage of social services that was powerfully illuminated by the poverty levels. Since Uganda was just emerging from an almost two-decade-long civil war, the need to increase the stock of social services, mainly in education, health, water and sanitation exerted primacy over any other development priorities.[17] As a result, the government launched the Poverty Eradication Action Plans (PEAPs) with a view to redressing this desperate shortage of social services. Perhaps the government rationalised that prioritising macroeconomic stabilisation would in the long term stimulate private sector growth, which would eventually address the unemployment issues.[18] But as the infrastructure investment deficit groundswell started attenuating private sector expansion, the government shifted its focus towards scaling up infrastructure investment and the implementation of specific labour market interventions (a detailed discussion is provided in Section 4) encapsulated in the National Development Plan (NDP).[19] The central approach of the

NDP is to foster structural change by addressing structural constraints on private sector growth and development. Despite policy and investment efforts that have been devoted towards NDP implementation – now in its second phase – little impact has been realised regarding improvement in the investment climate as well as expansion in job creation.

A 2014 report by Uganda's Ministry of Finance on the evaluation of Uganda's employment strategy observes that 'Uganda's impressive macroeconomic performance over the last 20 years has had a relatively limited impact on the structure of the labour market'.[20] Although headline unemployment, according to the Uganda Bureau of Statistics (UBS) is estimated at 9.4 per cent, underemployment remains significantly high. This is because the number of wage employees in registered firms over the past 20 years has increased less than the rate of growth in the labour force. Currently, it is estimated that each year 700,000 new entrants join the labour market, fuelled mainly by the country's demographic transition which has been triggered by a relative reduction in mortality rates while fertility rates remain at relatively higher levels. The problem of unemployment and underemployment has been further compounded by limited firm growth. Evidence suggests that a 35-year-old Ugandan firm is twice the size it was at its establishment. By comparison, in Ghana the same firm is five times the size it was at its inception.[21]

As a result, economic growth has been largely driven by high-value services such as telecommunications, finance and real estate – activities that rely on a relatively small number of skilled workers. The majority of jobs have been created in less productive sectors such as petty trade and subsistence agriculture (see Figure 3).

Figure 3: Productivity and Employment Growth by Sector, 2009/10-2012/2013
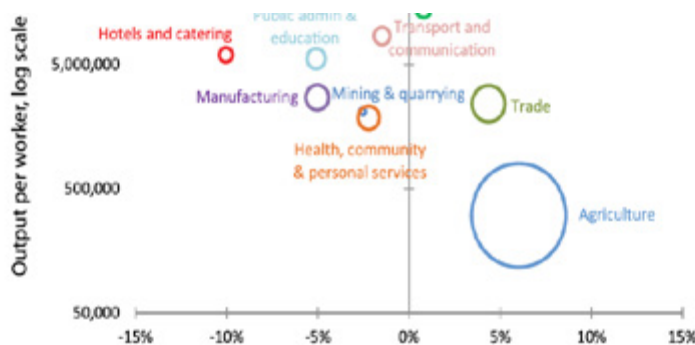
Source: UBOS (National Accounts); Uganda National Household Survey 2009/10 and 2012/13. Note: The area of each bubble is proportional to primary employment in each sector in 2012/13. Output per worker is measured in 2002 shillings.

The share of the labour force engaged in low-productivity agricultural activities is high and has recently increased. In 2012/13, 72 per cent of the labour force was primarily working in agriculture, forestry or fishing, up from 69 per cent in 2009/10. This increase in agricultural employment reflects higher food prices, which have increased the relative attractiveness of subsistence activities. Over the last five years agricultural output grew at just 1.2 per cent per year, despite a 6.0 per cent annual increase in agricultural employment, suggesting a significant decline in productivity. This reflects a broader pattern that has seen employment expand in lower productivity sectors while contracting in many higher-value activities.

Underemployment is common, particularly in the agricultural sector. In 2012/13, 8.9 per cent of the labour force was classified as time-rated underemployed – this means they were working fewer than 40 hours a week and reported that they would like to work more. But in total 67 per cent of the labour force was working less than 40 hours a week, with as high as 83 per cent of these primarily engaged in subsistence agriculture. Many do not want to work more hours because the rewards from their current activities are low and other opportunities are limited. Those engaged in non-agricultural household enterprises usually work significantly longer hours. Although 72 per cent of the labour force is primarily engaged in agriculture, only 54 per cent of the total hours engaged in agricultural activities. The dramatic growth of off-farm employment over the last 20 years has helped to reduce underemployment and supplement and stabilise household incomes, even if productivity and hourly earnings are often low (see Table 2).

Table 2: Average Hours of Work by Activity

		Average hours worked per week	(%)Share working fewer than 40 hours
Agriculture	Self/family employment	26.3	83.3
	Wage employment	29.1	68.1
Non-Agriculture	Self/family employment	46.7	41.6
	Wage employment	51.8	26.3

Source: MPFED (2014); Uganda National Household Survey 2012/13. Note: Excludes those who are in the labour force but also in Education

The most common types of employment are own-account work and unpaid-family work. However, classifying the employment status of the labour force can be misleading as a large share of workers engage in multiple activities. Eighty per cent of the labour force work primarily for themselves or their families, mainly in the agricultural sector, but 15 per cent of the labour force work in non-agricultural household enterprises as their main activity, and many others engage in this type of work as a secondary job. Overall, 24 per cent of the economically active population reported working at two or more different jobs in the previous seven days, and secondary jobs are more likely to be in non-agricultural activities such as retail trade and informal manufacturing. Only 11 per cent of the labour force are primarily engaged in non-agricultural wage employment, down from 15 per cent in 2009/10 (see Figure 4).

Figure 4: Employment Status of the Working Population (Main Activity)
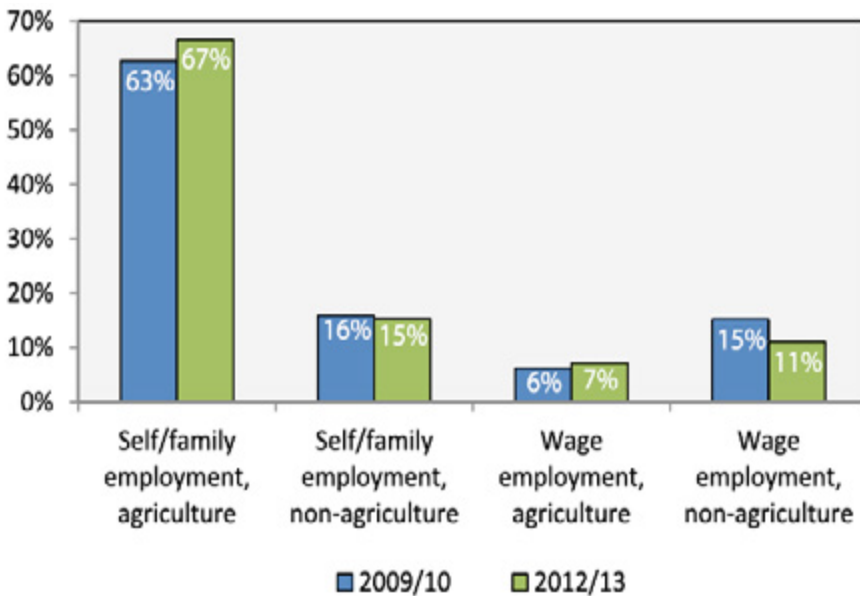
Source: Uganda National Household Survey 2009/10 and 2012/13

Regular wage jobs are the most desirable form of employment, particularly those outside the agricultural sector. Around 2.5 million working adults are living below the national poverty line. Almost 90 per cent of the working poor are primarily engaged in agricultural activities, where incomes tend

to be low but also irregular and unpredictable. Formal-sector salaried jobs are almost universally desired, in large part due to the stability and peace of mind they provide. Agricultural wage jobs in contrast are usually on a short-term casual basis, and are often the last resort for the landless. Twenty-seven per cent of wage agricultural workers are below the poverty line – 10 percentage points above the national average (see Table 3).

Table 3: Welfare by Employment Status

		Working Poor		Average monthly consumption		
		Number	Rate	2009/10	2012/13	Growth p.a
Agriculture	Self/family employment	1,948,335	19.7%	102,064	118,184	5.0%
	Wage employment	288,354	27.2%	108,134	109,754	0.5%
Non-Agriculture	Self/family employment	244,280	10.7%	197,744	208,504	1.8%
	Wage employment	87,582	5.3%	280,362	264,052	-2.0%
All		2,568,551	17.3%	144,695	147,411	0.6%

Source: MFPED (2014); Uganda National Household Survey 2009/10 and 2012/13.
Note: Consumption is in constant 2012/13 prices.

Wage employment has expanded significantly but many new wage jobs are casual and temporary. Although jobs in registered firms are concentrated in more urbanised and affluent areas of the country – 60 per cent in Greater Kampala, Jinja, Mbale and Mbarara – the last decade has seen significant job growth across many areas of the country, particularly along the major transport corridors. Over more recent years, the number of regular wage jobs has stagnated, and declined in the non-agriculture sector (see Table 4). Overall, growth in wage employment has been driven by a sharp increase in the number of agricultural labourers. This points to constraints on the demand-side of the labour market that affect the ability of firms to generate and sustain good-quality jobs.

Table 4: Number of Regular and Casual Wage Jobs

	2009/10	**2012/13**	**Growth p.a.**
Regular wage jobs (main activity)			
Agriculture	803,909	1,060,051	9.7%
Non-agriculture	1,984,133	1,639,996	-6.2%
All	2,788,042	2,700,047	-1.1%
Casual wage jobs (secondary activity)			
Agriculture	547,412	952,121	20.3%
Non-agriculture	203,546	340,263	18.7%
All	750,958	1,292,384	19.8%
All wage jobs			
Agriculture	1,351,321	2,012,172	14.2%
Non-agriculture	2,187,679	1,980,259	-3.3%
All	3,539,000	3,992,431	4.1%

Source: MFPED (2014); Uganda National Household Survey 2009/10 and 2012/13. Note: Regular wage jobs are defined as wage jobs that are reported as the main activity in the previous 12 months. Casual wage jobs are jobs that were reported as secondary or tertiary activities in the previous 12 months.

Job creation and firm dynamics

Uganda's business landscape is increasingly dominated by a large number of very small firms. The last two censuses to update the Business Register, conducted in 2010/11 and 2001/02, captured approximately 460,000 and 170,000 businesses respectively. The average size of firms captured in the 2001/02 census was 3.41 employees, but this had decreased to just 2.35 by 2011. This reflects both an increase in the number of own-account workers – the share of firms with no employees rose from 53 per cent to 60 per cent – and a decrease in the average number of workers among firms with employees (from 5.9 to 4.3). While 52 per cent of employees were working in businesses with five or more workers in 2001/02, this had fallen to 36 per cent by 2010/11.

Figure 5: Firm entry and exit rate by industry
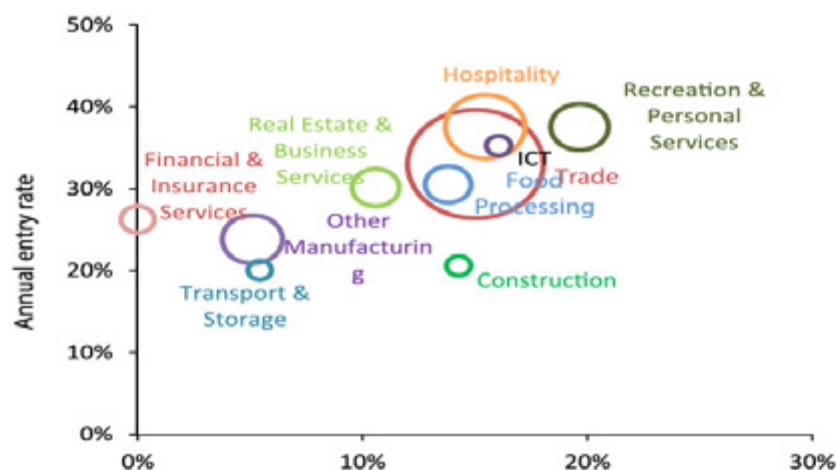
Source: Census of Business Establishments 2001/2 and 2010/11. Notes: Bubble sizes are proportional to the number of jobs in each sector in 2010/11. Averaging over a nine-year period underestimates the exit rate since the surviving firms towards the end of the period are significantly less likely to fail.

The rate of entry of new firms is high but such entry often displaces existing firms and jobs. Half of Uganda's entrepreneurial activity is classified as 'necessity-driven', the highest in sub-Saharan Africa. Driven by negative push factors, business founders choose activities with low barriers to entry rather than strong growth prospects, such as recreational and personal services, hospitality and retail trade. These activities are characterised by very high entry (of typically very small firms) but high exit rates and, therefore, low net employment growth (see Figure 5). Competition more often results in destructive imitation rather than innovation and positive market selection. Jobs in these firms are inherently insecure.

Most firms are not growing. Among the firms established in 2001 that survived to 2011, employment on average increased by less than one worker over a decade, from 1.9 to 2.7 employees. Stagnant employment size is also the norm among the larger firms sampled in the World Bank Enterprise Survey. A 35-year-old firm in Uganda is on average only twice as large as it was at its establishment. Firm growth is significantly lower than in similar African countries such as Ghana (the reasons for this are discussed in Box 1). Firm growth that has happened in a small number of formal firms (around 5 per cent), with the remaining 95 per cent expanding marginally since establishment. Almost all large firms are born large; only 12 per cent

of firms with more than 50 employees had fewer than 20 employees when first established. The absence of growth is not the result of a conservative outlook among entrepreneurs; in 2004, 60 per cent of Ugandan business managers expected at least double their number of employees in the following five years.[22]

Box 1: The binding constraint on job creation

1. *The 'missing middle'.* There are very few established firms with several paid employees compared to the large number of small and micro enterprises with more limited job creation and growth potential.
2. *Most formal firms are not growing.* Employment growth among the larger established firms that do exist is extremely low.

Evidence suggests that there are five main binding constraints on labour demand:

1. *Inadequate infrastructure.* As much as 58 per cent of the productivity handicap faced by Ugandan firms can be attributed to infrastructure constraints. The high cost of electricity is a significant constraint on firm growth. Uganda's poor internal transport network limits competition between geographically distant firms, giving many incumbents local monopoly powers. Very few firms operate on a national scale.
2. *An inadequate supply of practical skills among the labour force.* Skill-intensive manufacturing industries (e.g. manufacturing of apparel, machinery and equipment) account for a disproportionately small share of formal manufacturing employment in Uganda (compared to countries at a similar level of development) and employment in Ugandan firms in these sectors has expanded much more slowly than average.
3. *Poor management practices.* A lack of professional management expertise means that many businesses in Uganda operate on a sub-optimal scale, with managers often unable to delegate responsibilities to employees. To be profitable, mass production or large-scale operation requires effective human resource management and quality control, and well-maintained supplier relationships, branding and distribution channels. The managers of Ugandan enterprises – even relatively large established firms – are often unable to ensure consistency in business operations.
4. *Poor regulatory framework.* Regulatory requirements, corruption, weak contract enforcement and government support for individual firms disproportionately hinder SMEs. This discourages inter-firm linkages and the development of strong value chains. Firms operating in close proximity to each other tend not to learn from each other or divide production processes efficiently among themselves, in part due to insufficient institutional

channels for SMEs to coordinate and engage with government. Larger and more-established firms often have an unfair advantage, limiting positive market selection. Comparisons with other similar African countries suggest that these factors have a significant role in explaining the extremely low employment growth of formal firms in Uganda.

5. *Access to finance*. Uganda has made significant progress in financial sector development over recent years, and there is no evidence that the cost of borrowing has constrained the growth of established formal firms. However, access to credit is particularly difficult for many start-ups and small firms perceived by lenders to be high-risk; this adds to an additional barrier to entry of SMEs and reduces competition among large incumbent firms. High interest rates mean that firms use retained earning rather than credit to finance investment.

Therefore, the lacklustre pattern of firm growth has undermined the dynamism of Uganda's economy. In fact, this appears to have been compounded by the recent collapse of the global commodity prices which, according to the report by the IMF, portends difficult days ahead for Uganda's economy whose major export earnings rely almost entirely on the export of primary commodities. The anticipated contraction in the economy further threatens to exacerbate the risk of unemployment and underemployment. But the most interesting question that forms the crux of the argument advanced in this paper is: Why have Uganda's macroeconomic interventions generated a lower-than-expected increase in employment?

We argue in the subsequent section that the earlier years of macroeconomic reforms that stimulated economic growth did not specifically target employment growth as the ultimate driver of economic growth.[23] In addition, political economy analysis reveals that the desire by the NRM-dominant political class to entrench themselves in power resulted in the adoption of measures that significantly undermined efforts to scale up investment in the economy. Specifically, the expansion of patronage as an instrument of political consolidation and control has meant that government consumption expenditure has increased over the years, thus crowding out public sector investment in the economy.[24] Perhaps more deleteriously, the expansion of patronage has undermined the effectiveness of the implementation of public sector investment programmes, resulting in low absorption of funds and, in some egregious cases, non-implementation of plan programmes due to fraught procurement.[25]

3. The Paradox of High Economic Growth and High Underemployment and Unemployment: The Political Economy Explanation

As earlier pointed out, Uganda's economic recovery programme was informed by the dominant neo-liberal economic policies of the international financial institutions (IFIs) – notably the IMF and the World Bank – which placed the private sector as the central engine of growth. This development paradigm has been strongly informed by the consensus at that time that state-led development generated economic disasters in developing countries. This was mainly because the underlying political conditions implied that those who controlled the state apparatus used it to realise their own personal interests, subsequently creating higher levels of inefficiencies, unproductive monopolies and incompetence, and hence leading to fiscal and economic crises. To redress this economic malaise, the World Bank and neo-liberal advocates argued that the development approach had to shift from the state to enabling the market to play the leading role in the allocation of resources and the organisation of production and distribution of goods and services within the economy.[26]

However, the advocates of this argument ignored the fact that, unlike states in other parts of the world, the state in many African countries played a central role in organising production and distribution within the economy, primarily because there was no developed private sector on which to rely. In fact, in the case of the Uganda, even the modicum of the private sector that the post-independence government had inherited in the form of small Asian businesses had been wiped out with the rise of Idi Amin and his draconian economic policies that involved the expulsion of the Asians. The civil war further compounded this predicament by completely annihilating any relic of the productive capacity that had survived in the wake of the Amin and Obote II regimes.[27]

Therefore, liberalising in the 1990s in such a context in fact meant both further weakening of the state and also reducing opportunities for the building of a vibrant private sector. Rather than liberalise, the private sector needed to be constructed because it was almost non-existent. Privatisation in fact implied 'killing' of the productive capabilities rather 'freeing' them. Within this context, the macroeconomic reforms such as devaluation eventually reflected growth not in real terms but in nominal terms. In addition, the concerns about deplorable social and economic conditions illuminated by the nearly half of the population living in abject poverty brought to light the importance of increasing investment in raising the stock of social services

rather than the stock of physical capital. In the end, the bulk of donor aid (which by the way was the main source of government revenue for nearly the first post-reconstruction decade) was invested in reducing poverty levels by investing in education, health, water and sanitation.

In the early 2000s, the pressure on the NRM government to embrace multi-party democracy fundamentally shifted investment priorities within the economy, with far-reaching consequences for growth and employment creation in the economy. Particularly, such pressure created fractures within the NRM political class and led to the rise of the opposition, further exacerbating the threat of the potential loss of political power. To neutralise this threat, the Museveni regime responded with an instrument that has perhaps had the most attenuating effect on the growth of the economy and ultimately employment creation within the economy: political patronage. Scaling up of political patronage was strongly reflected in the implementation of the decentralisation policy.

Although decentralisation was initially motivated by the need to take public goods and services closer to the people, the proliferation of districts across the entire country was motivated by the need to stifle the capacity of the opposition to gain traction in the countryside.[28] In his seminal piece on district creation and decentralisation in Uganda, Green (2008) observes that the 'explosive' increase in the number of districts from as low as 39 in 1994 to 112 to-date was strongly motivated by the need to win elections through the expansion of political patronage. In a related study, Tangri and Mwenda (2013) argue that political patronage fuelled corruption in Uganda and weakened public sector accountability as well as the delivery of public goods and services. The regression analysis carried out during the writing of this paper further corroborates the observations of Green, Tangri and Mwenda.

Table 5: Drivers of Uganda's Growth between 2000 and 2014

Variable	(1) GDP per capita (%) 2000-2014
Government consumption expenditure	6.139 (3.742)
Gross capital formation	0.0242 (5.576)
Gross domestic savings	-0.0304 (0.890)

Exports of goods and services (% of GDP)	2.492 (3.818)
FDI inflows (% of GDP)	3.418 (4.925)
Health spending (% of GDP)	-10.22 (15.78)
Inflation	-1.264 (1.989)
Military spending (% of GDP)	3.676 (9.472)
Net enrolment in secondary school	-2.01e-08 (0.000000214)
Population size	0.0840 (0.166)
Current account balance	0.0840 (0.166)
_cons	-51.04 (27.48)
R squared	0.9433

Standard errors are in parentheses, *P<0.05, **P<0.01; ***P<0.001

Table 5 analyses the main drivers of Uganda's growth between 2000 and 2014.[29] The results are striking. Government consumption expenditure accounted for the largest share of Uganda's percentage growth in per capita GDP between 2000 and 2014, followed by military spending. Again, this is perhaps better explained by Museveni's desire to consolidate his political power in the wake of multi-party democracy that engendered the threat by the opposition to usurp his political power. Government spending on the expanded scope and scale of political patronage has been the most effective explanation for increased government spending. The resulting effect of this shifting in spending priorities has been the crowding out of public investment in increasing the stock of physical capital. Again, the regression estimation suggests that gross capital formation and domestic savings have had the most limited effect on the increase in the percentage of per capita GDP during the same period.

However, the effect of political patronage and corruption has been most damaging on the economy and, subsequently, on employment creation through weakening of public sector accountability and the capacity to deliver public goods and services. A capacity absorption study by the Ministry of Finance in 2011 revealed that in many districts, ministries

and agencies of the government, there was a glaring malfeasance in terms of the capacity and capability to spend annual budgets. In many districts visited by the ministry's research team, it was discovered that procurement committees very rarely met according to schedule or even adhered to procurement rules; annual work plans existed but were seldom followed in the implementation of government projects and programmes; and, for most of the public investment assets delivered through the implementation of government programmes, there were no budget allocations for maintenance after the project phase, which resulted in faster breakdown and dilapidation.

These internal weaknesses within the public sector resulted in frequently spending less money than allocated during each financial year and yet many districts and, indeed, regions remain in desperate need of public goods and services. Therefore, weak public sector accountability, characterised mainly by weak internal supervision, has been the greatest impediment to the effective public service delivery that is required to lay a strong foundation for an employment-generating economy. This implies that, even though in the last five years the Government of Uganda has expressed interest in addressing underemployment and unemployment through a plethora of labour market interventions, which are indicated in the next section, the underlying structural weaknesses within the public sector, underpinned by the nature of Ugandan politics, have meant that many of these programmes have very rarely been implemented in a way that can revolutionise the economy.

4. Conclusion

Uganda's unemployment and underemployment will remain the most serious economic and political problem of the next decade, not least because of the increasing number of new entrants into the labour market each year. There are arguments that the unemployment and underemployment problem reflects the development challenge of any country at Uganda's level of economic development largely because of the changing demographic structure and subsequently high dependency ratio. While this cannot completely be discarded, analysis in this paper reveals that the unemployment and underemployment problem is more an outcome of a shift in political priorities which has had important implications for the economic allocation decision-making process and has less to do with the demographic factors. The paper has shown that the shift to the multi-party political dispensation created the threat of loss of political power to Museveni regime. As a result, the desire to consolidate political power by the regime resulted in the adoption of political instruments that significantly

attenuated the investment capacity of the economy and its ability to generate employment. Specifically, political patronage proliferated mainly through district creation and untramelled government consumption expenditure. This eventually crowded out public investment in the expansion of physical capital, an essential element in building an economy that can improve conditions for employment generation. In addition, the expansion of political patronage has fuelled corruption and malfeasance within the public sector, weakening accountability and the capacity of the public sector to deliver goods and services. This, therefore, implies that even in the wake of the increasing recognition of the need to redirect government priorities towards investment in infrastructure reflected in the implementation of the NDPs, the public sector, undermined by corruption and political patronage, has been incapable of effective service delivery. This has perpetually hamstrung the expansion capacity of the economy to meet the employment needs of Uganda's growing population. The emerging conclusion raises a number of serious questions about whether and how Uganda should rethink its politics and economic policy to address the growing unemployment and underemployment problem.
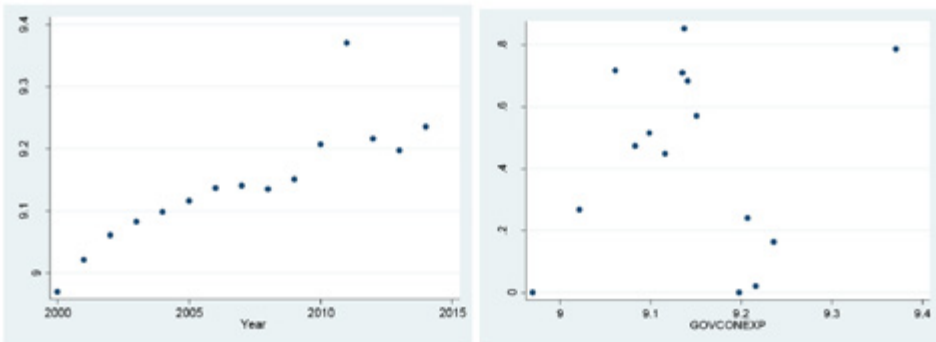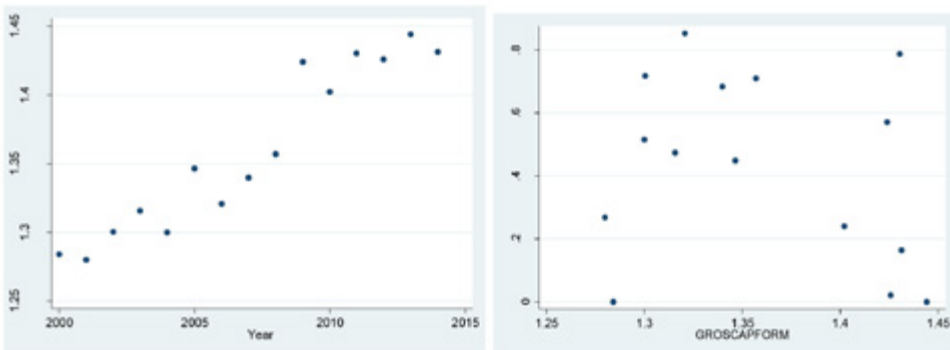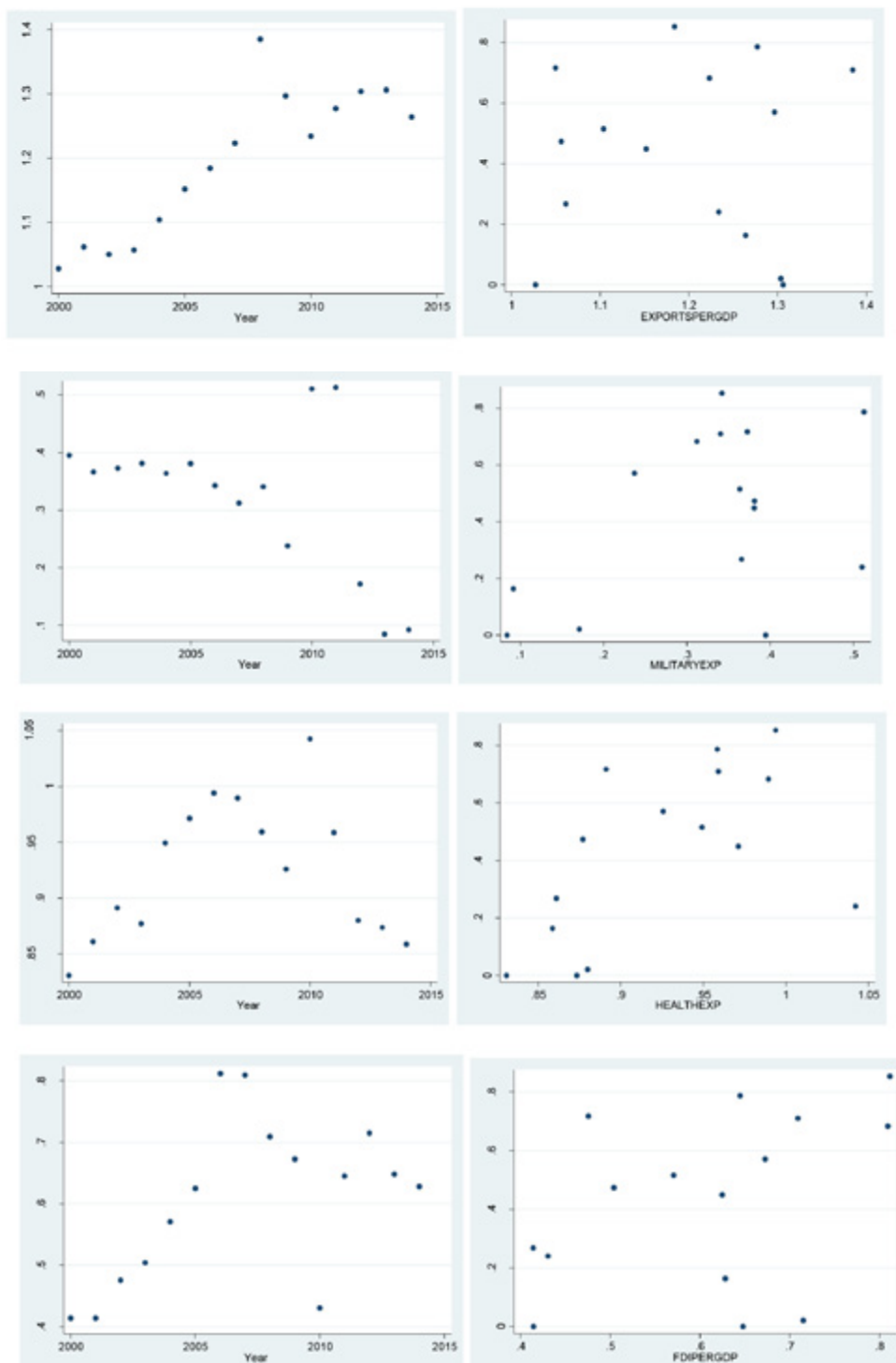
Appendix 1

Figure 2

Figure 3

Notes

1. This paper was first prepared for a political analysis project of Uganda Youth Network and International Republican Institute.
2. Di John, J., & Putzel, J. (2005).
3. IMF data analysis.
4. See MFPED (2014).
5. Ibid.
6. Nelson, R. R., & Phelps, E. S. (1966).
7. Stiglitz, J. (2012).
8. Svejnar, J. (2002).
9. MPFED (2014).
10. Jamal, V. (1976); Kayizzi-Mugerwa, S., & Bigsten, A. (1992); Bigsten, A., & Kayizzi-Mugerwa, S. (1995).
11. Di John, J., & Putzel, J. (2005).
12. MFPED (2014); Musisi and Richens (2013).
13. MFPED (2014)
14. MFPED (2014).
15. Musisi & Richens (2013); John Hassler, J., Krusell, P., Shifa,A., & Spiro, D. (2013).
16. World Bank (2007); Escribano, A., Guasch, J.L. & Pena, J. (2010).
17. Musisi & Richens (2013).
18. Ibid.
19. MPFED (2014).
20. MFPED (2014), p.viii.
21. Ibid.
22. Global Entrepreneurship Survey 2004.
23. MFPED (2014).
24. Tangri, R., & Andrew, M. M. (2013); Also see, Green, E. (2008).
25. Svensson, J. (2006); MFPED (2011).
26. Kohli, A. (2004).
27. Jamal, V. (1976).
28. Green, E. (2008). *District Creation and Decentralisation in Uganda*. Crisis States Research Centre.
29. This period was selected because it was considered as better suited for effectively capturing the impact of multi-party democracy on government consumption expenditure.

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Connecting the Dots: Youth Political Participation and Electoral Violence in Africa.

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Abstract

From Cape Town to Tunis, Freetown to Djibouti, young people have played crucial roles in shaping the political discourse in Africa, both negatively and positively. Picking electoral violence as a negative component of this political engagement, this paper provides a comprehensive analysis as to why young people find themselves enmeshed in violent contestations, especially during election periods. The paper goes beyond superficial labels of criticisms tagged on the African youth by arguing that there is urgent need to understand the structural dynamics which condition violence. Using theoretical constructions by prominent scholars like Douglas North *et al.* (2014), Huerta (2015) etc., the paper provides lucid political economy explanations of youth's engagement in electoral violence. Using Uganda as a case study, the paper analyses youth's participation in violence in the recently concluded elections in Uganda and concludes by providing key recommendations to the various stakeholders, including political parties, electoral management bodies, CSOs and governments on how to dissuade young people from participating in electoral violence.

Keywords: Electoral violence, youth, political participation, Africa

1. Introduction

Between 1990 and 2015, about 60 per cent of elections in Africa experienced some form of electoral violence.[1] Violent electoral occurrences in Africa are occasioned by both strategic and incidental factors.[2] This trend not

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only poses a threat to peace and security on the continent, but also risks undermining the long-term sustainability of the democratisation processes.[3] Electoral violence is revealed in many ways, for instance, intimidation of both candidates and voters, physical harassment, assault on journalists, imprisonment and assassinations, confrontations with security forces and attacks on local party headquarters. This type of violence is mostly triggered by the interaction of three principal agents: political parties, elite groups, and youth groups (or party youth wings).[4]

At the centre of these violent encounters are the African youth. Many societies in contemporary Africa are now coming to terms with the fact that youth questions, if not fully addressed, are a ticking time bomb ready to explode. This concern is neither unfounded nor misplaced, not just because more than two-thirds of the continent's population are under the age of 35 years – making it the most 'youthful' continent[5] – but, more importantly, because a plethora of youth engagements are creating either progressive or digressive ripple effects across the continent.

It can be argued that young people find themselves embroiled in this undemocratic mess because of the hopeless and disadvantaged status they occupy within the current African political landscape. Admitting the fact that youth are much unrepresented in the political arena, how come they suddenly become violence actors? There are two possible explanations for this question: on the one hand, youth demographic dominance is used to champion the interests of particular dominant elites with no or little response to youth issues.[6] Many youth in Africa are exploited by the older political elites who use them as a climbing ladder to attain their own political ambitions. On the other hand, young people see electoral violence as a last resort to create their own spaces within the political arena. Young women and men are using their creativity and agency to create their own spaces for action, or 'youthscapes', in which they try to subvert authority, bypass the encumbrances created by the state, and fashion new ways of functioning and maneuvering on their own.[7] Whatever the answer it is, one fact is clear: leaving African youth out of political engagement is perilous to all sustainable development efforts.

African history is dotted with countless examples of how young people have played critical roles in either establishing or overthrowing political structures. Starting from the nascent consciousness that led to the formation of the Pan African Movement in the early 20th Century and the landmark Manchester Conference in 1945, African youth were actively involved in the struggle to liberate the continent.[8] For instance, all the 12 African participants at the Manchester Conference were youth.[9] Because

of the enormous pressure mounted by this cohort of young Africans, the conference made an unequivocal declaration on the equality of all men regardless of colour or place of birth and appealed to the colonial powers to free the African people 'forthwith from all forms of inhibiting legislation and influence and be reunited with one another.'[10]

Even today, there is increasing evidence that young people's contribution towards the dismantling of exploitative power structures in Africa is on the rise. From the recent uprising that led to the burning down of the Gabonese parliament, the coup that brought down Blaise Compoare's government in Burkina Faso, to the famous Arab Spring in Libya, Egypt and Tunisia, there is a clear signal that young people have undoubtedly been actively involved in Africa's governance landscape.

This paper tries to answer this fundamental question: Why do youth engage in violence when non-violent methods are available and can alter outcomes? Why do young people risk retaliation and punishment – even death – on behalf of parties and candidates?[11]

The paper is organised as follows: It starts by debunking common narratives on youth participation in electoral violence. This is followed by an analysis of youth engagement in electoral violence using a theoretical framework that builds on a comprehensive analysis of youth participation during the recently concluded elections in Uganda with a specific focus on violent eruptions involving the youth. The final part of the paper concludes with some key recommendations for dissuading the youth from engaging in electoral violence.

2. Debunking Common Narratives on Youth and Electoral Violence in Africa

From the onset, it should be noted that the social, political and economic landscape in which African youth operate is fraught with gigantic difficulties. Therefore, taking a look at the structural conditions that shape youth experience and provide incentives for violent choices in the way they express 'self' is critical to having a holistic conversation about the 'youth problem'.[12] In other words, beyond youth entering popular discussions as troublesome citizens – for instance, *township youths* in the heyday of apartheid in South Africa, *rarray boys* in the ghettos of Freetown, *egbesu boys* in Nigeria's oil delta, *area boys* in Lagos – the circumstances pushing them towards the margins of society must also be taken into consideration.[13] It is important to understand that the discourse on youth in Africa cannot and should not be dominated by narratives of political violence which oftentimes tend to be too narrowly focused on youth as threats while the

underlying socio-economic and political meanings of violence, for instance with regard to legitimate claims against an authoritarian and incapable state, are ignored.[14]

We can easily establish a causal relationship between the emerging role that young people are playing in political violence and broader questions about social decomposition, economic crisis and political underrepresentation.[15]Deconstructing youth participation in violence in Africa is, therefore, incomplete without an engagement with this important phenomenon: not only does it demonstrate the deep-seated crisis of (dis) empowerment facing many societies, it also provides crucial insights into the way youth navigate this complex terrain and the weapons or tools they use to do so.[16].

3. Connecting the Dots with a Logical Thread

In deconstructing youth participation in political violence it is helpful to answer the questions of 'why' and 'how'. 'Why' helps us to understand the specific factors that draw youths into violent political conduct while 'how' explains the tactics and tools with which they navigate the dangerous geography of violent conflict. Both questions collectively provide vital insights into the dynamic engagement of youth with electoral violence in Africa and the implications for political and social change.[17]

The Models of Youth Participation in Electoral Violence

Murphy's four models of youth participation in political violence illuminate the argument further.[18] The first is the 'coerced youth model' which views youth as being brutally coerced into violence and thus as being passive victims. This model has very little applicability to the electoral violence conundrum in Africa, but it can mostly be used to explain youth engagement in political instabilities like civil wars and other protracted conflicts, for instance, when young people are abducted as child soldiers and forced to commit heinous war-time acts like murders, looting etc.

The second is the 'revolutionary youth model' which views youth as rebelling against political and economic marginalisation. A naïve analysis of events in Uganda might, for instance, suggest that the profusion of youth groups such as 'No More' Campaign, 'Jobless Brotherhood', 'Poor Youth', to mention but a few, that were formed in the run up to the 2016 general elections are examples of the revolutionary youth mode. This type of approach is motivated by propositions like that of Lindberg (2010), who argues that the use of violence and exclusionary tactics against an obviously flawed electoral processes have in many cases stimulated increased

vigilance and unity among reformers, as well as increased determination by international actors to have an impact on the nature of the regime.

The third is the 'delinquent youth model' which views youth participants in violent conflicts not as revolutionary idealists but as alienated and economically dispossessed opportunists exploiting the economic spoils of social and political turmoil. In this case, 'young people engage in violence in defence of no higher ideal, but rather for the heady adventure of violence itself'.

The fourth is the 'youth clientelism model' which emphasises how youth manage their dependency and agency within 'an institutional structure of repressive patrimonialism in which their subordination to adults is based on a cruel mixture of brutality, personal benevolence and reciprocity'. This model uses institutions built through client-patron relations to explain youth agency in violence.

The other question of 'how' relates primarily to methods and tools for navigating the complex geographies of violent political conflict in Africa. It is important to understand that the tactics with which youth engage in or navigate violent political situations cannot be explained with a mono-cultural or fossilised lens.[19] It requires a series of constantly adjusted tactics, developed in response to the constraints and incentives created, on the one hand by an unfavourable socio-economic context, and on the other by the immediate consequences of political violence.

Youth Mobilisation by the Elites as a Demonstration of Violence Capacity

Elections are inherently a competitive process. This competitiveness is further exacerbated by the 'winner-take-all' approach which is a key trait of African politics. Because of young people's relentless energy, their vast skills and knowledge, they have inevitably become the *glue* that holds together competition in electoral politics. Political agents are increasingly becoming reliant on the mobilisation abilities of African young men and women.[20].

The ability of the political agents to mobilise young people and use them as a political threat against their opponents may be viewed as a demonstration of violence capacity, a subject explored further by North, Web, Wallis and Weingast (henceforth NWWW)[21] in their classical work on the limited access order theory.[22] They argue that in most developing countries, individuals and organisations actively use or threaten to use violence to gather wealth and resources. For development to occur, violence capacity ought to be restrained. This restraint is only possible if political

elites create and share rents which incentivise them to coordinate rather than fight. At the centre of this framework are elite bargains which are the negotiation process of determining who gets what, how and why.

In a functioning limited access order framework, the elites use their privileged positions to create and distribute rents to ensure that there is maximum cooperation for peace to prevail. If the value of the rents the leaders earn from their privileges under conditions of peace exceeds that under violence, then each leader can credibly believe that the others will not fight (NWWW, 2014). The leaders remain armed and dangerous and can credibly threaten the people around them to ensure each leaders' privileges.

Using this school of thought, the fragility of violent electoral encounters among the youth in Africa can be attributed to the dysfunctional limited access order where elites fail to agree to access and share rents and end up exploiting young people's energy and drive as a tool to express their violence capacity. Young people are, therefore, used by both incumbents and challengers to manipulate electoral processes to gain advantage over their opponents.

Electoral Violence as a Blackmail Ploy

Democracy is a system that produces winners and losers.[23] This logically means that losing parties should simply accept defeat and start preparations to participate in the upcoming electoral processes. However, disputing electoral outcomes has become a normal part of opposition political engagement in Africa. As an example, the runner-up party challenged the outcome in 21 per cent of all the democratic presidential elections in the world between 1974 and 2015 (178 cases).[24] Initial challenges tend to take the form of losing parties announcing their refusal to accept the results of the election, proclaiming themselves winners, or announcing their intention to resort to legal measures or to stage protests to challenge election results.[25]

Why do opposition leaders and/or opposition political parties dispute election results? Hueta (2015) uses the electoral blackmail theory to lay down some context. He argues that electoral losers challenge electoral results to strengthen their own capacity for negotiation with the newly elected government.[26] The theory of electoral blackmail contends that losing political forces, in exchange for conceding defeat, are interested in: reforming the electoral process; legislating key issues to further their parties' agendas; getting pork barrel; filling committee chairs in congress/parliament in order to gain influence over the legislative process; obtaining cabinet positions; appointing members of their party as judges; and so on.

These benefits help increase the losing parties' chances of success in

future elections and also increases their share of power immediately after losing an election.[27] This theory is most applicable to political parties which are relatively small in size and have fewer representatives in parliament compared to the winning parties.

The electoral blackmail theory provides a stimulating explanation for the recently concluded elections in Uganda and other previous ones. In fact, all the elections held in post-independence Uganda have been disputed. Specifically, Dr Kizza Besigye, Uganda's leading opposition leader, has disputed all the four electoral competitions he contested against President Museveni. In the February 2016 polls where he garnered a trifling 39 per cent against Museveni's 60 per cent, he quickly disputed the results, called for an international audit of the elections and hastily declared himself the president of Uganda. A video of his swearing-in was posted on social media and it soon went viral. A few days later, Dr Besigye was arrested when he escaped from his home, where he had been put under house arrest, to stage an open-air talk for the benefit of onlookers in the city centre of Kampala. He was quickly rushed to a remote and isolated prison cell and charged with treason. After two months, he was released on police bond. Even after his release, Dr Besigye has never relented in his defiance campaign.[28] Besigye and his party (i.e. Forum for Democratic Change – FDC) as continued to dispute the electoral results and this has successfully played a role in keeping them significant in Uganda's political discourse.

FDC has systemically instrumentalised young people, under the Power 10 (P10) framework, to enforce its disputes of electoral outcomes.

The Economics of Youth Electoral Violence

With the skyrocketing youth unemployment and biting poverty comes frustration which is easily translated into violence during election seasons. The feeling of 'nothing to lose' and 'perhaps something to gain' tends to incentivise energetic young people to discount the risk of engaging in electoral violence.[29] It is thus logical to conclude that so long as the binding economic constraints that underpin the feeling of a hopeless future remain unaddressed, political violence, and especially that related to elections, will never cease as a feature of African politics.

A paper I recently co-authored with Mugisha *et al.* (2016) argues that unemployment and poverty have indeed compounded the attenuation of organisational capabilities within political and civic organisations, fueling clientelism and organisational capture, and thus weakening the ability of different youth groups to organise effectively so that they are able to elect leaders and subsequently hold them accountable.[30] A myriad of factors

explain the current state of underdevelopment in Africa, but a specific focus which can help us understand the current plight of the African youth ought to be turned to the Structural Adjustment Programme (SAPs) which Mkandawire and Soludo (1999) in their classic literature, *Our Continent, Our Future*, claim stymied most attempts to develop the capacity of young Africans, especially through education, the engine of human capital development. This, they argue, weakened the ability of political and civic organisations to build capacity for democratic practice.[31]

This argument has further been buttressed by Alcinda (2012), who opines that SAPs deeply weakened African states' ability to determine national socio-economic policies and priorities and to uphold the social contract with their citizenry, worsening the stage of life in youth that she refers to as 'waithood'.[32] Waithood, with all its challenges, also constitutes a period of experimentation, improvisation and great creativity as young Africans adopt a range of survival strategies to cope with the daily challenges in their lives. Amidst their socio-economic and political marginalisation, young people in waithood are able to develop a sense of shared identity and consciousness that leads them to challenge the establishment and fight for their rights.[33]

Most of the SAPs policies promoted private capital development to the detriment of nurturing a sustainable political system in Africa. This in effect weakened the link between political and economic democracy.[34] When the 'third wave' started sweeping across Africa, donors hastily poured billions of dollars to support civic engagement in Africa, a situation which led to the inorganic growth of what Mkandawire[35] terms as a 'socially rootless' civil society which primarily responds to donors' rather than citizens' interests.

The failure by African governments to create a robust framework for youth economic empowerment is a recipe for disaster. The 2007 World Development Report, for instance, noted that poverty is not only the result of violence but it is now a primary cause.[36] In fact, Africa's democratic stability is already under threat because there is a very positive correlation between stagnant economic development and young people's engagement in electoral violence. The political consequences are most often manifested in increased clientelism and patronage politics as survival becomes most critical. During elections, the patron-client relations trigger what Murphy (2003) calls the 'youth clientelism model' of electoral violence.

4. Partisan Youth and Electoral Violence

In Africa, political infractions, disturbances and the riotous behaviour of party supporters all contribute to violence before, during and after elections. Unfortunately, youth encounters in these violent showdowns are on an

unprecedented rise in most African countries. Whether it is the Barefoot Soldiers of the NPC Party in Ghana or NRM's crime preventers in Uganda, political parties have found a special advantage in creating pockets of youth groups and militias who count among the major instigators of what Bob-Milliar (2005) calls low-intensity electoral violence[37] in Africa.

In partisan manoeuvres, youth political activists inject enormous energy into supporting individual politicians to win elections and massively mobilise to provide this support. In return, these youths expect political elites to provide political opportunities such as jobs and contracts as personal rewards for their contributions.[38]

In this context, partisan youth use low-intensity electoral violence to respond to changes in material incentives.[39] Their activism is, however, sometimes riddled with aggression and little objectivity, stemming from the fact that most of such youth activists are naïve about the intricacies of political operations. Their brand of political activism has features of lawlessness, and the line between conventional participation and contentious politics becomes blurred.[40] This scenario is best illustrated by Murphy's (2003) 'youth clientelism model' which uses institutions built through client-patron relations to explain youth agency in violence.[41]

5. Youth and the 2016 Elections in Uganda

Prior to the return of the multi-party political dispensation in Uganda in 2005, a majority of Ugandan youth would largely be categorised as apolitical. From 2006 onwards, however, youth apathy towards political participation in Uganda has largely been on a downward spiral. The euphoria of multi-party return led more than 70 per cent[42] of the youth to throng electoral polling stations as voters. This euphoria plummeted in 2011 when only 59 per cent[43] of the youth voted.

Immediate analysis of the 2016 elections suggests that the process registered stronger citizen engagement in comparison with previous polls. Although the credibility and freeness of the elections themselves have been questioned, there is a general consensus that, for example, there is a shift in focus to real issues affecting the youth – thanks to a strong demand for programmatic positions by different groups, including youth. However, the fundamental vulnerabilities and disadvantages that hinder the youth from tapping into economic and political opportunities still largely remain glaring.

The youth are a significant segment of Uganda's population and were a considerable majority in the elections (around 42 per cent of the 15.2 million registered voters). Given their numbers, young people attracted

considerable attention from political parties and candidates who sought their votes. On their part, the youth actively organised initiatives to push for a youth agenda in the polls. Examples of these engagements include, among others, the youth manifesto, the formation of youth pressure groups, and a united youth memorandum committing to and calling for peace during the polls, to mention but a few.

However, the elections also witnessed mixed perspectives on youth engagement, with some pointing mainly to the possibility of young people perpetrating violence – as they had been recruited into militia-like groups such as crime preventers – and their engagement in other electoral irregularities, including electoral monetisation. The crime preventers – a youth armed group of the Uganda Police Force – were accused of instigating low-intensity violence during the 2016 elections in Uganda. Comprising 1.6million mostly unemployed youth, the crime preventers were recruited with the major aim to keep tabs on opposition political activities during the elections.

Many joined the vigilante group with prospects of being employed in the police force in the near future. In fact, they were promised jobs by their recruiters. 'They told me I would get a job in the army sometime after the elections,' one of them told a journalist during an interview immediately after the elections.[44] A report by CEON-Uganda, however, documented attacks by crime preventers involving batons and clubs. In the face of the vigilantes' criminality, many Ugandans have begun referring to the group as the 'crime performers'.[45]

Power10 (P10)[46], a pressure group of young FDC activists formed to 'protect against vote rigging' and mobilise party loyalists, are not exactly enamoured of peace either. In fact, they have been used as fuel for running the defiance campaign engine, an issue which led the government security apparatus to ban the campaign. After the elections, for instance, some members of the P10 formed the FDC redtop brigade to offer private security services to Dr. Kizza Besigye and other senior FDC officials.[47]

6. Electoral Violence and Partisan Youth in the Age of Social Media

At no time in Africa's history has new media induced dynamic and fluid political participation like in the recent political campaigns in various parts of the continent. Social media intensified the electoral participation as citizens – mostly in urban and peri-urban centres – took to Twitter and Facebook to campaign for and against their political candidates. These platforms were also used for mobilisation and sharing recent political updates and events.[48] Social media has indeed become a perfect medium for

untainted political engagement. It is altering power dynamics and giving all netizens the power to influence how they are governed. The Arab Spring in North Africa and other critical political activism across the continent, like in Uganda, Senegal, Congo Brazzaville etc., are indicative illustrations of the emancipatory potential of this new media.

In Uganda, many young people who had previously been apolitical joined political conversations on social media. A plethora of campaigns on social media by both the government and civil society organisations (CSOs) like '*Topowa*'[49] led to a spike, for instance, in registration by young people to vote. As a result of these social media campaigns, youth votes accounted for 44 per cent of the total votes in the 2016 elections.

Apart from individual social media engagement by youth, political parties have also found a special niche to use the dexterity and online abilities of the African youth to mobilise and engage on party positions and other political issues. Both the NRM and FDC, the two major contending political parties in Uganda, as well as the Go-Forward movement of the former prime minister, massively used social media to campaign and reach out to the electorate.

Because of its ability to easily mobilise young people, social media makes it easier for electoral violence to be ignited and subsequently spread like wildfire. Of course, there are arguments by critics like Andrew Keen in his latest work[50] that social media is leading to an uncontrolled explosion of information and creating a platform for those who want to attract the most attention by shouting loudest. The thesis of his work is that, unless social media campaigns are backed by real-life constructive offline engagement, little political or any other impact can be achieved.

But the landscape is slowly being shaped in Africa today. All around the continent, there are massive campaigns by civil society organisations (CSOs) calling upon young people to translate their online activism into offline constructive engagement. In Uganda, the Konrad Adenauer Stiftung (KAS), a German political foundation, is one of the forerunners of this campaign in Uganda. As a think-tank, the organisation has conducted research and convened forums to discuss how constructive youth engagement can be effected both online and offline. As a result, the online enthusiasm among youth is being translated onto constructive offline political engagements. During the 2016 election campaigns, for instance, the youth mobilised both on social media and in the streets of the capital and small towns of the country. Subsequently, social media became a battleground for the contestation of ideas between youth political activists from both sides of the political spectrum.

With these technologies, pro-democracy agitators are able to build extensive networks, create social capital, and organise political action.[51] As a result, networks are easily materialised in the streets. In Uganda, when online voices started spiralling into constructive offline engagements, the regime felt threatened and social media was shut down for up to 72 hours shortly before, during and after the elections. The government said social media posed a security threat to the peace and stability of the country. Why and how did it pose a national security threat? In my blog that I wrote shortly after the elections, I argued that the most significant reason was the fear of the voice of the ordinary citizen, especially that of the youth. A 2011 Brookings brief entitled 'The Dictators' Digital Dilemma: When Do States Disconnect their Digital Networks?'[52]answers this question more succinctly thus: 'In times of political uncertainty, rigged elections, or military incursions, ruling elites are sometimes willing to interfere with information infrastructure as a way of managing crises.'

7. Key Recommendations for Dissuading Youth from Engaging in Electoral Violence

As discussed above, electoral violence has great potential to undo the achievements of Africa's democratic struggles. As one of the most important stakeholders in this violence stake, young Africans need to be actively involved both at the policy and grass-roots levels. There are several strategies which will greatly reduce youth's tendency to engage in election violence.

There is urgent need to create multiple economic opportunities for youth across all sectors. This will play crucial roles in erasing the predisposing factors to violence such as poverty, which make youth violent. There is also an overarching strategy to sensitize youth and promote their engagement in politics always. While youth engagement during the polls heightens, there is, however, always a tendency for citizens to disengage from politics and public affairs once polls are concluded.

This phenomenon in part explains why citizens often fail to continuously monitor and hold leaders to account beyond election seasons. Thus, it is crucially important that youth sustain their active political engagement beyond the polls to ensure that their aspirations, as outlined in the different communications they set out to promote during the campaign period, stand a better chance to make it to the government's and political parties' policy agenda. Moreover, the need to promote and sustain the commitment to peace, which youth initiated during the volatile campaign season, needs to be carried forward in view of post post-election tensions that the country continues to grapple with.

Electoral Management Bodies (EMBs) should employ multi-pronged approaches to involving youth in political and electoral processes. This can be through embracing the newest advances in technology, being transparent and accountable, promoting dialogues and negotiations etc.[53]

Notes

1. Buchard,S. (2016).
2. Ibid. Strategic electoral violence is a pre-planned and methodical fashion of electoral violence, mostly committed by youth groups or party-affiliated militias, to affect the outcome of an election and ensure a certain candidate or party wins office. Elections in Kenya, Nigeria and Zimbabwe frequently exhibit this type of violence. Incidental violence, on the other hand, requires no planning and is generally borne out of frustration and circumstance. It is the result of clashes between protesters and overzealous security forces, or supporters of opposing candidates or parties. Examples include the 2012 elections in Senegal and, to some extent, the February 2016 elections in Niger.
3. Nordic Africa Institute: Electoral violence in Africa. *Policy Notes 2012/3*
4. Mehler, A. (2007).
5. African Union, Youth Division. Available at http://www.africa-youth.org/
6. Mugisha *et al.* (2016).
7. Honwana, A.M. (2012).
8. Amadu, S. (2014).
9. Ibid.
10. Shepperson, G. & Drake, C. (2008).
11. Reif, M. (2011).
12. Ukeje *et al.* (2012).
13. Rashid, I. (1997).
14. Ukeje *et.al* (2012).
15. Macdonald, R.. (1997).
16. Ukeje *et al*. (2012).
17. Ibid.
18. Murphy, W. (2003).
19. Ibid.
20. *Party Youth Activists and Low-Intensity Electoral Violence in Ghana: A Qualitative Study of Party Foot Soldiers' Activism.*
21. In their latest book, *In the Shadow of Violence: Politics, Economics and the Problems of Development.*
22. LAO simply refers to the manipulation of economic interests by the political system in order to create rents so that powerful groups and individuals find it in their interest to refrain from using violence.
23. Przeworski, A. (1991).
24. Huerta (2015).
25 .Ibid.
26. Ibid.
27. Ibid.
28. The defiance campaign is a movement by FDC and Dr Kizza Besigye to resist any attempt to derail democracy in Uganda by the NRM government.

29. Available at http://blogs.lse.ac.uk/africaatlse/2016/02/16/can-the-formidable-youth-vote-swing-the-political-tide-in-ugandadecides-2016/
30. Mugisha *et al.* (2016).
31. Mkandawire, P.T., & Soludo, C.C. (1999).
32. The notion of waithood encompasses the multifaceted nature of the transition to adulthood.
33. Honwana, A.M. (2012).
34. Mugisha *et al*. (2016).
35. Mkandawire, T. (2010).
36. WDR (2011).
37. Low-intensity electoral violence is election-related disturbances or infractions occurring during the pre-vote and post-vote periods in which there are no more than ten election-related deaths; violence is localised; and there is no large-scale displacement of human beings and dispossession of assets. Nonetheless, low-intensity violence is one characterised by the manipulation of formal procedures, violent assault/harassment, breach of the peace, disorderly behaviour, protests, disorderly conduct, violent intimidation, or destruction of the properties of parties and supporters, stealing or stuffing of ballot boxes.
38. Ibid.
39. Ibid.
40. Ibid
41. Murphy (2003)
42. 2006 General Elections Report, EC
43. 2011 General Elections Report, EC
44. Available at https://news.vice.com/article/ugandas-vigilante-crime-preventers-could-backfire-on-the-president
45. Ibid.
46. Power10, aka P10, is a political mobilisation strategy by the FDC consisting of 10 youth in each village in Uganda to protect the party's votes and campaign for the party.
47. Available at http://www.theinsider.ug/fdc-unleashes-red-top-brigade/
48. Available at http://blogs.lse.ac.uk/africaatlse/2016/03/02/social-media-lockdown-and-elections-in-uganda/
49. Citizens' Coalition for Electoral Democracy in Uganda (CCEDU) in mid-September picked '*Topowa'* as the mobilisation catch-word for its civic education campaign in the run-up to the 2016 elections. It means 'never give up' in the Luganda language.
50. Keane, A. (2014).
51. Howard, P.N., Agarwal, S.D. & Hussain, M.M. (2011).
52. ibid
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Democracy or Fallacy: Discourses Shaping Multi-Party Politics and Development in Uganda

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Abstract

This paper examines the discourses shaping the introduction of multi-party politics in Uganda and how it is linked to democracy and development. The paper shows that most Ugandans prefer multi-party politics because they link it to democracy and development. This is why when the National Resistance Army/Movement (NRA/M) captured power in 1986 and multi-party politics was abolished, there was pressure from the public to reinstate it through the 2005 referendum in which the people voted in favour of a multi-party system. The paper also examines the role played by Ugandan politicians and professional middle class such as writers and literary critics (local agency) in the return of multi-party politics in Uganda. It explores their contribution of in re-democratising the Ugandan state and argues that despite the common belief that multi-party politics aids democracy and development, it might not be the case in Uganda. Multi-party politics in Uganda has turned out not to necessarily mean democracy, and eventually development. The paper grapples with the question of what democracy is in Uganda and/ or to Ugandans, and the extent to which the Ugandan political arena can be considered democratic, and as a fertile ground for development. Did the return to multi-party politics in Uganda guarantee democracy or is it just a fallacy? What is the relationship between democracy and development in Uganda?

Keywords: Multi-party politics, democracy, Fallacy, Uganda

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1. Introduction

After Uganda gained independence in 1962, the multi-party system was introduced with political parties such as Uganda People's Congress (UPC), KabakaYekka (KY), the Democratic Party (DP) and the Conservative Party (CP). Most African countries were governed under the multi-party political system just after independence in the 1960s, but this period of democracy did not last long as the leaders changed the constitution, giving way to one-party rule.[1] In Uganda, the multi-party political system collapsed and was replaced by a one-party system under Milton Obote in 1967, which obtained until Idi Amin captured power.[2] A military government under Idi Amin from 1971-79 then ruled Uganda. During this period, Ugandans lived in fear and they could not practically advocate their human rights, let alone the power to vote. This period was also characterised by economic regression. After the fall of Idi Amin, presidential elections were held in 1980 on a multi-party basis.

Unfortunately, when Milton Obote was declared victorious, Yoweri Museveni, the current president of Uganda, refuted the results. He started a rebel group against the government, which sparked off another wave of instability and civil strife, with six years of a guerrilla war being waged against Obote's UPC government.[3] However, after the National Resistance Army (NRA) capturing power in 1986, multi-party politics was abolished and Uganda was ruled under a one-party system. The state claimed that there was 'participatory democracy' based on individual merit in elections.[4] With the no-party system, the NRA claimed they were 'restoring democracy' and yet it was clear that they were blocking and suspending the growth and activities of other political parties in the country while NRA, on the other hand, was gaining and strengthening its political base and recognition.[5]

At this stage, internal pressures were building up as the people demanded multi-party politics, a platform on which they could express themselves, participate and evaluate the political growth of the country. But the state justified the no-party era by arguing that Uganda was not yet politically ready for such politics, especially given its violent political background. The emphasis was that the country needed a phase of no-party politics so as to heal.[6] The president and his acolytes have repeatedly tried to associate multi-party competition with political violence and underdevelopment, always giving the example of the state-orchestrated repression and subsequent anarchy that prevailed under the Obote I and II administrations. They also argued that multi-party options would offer little for the political and economic growth of the country. President Museveni had always stressed that Uganda was not yet ready for a multi-party system because the

traditional parties, UPC, DP and CP, exacerbated divisions among people, especially on the basis of ethnicity and religion, since these were the bases on which parties were formed. He called it partisan politics.[7] He also emphasised that multi-party politics was an offshoot of western culture and that Ugandans were not yet ready for it as witnessed from its consequences during the two Obote regimes – dictatorship, failed multi-party politics and protracted guerrilla rebellion.[8] The president often tags failed multi-party politics to underdevelopment and poverty.

The state played on the minds of the citizens and the world at large through drawing their attention to the mistakes of the previous regimes and the over-exaggerated development achievements of the NRM whenever such demands were made. Yet, as Mwenda observes, the reconstruction process and the economic development are not rural-based; instead, development authorities are set up to reward the president's supporters. Also, there has been an increase in the privatisation of public institutions, which affects service delivery to the ordinary citizen.[9] As such people seem to question the relationship between democracy and development that the NRM claim credit for in Uganda. As a result, people seemed to yearn for political parties quietly, especially in northern Uganda,[10] which is UPC's stronghold. As reflected in a survey by Bratton and Lambright, people seemed to want the return of multi-party politics because they hoped that it might help to control the abuse of power, refresh the ranks of the political elite by recruiting younger leaders,[11] and improve on service delivery to the ordinary citizen.

Indeed, when political parties had just been abolished at the beginning of Museveni's rule, Ugandans did not seem to mind because at the time, the state's policies were geared towards democracy, as well as political and economic stability. As Mwenda observes, both the internally and externally, the president was hailed for his achievements, especially following Uganda's history that was characterised by dictatorship and economic repression. Even when the state started to show signs of dictatorship, such as by banning normal political party activities in the 1995 constitution, Ugandans and the world at large saw a bright future, typified by political and economic stability and growth.[12] The people also believed that the president would rule and hand over power peacefully to another individual, but little did they know that the president intended to rule for life and even groom his own progeny for succession.

However, when it became clear that Uganda was 'sliding backward towards a system of one-man rule',[13] the middle class – professionals, politicians and academics – intensified, in both writing and speech, criticism

of no-party politics in the country that most of them argued was taking the country back to dictatorship and underdevelopment since the public had no platform on which to express their views and dissatisfaction. The state was quick to open doors to multi-party politics as a cover-up for flaws within the system'.[14] One instance was the proposal for constitutional changes, some of which were actually passed, such as the removal of two-term limit on the presidency so as to make it possible for the incumbent to stand for as long as he is alive.

2. Uganda Under No-Party System

Uganda has gone through a series of no-party administrations starting from 1967 when multi-party system collapsed during the Milton Obote I regime. Obote presided over a one-man regime until Idi Amin's coup d' état; Amin's regime, like Obote's, was also a one-man affair. Yoweri Museveni, on his part, ruled Uganda for 20 years under a one-party system commonly known as the 'Movement' until 2005 when a referendum was held and the country voted for a return to the multi-party political system.[15] However, even with the return to a multi-party system, the state operates as though still in the era of no-party or one man's rule or what Bratton and Lambright prefer to call 'political monopoly'.[16]

Under no-party or one-man's rule that Uganda underwent, the country was plunged into political and economic repression, especially during Obote's and Amin's regimes. The situation was quite different in Museveni's regime because he started by restoring political and economic stability in the country so that by the time the country started to slowly slide back into repression, he had scored some achievements,[17] and he also quickly returned to multi-party politics as a sign of democracy. Under Museveni's no-party rule, political parties were permitted to exist but they were forbidden from supporting and participating in electoral campaigns as stipulated in the 1995 constitution.[18] This law enabled the movement system to entrench itself as a political giant in the country while suffocating the other political parties. The impact of such a law is still being felt even now, ten years later. The NRM is firmly entrenched and popular, with active branches and supporters in all regions, even in the remote rural areas of Uganda, as opposed to other parties.

A series of protests and criticisms followed the passing of the law that denied people the right and platform on which to fully participate in the politics of their country. Fortunately, the 1995 constitution required that a referendum be held before a change of political system from no-party to multi-party could be undertaken.[19] In 2000, there was a referendum that

re-affirmed the movement system and the NRM changed its name and operations to National Resistance Movement Organisation (NRM-O). With NRM-O being a fully registered political party, there was another referendum held in 2005 that sought to change Uganda's political system from a no-party system to a multi-party one.

Although the 2005 referendum was beset by many controversies, Ugandans voted for a multi-party system to be reinstated. Many, especially the opposition that later boycotted the referendum, argued that it would not make any difference because either way, the movement system would have an upper hand in the politics of Uganda. It was actually speculated that the referendum could only give legitimacy to the incumbent regime no matter the outcome because of the question that that was formulated for voting on: 'Do you agree to open up the political space to allow those willing to join other political parties/organisations to do so to compete for political power?' People were then expected to vote either 'Yes' or 'No'. The incumbent president, Yoweri Museveni, campaigned for people to vote 'Yes', while the party's (NRM-O) spokesperson then, Kazooza Mutale, campaigned for people to vote 'No'.[20]

The question then to ask is: If there was democracy and development under the one-party system, why did the ruling government (the Movement system) opt to go back to the multi-party system that they had once abolished claiming that it minimised democracy and development? The answer could lie in the unpopularity of the NRA government, whose unpopularity was exposed by writers and critics, within and outside Uganda. These internal and external forces could have precipitated and forced the re-introduction of multi-party politics in Uganda. However, this paper seeks to examine the role played by internal writers and critics in the return of multi-party politics, and their contribution to re-democratising Uganda, if at all multi-party politics means or brought democracy and development in the country.

Although it seems as though the Ugandan middle class has always opted for silence whenever pressed hard by the state's dictatorship and unfair policies, as observed by Mwenda, I argue that this might be true of the majority but the few vocal ones have endeavoured to sensitise citizens and criticise the state, sometimes yielding fruit, such as economic development. Mwenda further argues that, unlike in other states such as Malawi, Kenya and Zambia where the middle class and peasants have been very active in fighting for their own rights and against undemocratic leaders, the Ugandan middle class have been integrated into the country's patronage network. He also maintains that some leave the country and are then diverted from their country's democratisation process.[21] I argue that the middle class may not

have been seen to physically fight for democracy or against dictatorship and underdevelopment, but they sensitised the public to the above issues and the impact is felt from the decisions taken by the state on politics and economic growth.

However, Mwenda also acknowledges that the fight for democracy involves politicians, the jobless, peasants, the youth, professionals and academics.[22] My task here will be to examine the role played by the middle class, specifically professionals, writers and critics such as Mwenda (2007), Mahmood (1988), Asiimwe (2006), Chibita (2006), Makara (2010), Kituo cha Katiba (2005), Nabunya (2009), Magaju and Oloka-Oyango (2000), Kiza and Svasand (2005), among others, in the return of multi-party politics and democracy and, eventually, development. How did they do it? What were they saying and what was the impact of their involvement in the politics and economic growth of their country? Does democracy mean development?

3. The Return to Multi-Party Politics: A Drive for Democracy and Development?

In the 1990's there were debates on the need for the country to go back to the multi-party system. After many years of resistance by the government or refusal to open up the Ugandan political space, it finally held a referendum in 2000. The referendum, though, only reinstated the NRM ruling body as a one-party system commonly known as the 'Movement'.[23] However, the citizens were not satisfied with this arrangement or with the outcome of the 2000 referendum. Most people argued that the debate on political systems was distorted and that despite the 2000 referendum, the political question remained unresolved and the agitation for the expansion of political space continued to flare.[24] These views were debated and made known to the public by politicians, writers and critics.

The proponents of multi-party politics argued that the movement system was detrimental to democracy and development and urged the reinstatement of a fully-fledged multi-party political system. They criticised Article 269 of the 1995 Constitution that restricted political activities of other parties. Owing to pressure from many internal stakeholders – writers, critics and politicians – a Constitutional Review Commission was established. This resulted in Parliament enacting into law the Political Parties and Organisations Act. Under this law, political parties could hold delegates conferences to elect their leaders and they could also hold seminars at national level but not at the district. The move was welcomed but the middle class still criticised it on grounds that it did not grant full freedom of

organisation as was accorded to the NRM.[25]

People started to question whether the movement system was still a role model for Africa and whether the 20 years was not too long for the so-called healing process. Some even argued that the movement system was showing signs of dictatorship, just as the previous regimes.[26] Whereas others thought that Africa and Uganda specifically was ready for democracy, some asserted that one-party rule would continue in Africa for as long as the structural prerequisites for democracy were lacking in the continent, such as advanced capitalism, high literacy rates and a civic culture. Many others argued that democracy needed the middle and working classes to step up and get involved in the democratisation process in Africa, as was the case with their counterparts in Asia. To this effect, the middle class in Uganda started to actively join politics and criticize old regimes, unlike in the previous regimes where leaders were illiterate.[27] The middle class did not only engage in political debates but also sensitised the public and actively participated in politics so as to contribute to the democratisation of the country. However, one wonders whether their political involvement has yielded fruit in the NRM government or whether they have been absorbed into the president's 'no change' camp.[28]

The pressure put on the NRM government yielded fruit because there was a change and the political space in Uganda was opened up to other political parties after the 2005 referendum. Uganda's situation is not exclusive to Uganda. This was the trend in most African states that had all first abolished the multi-party system only to return to it after continuous internal and external pressures and demands from the middle class and workers.[29] In East Africa, for example, Tanzania was the first to open up its political space to other political parties in 1992, followed by Kenya in 1991 and Uganda in 2005. However, one dominant party usually rules most countries that are hailed for good governance or democracy under multi-party politics. This is evident in Benin, Botswana, Tanzania and South Africa. In Ghana, on the other hand, although the country practises multi-party politics, power oscillates only between two major political parties. The trend in Africa is changing though, with most rulers manipulating the constitution and removing presidential term limits. This has happened in Zimbabwe, Uganda and Rwanda. Removal of presidential term limits is one of the factors that are deterring democracy in Africa.

The return to multi-party politics in Uganda was sudden and most people doubted whether it was genuine. This is because the NRM government had refused to open up Uganda's political space, and when they did in 2000, it was insufficient as it was bound up with constitutional changes. Then

suddenly in 2005, the return to multi-party politics occurred. People doubted President Museveni's commitment to it and there was also speculation as to his motives. This is because the playing field was not levelled among the various political parties, an act which was seen to weaken the democratic process.[30] Furthermore, the timing was also 'inappropriate' because the referendum was held just one year before presidential elections. How were other political parties supposed to organise themselves and compete favourably with a party that had been in operation for 20 years?

The middle class is commendable for devising various ways of struggling for democracy in Uganda: through sensitising the public, protests, demonstrations, talk shows, advocacy, appeals and writing criticisms. The media has played a big role in the struggle for democracy. Newspapers and magazines, such as the *Daily Monitor*, the *Independent*, *Red Pepper* and the *Observer,* have given critics a platform on which to express their views and sensitise the public. Television and radio stations have also provided airtime for the middle class to debate and discuss political issues that affect their country. In Uganda, there are newspapers, television and radio stations that suit all categories of citizens from the professionals to the illiterates. The middle class has used these as a medium for sensitising the public and for voicing their views on democracy, multi-party politics and the political and economic situation in the country.

Radio and television talk shows that characterise the Uganda media system are the daily and the weekly shows. The weekly talk shows that are instrumental in the multi-party transition included Spectrum on Radio One, Andrew Mwenda Live on Monitor FM, Capital Gang on Capital FM and 'Ekimeza' on CBS, Issues at Hand on WBS, Hotspot on NTV and the Morning Breeze on NBS. Whereas the other shows targeted literates, 'Ekimeza', literally translated as 'round-table discussion', targeted semi-literates and illiterates. It involved broadcasting from public places such as restaurants and bars, and ordinary people could gather together and participate in political discussions and debates. In the process, people are educated, sensitised and told about the political situation in their country, what they can do and the consequences of their actions or their silence.[31] Such talk shows have been instrumental in putting the country's political situation into context so that the public is not easily fooled that there is much more political freedom and development in this regime than in the previous regimes.

Other than the media, the middle class has also used demonstrations and riots to draw the public's and the state's attention to the plight of the people and the need for democracy. For example, after the Ugandan Parliament had

passed the POMB, the middle class, mostly from the opposition, mobilised a demonstration against the bill. Also when the tax levied on fuel was thought to be too high for the ordinary Ugandan to afford transport fares, Dr Kizza Besigye of the opposition party FDC, mobilised a demonstration branded 'Walk to Work' in protest against the high taxes. Similarly, when the *katikiro* (prime minister) of the Buganda kingdom was blocked by the government from visiting Kayunga, one of the districts under the kingdom, the middle class Baganda politicians, regardless of their political affiliations, organised the public to demonstrate against such abuse of the kingdom's rights. It is unfortunate that peaceful demonstrations in Uganda always turn into riots because the state mishandles the whole situation by deploying the police and the army to block demonstrators who later turn violent.

4. What is Democracy?

According to Mattlosa, Khadigala and Shale (2010), democracy is when there is a regular, free, transparent and fair election. What takes place in Uganda before, during and after elections does not qualify the country to be called democratic. As Makara observes, democracy in Uganda has remained elusive because of incumbency advantages, manipulation and unconstitutional use of the state resources and apparatus, and the removal of term limits, among other factors.[32] It has proved very difficult for opposition parties to win elections not only in Uganda but in Africa as a whole because of lack of transparency. For instance, election results in Uganda are usually refuted, with the opposition citing rigging of votes and unfairness in the handling of the whole process.

First, in 1980, when Milton Obote was declared winner, Yoweri Museveni refuted the results and formed a guerrilla rebel group to fight against the ruling party. Secondly, when Uganda's political space was opened up to multi-party politics, political parties joined the race for the 2006 and 2011 presidential elections. On both occasions, when the incumbent was declared victorious, the first runner-up, Dr Kizza Besigye, refuted the results and petitioned the electoral commission. And on both occasions, the courts accepted that there were irregularities witnessed during the elections and recommendations were made. However, the incumbent was still sworn in as president. The recommendations made by the courts of law in 2006 were ignored as the same electoral commission team was appointed by the president to run the 2011 election,[33] and now the 2016 election.

In Uganda, the concept of democracy seems to vary from generation to generation and to also be determined by people's level of education. For instance, in rural areas and among the elderly, people do not seem to mind

if the NRM under Museveni ruled the country forever as long they have political stability (peace). In the urban areas, the youth and the middle class (professionals and workers), on the contrary, prefer multi-party politics and are against the removal of presidential term limits. They are pro 'change' and are opposed to the 'no-change' slogan.

4.1 Does Multi-Party Politics in Uganda Guarantee Democracy and Development?

Multi-party politics operates under or with active political parties. This system provides an outlet through which people can participate in the politics of their government and address the issues at hand. Parties provide a structured organised frame through which people can express political views besides permitting more points of view to be represented in government. Political parties mobilise voters on behalf of a common set of interests, norms and goals. In that way they play a crucial role in the democratic process as they formulate political and policy agendas, select candidates and conduct elections, among others. They also link citizens and the government by providing a means by which people can have a voice in their government.[34] It is also argued that multi-party political systems often provide stable and enduring systems of government as opposed to a one-party system.[35] Therefore, a government such as the NRM, that bans political parties and multi-party politics, can be regarded as one heading towards dictatorship and oppression and hence underdevelopment.

Multi-party politics in Uganda does not necessarily guarantee democracy not only because of the shortcomings that characterise it during election periods but also other factors, as discussed below. First, multi-party politics in Uganda coincided with the removal of presidential term limits, which was brazenly done through bribery and manipulation of parliamentarians into voting in favour of it. And yet, as Makara observes, having term limits is one way of facilitating the growth of democracy in Africa, because it checks on presidents who would want to rule for life.[36]

However, with its removal, there is a threat to democracy as it is always difficult for the opposition to effectively challenge the incumbent for national leadership. Also, in African countries where term limits have been removed, the incumbent always stands for presidency and uses state resources and apparatuses to maintain their position as president. This can be seen in the case of Uganda under President Museveni, in Malawi under President Kamuzu Banda and in Libya under President Muammer Gadhafi. One then wonders if multi-party politics in Uganda means democracy with the absence of presidential term limits, which enables the president to stand

for as long as he is alive.

Opposition leaders are always harassed and it is more severe during election periods. For instance, in the run-up to the 2006 election Dr Kizza Besigye of FDC, the main opposition party, was charged with treason in both civil and military courts and also with rape in civil court. His nomination as a presidential candidate was delayed; and all these charges were meant to slow and block his political activities and career.[37] Such harsh treatment of the opposition leaders and their supporters is meant to instil fear and to frustrate their political activities so that all those who were planning to oppose the government would think twice. It is a form of punishment by the state for disrespect, so to speak. As Foucault puts it, punishment was designed to work on others, to impress the minds of others. It is no longer needed to impact heavily on the body of the criminal as they could see the effect of torture and suffering from others.[38] If the state were in support of multi-party politics, the opposition would then not face such harassment.

In Uganda, just as in any other dictatorial state in Africa, the state uses the police and the military as if the president or his party personally owned them. For instance, it is appalling how Ugandan forces harass opposition supporters, especially during arrests and dispersing or blocking of their so-called illegal rallies or meetings. The police and the military are always in support of government actions and against the opposition regardless of what the law says. Makara observes that the Ugandan police force have been militarised because the force's leaders are outsourced from the army.[39] For instance, the former Inspector General of Police (IGP), General Wamala, and the current one, Kale Kaihura, were all appointed from the army. How then can a country such as Uganda claim to be democratic?

In Uganda, the incumbent under the NRM party won the 2006 and 2011 elections amidst complaints of foul play by the opposition. However, even if the opposition were to accept defeat, there is already unfairness in the ways in which the incumbent solicits votes. There has been an unfair distribution of parliamentary seats in the Ugandan Parliament that can be attributed to the NRM's domination of Parliament, and eventual winning of elections each time they are held. Apart from the NRM securing the majority of seats in Parliament, there are also seats that are reserved for the army, people with disability, and representatives of women, youth and workers that are dominated by the NRM. It has been made impossible for these seats to be won by the opposition as the people are always reminded that it is the president who has made their representation possible.[40] With these extra seats, the NRM always has an upper hand in Parliament, especially when it comes to passing bills that favour the party. Examples include the removal

of the presidential term limits, passing of supplementary budgets and approving corrupt individuals as ministers, among others. In most cases, therefore, the ordinary citizens' interests are not fully represented by a body that is supposed to do so.

Also during election periods, the government tends to create new districts.[41] The reasons for this can be said to be twofold. The first one is to increase the number of the incumbent's supporters as the people in these districts feel that they should thank the president by voting him and the people representing his party into power. The second reason is that it increases the number of legislators who would later support the NRM and the passing of unfair policies that suppress not only the citizens but also the opposition parties, such as the controversial Public Order Management Act (POMA).[42] Naturally, increasing the number of districts would be to pave way for easy access to resources and development but in Uganda it's the contrary.

The local council structure also seems to be largely in favour of the NRM as they are often used as a key vehicle for building NRM's organisational structures and mobilisation strategy. This can also be seen during the campaigns leading to the 2000 and 2005 referendums, where local councils were given funds to mobilise people to vote for and support the referendum cause.[43] Also, the position of mayor and other district positions in the country have been created for the same purpose. For example, in Kampala city, there is a mayor, a Kampala City Council Authority (KCCA) Executive Officer and a Minister for Kampala. One wonders about the role of all these city officials. Could it be that because the mayor, Erias Lugwago, is from an opposition party, the president had to appoint people from his own league to work within the city? In fact, it seems as though the mayor has been stripped of all authority and responsibilities pertaining to his office. The president also appoints District Resident Commissioners (RDCs) and their deputies whose roles are not only controversial but also redundant. One may argue that this is another way in which the president rewards his supporters at the district level while depleting state resources.

On the surface, there seems to be media freedom but a critical analysis reveals that media outlets, such as the press and radio and television stations, are harassed if they rightfully criticise and expose the government's flaws. This is done on the pretext that the press is posing a 'security threat' to the state and to the citizens. For example, Central Broadcasting Service (CBS), which is owned by the Buganda Kingdom, was turned off air for two years and it was only reopened when the Buganda region threatened not to vote the incumbent president, Museveni, back into power.[44] The Red

Pepper, Monitor Publications and Nation Television (NTV) have also been shut down for publishing and airing criticisms of the government or NRM state officials. Journalists have also faced harassment and arrests for their criticisms. For example Andrew Mwenda, a journalist and political analyst, while hosting a political talk show on the then Monitor FM, now KFM, was in 2005 put in jail on charges of 'sedition and promoting sectarianism'. The media in Uganda are treated as though they are the opposition, especially if they are privately owned.

The Electoral Commission (EC) in Uganda is not an independent body as is the case with other African states, such as Ghana. The president elects the EC chairperson and this makes it hard for the team to act honestly, especially when presiding over elections. Even amidst complaints from the opposition and the courts of law about the irregularities of the EC such as rigging of votes, electoral unfairness and violence, the president always appoints the same team to preside over elections. One then wonders what message the state is sending out to the citizens and the world. Is there democracy? Much as opposition parties always present presidential candidates, what guarantee is there that the embattled EC will not rig votes in favour of the incumbent, particularly since all electoral reforms have been rejected.

The way the state operates in a multi-party system is as though it is still operating under a no-party system; state resources and apparatuses are used to run NRM party activities; the EC is partisan and non-independent from the state. One can thus conclude that internal and external pressures may have forced the NRM government to re-introduce multi-party politics in Uganda, but has since failed to allow the proper functioning of a competitive multi-party system.[45] In Uganda, no individual or party has ever handed over the presidency or power to another; power is always captured through military force. The state of democracy in Uganda leaves a lot to be desired. Regardless of whatever system the state seems to adopt, democracy is always lacking, especially in the way the elections are organised and conducted.

4.2 Why Does Democracy Seem Unsuccessful in Uganda?

Andrew Mwenda, a political journalist and analyst in Uganda asserts that '[t]he worst obstacle to democratic development in Uganda has been the personalisation of the state'.[46] He argues that the state uses the army to suppress the opposition, and money to recruit support, reward loyalty and buy off actual and potential opponents. The state uses the army and also because it has access to taxpayers' money, it chooses to do whatever it wants with it without being accountable. A lot of revenue goes to the military budget only to aid such ventures and unplanned-for external wars such as

the Congo war (998) and the Sudan war (1997 and 2015). Moreover, the decision to use state money and involve the army is made by the president and his cohorts as if the state is their personal property.

Mwenda also observes that Museveni seems to invest more resources in building security agencies, as seen from the special units that have been formed from the army. Examples include the Chieftaincy of Military Intelligence (CMI), the Internal Security Organisation (ISO), the External Security Organisation (ESO), the Criminal Investigations and Intelligence Directorate (CIID), the Special Forces Command (SFC, formerly the Presidential Guard Brigade (PGB)), the Joint Anti-Terrorism Taskforce (JATT) and the Violent Crime Crack Unit (VCCU). Some units performed impressively; a case in point is the VCCU that was instrumental in cracking down on crimes in 2001 and 2002.[47] On the whole, however, all these units are not really necessary, as some seem to duplicate roles. Their diversity can, therefore, be tied to the president's zeal to create jobs for his supporters and also to strengthen the security around him so as to weaken the opposition. Museveni has used soldiers, the police and security agents to frustrate the opposition and have his way inside and outside Uganda, especially in the Great Lakes region. Instead, the resources expended on these units could have been used to build institutions that facilitate the growth of democracy.

Uganda has also slowly drifted off the road to democracy because of the state's undermining of formal institutions such as Parliament, the security forces and the judiciary. The state does this through weakening the crucial decision making bodies in the country. For instance, the constitution is always changed to suit or favour the ruling party. The Parliament of Uganda that should make decisions and represent the people's voice is frequently bribed, brutalised and manipulated into siding with the ruling party. For example, as Mwenda observes, in October 2004, soldiers arrested and brutally beat four northern Uganda Members of Parliament (MP) for trying to hold a political rally in their constituencies.[48] The rally could have been meant to sensitise the people regarding land ownership and sale because that was the contentious issue in the north at the time. But because most parts of the north were UPC strongholds, these MP's actions could have been taken as a threat to the NRM. Also, Museveni has been chipping away Parliament's powerd by not only increasing the number of MPs who can support him but also by appointing ministers from among the legislators. This implies that nearly one-quarter of all MPs belong to the president's camp.[49] It is then not a surprise that constitutional changes and unfair policies are easily passed in Parliament regardless of their effects on national development.

The judiciary is forced to rule in favour of the ruling party through threats

and intimidation. For instance in 2001, when the opposition brought before the Court of Appeal a suit challenging the constitutionality of the June 2000 referendum that endorsed the president's 'no-party system' and the court confirmed that the state had violated the constitution, the NRM organised a mob to attack the court, forcing the judges to flee their chambers in fear.[50] Since then, this hand of the state has been in favour of the NRM party and its policies regardless of how far they violate the constitution and the people's rights.

The failure to democratise can also be attributed to the identification of political parties, in Uganda just as in other African states that tend to be organised along ethno-regional lines, with ethnic kinship; and political parties always compete to be able to bring benefits to their constituents.[51] Also, people tend to vote for people from their ethnic groups regardless of their ability to perform in Parliament or as presidents. The ethnicisation of politics, as Brown and Kaiser observe, is often reinforced by politicians themselves, and promotes competition for access to resources rather than institutionalised compromise that theoretically characterises a democracy.[52] This kind of politics has encouraged corruption, tribalism and favouritism in public institutions that have, in turn, undermined democracy and national development.

Furthermore, despite the existence of all the necessary legislation to guide the working of a multi-party political system in Uganda, there are still misgivings about the behaviour of political parties when it comes to political tolerance and respect. This is one of the obstacles to multi-party politics.[53] For instance the NRM government is found of howling insults to the opposition leaders and their slogans as a way of undermining their presidency and capability to win votes and rule the country. This sometimes turn violent often times creating fights amongst supporters. This lack of tolerance and respect for one another's views is the reason why the opposition and the state cannot have fruitful round table discussions for the good of their country.

5. Conclusion

The success of multi-party politics has been a challenge in Uganda because, much as the people were happy with the opening up of the country's political space as they envisaged that it would improve governance, and aid democracy and development, it seems to all be a fallacy. As Mwenda observes, Museveni's regime has never had any intentions to build democracy, as seen from their refusal to repeal repressive laws, which hamper the freedom of organisation, expression, assembly and publication.[54] All these

are indications of a country that has wavered off the road to democracy and development. Thus, the NRM system has gradually reverted to one-man rule and it remains a fallacy for Uganda to even think that they are operating under a democracy, let alone multi-party politics. This is because, as Mwenda further observes, by 2005, the president had subdued all internal opposition to his efforts to create a one-man authoritarian government.[55] Much as the political space was opened up for multi-party politics, the playing field was not levelled among the various political parties, an act which was seen to weaken the democratic process in Uganda.[56]

The return to multi-party politics in Uganda can be greatly attributed to the efforts of the middle class workers, politicians, writers and professionals much as President Museveni does not acknowledge their efforts. The middle class has not only actively participated in the country's politics by vying for political posts but they have also engaged in underground and open campaigns to ensure that the public gets sensitised regarding the political situation of their country and act accordingly to achieve some degree of democracy and development, which the country now enjoys.

The media has been an important tool for the middle class to reach the public and also to link the public to the state. Through the media, the middle class has been able to organise talk shows both on radio and television. These shows have been able to cater for all categories of people, from the illiterates to the politicians to the professionals. The middle class has also been active in writing criticism and for sensitising the public. They have engaged in protests and demonstrations against unfair policies that undermine democracy and developments like the passing of the Public Order Management Bill (POMB).

This paper has shown that although the NRM government finally succumbed to the demand for multi-party politics like its counterparts in East Africa and the rest of Africa, the state still operates as though it is still in a one-party or no-party era. Multi-party politics in Uganda does not necessarily indicate democracy and development. This is both because of the unleveled field for political participation and because the state seems not to be committed to the growth of multi-party politics in Uganda, which would aid democracy and eventually development. This state of affairs persists despite the fact that the NRM has always attributed its longevity to democracy and development

Notes

1. Nabunya (2009:2), a master's degree thesis.
2. See Makara (2010), Mazrui (1967).
3. Makara (2010:82).
4. See Mamdani (1988)

5. Makara (2010:82)

6. Mwenda (2007:27)

7. Bratton & Lambright (2001:430)

8. Doornbos (2009:109)

9. Mwenda (2007:29)

10. Bratton & Lambright (2001:432)

11. Ibid., 446.

12. Mwenda (2007:23).

13. Mwenda (2007:23).

14. Ibid., 24.

15. Nabunya (2009:3), a master's degree thesis.

16. Bratton &Lambright (2001:430).

17. Ofwono Opondo, the NRM spokesperson, is reported to have said that they are not afraid of the opposition alliance because their achievements can speak for them. The New Vision website, Kampala **10/6, (2015)**

18. The Constitution of the Republic of Uganda (1995), Article 269. Government Printer, Kampala.

19. See Barya (2000).

20. See report by Chr. Mischelsen Institute and Makerere University, *The Legal and Institutional Context of the 2006 Elections*, Research Report. (2005).

21. Mwenda (2007:34).

22. Ibid, 35.

23. Nabunya (2009:30), a master's degree thesis.

24. Kitua cha Katiba (2000).

25. Nabunya (2009:31).

26. Ibid., 6.

27. Nabunya (2009:14), also see Mwenda (2007).

28. 'No change' was and is still a slogan that the movement government has always chanted, especially during elections, to indicate that Uganda is not yet ready to change the president or system.

29. See Nabunya (2009:13-17)

30. Ibid., 3.

31. See Nabunya 2009:4-5

32. Makara (2010: 81)

33. Ibid.

34. Nabunya (2009:8), a master's degree thesis.

35. Ibid., 9.

36. Makara (2010:83).

37. Makara (2010: 83), also see Mwenda (2007:26).

38. Foucault, M. (1995:101)

39. Makara (2010:84).

40. See Makara (2010).

41. Mwenda asserts that the reason for this is to create jobs for local council officials and Museveni's supporters (2007:31-32).

42. The Public Order Management Act (POMA) prohibits more than 25 people from holding a meeting without permission from the Inspector General of Police (Makara, 2010:84); also see Uganda Citizens' Compact on Free and Fair Elections (2014:8).

43See Maka. ra (2010), Mwenda (2007:28) and Bratton and Lambright (2001).

44. Makara (2010:87).
45. Makara (2010:91).
46. Mwenda (2007:28).
47. Mwenda (2007:33)
48. Mwenda (2007:24)
49. Ibid.
50. Ibid., 25.
51. Nabunya 2009:15
52. Brown and Kaiser 2007: 1143
53. Msekwa (2004:21-22).
54. Ibid., 28.
55. Ibid., 25.
56. Nabunya (2009:3), a master's degree thesis.

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The Pitfalls of Liberal Democracy: Lessons from Electioneering in Democratic Republic of the Congo

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Abstract
Informed by a discursive documentary review, this article first deciphers the pitfalls of post-war DRC's electioneering in the two episodes of 2006 and 2011 general elections. Basing on these two sequential yet profoundly dissimilar electoral experiences in patterns the article maintains that the insistence on the organisation of elections for purposes of legitimisation of power may simply not be very meaningful in the first place or, worse still, may lead to a renewal of violence only capable of worsening an already bad situation. In the final analysis, in view of a looming political-constitutional crisis post-19 December 2016, it is this article's contention that there is no better concretisation of a *politeia* than for a people to govern themselves, as opposed to be merely governed by a hijacking political elite – whether resulting from a ritualised 'free and fair' election or not.

Keywords: Liberal democracy, Electioneering, Politeia, DRC

1. Introduction
In the aftermath of the Cold War – which was paradoxically hot (in the literal sense) and lethal on the African continent – a vast majority of African states still struggle to overcome the challenges characteristic of a post-war context as they strive for political and socio-economic paradigms that would rid them of eventual institutional fragility. The Democratic Republic of the Congo (DRC) is no exception to this trend. Drawing from contemporary events and scholarly literature on scenarios of electoral engineering in post-Cold War Africa, this article seeks to illuminate the

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predicaments (structurally political, social and economic) pertaining to conducting elections after violent conflict as a means to (re)build broken political structures and so restore a democratic political order of the state. Whereas, in essence, a theory and practice of civics in which sovereignty is lodged in the assembly of all citizens who choose to participate in the decision-making processes to shape their own destiny sound a good thing, it is now argued that premature increases in political participation, including events like early elections, have a great likelihood of destabilising fragile political systems.

By way of launching a critique of Western liberal democracy (as now theorised and practised), this article first deciphers the pitfalls of post-war DRC's electioneering in the two episodes of 2006 and 2011 general elections. Basing on these two sequential yet profoundly dissimilar electoral experiences in patterns (although prior to each of which armed conflict had weighed heavy on both state and non-state agencies) the article argues that resorting to the ballots and not to the gun is no guarantee that in the aftermath of nation-wide devastating armed conflicts firm political order will be restored. Put differently, twice after emerging as winner of the yet contested elections, President Joseph Kabila's government has thus far been incapacitated—a heavy engagement of the international community notwithstanding—to consolidate its war-torn political, economic, social and security apparatuses. It is against this backdrop that the article maintains that the insistence on the organisation of elections for purposes of legitimisation of power may simply not be very meaningful in the first place – a hollow ritual and, more so, one that does provide an otherwise autocratic regime with a façade of legitimacy – or, worse still, may lead to a renewal of violence only capable of worsening an already bad situation.

Finally, the article posits that, whereas the desire for free and credible elections may constitute the hallmark of a democratic political order as per the tenets of liberal democracy, the context within which such democratic ideal is pursued serves as a caveat. For a previously war-ravaged state faced with political as well as serious socio-economic challenges as the DRC stood after two episodes of armed conflict, elections – good intentions notwithstanding – may not consist of the immediate vitally necessary steps along the road to a viable democratic political order. Rather, making the post-war society governable (synchronising all different as well as differing social forces for sound civic participation) constitutes a proper sequencing essential to the eventual establishment of political institutionalisation, which is, in turn, a crucial step towards a truly democratic political order after mass political violence.

2. Liberal Democracy Cum 'Electocracy'

By the mid-1990s, the momentum for political reforms had effectively become an unstoppable Africa-wide movement. All over the continent, the single-party and military dictatorships that had been erected in the course of the mid-1960s to mid-1970s were giving way – one after the other – to popular domestic pressures for not only liberalisation, but even outright democratisation of the political space. This post-Cold War wave of democratisation ushered in the restoration of multi- party politics, the organisation of elections, the licensing of private electronic and print media, and the removal of the worst restrictions on the organisation of public political meetings.

There, therefore, seemed to be growing agreement as to how political power should be transferred – the holding of periodical and democratic elections ('electocracy') being the sine qua non of political stability and of society's peaceful development. As Lanciné Sylla once posited, if the winds of democracy are blowing over Africa today, one reason may be that democracy provides a rational solution to the problem of succession. Liberalisation of the political regime in a sense, Sylla further maintains, forces a country to establish a rational system for transferring power.

Particularly, in post-Cold War sub-Saharan Africa, there has been a rapidly growing reliance on electoral processes as the principal way to legitimise governance at national, regional and local levels. Coming from the context of a bipolar world where the crisis and the collapse of one side (communism) seemed to have validated the victory and superiority of the other (capitalism), Ernest Wamba-dia-Wamba pointedly noted that the political death of bureaucratic socialism has propelled the parliamentarian mode of politics (which includes liberal democracy) to a hegemonic position. Celebrants of capitalism in the West, Wamba-dia-Wamba underscored, have seized the occasion to intensify the propaganda for a free market economy and multi-party democracy. Hence, this Western-induced parliamentarian mode of politics has been perceived as an inescapable means for stimulating the development of democratic politics; for choosing representatives; for forming governments; and for conferring legitimacy upon the new political order.

As the most visible feature of liberal democracy, universal suffrage in independent Africa has been treated as democracy's defining characteristic. Oftentimes, the main answer of the international community to the problem of inertia or systemic dependency in the aftermath of severe conflict is the rapid organisation of elections, which, it is hoped, will produce a legitimate government with a mandate to shape a new and better society. The post-conflict democracy solution, however, contains major problems.

Citing the work of Robert Bates, *When Things Fell Apart* (2008), Straus and Taylor (2012) have reiterated that the early optimism about Africa's democratic transition has met with new skepticism to the extent that political liberalisation (by way of a dispensation of liberal democracy) came to shorten the time horizons of African leaders during the past two decades, increasing the likelihood that state leaders would predate rather than develop institutions for the common good. Furthermore, Uvin (2002) argued that, against a backdrop of extreme poverty due to dilapidated socio-economic infrastructures, disorganisation of the then political scene, and the legacies of violence that continue to suffocate the delivery of public goods, elections might simply not be very meaningful first and foremost.

The debate on electoral systems in post-Cold War Africa has often presupposed that the key institutional players in this process – most notable of which are political parties – do represent the aspirations of the electorate and that the general elections merely come into play to arbitrate over which of the contesting parties is deemed by the voting majority as best at capturing their issues and concerns. Yet, in a post-war setting where violence-ridden states are apt to have stronger patronage networks in comparison to others, the demands of loyalty supersede efficiency, inclusivity and the rule of law; hence, electoral violence is likely because power is sought by any means necessary (Bekoe, 2012). More often than not, therefore, the predominant route to state power in most parts of Africa today has been the orchestration of political violence, of which electoral violence remains a privileged part.

Assessing Africa's new governance models, Olukoshi (2007) notes that where citizen pressure became an exercise in futility under political regimes that were supposed to have derived their mandate from the populace through elections, the essence of governance had not really changed in spite of the framework of electoral pluralism that had been introduced. Furthermore, the cost of getting the elected government to pay attention to domestic concerns has actually been high, involving the organisation of domestic protests, the deployment of a brutal state apparatus, the routine abuse of power in order to undermine domestic political opposition, and the continued rigging of votes to foil the popular will and block the extension of the frontiers of democracy (Olukoshi, 2007). To add to such gloomy stories of suffocated democratic dispensation, Oloka-Onyango (2007), too, realised that only six of Africa's independence leaders were replaced in free and fair elections; the rest were either overthrown, forced to resign, died in office, or were stopped by an assassin's bullet. That a sheer lack of genuine political pluralism has been conspicuous in post-Cold War Africa is an indisputable fact, the façade of 'multi-partyism' notwithstanding.

It is no exaggeration to posit that the tide of democratisation that swept over Africa in the aftermath of the Cold War brought to the fore a category of elites whom Gros has labelled 'opportunistic democratisers' (Gros, 1998 cited in Berhanu, 2007: 102-3). As Berhanu (2007) further notes, constitutional reforms and the conduct of periodical pluralistic elections alone are actually not sufficient for effecting transformation with a positive bearing on the socio-economic and political life of the citizenry and the good of the entire society (including non-citizens) at large. Hence, replacing authoritarian regimes by seemingly democratic ones rather than making new arrangements in the realm of political governance, which can practically benefit society in socio-economic terms, may turn out to be futile. Despite the fact that elections remain a necessary prerequisite for broader democratic practices, electoral exercises and democratic political order are certainly not synonymous.

3. The Case of 'Electocracy' in the DRC

Approval of the 2005 constitution, it is reported, would usher in the Third Republic, starting with the elections of 'new' leaders with political legitimacy and so end the otherwise democratic transition which had begun in the early 1990s and had been interrupted by the two wars. Whereas the West, spearheaded by the United States of America, applauded the new DRC constitution as establishing 'a balance of power between the branches of government, ensuring protection and development of minorities, and providing for a limit of two presidential terms', critics did not praise it; they judged it to be 'vague both as regards the form of state (unitary or federal) and the form of governing regime (presidential and parliamentary)' (Turner, 2007: 183-4). For Wamba-dia-Wamba (1994), two dominant historical modes of politics have been specified: the parliamentarian mode of politics – which includes liberal democracy – and the Stalinian or Third International mode of politics. To Wamba-dia-Wamba, however, neither the parliamentarian mode nor the Stalinian mode (which is not the same thing as the Soviet Union under Stalin, i.e. Stalinism) 'support[s] a process of human and social emancipation today' (Wamba-dia-Wamba, 1994: 249). It was against this backdrop and within the contours of this newly promulgated constitution that the general elections of 2006 took place.

The 2006 Election Experience

The holding of the 2006 general elections (both presidential and legislative) – a democratic experiment the country must have enjoyed for the very first time ever since its accession to national sovereignty in 1960 – followed

a decade of one of the deadliest internationalised conflicts that made the DRC the theatre of what was called Africa's Great War (Reyntjens, 2009). Many Congolese, Turner (2007) writes, voted for peace, but their votes led, paradoxically, to a second-round choice between the two leading warlords: Joseph Kabila and Jean-Pierre Bemba. Furthermore, the elections were supposed 'to put an end to "partition and pillage" but territorial reunification was far from complete when the elections were held, and pillage continued' (Turner, 2007: 166).

These elections, Prunier (2009) acknowledges, followed the promulgation of the new constitution, which had been submitted to a popular referendum at the end of 2005 and approved by 84.3 per cent of the voters; this signified a resounding triumph for the two-year-long transition process. Almost as soon as the electoral process began to acquire greater credibility, the conduct of elections was called into question. Because the civilian population concurred with the argument of Apollinaire Malu Malu (who then headed the Independent Electoral Commission) about the politicians' delaying tactics, anti-postponement riots spread very quickly across the major cities of the country. Beyond the vagaries of individual politicians, the main national problem the Congolese state faced during the entire transition period was – and still remains long after the constitutional referendum – security. In the words of Prunier (2009), the bigger problem was how to reintegrate structures of often anomic destruction into new structures of controlled violence – at least in accordance with the classical definition of the state, which is an entity having the monopoly of legitimate violence over a certain territory.

By 2006, election fever had started to grip the country; the looming future was filled with both hope and threats – the elections having turned into a 'Holy Grail' (Prunier, 2009: 309). At the time of elections, the then *Mission d'Organisation des Nations Unies au Congo* (MONUC) – the United Nations peacekeeping forces already deployed in the country half a decade earlier – together with the *Comité International d'Accompagnement de la Transition* (CIAT) [International Committee in Support of the Transition] which included the five permanent members of the UN Security Council in addition to Belgium and Canada as well as four SADC member-states (Angola, Mozambique, South Africa and Zambia), struggled against many odds to ensure that the determinant elections epitomised the standardised norms of a free, fair, transparent as well as non-violent electoral process accepted by the international community. In April, the European Union contributed USD 21 million towards setting up an auxiliary military force of two thousand men under a Franco-German coordinated command.

While the DRC could not have completed the transition from open warfare to the elections of 2006 without substantial support from the so-called international community, this strong support paradoxically became a political problem: A number of opposing candidates, and people associated with the major non-candidate, Etienne Tshisekedi, "claimed that the international community was imposing its choice, Kabila" (Turner, 2007: 165). Already in the first round of these elections, a post-war DRC "deeply divided between east [Swahili-speaking] and west [Lingala-speaking]" (Turner, 2007: 166) was brought to the fore. Had Horowitz (2001) not persuasively argued that the common tendency of different ethnic groups to support opposing political parties provides a situation conducive to the mingling of ethnic and partisan violence?

Upon collecting the declaration forms of candidacy and the electoral deposit fee (USD 50,000 per candidate), the Independent Electoral Commission published a list of 33 presidential candidates (Turner, 2007). A dozen 'new political parties' sprang up; these were, according to Prunier (2009), parties 'in name only' since they were mostly tribal or regional gatherings around the name of one or two well-known local politicians. On 20 August, given the stiff competition during the campaign period, none of the contenders had won an absolute majority in the first round; Joseph Kabila (then transitional president) had 44.81 per cent of the vote compared to Jean-Pierre Bemba's 20.03 per cent. As per the then promulgated constitution of the Third Republic, for a presidential contender to be declared winner s/he must have got an absolute majority, i.e. 50 per cent plus one vote. Subsequently, in the second round of the presidential race, the densely populated Swahili-speaking eastern and southern regions ensured victory for Joseph Kabila who had consolidated his electorate base through a robust political alliance known as the *Alliance pour la Majorité Présidentielle* (AMP) [Alliance for the Presidential Majority] against the Lingala-speaking north-western and western regions which gave solid support to Jean-Pierre Bemba. Kabila was declared winner after the second round of voting which took place on 29 October, with 58 per cent of the vote to Bemba's 42 per cent; the turnout had been 65.4 per cent of the registered voters (Prunier, 2009). By and large, these elections were said to be free and fair.

The massive clamour that had accompanied the charmed conduct of the 2006 general elections was soon followed by severe military activism, which terrorised the grass roots both in the rural areas of the eastern provinces and the urban centres of the western provinces. Undoubtedly, this widened the schism between the impatient populace and an incapable

elected government, on the one hand, and the poorly esteemed United Nations peacekeeping forces (blue helmets), on the other. In the year following the general elections, the frustrated government called for the withdrawal of these blue helmets, notwithstanding a seriously fragile state security infrastructure, especially in the east of the country (Mbavu, 2011). In the same vein, Tordoff and Ralph (2005) convincingly argue that the holding of multi-party elections is not by itself enough to secure the firm establishment of a democratic political order.

The 2011 Election Experience

Compared to the 2006 experience, the 2011 presidential and legislative elections were conducted in an even much tenser socio-political atmosphere. Willame (2011) reports that more than 18,000 candidates registered for MP-ship, as opposed to 10,000 in the previous elections. Equally shocking, of the 450 political parties from which these legislative candidates ensued, only 417 were acknowledged by the Ministry of Internal Affairs in August 2011, in contrast to 203 political parties acknowledged in 2006. Peculiarly, independent candidates outnumbered candidates claiming adherence to either the ruling party/coalition or to opposition parties. Even the incumbent, President Joseph Kabila, did present himself as an independent candidate.

Nonetheless, contrary to the 2006 presidential vote, there were only 11 presidential candidates compared to the 33 in 2006; one of the reasons for this cutback could be the fact that the electoral deposit fee, which is non-refundable, for presidential candidature had doubled from USD 50,000 to USD 100,000 (Willame, 2011). Of the 11 candidates, four sprang from an almost politics-free background as their personalities had previously never had much impact on the national political scene; three had previously stood in the 2006 presidential race while two were freshly contending for the presidency though their personalities commanded some degree of influence on the national political scene. Unsurprisingly, the incumbent (Joseph Kabila) could only worry much about the latter two, namely, Vital Kamerhe – previously chief campaigner for Kabila in the 2006 race and subsequently President (Speaker) of the National Assembly (Parliament) – and Etienne Tshisekedi, an old emblematic figure of the opposition since the Mobutu era, and who polarised the presidential race pretty in much the same way as Jean-Pierre Bemba had done in 2006.

In the end, the 2011 presidential race almost turned into a two-man show: Joseph Kabila versus Etienne Tshisekedi. The former certainly enjoyed incumbency privileges and took advantage of the state's four estates (the executive, the legislature, the judiciary and the media) as well as the security

apparatus over the former. While Kabila's manoeuvres during the campaign resonated with those who had recently shifted to the privileged side of society and thus had a strong hold on the key instruments of power, Tshisekedi took up a grass-roots approach and directed his political discourse towards the have-nots, those under-privileged by hegemonic structures of the state and whom his populist rhetoric enticed. According to Willame (2011), the DRC's godfathers, including the United States of America, the United Nations Security Council, Belgium, China, the World Bank, and the International Monetary Fund (IMF), among others, did not seem to empathise with the many frustrations elaborated during Tshisekedi's campaign.

In the midst of much pressure and tension, both from within and the diaspora, the *Commission Electorale Nationale Indépendente (*CENI) released on 9 December 2011 the final detailed results announcing Joseph Kabila winner of the presidential vote with 49 per cent against 32 per cent for his main challenger, Etienne Tshisekedi (Stearns, 2011; Willame, 2011). This was taken to be a constitutional win as both the Senate and Parliament had already passed in January 2011 an amendment to the 2005 constitution including (i) a one-round plural majority win; and (ii) the president's prerogative to dissolve provincial assemblies, rescind governors, and call for referenda. Critical analysts of the DRC's political governance system had pointed out that the revision of the constitution should have been much more thoughtful and should have taken into consideration the spirit of the law, not just the letter. This has essentially made the presidency much more powerful while it has caused reluctance to press for an effective decentralisation project as required by the constitution (Stearns, 2011).

Marred by significant irregularities and malpractices that breached acceptable standards (both at national and international levels), the 2011 elections could not have made any significant contribution towards a radical transformation of the nation in view of an already existent shaky status quo pointing to a failed state. The otherwise hard-won precedent of the 2006 elections was simply erased by the 2011 elections. One is left to question pessimistically the DRC's capacity to address its shortcomings of governance and consolidate structures for a democratic political order with such (i) a political elite deeply involved in cancerous deals of corruption which robs its citizenry of the basic expectations and the subsequent sheer lack of fight against it; (ii) a quasi-absence of state institutions (especially security and judicial apparatuses) to protect the inalienable freedoms of the citizenry; (iii) a continuous tendency by the so-called international community to unquestionably embark on massive support for periodical general elections in the midst of the sheer manifestation of abject poverty

and human insecurity devouring the citizenry in the context of state inertia/ indifference. After all, for more than 30 years, Mobutu had monopolised political space in Zaire/DRC such that the renewed multi-party competition in the 1990s had led to the emergence of two vast, ill-defined political tendencies: 'the presidential tendency and the "sacred union" of the opposition' (Turner, 2007:170).

Van Reybrouck (2014) painstakingly demonstrates that it was an illusion to hope that proper elections would immediately lead to a proper democracy; 'the West has been experimenting with forms of democratic administration for the last two and a half millennia, but it has been less than a century since it has started putting its faith in universal suffrage through free elections' (Van Reybrouck, 2014: 512). With these two periodical experiences of 'electocracy' the result seems to be the same: elections in the post-war context of the DRC are but a political mechanism to deal with structural issues pertaining to the country's governance through the use of unbalanced procedures administered in confused and unprofessional manners. The holding of general elections, Van Reybrouck (2014) further posits, should not be the kickoff to a process of national democratisation, but the crowning glory to that process – or at least one of the final steps.

But even within the exceptional wish that fundamental values of political legitimacy and accountability could have been attained through the holding of democratic elections, a crucially important yet taken-for-granted question still lingers: Should the holding of democratic elections actually be at the pinnacle of a post-war political agenda? Put differently, what pertinent priority is being realised by the *raison d'être* for elections in a post-war scenario? Equally important is the concern about substantial grass-roots civic education prior to, during and even after the holding of these elections. The case of electioneering in post-war DRC reveals that the practice of universal suffrage for the presidency and the legislature was but a wrong prioritisation of items on the political to-do list of an extremely fragile fragile country following devastating armed conflicts. Will the continued conduct of such periodical general elections bring about a truly democratic political order in the body politic of an ill-governed citizenry still grappling with socio-economic woes amidst state absenteeism? These two instances of both the presidential and legislative elections have come to expose not only the extent to which Congolese state institutions are feeble, but also the utter lack of political will (nationally and internationally) to restructure and reaffirm these state institutions already submerged by both *agentification* (proliferation of non-state agencies in the delivery of public goods) and *donorisation* (excessive flow of foreign aid to the government).

That a post-war country has resorted to the ballots and not to the gun is actually no guarantee for peace and stability thereafter. Political institutionalisation in terms of organisation and procedures of political action encompassing not particular but all social forces across the governed territory is 'the foundation of political stability and thus the precondition of political liberty' (Huntington, 1996: 461). Holding free elections, an exercise that falls within the purview of political liberty, should logically never precede the realisation of political institutionalisation – the bedrock of any political order, democratic or otherwise. This less-trodden road (political institutionalisation and political consciousness-raising) is more crucial than the quick fixes of electoral engineering in the quest for a democratic political order in the aftermath of mass political violence.

In quintessence, the various predicaments of social existence in today's Africa – most of whose nation-states are emerging from bloody conflicts – including abject poverty, systemic corruption, and political violence arising from the militarisation of society, and almost non-existent legitimate as well as accountable state structures, are not just incidental problems which the conduct of elections can easily fix. These structural pitfalls are sustained by a kind of imagination deeply entrenched in a seemingly pre-ordained mode of politics for social and economic governance. Of the English Parliament – alluded to as the Mother of Parliaments – M. K. Gandhi, in his seminal book, *Hind Swaraj*, levied a poignant critique against this parliamentarian mode of politics in the following terms:

> […] The Parliament is without a real master. Under the Prime Minister, its movement is not steady, but it is buffeted about like a prostitute. The Prime Minister is more concerned about his power than about the welfare of the Parliament. His energy is concentrated upon securing the success of his party. His care is not always that the Parliament shall do right. Prime Ministers are known to have made the Parliament do things merely for party advantage. All this is worth thinking over…

This is why, unless another sort of political *modus operandi* is envisioned and deployed, and then institutionalised by way of organisation and procedures of state and society, post-war democratic political order would remain elusive. Such *modus operandi* would insist in setting the right priorities – setting up and applying political arrangements of rule in accordance with the consensus of members of the political community. Yet, it can be argued that the disintegration or destruction of a society through political violence results from the inability of all social forces to balance out.

Logically, therefore, in the aftermath of political violence, the daunting task of re-wiring the politics – admittedly the glue that ensures that all social forces are balanced out – is what is required to bring about order in a previously broken society. In this scheme of dispensing a dependable political order, the holding of general elections cannot be conceived of as primary. The pursuit of democracy through universal suffrage in a multi-party electoral system (for which the term 'electocracy' sounds appropriate) simply tends to reduce politics to a matter of numbers. Yet, politics, and especially in the aftermath of political violence as in the case of the DRC, is too serious a matter to be limited to the counting of votes alone. In fact, Gyimah-Boadi (2007) has cogently argued that many a political party in post-Cold War Africa are largely conceived and organised as vehicles for capturing the state; they are hardly conceived and developed as institutions for representation, conflict resolution, political opposition and accountability, or institutionalisation of democratic behaviour and attitudes in the first place. Little wonder, then, that 'there tends to be very little party activity between elections' (Gyimah-Boadi, 2007: 25). At any rate, the organisation of elections under a multi-party system would not suffice to induce the emergence of political consciousness capable of a socially emancipatory politics and thus a truly democratic political order.

The most challenging yet far more rewarding task relating to the question of a democratic political order, therefore, is to specify the needed steps (of which the holding of general elections is one – and certainly neither the first nor the only one) and determine the process and operationalisation of a quintessentially democratic dispensation. Good intentions of or pressures both from within and outside a post-violence country such as the DRC should not have shied away from this hard task; in this respect, the pursuit of electoral engineering sponsored by the so-called international community ought to have been reconciled with the pragmatic necessities of a previously war-ravaged state and society. Yet, taking his readers through the story of the origin of Western democracy as practised by classical Athenians, Ake (2000) reiterates that ancient Athens was just as precise about what the rule of the people means as it was about who the people are:

> It stuck uncompromisingly to direct rule by the people and shunned notions of consultation, consent and representation… All citizens formed the sovereign Assembly whose quorum was put at 6,000. Meeting over 40 times a year, it debated and took decisions on all important issues of public policy including war and peace, foreign relations, public order, law making, finance and taxation. The Assembly was regarded as *the incarnation of Athenian political identity and collective will*. To underline

> this, it preferred to take decisions by consensus rather than votes. The business of the Assembly was prepared by a council of 500 which had a steering committee of 50 headed by a President who held office for only one day. The executive function of the polis was carried out by magistrates who were invariably a committee of 10 usually elected for a non-renewable term of one year. (Ake, 2000: 8; italics added for emphasis)

As Ake (2000) convincingly argues, humanity today cannot complain of not knowing what the meaning of democracy was to those who invented it and to the only people who have tried to practise it without trivialising it. Lumumba-Kasongo (2005) emphatically demonstrates that the political system of governance that has been adopted in most parts of Africa since the early 1990s is that fragment of liberal democracy known as multi-partyism. Anchoring his critique of liberal democracy in a paradox between what is expected of liberal democracy and its implications for social and economic progress in Africa, Lumumba-Kasongo (2005) posits that while post-Cold War Africa is adopting liberal democracy as the most promising formula for unleashing individual energy and generating political participation, at the same time post-Cold War African social and economic conditions are worsening. This paradox seems to suggest a crucial invitation to post-Cold War Africa to search for another kind of democracy in theory and in practice.

4. Conclusion

> Even after a government is established it remains more the guarantor rather than the maker of the law. The structure of order in any society is a rather elaborate affair. It is the result of long-time adjustments between man and man and between man and the environment
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> (MacIver, 1965: 47).

Though not yet over, 2016 arguably presages a looming crisis of legitimacy of power on the political tapestry of the DRC. Joseph Kabila, at the country's helm since 2001, will have exhausted his constitutionally legitimate hold onto power on 19 December 2016, following his previous and constitutionally last re-election for a five-year term of office in 2011. For the body in charge of the organisation of the elections – *Commission Electorale Nationale Indépendante* (CENI) – as well as for the ruling party and its political coalition (*Alliance pour la Majorité Présidentielle* [AMP]), the holding of this year's presidential and legislative elections will squarely hinge on reviewing and updating the 2011 voter register – an exercise which calls for a new population census, taking at least 16 months (overlapping into August 2017). For the political opposition as much as for the so-called

international community (self-assessed democracies from the geopolitical West), the holding of the elections within the previously agreed timeframe – before the end of the constitutional mandate for the incumbent president and legislators – remains a sine qua non for putting the DRC back on the increasingly elusive democratic path.

A close reading of the political history of most of post-independence Africa, and the DRC in particular, seems to suggest that very little progress has been made in terms of strengthening the institutional capacity to build viable governance structures for conflict management – political or otherwise. Sadly, it is as though the DRC is either bereft of any significant lessons from its own past experiences recorded in its socio-political annals (oral and written) or immune to learning lessons (whether classical or much more contemporary) from the available literature recorded from its neighbours (in both historical and contemporary contexts). It is no exaggeration to assert that on a balance sheet of political governance, owing to this lack of historical lessons-learning, the DRC (and the continent at large) still registers more liabilities than assets. And this is truly reflected in the disillusionment with the ways in which the performance of liberal democracy through emphasis on periodical general elections is now akin to an attempt at squaring circles. In his reflections on the ideal type of a political community, Jean-Jacques Rousseau pondered:

> If Sparta and Rome have perished, what state can hope to last for ever? If we want the constitution that we have established to endure, let us not seek, therefore, to make it eternal… The political body, like the human, begins to die as soon as it is born, and carries within it the causes of its own destruction. But the one and the other can be more or less robustly constituted, so as to be preserved for a longer or shorter time.

In his *Politics (Book III)*, Aristotle describes three forms of government and the three corruptions of them – 'tyranny' as a deviation from kingship, 'oligarchy' from aristocracy, and 'democracy' from polity (*politeia*). Aristotle posits that tyranny is rule by one person for the benefit of the monarch while oligarchy is for the rich, and democracy is for the benefit of the poor. Hence, none of these forms of government (constitutions), according to Aristotle, is for their common profit. But when the multitude governs for the common benefit, it is called by the name that is common to all constitutions, i.e. *politeia*. Remarkably, as the past two experiments with elections in the DRC have shown, resorting to the ballot rather than the gun is no guarantee that the restoration of firm political order wil be achieved – let alone a *politeia*.

Huntington has told us that when an American is asked to design a government, s/he comes up with a written constitution, bill of rights, separation of powers, checks and balances, federalism, regular elections, competitive parties – all excellent devices for limiting government. The Lockean American, Huntington further points out, is so fundamentally anti-government that s/he identifies government with restrictions on government: her/his general formula is that governments should be based on free and fair elections. Perhaps a pertinent question worth our considered reflection is whether this formula is truly relevant from the vantage point of the DRC's historically peculiar political circumstances today. At least the previous two experiments with elections in the DRC (the latter more so than the former) lucidly demonstrate that the practice of universal suffrage for the presidency and the legislature was but a wrong prioritisation of items on the political to-do list of an extremely fragile country following devastating armed conflicts, coupled with glaring state absenteeism in the dispensation of public goods.

Indeed, Western political experts, as Van Reybrouck eloquently puts it, often suffer from 'electoral fundamentalism' in the same way macroeconomists from the IMF and the World Bank not so long ago suffered collectively from market fundamentalism: They believe that meeting the formal requirements of a system is enough to let a thousand flowers bloom in even the most barren desert. For a country hitherto torn apart by insurgencies and that was on the brink of utter collapse and limping from decades-long fragility and pockets of political strife and civil destabilisation, the organisation of general elections per se in the quest for a democratic political order ironically suffocates all opportunities for a 'democracy-from-below', for an establishment of a *politeia*.

The characteristic winner-takes-all kind of elections (as has been witnessed in previous Congolese elections) could only contribute towards worsening an already bad post-war situation; the pursuit of liberal democracy (reduced to 'electrocracy') becomes a matter of life and death, a zero-sum game whereby the elected government will focus on a systemic annihilation of the defeated elite together with the constituencies (real or perceived) that support them . In the final analysis, therefore, the script of liberal democracy is ironically performed against the grain of a truly democratic order: the hunger for free and fair elections only ends up producing a power-hungry political elite characteristically hostile to the notion of democracy as once practised by ancient Athenians. This, in a sense, becomes the greatest paradox of liberal democracy, now consistently coaxed by its Western proponents.

To conclude, there seems to be no better window of opportunity for a real pursuit of 'democracy from below' – the establishment of a *politeia* – in the DRC than today as the current political debate over a constitutional crisis unfolds. A dichotomous reasoning vis-à-vis the eventual constitutional crisis that looms large only limits the true potential of this auspicious opportunity for a better governance compact. Even more than ever before, in the face of this trial epitomised by a looming political-constitutional crisis post-19 December 2016, the onus squarely rests on the Congolese people to transform this challenge into an opportunity 'to govern themselves'. After all, there is no better concretisation of a *politeia* than for a people to govern themselves (as opposed to be merely governed by a hijacking political elite) – whether resulting from a ritualised 'free and fair' election or not.

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Transcending Traps and Obstacles to Democracy and Development in the Society of the Iteso

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Abstract

When you listen to the conversations of the Iteso, you will notice a tendency to articulate what 'the Iteso call the republican character of the Iteso'. In this article I have attempted to trace this axiom in the context of the democracy and development of the Iteso with a focus on the traps and obstacles to the democracy and development in Teso society, and on attempts to transcend the identified traps and obstacles.

Keywords: Democracy, Transcending Traps, Development, Iteso

1. Introduction

The first constitution of the Iteso was promulgated in 1995 and in 1996 the first *Emorimor*, the unifier, was elected. This happened more than 90 years after the colonial establishment destroyed the pre-colonial political organisation of the Iteso. Since its promulgation, the constitution of the Iteso has been amended twice, in 1998 and in 2003. In these amendments, the debate has been between maintaining the ideal referred to as the republican character of the Iteso and its practice. The question that motivated this article is: How far back in the past can this debate be traced? In an attempt to answer this question, I have examined in the first section of the article democracy and development in the pre-colonial society of the Iteso and, in the second section, have reviewed the obstacles and traps to democracy and development in Teso society. In the final section, I have made attempts to transcend the traps and obstacles to democracy and development in Teso.

2. Democracy and Development in the Pre-Colonial Society of the Iteso

Societies have been distinguished by the way they are organised. While some have referred to pre-colonial societies like Teso as 'stateless' as

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opposed to 'state' (Amadiume, 1995; Mamdani, 1996), others have referred to them as 'non-stratified' as opposed to 'stratified' (Kasozi, 1994). Visibly, the othering of the society that is organised differently dominates these conceptualisations. The logic here goes like this: Since my society is organised as a state, a society that is organised differently is stateless; since my society is stratified, a society that is structured differently is non-stratified. Thus, 'the other/the different' is defined not by what it is, but by what it is not: 'stateless', 'non-stratified'. This way of thinking does two things: 1) it makes the item that is defined by 'what it is' pronounced; and 2) it makes the item that is defined by 'what it is not' obscure. In order to address the problem of obscurity that has been perpetuated by conceptualisations based on one's vantage point, societies like pre-colonial Teso have been conceptualised as segmentary (Emudong, 1974; Okalany, 1980; Karp, 1978; Clastres, 1987; Opak, 2010). The question is: What were the segments of these societies? In Opak's view, the clans were the segments of the pre-colonial Teso society in that they were autonomous (Opak, 2010). While citing David Okalany, Opak said that the clans were the pillars of unity, sovereignty and territorial integrity of the state machinery. Each clan usually occupied a particular territory in the land and was like an independent state. Each clan had its own *etem* (shrine) usually at a prominent tree, rock or grove in which an altar (*etut*) was constructed. The *etem* not only served as a parliament (*Ajeenit*) but was also a court (*Adieket*) and the place of worship (*Airiget*) (Opak, 2010: 34).

There are two key issues here that Opak has mentioned: the issue of the governance of the Iteso, and the issue of the political organisation of the Iteso. The place called *etem* seems to be central in the governance and political organisation of the Iteso because it served as a parliament, a court and an altar. What is conspicuously missing is the state house, as a place of the executive power in the contemporary political governance of a state, or a palace as a place of the executive power in the pre-colonial stratified societies. While for the Iteso worship was not separate from governance, in the contemporary state arrangement, worship is an alternative non-political part of the governance of the state.

According to Okalany, the *etem* and *ateker* concepts are key to understanding the governance and political organisation of pre-colonial Teso and had various meanings. In line with this view, Lawrance observes that *etem* meant 'the fire-place situated outside in the courtyard, where on special ceremonial occasions a beast might be roasted' (Lawrance, 1957: 68). Okalany is in agreement with Lawrance's observation and adds that '*etem* was a morning fireplace situated outside the main gate of a big

home called *Egiro*' (Okalany, 1980: 85). Also, Okalany agrees that at the *etem*, many functions took place, including the judicial services. Okalany further observes that elders from *Igiroi* (the plural of *Egiro*) 'often met to discuss issues concerning the relations between different *Igiroi*' (Okalany, 1980: 86). This view is in agreement with Lawrance's that *etem* is 'the ceremonial meeting-place of the people of one locality, where important matters concerning their relationship with each other and with people of neighbouring localities were discussed' (Lawrance, 1957: 68).

The other meaning of *etem* is a territorial group. As Lawrance put it, a 'man might be born, marry, and die in his *etem* area' (Lawrance, 1957: 68). Emudong is in agreement with this view; as he put it, 'often large groups of young men, jealous of the control which their elders held over them, and inconvenienced by the close proximity of their mothers-in-law, would move en bloc to occupy a new area' (Emudong, 1974:23). Okalany also holds a similar view that *etem* was 'most important to the process of migration' where 'a group of clans within a certain locality' whose young men had been initiated into manhood together, migrated as a group (Okalany, 1980:86). From the above inputs, *etem* has four meanings: 1) the morning fire lit outside the gate; 2) the place where elders met and held discussions; 3) an age set of men from different clans initiated together into adulthood; and 4) a territory.

Within an *etem*, there were a number of *atekerin* (the plural of *ateker*, clan). According to Okalany, the term *ateker* has three meanings. First, it refers 'to the family of the peoples who speak an understandable dialect of the same language': the 'Iteso, Jie, Karimojong, Turkana, Dodoth and Toposa' (Okalany, 1980:87). Second, 'it connotes the whole "tribe" of the people today known as the Iteso' (Okalany, 1980: 87). Third, it means a clan. As a clan, *ikekia* (the plural of *ekek*) compose it. According to Lawrance, *ekek* 'means 'door' and the members of the extended family are those who come from one door' (Lawrance, 1957: 51). Okalany is in support of this view that '*ikekia* … which usually consist of families, heads of which are descendants of a common ancestor, for example, a common grandfather' (Okalany, 1980:87). In every *ekek* there was a household, *ekale* (in plural, *ikalia*). During the pre-colonial period, *asonya*, 'having a big home, *ere* (in plural, *ireria*), normally meant being in possession of many cattle and wives. Each woman was in charge of her children and household' (Okalany, 1980:88).

From the above input, the biggest socio-political unit was *etem* and *ateker* was within it. The households, *ikalia*, were the smallest units of this organisation. However, when it comes to the process of getting *the*

leadership of this organisation, there are two opposing views. The first view is presented by Lawrance: 'Each extended family has a recognised head (*loepolokit*) elected by the adult male members of the extended family' (Lawrance, 1957:51). However, when it comes to *apolonkaateker* 'translated as clan leader', Lawrance says that this 'position was to some extent hereditary although dependent on the assent of the clan members' (Lawrance, 1957:67). Similarly, Lawrance says that 'the *etem* community had a recognised head, *apolonkaetem*, whose position was hereditary and whose functions were largely ceremonial' (Lawrance, 1957:69).

In a contrary view, Okalany says that 'the *ekek* … was headed by *apolonkaekek* (head of the *ekek*) who was the eldest and possibily the founder of the *ekek*' (Okalany, 1980:87). Okalany adds that '*Apolonkaateker* (head of the *ateker*) was appointed by the elders of the *ikekia* that constituted the *ateker*, and this election was by consensus. Under him were the *Apolokkaikekia* (the heads of lineages)' (Okalany, 1980: 108). Further, Okalany observes that 'One pronounced and outspoken elder among the *Apolokkaatekerin* was appointed by consensus to become *Apolonkaeitela* [head of the territory]' (Okalany, 1980:108). The head of the territory 'was also the man to manage the matters concerning the *etem* institution' (Okalany, 1980:108).

Visibly, there is a contradiction between the views of Lawrance and Okalany. The emerging question is: Were the leadership positions of pre-colonial Teso inherited or appointed/elected by consensus? In Webster's view, 'When a supreme commander became old or died, his successor was recognised rather than chosen by an assembly of warriors.… *Emuron* [a foreteller] too, was recognised rather than formaly chosen' (Webster *et al.*, 1973: 68). The question is: What does Webster mean by recognition of a leader rather than being formerly chosen? Webster gives an example of the Toroma military confederacy of the 1890s whose commander was Abonya. In the event that Abonya had died in 1890s, Webster says that his successor would have been determined by their proven competence in doing what Abonya had been doing (Webster, 1973). Thus, recognition was based on demonstrated performance of the required task.

Emudong is in agreement with Webster. As he puts it, Teso pre-colonial leaders were 'of influence but with little power; power tends to have come exclusively from consensus among the people' (Emudong, 1974: 40). He adds that the Iteso 'favour independent recognition – not choice or election – of leaders, that is, people could recognise the leadership of one man today and feel utterly free to shift their recognition to another man the following day' (Emudong, 1974: 41). Emudong gives an illustration. He says that

'even as late as 1913 … an Etesot chief called Okanya was deserted by a large number of his subjects and he did nothing to recover them' (Emudong, 1974:276). To Emudong, this way of making leaders in pre-colonial Teso is a pointer to two things: 1) the segmentary nature of the pre-colonial Teso society; and 2) the egalitarian character of the Iteso.

The question that emerges from the above input is; If leaders in pre-colonial Teso were made through recognition and not by formal choice, what was the place of discussions that were held every morning around *etem*? As Emudong puts it, it was not 'normal for the leaders of a particular *ateker* to force the individual members of that *ateker* to conform to their decisions. Very often decisions among the pre-colonial Iteso were arrived at not by the orders of the leaders but by discussion among adult males until consensus was reached' (Emudong, 1974:36). None of the intellectuals of Teso appear to respond to this question. However, a response may be derived from the above input. If decisions were made by recognition, then discussions were meant to prepare the decision-makers to recognise the right choice.

In a similar study by Pierre Clastres in the Americas, he observed that the qualification for one to become a chief

> is his 'technical' competence alone; his oratorical talent, his expertise as a hunter, his ability to coordinate martial activities, both offensive and defensive. And in no circumstance does the tribe allow the chief to go beyond that technical limit; it never allows a technical superiority to change into a political authority. The chief is there to serve society; it is society as such – the real locus of power – that exercises its authority over the chief. That is why it is impossible for the chief to reverse that relationship for his own ends, to put society in his service, to exercise what is termed power over the tribe: primitive society would never tolerate having a chief transform himself into a despot. (Clastres 1987:207)

What is interesting in this citation is Clastres' failure to locate a structure or an institution in primitive society that embodies or houses coercive power; instead, he leaves this power in the hands of every member of the society. However, as Emudong has shown, power in pre-colonial Teso 'tends to have come exclusively from consensus among the people' (Emudong, 1974: 40). The power that emerged from consensus did not rest in the hands of every member of the society. Rather, this power rested in the recognised leadership. As Emudong puts it, 'the leadership were … expected to implement the collective decision taken' (Emudong, 1974: 36). The leadership's implementation of the collective decision taken transits the practice of democracy to development in pre-colonial Teso.

The memory of the collective decisions that the leadership of pre-colonial Teso implemented is captured in the 'assembled and recorded' traditions of the Iteso (Lawrance, 1937:12). The primary source of this 'assembled and recorded' tradition is Amootoi ka Etesot (Lawrance, 1937:12). Lawrance presents this as a tradition of migration and transformation of the ancestors of the Iteso. This migration was 'from the direction of Abyssinia through Karamoja district' (Lawrance, 1937:12). However, there are no pieces of evidence to show that this migration was actually from Abyssinia apart from the assertion that it is claimed in this tradition. The transformation of the ancestors of the Iteso, in Lawrance's view, had 'six generations or ages'. Ojurata's tadpoles – 'men of short stature with large heads' – was the first generation. This generation 'lived among swamps and on lake sides'. The second generation was Okori's. This generation pioneered tilling 'the ground and growing crops'. Oyangaese's was the third generation that initiated keeping cattle. From this generation, 'men take their name from the cattle they own'. The fourth generation was Otikiri's. It was a generation that learnt 'crafts, bead-making, tanning and making of music instruments'. Arionga's was the fifth generation. It was based in Karamoja, and these people were called Iworopom. Lawrance says that due to pressure from the Turkana and the insufficiency of grazing land and water, this generation split into three; the first migrated into the current Teso, the second migrated to Tororo, and the third remained in Karamoja. The sixth generation is Asonya's. In this generation, a second migration took place westwards, and the Iteso occupied the current Teso (Lawrance, 1937, 1957).

However, with regard to this migration and the changing of the ancestors of the Iteso, Lawrance does not tell us why there were only six generations. In addition, there is a discrepancy between the first four generations and the last two. In the first four generations, the migration is associated with a livelihood or socio-economic occupation of the generations. However, in the last two generations, they are presented as purely migration generations, and Lawrance does not tell us why this discrepancy between the first four and the last two generations exists. Nonetheless, in the last two generations, contrary to the first four generations, reasons for the migration are given.

From this analysis I infer that Lawrance seems to have interpreted the Amootoi ka Etesot tradition in terms of evolutionary (Webster, 1937) or transforming or changing conceptual categories. This interpretation could be explained by the interest of Lawrance as indicated by the title of his book, *The Iteso: Fifty Years of Change of a Nilo-Hamitic Tribe of Uganda.* Thus, it appears that Lawrance conceptualised the Amootoi ka Etesot traditions in the light of his contemporary need: the need to view the tradition of

Amootoi ka Etesot using the lens of change. This fits well with Lawrance's assumption that not only the migration but also the ancestors of the Iteso have been changing. However, the shortfall of this assumption is that the historical evidence is almost not there to make it plausible.

One of the possible interpretations of Amootoi ka Etesot tradition outside Lawrance's conceptual categories is that maybe the ancestors of the Iteso were trying to explain their previous habitats and preoccupations in a non-lineal way. The only challenge to this interpretation is for us to find plausible pieces of evidence to support it. Another possible interpretation is that maybe the ancestors of the Iteso were associating their socio-economic preoccupations with migration as a mnemonic ploy. In order to argue for this possibility, we need to study the use of language and memorialisation cues among the Iteso in order to understand the conceptual categories of the Amootoi ka Etesot. Lawrance does not tell us anything about the conceptual categories of the traditions of Amootoi ka Etesot; all he has given us is his conceptual categories, assumptions and the world outlook (Bala Usman 2006). In my view, Lawrance did not take the golden opportunity available to him of engaging the Ateso terminology: what do these terms mean – Ojurata, Okori, Oyangaese, Otikir, Arionga, Asonya? What is their history? Are they attached to particular values; if they are, how did this come about? If Lawrance had engaged these and similar questions, he would have been in a position to understand the conceptual categories of the Amootoi ka Etesot traditions. In reference to these questions, it appears that Lawrance did not access the 'historical processes' (Bala Usman, 2006) of the Amootoi ka Etesot traditions because he did not attempt to comprehend their conceptual categories.

The next author who has interpreted the Amootoi ka Etesot traditions is Webster. Lawrance's work is the primary source for Webster. Webster interpreted these traditions in terms of economic conceptual categories. As he puts it, 'It is interesting that the Iteso themselves see their history largely in terms of periods of economic change' (Webster, 1973: 20). Webster acknowledges the difficulty of getting pieces of evidence to back up the Ojurata and Okori periods, but he endeavours to provide evidence to support the other periods. He marshals pieces of evidence from the migration traditions, encounter between people, and occurrences of some disasters such as famine, outbreak of animal diseases and their implications.

It is interesting to note that Webster is using the term 'periods' instead of Lawrance's 'generations or ages'. In addition, Lawrance's Amootoi ka Etesot has become in Webster's work Amooti Ka Etesot Association (Webster, 1973: xiii). What explains this difference? Could this difference

be due to different sources? The source for Lawrance's Amootoi ka Etesot is Ateso MS, while the source for Webster's Amooti Ka Etesot is SDA XMIS/6/66/35. Even though Webster says that '[t]he authors are grateful to Dr. M. Twaddle for passing over the SDA material for our use' (Webster, 1973: xiii), he remains silent on what SDA means. There is no key for interpreting Webster's 'SDA XMIS/6/66/35' and Lawrance's 'Ateso MS'. The title of Lawrance's Amootoi ka Etesot is *The Findings of Amootoi ka Etesot Society*. The title of Webster's Amooti Ka Etesot Association is Typescript Notes (mostly age sets). While Lawrance says that 'about 1948' is the probable year when his Amootoi ka Etesot was published, Webster gives 'n.d.' for the year of the publication of his Amooti Ka Etesot Association. However, even with these details about the sources of the historical development of the Iteso identity traditions, something is still lacking. Both Lawrance and Webster do not tell us what exactly Amootoi ka Etesot or Amooti Ka Etesot Association is. If it is truly an association, who started it, what are its goals and mission; who were its members; what were their activities? Engaging these and similar questions may help us to access the 'historical processes' of the subject under study.

The other scholar who interprets the traditions of the historical development of the Iteso is Joan Vincent. The work of Webster is the primary source for Vincent. As Vincent put it,

> three eras are delineated: 1) the Arionga, a phase of not very detailed, stylised origins and journeys; 2) Asonya, a phase of clan differentiation, characterised by the telescoping of genealogies; and 3) the colonial period, a phase of remembered genealogical history which, in Teso, can be deemed to have begun with Kakungulu's authorisation to collect taxes on the Serere peninsula in 1899. (Vincent 1982: 78)

In this interpretation, Webster's 'periods of economic change' become Vincent's phases of 'no detailed origins and journeys', of 'clan differentiation' and of 'colonial conquest'. It is interesting that just like Webster, Vincent is non-committal to engaging the first two generations of Lawrance: Ojurata and Okori; and in her self-defence, she says that 'contemporary historians of Teso seem unwittingly to reproduce the mythic charter common to so many African societies in their attempts to come to terms with it' (Vincent, 1982: 78). Why are these scholars shying away from confronting traditions that do not have detailed written or oral information? In Samir Amin's view, 'The great confusion which arises in any discussion of traditional African society is due to a number of reasons, especially: … the scarcity of documents and remains of the past' (Amin, 1972:504). Amin is partly right.

Indeed, as Webster has shown above, there is no evidence to back up the first two generations of Lawrance. However, the tradition is there. The question then is: Why have these scholars failed to engage the oral tradition in order to generate pieces of evidence to support the first two generations/ages of Lawrance? Could it be because of their conceptual categories, assumptions, and world outlook that have disabled them from accessing the historical processes of these generations/ages?

From the above analysis, I infer that when the scholars' imagination runs bankrupt, they either become defensive as Vincent has done above, or they start the blame game. For instance, Okalany says:

> According to J. B. Webster, the Paranilotic Iteso are probably the most extreme example in the interlacustrine region of a people whose ethnic identity and community depend upon the art of forgetting. Indeed, most of the Iteso informants when interviewed, could not be able to even recall their great grandfather's names. In this regard, periodisation becomes difficult and the researcher has to resort to or rely upon traditions collected by researchers of disciplines whose concern with time was only marginal. (Okalany 1980: xviii)

The question is: Is it the studied people who are a problem or the conceptual categories that are a problem, or the researcher that is the problem, or all?

3. Traps and Obstacles to Democracy and Development in the Society of the Iteso

While demonstrating Karl Marx's method of critique and crisis, Michael A. Lebowitz (2009:132) observes that 'a crisis revealed the existence of a barrier to capital.' This observation is based on the view that capital expands in nature 'as self-expanding value' and, therefore, any 'manifestation of an inherent check on' capital's growth, means that 'capital has come up against barriers which thwart its impulse, which negate its essence' (Lebowitz, 2009: 132). The negation or thwarting of capital's impulse manifests as a crisis. The barrier that negates or thwarts capital's essence is meant not 'to establish contingency, but necessity', which is 'manifested in a decline in the rate of profit'. As such, the profit of capital has a tendency to fall due to the necessity of barriers. By implication, capital never abolishes barriers, but tends to transcend them (Lebowitz, 2009: 133). What interests me is Lebowitz's understanding of a barrier as something that thwarts the impulse or negates the essence of a given thing. I would like to employ this understanding of a barrier in understanding barriers to democracy and development in the society of the Iteso.

As shown in the above section, the Iteso knew their history as of 'men and women on the move' and Laban Erapu (1969) captured it in his novel, *Restelss Feet.* Apart from the environmental factors such as drought and famine and man-made factors such as invasions that Okalany (1980) has attributed to the migration of the pre-colonial Iteso, their pre-colonial political organisation fuelled the migration of the young. As Emudong observes, 'one had to become an elder – *Apolon* – before he could enjoy the "egalitarianism" of the Iteso' (Emudong, 1974: 44). The political organisation had restricted the rights and privileges of equality to a group of men who had attained elderhood. As such, this restriction privileged only a few Iteso in pre-colonial Teso with the enjoyment of democracy

The pre-colonial public space of the Iteso somewhat resembled the public space of ancient Greece where only equals were in the *polis*. Thus, the *polis* was distinguished from the household in that it knew only 'equals', whereas the household was the centre of the strictest inequality. To be free meant both not to be subject to the necessity of life or to the command of another and not to be in command oneself. It meant neither to rule nor to be ruled (Arendt, 1958:32).

This sense of equality 'meant to live among and to have to deal only with one's peers, and it presupposed the existence of "equals" who, as a matter of fact, were always the majority of the population in a city-state' (Arendt, 1958: 32). This sense of equality 'was the very essence of freedom: to be free meant to be free from the inequality present in rulership and to move in a sphere where neither rule nor being ruled existed' (Arendt, 1958: 33). However, as Emudong (1974: 44) observes, 'to the extent that the society did not accord young men similar opportunities, status and prestige, it was despotic.' I will not hesitate to add that a society remains despotic as long as a part of it (young men and women) is not allowed to enjoy opportunities, privileges and status enjoyed by others.

Another barrier to democracy in the society of the Iteso was the colonial pacification, which involved the termination and prohibition of the age-set rituals (Karp, 1978:39). When these rituals were terminated and prohibited, by implication, the pre-colonial political organisation of the Iteso could not be perpetuated. This trap killed the political institution of pre-colonial Iteso, which was replaced by the hierarchisised colonial administrative system spearheaded by three men on behalf of the British: 1) Semei Kakungulu in Teso district; 2) Oguti Ipaade in Tororo; and 3) Murunga, the half-brother of Mumia the king of the Wanga, in Kenya (Karp, 1978).

The other obstacle and trap to democracy in the society of the Iteso was the 2003 amendment to the constitution of the Iteso Cultural Union (ICU)

– a traditional institution of the Iteso that elected its first *Emorimor* (the unifier) in 1996. This amendment did a number of things: 1) it removed the five-year term limit of the bearer of the office of *Emorimor*; 2) it abolished the election of the prime minister by the delegates conference (it is also the delegates conference that elects the bearer of the office of *Emorimor*); and 3) it restricted the bearer of the office of *Emorimor* to an Etesot (male) of 60 years and above (meeting on views of Iteso in Kampala, 15 November 2016).

Thus, in the spirit of the Constitution of the Republic of Uganda, 1995, and the 2011 Act that operationalised Article 246 and Article 37 that recognise the right to culture and similar rights, the Iteso founded their cultural institution. As Opak puts it:

> the concept of having a leader may seem so obvious that one is not expected to question it. But not so for the Iteso people who inhabit the Eastern part of Uganda and the Western part of Kenya, and who had for centuries lived without centralising power. To them all people are equal. Never mind that some are richer or stronger than others. They therefore found it strange that other people could pay homage to a fellow man or woman without embarrassment, as was the case in societies which prostrated before a king or queen with apparent relish. A poor man is often heard to remind his wealthy neighbour that 'I do not eat at your home' even when he has just shared a rich man's meal. This individualism or independence, if you like, was so deep-seated in the Iteso psyche that nobody expected them to embrace the concept of one leader, let alone that of a king in the 1990s. (Opak 2001: 2)

Far away from the sarcasm of the poor man, I think Opak is pointing out something that defined the political organisation of the Iteso, on one hand, and, on the other, the difference between the political organisation of the Iteso and the political organisation of those he refers to as 'societies which prostrated before a king or queen with apparent relish.' Thus, Opak is telling us that the political organisation of the Iteso did not have a centralising power structure. In this sense, the political structure of the Iteso is different from the political structure of societies with centralising power. However, Opak is presenting this aspect of the culture of Iteso as if the Iteso have always had this political structure when he says that 'nobody expected them to embrace the concept of one leader, let alone that of a king in the 1990s.' As Karp (1978: 33) shows, 'by 1905' the pre-colonial political institution of the Iteso in Kenya had disappeared and by 1902 this institution had disappeared in Uganda (Lawrance, 1957). Therefore, the foundation of the Iteso Cultural Union in 1996 (after a period that was not

less than 90 years since the colonial suppression of the pre-colonial political institution) using the pre-colonial terminology and a modern hierarchical structure is bound to meet with democratic challenges. As the 21 October 21 ICU Council meeting indicated, the republican character of the Iteso, which is in opposition to the monarchical character, seems to be slipping away from the constitutition and has to be put back. This echoes the 2011 clarification in the meeting at Eneku village in Soroti that *Emorimor* is not a king but a cultural leader whose role is that of *Papa (*Father*)*.

With the above barriers and traps to democracy in the society of the Iteso come the barriers and traps to development. The major development barrier and trap is the uncertainty of the source of revenue. In fact, as paragraph (d) of Article 246(3) of the Constitution, 1995, puts it, 'no person shall be compelled to pay allegiance or contribute to the cost of maintaining a traditional leader or cultural leader' (Government of Uganda, 1995: 153). The bigger problem is that the state has reduced traditional institutions to traditional leaders. As Frederick puts it, 'the state through legal institutions focuses on individuals, not on institutions. The six million monthly grant, for instance, does not go to the institutions, but to individuals' (interview of 7 November 2016). This attitude of the state goes back to the 1993 Traditional Rulers Act on the restitution of assets and property of the 1966 banned traditional institutions. This Act seems to show that it was not much related to the constitutional arrangement to open up public space for traditional /cultural institutions, but rather to restore assets and property of the colonially recognised kingdoms. As Frederick puts it, 'it is not clear whether the government wanted to restore all cultural institutions or it wanted to restore only Buganda. However, after Buganda was restored, the colonially recognised kingdoms demanded to be recognised' as well (interview of 7 November 2016).

The idea of opening up public space for all cultural/tradition institutions, however, is captured in the 1995 constitution under the rubric of cultural rights as shown in Article 37 of the Constitution of the Republic of Uganda, but not as a demand by cultural institutions for recognition. In this sense, the Ugandans who organised themselves under the rubric of cultural organisations were only taking advantage of the provided opportunity in the constitution. As Jimmy Spire Ssentongo puts it, 'not all people but the elites mobilise or construct an organisation of the people alongside group identity and take advantage of the available opportunity' (interview of 9 November 2016).

From the above inputs, it appears that the state of Uganda has managed to camouflage itself in cultural institutions so that (1) cultural institutions do

its job of developing the peoples' cultures and (2) a conflict that led to the banning of traditional institutions in 1966 does not recur. If this position is disputed, the question I ask is: Why would the government, as indicated in Article 246 of the constitution and elaborated in the 2011 Act, say, on one hand, that the sustenance of the cultural leaders is dependent on its cultural community, and at the same time, prohibit this institution from coercing its subjects to support the institution in case they fail to do it willingly; on the other hand, pay the bearers of the office of the cultural institutions from the consolidated fund through grants? My answer is simple: Because of the two reasons given above.

The state seems to have achieved its goal, but the traditional/cultural institutions do not have revenue to develop their subjects. For instance, Mr Anukur observed that in 2005, the proposal for the palace, museum, and hotel were presented to *Papa Emorimor*. The late Gadafi was ready to sponsor the construction of these projects in a manner similar to the way he had helped the Toro kingdom. However, to-date, nothing has happened (meeting on views of Iteso in Kampala, 15 November 2016). This view echoed Mr Source Opak's observation that 'the Ministry of Gender has promised to give 250 million shillings to ICU for building a palace, but the Iteso have failed to meet the requirements, for instance, securing a land title deed' (interview of 17 March 2016). The absence of ICU in development has not missed the critical eye. As a youth, Judith Ekiring, put it, '*Papa Emorimor* only appears when his roof is leaking and he needs help to mend it' (interview of 15 March 2016).

Underlying the above observations is the question of the absence of assets. Unlike the colonially recognised traditional institutions that the colonial government gave miles of land, the contemporary traditional/cultural institutions such as ICU do not have land. In Mr Source Opak's view, the current offices of ICU are a property of Soroti Municipality (interview of 17 July 2016). This means that ICU depends on the goodwill of its subjects. As such, ICU is trapped in poverty and yet its subjects expect ICU to act as an alternative to the state.

The other barrier that traps the development of the Iteso society is the tendency to take the Iteso tradition as if it is static. This problem is coupled with the failure to historicise the past in order to access the past historical processes that explain the emergence of given traditions. This failure has trapped some intellectuals of Iteso into blaming the Iteso for being forgetful and, in turn, the Iteso are stuck in some of the past rituals that may not cohere with their current aspirations.

4. Transcending Obstacles and Traps to Democracy and Development in the Society of the Iteso

During the pre-colonial period, the young Iteso transcended the obstacle of despotism of elders through migration. As Emudong (1974: 43) puts it, 'it was the desire for personal independence and freedom from the control of society that forced most of the Iteso young men to be in the forefront of the pioneering saga during the era of migration.' Since the migrants were moving in groups, as Okalany (1980) has observed, after securing a new area, the new settlers began their own institutions.

What puzzles me is the question: After the young Iteso had migrated to a new area, why didn't they start a system of leadership that differed from the one of their elders? Had they detested being under the elders or they just wanted to be in leadership? Maybe they did not abhor the age-set system of elders; maybe it was the only system they knew. The question, however, remains open. From the accessed literature, the Iteso who had migrated to Kenya had contact with the Wanga kingdom. As Karp (1978: 34) puts it, the Wanga kingdom '… allied with the Iteso.' However, the duration of this alliance is not clear. What is clear is the emergence of the British-imposed administration, which dealt the political organisation of the Iteso a fatal blow. In the view of Emudong (1974: 44), 'the major effect of colonial rule was probably to make the Iteso society more egalitarian than it had ever been before.' However, the sense of egalitarianism that resulted from colonialism is rather more negative than positive in that the elders were stripped of their privileges and status. Nonetheless, when some of the Iteso were appointed into the colonial hierarchical structure, inequalities started to emerge.

After the 1987-1992 five-year war, commonly known as the Teso insurgency, the Iteso engaged in a debate. This debate on the future of Teso took place on the editorial page of *Etop* newspaper between 1992 and 1994. As Opak puts it:

> The issue of unity or lack of it attracted much editorial comment. Editorial after editorial in the *Etop* newspaper observed that societies which had kings like the Baganda tended to be more united than those without leaders such as the Iteso. Centralised leadership was seen as a prerequisite for success in any organisation or community. The editorials argued that countries could not operate without their presidents, premiers or kings nor corporations without their managing directors. Newspapers could not operate without their editors-in-chief. Even drunkards of the traditional finger millet brew like *ajon* had their group chairmen in Teso and elsewhere. How then did the Iteso expect to survive as a community without a known unifying leader? (Opak, 2001:7)

It was decided that their organisation be called Iteso Cultural Union (ICU). In 1995 the constitution was written and in 1996 the Iteso elected their leader, *Emorimor*. In my view the 1995 constitution of ICU was quite progressive in that 1) the position of *Emorimor* was gender-sensitive because it was open to whoever was elected, either an Etesot (male) or an Atesot (female); and 2) it had a term limit of five years. This view echoes a similar view shared during the constitution review consultative meeting (meeting on views of Iteso in Kampala, 15 November 2016). This constitution had transcended the limited egalitarianism barrier to democracy in that women were brought to the table of leadership.

However, owing to the limitations of the first *Emorimor* who was accused of behaving like a king, the constitution was amended in 1998 and the bearer of the office of *Emorimor* was 1) stripped of the powers of appointing the cabinet; thus, 2) the *Emorimor* was made a figurehead; and 3) the prime minister, just like the *Emorimor*, was elected by the delegates conference. This amendment of the constitution brought new problems. Power wrangles and disagreements emerged between the *Emorimor* and the prime minister and the cabinet started taking sides. The side of *Emorimor* became more powerful than the prime minister's, which led to the resignation of the prime minister. This led to the second amendment of the constitution in 2003 where the *Emorimor* was given the power to appoint the cabinet. In addition, the five-year term limit on the tenure of the bearer of the office of *Emorimor* was lifted. The office of *Emorimor* became gender-insensitive. As such, there was no term limit on the tenure of the *Emorimor* provided he met the requirements. The reason for the office of *Emorimor* to have no term limit was that the *Emorimor* should have the same standing with other monarchs. However, the constitution review consultative meeting was informed that the Bagisu, for instance, had term limits and that they had been successfully changing those in leadership positions and that this arrangement seemed to be working. It was noted that not changing leadership may make the leader complacent and start acting like a monarch (meeting on views of Iteso in Kampala, 15 November 2016).

The Kampala constitution review consultative meeting came up with very progressive recommendations to be considered by the council during the review of the constitution. The recommendations included the following:

1) The scope of the electorate needs to be widened beyond the heads of the clans, the burial associations, and the parishes to include Iteso in the diaspora such as Iteso in Kampala, and all other Iteso social formations and organisations. In turn, this will widen the funds catchment scope since all Iteso would be recognised irrespective of their geographical location.

2) If there is no English word equivalent to *Akaliait* (the wife of the *Emorimor*), then the council leaves it that way and with time it will be adopted into the English vocabulary. By doing this, the council will be keeping off the tendency to think and behave in a monarchical way (that is, of calling the wife of *Emorimor*, the queen), which is contrary to the character of the Iteso.

3) The first constitution be revisited and the gender sensitivity and the term limit be upheld.

4) The clan be the custodian of clan land and the council, through the secretariat, be the custodian of the records; ICU, through the council, protects Iteso and their property because the council is a decision-making body.

5) The bearer of the office of *Emorimor* should not have power but authority. As such, the distinction between power and authority should be made. Authority belongs to the bearer of the office of *Emorimor*, but power belongs to the Iteso, the delegates conference, and the council. The difference between power and authority lies in the coercive and respect elements: while power has the coercive element, authority has the respect element. In addition, while power invites resistance, authority does not. On the basis of this distinction, since the bearer of the office of *Emorimor* is a unifier, s/he should not be open to situations that endanger his role, which is promoting the unity of the Iteso. Since power is coercive, it is always divisive and, as such, the bearer of the office of *Emorimor* should not have it.

On blaming the Iteso as forgetful and the tendency to take the tradition of the Iteso as static, which was presented above as the problem encountered by Webster and Vincent, Okalany transcended this problem by reinterpreting the entire traditions that capture the development of the Iteso using the conceptual categories, assumptions and world outlook of a common language/dialect, migration, settlement and environmental factors that influenced migration and settlement.

On the category of common language/dialect, Okalany uses the term *Ateker*, which is in line with Webster, Egimu-Okuda, Emudong and Okalany's view that *Ateker* is less vague compared to the term *Itunga* in referring to the 'people who understand a dialect of the same language' (Okalany, 1980: 76). Okalany observes that *Ateker* as 'a family of people' were 'recently referred to as Central Paranilotes and in earlier literature, Central Nilo-Hamites' (Okalany, 1980:76). *Ateker* is a unit of Paranilotes. With the use of this *Ateker* category, Okalany managed to map and link the historical interactions of the *Ateker* family and the Luo and the Galla.

He shows, for example, that the Ilogir clan is found both among the Iteso and Bari peoples of the Sudan, while the Iminito clan is found among both the Iteso and Lotuko of Sudan (Okalany, 1980: 3). Therefore, the use of the term *Ateker* is productive in mobilising resources for development purposes from all the people that identify with it.

With regard to the migration category, Okalany manages to shed some light on Lawrance's first generation/age by showing that the cradle land of *Ateker* is Lake Rudolf, which, in my view, somewhat throws some light on Lawrance's first generation that lived near water bodies. With this category, Okalany shows the invasions that took place between the Iteso, Luo and Galla, which provoked the migration, and the sharing of cultures and livelihood technologies. The settlement category is also linked to the migration and environmental factors such as drought and famine, diseases, and the availability of water and grass for the cattle that influenced the migration and settlement of the Iteso. This understanding of the past connections is beneficial in forging present and future alliances with the descendants of the people who had interacted with the ancestors of the Iteso in terms of shared heritage.

From this recap, it is interesting how Okalany through his conceptual categories, assumptions and world outlook managed to create a space that produced fertile ground for enhancing the imaginative generation of evidence to support the traditions of the pre-colonial development of the Iteso. Even though Okalany does not directly refer to the Amootoi/Amooti ka/Ka Etesot Association traditions, his work actually somewhat addresses some of the difficulties that Webster and Vincent faced, just as the above example of situating the cradle land of *Ateker* seemed to do. The uniqueness of Okalany's work is that he had cast his net over a wider area; this wider area enabled him to assemble ample pieces of evidence that the other scholars did not. As such, Okalany's work has made the historical processes of the traditions of the past development of Iteso accessible for consideration in the current attempts to transcend the development barriers and traps. This reinforces the argument that development is the implementation of the collective decisions to improve livelihoods and realize aspirations of the people.

5. Conclusion

This article has argued that the Iteso have endeavoured to be democratic since the pre-colonial period. The central trait of the variant of democracy practised by the Iteso is characterised by collective decisions. In the pre-colonial society of the Iteso, it was only the elders who enjoyed the prestige,

status and opportunity of practising collective decision-making. Currently, this element of collective decision-making is referred to as the republican character of the Iteso. However, owing to increased numbers, the pre-colonial decision by recognition has been transformed into the current decision by election. In both of these modes of democratic decision-making, discussion is a preparation stage.

Since pre-colonial democratic decision-making was limited to elders, the young men transcended its despotic tendency by migrating to new settlements. For the more than 90 years that the Iteso did not have a political organisation since the colonial establishment destroyed and prohibited the reproduction of the age-set system, the Iteso did not make collective decisions till 1996 when they elected their first *Emorimor*, the unifier. This move was motivated by the 1987-1992 Teso insurgency that was brought to a stop through mediation. Since the election of the first *Emorimor*, the debate on the democracy of the Iteso has been focused on the amendments of the Iteso Cultural Union constitution. The debate is between the ideal and the practice, whereby the practice is always checked by what is referred to as the Iteso republican character.

In this article, the implementation of the collective decisions is referred to as development. The memory of the past development of the Iteso has been captured in the traditions of the Iteso. However, there has been a problem of presenting these traditions with minimal interpretation, which has portrayed the traditions as static as if they did not have historical processes that informed their formation. The rectification of this problem has made the past historical processes available for present and future purposes.

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Agricultural Cooperatives: Were They Vehicles of Political Patronage or Indispensable Assets of Agricultural Transformation? A Nuanced Explanation of the Success and Failure of Agricultural Cooperatives in Uganda

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Abstract

This paper discusses the role played by cooperative unions in Uganda's agricultural sector. It problematises the two dominant narratives on cooperatives: the pessimistic views which see cooperatives as vehicles for elite exploitation of the poor and the optimistic views where cooperatives are seen as crucial assets for African development. Using the case of Bugisu Cooperative Union and Gondo Cotton Cooperative Society, the paper argues that the contribution of cooperatives, as well as their success or failure, depended on organisational dynamics which, on their part, was underpinned by the level of shared organisational values and accountable leadership, social capital and social rootedness, and participation in high-value chains. Findings from this study suggest that recent efforts to revive cooperatives should focus on building organically formed and owned, democratically run organisations partaking in high-value chains.

Keywords: Cooperatives, state intervention, liberal reforms, organisational dynamics, Uganda

1. Introduction

As developing countries struggle with the pressure to overcome the challenge of agrarian stagnation, increasing attention has been paid to reviving agricultural cooperatives. Cooperatives, it has been argued, are important engines for facilitating farmer coordination, fostering access to agricultural financing, increasing productivity, promoting collective

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bargaining and market access, and raising incomes, thus engendering poverty eradication (ICA, 1978; Helmen, 1990; Kwakyewah, 2016). With 80 per cent of its households engaged in agriculture,[1] Uganda has recently started to pay strong attention to the need to revive agricultural cooperatives as engines of poverty reduction and economic growth. The major national development frameworks – the National Development Plans (NDPs) and Vision 2040 –clearly outline this aspiration. However, recent policies on reviving agricultural cooperatives are largely informed by one-dimensional explanations regarding why cooperatives, which at one point were core engines of agricultural productivity, mostly failed whilst a few survived. This paper attempts to offer a nuanced explanation of the success and failure of agricultural cooperatives in Uganda by critically examining two dominant narratives on the subject: the destructive state intervention argument (Haring *et al*., 1969; Bates, 1981; Brett, 1970) and the catastrophic liberal reforms explanation (Akiyama *et al*., 2003).

The literature on the cooperative movement and its contribution to Africa's development (or rather underdevelopment) has been dominated by two main views. A pessimistic strand of argument sees cooperatives as vehicles of elite exploitation of the peasant population (Brett, 1970; Bates, 1981; Harring *et al*., 1969). Exponents of this argument assert that elites used cooperatives to 'tax the masses' (Brett, 1970:51) and, as a result, obstructed them from freely participating in economic processes, thereby controlling sources of wealth creation and, by extension, access to political power. This elite monopolisation of economic means of production, they assert, produced economic inefficiency, excessive spending and financial mismanagement, resulting in economic decline.

The above view is challenged by Afro-optimists who see cooperatives as mechanisms for Africa's economic liberation. The advocates of this view assert that in an economic environment that had subjected African capitalists to systematic exclusion and marginalisation, cooperatives were 'scions of hope' for Africa's capitalism, emerging mainly to challenge Asian and European domination of cash crop export markets (ActionAid, 2013; Helmen, 1990; Kwakyewah, 2016). From this perspective, cooperatives essentially gave Africans an 'exit option' to directly participate, compete and exercise control over the means of production. They were thus vehicles of liberating African smallholder farmers from the long life of 'white economic domination'.

While indeed there is evidence to validate both sides of the arguments in this debate, these rather strong views on the role of cooperatives in promoting Africa's development ignored the intricate relationships

between members of cooperative societies and their leadership as well as the relationship between the leadership of cooperative societies and state actors. Consequently, this has contributed to a tendentious representation of the facts on the role of cooperatives, offering little theoretical insight into why some cooperatives have endured – in spite of the state intervention policies, on one hand, and liberal oriented policies, on the other – and others failed. This paper seeks to fill this gap.

The paper advances the argument that whether cooperatives survive and contribute to rural development or fail under both state interventionist and liberal reform policies depend on specific underlying conditions. These conditions relate mainly to organisational dynamics of the cooperative society, particularly between members of the cooperative society and its leadership, on one hand, and the leadership of the cooperative society and the state actors, on the other. It is our considered proposition that the delicate balance between these relationships will determine whether cooperative societies serve as 'vehicles' for coordination and subsequently collective development in underdeveloped societies, or degenerate into instruments of political patronage and clientelism.

The example of Bugisu Cooperative Union (BCU) powerfully presents a case of a cooperative society that emerged out of community activism for economic inclusion and enabled broad-based participation of diverse groups of people within the communities. In contrast, Gondo Cotton Cooperative Society (GCCS) presents a case of a cooperative society that was founded by a small, cohesive network of leader in the heyday of the cooperative movement primarily to organise and control the production of cotton in Teso region. In the end, BCU survived both state intrusion and liberal reforms while GCCS failed. The two cases, therefore, fundamentally challenge the moribund narratives on the role of cooperatives in Africa's development and oblige us to pay greater attention to specific contexts, especially in the search for alternatives to unlock transformation in difficult places. A combination of orthodox and unorthodox measures, in Rodik's words, still remains the most promising approach to development in the 21st century.

This paper adopted a comparative case study analysis and a theory-guided process tracing approach.[2] We systematically examine selected diagnostic evidence in light of the research question. The analysis starts with a set of theoretical propositions that explain potential causal factors discussed in the available literature, the legitimacy of which can then be explored through comparative analysis.

The rest of this paper is organised as follows: Section 2 critically examines the two strands of literature on the failure of cooperatives and introduces a conceptual framework to demonstrate how organisational dynamics helped selected cooperative unions to succeed amidst an operating environment where many failed. Section 3 details the methodology employed in the study while section 4 and 5 present the case studies. Section 6 offers a critical discussion of the findings before the conclusion in Section 7.

2. Cooperatives as Engines of Agricultural and Economic Transformation

Cooperatives have been seen as essential instruments for confronting many of the challenges developing countries face. The International Labour Organisation (ILO), which estimates that cooperatives employ at least 250 million[3] people globally, also recommends them for, among others, improving income generation, investment and human development.[4] Participating in agricultural cooperatives enables smallholder farmers to bargain for higher output prices and participate in higher value chains (Kwapong *et al.*, 2010). During the era of state intervention in the 1960s, 70s and early 80s, cooperatives served as enablers of grass-roots coordination for collective development aimed at promoting agricultural transformation and industrial development (Young, 1971; Apthorpe, 1970). Within this context, they are critical in easing access to agricultural implements, providing markets for farmers' produce and setting quality standards for farmers involved in various production value chains (ActionAid, 2013; Kyazze, 1988).

However, what remains poorly explained is that if indeed cooperatives played such a central role in coordinating rural farmers with a view to integrating them in various markets such as credit, exports and so forth, why did so few cooperatives remain functional and the majority of them collapse? In fact, although advocates (such as Kyamulesire, 1988) of cooperatives cite the shift to the liberal reforms as the main reason for the collapse of cooperative societies, it is important to note that by the end of the 1970s and early 1980s – which effectively marks the peak of the collapse of cooperatives – many members of various cooperative societies had opted to sell their produce to Asian businessmen or smuggle their produce to middlemen from neighbouring countries. Brett (1970) cites several examples of coffee farmers in Uganda who smuggled their coffee to neighbouring Kenya.

3. The Liberal Reform Explanation: Cooperatives as Unsustainable Enterprise

The liberal reform argument offers an alternative explanation, particularly emphasising the unsustainability of a cooperative arrangement as a mechanism for organising production. Grounded in insights from New Institutional Economics, it argues that the incentive structures that underpinned that cooperative institutional arrangement encouraged perverse behaviour from the leadership of cooperative societies that ultimately sowed the seeds for their failure (Bates, 1981; World Bank, 1981; Young, 1971; Brett, 1970). The World Bank Berg report of 1981 observes that the agriculture sector crisis of the 1970s resulted from extreme state interventions and policy mistakes (Sender & Smith, 1984; Oya, 2010). The report argues, for example, that smallholder farmers were discriminated against by the exclusive policy regimes in sub-Saharan Africa and that there was much focus on export crops compared to food security in households. This view is supported by Brett (1970), who observes that:

> ..the worst cases of the cooperatives can serve as a means of taxing the masses for the benefit of the elite…the cooperative itself will stagnate and provide a very little direct impetus for change, the elite will benefit and the masses will be confirmed and maintained in their poverty. To the extent that the process continues, cleavage in the political sector will increase and various forms of violence will ultimately become possible. (Brett, 1950:51 cited in Nash *et al*., 1976:94)

However, Brett's assertion, in some way, misrepresents several facts that indeed call his conclusion into question. First, there have been considerable variations in the performance and resilience of the cooperative movement not only in many African countries but, indeed, in other developing countries of the world. It is undeniably true that many cooperative societies collapsed with the end of state intervention policies which, many argue (and rightly so), had been propped up by state financing from several politically controlled state banks (Bates, 1981). But it is equally true that some cooperative organisations, such as Bugisu Coffee Cooperative Union (BCCU) in Uganda endured the financial crisis and subsequent austerity measures of the 1970s and 80s and today continue to even outperform some of the privately run enterprises.

Second, the level of poverty and inequality has been registered by many different sources as highest during this era of structural adjustment reforms rather than during that of state intervention and, by extension, the cooperative movement. Although cooperatives too often set prices

that were lower than the market prices and thus ripped off rural farmers, the surplus was quite often directed towards industrialisation efforts that generated greater benefits for the greater population. Indeed, Bates (1981) and Akiyama (2001) observe that African independence was followed by massive attempts to ignite economic growth within the newly independent African states.

Like those of other developing countries, African leaders undertook policies which were aimed at transferring resources from the 'traditional' agriculture sector to the 'modern' industrial sector (Bates, 1981). In doing this they over-taxed the agricultural exports in favour of an industrialisation strategy. Without a doubt, they pursued an import substitution strategy for development (Mkandawire, 2001:15). Therefore, within this context, attributing the failure of the bulk of cooperative societies to the exploitative pricing of the elite group offers us little help in understanding why those that survived did. This, in turn, undermines theoretical insights into designing effective policy measures for improving grass-root development initiatives

4. Towards an Alternative Theoretical Framework

This framework begins by analysing the role of a cooperative society drawing insights from Ronald Coarse's (1931) theory of the firm. It looks at the cooperative society and its contribution to the reduction in transaction costs for collective enterprise, particularly in environments with limited coordination goods (see De Mesquita & Downs, 2005). It is hypothesised that the transaction costs of extending agricultural services to a rural farmer in remote areas significantly reduces under cooperative arrangements. We ought to recall here that development is a collective enterprise (Brett, 2009), implying higher transaction costs, especially in underdeveloped precincts. The logic of cooperatives, therefore, was intended to overcome the transaction costs of coordinating farmers' participation in grass-roots collective initiatives such as agricultural production, thereby facilitating greater scale economies.

However, whether they succeeded in this process depends on the nature and form of the cooperative society, particularly its level of inclusivity and diversity as well as the relationship between the leadership of the cooperative and its constituent members, on one hand, and the relationship between the cooperative society and the state actors, on the other.[5] This leads us to our second hypothesis. State actors are particularly interested in cooperative societies for two main reasons: one economic and the other political. Cooperatives can provide the revenues required in the state-building process; secondly, they create a basis for political mobilisation

which can serve both as a threat and as a catapult to ascendance to political power. The latter hypothesis is well developed by Mushtaq Khan's (2010) work on governance and political settlements in developing societies. He demonstrated that organisations in developing societies too often use their inherent informal power to cajole political elites to respond to their interests. This real threat inherent in grass-roots organisations such as cooperatives compels political elites either to co-opt them through the distribution of political patronage or through using coercive methods to suppress them.

Within this context, we argue that cooperative societies that endured both the co-optation and repressive forces of a highly intrusive African state of the 1960s, 70s and 80s did so because of robust internal institutional mechanisms that guaranteed transparency and accountability of the cooperative society leadership. This robustness of the internal institutional mechanisms was underpinned by the diversity and inclusivity of their membership. This prohibited the leadership from developing discretionary power which many that failed used to engage in exploitative behaviour that led to financial mismanagement. The consequent social trust that resulted from the accountable relationship between the cooperative society leadership and its members facilitated their recovery after the financial crisis of the 1980s and, certainly, to withstand the competitive forces of the liberal reform era, particularly from the middlemen. This vertical accountability also precluded the cooperative elites from colluding with the state actors, thus saving some cooperative societies from state capture.

In contrast, the cooperative societies that failed were too often characterised by a very cohesive and insulated minority elite from the pressures of accountability. They were 'socially rootless' (Mkandawire, 1988) and far removed from the membership they represented. Membership of the cooperative society and of the leadership of the cooperative was carefully selected, often sieving out 'outsiders'. The channel of accountability cascaded upwards to the state actors, too often members of a partisan dominant political party. This was important, drawing on Khan (2010), particularly to facilitate the flow of financial resources to the cooperative society. The insulation of this leadership from downward accountability gave the elites enormous discretionary powers, allowing them to set exploitative prices for members' produce. In the long run, this state of affairs fueled financial mismanagement and corruption, eventually driving the cooperative members to explore exit options such as smuggling and selling produce through middlemen.

Figure 1: Presentation of contrasting features and cases of success and failure of cooperative societies

Case of Success	**Case of Failure**

Survival and growth of the cooperative

↑

Social trust and commitment

↑

Accountable and transparent leadership

↑

Social rootedness

↑

Inclusivity and diversity of membership

Collapse of the cooperative

↑

Exit of members

↑

Member predation and financial mismanagement

↑

Insulated and cohesive leadership

↑

Narrow and exclusive membership
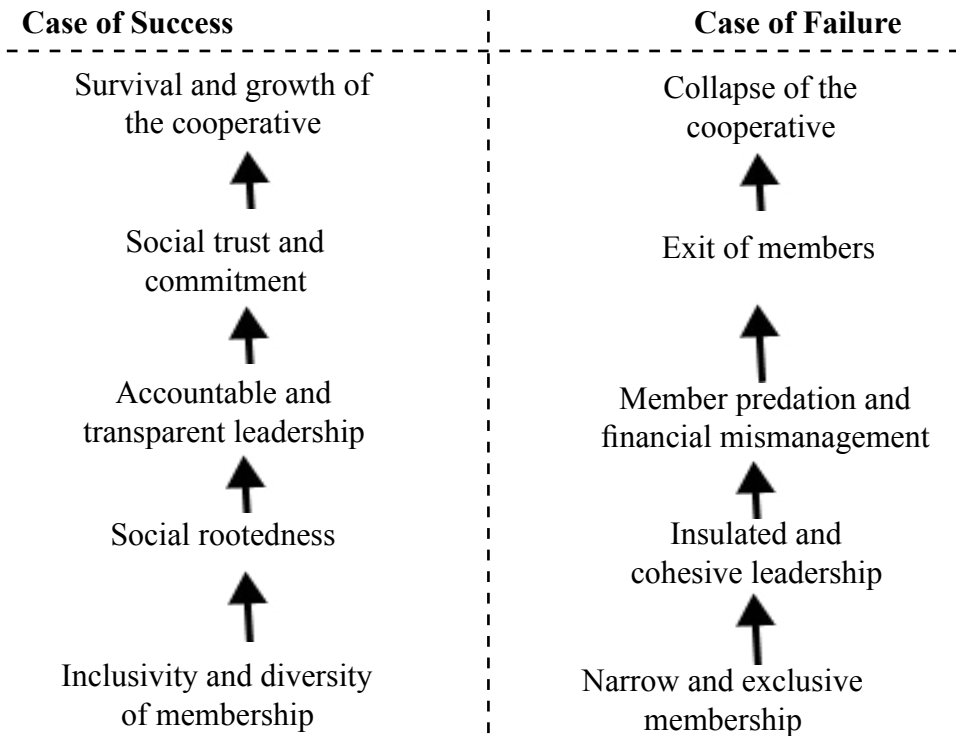
Source: **Author's conceptualisation**

We shall analyse two contrasting case studies from Uganda (Bugisu Cooperative Union and Gondo Cotton Cooperative Society) to flesh out these analytical insights.

5. Explaining Cases of Success and Failure of Cooperatives

We present two case studies of cooperatives in Uganda. One case, Bugisu Cooperative Union, represents a successful case of those cooperatives which managed to survive both state intervention and the liberal reforms. The other case, Gondo Cotton Cooperative Society, represents a case which failed after the introduction of the liberal reforms.

5.1 Bugisu Cooperative Union – A Case of Success

Bugisu Cooperative Union (BSU) was founded in 1954 by local farmers in the Bugisu sub-region of eastern Uganda, which currently comprises the districts of Mbale, Sironko, Manafwa and Bududa. Available literature

(e.g. Kwapong *et al*., 2013) confirms that the establishment of BSU was underpinned by clear indigenous interests: its founding farmers, led by Kitutu Samson, felt the need to eliminate exploitation by private traders and middlemen who were mainly of European and Asian origin. The Bagisu defined cooperatives as units in which they came together as Bamasaba (people from Bugisu-land) to share and solve their problems. The culture of cooperation was rooted deep in the public and built around coffee production, which was not only grown for monetary gain but also for their cultural rituals (Kwapong *et al*., 2013).

BCU remains one of the well managed cooperative unions in Uganda. The governance structure has at the apex a Board of Directors who are elected to office for a specific period of time. During elections, all primary cooperatives are represented (Kwapong, 2012; Kwapong *et al*., 2013). This board is democratically elected on a one-man-one-vote basis. The board is the top decision-making body of BCU. Below the board is a management team responsible for the day-to-day running of the cooperative and implementing decisions made by the board (Kwapong *et al*., 2013). BCU is a member-based organisation for coffee farmers. It has a membership of 270 primary societies spread within the Bugisu sub-region. The primary cooperatives have been grouped into four zones to enable decentralised coordination of the activities in the different primary cooperatives (Kwapong *et al*., 2013.

The Rise of Bugisu Cooperative Union

The union started after the 1946 Cooperatives Ordinance was enacted by the government and so it was registered with no challenges. It benefited from the government policies that favoured cooperatives and gave them a monopoly in buying agricultural produce. Like other cooperatives, BCU used these opportunities to consolidate its loyalty among the population, creating strong roots within the community (Okello & Ahikire, 2013).

Before the introduction of the Coffee Marketing Board (CMB) in 1967, BCU was exporting coffee to neighbouring Kenya, which was then auctioned on the Kenyan market. By participating in higher value chains, the cooperative was able to obtain more profits since it was dealing in Arabica coffee which fetched higher prices. In 1967 the government set up CMB, which was given the monopoly of exporting coffee in Uganda and all the cooperative unions were supposed to sell their coffee to the board. This changed the marketing chain as the cooperative unions were no longer allowed to export coffee. This arrangement limited the profits of the union by cutting it off the higher value chains and, moreover, the foreign currency received was controlled by the government (Kwapong *et al*., 2013).

However, BCU engaged in social investments which, in turn, increased the support it received from the public. The union, for example, gave bursaries and scholarships to children of members who could not afford to pay school fees. It contributed greatly to community development projects within the Bugisu region, and a number of schools were built by the union, including Bubulo Girls High School and Masaba Senior Secondary School (Kwapong *et al.*, 2013; Okello & Ahikire, 2013). Such social investments enabled the union to get socially rooted into the community so that its members saw value in it beyond the agriculture market. The union provided a property financing scheme for the members, which enabled them to acquire property such as bicycles through credit acquisition.

The cooperative union was impressively organised in terms of business. It had a marketing chain where farmers took their coffee to their primary societies in their respective areas; the primary societies then transported the coffee to the union, which saved the farmers the cost of transporting their produce to the union. The money for the farmers was readily available upon the sale of their coffee to the union (Kwapong *et al.*, 2013). The cooperative was keen on issues of quality, which resonated well with the members. Coffee was always weighed and graded at the primary cooperatives and the moisture content checked to ensure its quality before it was sent to the union. The union only bought good quality coffee, i.e. premium grade coffee (PG) and Grade 1 (G1) coffee that fetched high prices (Kwapong, 2012).

The Hard Times and the Shake-Up of BCU

The economic meltdown during Amin's regime did not spare BCU. It suffered as a result of the decline in coffee prices and the challenges of accessing the market. Production declined and general business went down (Kwapong, 2012). From this time onwards business was never as good as it had been before, considering that the latter ten years were characterised by civil wars. The first was that which ousted Amin, followed by the 1986 NRM liberation war during which many of the cooperative properties were looted (Kwapong *et al.*, 2013).

In the years after 1985, the liberalisation of the agriculture market sapped the strength of BCU. Indeed, it split the strong cooperative union of the region into two factions, one comprised of the old generation and the other of the young. The old generation, after experiencing the benefits of the cooperatives, remained loyal even despite the tempting instant cash which was being offered by the private traders (Okello & Ahikire, 2013). The young generation preferred the private buyers since these were offering

cash and did not care much about the quality of coffee like the cooperatives did. The private buyers bought coffee regardless of the quality, a practice which bothered the old generation who had tried very hard to maintain the quality of Bugisu coffee on both the local and the international markets.

The old generation had a collective responsibility to maintain the quality of their coffee which had earned the union premium export status. The first form of market imperfection to be realised in the sector was the concerns about quality as the traders were more interested in quantity than quality. Some farmers, especially from among the young generation and those who needed quick money, found the shift in practice attractive. The unhealthy and unregulated competition presented a challenge to the cooperative union, which found it increasingly difficult to compete with such traders (Okello & Ahikire, 2013). There was no mechanism whatsoever to regulate the market, not even to license the traders, especially at the grass roots. The argument in support of liberalisation was a free market guided by the forces of demand and supply. What happened in the produce market was quite different: the ground was never quite level for all the players. Cooperatives were concerned about the future of the coffee industry yet the private traders were only looking for quick money.

Cooperatives had just lost their properties during the political upheavals that characterised the post-colonial government, especially the 1986 NRM liberation war. Before they could recover from the losses, they were subjected to competition against well-financed companies, both local and international. However, much as these companies were considered to be better than the cooperatives, most of them closed up shop after they had already spoilt the Ugandan international coffee market by exporting poor quality coffee (Okello & Ahikire, 2013). The other effect of the liberal reforms was the reduction in government expenditure that resulted in cooperatives losing out on government funding. This made it hard for the cooperatives to finance their businesses. The easy option was to get the farmers to supply goods on credit and get paid afterwards. However, since an alternative existed in the form of the private buyers who were paying cash, that option was hard to realise. It was thus incumbent on individual cooperatives to devise ways of financing their business.

The Resurrection of BCU

The 1990s agricultural liberal reforms have been blamed for annihilating cooperative societies in Uganda. BSU was one of the few cooperatives that survived the state intervention and liberalisation catastrophe.

While most of the cooperatives did not make it beyond the liberal reforms, BCU continues to survive today. However, this was not without challenges. The cooperative simply relied on a strong and focused leadership to see it through the turbulent times.

BCU has maintained a democratic and accountable leadership all through its existence. First, the strong board was democratically elected by representatives from all the primary cooperative societies. This created a sense of accountability to the electorate (Kwapong, 2012). The union continued serving the farmers diligently, to the extent that the farmers became loyal to the union. This level of loyalty and trust kept the membership strong even when they came under pressure from the liberal reforms (Okello & Ahikire, 2013). The leadership of BCU was dynamic in the way it handled the developments in the operational environment. The decisions to invest in assets during the good times which later bailed out the union in times of crisis, especially in the era of liberal reforms, was an indication of a dynamic leadership.

As mentioned earlier, at the same time, the union invested in the community, a practice which created a strong bond between the union and the community. There was an arrangement in which members benefited from the cooperatives beyond the sale of their produce. There was property financing, such as the purchase of bicycles for the members, the provision of bursaries to children of members who could not afford to pay fees for their children, the construction of schools, thereby contributing to development, and the provision of services to the people (Okello & Ahikire, 2013; Kwapong *et al.*, 2013). Against the backdrop of such community investments, it was easy for the union to retain loyalty from the members.

During the challenging period of the liberal reforms, with the withdrawal of government support to the cooperatives, the leadership of BCU sought partnerships with private investors and companies. Indeed, they were able to raise funds to enable the cooperatives to pay for the produce from the farmers (Kwapong *et al.*, 2013). Besides, the management of the cooperatives entered into negotiations with the government for a bailout, which they were able to get. This was used to clear some of the debts the union had with the Cooperative Development Bank (CDB). When business was not good the cooperative union laid off some of its staff to reduce its operational costs and liquidated or leased out idle assets to raise funds for running its business (Kwapong, 2012).

During the good days when the cooperative was exporting coffee, it made a lot of profits. The union invested in assets, including a factory that was built in 1958. Other assets included land and commercial buildings,

staff housing and primary societies. Some of these buildings now house two banks in Mbale town, namely Barclays and DFCU banks (Kwapong *et al*., 2013). Some of these properties were mortgaged during the crisis that followed the liberalisation as a way of mobilising operational capital for the cooperative union. Similarly, some of the assets were sold off to clear part of the debt the cooperative union had accumulated with the banks (Kwapong, 2012; Okello & Ahikire, 2013).

5.2 Gondo Cotton Cooperative Society – An Example of Failure

Gondo Cotton Cooperative Society (henceforth GCCS) was located on the eastern shores of Lake Kyoga in the Teso sub-region of the eastern part of Uganda. It was founded in 1955 by mainly four men – Isaya Obiero, Eledu, Musa Obirai and Odico – all previously local leaders at Gondo township (Nash *et al*., 1976). Like many other cooperatives in Uganda, GCCS's emergence was motivated by the desire to challenge the 'unfair' trading practices of the Asian and European populations that had monopolised trade in cotton and coffee (ibid.). GCCS owned a produce store, extended financial credit to its members and purchased farmers' cotton, thereby serving as a market to many farmers in Gondo township. However, GCCS operated alongside an Asian-owned ginnery that provided an 'exit' option to circumvent the exploitative behaviour of GCCS.

Although their mechanisms for accountability, such as the Executive Committee of GCCS whose members were appointed and were held accountable by the Annual Members General Meeting (AMGM), they remained largely a province of the elders and the founders of GCCS, perpetuating a 'Big Men' a culture (ibid.). This generated a serious problem in the later years, particularly as state politics in Uganda became increasingly intertwined with the leadership of the cooperatives.

The Rise of GCCS

As earlier mentioned, GCCS was founded in 1955. Its establishment was inspired by Ignatius Musazi that sparked the enthusiasm to form indigenous organisations intended to challenge white and Asian domination of local economies. In Uganda, the cooperative movement generally, and the formation of GCCS in particular, was 'sparked by organisers from the Federation of Uganda African Farmers' (Nash *et al*., 1976:82). Several ordinances were passed by the colonial administration to try and bring the cooperative movement into its orbit of control (ActionAid, 2013; Kyamulesire, 1988). However, 'rural discontent expressed largely by small

shopkeepers, traders and the more ambitious farmers was provided with a vehicle of protest' (Nash *et al*., 1976:83) through the cooperative movement. This sustained pressure from the indigenous cooperative movement eventually forced the colonial government to yield and begin relaxing policy on the formation of cooperatives. A more enabling policy environment between 1956 and 1963 contributed to the growth of cooperative societies across the entire country. The rise of GCCS also derives its impetus from this period. Initially representing three parishes of the Teso region, i.e. Ogera, Ogelak and Gondo parishes.

Members of GCCS were solely responsible for carrying their own crop to the cooperative store. The crop would be weighed and a receipt issued as evidence of how much the cooperative owed the farmer or, for that matter, the member. After the purchase by the officials, cotton was kept in the store until it could be taken to the Asian ginnery that operated alongside GCCS. In the earlier years after its formation, GCCS promoted transparency in the management of the cooperatives (Nash *et al*., 1976). The committee members, including the chairman, vice-chairman, cooperative manager and the treasurer, regularly accounted to the members and adhered to the cooperative's lending and purchase rules. This encouraged many Africans to sell their cotton to the cooperative, since they were distrustful of the Asians' duplicitous trade behaviour such as tampering with the weighing scales and deliberate underpricing of farmers' produce. This promoted the growth of the cooperative's revenue, allowing it to diversify into several income-generating streams, such as the purchase of cattle as well as land (ibid.). However, over time, particularly from 1966 onwards, the members and many other farmers started to opt to sell their cotton directly to the Asian ginnery instead of GCCS.

This turn of events, however, begs the question: Why did the farmers who initially were motivated by the desire to support 'African capitalism' suddenly revert to selling their cotton to the Asian ginnery? The answer to this question, I believe, lies in examining the shift in the politics during the cooperative era and the specific implications it generated for the relationship between members of the cooperative societies and their leadership. How changes in this relationship redirected the farmers' incentives to sell produce to the very group (the Asians) the cooperative movement had emerged primarily to displace would uncover interesting explanations as to why some cooperative societies succeeded in both the state intervention and liberal reform eras while others failed. We shall turn to that section now.

The Fall of GCCS and the Reasons Behind it

The post-independence leadership in Uganda had been part of the cooperative movement and had benefitted enormously in their ascendance to power from the cooperative movement, and thus sought to control and manipulate the cooperative movement (Kyazze, 2010). This was perhaps motivated more by fear of the cooperative movement's influence on the sustainability of political power and less by the importance of cooperatives for rural development. In Uganda, in 1968, the Uganda People's Congress (UPC) enacted a Cooperative Societies Act that gave more power and control over cooperatives to the Minister of Cooperatives (ActionAid Report, 2013). The creation of the Cooperative Development Bank gave the Obote government the 'right' carrot to exercise control over all cooperative societies. Nash et al., (1976) and Brett (1970) observe that under UPC government, the relationship between cooperative movement and the ruling party become increasingly inseparable. Several former cooperative officials had previously occupied positions in the Obote government (Brett, 1970:3).

The loss of autonomy by cooperatives to the state that was immersed in polarised party politics of the immediate post-independence Africa meant that the democratic accountability with which cooperatives had emerged was effectively lost. This was so because the leadership of various cooperatives became de facto representatives of the UPC party with enormous untrammelled power to exercise discretion in the decisions of the cooperative administration. For example, unlike BCU, the entire leadership of GCCS had previously served either as government 'sub-county chief, county chief or even district councillor; or they had been ward headman, village or parish chief, road headman, sub-county clerk, members of the parents and elders' association and so on' (Nash *et al*., 1976: 86).

In the end, the cooperative leadership took advantage of their connection with an incumbent political party to undertake activities that were in direct contravention of the bylaws of the cooperative society. Nash and others (1976:88) observe that sometimes loans were made to the members in excess of the regulation value of two-thirds of the crop average or ten times the member's share, whichever was less (Soroti Cooperatives Records n.d. cited in Nash *et al*., 1976:88). This absence of democratic accountability engendered several malpractices. For example, it was reported that in October 1963, 50 shillings was given to a farmer who should have received one and six; a general review of the figures reported in Young and Brett's inquiry and validated by Nash *et al.* (1976) showed general behaviour that entailed giving out round sums of between 50 and 500 shillings to be paid out irrespective of the size of the crop (ibid.).

In some cases, the profits did accrue from such record-keeping and were widely distributed, though large sums were often loaned out only to influential men. Many of them obviously were among the producers of the largest cotton crops, as one would expect of the politics of rural oligarchy (Vincent, 1971:187-208 cited in Nash *et al.*, 1976). In fact, sometimes loans were disproportionately distributed and 'ordinary members with crops not much smaller received far less; [at times] fictitious names were used in the loan register'. Nash and others report results from the random selection of loan applications in May 1964 that revealed that one Y.Otim had been given 200 shillings even though no such person was listed in the produce ledger as having sold his crop to the society (ibid.). In end, this gross mismanagement and corruption by the leadership of GCCS affected the performance of the society, driving many members out of the society.

However, the gross mismanagement of the cooperative societies by their leadership is a well-argued fact by scholars such as Brett (1973), Apthorpe (1970) and others. But one would ask: Why did this gross mismanagement happen in Gondo and not in BCU? Three possible explanations possibly address this question. First, in Gondo, GCCS existed as the only cooperative available to farmers, limiting competition and the possibility of 'exit'. Hirschman (1981) and Samuel (1992) have effectively argued that exit is important in creating the right incentive structures for accountability. However, the absence of other cooperatives was not a sufficient condition to impede accountability. A second possible explanation, in addition to the first, is that the founders of GCCS maintained excessive control over the cooperative society, carefully screening inclusion of members with a keen interest in maintaining control (Nash *et al.*, 1976). This excessive control eventually drove the *emorimor* (the cultural chief of the Iteso) to relinquish his membership of GCCS which had served well in coordinating the work of all the ward headmen. In the end, GCCS turned out to be, in the words of Young (1971), 'a political institution rather than an economic institution for promoting rural development'.

6. Why Some Cooperatives Succeeded Where Others Failed – Critical Discussions

Current literature mainly explains the failure of cooperatives in Uganda. Very little attention has been paid to why some cooperatives survived. This paper focuses on organisational dynamics to explain the failure and survival of cooperatives in Uganda. The organisational dynamics considered here include: organisational values and leadership: social capital and social rootedness, and participation in the higher value chain.

6.1 Organisational Values and Leadership

Key to the formation of any organisation is a clear purpose which must be shared by all the stakeholders. Using the stakeholder theory (Freeman *et al.*, 2004) we note that values are necessary and explicitly part of doing business. The theory also espouses two main questions, i.e. the purpose of the firm and the responsibility managers have to the stakeholders. Therefore, the purpose of the firm enables the managers to explain the shared values and what brings the core stakeholders together. The other is the responsibility managers have to the stakeholders in the line of business (Freeman *et al*., 2004). In view of this, we note that cooperatives in Uganda were all formed to benefit the farmers by guarding them against exploitation by the traders. Some cooperatives are, however, said to have been formed to benefit from the subsidies that were being offered by the state. Both our cases – BCU and GCCU – were formed to challenge the 'unfair' trading practices of the Asian and the European (Nash *et al*., 1976; Kwapong *et al*., 2013). Members of both unions shared the same purpose for starting the unions and joining them.

The second area of focus of the stakeholder theory looks at the responsiveness of management to the stakeholders. Whereas the two cooperative unions shared the same purpose, how management was responsible to the stakeholders varied. The management of BCU was democratically elected by the members from among the members themselves. It had clear accountability mechanisms in which leaders had to account to the stakeholders in the Annual General Meetings (AGMs). Much as the union had a founding father, leadership was never attached to seniority; rather it derived from the abilities of an individual. In contrast, GCCS, though it had accountability mechanisms such as the Executive Committee of GCCS that were appointed and were held accountable by the Annual Members General Meeting, they were always a reserve of the elders and the founders of GCCS perpetuated a 'Big Men' culture (ibid.). This created grave problems in the later years, particularly as state politics in Uganda became increasing intertwined with the leadership of the cooperatives.

Looking at the management and the changing business environment, we note that cooperatives operated in a rather dynamic environment – there was state intervention, civil wars and, later, liberal reforms. As observed, 'change management is a continuous process of renewing the direction, structure and capabilities of an organisation to serve the constantly changing needs of the internal and external customers'.[6] Organisations which fail to adjust to the changing environment cut short their survival. In this respect, BCU was able to manoeuvre through the changing environment. When

there was a window to export coffee, they utilised it and were able to export their coffee to Kenya and earned good profits. During the hard times of the liberal reforms, the management decided to source for capital from the private traders and companies and even created partnerships with private companies. They were also able to negotiate with the government for financial assistance. All these measures were in response to the changing business environment in the country.

Social Capital and Social Rootedness

As defined by Putnam (2001), social capital is those features of social organisation such as networks, norms and social trust that facilitate coordination and cooperation for mutual benefit. These networks create mutual support, reciprocity and trust among the communities.[7] The Bagisu, even before the advent of the cooperative, were held together by their culture and even the crop on which the cooperative was developed was used in cultural rituals. Therefore, the cooperative found a community that already had social cohesion which grew stronger with participation in the cooperative. As a result, there was mutual trust and sharing of values that enabled the survival of the cooperative. The lack of social capital on the part of GCCS made the farmers easily resort to selling their cotton to the private traders. This can be attributed to lack of social cohesion and the absence of shared values.

In terms of social rootedness, BCU made significant investments in the community, which created a strong bond between the cooperative and the community. The construction of schools, provision of bursaries and property financing all instilled loyalty and a sense of belonging to the cooperative. Even in the period when everyone would have run to the private traders who offered cash, the value attachment to the cooperative left it with a number of loyal members who kept supplying it with coffee. Such community investments and rootedness were not present with GCCS and, as a result, there was no strong sense of belonging to the cooperatives. Thus it was easy for the members to sell to the private traders who offered cash.

Trade Value Chains

Here we adopt a definition of cooperatives – which also measures their relevance to the farmers – 'as formal forms of farmer collective action for the marketing and processing of farm products and/or for the purchase and production of farm inputs'.[8] In other words, cooperatives are formed to enable farmers to maximise benefits from their produce through accessing the best markets. Until CMB was given the monopoly of exporting coffee,

BCU was participating in international market, enabling its members to get better prices. Moreover, it maintained the quality of coffee exported, which earned it the status of a premium coffee exporter. The union, through the primary cooperatives, monitored the quality of coffee and even graded it. Through this, it was able to serve all the markets with their quality specifications. There was coordination of the entire process from the farm to the market.

7. Conclusion

The current literature on the role of cooperatives in African development pits pessimist propositions of cooperatives as vehicles for elite exploitation of poor farmers (Brett, 1970; Bates 1981; Harring *et al.*, 1969) against Afro-optimists who see cooperatives as 'scions of hope' for Africa's capitalism (ActionAid, 2013; Helmen, 1990; Kwakyewah, 2016). As this paper has demonstrated, these one-dimensional perspectives do not explain the variegated cases where diverse cooperatives contributed to farmer development or exploitation, which also explained their success or failure in the face of changing operating conditions.

The evidence presented in this paper has demonstrated that the organisational dynamics determined the relationships cooperatives built with farmers and communities and hence their ability to survive or succumb to state intervention and the liberal reforms. The contrasting experiences and life destinations of Bugisu Cooperative Union as a success case and Gondo Cotton Cooperative Society as a failed case clearly demonstrate that the survival or failure of cooperatives depended on organisational values and leadership, social capital and social rootedness and participation in trade value chains. These cases also challenge the moribund narratives on the role of cooperatives in Africa's development and oblige us to pay greater attention to specific contexts.

Therefore, as practitioners seek to revive cooperatives in Uganda, the focus should be put on building socially rooted democratic organisations with a shared purpose as well as a responsible and accountable leadership. The availability of social capital that creates social cohesion and mutual trust, as well as participation in higher value chains are key drivers of the survival or failure of cooperatives. As noted by Saarelainen and Sievers (2011), for organisations like cooperatives, the most important actors are the members, and their engagement and sense of ownership are key.[9] Therefore, developing cooperatives ought not to be incentivised by the government or donor handouts but rather by the deep-rooted interests of members to increase productivity and participate in high-value chains.

Notes

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Uganda's Political Outlook Post the 2016 Elections: A Review of the Process and Implications for the Future of Multi-party Democracy[1]

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Abstract

Confronted by the need to address the glaring gaps in Uganda's political processes, this paper evaluates two approaches to democratic pursuit. Are promising approaches those that mobilise pro-change agents to force a powerful regime into reform or is there need to employ persuasive alternatives that enlist buy-in from powerful actors from the ruling group? This paper suggests that a two-pronged approach can be mutually reinforcing in the promotion of multi-party democracy: designing interest-based, incentive-compatible reform packages portends more success on the premise of possible buy-in from influential dominant group agents. On the other hand, this approach needs to be complemented with the building of strong and credible opposition political parties that can take advantage of the changing environment to foster pluralistic political competition.

Keywords: 2016 elections, political processes, multi-party democracy, Uganda

1. Introduction

The 2016 post-election environment in Uganda has been characterised by polarised perspectives regarding whether the country is progressing or retrogressing on the path to democratic development. While the political opposition has made an outright rejection of the election outcome, which

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handed victory to the National Resistance Movement (NRM), agents of the ruling party have tenaciously accused their competitors of being bad losers who lack the humility to accept defeat. Whatever the case may be, widely observed gaps in the electoral process[2] as well as the questionable conduct of diverse agents – the Electoral Management Body (EMB), political parties, and candidates – before, during and after the polls cast a shadow on the development of systems, processes and the culture of democratic practice. Such circumstances underpin the need to interrogate the state of multi-party democracy in the run up to Uganda's third general election since the legal reintroduction of political pluralism in 2005 whilst reflecting on what can be the promising approaches and policies to strengthening pluralistic democracy.

This paper examines key issues around Uganda's third multi-party elections and the political environment following the polls. We explore the shaky foundation on which multi-party democracy was restored, which was underpinned by a dominant, state-cushioned NRM party competing against a weakened opposition. The paper further assesses the context within which the 2016 general elections were conducted, which included the absence of a level playing field and the intermittent failure by opposition groups to achieve major political reforms proposed ahead of the polls. It finally debates alternative approaches to fostering democracy in a constrained environment, which is characteristic of the Ugandan political set-up.

This paper argues that the promising approaches and practices to political reform in the Ugandan context will be those that are two-pronged. First, we suggest the need to secure a buy-in from NRM protagonists – as a dominant group in the current political set-up. Our proposition builds on theoretical arguments that reforms occur when influential groups are persuaded to believe that change is in their interest (North, Wallis & Weingast, 2009). It is also supported by previous examples in the Ugandan context where attempts to force reforms that lack the NRM's support have mostly been unsuccessful. In this regard, our projection for the next legislature period draws on statistics emerging from the recent elections, which show that the NRM has retained a comfortable control of Parliament and local councils, yet it still enjoys a privileged association with state structures.

The second strand in our suggested approach relates to strengthening the organisational capacity of opposition political parties and civil society groups. Drawing further on North *et al.* (2009), we consider organisations to be important tools for coordinating collective goals as well as for seeking to dominate and coerce others towards group agendas. Reform agitators, however, need to be cautious of the catastrophic tendency to view civil

society narrowly as professional non-governmental organisations (NGOs) and ignoring organic groups with specific interests in politics. Furthermore, we argue under this approach that civil society can only facilitate but not lead a process of political bargain, which should have political organisations with clear political agendas taking the front seat.

The rest of this paper is organised as follows: Section 2 discusses the Ugandan multi-party context highlighting the shaky foundation against which political pluralism was reintroduced. Section 3 evaluates the 2016 elections with a focus on the implications for multi-partyism and democratic practice. Section 4 evaluates the possibility of reform and suggests promising approaches while Section 5 provides the conclusion.

2. Multi-party Democracy in Uganda 2005–2015

Following its very short lifespan upon the the country's attainment of independence, multi-party democracy was only returned in Uganda by referendum in 2005. Even then, scientific analysis (e.g. Makara *et al.*, 2009) suggests that the NRM managed the transition to multi-party democracy in such a way that it remained in control. Moreover, on the part of Yoweri Museveni – who was by then only months from his 20th anniversary as president of Uganda – the licence to return political pluralism was traded with the removal of presidential term limits from the constitution, which allowed him to run for a third term as elected president. It was to follow that Museveni would contest and win subsequent elections in 2006, 2011 and, most recently, 2016 – potentially extending his hold on power to 35 years. The fact that Uganda has not witnessed a peaceful transfer of leadership at the top casts widespread pessimism on the possibility of a peaceful democratic transition in the East African state.

With the 2005 referendum and the subsequent enactment into law of the Political Parties and Organisations Act 2005, the movement government was removing the cap it had placed on multi-party competition: the NRM had, upon achieving victory in the five-year guerrilla war that brought it to power, banned political parties from having a presence beyond the capital. For the next two decades, political parties would not be allowed to organise any activities or sponsor candidates for elective office. The 1995 Constitution legally institutionalised this limitation by introducing a so-called movement political system, which was confirmed by referendum in 2000.

Given two decades of inactivity, the organisational structures, mobilisation experience and support base of political parties gradually atrophied. This period was, however, not without winners: the NRM, whose agents would,

following the legal return of multi-party-ism, register it as a political party dubbed the National Resistance Movement Organisation (NRM-O), used this window to advance as a dominant group, later on forming a dominant political party.

Indeed, the subsequent dominance by the NRM was not only due to the abeyance of opposition political parties during the movement system period but can be equally explained by the subtle conversion of state-built movement structures into the NRM political organisation. This conversion saw the country's political elite at national and local levels consolidate themselves as agents of the movement. Put differently, traditional political parties witnessed a haemorrhage of their elite class so much so that formerly high-ranking figures within political organisations such as the Democratic Party (DP) and Uganda People's Congress (UPC) became firmly assimilated into the NRM – the majority of them were not to return to their political parties in spite of the referendum outcome confirming the opening up of political space.

Although the legal return to multi-party political competition was confirmed in the 2005 referendum, the process did not dismantle the strong fusion between party and state that had emerged during the movement period. Blended with high levels of political patronage and political system hinged on presidentialism, this environment has engendered a context where numerous layers of public servants, for example Resident District Commissioners (RDCs), presidential avisors, security personnel, members of resistance councils (RCs) – that later on became local councils (LCs) – among others, gradually metamorphosed into what has come to be a nationwide perpetual support structure for the NRM.

However, there are also concerns that opposition political parties have been slow in taking advantage of the new legal regime to invest in building effective nationwide structures. Historically, the traditional political parties, notably DP and UPC, had built their support base mostly on ethnic pillars, which explains UPC's residual strength in the Lango sub-region in northern Uganda and DP's in the Buganda region. Building trust, particularly among the elite class beyond their regional concentrations, remains a challenge for these parties. Moreover, overall, Ugandan political parties have been observed to suffer challenges of weak internal democracy, dominance by a few influential personalities who use their power to circumvent institutional provisions on decision-making, and failure to mobilise domestic financing, to mention but a few. Thus, the NRM is not only a dominant group, but it also enjoys the advantage of competing against a weak and less than organised opposition. Therefore, how the opposition groups succeed in developing

their organisational capacities as political players will be determinant of the quality of multi-party competition.

Among the major issues debated with regard to Uganda's current multi-party terrain is the question of financing of political parties. The 2010 Political Parties and Organisations Amendment Act provides for public financing of political parties. However, as Ssemogerere (2011) observes, there are challenges regarding the foundation of the system on which public party financing was provided for: this includes, *inter alia,* issues relating to fairness, equity and safeguards against potential manipulation. Moreover, the available laws are seen as being weak on the issue of accountability (ibid.) and remain largely silent on crucial aspects such as private contributions to political parties.

In the absence of a domestic capitalist class, political parties, particularly those in the opposition, have to rely on external sources for funding. Recent analysis suggests that domestic capitalists are relevant in supporting opposition groups as political alternatives (Mugisha, Kiranda & Krueger, 2016). Uganda, however, lacks a domestic capitalist class as big businesses are mostly owned by foreign firms whose interest in politics is limited to the extent to which their business interests are affected (ibid). On the part of political parties, reliance on foreign donors always carries with it numerous limitations, including reluctance or legal limitations that deter external benefactors from financing campaign- and election-related activities of political parties.

3. The 2016 Elections

The third Ugandan multi-party general elections were unprecedented in a number of aspects. First, in what seemed to be a case of 'elite fracture',[3] Amama Mbabazi, the NRM's founding member, long-term secretary-general and prime minister in the government, moved to contest against his long-term friend, Yoweri Museveni, who was running as the endorsed party flag-bearer for the fifth consecutive time – to potentially extend his hold on power to 35 years. Second, the leading opposition candidate, Kizza Besigye, Museveni's former physician and bush war colleague, joined the campaigns for a fourth time subsequent to a lively internal party process during which he had competed for the FDC nomination with another of Museveni's earlier comrades and retired army commander, Mugisha Muntu. In a presidential race that seemed like a 'colleagues-fall-apart' spectacle, Maj. Gen. Biraro, another of Museveni's guillera war comrades, was one of the contestants in a race that pulled a total of eight candidates. It is our observed view that the so-called Museveni factor remains the main denominator in Ugandan

politics, so much so that it makes other crucial factors such as political party ideology or a candidate's position on development questions appear irrelevant. This reality portends major implications for the future of multi-party democracy.

At the parliamentary level, a total of 1,749 candidates[4] competed for the 402[5] parliamentary seats. Opposition political parties, however, did not manage to field candidates in 91 of the constituencies. The election, indeed, presented nine constituencies where NRM candidates won unopposed and 82 others where NRM flag-bearers competed against NRM-leaning independent candidates.[6] This paper recommends further analysis to establish whether the inability of the opposition political parties to field candidates in several constituencies exemplifies a case of 'elite capture' by the NRM or if it is to be construed as evidence that opposition political parties are considerably weak in certain areas so that office-seeking elite find it costly or fatal to choose to contest on an opposition party ticket. Indeed, some opposition figures have given knee-jerk explanations for this subtle reality, where they mention contradicting factors, ranging from their lack of party structures in certain areas, the increase in candidates' nomination fees, non-availability of good-quality candidates, intimidation and harassment of the opposition, to the personal belief by the candidates that they have higher chances to succeed as NRM candidates or independents rather than running on the opposition ticket.

The 2016 electoral campaigns, which saw the first-ever all-candidates televised presidential debate, generally attracted deliberations on a number of policy issues. In spite of some observed petulance around the televised presidential debate, we construe it as progress from the politics based on personalities that typically dominated previous Ugandan election campaigns. Indeed, the campaign season, overall, attracted conversations on a range of issues: from emblematic conversations on peace and stability, to frustration over surging unemployment, to concerns over the failing delivery of public goods and services, particularly education, health and transport infrastructure, this time round Ugandans seemed to display a considerable focus on issues. However, the overall discourse remained largely constructed around the personalities of key candidates in the campaign: Yoweri Museveni (NRM), Kizza Besigye (FDC) and Amama Mbabazi (Independent).

It should be noted that some of the key actors in the elections, particularly the political opposition, joined the 2016 competition with unsettled contestation over the nature and fairness of the terrain in which they would be competing. A failed attempt to push through a series of major legal

reforms proposed prior to the election underpinned this dissatisfaction. Following nationwide consultative forums and parallel negotiations within the Interparty Organisation for Dialogue (IPOD)[7], a number of suggestions for major reforms were unsuccessfully mooted by opposition political parties with the backing of prominent civil society actors and their international donors.

Key among the suggested reforms was the proposal to restructure the way in which the EMB – the Electoral Commission (EC) – was constituted, including suggestions for a more inclusive process as opposed to the existent one where members of the commission are appointed by the president – who had been the appointing authority of the commission as well as candidate and victor in all four previous elections. This move was seen as necessary to engender the independence and neutrality of the EMB. Other proposals related to, among others, restoration of the two-term limit for the presidential office and the effective removal of the army from politics and electioneering processes.

While the NRM, through its agents, had, within the frame of IPOD, signed up to the suggested electoral reforms, the party leadership backtracked once the suggestions were brought into public discourse and later into Parliament. Given its firm dominance of Parliament, the NRM easily blocked any major reforms to the electoral framework. It should be understood that the proposed reforms were largely viewed as a step that would engender a level playing field and consequently increase the possibility of the opposition effectively challenging the NRM. It was, therefore, not surprising that the NRM became easily dissuaded from embracing the proposed changes to the status quo. Moreover, at the height of the reform campaign, the opposition, their civil society backers and foreign financiers made a tactical mistake: they opted for a combative rather than persuasive strategy while bargaining with the NRM on the needed reforms. This failure presents serious lessons for future strategies in seeking political reform. Since the NRM dominates law-making institutions, a persuasive strategy may be worth considering as a more promising way of bargaining with the party.

By and large, without the proposed reforms coming into force, the opposition remained sceptical regarding the possibility of a free and fair election, given that the game was going to be played under the same old order, which was widely seen as being to the advantage of the NRM. Immediate post-election analysis[8] indicated that the electoral environment seriously favoured the NRM by tilting the political playing field in a number of ways. Independent local and international observers reported that the NRM profited from the blurred lines between party and state.

Public servants such as RDCs and presidential advisors reportedly used their positions and official facilities such as vehicles to campaign for NRM candidates for different positions in the elections. Indeed, the NRM was observed to have unmatched access to financial resources and media coverage. Just one month to the elections, the campaign finance report by Alliance for Election Campaign Finance Monitoring (*ACFIM*) indicated that the incumbent president and flag-bearer of the ruling NRM had spent USh. 27 billion (USD 7.7 million), which was twelve times bigger than the combined total of his two closest rivals.

On the other hand, security agencies acted in ways that thwarted the possibility of opposition candidates freely and effectively holding campaign events: the leading opposition candidate was, for example, several times arrested shortly before and after the polls and was, at the time of writing, making a month under confinement to his home. On Election Day and the period immediately after, the state moved ahead to gag social media: the Uganda Communications Commission (UCC), the government's media watchdog, cited security reasons to order internet providers to turn off Facebook and WhatsApp platforms. The media has been seen as a strong coordination good in the fostering of democracy. However, as Mesquita and Downs (2005) posit, regimes can prevent democracy by suppressing coordination goods, thereby limiting the ability of potential opposition forces to win political power.

The vibrancy and enthusiasm exhibited by voters in the campaign period and their subsequent determination to cast their ballots was unveiled by the unusually long queues at polling stations, and provided optimism about growing civic consciousness. However, the logistical failure by the EC to deliver voting materials at hundreds of polling centres in Kampala, Wakiso and Mukono districts, which are not only within easy reach of its head office but also viewed as opposition strongholds, cast doubt on its capacity or willingness to deliver credible elections. To some this was seen as a tacit way through which the EMB acted to the advantage of the NRM – considering that the affected areas were seen as opposition strongholds – while to others it was simply evidence of incompetence on the part of the EC.

Within the stipulated 48 hours the EC announced Museveni of the NRM winner of the elections with 60.75 per cent of valid votes, FDC's Kizza Besigye retained his habitual second place with 35.61, while Amama Mbabazi in third position polled a dismal 1.65 per cent. However, four of the eight presidential contenders[9] rejected Museveni's victory outright, with the FDC indicating that the EC in its composition was a biased referee that

acted in favour of the NRM, including by falsification of results. In line with the legal provisions, Amama Mbabazi, one of the losers in the election had, at the time of writing, filed a petition in the Supreme Court challenging Museveni's victory. Any analysis of the election petition (at the time of writing) was to be largely speculative and potentially prejudicial, given that the facts were yet to be debated before court and a judgement reached. Nevertheless, experts suggest that whatever comes out of the Supreme Court will have ramifications for the credibility of the elections and the future of multi-party democracy.

It is not just the losers that cast doubt on the integrity and credibility of the 2016 Uganda polls. Anecdotal conversations severally suggested that the sombre mood which engulfed the country upon the declaration of Museveni's victory and the conspicuous absence of NRM celebrations were an indication that the winner could have lacked the necessary jauntiness in their announced success. Moreover, independent local and international observers[10] not only resoundingly questioned the EMB's preparedness, competence and independence; some also clearly ruled that the polls had not been free and fair.

However, the tendency within the general discourse to place election flaws squarely on the NRM's style of engagement can be subjective and needs to be carefully considered. Electoral malpractices have also been claimed in areas with opposition dominance and where the opposition actually won seats in the parliamentary or local council contests. Moreover, in certain parts of the country, the weakness or outright absence of opposition candidates has been fronted as evidence to suggest that the opposition is simply too weak to defeat the NRM.

In a context where political organisations were seen as too weak to foster all-round political bargains, civil society actors played a crucial role in the campaign process and election process. They conducted wide-reaching civic education and election observation programmes – thanks to their international donors. The Citizens' Coalition for Electoral Democracy in Uganda (CCEDU) launched a mass media-based civic education campaign dubbed *Topowa*, in which they encouraged citizens to participate in the elections and called upon voters to shape their decision on the basis of issues that affect them such as infrastructure, education and health service delivery. We view the promotion of issues-based politics among voters as a crucial input as the demand for policy positions by voters is the needed incentive for office-seeking politicians to address such concerns.

However, in spite of the praiseworthy contribution of civil society, their environment in Uganda has remained elite-dominated and is not socially

rooted. Indeed, theoretical literature (e.g. Kaldor, 2003) recognises the role of professional organisations like NGOs and international non-governmental organisations (INGOs) in fostering economic and political bargains. Nevertheless, we stress the need to view civil society more holistically as the public arena in which 'different values, ideas, and political visions are debated, contended and struggled over' (Howell & Lind, 2010). In the Ugandan context, this arena would have to allow groups that support the NRM as well as pro-change agents to freely contest their ideas.

The observed dynamics of donor-funded civil society requires organisations to gain the professional capacity to prepare sophisticated funding proposals and deal with complex project management tools: log frames, GANTT charts, and monitoring and evaluation tools, to mention but a few. This requirement, however, has the direct implication of leaving out organic groups such as those of peasant farmers, business associations including informal sector workers, and church and mosque groups that may have an interest in political processes but lack the sophistication to access the available support. In many instances, these groups, in a bid to access funding, have been sold out to the hegemony of qualified professionals who have the capacity to deal with complex donor requirements.

4. Outlook for the Next Legislature Period and the Possibility of Reform

(a) Set-up of the legislature

Uganda's next legislature period will be characterised by an NRM-dominated Parliament with a clear 2/3 majority. As Table 1 shows, the NRM has comfortable control of Parliament with the needed majority to pass any laws without requiring support from another group in the legislature. Additionally, the majority of the independents, who constitute the second largest group in the 10th Parliament, are NRM-leaning. This constellation is no different at the local government levels: besides Kampala and selected urban municipalities, the NRM retained decisive control of district and sub-county local governments.

Table 1: Distribution of parliamentary seats by political party

Political Parties	Direct Seats	Women Representatives	Total
National Resistance Movement	199	83	282

Forum for Democratic Change	28	7	35
Democratic Party	12	2	14
Uganda People's Congress	4	2	6
Independents	41	14	55

Source: Authors' compilation based on declared results from the February 18 parliamentary elections.
*Excludes results from 13 constituencies and 25 special interest groups seats that had not been declared at the time of writing.

The results of the parliamentary elections also indicate that the 10th Parliament will have representation from only four political parties as opposed to the six that constituted the 9th Parliament. This reality thus arouses interest in assessing the strength of the country's multi-party political competition where a total of 29 political parties were registered, only 13 fielded candidates at parliamentary level, only four fielded candidates at the presidential level, and only four secured seats in Parliament.

The composition of the 10th Parliament, with a two-thirds majority being NRM, complemented with the re-election of President Museveni, suggests that the balance of power between the NRM and opposition will remain unchanged. We base ourselves on the existing facts to argue that regardless of the outcome of the ongoing challenge to Museveni's victory before the Supreme Court, the NRM's dominance will remain strong on the basis that it is solidly grounded by the party's overwhelming majority in Parliament and local governments countrywide. Not even the opposition's control of Kampala municipalities presents a credible threat to the NRM, especially given that Kampala was re-centralised with executive powers being vested in an executive director as a presidential appointee.

(b) Implications for the possibility of political reforms
The above realities present significant implications for the nature of political discourse over the next five years. Given its retention of the presidential office and firm control of Parliament and local governments, the NRM is most likely going to be persuaded to maintain the status quo that is solidly in its favour. Political reforms would, for that matter, cost rather than benefit the party's inherent desire to retain political power and for its office-seeking agents to retain their positions in the next electoral cycle. Moreover, powerful rent-seeking individuals and groups that have emerged over the long period of the NRM's existence and become strongly infused

with the state are most likely going to see themselves as potential losers in case reforms are implemented that portend a change in the status quo. This suggests that the NRM is going to be less inclined towards reforms unless change agitators find persuasive ways of engaging the party's protagonists.

Pursuing a political reform agenda within the above described context can be complicated. As North, Wallis and Weingast (2009) argue, reforms succeed when influential or dominant groups are persuaded about the need for change. Yet it is understood that political agents are mostly persuaded by the continuous desire to gain and retain political power as a means of controlling the allocation of scarce resources. Thus, in view of the realities within the Uganda political arrangements, the leading question that framers of political reform programmes will be confronted with is: How can the protagonists within the NRM be persuaded to embrace reform when it is clear that doing so portends an increase in the strength of their challengers?

(c) An incremental strategy for reform and enlisting NRM buy-in?
A review of previous efforts towards political reform reveals that agitators mostly targeted the big points: restoration of presidential term limits, changing the composition and appointment process of the EC, and removal of the army from politics, to mention but a few. While such high-end targets are legitimately the ultimate aspiration of a democratic development campaign, their attainment in early stages can be a tall order. In view of such a reality, it might be worth identifying small but significant aspects on which political consensus can be generated to gradually enable weaker groups to gain a share in the political settlements. Indeed, classical literature from the institutional economists (e.g. Rodrik, 2008) suggests that gradual approaches promise better chances of success as opposed to big-bang reforms. Given its dominance of decision-making organs, a buy-in from the NRM remains crucially relevant for the success of reform packages.

(d) Strengthening opposition groups and civil society
Opposition political groups in Uganda remain largely weak. The two-pronged approach proposed in this paper, therefore, emphasises the need to build credible opposition political parties and civil society groups. In making this suggestion, we do not discount the possibility of a powerful regime failing the emergence of a strong opposition through penetration and elite capture; neither are we unconscious of the fact that organisation development in Uganda remains encumbered by limited social capital. Instead, we point out that these are some of the daunting challenges that will have to be overcome to build effective political organisations that have

clear agendas and whose agents have the will and capacity to work together to pursue common goals. With regard to civil society, we emphasise the need to go beyond professional elite-controlled groups and enlist indigenous actors with deeper social rootedness and more grounding in local politics.

(e) Implications of a large youth segment
Motivated by the Arab Spring as well as the most recent developments in Burkina Faso, considerable discourse on current African political processes have paid much attention to the continent's youth. Their demographic significance and high unemployment rates are seen as factors that have augmented youth political activism. In the 2016 elections in Uganda, population statistics and the national voters' register showed that youth made up a significant proportion of registered voters: around 42 per cent of 15.2 million.

Counterfactually speaking, if Ugandan youth had significantly turned out and cast their vote as a united bloc, they could have had the ability to swing the vote to determine the eventual election outcome. However, the absence of youth-specific issues, possession of multiple identities as well as high unemployment and poverty levels made the co-ordination of the youth vote a tall order. As such, young people's demographic significance and their high numbers on the voters' register turned out to count for less. The youth face the challenges of multiple identities. Within the pluralistic system, they identify with diverse political parties. They are also divided along the lines of ethnicity, religion, nature of economic engagement, level of education and income, and rural or urban livelihoods, to mention but a few. What is going to be crucial in the next legislature period is how young people manage to build credible organisations to engage effectively in political bargains at different levels.

5. Conclusion
Analysis of Uganda's political landscape reveals major gaps within the political system, significant floors in the process, and a weak culture of democratic practice. This context is highly problematic and undesirable to change-lovers; however, it underpins the NRM's continued political success. Considering that the NRM is a dominant group where the majority of the country's political elite are entrenched, political reforms can be viewed as having the potential to produce more losers. This explains why NRM agents have been reluctant to embrace or rejected outright any proposed changes to the status quo.

Available evidence and lessons from theoretical arguments suggest that the path to reform stands higher prospects of success if the dominant group is involved. For this reason, dialogue with a view to persuading NRM protagonists to embrace change is going to be a crucial determinant of the future of Uganda's democratic development. Thus, reform agitators have to prudently evaluate who the influential actors in the dominant group are and to map out their deeper interests. This will be a key premise for designing interest-compatible and incentive-based reform strategies that have the potential to enlist buy-in from the NRM.

And if the political opposition and civil society are to be relied on for fostering democratic transition, these actors will need to reorganise to build a wider support base to become credible competitors to the NRM. In particular, they would improve on their social rootedness to emerge as formidable challengers and contributors to the ongoing process of political formation. Only a strong opposition can provide a credible threat to the NRM's political success, which can be another incentive for motivating NRM agents to embrace popular reforms.

Notes

1. This paper was first prepared for a political analysis project of Uganda Youth Network and International Republican Institute.
2. We refer to reports by independent observers such as the EU, Commonwealth and CEON-U that challenge the integrity and credibility of the polls.
3. Larry Diamond (2008) uses the term 'elite fracture' to explain a fall-apart of influential elite or leaders within a dominant political organisation.
4. 604 were fielded by various political parties and 709 were independents for the 290 direct seats. For women reserved seats, 206 were supported by nine political parties and 200 were independent contestants for the 112 women seats.
5. This excludes 25 seats for interest groups, namely youth, women, workers, persons with disabilities and the army.
6. A candidate who is nominated without party sponsorship.
7. IPOD is a platform for informal dialogue among the parliamentary political parties in which they negotiate and build consensus on needed reforms that are considered good for Uganda's development.
8. E.g. by independent observer groups.
9. Those who rejected the presidential results outright are Mr Besigye of the FDC, Mr Amama Mbabazi, Mr Joseph Mabirizi and Mr Abed Bwanika.
10. Including the European Union Election Observation Mission (EUEOM), the Commonwealth Observer Group, and the indigenous Citizens' Election Observation Network (CEON-U).

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