

REALITY CHECK

Multiparty Politics in Uganda

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Konrad
Adenauer
Stiftung

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Foreword

With the referendum of 2005 Uganda joined several countries around the world that are governed under a multiparty system. Thus, a fundamental pre-requisite for genuine democracy had been set. The opening of political space guarantees Ugandans the basic freedom to form, associate and interact within political parties and to compete for political power through them. Indeed, the legal-constitutional framework offers the different parties the opportunity to participate fully in the country's democratisation as well as socio-economic development processes.

But the legal existence of multipartyism alone can not be a sufficient indicator of democratic governance. A number of significant factors within the pluralistic system are crucial in determining whether a society is being democratically governed and if at all the multiparty system itself will be consolidated and sustained. In Uganda, it is clear that multiparty politics is still at its nascent stage – barely six years by the year 2011. Although there are some registered achievements a number of challenges are still noticeable. It is this latter point that greatly informed the author's desire to publish this book on Multiparty Politics in Uganda. The book examines the evolving scenarios within several crucial areas of political governance, namely: decentralisation; ethnicity and religion; campaigning; elections management; political parties; parliament; and "other actors" in the democratisation process.

This publication offers useful insights upon which the country can certainly build on to embed greater democracy. Through the conceptual framework of hybrid regimes, it clearly analyses the critical challenges that lie ahead in nurturing multiparty politics. The analysis based on different theoretical and conceptual contexts in the respective chapters that also borrow from several parts of the world and other distinguished scholars gives the book its academic strength. In fact, in each of the chapters, the book does not shy away from suggesting concrete remedies to the challenges brought



about by multiparty politics. It is my considered opinion that resolving the challenges that it clearly identifies and implementing the recommendations suggested will demand effective participation of all – state and non state actors.

I find the author of this book, Associate Professor Yasin Olum (PhD), one of the finest intellectual and academic minds Uganda has produced. I have had occasion to work with him on several projects as a consultant for the Konrad-Adenauer-Stiftung (KAS). Then, I found him to be hard working and an expert diligently committed to the topic of democratisation. In deciding to support this publication KAS was confident it would meet two important criteria: first is that it addresses the crucially important topic of democracy; and second, the expert tasked with its delivery has the necessary knowledge and experience of several years about the Ugandan system and democratic frameworks elsewhere in the world. He has ably presented a detailed analysis of Uganda's political situation with highly enriching comparisons from other systems. Perhaps one of the appealing aspects of this book is the fact that it is written by a Ugandan citizen who has experienced all governance systems Ugandan has gone through, including the colonial era and post colonial eras.

It is my sincere hope that this book will go a long way in contributing to the contemporary political debates surrounding the new multiparty political dispensation. I encourage the scientific community to read it and to reflect deeply on its contents. There is a lot here that we can tap on to build full-blown multiparty politics and practice genuine democracy.

Yusuf Kiranda
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Acronyms/Abbreviations

A4C	-	Activists for Change
ACHPR	-	African Charter on Human and People’s Rights
CA	-	Constituent Assembly
CAO	-	Chief Administrative Officer
CBO	-	Community-Based Organisation
CHOGM	-	Commonwealth Heads of Government Meeting
CP	-	Conservative Party
CSO	-	Civil Society Organisation
DCAO	-	Deputy Chief Administrative Officer
DCFs	-	Defence Council Forces
DEMG	-	Democracy Group
DISO	-	District Internal Security Officer
DP	-	Democratic Party
DRC	-	Democratic Republic of the Congo
DSC	-	District Service Commission
EFMP II	-	Economic Financial Management Project Two
EOC	-	Equal Opportunity Commission
ESO	-	External Security Organisation
FDC	-	Forum for Democratic Change
FDS	-	Fiscal Decentralisation Strategy
FPTP	-	First-Past-The-Post
FRAA	-	Financial Regulation and Accounting Act
GAVI	-	Global Action on Viral Infection
GISO	-	Gombolola Internal Security Officer
ICC	-	International Criminal Court
ICCPR	-	International Covenant on Civil and Political Rights
IGG	-	Inspector General of Government
IGP	-	Inspector General of Police
IGRs	-	Inter-Governmental Relations
IMF	-	International Monetary Fund
IPC	-	Inter-Party Co-operation
IPOD	-	Inter-Party Organisation for Dialogue
IPU	-	Inter-Parliamentary Union
ISO	-	Internal Security Organisation

JEEMA	-	Justice Forum
KACITA	-	Kampala City Traders Association
KY	-	<i>Kabaka Yekka</i>
LCs	-	Local Councils
LDU	-	Local Defence Unit
LED	-	Local Economic Development
LEGCO	-	Legislative Council
LGA	-	Local Governments Act
LGC	-	Local Government Council
LGDP II	-	Local Government Development Programme Two
LGPAC	-	Local Government Public Accounts Committee
LRA	-	Lord's Resistance Army
MC	-	Military Commission
MFPED	-	Ministry of Finance, Planning and Economic Development
MP	-	Member of Parliament
MoLG	-	Ministry of Local Government
MoGLSD	-	Ministry of Gender, Labour and Social Development
MoU	-	Memorandum of Understanding
MUASA	-	Makerere University Academic Staff Association
NAADS	-	National Agricultural and Advisory Services
NCF	-	National Consultative Forum
NCS	-	National Council of State
NEC	-	National Executive Committee
NGO	-	Non-Governmental Organisation
NOCEEM	-	National Organisation for Civic Education and Election Monitoring
NOTU	-	National Organisation of Trade Unions
NRA	-	National Resistance Army
NRAC	-	National Resistance Army Council
NRC	-	National Resistance Council
NRM	-	National Resistance Movement
NUDIPU	-	National Union of Disabled People of Uganda
NWC	-	National Women's Council
PGB	-	Presidential Guard Brigade
POM	-	Public Order Management
PPDA	-	Public Procurement and Disposal of Assets

PPOA	-	Political Parties and Organisations Act
PPP	-	Public-Private Partnership
PRA	-	People's Redemption Army
PSA	-	Production Sharing Agreement
PWDs	-	Peoples With Disabilities
RC	-	Resistance Council
RDC	-	Resident District Commissioner
SAPs	-	Structural Adjustment Programmes
SSA	-	Sub-Saharan Africa
SDP	-	Social Democratic Party
TPDF	-	Tanzania People's Defence Force
UBC	-	Uganda Broadcasting Corporation
UCC	-	Uganda Constitutional Commission
UDHR	-	Universal Declaration of Human Rights
UK	-	United Kingdom
UNC	-	Uganda National Congress
UNLF/UNLA	-	Uganda National Liberation Front/Uganda National Liberation Army
UPC	-	Uganda People's Congress
UPDF	-	Uganda People's Defence Force
UWOPA	-	Uganda Women's Parliamentary Association
USA	-	United States of America
UYD	-	Uganda Young Democrats
VFM	-	Value-For-Money
YES	-	Young Entrepreneurs Scheme

Introduction


The political history of Uganda has been turbulent for as long as she has existed. However, with the return of multipartism in 2005 from a Movement or 'no party' political system, the politics of the country has taken a new twist. The Movement, led by the incumbent president, campaigned for a change to multipartism in the 2005 referendum, while a handful of citizens, seen by some opposition activists as a concoction of the Movement government, stood for the Movement system. Eventually, the pro-multiparty side 'won' the plebiscite. The thrust of this book is to examine how the multiparty political system has performed so far after almost six years of being in existence.

Although these are early days for a thorough assessment of the functionality of the multiparty system, the book attempts to analyse the key aspects pertaining to the unfolding democratisation process. In addition, it examines some of the fundamental challenges so far inhibiting or likely to inhibit the embedment of a fully functioning multiparty democracy. In the examination of this critical subject four thematic areas have been identified, namely: the historical and legal-cum-constituional and institutional frameworks; the multiparty system and electoral democracy; the political parties and multiparty politics; and other key actors seen as crucial in the multiparty system.

Theoretically, this book is anchored in the notion of hybridity or semi-authoritarian regimes and the patronage or neo-patrimonial networks that sustain it. The theoretical argument of the book is that it will always be difficult for hybrid or semi-authoritarian regimes to institutionalise multiparty democracy. This difficulty arises because the powerholders are emersed in amassing as much political power as possible in order to consolidate their personalised rule by distancing any potential political challenger. The construction of the three organs of government (executive, legislature and judiciary) is done in such a fashion that the judiciary and the legislature are consciously subordinated to the executive. Ultimately, the fusion of the incumbent president and his party to the state apparatus becomes an inextricable web. Thus, any criticism – constructive or otherwise - against the state is an attack on the person of the president. Hence, in Uganda, the incumbent president could only accept the return of multiparty politics after a trade-off with the lifting of the two-term limit for the office of the president.

Rubongoya (2007: 102) puts it quite well in the following carefully chosen words:

The Museveni-engineered transition was a typical elite-driven, guided change from above... The constitutional process and its



outcomes were shared by NRM political objectives despite the country-wide consultations that preceded the promulgation of the constitution. The restraints on political organisation (e.g. political party activity) and other forms of political expression were meant to tighten central control and to give the NRM elites enough room to reconstruct the state and to shape Uganda's transition in their image. This approach toward transition gradually led to the emergence of a statist regime type ... The Movement then began using state institutions to work toward its own maintenance and survival...

Thus, the environment in which multiparty politics is playing out in Uganda today is somewhat reminiscent of what transpired during the 'Movement' period, save for the semblance of political parties in the opposition appearing to be operating in the districts, and the presence of the Leadership of the Opposition and his Shadow Cabinet in Parliament. Otherwise, some state agents and overzealous supporters of the ruling party severely curtail the free operations of opposition parties in many districts (Kamp 2010). Indeed, in spite of their legal existence, opposition parties are treated as 'enemies' of both the state and the citizens; citizenship, it would seem, is defined as belonging to the NRM party. The frequent reference to the opposition as 'enemies' by no less a person than the president himself testifies to the way in which they are criminalised in the ongoing political process. Certainly, this way of characterising the opposition does not augur well for embedding true multiparty democracy in the country. Its repercussion is that diehard supporters of the NRM end up resorting to violently abusing the civil and political rights of the opposition and some members of civil society groups because they are seen as 'enemies' of the president and the state.

Unfortunately, and naturally so, the opposition have had to assert their existence through counter-violence measures to contain the persistent and systematically orchestrated harassment being meted out to them. This book aims to trace these emerging political developments by placing them squarely and consciously in the public domain to seek for remedial measures. However, nurturing a climate of peace and tranquility will call for frank discussions if the country is to transit to the phase of socio-economic development so that every citizen can live a happy and comfortable life.

To address the central thesis of multiparty democracy in Uganda, the book has four main parts and eleven chapters. Part I is on the environment of multiparty politics which draws from the historical context, and legal and institutional frameworks. It has four chapters.

Chapter One covers the democratic transition in Africa and the case of Uganda. The chapter examines the processes of democratic transition, regime types and party systems in Africa with particular focus on neo-patrimonialism and the nature of hybrid regimes that enforce them.

Chapter Two is on the constitutional and legal frameworks for consolidating multiparty democracy. The key issues discussed in this chapter are the referendum of 2005 which restored multipartism, the legal framework and interventions for nurturing political parties and enabling free and fair party competition, and the issues and mechanisms for legal-constitutional reforms.

Chapter Three assesses the progress, challenges and prospects for deepening democracy in Uganda through a decentralised system working under a multiparty environment. The key issues in this chapter are the overview of the decentralisation policy, the state of multiparty democracy in decentralised units, and the prospects of decentralisation and multipartism in enhancing democratic governance at local level.

Chapter Four is on ethnicity, religion and multipartism in Uganda. It deals with the history of ethno-religious influences in the formation of political parties in Uganda, the role of religion and ethnicity in consolidating multiparty democracy and the challenges of religion and ethnicity in consolidating multiparty democracy.


Part II of the book is on multipartism and electoral democracy. It has three chapters – Chapters Five, Six and Seven.

Chapter Five is on the management of multiparty elections. It covers the legal framework for managing elections, the organisation and administration of multiparty elections, the achievements of elections management and the challenges and remedies of elections management.

Chapter Six assesses the 2011 campaign process. It covers the 2011 campaign and electoral process, the 2011 issue-based versus personality-based campaigns, and the 2011 campaigns and voters' choices.

Chapter Seven addresses the commercialisation of elections in Uganda. It addresses money and campaigning, money and party competition, and the remedies to money and campaigning.

Part III is on political parties and multiparty politics in Uganda. It has two chapters – Chapters Eight and Nine.



Chapter Eight is on the institutionalisation and functional performance of political parties. It deals with the institutional and functional characteristics of political parties in Africa, factors explaining major weaknesses of opposition parties in Africa, the institutional and functional characteristics of political parties in Uganda, and the weaknesses and remedies to the functional performance of political parties in Uganda.

Chapter Nine examines Uganda's multiparty parliament. It covers the historical background of the Westminster model, the theory and role of the opposition, formal recognition of the opposition, the role of the opposition in parliament, caucusing in parliament, and the independents in the Parliament of Uganda.

Part IV is the final part of the book. It covers 'other actors' in the multiparty system. It has two chapters – Chapter Ten and Chapter Eleven.

Chapter Ten is on the current landscape of multiparty democracy in Uganda. It addresses the meaning of civil society, the relationship between civil society and democratisation, civil society in Africa, civil society in Uganda, and the roles of the military, the judiciary, the media, and the international community in the multiparty system.

Chapter Eleven is the final chapter of the book. Naturally, it covers the conclusion and the prospects of the future of multipartism in Uganda.

Part I: The Multiparty Environment: Historical Background, Legal Framework and Institutions

Chapter One: 'Democratic' Transition in Africa and the Case of Uganda

Introduction

This chapter provides an overview of the political changes that have occurred in Africa since the 1980s based on the quest for political liberalisation and greater democratisation. Since the early 1990s multipartyism has once again become one of the most important instruments of political reform in Africa. It has popularly been perceived as the most legitimate channel to transfer or shape power and to participate in the political process, especially by the middle and working classes. By 1997, more than two-thirds of the countries (about 48) in Africa had reviewed their national constitutions to incorporate the multiparty system.

The chapter commences with a comprehensive discussion of the widely contested notion of 'democracy', which will prove useful in explaining Uganda's new multiparty political dispensation. Before contextualising the notion of democracy to Uganda, the discussion will focus on the process of democratic transitions, regime types and party systems in Africa. The transition from a hegemonic system to a dominant party system will be examined here. The conceptual issues will then be placed within the Ugandan context by providing an overview of the re-introduction of multiparty democracy based on the transition from the Movement system to multiparty politics.

Defining Democracy

The mass conversion of politicians and political thinkers to the cause of democracy has been one of the most dramatic and significant events in political history.¹ Even in Ancient Greece, often thought of as the cradle of the democratic idea, democracy tended to be viewed in negative terms. Thinkers such as Plato and Aristotle, for example, viewed democracy as a system of rule by the masses at the expense of wisdom and property. Up till the end of the nineteenth century, the term continued to have perjorative implications, suggesting a system of 'mob rule'. Today, however, every politician, no matter his or her ideology - liberal, conservative, socialist, communist, anarchist and even fascist - is eager to proclaim the virtue of democracy and to demonstrate his or her own democratic credentials. Indeed, as the major ideological systems have faltered and collapsed in the late twentieth century, the flame of democracy has appeared to burn yet more strongly. As

1 The Details of these definitions can be found in Heywood Andrew (2003) *Political Ideologies: An Introduction* (Palgrave Macmillan), Third Edition; and Budge Ian and Keman Hans (1990) *Parties and Democracy: Coalition Formation and Government Functioning in Twenty States* (Oxford University Press).

the attraction of socialism has faded, and the merits of capitalism have been called into question, democracy has emerged as perhaps the only stable and enduring principle on the post-modern political landscape.

In definitional terms, the origins of the term 'democracy' can be traced back to Ancient Greece. Like other words ending in 'cracy' (for example autocracy, aristocracy and bureaucracy), democracy is derived from the Greek word *kratos*, meaning power, or rule. Thus, democracy means 'rule by the *demos*' (the *demos* referring to 'the people', although the Greeks originally used this to mean 'the poor' or 'the many'). However, the problem with democracy has been its very popularity, a popularity that has threatened its undoing as a meaningful political concept. A term that can mean anything to anyone is in danger of meaning nothing at all.

Nevertheless, among the meanings that have been attached to the word 'democracy' are the following: a) a system of rule by the poor and disadvantaged; b) a form of government in which the people rule themselves directly and continuously, without the need for professional politicians or public officials; c) a society based on equal opportunity and individual merit, rather than hierarchy and privilege; d) a system of welfare and redistribution aimed at narrowing social inequalities; e) a system of decision-making based on the principle of majority rule; f) a system of rule that secures the rights and interests of minorities by placing checks upon the power of the majority; g) a means of filling public offices through a competitive struggle for the popular vote; and h) a system of government that serves the interests of the people regardless of their participation in political life.

In spite of all these meanings, perhaps a more helpful starting point from which to consider the nature of democracy is Abraham Lincoln's Gettysburg Address delivered in 1864 at the height of the American Civil War. Lincoln extolled the virtues of what he called 'government of the people, by the people, and for the people'. Since then, the precise nature of democratic rule has been the subject of fierce ideological and political debate. Attempts have been made to answer three central questions relating to democracy: Who are the people? In what sense should the people rule? How far should popular rule extend?

In the context of who the people are, one of the core features of democracy is the principle of political equality – i.e. the notion that political power should be distributed as widely and as evenly as possible. In fact, 'a central democratic self-justification is that the system makes the state more responsive to the wishes of the people, and gives them the opportunity to change rulers if they so desire' (see details in Budge and Keman 1990: 5). However, the key questions then become: Within what body or group should

this power be distributed? Who constitutes 'the people'? On the face of it, the answer is simple: 'the *demos*', or 'the people', which refers to all the people, i.e. the entire population of the country. In practice, however, every democratic system has restricted political participation, sometimes severely.

Although 'the people' is now accepted as meaning virtually all adult citizens, the term can be construed in several different ways. For instance, the people can be viewed as a single, cohesive body, bound together by a common or collective interest: meaning that the people are one and indivisible. Such a view tends to generate a model of democracy which, like Rousseau's theory, focuses upon the 'general will' or 'collective will', rather than the 'private will' of each individual. Alternatively, as division and disagreement exist within all communities, 'the people' may in practice be taken to mean 'the majority'. In this sense, democracy implies the strict application of the principle of majority rule in which the will of the majority or the numerically strongest overrides the will of the minority. This understanding can, nevertheless, mean that democracy degenerates into the 'tyranny of the majority'. Finally, the people can be thought of as a collection of free and equal individuals, each of whom has a right to make autonomous decisions. Not only does this view clearly contradict any form of majoritarianism, but it also implies that only unanimous decisions can be binding upon the *demos*, and so dramatically restricts the application of democratic principles.

Democracy also focuses on how the people should be ruled. Most conceptions of democracy are based on the principle of 'government by the people'. This implies that, in effect, people govern themselves, and that they participate in making the crucial decisions that structure their lives and determine the fate of their society. This participation can take several forms. Under direct democracy, popular participation entails direct and continuous involvement in decision-making, through devices such as referendums, mass meetings, or even interactive discussions. The alternative and more common form of democratic participation is the act of voting, which is the central feature of what is usually called representative democracy.

Direct democracy (sometimes referred to as 'participatory democracy') is based on the direct, unmediated and continuous participation of citizens in the tasks of government. Thus, it obliterates the distinction between government and the governed and between the state and civil society; essentially, it is a system of popular self-government. Direct democracy was achieved in Ancient Athens through a form of government by 'mass meeting'; its most common modern manifestation is the use of the plebiscite or referendum. The merits of direct democracy include the following: it heightens the control that citizens can exercise over their own destinies, as it is the only pure form of democracy; it creates a better-informed and

more politically sophisticated citizenry, and thus it has educational benefits; it enables the public to express their own views and interests without having to rely on self-serving politicians; and it ensures that rule is legitimate in the sense that people are more likely to accept decisions that they have made themselves.

Representative democracy, on the other hand, is a limited and indirect form of democracy. It is limited in the sense that popular participation in government is infrequent and brief, being restricted to the act of voting every few years. It is indirect because the public does not exercise power themselves; they merely select those who will rule on their behalf. This form of rule is democratic only insofar as representation establishes a reliable and effective link between the government and the governed. This is sometimes expressed in the notion of an electoral mandate. The strengths of representative democracy include the following: it offers a practicable form of democracy (direct popular participation is only achievable in small communities); it relieves ordinary citizens of the burden of decision-making, thus making possible a division of labour in politics; it allows government to be placed in the hands of those with better education, expert knowledge and greater experience; and it maintains stability by distancing ordinary citizens from politics, thereby encouraging them to accept compromise. What gives voting its democratic character, however, is that, provided that the election is competitive, it empowers the public to make politicians publicly accountable.

In order to answer the question 'How far should popular rule extend?', it is important to address the proper realm of democracy, the right issues for the people to decide, and what should be left to individual citizens. Models of democracy that have been constructed on the basis of liberal individualism have usually proposed that democracy should be restricted to political life, with politics being narrowly defined. From this perspective, the purpose of democracy is to establish, through some process of popular participation, a framework of laws within which individuals can conduct their own affairs and pursue their private interests.

However, an alternative view of democracy is often developed by, for example, socialists and radical democrats. In radical democracy, democracy is not seen as a means of laying down a framework within which individuals can go about their own business, but rather as a general principle that is applicable to all areas of social existence. People are seen as having a basic right to participate in decision-making. This position is evident in socialist demands for the collectivisation of wealth and the introduction of workers' self-management, both of which are seen as ways of democratising economic life. Instead of endorsing mere political democracy, socialists have therefore called for 'social democracy' or 'industrial democracy'. Similarly, feminists

have demanded the democratisation of family life, understood as the right of all to participate in the making of decisions in the domestic or private sphere. From this perspective, democracy is regarded as pro-liberty, rather than anti-liberty.

In sum, and unfortunately all too frequently, democracy is treated as a single, unambiguous phenomenon. It is often assumed that what passes for democracy in most Western societies (a system of regular and competitive elections based on a universal franchise) is the only legitimate form of democracy. This notion of democracy has to be qualified, especially in Africa. In Africa, perhaps social democracy that 'genuinely suits our ancestral values, cultures and traditions should be the option to procedural democracy ... Otherwise the survival of our region is seriously at stake' (Telemcani Rachid 2005: 10).

Democratic Transition Processes in Africa

In the 1990s politics in Africa was characterised by democratisation and political liberalisation of dictatorial or authoritarian or kleptocratic regimes. The drift from dictatorial regimes through political liberalisation arrested the widespread abuse of power and systemic corruption that became the main preoccupation of African leaders, thus leading to the creation of the phenomenon of 'weak states'. Consequently, structural bottlenecks have greatly impeded the 'third wave of democratisation' that was said to be sweeping across the African continent in the 1980s (see Diamond 1996). Socio-cultural and economic malaise have worked jointly to deter the process of political development in Africa. In the end, various party systems and regime types have evolved in Africa.

Dominant Party Systems

Dominant party systems are hybrids that combine meaningful electoral competition with continuous executive and legislative rule by a single party for at least 20 years or at least four consecutive elections (Greene 2007). Its main features are that elections are meaningfully held but manifestly unfair. Some of the factors that cause dominant parties to stay in power for long are privileged access to public resources (focusing on social cleavages, voter de-alignment, and economic explanations); institutional approaches (electoral rules and barriers to entry); supply-side approaches (how opposition parties are formed and allowed to operate); repression of opposition; and electoral fraud.

The implications of the dominant party system for the successful consolidation of democracy have long been a matter of interest among political scientists

in democracies globally.² Brooks (2004: 1) notes that in situations where one party dominates the political landscape and faces little prospect of electoral defeat, concerns arise surrounding: the possibility of declining government response to public opinion; loss of accountability; and the overall erosion of democratic principles and the development of authoritarian methods of rule.

A dominant party system is defined as ‘...a system in which despite the existence of multiparty, only one party is so dominant that it directs the political system and is firmly in control of state power over a fairly long duration of time that even opposition parties make little, if any, dent on the political hegemony of a dominant ruling party ...’ (Matlosa and Karume 2004: 10). Theoretically, the dominant party system is inimical to democracy because the alternation of power is crucial to democracy. Indeed, one-party dominance is problematic when a governing party sees itself as less inclined to respond to public demand because it is assured of re-election; the leadership becomes arrogant and insensitive towards the citizens.

In contrast, the existence of political opposition within a competitive party system presents alternatives to the governing party and, therefore, stimulates debate within society over ideas and policies, and allows society to question the actions and choices of government. Further, it can be argued that countervailing forces, the most effective of which is the existence of a strong political opposition, are essential to check transgression towards authoritarian tendencies and abuse of power by the incumbent. Indeed, in a dominant party system the vital elements of democracy, such as genuine competition and uncertainty in electoral outcomes, are removed in a self-sustaining process.

Therefore, the emergence of autocratic regimes and the one-party state have been linked to the dominant party system. In spite of democracy being broader than holding elections, elections are undoubtedly a critical ingredient by which the political leadership are able to retain dominance through the manipulation of electoral laws and regulations with the intention of disadvantaging the opposition and ensuring the retention of power (Olum 2006: 137-139). However, Arian and Barnes (1974) reject the over-branding of dominant system as irreconcilable with the advancement of democracy. By hailing it as a ‘stabilising mechanism’, they contend that:

... the dominant party system should be conceived as a model of how democracy and stability may be combined under difficult conditions ... its superiority as a means to stability in fragmented

2 This discussion borrows broadly from an extensive exposition of dominant states in both theory and practice in Africa as elucidated in Brooks Heidi (2004) ‘The Dominant Party System: Challenges for South Africa’s Second Decade’, in EISA Occasional Paper Number 25, October, pp. 1-21.

politics ... is worth considering (Arian and Barnes 1974: 593-600).

Matlosa and Karume (2004: 14) rightly note that the achievement of dominant party systems is through illegitimate means – e.g. electoral manipulation and coercion – as a strategy for maintaining power and electoral dominance. They also realise that this achievement is not a feature applicable to dominant party systems across the board. Rather, the achievement of political dominance can equally be through democratic means. Thus, in some instances, although possibilities for alternation may seem acutely remote, dominance is winnable through competitive elections and the ‘politics of consensus’. It is, therefore, imperative that, much as these assertions claim that voters can bestow some degree of legitimacy on dominant ruling party, they (the dominant party) should never ignore the presence of the opposition.

Nevertheless, dominant parties exist in dominant party systems. Indeed, the way one party remains dominant for long influences the way the other political forces perceive the entire political system. The dominant party begins to fuse with the state. Inevitably, within the confines of this dominant party system, the dominant party drives the opposition’s strategy and response. However, dominant party systems are by no means uniform. Their variation is because the process leading to the emergence of party dominance could be via democratic or inherently undemocratic channels.

Regime Types and Party Systems in Africa

The dominant party trend in many African countries since independence has seen the regression and reversal of democratic gains with regard to successful transitions and a threat to attempts at democratic consolidation (Brooks 2004: 3). One thing is clear about the nature of hybrid regimes in Africa – they ‘... are fraught with contradictions’.³ These contradictions manifest themselves in the way in which many African leaders pervert democracy, on the one hand, and at the same time adopt the trappings of democracy, on the other. Tripp (2010) aptly notes that the divergent and contradictory character of hybrid regimes is twofold; they aim to promote civil rights and political liberties and at the same time curtail them.⁴

Therefore, political liberalisation and democratisation processes are crucial in reforming authoritarian regimes (Ibid., 10). Ultimately, these processes should lead to state legitimation through state-building. Indeed, the significant

3 For a detailed discussion of the notion of ‘hybrid regimes’, see Tripp Aili Mari (2010) *Museveni’s Uganda: Paradoxes of Power in a Hybrid Regime* (Lynne Rienner Publishers, Inc.): 1-38.

4 Ibid.: 1.

characteristic of greater democratisation that embeds state legitimacy is the principle of rule of law; hence the nexus between democratisation and state building. Tripp (2010: 10) puts it candidly thus:

... state building and democratisation ... go hand in hand: there cannot be democratisation without a state, but, by the same token, state building cannot easily take place in today's world without legitimacy, and the best way to secure legitimacy is through an emphasis on the rule of law, which is a central feature of democratization.

In other words, political liberalisation helps in checking some of the worst abuses of power and corruption and thus has itself become a necessary ingredient for state-building. The Ugandan case shows how the excesses of authoritarianism, patronage and violence of the past regimes of Amin and Obote ultimately led to state collapse and institutional decay.

Clearly, delineating hybrid regimes shows that their characteristics differ, namely: pseudo-democracies, illiberal democracies, electoral democracies, electoral authoritarian regimes, competitive authoritarian regimes, electoral hegemonic authoritarian regimes, contested autocracies, and virtual democracies (see Table 1).

Table 1: Contrasting Characteristics of Regime Types


Liberal Democracies	Hybrid Regimes	Authoritarian Regimes
Civil and political liberties are generally guaranteed and protected.	Repression of civil and political liberties is arbitrary with recourse to the legal system.	Civil and political liberties are repressed.
Elections allow for regular turnover in leadership.	Regular elections are held; however, they are subject to manipulation by incumbents. In semi-democracies, there is the possibility of a change in leadership. In semiauthoritarian regimes, incumbents use elections simply to legitimate their rule and stay in power at all costs.	Elections may be held regularly; however, the outcome is generally predetermined.

Liberal Democracies	Hybrid Regimes	Authoritarian Regimes
The legal system aims to promote civil and political liberties and uphold the rule of law.	Laws contain contradictions with respect to civil and political liberties. These contradictions can be used to the advantage of those seeking redress.	Laws do not ensure protection of civil and political liberties.
There is separation of powers between the executive branch, the legislature, and the judiciary. Executives can be elected out of office.	The executive impulse is to expand control. It is resisted by the legislature, the judiciary, the media and civil society. The executive remains in power for as long as possible in semi-authoritarian regimes.	The executive dominates without challenge.
The multiparty system allows for changes in the dominant party over time.	Multiple parties generally can operate but the dominant party remains the same, with the largest number of parliamentary seats, for as long as possible.	There is a single party or a <i>de facto</i> single party system.
The army is civilian-led and used primarily for protection against external threats; the military and police are controlled by elected officials.	In semi-authoritarian regimes, organs of security may become sources of insecurity; paramilitary and extralegal security forces exist. The civilian-led army can be used for self-defence of the nation. The military may exert undue influence from behind the scenes.	Political power is subject to military dictates.
There are institutionalised checks in the political system against abuse, nepotism and favouritism not based on merit.	Institutions are multipurpose, serving unofficially as vehicles for patronage and maintaining those in power. Patronage can be challenged.	Power is distributed through patronage, repression and co-optation.

Liberal Democracies	Hybrid Regimes	Authoritarian Regimes
Mechanisms are in place to enforce transparency and accountability.	Mechanisms to ensure transparency are unevenly employed and often distorted for other ends. They are introduced for the purpose of ensuring transparency and accountability.	No plans to ensure transparency are made.
Political institutions embody democratic values and practices.	Democracy within political institutions is uneven despite the introduction of mechanisms to ensure internal democracy.	No pretence of internal democracy is made.
Civil society is independent of the state.	Civil society is not fully autonomous though it has political space.	Civil society is co-opted by the ruling party and/or state.
Productive state, society synergies allow for give-and-take and a balance between vertical and horizontal ties.	Relations with the executive branch are vertical, horizontal relations within society are weak, but they may challenge vertical linkages.	Ties with society are vertical.

Source: Tripp (2010:12)

Semi-democracies or 'electoral democracies' hold regularly contested, closed-ballot, multiparty elections in which political parties have free access to the electorate through the media and campaigning and in which there is no massive voter fraud. Semi-democratic countries allow for changes in party dominance and the alternation of the presidency. There is a lot of shifting between these regimes and semi-authoritarian regime types, because they have a tendency to lapse in their observance of political rights. Although semi-democracies tend to get elections right, they do not institutionalise other aspects of democratisation such as, the rule of law, political accountability, good governance, and public deliberation. Hence, the boundary between complying with and violating democratic norms is imprecise and bending the rules is at times part of the political 'game'. Whereas these regimes are democracies, they do not respect civil liberties and political rights or adhere to good governance and administrative transparency.



In Uganda, where the regime's character is akin to semi-authoritarianism, it would appear that holding regular competitive elections is for a different purpose, i.e. to look democratic but at the same time tightly hold onto political power. In fact, the leadership does the absolute minimum to democratise in response to pressure from donors, civil society and intra-elite pressures. The reality is that in Africa, like in Uganda, the retention of political power is such that presidents win more than 60 per cent of the votes, sometimes fraudulently. Some even lift term limits for the president to rule indefinitely (Kategaya 2006). In other words, ruling parties dominate the legislature by manipulating genuine competitive elections. Frequently, massive voter fraud occurs and opposition parties do not always have either free access to the electorate through the media or the same advantages as incumbents when campaigning. Incumbents invariably return to power and the dominant party remains dominant indefinitely. However, the difference between democratic and hybrid regimes in maintaining an unlevel playing field is ultimately a question of degree.

Nevertheless, what distinguishes semi-authoritarian regimes from democratic ones is their lack of consistency in guaranteeing civil liberties and political rights. Semi-authoritarian regimes combine the characteristics of both democracies and authoritarian states: they adopt elements of democratic institutions and rhetorically define themselves as democracies, but in reality they fall far short of meeting the basic criterion of liberal democracies, namely respect for civil and political rights. Unlike semi-democracies, they do not permit meaningful electoral competition that allows for significant changes in leadership. Collectively, these regimes are referred to as 'virtual democracies' in which the ritual and symbolism associated with elections have provided an aura of adherence to democratisation. Authoritarian and totalitarian states may prove the most keen to involve the population in political discussions, mass meetings and events. It keeps people's energies diverted towards public displays of loyalty for the leadership and they remain focused on symbols and ideas rather than getting involved in private creative work that might be resistant to external manipulation.

In such regimes, the intention of elections is to mollify foreign donors, who expect to see signs of democratisation. 'Electoral authoritarianism' is used to describe semi-authoritarian regimes where elections are held but where opposition forces often cannot meaningfully challenge those in power. The manipulation of the competitive political process for the selection of national leaders by the ruling party to ensure its hold on power is often the defining characteristic of these regimes. In spite of holding regular elections, monarchs, oligarchs, military juntas or other types of autocrats often rule authoritarian regimes.

Although most African countries have experienced an increase in political and civil liberties, the overwhelming majority fall between the extremes of fully democratic regimes and fully authoritarian regimes. In other words, although democracy has in many ways opened up African politics and brought people liberty, it has also produced a degree of chaos and instability that has actually made corruption and lawlessness worse in a number of countries. In fact, political liberalisation has stalled in Africa since the democratisation upsurge of the early 1990s. Much of the liberalisation that occurred, especially after 1990, involved the softening of authoritarian regimes themselves and a movement away from politically closed autocratic systems (Lindberg 2009).

In fact, democratic regimes in Africa have generally emerged from countries that had already instituted multipartyism and introduced a good measure of civil liberties and political rights. This suggests that hybrid regimes can provide important stepping-stones to further democratisation in Africa. Thus, it makes sense that political liberalisation takes place in stages, even though the potential for reversal is high. It is worth noting that repetitive elections are the best predictor of civil liberties in Africa. Tripp (2010) notes that in 1989, only Botswana and Mauritius were considered democratic. In the years that followed, Benin, Cape Verde, Ghana, Lesotho, Mali, Namibia, São Tomé e Príncipe, Senegal and South Africa democratised. Unlike semi-authoritarian regimes, the countries that transitioned to democracy in the 1990s and after 2000 remained democratic, with only two (Zambia and Malawi) reverting to semi-democracy and one, Gambia, reverting in 1994 to 'not free' status. Interestingly, of these democracies, Botswana, Mauritius, Lesotho and South Africa are parliamentary democracies (see Table 1.2). These systems are considered more conducive to democracy than presidential systems, where power is more likely to be concentrated in the executive branch.

Table 2: Sub-Saharan African Regime Types, 2009

Democratic	Semi-democratic	Semi-authoritarian	Authoritarian
Benin (2.2), Botswana (2.2), Cape Verde (1.1), Ghana (1.2), Lesotho (2.3), Mauritius (1.2), Namibia (2.2), São Tomé e Príncipe (2.2), South Africa (2.2)	Comoro (3.4), Liberia (3.4), Malawi (4.4) Mozambique (3.3), Senegal (3.3), Seychelle (3.3), Sierra Leone (3.3), Tanzania (4.3), Zambia (3.3)	Angola (6.5), Burkina Faso (5.3), Burundi (4.5), Central African Republic (5.5), Cameroon (6.6), Congo-Brazzaville (6.5), Cote d'Ivoire (6.5), Djibouti (5.5), Democratic Republic of Congo (6.6), Ethiopia (5.5), Gabon (6.4), Gambia (5.4), Guinea-Bissau (4.4), Kenya (4.3), Nigeria (5.4), Rwanda (6.5), Togo (5.5), Uganda (5.4)	Chad (7.6), Equatorial Guinea (7.7), Eritrea (7.6), Guinea (7.5), Sudan (7.7), Swaziland (7.5), Zimbabwe (7.6)

Source: Tripp (2010:20)

Thus, (Tripp 2010) observes that, unlike semi-authoritarian regimes, semi-democratic regimes either experience regular changes in leadership through presidential and parliamentary elections or have the potential to do so. Regimes under dominant parties may have problems with civil liberties and political rights, but for the most part they allow for opposition parties and civil society to operate freely. However, at other times, these regimes may adopt seemingly democratic institutions, as Uganda is now doing under the multiparty system, only to serve profoundly undemocratic objectives. In semi-authoritarian regimes such as Uganda and Angola, unlike more democratic ones, because the intention of competitive elections is not to allow for a change of the party or leader in power, the transition from semi-authoritarianism to democracy is fraught with extraordinary difficulties.

The explanation of the softening of authoritarianism in Africa and the emergence of semi-authoritarian regimes hinges on the same factors that

accounted for democratisation on a global scale in the 1990s, including the end of the Cold War, donor pressures, diffusion influences, splits within the elites, and new demands by citizens. Societal actors began to exert greater pressure for political reform through lobbyists, the media, network of non-governmental organisations (NGOs), legislative representatives and the courts (which challenged the constitutionality of various laws). Demands for greater associational autonomy from the state also grew. Consequently, significant changes in Africa have happened within authoritarian regimes, with two-thirds moving out of this category between 1990 and 2008 and the remaining 11 countries experiencing political reforms, however limited. Lastly, military regimes have either disappeared or exist primarily as a transitional form of rule.

Neopatrimonial Rule

The institutional hallmark of politics in the *ancient régimes* of post-colonial Africa was 'neo-patrimonialism'. The term is derived from the concept of patrimonial authority, which Max Weber used to designate the principle of authority in the smallest and most traditional polities. In patrimonial political systems, an individual rules by amassing personal prestige and power, and ordinary folks are created as extensions of the 'big man's' household, with no rights or privileges other than those bestowed by the ruler. Authority is entirely personalised, shaped by the ruler's preferences and 'vision' rather than any codified system of laws. The ruler ensures that the political system is as stable as possible to continue to reap political and economic dividends from the polity.

To cover up for their neo-patrimonial rule, the rulers of the authoritarian regimes ensure that they conduct elections, multiparty or otherwise, to exude the values and attributes of a true democrat. They do so under circumstances that cannot be considered free and fair: they accomplish electoral victories through repression of the opposition, suppression of the media and questionable electoral practices. The present authoritarian states, including the multiparty ones, oscillate considerably between semi-authoritarianism and authoritarianism. Uganda's case may not be too different from what happens in other African countries where the construction of the regime guarantees personal political survival (Bratton and van De Walle: 61).

Only political reformers who start from a promising institutional foundation and aim at modest goals can expect to be remarkably successful. The expectation is that incremental rather than dramatic changes will occur (Bratton and van de Walle 1997: 272-273). This futuristic assertion hinges on the realisation that the structure of the pre-existing regime shapes the dynamics and sometimes even the outcomes of political transitions. Indeed, the driving

force in transiting from neo-patrimonial rule is social protests, marked by struggles over patronage, and backed by emerging middle classes. Regime variants – personal dictatorship, military oligarchy, plebiscitary one-party regime – are associated with distinctive transition dynamics. A consolidated democracy is likely to result from the abrupt collapse of personal dictatorship and is most likely – though this is never guaranteed – from a graduated transition from a competitive one-party regime. In general, transiting to democracy from any regime that lacks institutional traditions of political competition is problematic.

Historically, Uganda, like most African countries, has experienced a substantial dose of tyranny, violence, authoritarianism and patrimonialism under the regimes of Apollo Milton Obote (1962-1971 and 1980) and Idi Amin Dada (1971-1979). Their misrule eventually led to institutional crisis and state collapse. However, the minimal political liberalisations under Obote II and more recently under President Yoweri Kaguta Museveni (2005 to the present) have attempted to reverse the trend towards complete state collapse. However, the desire by the incumbents to stay in power through violence and patronage is what drives much of policy-making and politics within the country's semi-authoritarian regime. Specifically, in Uganda, one of the main ways through which shortcuts to power is forged is through appealing to narrow ethnic, clan, or religious sentiments (Tripp 2010: 25). Under the NRM, the political leadership has ruled through persuasion and at times by coercion and suppression of its opponents. Yet state-based patronage is an obstacle to democratisation.

Hence, semi-authoritarian rulers, like those in Uganda, find themselves in a fix: they cannot leave office because the personal cost is too high, given their past record of suppressing the opposition and diverting state resources (Tripp 2010). Thus, corruption and violence become the reason they must continue to perpetuate their rule as well as the means by which they continue to do so. Tripp (2010) argues that Uganda espouses these traits in the sense that on the one hand, President Museveni wants to be seen as a democrat; but on the other, he uses authoritarian tactics to curtail the rights and liberties of his political adversaries.

Summary of the Major Developments in the Transition from Movement System to Multiparty Democracy

Uganda is legally a multiparty system in which one party, the NRM party, continues to enjoy a significant degree of dominance. This dominance can be explained by existing state structures that in several respects favour the ruling party over the opposing parties. Quite often, and in all elections held under the Movement leadership, the political landscape was observed to be

tilted to a large degree to the advantage of the incumbent party. Cases of NRM's political hegemony over state institutions, including majority control of parliament and local governments, are noticeable. This, coupled with a subdued opposition, offer immense advantages to the NRM, which, for over two decades, has been the penultimate authority defining the boundary between what is permissible and what is unacceptable. It is, therefore, imperative that, to understand the NRM's dominance in Uganda's politics, one has to draw from the historical origin of the National Resistance Army/ National Resistance Movement (NRA/NRM) formed in the 1980s. The present-day reforms are the product of the 'bush' war spearheaded by President Museveni.

Indeed, President Museveni has succeeded in extending the NRA/NRM's philosophy and ideals to various groups in society. These groups include women, youth (called *kadogos* during the 'bush' war), peasants from 'Luwero Triangle' where the 'bush' war was launched, and socialists-cum-Marxist, most of whom were educated at the University of Dar-es-Salaam, which had a radical approach to leftist-inclined ideology of the 1960s and 1970s. Because of its historically significant past, the NRM party has been constructing the national political agenda single-handedly. It has also been able to marshal its liberation credentials to garner support and retain political power. In this sense, the NRM has been able to depict the opposition parties as anti-democratic and saboteurs of the national development agenda.

Today, however, the NRM leadership is struggling to maintain a careful balance between these groups. The main challenge is that the NRM government's policies have since shifted from leftist leanings to the global economic orthodoxy of the 'rightists' or neo-liberalism. Its new policy paradigm broadened its influence among the middle-class intelligentsia and Western capitalist countries. In addition, its extensive influence, leadership, and organisational structures have enabled it to contain the different perspectives and policy orientations within it and outside to retain the badly needed cohesion and authority of the party. Hence, the NRM weaves together three critical aspects essential for democratic consolidation, namely: a semblance of a democratic value system, legitimacy, and political stability. These aspects provide a useful means by which to understand the NRM's dominance of Uganda's politics, and how it influences the process of democratic consolidation.

With regard to political stability, the majority of the electorate have demonstrated their support for the NRM's authority, thus enhancing its stabilising and uniting force. Indeed, in the initial stages of the regime, the NRM and its leadership commanded significant support and authority, which proved vital in overcoming the past divisions based on parties, tribe

and religion, and in bringing society at large on board the national recovery and prosperity agenda. The liberation credentials of the NRM, especially on popular participatory democracy (Point No. 1 of the previously Ten-Point Programme – today it is a Fifteen-Point Programme) and anti-sectarian and anti-extrajudicial killings, has given it a political legitimacy that has endeared it to many citizens, thus causing enormous difficulty for the opposition to effectively challenge its power base. Lastly, with regard to embedding a democratic value system amenable to Uganda's context, the NRM produced a Constitution (1995) – the Odoki Constitution – based on nation-wide consultations.

Clearly, using Tripp's (2010) categorisation of Uganda as a semi-authoritarian system, the NRM, as a dominant party, wants to play the multiparty politic 'game' based upon some liberal democratic rules and principles. However, there is gradual erosion of this liberal democratic agenda. The problem is that the NRM still falls far short of alternation of power from the time President Yoweri Museveni came to power on 26 January 1986 – 25 years ago. In other words, the direction the country is taking is more towards *majortarianism* and *electoralism*. Despite the NRM leadership's frequent waving of the 1995 Constitution in the air as being one of the 'best' in the world, there is a clear discrepancy between what the Constitution says and the culture of constitutionalism. Democracy and constitutionalism cannot be embedded when the NRM party and its leadership are intricately connected with the state.

Instead, the NRM has continued to use its ability and reach to give the appearance of representing the nation by selectively mobilising and meeting the demands of groups throughout society; in spite of embracing liberal democracy, the NRM continues to portray itself as a mass party or social movement. In spite of its failure to deal with the high cost of living and the absence of some government welfare programmes, the NRM leadership has used various socio-economic strategies to reach out to the local population. These include micro-finance schemes known locally as *entadikwa* schemes (e.g. *Bonna Bagaggawale*, *Bonna Basome*, *Bonna Bagemmwe*), National Agricultural and Advisory Services (NAADS), Young Entrepreneurs Scheme (YES), offering financial support to women groups, and the offer of cash donations by the president to successful farmers in various districts. The NRM's popular reach and legitimacy render the majority's dire circumstances politically supportable, and its institutions ameliorate and contain the country's diverse conflicts quite effectively.

However, this dominance cannot be long-lived. Indeed, the delegitimation of the opposition is by no means a preserve of the NRM party. In fact, Ugandans are beginning to see through this systematic delegitimation of

the opposition, and with consternation. The nature and legitimacy of this dominance and hegemony are being tested by the unfolding politically and economically driven protests and demonstrations in various parts of the country. If the 2011 general elections are anything to go by, it has fuelled growing concerns over the future of multiparty democracy in the country.

Much as political liberalisation has opened up the political space for party activities and democratisation, it is arguable that the architects of Uganda's multiparty democracy did it for noble reasons, i.e. because they are promoters of liberal reforms and are thereby necessarily democratisers. The reality is that party competitiveness in the country is primarily determined by two forms of dominant party advantages: first, the incumbent's advantaged position over the use of the nation's resources, and, second, its ability to raise the cost of participation in the opposition (Ibid: 169). In such an unlevelled political field, the opposition has virtually no chance to win (Olum 2010).

Hence, what is happening in Uganda today is the consolidation of the dominant party system. While an NRM victory in the 2011 general elections and in previous elections may have come as no surprise, the opposition's diminishing show in these elections and the NRM's stranglehold on the political future raises crucial concerns as to the direction of the country's multiparty democracy. It is too early to predict accurately the extent to which the multiparty political dispensation will reproduce the stereotyped pattern of abuse of power and authoritarian decline typical of other African states.

In summary, as a dominant party, therefore, the NRM has not prepared itself for the prospects of losing power. Its struggle to hold onto power at whatever cost in line with what dominant parties do is expressive of true characteristics of a neopatrimonial regime. At the very least, it would have been prudent for the NRM leadership to begin thinking of how it will cope in the event that it were to lose political power; this strategy would enable it to define its survival strategies, and to remain relevant and competitive in a free and fair political contest. Instead, the slogan that is constantly transmitted through various media (mobile phones, TV, FM radios, and print media) is 'no change' or 'paka last'. This mentality of thinking of being in power permanently is inimical to democratic principles under a multiparty system, which advocates for the minority being an alternative government-in-waiting. The NRM can still parrot these slogans because of 'incumbency advantage' (Greene 2007: 1).

Chapter Two: The Legal and Constitutional Framework for Consolidating Multiparty Democracy

Introduction

In late 1992, the Uganda Constitutional Commission (UCC) released the report of the Draft Constitution. This release might as well have been seen as an interesting phase in the transition to a fully-fledged democratic system of government – a system that had eluded the country ever since the attainment of independence in October 1962. Given the many years of civil strife that culminated in civil wars, the notion of constitutionalism was thrust into the limelight as a basis for attaining and retaining power. This is crucial, given that Uganda has experienced virtually every form of governance systems imaginable from precolonial to modern times – pseudo-multiparty democracy, one-party dictatorship, military fascism, the NRM's 'no-party' system, and now back to the multiparty system. These different systems of governance have also witnessed increasing developments in the legal and constitutional realms. Essentially, the struggle for constitutionalism in Uganda has been viewed as a means to attain an end, rather than as a means, whereby state power is constrained within a framework that both checks excessive abuse of political power and provides for a smooth transfer of the instruments of power from one regime to another.

This chapter examines the constitutional framework within which the struggle for democratic change is taking place in Uganda by assessing its evolution within the social, economic and political contexts.⁵ To undertake this examination, the chapter discusses several salient issues. These issues are: defining the constitution and the legal framework for consolidating multiparty democracy; transition from colonialism to independence; the 1966 Constitution from Obote and beyond; the NRM and its response to constitutional transition; the Constituent Assembly; the Referendum Bill; the 1967 Independence Constitution as the foundation of the 1995 Constitution; the 1995 Constitution; and a conclusion, which wraps up the chapter.

Defining the Constitution and the Legal Framework for Consolidating Multiparty Democracy

By definition, a country's constitution is the basic or fundamental law of that country, which lays down its executive, legislative and judicial institutions

⁵ Because much has been written on the constitutional history of Uganda, this chapter relied heavily on the work of Oloka-Onyango, Joseph (1996) 'Taming the Executive: The History of and the Challenge to Uganda's Constitution-making', in Joseph Oloka-Onyango, Kivutha Kibwana, and Chris Maina Peter (eds.) *Law and the Struggle for Democracy in East Africa* (Nairobi: Claripress), Chapter 25, pp. 487-510.

(Msekwa 2006: 95-96). A constitution is supposed to define the function of the organs of government and to ensure the distribution of power among them. Further, it describes the system and structure of each of the organs, as well as the powers and relations between them. There are three tests of constitutionalism (Hofmann 2008: 103). Firstly, a constitution must impose limitations upon the powers of the government. Secondly, a constitution must enjoy domestic legitimacy, in the sense that it is accepted by the people. Thirdly, a constitution must protect, promote and enforce people's human rights.

The philosophical foundation of a constitution is that for human beings to adequately provide for their needs such as (material, spiritual and cultural) i.e, they have to associate closely with each other. Once this close association is attained, then the resulting community has to organise or constitute itself in some conscious way. One way the community can do so is by providing specific leadership requirements which will be entrusted with the task of coordinating the defined activities of its members and reconcile its conflicting interests. However, there is need to distinguish between a constitution as the basic law of a nation-state and other laws. The former lays down the organs and functions of the executive, legislature and judiciary. The latter establishes specific principles and methods used by the three organs in the implementation of their functions and responsibilities.

Uganda has not escaped from these conceptualisations of a constitution and its practices. Indeed, the crafting of Uganda's past and present constitutions fit within this definition. The next sub-sections tackle the different constitutions from a historical trajectory.

Transition from Colonialism to Independence

Uganda's first post-colonial constitutional instrument was the 1962 Constitution that followed negotiations between Britain, as the departing colonial power, and the nationalist politicians of the time. Following extensive recommendations for reforms by a 1959 Constitutional Committee drawn from the members of the Legislative Council (LEGCO), the Colonial Secretary of State made several proposals. The first proposal dealt with holding direct elections throughout the Protectorate in early 1960. The second proposal focused on establishing a Relationships Commission whose task was to make a careful study of the form of government that would be appropriate for a self-governing Uganda.

In the aftermath of these recommendations, the colonial government established the Munster Commission that made proposals for a form of government for an independent Uganda. The proposals proved contradictory.

On the one hand, they recommended a single, democratic state with a strong, central government. On the other, they granted Buganda Kingdom federal status with more powers than the rest of the other parts of the country, which were to be semi-federal states. It is arguable that when the Protectorate was moving towards independence, such suggestions were contradictory and calculated at creating disunity.

Simultaneously, the boundary between the powers of the main government officials – the supposedly ‘ceremonial’ President and the ‘executive’ Prime Minister – was vague and fraught with the potential for conflict. This is precisely what happened in 1966. Following the growing rift between the President (Sir Edward Mutesa, the *Kabaka* of Buganda) and the Prime Minister (Milton Obote) and the rapture of the alliance between *Kabaka Yekka* (KY) and the Uganda People’s Congress (UPC), Obote overthrew the 1962 Constitution and abolished the kingdoms. Troops of the Uganda Army surrounded the King’s palace and hounded *Kabaka* Mutesa into exile.

The 1966 Constitution: Obote and Beyond

The construction of the 1966 Constitution followed the 1962 crisis. The National Assembly was convened and its members were informed that they had been constituted into a Constituent Assembly (CA) representing the people of Uganda, and had been assembled to draft the new constitution of the country. Prime Minister Obote outlined the features that differentiated the proposed document (which members found in their pigeonholes) from the Independence Constitution, moved a motion for its adoption and the Speaker immediately called for a vote. There was no debate. Consequently, the opposition Members of Parliament (MPs) walked out in protest along with four MPs on the government side.

The passage of the motion adopting the 1966 Constitution was by a vote of 55 to 4. Thus, the 1966 Constitution was promulgated without rigorous debate or consultation; hence the apt description, ‘Pigeonhole Constitution’. Consequently, it created an executive presidency, vesting the office with fairly excessive powers of government. With the Buganda crisis behind him and aided by the declaration of a ‘state of emergency’, Obote moved swiftly to enact the 1967 Constitution. However, this time round, the constitution-making process experienced significantly more debate. The debate took place in a CA; Act No.12 of 1967 made provision for the establishment of such a body – at least in name – although section 1 of the Act clearly demonstrated that the intention was not to create a body different from the parliament that had been in place since independence.

The subsequent document that parliament debated and approved left no doubt that there was no longer any room for the quasi-federal status that had been in place since independence (see Article 118 of the 1967 Constitution). This article provided that no citizen of Uganda shall enjoy ‘... any special privilege, status or title by virtue of his birth, descent or heredity’. Since 1967, the constitution has undergone several amendments – the most fundamental of which has been the various Legal Notices promulgated after the violent transitions from one regime to the next, and essentially intended to validate extra-constitutional usurpation of power. Idi Amin set the stage for extra-constitutional behaviour by proclaiming Legal Notice No.1 of 1971, which suspended Articles 1.3 and 63 of the 1967 Constitution, thereby making himself supreme with the power to rule by decree. With the rise to power of the NRM, a marked shift in rhetoric has occurred, culminating in the process that the country is now undergoing.

The NRM and its Response to Constitutional Transition

When the NRA/NRM captured state power on 26 January 1986, it brought with it the institutions of governance, both at national and local levels, known as Resistance Committees and Resistance Councils (RCs). These institutions proved quite popular with the citizens who had lived under tyranny and dictatorship for well over two decades. Subsequently, 1988 saw the establishment of the UCC that would decide the future political direction of the country.

However, this period saw the proscription of political party activity because the system of governance was the Movement or ‘no-party’. On the eve of the termination of its ‘interim’ period of rule, the NRA/NRM government convened the National Resistance Council (NRC) to deliberate and proclaim a unilateral extension of its life span. One of the many reasons given was that the UCC had not yet completed its work, and that holding elections before they had done so would lead to an abortion of the process of consolidating peace and unity in the country.

Although the UCC eventually reached almost all parts of the country, there were issues, such as reconciliation in the north, that remained unresolved. Also, the influence of external forces on the constitutional process and reliance on foreign materials and financial resources to support the UCC’s work raised serious questions about its independence and the prospects for the future governance of the country. Nevertheless, there were several positive aspects to the operation of the UCC. It sought – both through its seminars and in calling for public memoranda – to involve as wide a section of the population as possible. Oloka-Onyango (1996) rightly argues that focusing on RCs was not a representative sampling of the ‘grass roots’.

The draft constitution covered virtually every conceivable issue regarding the governance of the country and the framework and exercise of power. Its highlights included, among others, the following:

- a) Proposals for the political system;
- b) The establishment of a National Council of State (NCS);
- c) The inclusion of socio-economic rights and the right to development (traditionally non-justiciable);
- d) Extensive reformulation of the rights of women, the disabled and the aged;
- e) The establishment of an independent Human Rights Commission with fairly extensive powers of review. Article 168 resurrected the issue of *locus standi* and the speedy hearing of constitutional matters;
- f) The right of recall of parliamentary representatives;
- g) The participation of the people in the administration of justice;
- h) It declared void both laws and customs inconsistent with the Constitution; and
- i) Articles 75 and 76 through 88 clearly stipulated the right of redress in court for the violation of the human rights of any individual.

Article 152 established the NCS, although in many respects this duplicated the existing National Executive Committee (NEC) of the NRC. The design of the NCS was such that it acted as a liaison between Parliament and the Executive Council. In short, for the first time, there was a constitutional attempt to mediate the exercise of executive power. However, the most controversial aspect of the DC was its proposal relating to the question of political systems provided for under Article 94 through 98. It recommended the continuation of the 'Movement' system existing immediately before the coming into force of the constitution, i.e. the NRM. Finally, Article 98 stipulated the holding of a referendum five years after the assumption of office of the first president elected under the new constitution, and thereafter, every five years until the restoration of political parties.

The Constituent Assembly

Oloke - Onyango (1996) states clearly that important process in producing a constitutional document that defines and outlines the nature and parameters of the exercise of government power is the process by which that instrument is promulgated and legitimised. Initially, the NRM sought the easy way out by

having the constitution promulgated by the NRC and the National Resistance Army Council (NRAC). Instead, the passage of the Constituent Assembly Statute followed the president's assent on 14 May 1993. The classification of the CA delegates by the CA Statute was as follows:

- a) directly elected from each electoral area in accordance with the rules specified in the Statute; and
- b) elected by specified bodies, including, 1 woman per district, 10 members of the NRA, 2 members from NOTU; 2 members from each of the four recognised political parties, 4 delegates from the National Youth Council; 1 from NUDIPU, and not more than 10 people appointed by the President on the advice of the Cabinet.

In fact, this composition was fraught with problems, the most controversial of which were the NRA delegates and the ten presidential appointees, as well as the reservation of seats for political parties, and the justification for the inclusion of the NRA (Oloka-Onyango 1996). Rather than being interpreted as the incorporation of the army into the positive governance of the country by subordinating it to civil authority, it instead perpetuated the myth of its superiority over civic bodies in the political process. Furthermore, the law defining the selection of presidential nominees and interest groups was not clear. Finally, the number of political parties named in the statute reflected the NRM's antipathy towards new forms of political organisation, and its implicit hatred of the old parties.

The CA Statute was also problematic in other ways. For instance, the election of the Chairperson and Deputy Chairperson of the CA was from a list of not more than five nominees of the president presented to the Assembly at its first sitting. Oloka-Onyango (1996) correctly acknowledges that section 17 (1) allowed for the manipulation of the vote, particularly since the Chairperson reserved the right to make a ruling on whether to put the issue to the vote or not, thus failing to ingrain a provision to challenge such a ruling. Coupled with this problem was the fact that the most powerful organ in the CA, next to the Chairperson, was that of the Commissioner, who was an appointee of the president.

Perhaps the most controversial of the provisions of the CA Statute was that relating to matters of a 'contentious' nature, and the calling of a referendum to determine such matters, provided it was of a 'national character, in the opinion of the Chairperson'. Sub-section 3 of section 18 stipulated that the president could, at any time before, during or after the deliberations of the Assembly, direct that the outcome of such referendum be 'final and conclusive'. The problem of this provision was compounded by a further stipulation that

matters of a local character shall not be the subject of a referendum, but rather, they shall be settled through negotiation and consultation between the concerned region, district or community and the government.

The Referendum Bill

The motivation for the drafting of the Referendum Bill was the result of an outcry over the question of the open participation of the political parties in the transitional process not addressed by the DC (see Oloka Onyango 1996). The bill raised two problems. First, was the failure to publish it without the accompanying regulations – a fundamental requirement to determine a free and fair process. Second, it was a short document that left out other critical issues.

The most obvious problem with the draft Referendum Bill was bestowing the power to hold the referendum onto the Minister. First, this provision was of a wholly subjective nature, dependent as it was on the 'public interest'. Yet the history of legislative enactments relating to the 'public interest' has been arbitrary and without sufficient justification. There was no objective criterion to determine the public interest and this is often the source of executive abuse. Section 3 (4) provided for the framing of any question on a simple yes/no basis, raising serious questions about the very broad issues that related to fundamental rights and freedoms of citizens.

Furthermore, section 5, sub-section 4, of the bill was equally problematic. It stipulated that regulations made under section 5 shall be laid before the legislature within 31 days after publication in the Gazette, and shall be subject to annulment by a resolution within 31 days after being so laid. However, under sub-section 5, where regulations have been so annulled, this shall not affect the validity of anything done under the regulations before the date of annulment. This meant that if a referendum were to be held on the issue of political parties and the party advocates were to lose, by say a 51/49 per cent margin, even if the regulations are subsequently annulled, the parties would remain proscribed (Oloka-Onyango 1996). Coupled with the restrictions on public campaigning, access to the media, sensitisation of the masses, and the real need for reconciliation of significant sections of the population, it is highly unlikely that the elections would indeed be free and fair. This challenge was the reason why yet another constitution became necessary.

The 1967 Independence Constitution: The Foundation of the 1995 Constitution

Uganda attained independence on 9 October 1962. As in many other British colonies, the Independence Constitution was bequeathed to Uganda by an act of the British parliament. Therefore, there was no way the Constitution could be considered as deriving its legitimacy from the people of Uganda. Indeed, barely four years after attaining independence (1966), the Independence Constitution was overthrown by the very individuals supposed to protect it. Many reasons have been advanced why Prime Minister Milton Obote attacked the then existing constitutional order. The Independence Constitution gave Uganda a ceremonial Head of State and a quasi-federal arrangement between the Kingdom of Buganda and the Republic of Uganda.

When this arrangement failed to function, Prime Minister Milton Obote staged a *coup d'état* and forced the Buganda king, who was also the Head of State of Uganda, into exile. Obote assumed the functions of Head of State and ruled the country for one year under an interim constitution – the 'Pigeonhole Constitution'. Although it came as a result of the 1966 crisis and its legitimacy has been questioned by many, the fact remains that it was the first attempt at constitution-making by Ugandans themselves. It is true that it ushered in many undemocratic principles and did not involve popular participation in its formulation, yet it remained a point of reference until the current new constitution was promulgated in 1995.

The main negative aspect of the 1967 Constitution was that it vested all executive powers in the president. Specifically, Article 24 (3) stated that the president is to 'take precedence over all persons in Uganda and shall not be liable in any proceedings whatsoever in any court'. The thrust of this constitution was to concentrate all powers of government – legislative, executive, administrative, and judiciary – in the hands of the central government institutions and the subjection of these institutions to the control of one person – the president. The result of this construction was the creation not of a republic, but of a one-man dictatorship. These excessive powers bestowed upon the one 'big man' was supposed to have been diluted with the coming to force of the 1995 Constitution.

The 1995 Constitution

After capturing power in January 1986 arising from many years of turmoil, civil wars and military dictatorships, the NRM government promised the people of Uganda a new constitution. This is what President Yoweri Museveni said regarding this matter:

... as part of laying the groundwork for returning Uganda to democratic government, we shall see to it that a new Constitution based on the popular will of the people is developed. The present Constitution (1967) was drafted by Obote to answer the needs of establishing a despotic state. It contains many provisions that are anti-democracy (Oloka-Onyango 1996).

In 1988 the NRM government passed Statute No. 5, which came into force on 21 December 1988 by Statutory Instrument of 1989 that established the UCC. The commission was mandated (S.4) to study and review the Constitution with a view to making proposals for the enactment of a national constitution that will, *inter alia*:

- j) guarantee the national independence and territorial integrity and sovereignty of Uganda;
- k) establish a free and democratic system of government that will guarantee the fundamental rights and freedoms of the people of Uganda;
- l) create viable political institutions that will ensure maximum consensus and orderly succession to government;
- m) recognise and demarcate division of responsibility among the state organs of the executive, the legislature and the judiciary, and create viable checks and balances between them;
- n) endeavour to develop a system of government that ensures people participation in the governance of the country;
- o) endeavour to develop a democratic, free and fair electoral system that will ensure true people's representation in the legislature and other levels; and
- p) formulate and structure a draft constitution that will form the basis for the country's new national system.

In order to carry out its work, the UCC was empowered (s. 5), among other things, to:

- seek the views of the general public through holding public meetings and debates, seminars, workshops and any other forum and
- stimulate public discussions and awareness of constitutional issues.

The UCC had its own guiding principles (Republic of Uganda 1993) to collect views from the people - a historical fact that past Ugandan constitutions did not take into consideration. As such those constitutions tended to protect

the political interests of these groups rather than providing a framework of governance for Uganda based upon the collective political will of the people.


The UCC had 21 members. These were appointed by the President of the Republic Uganda in consultation with the Minister of Justice and Constitutional Affairs. The Director of Legal Affairs in the NRM Secretariat and the Chief Political Commissar in the NRA were ex-officio members. On 31 December 1992 the UCC submitted its report and a Draft Constitution to the president. The constitution was enacted by the Constituent Assembly on 22 September 1995, and promulgated into law on 8 October 1995.

After the promulgation, it was hoped that it would stand the test of time. Instead, it left many issues, such as the demand for federalism, the kind of political system to be followed, and the question of land, unresolved. Six years after its promulgation, the government appointed a Constitutional Review Commission to review the 1995 Constitution. The Minister of Justice and Constitutional Affairs announced the appointment of the Commission on 7 February 2001. The instrument of appointment was published on 9 February 2001 as Legal Notice No.1 of 2001. The Commission was given 20 terms of reference. It submitted its report, which was debated and approved by parliament and later enacted into law after the president appended his signature.

Conclusion

In conclusion, it is clear that the different post-independence governments, save for Idi Amin's dictatorial regime, have been grappling with the question of the type of political constitution the country should have in order to restore political order that had been trampled upon since independence. Although the appointment of the various bodies dealing with the country's Constitution gave Ugandans a chance to re-examine their constitutional order, it has to be stated categorically that what is required of any Constitution in a modern democracy goes beyond mere Constitutions to building strong institutions that check on each other's excesses, and that give wide freedoms to the citizens to exercise their civil and politic rights. This requirement is yet to be fully achieved in spite of the new 1995 Constitution.

In this regard, several issues still stand in the way of Uganda becoming a peaceful and stable country, namely: the mode of electoral system for representation (proportional representation or mixed?); the reinstatement of the two-term limit for the president; the re-constitution of an independent Electoral Commission ahead of the region's integration in 2013; the granting of federalism – colloquially referred to as *federo* in Buganda; the desire to define the role of independents in parliament; and President Museveni's



push for the amendment of Article 23 of the 1995 Constitution to deny any Ugandan suspected of committing murder, rape, treason, defilement, participating in riots and engaging in economic sabotage (not yet defined) by remanding the person in jail for 180 days without the option of bail. If this amendment is passed into law, it would be a direct affront to the legal system which presumes suspects to be innocent until proven guilty. The interpretation is that denying bail amounts to punishing an individual before the fact. The opposition parties and civil society argue that in the multiparty context, this intention will narrow the political space for legitimate opposition activities through the process of derogating the Constitutional Bill of Rights, such as freedom of expression, by criminalising peaceful demonstrations.

Chapter Three: Multipartyism and Decentralisation: Progress, Challenges and Prospects for Deepening Multiparty Democracy in Uganda

Introduction

This chapter analyses the extent to which decentralisation or local governments are operating under the new multiparty political dispensation. Its anchoring is in the realisation for greater democratisation in society.⁶ The rationale for the introduction of Uganda's decentralisation policy under the Movement or no-party system was largely political in the sense that it aimed to reverse the centralisation of government introduced by the 1967 Republican Constitution in order to empower the citizens in their own governance. Today, the decentralisation policy has to function under the multiparty system at both national and local levels.

However, for the decentralisation policy to function effectively there is need for an enabling political environment so that the citizens can enjoy as fully as possible their fundamental civic and political rights. This requirement will also necessitate the political parties to practise internal democracy to promote the multiparty political system. Equally important is the fact that other stakeholders, such as civil society organisations (CSOs), can participate fully in the political pluralism that is evolving.

To address these critical concerns, the chapter deals with the overview of decentralisation, the state of decentralisation under multipartyism, factors influencing decentralisation under multipartyism, the implications of local governments under multipartyism, the achievements of decentralisation under multipartyism, the challenges of decentralisation under multipartyism, and strengthening Local Governments under multipartyism.

Overview of the Decentralisation Policy in Uganda

Understanding of the concept 'decentralisation' varies widely.⁷ This is the reason why Leonard (1982) concludes that a single universally applicable typology of decentralisation is impossible. Nevertheless, there are various

6 For a similar argument, see Konrad Adenauer Stiftung (2010) *The State of Political Pluralism and Democracy at Local Government Level in Uganda: A Report from the Assessment of Seven Districts* (Kampala: Konrad Adenauer Stiftung), June, p. 9.

7 Olum Yasin (2011) 'Decentralisation and Citizen Engagement: Theoretical and Conceptual Perspectives', being a paper presented at the 33rd AAPAM Annual Roundtable Conference, held in Lilongwe, Malawi, 14-18 November, p. 3.

definitions of the term (Olum 2010a: 99). Decentralisation is the process through which the central government transfers its powers, functions, responsibility and finances, or decision-making power to other entities away from the centre – to either lower levels of government, or dispersed to central state agencies, or the private sector (Rondinelli 1982). The Government of Uganda defines decentralisation as follows:

Rejection of elitism and belief in the capacity of local citizens to elect their leaders, choose what is good for themselves, set their own priorities, and seek the realisation of their goals and common good through their active participation.⁸

Theoretically, there is a close relationship between multipartyism and decentralisation, especially within the context of citizen participation. Under multipartyism, political parties provide the critical connectivity between the electorate or citizens and the political system (Burki et. al. 1999: 32-33). Political parties are an essential instrument for representing political interests, aggregating demands, recruiting and socialising new candidates for office, organising electoral competition for power, and forming effective governments (Diamond 1997). Thus, by organising class and other interests, political parties are one of the instruments by which the majority of the impoverished people and marginalised groups can 'voice' their concerns in the formal political system. Party leaders and members have an incentive to get out the vote, create a presence in the community, seek votes, and respond to voters' interests.

Decentralisation in Uganda has been entrenched in the 1995 Constitution under Chapter Eleven, Article 176 (1) as follows: 'The system of local government in Uganda shall be based on the district as a unit under which there shall be such lower local governments and administrative units as Parliament may by law provide'.⁹

Furthermore, Article 176 (2) of the 1995 Constitution provides that the principles that shall apply to the local government system are as follows:

- a) the system shall be such as to ensure that functions, powers, and responsibilities are devolved and transferred from the Government to local government units in a co-ordinated manner;
- b) decentralisation shall be a principle applying to all levels of local government and in particular, from higher to lower local government

8 See Ssali Jaberu Bidandi (1993) 'Ministerial Statement to the NRC on Decentralisation of Local Government on 31st March 1993', in Republic of Uganda (undated) Decentralisation in Uganda: The Policy and Its Philosophy (Kampala: Decentralisation Secretariat), Book No. 1, p. 17.

9 See Republic of Uganda (2006) Constitution of the Republic of Uganda (Kampala: Uganda Law Reform Commission), 15th February, p. 70; Republic of Uganda (1997) The Local Governments Act, 1997 (Entebbe: Uganda Printers and Publishers Corporation), 24th March.

- units to ensure people's participation and democratic control in decision-making;
- c) the system shall be such as to ensure the full realisation of democratic governance at all local government levels;
 - d) there shall be established for each local government unit a sound financial base with reliable sources of revenue;
 - e) appropriate measures shall be taken to enable local government units to plan, initiate and execute policies in respect of all matters affecting the people within their jurisdiction;
 - f) persons in the service of local government shall be employed by the local governments; and
 - g) the local governments shall oversee the performance of persons employed by the Government to provide services in their areas and to monitor the provision of Government services or the implementation of projects in their areas.

Article 176 (3) further provides that 'the system of local government shall be based on democratically elected councils on the basis of universal adult suffrage in accordance with clause (4) of article 181 of this Constitution'.¹⁰

These constitutional provisions draw their sources from the speech by the then long-serving Minister of Local Government, Jaberu Bidandi Ssali, while defining the philosophy of decentralisation on 31 March 1993.¹¹ To him, the philosophy of decentralisation was as follows: promoting popular participation; empowering local residents by creating local organisational structures (LCs) for citizens' involvement in decision-making; conducting regular elections to give legitimacy to local leadership and to enable local citizens to control their leaders and to hold them regularly accountable in a strict, timely and transparent way; periodically reviewing methods of work by shedding elitist, dictatorial and patronising tendencies (work should be carried out through consultation, open discussion, democratic dissent if consensus is not forthcoming, tolerance of views and removal of corrupt, inept and incompetent leaders from power); observance of the law and promotion of the rule of law and natural justice (no leader shall become a law unto himself/herself); engaging in a mature and beneficial relationship between the political leaders (councillors) and the officials (civil servants/ technocrats); and central government augmenting the financial resources available to local governments to make them certain and buoyant as well as changing the centre-local relations, personnel management and planning arrangements.

10 Clause (4) of Article 181 of the 1995 Constitution states as follows: 'All local government councils shall be elected every four years'.

11 Ssali Jaberu Bidandi (1993) op. cit., pp. 17-21.

On the basis of the philosophical premise, the objectives of Uganda's decentralisation policy were crafted as follows:

- i) Transferring real powers to districts to reduce workload on remote and under-resourced central officials;
- ii) Bringing political and administrative control over services where they are actually delivered to improve accountability and effectiveness, and promoting ownership of programmes and projects;
- iii) Freeing local managers from central constraints, and in the long term, allowing them to develop organisational structures tailored to local circumstances;
- iv) Improving financial accountability and responsibility by establishing a clear link between payment of taxes and services delivered;
- v) Improving the capacities of councils to plan, finance and manage service delivery; and
- vi) Supporting local economic development.

The fundamental issue that arises from these aims, philosophy and objectives of Uganda's decentralisation is their implementation. This assessment is the concern of the next sections.

The State of Decentralisation under Multipartyism

Decentralisation was introduced in Uganda during the 'no-party' or 'Movement' type of political system. Hence, during this time, all the political parties were in abeyance because they were not allowed to operate independently, among other restrictions. Nevertheless, their members actively participated in the Movement government under the so-called 'individual merit' arrangement. With the amendment of the 1995 Constitution in November 2005, political parties were allowed to operate by registering their parties, establishing their headquarters in Kampala, opening branches, using their symbols, electing office-bearers, and campaigning in political competition. The struggle for opening up the political space by multiparty activists also led to the following demands: (i) an open political process, (ii) participation, (iii) power-sharing, (iv) fair distribution of resources, and (v) protection of people's social and political rights.

No doubt, these demands for multiparty politics heralded a fundamental shift from the so-called 'individual merit' system that had existed under the Movement to an organised system of competing for political power through political parties. Through financial sponsorship from well-wishers, political parties had, therefore, to present their candidates to compete for power under the new multiparty political dispensation. However, individuals who

felt rigged out of their parties or wished to contest for political positions were permitted to do so under a phenomenon known as 'independents'.

Factors Influencing Decentralisation under Multipartyism

Today, several factors are influencing the functionality of the decentralisation policy under the new multiparty system.¹² These factors include: lack of ideology or philosophical orientation; democracy and good governance; structural configuration and institutional discipline; unity of purpose; inter-governmental relations (IGRs) - or centre-local relations; accountability; resource-use; and international relations. All these factors will be discussed in turn.

One critical influence of decentralisation under the multiparty system is the glaring lack of ideology or philosophy in most (if not all) the parties. It would seem that the parties are more bothered about either retaining power (NRM) or struggling to capture power (opposition) rather than concentrating on defining and investing heavily in defining what their parties stand for. In other words, they are more pragmatic-oriented, caring to appeal to the day-to-day needs of the ordinary folk than engage in mental gymnastics that they think will not win them votes. Much as their focus seems to earn them the support they crave, in the long run the material things they offer to the voters may not be sustained, thus bringing to the fore what the parties' ideologies are.

Second, the operations of decentralisation under the multiparty system have enhanced local democracy and decision-making through organised competition based on principles agreed on by the respective parties. The centrality of good governance under the multiparty system is that civil liberty has been promoted and the incumbent government and the local governments have been forced to be legally accommodative and accountable to local citizens.

Third, as regards the aspects of structural configuration and institutional discipline in local governments resulting from multipartyism, the fact is that the decentralised system has provided for a structural construction from the village up to the district level within which the different parties articulate their standpoints on national issues. The political parties, especially the ruling NRM party, have used this structural arrangement to advance their cause, values and vision. Institutional discipline has been instilled in politics because the ruling party and the opposition are busy checking one another in terms of the extent to which they are fulfilling their promises to the voters.

12 See Republic of Uganda (2007) Induction of Local Government Councils: Participants Handbook (Kampala: Ministry of Local Government), September, Module Three, pp. 34-44.

Fourth, multipartyism has intensified unity of purpose in the countryside since leaders or candidates will not take defeat individually, but will be cushioned by the parties they represent. Minority considerations, which were suppressed under a highly centralised arrangement such as the 'Movement', have to a large extent been taken care of. Nationalism, which decentralisation and sub-divisions had weakened, has also been enhanced.

Fifth, with regard to IGRs, stronger interface between the central government and the local governments as a result of multiparty politics has led to the emergence of new and organised avenues of vertical communication between the national level and grass roots.

Sixth, multiparty politics has strengthened accountability and transparency because of the existence of a functioning official opposition – through the Local Governments Public Accounts Committees (LGPACs) that continuously and rigorously check those in power at local government level.

Seventh, multipartyism has forced a number of councillors to distribute resources more fairly irrespective of which party one belongs to and having due regard for value-for-money (VFM) transactions, hence reducing opposition pressure/compromise.

Finally, the benefit of multiparty politics to the decentralisation process is that, in terms of the international relations dimension, it has caused Uganda to be part and parcel of the international community where a similar political system is the norm, thus enhancing international acceptability of what transpires in the country.

Implications of the Functionality of Local Governments under Multipartyism

There are several implications of the way local governments are functioning under the multiparty political system. Since the re-introduction of multipartyism, the manner in which the councils, civil servants, and independents conduct their affairs has dramatically changed. These changes are as follows:¹³

- i) Clearly, whenever business is brought before Council by the Executive Committee, it is first discussed by the councillors in their respective parties to generate consensus. Thereafter, the chairperson of the Council will present the matter to Council and a decision is taken;

¹³ Republic of Uganda (2007), *Ibid.*, pp. 41-43.

- ii) With regard to civil servants, the 1995 Constitutional (Amendment Act, section 18), provides that under the multiparty political system a public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the government has controlling interest, who wishes to stand in a general election as an MP shall resign his or her office at least 90 days before nomination day;
- iii) With regard to the role of independents in Council, the political parties in Council can sign a memorandum of understanding (MoU) with them regarding how to cooperate in taking decisions on matters presented to Council. The MoU must state the terms and conditions of the cooperation between the party and the independent. This arrangement is intended to safeguard the position of an independent in Council because it serves as a code of conduct between the co-operating parties. Upon signing the MoU, the independent councillor can participate in all activities of the caucus of the party apart from voting;
- iv) A member of Council shall vacate his or her seat in tenure of Council if: that person leaves the political party for which he or she stood as a candidate for election to the Council to join another party or to remain in Council as an independent member; having been elected to Council as an independent candidate, that person joins a political party; and that person is appointed a public officer;
- v) Functionally, Council caucuses are supposed to consider and adopt a common position of any business before the matter is brought for debate in the Council. When a common position has been adopted, members of the caucuses shall support the adopted position;
- vi) The seating arrangement of Councils must be divided into two sides, i.e. the government and opposition sides. The independents thus have no side but can choose where to sit;
- vii) Oversight committees of Council such as LGPAC are chaired by a member of the opposition in Council where the opposition exists. This provision is meant to promote transparency and accountability because it is the opposition which has more stake when public resources are being mismanaged (where the opposition is lacking, the national parliament should make a review of the law to address this problem); and
- viii) Under sections 18 and 25 of the LGA, chairpersons of local governments are required to appoint members of the District Executive Committee. However, it is imperative that they do so to create harmony among councillors from different parties.

Achievements of Decentralisation

Annual sector reviews and a review of the decentralisation policy itself have shown that the quality of some services have markedly improved over time. Several achievements arising from the decentralisation policy include: legal framework; political decentralisation; administrative decentralisation; fiscal decentralisation; and institutional set-up (Mutabwire 2010: 6-10). Each of these achievements will be explained in turn.

In the legal-constitutional context, devolutionary decentralisation has been anchored in a clearly defined legal framework. All ministries and departments of government, as well as development partners, are now operating within the legal principles in order to deliver services to the citizens. The Local Governments Act (LGA) was enacted in 1997 to give full effect to the 1995 Constitution. Specifically, the LGA has led to the achievement of the following: consolidation and streamlining of the laws on local governments to be in tandem with the 1995 Constitution; giving effect to the decentralisation policy and the devolution of powers, functions and services; providing for decentralisation at all levels of local government to ensure good governance and democratic participation in, and control of, decision-making by the people; and providing for the political and administrative set-up of local governments, financial matters, local elections and the necessary arrangements for coordination and inspection.

Through political decentralisation, several achievements in the political domain have been attained. First, it has been possible to have democratically elected LCs at all levels (LCI-LCV) in the country through universal adult suffrage. Local elections are now held every five years (though not on time). These LCs are inclusive and have prompted popular participation. The marginalised and vulnerable categories of the society, including women, youth, persons with disabilities and the elderly, who constitute a big proportion of the population, are also represented and allowed to participate in the decision-making process in areas where they live. A local council is the highest political authority within its area of jurisdiction and has legislative and executive powers. Its executive members regularly meet as required to make key decisions on matters that affect their lives. LCs have also given government visibility and presence in the countryside.

Under the policy of decentralisation, LCs have been granted holistic powers. For instance, they are empowered to make laws as long as they are not inconsistent with the 1995 Constitution or any other law and have powers to make development plans based on locally determined priorities. Local government councils also have powers to raise revenue, including determining and implementing the revenue-raising mechanism, alter boundaries of or

create new administrative units, and appoint statutory bodies, e.g. District Service Commissions (DSCs) and LGPACs.

Another remarkable achievement of political decentralisation is that LCs at village and parish levels also function as local courts. The local council courts are popular and successful in providing an alternative mode of dispute resolution. They are seen as accessible because they operate at village level, and their proceedings are conducted in language which the ordinary people can understand expeditiously, fairly and cheaply without the technicalities associated with formal cases.

With regard to administrative decentralisation, and as mentioned earlier, the 1967 Constitution re-centralised all decision-making powers. Under centralisation most senior managers in local governments were appointed centrally by the Public Service Commission and seconded to district local governments. Similarly, the confirmation, promotion and discipline of local government staff were largely centrally handled. However, Legal Notice No. 1 of 1994 introduced a separate personal system and the 1995 Constitution further decentralised the human resources management function to local governments. The LGA (1997) empowers the local governments to establish their own staffing structures. In addition, the powers to appoint, discipline and promote staff in local governments are exclusively vested in the DSCs, which are appointed by the local governments themselves. There are, however, situations where the work of the DSCs has been interfered with. This has resulted in some members of the DSCs being denied the opportunity to be reappointed to serve another term because some councillors want to appoint people whom they think would meet their personal interests. Consequently, personnel without the necessary skills and know-how have been recruited to the detriment of some of the local governments. In some local governments relatives or friends (sons and daughters of the soil) of the local politicians and district staff are recruited even when they do not have the necessary qualifications and experience.

On the issue of fiscal decentralisation, the 1995 Constitution and the LGA allow local governments to collect revenue from a number of specified sources, formulate plans and budgets, allocate expenditure, and make investments in a wide range of services. Local governments finance their recurrent budgets from local revenue and transfers in the form of unconditional grants. Because of their small revenue base, local governments are unable to balance their budgets and realise a balance to fund development activities. The development budgets of local governments are invariably funded with conditional and equalisation grants, a large proportion of which comes from external donors.

If a local government is to have a high level of autonomy, it must have a larger part of its budget funded from its own local revenue. The problem is that local governments have not fully utilised their powers to raise local revenue, and formulate plans and budgets with minimum recourse to the centre. There is a tendency by the local governments to ask for more grants from central government after unjustifiably failing to collect enough local revenue. This trend is not only unacceptable but also undermines decentralisation and encouraging re-centralisation. So, the central government has had to increase grants to local governments to enable them to deliver a wide range of services.

However, the high percentage of earmarked funds has reduced the discretionary autonomy of local governments over the use of resources in areas where need is most felt. The fiscal decentralisation strategy (FDS) is addressing this issue through the principle of flexibility of re-allocation of up to 10 per cent across sector budgets in local governments. In the past, local governments were extractive (collected taxes without support to taxpayers). Today, the role of local governments is to facilitate local economic development (LED) and empower communities to generate wealth so that they can contribute to the improvement of service delivery. A strategic way forward for financing decentralisation is through initiating policies aimed at wealth creation and increasing people's incomes. This will expand the tax base for local governments. To achieve this increment in revenue generation, the local government leadership has to be re-oriented to LED's agenda so that they can put in place initiatives that provide an environment conducive to and support towards the development of their local economies. Strong and vibrant local economies will provide a broad revenue base from which local governments can mobilise resources to finance their mandates under a decentralised system of governance.

Challenges of Decentralisation under Multipartyism

There are two main challenges that adversely affect the operations of decentralisation under the multiparty system;¹⁴ those that are specific to local governments as a result of multiparty politics, and those that are a product of the decentralisation policy generally. These challenges will be discussed in turn.

The challenges that are specific to local governments as a result of multipartyism are as follows:¹⁵

14 On the discussion of the challenges and remedies to the operations of Local Governments under the new multiparty political system, see Mushemeza Elijah D. (2007) *The Functioning of a Multiparty System in Local Government: Challenges of Transition from the Movement System in Uganda* (Kampala: ACODE Policy Briefing Paper No. 20), pp. 5-18.

15 For similar discussions, see Musehemza E. Dickens (2007), *Ibid.*, pp. 2, 7-10 and 11-18.

- Failure to understand the meaning, ideal and practice of multiparty politics by some councillors, technocrats and local citizens, thus breeding sectarianism, and inequity in accessing resources and political power, whose end result is instability in local governments. This has arisen owing to insufficient sensitisation on the concept of multiparty politics by relevant institutions such as the Electoral Commission and CSOs, thus failing to produce a civically competent population;
- Deliberate refusal by some councillors to change their attitude away from the Movement system towards embracing basic principles and practices of the new multiparty system;
- Lack of clarity as to how the stakeholders at local level will manage conflicts that arise as a result of party competition;
- Failure to reform some of the laws to fully operationalise multipartyism exacerbates further the movement mentality in local governments. For example, LCs have no clear Rules of Procedure consistent with the multiparty system. For instance, the Local Government Council regulations (Third Schedule of the LGA, Cap 243) undermine the role of political parties in guiding Council members and holding them to account. The regulations still uphold the right of recall but the constitutional amendment 2005 does away with it under a multiparty system;¹⁶
- Lack of a code of conduct for regulating political parties at national and local levels. In fact, all the political parties at national level lack sound institutional structures – e.g. they have weak secretariats, weak district and sub-county offices, and inadequate resources to run party activities and internal democratic ethos and practices to serve as inspiration to their branches;
- Political parties in LGCs do not yet take their oversight (e.g. LGPACs) functions seriously and have sometimes failed to provide an alternative and substantive policy agenda to enhance service delivery. This means that they lack the necessary capacity to undertake their roles and responsibilities under a multiparty system;
- Difficulty in managing inter-local Council relations, for example, differences in ideology and interests of executives, speakers and Councils;
- Unfair criticism, sabotage, and caucusing stall decision-making on development issues, including unnecessary interference in revenue generation, budgets, programmes and projects, restructuring and similar local initiatives;

¹⁶ Specifically, the Rules of Procedure should have been defined clearly: the relationship between political parties in Council; the seating arrangements, collaboration or alliances or co-operation between the different political parties; and, conflict resolution mechanisms.

- Interference with public servants (who are supposed to be neutral by virtue of their terms and conditions of service), as well as statutory boards and commissions on the basis of party affiliation. In case multipartyism is seen as obstructing a certain group of people from accessing political power and resources, then the 'winner-take-all' attitude creates conflicts, instability and inequity in local governments;
- Some public officers and some security personnel behave in a partisan manner in favour of the ruling NRM party, thus undermining the operations of the multiparty system at both national and local levels; and
- The local governments and the civil service have to be protected from being categorised according to party affiliation. Neutrality of administration is crucial, especially in view of centralising the CAO who is the head of the civil service in the district. The statutory boards and commissions, too, need to remain objective to serve everyone.

Besides the challenges specific to local governments under the multiparty system, general challenges have emerged in the implementation of the decentralisation policy. These general challenges underscore the need for adjustments in policy, institution and coordination. The most significant of these challenges are in the areas of poor resource mobilisation and financial management, corruption, capacity-building, declining revenue, and politics and administration through the creation of new districts.

Political parties represented in Council lack the appropriate skills for resource mobilisation, oversight in financial management, supervision, monitoring and evaluation, and implementation of policy guidelines as stipulated in the Financial Regulations and Accounting Act (FRAA). All these shortcomings have affected revenue generation and utilisation in most local governments.

Owing to the above short comings and lack of professional ethics, endemic corruption has invaded a number of local governments. This is happening because of increased access to resources by local governments. Corruption in local governments manifests itself through embezzlement of public funds, misuse of public office or assets for selfish ends, favoritism and deliberate violation of procurement regulations. These practices disrupt national poverty reduction and eradication initiatives, which, in turn, affect service delivery.

Capacity, especially at technical levels, is of critical importance to sustain service delivery. The main challenge which local governments are facing is to transcend local politics and be able to recruit capable staff and retain them, especially in terms of quality, academic qualifications and experience

in public affairs. This has a significant influence on the quality of decision-making at those levels and the extent of their involvement in various local government operations.


Today, local revenue accounts for less than 10 per cent of the total budget in many local governments. As a result, many of them depend on central government transfers. This low revenue base has been attributed to lack of political will and poor mobilisation, political interference, especially during election periods, and lack of downward accountability. This dependence on central government transfers erodes the independence of local governments in planning and resource allocation, thus posing a serious threat to the sustainability of the investments that have been made. Coupled with this problem is the fact many local citizens are poor, which in turn affects the revenue base of the local governments. Household incomes in many parts of the country have remained low despite a general improvement in the economy.

The creation of new districts, or 'districtisation', under the NRM government is posing a huge challenge to the operations of the affected local governments, namely: expansion of the public administration overhead costs; creation of small non-viable districts that have minimal resource bases; difficulty by the opposition parties to penetrate the new districts that are seen as havens for the creator – NRM leadership; antagonising ethnic communities that have lived together for decades; and, above all, the NRM has established patronage networks in the country through the use of local governments (Tripp 2010: 25).

Strengthening Local Governments under Multipartyism

It has been shown that decentralisation under the multiparty system creates several challenges that interfere with the distribution of goods and services to the local populace. These challenges have to be addressed. There are various ways in which the decentralised local governments can be strengthened generally, namely:

- Sensitisation and capacity-building of stakeholders at all levels to increase their civic competence in managing local governments;
- Practising good governance by ensuring that the political space for the opposition is not restricted to enhance their involvement in service delivery and poverty reduction;
- There is need for the creation of the position of Leader of the Opposition in the local governments;
- Developing a sound code of conduct for civil servants and political



leaders under the new multiparty political dispensation at both national and local levels, which should be vigorously enforced to promote harmony and the common good;

- Encouraging the sharing of experiences among councillors and civil servants on the operations of local governments under the multiparty system;
- Free and fair elections should be conducted by the Electoral Commission to eliminate electoral malpractices so that development, rather than perennial conflicts, can take place;
- Council members should be represented on different Standing Committees irrespective of their political affiliations;
- Statutory bodies such as DSC and LGPAC should be appointed on merit and should conduct business impartially;
- Speakers of local councils should encourage free debate in Council to arrive at clear and implementable decisions that benefit the local communities;
- The MoLG and the local governments should enable access to information and guidelines on local governments and their operations under the multiparty system. To be neutral, they should surrender their party cards;
- As is the case at national level, the accountability committees at the LGCs should be chaired by the opposition to enforce checks and balances (if there is no opposition, a law should be passed by the national parliament to achieve some form of objectivity in the way the accountability committees do their work);
- Where possible, the central government should increase fiscal transfers (conditional, unconditional and equalisation grants) to local governments. It could do so by curbing corruption and reviewing national budgets away from consumption to development activities. Also, the local governments should endeavour to increase their tax base through appropriate resource mobilisation strategies;
- An institutionalised framework should be developed for inter-party co-operation and consultation at local level similar to the Inter-Party Organisation for Dialogue (IPOD) at national level. This will promote constructive engagement between the stakeholders to foster multiparty democracy;
- Security agencies should have their personnel trained in human rights observance and the functioning of the multiparty system. Civil-military relations is one way in which the UPDF and the citizens can co-exist to avoid partisan treatment of the population by some sections of the security agencies;

- Whereas local governments have the powers to make their own Rules of Procedure, which would clearly define the way the parties relate with one another in the Local Government Councils) LGCs, they do not have the capacity and competence to do so. The MoLG should offer this guidance from time to time; and
- Given the practical complexity of multiparty politics and now that the majority of the population who live in rural areas have no clear understanding of the system, one begins to wonder whether the time is ripe to reflect, say, at a national conference, on whether or not multipartyism should be limited to the national level and the Movement system to the lower local-government and administrative units. This would, hopefully, enable the local people to vote into office the individuals they know best within their local communities who have the ability and capacity to deliver the services they crave.

Key strategies for deepening the implementation of the decentralisation policy or measures that the MoLG is taking to address the general challenges are numerous and inter-connected. These strategies include: creating an enabling framework for citizens, NGOs, community-based organisations (CBOs) and the private sector so that they can perform an oversight role in the way public funds are being spent by local governments. Additional remedies which are being undertaken or have been undertaken by the MoLG to address the weaknesses in the local governments are as follows (Mutabwire 2010):

Revision of the Law on Procurement

The MoLG identified major weaknesses in the tendering procedures which encouraged local governments to flout the procurement regulations and award tenders to incompetent firms and individuals. Consequently, government amended the provisions of the local governments in relation to procurement and has also produced new procurement regulations for local governments in conformity with the Public Procurement and Disposal of Assets) PPDA Act. Local government tender boards were abolished and replaced with contracts committees in all districts and municipalities. This is a major step forward in the fight against corruption in local governments. However, some contract committees are not corruption free

Revision of the Financial and Accounting Regulations

The MoLG has amended the Local Government Financial and Accounting Regulations, 1998. Severe sanctions and penalties for non-compliance and corrupt tendencies in the management of public resources have been included in the new regulations, which came into force in June 2007.

Transparency and Public Accountability

Every month the MoLG compiles releases from the central government to local governments and gives them to the MPs and political leaders to inform the general public in order to promote transparency. The same information is placed on the MoLG website. The political leaders are given a global picture of the funds released to fund decentralised functions in their areas. The MoLG has been advising political leaders and the public to always demand regular progress reports from their councils on the use of these funds. Many Citizens cannot effect this process.

Appointment of Chief Administrative Officers and Town Clerks of Municipal Councils

When Article 188 of the 1995 Constitution was amended in 2005, the power to hold or act in the office of CAO, Deputy Chief Administrative Officer (DCAO) and Town Clerks of Municipal Councils, including the confirmation of their appointments and the exercise of disciplinary control, was vested in the Public Service Commission. The rationale for this change was to enable the CAO and Town Clerk to be independent from the political control of the district councils and to enable their performance to be adequately monitored by the central government, particularly in view of the substantial sums of money which were passed to them. The level of management of some districts has improved as a result of this policy action.

Strengthening Monitoring and Supervision

The MoLG is in the process of strengthening its monitoring and inspection role. In this regard, a compliance inspection manual and mentoring guide (in auditing, accounting, financial reporting and procurement) for use by the inspectors of the MoLG in a bid to effectively carry out their statutory role of mentoring, monitoring and inspection of the local governments, has been produced. However, in some instances, the Inspectorate Department of the MoLG is unable to cover the whole country because of limited budget and other supporting resources.

Strengthening Financial Management capacity

Under LGDP II the MoLG has provided local governments with capacity-building grants to enable them to organise and conduct training courses. The local governments contract professional training firms that are pre-qualified by the MoLG to deliver the training and to ensure quality of delivery. Under this facility, local governments have been able to train on-the-job their accounts and audit staff and members and secretaries of the local government statutory bodies.

Professionalising the Accounting Function

The LGA requires all local governments and administrative units to keep proper books of accounts and other records and produce statements of financial accounts within four months from the end of each financial year and submit them to the Auditor-General for statutory audit. Some years back about 85 per cent of all higher local governments around the country were not able to meet this requirement largely because of lack of capacity and skills in bookkeeping and accounting. The MoLG, in conjunction with the Ministry of Finance, Planning and Economic Development (MFPED), has been supporting local government accounts and audit staff under the second Economic Financial Management Project (EFMP-II) to pursue courses leading to professional qualifications like ACCA to enhance ethics and standards in their work. However, staff retention at professional level has remained the most serious constraint, given the current low pay in the civil service. It is, therefore, imperative for government to develop a retention strategy for the professional and qualified accountants in public service. Today, financial management has improved in that many higher local governments are able to fulfil this requirement with minimum difficulty. The challenge facing the MoLG is to make sure that lower local governments, especially the sub-counties, on their part are able to produce auditable final accounts on time, in accordance with the law. Also, the MoLG has made the production of final accounts a condition for the local governments to access LGDP-II development funds.

The other strategies are: promoting public-private partnerships (PPPs) in service delivery; enhancing the capacity of central and local leaders to internalise their roles and functions; enhancing political, administrative and fiscal accountability, both vertically and downwards; extensive civic education on rights and obligations in local development; and developing national minimum standards of service delivery and service performance indicators.



Conclusion

The decentralisation policy was launched in 1992 when the country was under the Movement system of governance. Then, it worked on the basis of 'individual merit' and not party loyalty. Today, with the coming into force of the multiparty system, the local governments are operating quite differently from the intentions of the founding fathers. Much as goods and services are being delivered to the local populace, albeit insufficiently, this is being done under serious political, technical, and financial constraints. Consequently, the councillors in a number of districts are finding it challenging to work as a team under the multiparty system of governance. These challenges range from clearly understanding what multipartyism means, to how the different organs of councils should constitute themselves, given the different party affiliations represented in the councils. This situation should be addressed as a matter of urgency if the affected local governments are to deliver the badly needed goods and services to the local people. Short of this, the local governments will continue to limp, as is the case today. Finally, if the patronage system that has now infiltrated the local governments, especially through the creation of new districts, is not arrested as soon as possible, this is bound to affect their efficacy in service delivery and development for a long time to come.

Chapter Four: Ethnicity, Religion and Multiparty Democracy in Uganda

Introduction

African liberation leaders, scholars and pundits globally have raised the fundamental question over the suitability of multiparty democracy in multi-ethnic states. Their concerns have specifically focused on the extent to which multi-ethnic states, such as those in Africa, can manage multiparty democracy without provoking ethnic groups to engage in violence before, during and after elections. This chapter addresses these concerns using the case of Uganda that is a multi-ethnic society comprised of 65 indigenous communities.¹⁷


To address this fundamental political issue in the country's political development process, the chapter examines the following: the meaning and application of ethnicity; the role of religion and ethnicity in consolidating and/or weakening multiparty democracy; the challenges of constructing multiparty democracy under ethnic conditions; and the possible strategies for the management of the transition to full-blown multiparty democracy using Uganda's multi-ethnic communities as a reference point.

Meaning and Application of Ethnicity

There is no consensus on the meaning of the term 'ethnicity'.¹⁸ Indeed, its meaning tends to be elusive in the sense that it evokes mixed feelings and subjective interpretations across different societies and contexts. Nevertheless, there are several definitions. First, ethnicity is defined as the essence of an ethnic group or the quality of belonging to an ethnic community or group. Second, it is a field of study that involves the classification of people and the relations between groups in the context of 'self-and-other' distinctions. In this sense, it is a basis of social differentiation. Third, it is a consciousness among people with shared cultural and linguistic roots that get utilised for political affiliation and mobilisation to compete with other groups for scarce resources. This definition captures both the passive and active nature of ethnicity. In the former meaning, ethnicity provides community members with a sense of belonging (identity), language and other cultural resources – e.g. values, beliefs, myths, ideology, tradition, heritage, and language. In the latter meaning, ethnicity provides a forum for competition

17 See Republic of Uganda (2006) Constitution of the Republic of Uganda (Kampala: Uganda Law Reform Commission), 15 February, pp. 212-213.

18 This conceptualisation relies on the extensive work by Mbatia et. al. (2009: 1-11) 'The Challenges of Ethnicity, Multiparty Democracy and State Building in Multiethnic States in Africa', 17 October, in <http://thefutureofafrica.wordpress.com>



with 'outsiders' for scarce resources. Additionally, it provides security and advances the interests of its members. This aspect of active ethnicity is visible in African countries, including Uganda, where ethnic groups work aggressively to assert their identity and interests, compete with other groups for scarce resources, struggle with other groups to enlarge their geographical and political spaces, and mobilise their members to capture more political power and create new ethnic-based social structures or associations or networks to strengthen their bargaining power at national level. The fifth definition of ethnicity is its categorisation at four levels, namely ethnic category, ethnic network, ethnic association, and ethnic community.

What all these definitions say about the meaning of ethnicity is that, like an amoeba, it is a relatively fluid concept: at one moment it is used by ethnic group members to negotiate to achieve a common purpose or objective, and at another moment, it is invoked or manipulated by certain social or interest groups or agents as a political weapon to protect and preserve their interests. Viewed at the individual level, ethnicity is instrumental when it provides a sense of belonging or identity in the absence of other, more competing identities.

In Africa, and in the context of multiparty democracy, citizens form ethnic-based political parties in the absence of an appealing political ideology around which they can mobilise themselves to support their causes. Indeed, since the adoption of multiparty democracy in Africa, generally, and Uganda, in particular, larger ethnic communities, especially, have formed political parties solely to pursue political and economic agendas that address the aspirations of their respective ethnic groups. In this respect, Berman et al. (2004: 9-13) correctly observe:

There is little doubt that the wave of 'democratization' in Africa since the 1990s has seen an increase rather than decrease in the visibility of ethnic politics and conflict ... the return to multiparty electoral competition has led to an intensification of the 'politics' of primary patriotism... In effect, by promoting rearrangements of power relations at all societal levels, multiparty politics opens spaces for the 'venting' of long-entrenched elite and communal cleavages... The prevailing social, cultural, economic and political factors ... have led to the historical development of African ethnic communities and their particular relationships to the state continue to predispose ordinary citizens to privilege kinship and communal affinities as a premise of political participation ... electoral competition has accentuated conflict within ethnic communities over elite claims to leadership and

class-based confrontations over the moral obligations and reciprocities of rich and poor...


Consequently, many democracy pundits and observers argue that ethnicity is renders multiparty democracy nugatory in multi-ethnic African states where the majority of the citizens are peasants living in rural areas who have no class consciousness and that African countries are not ready for multiparty democracy because they are still struggling with issues of hand-to-mouth existence. True, in many African countries, the adoption of multiparty democracy has heightened ethnic consciousness and precipitated ethnic conflict and violence. In this regard, the debate has to focus on the types of institutions that are appropriate for governing multi-ethnic societies that are easily prone to fragmentation because of multiparty democracy.

Indeed, whereas it is true that multiparty democracy has been celebrated in Africa because it has expanded democratic space and protected civil liberties (e.g. human rights) and freedoms, the simultaneously rising cases of ethnic violence, especially before, during and after elections, tend to water down the highly anticipated benefits that accompany this system of political governance. In fact, in some countries – e.g. Kenya, Zimbabwe, Cote d'Ivoire, Zambia, and Sierra Leone – multiparty democracy has shaken national cohesion like a 'tsunami'. In these countries, ethnic nationalism has threatened national patriotism as political elites increasingly mobilise citizens to participate in the political and electoral processes along ethnic cleavages. Worryingly, citizens are now more conscious of their ethnic identity – to xenophobic levels – than they are of their national identity.

However, while multiparty democracy has brought forth an escalating wave of endemic violence, and has increasingly precipitated weakened African states, thus reducing them to fragile or 'soft' states, it is inconceivable to revert to either one-party rule or military dictatorships, as was the case when they attained 'political' independence. How has Uganda fared in the multiparty debate since independence? The next sub-theme attempts to answer this crucial question.

The Role of Religion and Ethnicity in Multiparty Democracy in Uganda

In post-independence Uganda, ethnic identity became central in constructing political alliances and networks at local, regional and national levels (Aidan 2011). Other equally significant factors include economics and religion. Besides their positive and complex potential for enriching cultures, community loyalties crafted around a shared ethnic allegiance have played a role in the tumultuous recent history of the countries. Indeed, ethnic ties have even permeated the formation of political parties and recruitment in



the military and the public service. Ethnic differences and the access to resources have equally been significant in explaining the perennial conflicts in the country since independence.

Uganda's polarisation along ethnic lines – such as that between the Bantu-speaking southerners and the Nilotic or Sudanic-speaking northerners – started before colonialism. Indeed, in the kingdoms in the south of the country, differences of identity have always existed among the communities of the inter-lacustrian or Great Lakes region and among the identities of the traditionally 'stateless' societies of the north. What the British colonialists did was to enlarge these ethnic differences. For instance, colonial rule and missionary schooling gave greater meaning to group ethnicities. Thus, through a combination of ignorance and intent, colonial policies strengthened the differences by sharpening the boundaries between the conflicting groups through their infamous 'divide-and-rule' tactics. For instance, the British superimposed the predominantly centralised Christian Kingdom of Buganda on other areas and foisted Ganda officials as administrative agents on these regions. This approach between Ganda operatives and the state, and Buganda's prominence within the British Protectorate, has endured up to this day. The distrust between the Baganda and the northerners is equally historical. Hence, the British cemented hierarchical structures in communities where political control and social status had previously been more diffuse, wielded by different community members according to circumstance.

Economic policies further buttressed the differences between the ethnic communities. For example, the introduction of cotton, particularly in the east of the country in places like Teso to settle the population to ensure efficiency of production, had a control motive. These processes produced and exacerbated tensions within the different communities as comparatively prosperous, mission-educated and British-supported chiefs clashed with those communities that did not espouse the British-like virtues. Because the British placed ethnic territories at the core of its administrative system, British-sponsored officials evoked representation based on ethnicity as the basis for their reason to sit at the national table in order to access Protectorate resources. To compound this 'ethnic apartheid', the British ensured that the geographical areas of the south, which they considered more 'advanced', were singled out for agriculture and business and became relatively prosperous. In contrast, the British considered the northern region, particularly the Acholi and Lango sub-regions, to have the martial qualities essential for the colonial police and armed forces. These aspects produced severe consequences for the post-independence state.

Thus, on the eve of independence, ethnic identity became a central issue in Uganda. When Uganda first moved from the one-party state in the 1960s to multiparty democracy, the formation of political parties developed along ethnic lines. In other words, when discussing the history of ethno-religious influences in the formation of political parties in Uganda, one should not lose sight of the reality that Uganda is a country that has espoused a mixture of religious diversity, tolerance, polarisation, and contradictions ever since the religious wars of the late 1880s.¹⁹ There are at the moment four categories of religions that are politically significant: the Catholic Church, the Church of Uganda, the Muslims and the Evangelicals (Born-Again Christians).

Historically, the DP was formed in the 1950s to champion Catholic interests because the colonial state had allied itself with the Protestants (Church of Uganda) in different parts of Uganda. Later, the UPC was represented mainly by the Protestants – the exception being in the 1980s, following on from the 1980 elections, when northern Uganda (except West Nile) tended to support UPC against Buganda's support for the DP. Buganda pursued a federalist line with its own royalist party – *Kabaka Yekka* (KY). The post-independence government was a marriage of convenience between UPC and KY to defeat the DP which was set to take over power through electoral contest. The King of Buganda, Mutesa II, became the first President of Uganda and Apollo Milton Obote, a Lango, the first Prime Minister.

Using ethnicity, and drawing on the British tradition of divide-and-rule, Obote filled the army and the civil service with members of his own and neighboring ethnic group, the Langi and the Acholi, respectively. With the aid of these northerners, Obote forcefully attacked the king's palace in Lubiri in 1966 using Colonel Idi Amin Dada, and forced him to flee into exile in Britain, where he eventually died. His body was only returned to the country by Idi Amin in the 1970s. On 25 January 1971, Amin overthrew Obote in a military coup while he was attending a Commonwealth Heads of Government Meeting (CHOGM) in Singapore. To consolidate his power base, Amin decided to brutally murder many Langi and Acholi officers of the Uganda Army. He systematically replaced them with people from his own home region of north-West Nile – Kakwas, Aringas and Nubians. From then on, control of the armed forces became the dominant factor in Uganda's politics. Neo-patrimonialism became entrenched as ethnic ties and loyalty became central to ensuring support for the country's ruling class or regime. However, when Obote returned to power for the second time in the early 1980s, the army once again reverted to the Langi and Acholi.

¹⁹ For details, see Barya Jean-John B. (1996), 'Internal and External Pressures in the Struggle for Pluralism in Uganda', in Joseph Oloka-Onyango, Kivutha Kibwana, and Chris Maina Peter (eds.) *Law and the Struggle for Democracy in East Africa* (Nairobi: Claropress), p. 136-137.

When the 1980 December general elections were held under circumstances that were seen as being rigged Yoweri Kaguta Museveni and 26 others took to the 'bush'. He particularly exploited the Acholi and Langi dominance by highlighting the ascendancy of northerners in the country's leadership, something that was already resented by Buganda and other parts of the country – a legacy of the divide-and-rule tactics left behind by the British. However, the representation of ethnic communities in the new NRA – today, the NRA is called the UPDF - army was apparent in that it was primarily constituted of westerners and some Baganda (because the 'bush' war was launched in Luwero district in Buganda). This ethnic representation in the NRA produced a new cycle of resentment from northerners, a situation that has changed little at the top brass of the UPDF. Some of the defeated soldiers from the north, mainly from Acholiland, joined Alice Lakwena's Holy Spirit Movement and Joseph Kony's Lord's Resistance Army (LRA); the latter continues to operate in the eastern part of the Democratic Republic of Congo (DRC) and in Chad.

Apart from the country's division based on religion and to some extent tribes (nationalities), as well as the north-south or Bantu-Nilotics divide, there are emergent intra-church divisions, for instance, the pro- and anti-Bishop Bamwoze factions in Busoga (Church of Uganda) or the anti- and pro-Bishop Halem'Imaana in Kabale (Catholic Church), both of which have been sources of party divisions (see Barya 1996). The problem with the Muslims is that historically they have been divided on various grounds. Support from various Arab-Islamic countries, especially financially, has tended to factionalise the Muslim community in Uganda. Attempts by governments, and the NRM in particular, to forge Muslim unity has caused even further divisions among them. Although the leadership of Justice Forum (JEEMA) has not openly admitted that they formed the party as a strategy to redress the suppression of Muslims in the country, it is arguable that Islam was the basis for the formation of the party 9the majority of its leaders are muslims. At one time, the Tabliq fundamentalists threatened to form a party based on Islamic fundamentalist principles. There have also been attempts by the various Christian evangelical or born-again ('saved') groups, the overwhelming majority of them originating from the USA and more often than not linked to fundamentalist churches and right-wing political interests in the USA, that have shown an interest in launching a political party. It is arguable that these religious groups, sects and denominations can be, and been, agents of anti-national foreign interests (Ibid). At times, they have been used internally to cause illegitimate divisions in politics and other social spheres.

Constraints on Constructing Multiparty Democracy under Ethnic Conditions

Several characteristics of the African ethnic contours pose severe constraints to the various forms and levels of democratic institutional development (Berman et al. 2004: 317-318). These constraints are:

- Contemporary African ethnicities are modern, not primordial, survivals of some primitive tribal past. They are recent and dynamic responses to the political, economic and cultural forces of Western modernity as introduced to Africa during and after the epoch of European colonialism;
- There is an intimate linkage between contemporary African ethnicities with the processes of colonial and post-colonial state formation and the development of capitalist market economies. They are thus grounded in, and express, in particular, the inequalities of, economic development and access to state resources within and between ethnic communities;
- The distinction between the internal and external dimensions of ethnicity is critical for understanding the relationship between ethnic communities, capitalism and the state. Ethnicity is not just about culture and tradition; it is also about competition for wealth and political power;
- The internal contestations are also moral conflicts over fundamental issues of social responsibility, solidarity, and collective moral responsibility. The hierarchical and conservative values and the clientelistic relationships expressed in the internal processes of ethnic development may conflict with the liberal individualist values and moral economy of the market and liberal democracy;
- The external confrontations between ethnic communities over access to and control over state institutions take place in an amoral free-for-all pervaded by ethnically based patron-client networks (see Wrong 2009: 121-144). Thus, in the clash of 'political tribalism', the formal rules of the political process mean little, and control over parts of the state apparatus mean a great deal;
- Ethnic communities in Africa shape and are also shaped by other bases of social differentiation and conflict; and
- It is important to place these factors within the particular national context of the widely varying total number and size of ethnic communities in African states. This ranges from uni-polarity (where a single ethnic group comprises the majority of the total population) to deeply fragmented multipartyism (where many small

ethnic groups, none of which constitutes a large proportion of the total population co-exist). The relative size and number of ethnic communities shapes the dynamics of inter-ethnic relations and conflicts.

It is, therefore, arguable that the heightening of the overall impact of these factors is because of the contemporary political and economic crises of sub-Saharan Africa (SSA). Indeed, the combination of economic malaise and state weakness, exacerbated by the disruptive effects of neo-liberal reforms, has not only affected multiparty democracy but has intensified conflict, insecurity and distrust which has, in turn, increased individual and collective reliance on clientelistic networks and the solidarities of ethnic communities (see Berman Ibid: 318). There is need to devise strategies to ameliorate these challenges if political and socio-economic order is to be established in Africa.

Strategies for the Management of the Transition to Multiparty Democracy

Given the many adverse crises associated with multiparty democracy, African countries, generally, and Uganda, in particular, should strategise to establish the conditions within their multi-ethnic societies that are necessary and sufficient for adopting multiparty democracy. The strategies are discussed hereunder.

First, there is a need to understand the nature of the post-colonial states in terms of their capacity to manage the multiparty system and the politics both internally and externally. Specifically, the Ugandan post-colonial state should dismantle any form of networks or associations that lead to national fragmentation and negative ethnicity that interfere with national unity. One of the cornerstones of state building is to dismantle the very foundations of ethnic-based politics. While the 1995 Constitution has provisions that outlaw the formation of political parties based on sectarianism, the Ugandan state should conduct regular ethnic auditing to identify and penalise those who engage in practices that enforce ethnic exclusion in hiring or in the distribution of public resources. However, there is need to realise that the state operatives and highly placed political leaders who engage in sectarianism are the least capable of enforcing ethnic auditing. In the end, enforcing patriotism and nationalism requires a conscientised citizenry.

Second, coupled with the first strategy is the need to radically transform the inherently repressive and undemocratic post-colonial state structure bequeathed to Ugandans when the British exited. There is need to effect this transformation if multiparty democracy is to alter radically the country's

political landscape. Structural re-configuration of the country's political and socio-economic systems is imperative in embedding multiparty democracy. Indeed, a political system that continues to perpetuate the powers and privileges of a cabal of individuals at the expense of the citizens is more than a ready candidate for immediate dismantlement. Structural transformation can assume a number of forms, including, among others: constitutional reforms to devolve power to the grass roots levels; public sector reforms to improve on the delivery of goods and services; strengthening governance-oriented civil society institutions to check the state's excesses; and the promotion of political emancipation of the citizens.

Third, earlier on it stated was that ethnic conflicts and violence are widespread in multi-ethnic societies practising multiparty democracy. The reasons advanced were that the states are weak because: they lack the apparatus required to enforce existing laws and regulations because most law-enforcement institutions are riddled with corruption thus rendering them ineffective; they lack the required resources to fund the law-enforcement institutions adequately; and they are devoid of competent and morally upright personnel to effect their implementation. Thus, there is need to view a strong state as a prerequisite for the restoration of socio-political order in any modern nation. Ugandans and Third World countries should begin to grapple with state building as a priority task.

Fourth, there is need to focus on increasing state legitimation to promote national unity. The Ugandan state should see national unity as a prerequisite for state formation and building. The promotion of national unity could be through the revival and nurturing of symbolic activities to raise the tempo of a national ethos and psyche. No doubt, this strategy will enhance state legitimacy because the citizens will develop a sense of belonging to their nation – rather than to their ethnic identities – and comply with the state's laws without coercion.

Fifth, strengthening state institutions is critical in nurturing and safeguarding multiparty democracy. In fact, state building that entails strengthening state organs or institutions (e.g. the army, police, Electoral Commission, judiciary and parliament) and awakening CSOs will certainly go a long way in enhancing multiparty democracy. Hence, non-state actors should reclaim their political space usurped by the state through the laws it has enacted such as the NGO Act that criminalises civil society activities, and external actors.

Sixth, there is need to craft appealing ideologies for mobilising citizens. Uganda, like many Third World countries, lacks a popular ideology around which the citizens can be galvanised. The lack of popular ideology explains why shrewd politicians tend to appeal to ethnic identities as a basis for

mobilising the citizens to support their causes, politics inclusive. It is worth noting that a nation that is deficient of a popular ideology is devoid of the essential pillar upon which to build its unity and legacy.

Finally, theoretically, the premise of multiparty democracy rests upon the principles of liberal Western democracy. Yet the major weakness of this form of democracy is that it rests on the tyranny of the majority. This form of democracy may serve as a disadvantage to smaller tribes in multi-ethnic states dominated by a few large ethnic groups. When let loose, liberal democracy tends to increase inequality as dominant ethnic groups largely use their numerical strength to influence and control political processes and resource allocation. Essentially, therefore, unless liberal democracy is 'moderated' by domestically grown laws and regulations, it is bound to disenfranchise the minority groups in that country.

In Uganda, for instance, it is extremely hard to fathom how a minority group like the Bakenyi can dominate a majority ethnic group like the Baganda. Therefore, the state must guarantee checks and balances to prevent the tyranny of the majority suffocating the minority. Some of the ways of controlling this tyranny include: taming competing interests; limiting the rise of ethnic nationalism; and checking exclusion in the distribution of national resources, say, through the appointment of an Equal Opportunities Commission (EOC), as has been done in Uganda under the Ministry of Gender, Labour and Social Development (MoGLSD) – the only question regarding the EOC is the extent to which it has so far redressed the historical imbalances that have existed among Ugandans in all the spheres (politics, economics, public service, etc.).

Conclusion

This chapter has clearly demonstrated that the formation of parties in Uganda has been along ethnic, religious and other sectarian lines. Yet constituting political parties based on sectarianism such as ethnicity and religion runs counter to the notion of political liberalism itself. It is worth stating that ethnic identity in Uganda's politics started before colonial rule. The British only expanded the political crevice using their infamous divide-and-rule tactics. Today, however, this division is embedded not only in the body politic of the country, but in the psyche of many citizens.

Unfortunately, post - independence regimes have continuously encouraged the manipulation of the ethnic identities as a mechanism to mobilise support, protect their kith and kin and primitively access national resources, mainly to satisfy their own selfish group interests. The treatment of ethnic identities in Uganda is inimical to the acclaimed principles of multiparty democracy. The last word is that sectarianism in politics has to be effectively managed using the different strategies discussed in this chapter if multiparty democracy is to take root in the country.

Part II: Multipartyism and Electoral Democracy

Chapter Five: The Management of Multiparty Elections

Introduction

This chapter is anchored in the centrality of elections as being the realisation of rule by the people in embedding democratisation in any given polity. Elections in any developing country should signal the completion of the transition to democracy by fostering liberalisation and producing a self-reinforcing power that promotes increased democracy in political regimes (see Olum 2006: 137-139). Indeed, elections are integral to democratic practice because they serve as instruments of authority flowing from citizens to their representatives.

In other words, the way the electoral process is administered is critical to the outcome and the legitimacy of the elections (Makara Sabiti et al. 2006). Elections have to be well managed to facilitate the institutionalisation and strengthening of actual civil liberties in any society with the sole aim of enhancing democratisation. However, elections should not necessarily be seen as the only crucial factor in expanding civil liberties and democracy. Elections, it has to be noted, is a critical ingredient of greater democratisation.

To address these issues, this chapter has the following sections: it begins by conceptualising the relationship between elections and democracy; it describes the characteristics of democratic elections; it traces the historical context of elections in Uganda; it provides the legal and institutional-cum-structural framework for elections; it highlights the challenges and remedies of the management of elections; and it defines the possible electoral system Uganda could think of adopting in future elections.

Elections and Democracy

If elections are to be integral to the expansion of civil liberties and democracy, it is imperative to look intently at both the *democratic qualities* and the *democratic content* of the elections. Short of these two aspects, any election that is held is either a sham or held for purposes other than promoting democracy except to advance the interests of those who hold them. The argument is that the process of managing an uninterrupted series of *de jure* participation, competitive and legitimate elections not only enhances the democratic quality of the electoral regime but the positive effects on the spread and the strengthening of civil liberties in the society.

In the context of the relationship between elections and democracy, therefore, elections should, *de jure*, allow for equality of political participation and free competition to legitimise them. If these cardinal electoral principles are not upheld, then the right to participate and compete may be legally granted but not effectively enforced; and procedural legitimacy may exist in law but not in fact. In other words, equal participation, free competition, and legitimacy are democratic qualities that any political regime must possess in order to belong to the community of democratic states.

One of the fundamental reasons why a polity should possess these requisite democratic qualities of elections specifically for legislative and executive offices is because they effectively reinforce political rights. This observation is crucial because elections can easily co-exist with systematic abuses of human rights, the disenfranchisement of parts of the electorate and other undemocratic practices. Stephen Ellis was spot-on when he asserted that:

... to believe that the principle of the sovereignty of the popular will can best be tested ... through elections ... The stark reality in many cases is the practice of multiparty elections whereby autocratic rulers remain in office using electoral procedures as rituals to divide and rule and stay in power (see Hameso 2002: 1).

In spite of the negative connotation contained in this quotation, the reality is that managing participatory and contested elections is a fundamental condition for those very elections to be democratic and the political system to be democratically representative (Lindberg 2006).

Characteristics of Democratic Elections

For any election to be characterised as democratic, several indicators come in handy. These indicators include: the accomplishment of free, fair and peaceful elections in which all shades of opinion prevail; the electoral outcome is acceptable to all parties; no anti-democrats contest for power; occasional turnovers, though not necessarily in the short term, should occur to demonstrate the incumbent's willingness to adhere to the rules of democracy; breakdowns of the regime should indicate a complete depletion of legitimacy among crucial actors; the share of votes and seats of the winning candidates and parties should indicate the level of competition, and; the measure of popular participation should be demonstrated by the degree of voter turnout.

These characteristics are certainly useful in analysing the extent to which elections have been managed in Uganda, including the 2011 general

elections. Unfortunately, the elections that have been held in Africa have frequently produced the tendency referred to as 'electoral authoritarianism' where elections are held in semi-authoritarian regimes but the opposition forces often cannot meaningfully challenge those in power (Schedler 2002). Before delving into this core subject of the chapter, however, it is important to contextualise the historical and legal frameworks within which elections are managed in Uganda.

The Historical and Legal Contexts of Elections in Uganda

The first milestone of Uganda's electoral history dates as far back as 1957, with the enactment of the first Election Act. The following year (1958) the first direct elections were held for representatives to LEGCO. This was followed by the parliamentary elections of 1961, which were contested by two major political parties, namely the DP and UPC. The first national election in Uganda was the election of the National Assembly in 1962 which was held under the 1962 Constitution. The abrogation of the 1962 Constitution, a quasi-federal constitution, which gave rise to the 1966 Constitution, introduced centralised executive and parliamentary systems of governance. In 1969, political parties were banned after an assassination attempt on Prime Minister Milton Obote's life at Lugogo in Kampala. Consequently, a 'state of emergency' was introduced. Obote and his UPC ruled under a *de facto* one-party system. President Obote was eventually overthrown in a military *coup d'état* by Idi Amin Dada in 1971. Amin banned the UPC, suspended political activity and turned Uganda into a no-party state. Under the most brutal and tyrannical rule Uganda has ever witnessed, Amin ruled by decree. He was overthrown on 11 April 1979 by a combined force of Tanzania People's Defence Force (TPDF) and Uganda National Liberation Force/Uganda National Liberation Army (UNLF/UNLA). Since 1980, Uganda has had a sad electoral history.

From 1986, there have been four presidential and parliamentary elections – in 1996, 2001, 2006 and 2011, and local government elections in 1997, 2002, 2006 and 2011. Both the 2001 and 2006 presidential elections were contested in the Supreme Court and both Supreme Court rulings held that the elections were not free and fair, although they upheld the results. Many judgements delivered in respect of parliamentary and local government elections point to numerous flaws in the electoral process. The previous two general elections were held under a presidential system of governance with a multiparty parliamentary dispensation. Among other powers, the 1995 Constitution (as amended) entrenched these systems by providing that the President is the Head of State, Head of Government, and Commander-in-Chief of the armed forces.

In managerial terms, in December 1980 the Military Commission (MC), chaired by (the late) Paul Muwanga and deputised by Yoweri Kaguta Museveni organised a general election that was seen as controversial because it ultimately returned Milton Obote to power. There were apprehensions regarding the management of this election which cast doubt on the legitimacy of the whole process, namely: nomination and appointment of members to the MC; gerrymandering; ballot-box stuffing; coercion; violence; fraud; and outright declaration of Obote as winner amidst the irregularities. Consequently, Yoweri Kaguta Museveni declared a guerrilla or 'bush' war against Obote's regime, arguing that the election had been stolen. After five years of armed rebellion, his National Resistance Army/National Resistance Movement (NRA/NRM) captured state power on 26 January 1986.

From 1986 up to 1996, no presidential elections were held. The country was ruled under the 'no-party' or Movement system. Multiparty elections were only held after the referendum on the change of the political system held in 2005. The next sections examine the management of the multiparty elections, beginning with the legal and institutional-cum-structural frameworks.

The Legal and Institutional-cum-Structural Framework for Elections

The legal frameworks providing the standards of elections in Uganda are governed by the 1995 Constitution, the Presidential Elections Act of 2005, the PPOA of 2005 (amended twice),²⁰ the Parliamentary Elections Act of 2005, and the Electoral Commission Act of 1997. The Electoral Commission is established as an independent constitutional body (see 1995 Constitution; Election Commission Act 1997). Specifically, Article 60 of the 1995 Constitution creates the Electoral Commission and defines the requirements of its staff. Further, Article 61 of the Constitution and Article 12 of the Electoral Commission Act enumerate the Electoral Commission's functions. These functions include: organising, supervising and safeguarding free and fair elections; demarcating constituencies; ascertaining and publishing official and referendum results; ensuring that the necessary security provisions are in place; hearing election complaints; implementing civic education; and compiling and updating the voters' register.

In this regard, the Electoral Commission's 'vision' is to promote peaceful continuity of governance through an impeccable electoral process. Its standing resolution is to promote public confidence in the Electoral Commission as a credible institution in charge of management of the electoral process through a transparent, accountable and efficient human resource, through conducting continuous voter education and through updating the voters' register so as to

20 Political Parties and Organisations (Amendment) Act of 2009 and Political Parties and Organisations (Amendment) Act of 2010.

deliver peaceful, free and fair elections and referendums in accordance with the 1995 Constitution. However, the Electoral Commission has not enjoyed widespread confidence among some of the political stakeholders (opposition parties, civil society, and some Western countries) in the manner in which it managed the 2011 general elections and the previous elections.

Structurally, the Electoral Commission is composed of a chairperson, deputy chairperson and five other members, who are appointed by the president with the approval of parliament. The majority of the current officers of the Electoral Commission who were appointed to conduct the 2006 general elections, and were re-appointed in 2009, include: Dr Badru Kiggundu as chairperson, Mr Joseph Biriboonwa as deputy chairperson, Mr Tom Buruku, Dr Jenny B. Okello, Mr Steven Ongaria, and Ambassador Sisye Kiryapawo. Mrs Justine Mugabi was first appointed in 2009 to replace Sister Margaret Magooba, a former deputy chairperson who retired. The secretary to the Commission, a position currently occupied by Sam Rwakojo, heads the Secretariat. He is assisted by the directors of Elections and Finance Administration. There are five departments under the Directorate of Elections, namely: Legal and Public Relations, Voter Registration, Data Processing, Voter Education and Training, and Election Management. While the top management of the Electoral Commission was recruited through sourcing from various professional groups and vetted by parliament, the opposition rejects them on grounds that they are either supporters or sympathisers of the NRM party. Nevertheless, the Electoral Commission faces several challenges as discussed hereunder, namely: administration of elections; civic and voter education; registration of voters and boundary demarcation, dispute resolution, complaints and petitions; and resources.

Administration of Elections

Although parliament has passed laws to help provide standardised regulations on electoral administration and management, the greatest obstacle to free and fair elections in Uganda is the glaring failure of candidates, their agents and some electoral officials to comply with the law. There is widespread deliberate manipulation, infringement or breakage of the electoral laws with the intention to cheat in the voting process in order to win seats or favour particular candidates for whatever elective post happens to be available. It is the duty of the Electoral Commission, as facilitator of national elections, to ensure that the concerns of all key political actors are adequately addressed to ensure that peace, stability and tranquility prevail in the country before, during, and after elections.

In management terms, therefore, countries are legally required to create an institutional body to manage elections. Such a body is supposed to

be all-inclusive, non-discriminatory, competent, accountable, staffed by qualified personnel and backed by some legal authority. Specifically, the legal regime should be established to protect the staff of the electoral body from maladministration, which could range from bias to corruption-related activities. It has to be noted that prior to the 2011 general elections, the Electoral Commission assured Ugandans that the elections would be conducted in a free and fair manner (Kanyeihamba 2010: 5).

Civic and Voter Education

Many Ugandans do not understand the concept and practice of multiparty politics. The violent-prone antagonism between supporters of different parties attests to this reality. Civic education by the Electoral Commission and accredited stakeholders, such as political parties and civil society, should be geared towards educating the voters about the entire electoral process.

The main aim of civic education is to ensure that there is clear understanding of the defined procedures and vigilance against potential abuses. In addition, voter education in all forms, e.g. registration, should address what citizens should be equipped with when going to register. If this is done, then it will build confidence in the integrity of the electoral process as well as in the Electoral Commission.

It has to be underscored that civic education has to be carried out early to enable all actors to clearly understand what is entailed in a multiparty political system. The common denominator of the education of the voters is to enable them in the long term to be civically competent and to be able to play by the 'rules of the game'. The unfortunate part of all the previous elections is the fact that many voters cast their votes without thorough understanding of the electoral issues. Voting was either done improperly or not at all because voters were disenfranchised.

Registration of Voters and Boundary Demarcation

The credibility of the electoral process and the legitimacy of the electoral outcomes can also be enhanced by addressing contentious issues such as the voters' register which disenfranchises many voters. Clearly, the register that was used in the 2011 general elections was to some extent inaccurate and therefore lacked credibility and reliability. The names of many voters were missing from the register. The introduction of the biometric registration system was seen as capable of improving on the registration of persons. Unfortunately, by the 2011 general elections, this system was glaringly not up-to-date.

Further, the code of conduct for political parties has never been implemented. This failure has seen many political parties contravening various laws, including constitutional provisions, regarding their behavior. Because of the absence of a code of conduct, most party activists tend to see politics as a 'do-or-die' affair. The idea by Sekaggya (2010: 66) that the Electoral Commission should introduce pre-election counselling for all political candidates and post-election counselling so that candidates do not treat elections as a matter of life-and-death is a welcome suggestion.

Hence, the electoral laws related to campaigns to stop clashes and violence among party supporters should be upheld. The code of conduct should also empower the Electoral Commission to punish political parties that contravene electoral laws. Unless the Electoral Commission establishes a serious special desk to monitor the activities of political parties and other stakeholders during elections, most malpractices will go unrecorded and unpunished. On the question of cheating at the polling day, Kanyeihamba (2010: 7) observes:

It is surprising that party leaders and Electoral Commission have not discovered this corrupt trick and if they have, it is equally surprising that nothing has been put in place to close the loophole. One way of combating this type of theft is to immediately set in motion a formal system of checking thoroughly every voter who goes in and comes out of the polling booth to ensure that they are not carrying any extra votes or are still in possession of the one they were supposed to cast.

This quotation shows the high degree of sophistication that some voters have graduated into in order to cheat the electoral process. Much as the quotation offers solutions as to what should be done to curb this level of cheating, it is not clear why some voters are ready to go to such great lengths to cheat for purposes of voting someone into office.

Dispute Resolution, Complaints and Petitions

One of the main goals of all actors who participate in an electoral process is to avoid violence before, during or around elections and after elections. Any complaint of foul play by any institution or individual or party should be submitted to the High Court for investigation and adjudication in accordance with the prescribed law. In arriving at its decision, the High Court should exercise maximum neutrality and objectivity.

In Uganda, in order to conform to the principle of fair play and political justice, multi-stakeholder meetings have been held to identify early warning mechanisms and to build violence-prevention infrastructure (Open Society


Foundations 2010: 13). Unfortunately, disputes have continued to surface in every election that has been held. Thus, there are various legislations that have been put in place to enable the Electoral Commission and the courts to deal with electoral disputes, namely: the 1995 Constitution,²¹ the Presidential Elections Act 2005, the Parliamentary Elections Act 2005, and the Electoral Commission Act 1997. Section 60 (3) of the Parliamentary Elections Act 2005 provides, among others, that every petition shall be filed within 30 days after the day on which the result of the election is published by the Electoral Commission in the Gazette.

It has to be noted that the Electoral Commission has been involved in efforts to resolve several disputes since 2005 on the following matters: questionable academic papers, failure to resign from public office, intimidation during campaigns/polling, absence and misallocation of symbols and names of candidates, registration of under-aged and over-aged persons, double registration, nullification of electoral results, voter bribery, ballot stuffing, defacing of posters, disrupting rallies, and use of abusive language.

In spite of the Electoral Commission installing a toll-free line for complainants to access the Electoral Commission and the establishment of a national information/complaints desk to receive, handle, and resolve complaints manned by an officer to respond to queries as promptly as possible, not all disputes get resolved. Indeed, there are several delays in resolving parliamentary and local government electoral petitions. On some occasions the High Court has ruled that the Electoral Commission has failed to conduct elections in compliance with the provisions and principles defined in the electoral laws. For instance, in nullifying results of elections arising from petitions, the High Court has frequently ruled that there have been widespread intimidation, violence and torture by gangs trained and deployed by various political groups. According to the High Court, these misdemeanors indicate non-compliance with the provisions and principles established in the Parliamentary Elections Act, which end up affecting the results of elections in substantial ways.

Unfortunately, the Electoral Commission's Legal Department is not sufficiently empowered by legislation to expeditiously handle electoral disputes and to impose stiff penalties on candidates and other stakeholders that engage in any electoral malpractices. For instance, those found to have engaged in malpractices are not barred from contesting again for political seats as if the judgement handed down against them does not matter at all. They should be barred for, say, a period of not less than ten years before they stand again for elective office.

²¹ See Article 61 (f) of the 1995 Constitution which empowers the Electoral Commission to hear and determine election complaints arising before and during polling. Article 64 (1) provides that any aggrieved person may appeal to the High Court a decision on an elections complaint.



On another note, the judicial inquiries and pronouncements that have been held and published from election to election saw widespread costs incurred by government in several petitions in order to settle various disputes. This arises because most judgements on electoral petitions show violations, infringements and non-enforcement of electoral laws. Yet the 1995 Constitution and related electoral laws, rules and procedures of Uganda provide for an impartial, transparent and fair electoral process. The major driving force behind such flagrant abuses of the law is the partisan way in which some officers behave in a bid to reap rewards, both monetary and non-monetary (e.g. praise), from those who organise, oversee, and supervise these elections.

Resources

Managing elections is an extremely expensive exercise; it is in trillions of Uganda shillings annually. These resources have to be received in time and effectively managed by the Electoral Commission. The Electoral Commission has faced serious problems in managing elections because of insufficient resources. It is, therefore, imperative that the funds which government allocates to the Electoral Commission is increased to enhance its efficiency and effectiveness in the management of elections. If realistic allocation of resources is to be undertaken, the MFPED should first consult the Electoral Commission before setting budget ceilings. Time should also be viewed as an integral resource besides funds; there is need for sufficient time to organise elections and train the staff who will execute it.

Elections cannot be managed by non-specialised staff, as was the case in the 2011 general elections and the previous elections. Strangely enough, appointment letters and identification tags were not issued to some election officials, which resulted in abuse of the electoral process by some individuals during the polling process. In some cases, lists of election officials were not shared with all political parties participating in the elections. Similarly, political party agents posted to oversee the elections were sometimes not known to officials at polling stations. This led to serious clashes at polling stations between various individuals and party representatives, thus affecting the outcome of the results.

Electoral System: Choosing between Systems


In any democratic system of government, the electoral process is key to ensuring that the widest possible number of people have a legitimate voice in choosing who will govern them and how. Without an appropriate electoral system, faith in the entire democratic process is questionable (for details,

see Msekwa 2006: 119-127). The system must be fair and must be seen to be fair. There are various essential elements of any electoral system: a) It should provide the maximum possible participation of citizens in order to be truly democratic; b) All votes should count for something, if possible, and should be as close as possible to equivalent weight; c) At the same time since the whole point of elections is to choose representatives who together are capable of governing the country, and the system must allow for sufficient stability in order for that to be possible; d) The electoral system should be free from manipulation and abuse. There should be in-built safeguards, and the population at large should be confident of that; e) The way in which the system works should be understood readily by all who participate in the elections, and a major education initiative is likely to be required for a new system to be introduced; f) There needs to be a close link between the electors and the elected. The elected must be accountable to those who have chosen them and must reasonably reflect the various social and political groups that make up the country. This is especially important in choosing a parliamentary electoral system, where there is a large variety of systems to choose from.

There are three broad types of parliamentary electoral systems in the world (Ibid): majority, proportional, and mixed. The oldest electoral system, the majority system, existed even before the advent of political parties, and for a very long time it was the only electoral system. Basically, it is a system where the candidate who receives the majority of the votes cast is declared the winner. However, there are several variations available within this system, depending on whether it is a single-member constituency or a multi-member one; and even within a single member system, variants exist.

The first-past-the-post (FPTP) or a simple majority of votes cast, is the commonest variant. Its major advantage is its simplicity. It is easily understood by everyone and straightforward to implement. Every voter is given a ballot with all candidates listed and chooses one, or alternatively the voter is given a blank ballot on which he or she writes the name of the preferred candidate. When all votes are counted, the candidate with the most votes wins, regardless of the total number of votes cast. Critics of this simple majority system argue that it is not fair practice for someone to be elected with only 20 or 30 per cent of the votes, which can occur when several candidates are running and the vote is split among them all. In its favour, it is argued that there is no uncertainty as to the results provided the process is fair.

Another concern about the FPTP system relates to what is known as 'gerrymandering' of constituency boundaries in favour of a particular political party. Gerrymandering is the act of fixing the boundaries of a voting area



in order to give advantage to one of the parties participating in an election. Such action usually exacerbates the tensions which a democratic system is designed to assuage. One variant of the simple majority system is the requirement for an absolute majority of the votes cast. In this case, a candidate is not elected until he or she has obtained 50 per cent plus one of the total valid votes cast. A second ballot is held if the first round has not delivered such a majority. This is usually done several days or a week or two after the first ballot. It can either be a run-off between the top two candidates from the first ballot, where one of them will of necessity be the winner on the second ballot, or a simple majority can be sufficient to win the second round. However, the requirement for a second round costs extra time and money and allows for additional campaigning before the second ballot is held.

Another variant of the majority system is the preferential or alternative voting system. In this system, the elector chooses one candidate but also indicates, in declining order, his or her preference for the other candidates. If no one wins an absolute majority of the votes cast on the first count, the candidate with the least number of votes is dropped and the votes for second choice on these ballots are added to the totals. This exercise is repeated as many times as may be necessary to obtain an absolute majority for one candidate, who then becomes the winner. Another aspect of this system is that it encourages the formation of small parties, as well as parties representing minority groups, or single issues. Such parties have a better chance of having at least some members elected under this kind of system.

There are many who think that proportional representation is a good system which overcomes all the problems of majority systems. In fact, it has been used for over a hundred years. Proponents of this system argue that it is a more just system, for the results proportionately reflect the voters' wishes along party lines. Smaller parties, women and minorities are all thought to have better chances of being elected under proportional systems. In this system, no set of political views will be excluded from electoral representation, provided that it receives sufficient votes. On the negative side, it is argued that because the elector is voting for lists of candidates chosen and ordered by the various political parties, he or she is personally removed from the candidate who is elected. It is no longer one candidate representing each constituency, where voters know who their MP is. A list of candidates is elected, none of whom may reside in or represent a particular constituency per se.


Secondly, removing an unpopular member under this system becomes more difficult for electors, because if the party continues to put the individual's name near the top of its list, its proportional vote share will ensure his or her

re-election. While this provides a broader base of elected members, it can and often does lead to political fragmentation. Many more parties usually end up being elected. If no one party obtains sufficient members elected to form a government, then coalitions are required. Proponents argue that this favours consensus and compromise. Opponents say it can lead to political instability and inability to govern.

A proportional system, whatever its faults, ensures that all votes count for something. In full proportional representation systems, the whole country is effectively one constituency. Each party presents the elector with a list of candidates long enough to fill every vacancy. The party chooses the candidates and the order in which they appear on the list. In a closed list system, voters choose one list. In an open list system, they choose names from any list, up to the number of vacancies. The votes are tallied and proportionately allocated to each participating party.

The problems with the full proportional system are obvious. In a country with a large number of seats in the assembly, the party lists are very long and those elected are far removed from the voters. A person in the voting booth is faced with books of lists, probably containing many names totally unknown to him or her. In a closed list system, electors vote by party only, with no means to influence which candidates win seats. In an open list system, nationally known figures will likely receive more votes. Sports heroes, entertainers and outspoken advocates of particular issues will probably increase in the legislature – in other words, known names have a greater chance of being elected. This no doubt makes for an interesting legislature. How representative it is in governing is another question.

Most countries, rather than having a fully proportional voting system, opt instead for limited proportional representation. The country is divided into various constituencies and the seats are distributed among them. There will of necessity be proportional discrepancies between the number of votes a party obtains and the number of its members elected throughout the country, and this distortion varies depending on the number of constituencies, the number of seats and the number of voters. The number of seats allocated to a particular party on the first count is never exactly equivalent to the total number of votes obtained by that party. The remainder or votes for each must then be taken into account and distributed until all seats are allocated. There is a multitude of mathematical formulae and processes for translating votes into seats in proportional systems. One aspect common to most countries is an electoral threshold of votes required for a party to be included in the distribution of seats. This arbitrary threshold also results in proportional distortion, but proponents feel it is necessary in order to reduce



the number of very small parties, and thereby increase political stability and decrease the probability of frequent elections due to an inability to govern.

Mixed systems vary enormously and have been growing increasingly popular in recent years. Only a few of the multitude of possible options will be listed to give some idea of the variants. While some of the mixed systems favour majority voting, others favour proportional representation and still others effectively apply both.

In a single non-transferable vote model, the voter may vote for only one candidate, even though the constituency in which he or she votes has several seats to be filled. Those candidates who receive the most votes win the seats. The limited voting system allows the voter to vote for several candidates. Candidates with the most votes win the seats.

The cumulative voting system allows the voter to cast as many votes as there are seats to be filled in the constituency and he or she may choose either to give all votes to one candidate, or to spread them the way he or she wishes among the candidates. Again, the candidates with the most votes win the seats.

The single transferable vote system allows the voter to vote for only one candidate regardless of the number of seats to be filled, but also to indicate an order of preference for the other candidates. Once a candidate reaches a specified electoral quotient, he or she is declared elected and any additional votes are then redistributed to other candidates on the basis of second choices indicated. The candidate who receives the fewest votes is eliminated and his or her votes are also reallocated on the basis of second choices. This process continues, if necessary, until all seats are filled.

Many countries seek to combine both majority voting and proportional representation, either by using one system in the lower house and the other in the upper house, or by combining both in one house, electing some seats by majority voting and other seats by proportional representation. Uganda's electoral system belongs to this category. While the constituency members are elected by using the majority system, women members who occupy the special seats for women are elected by using the proportional representation list system. In proportional representation systems, elections may be held in multi-member constituencies by having the voter choose between various party lists, where the list with the most votes wins all the seats in that constituency. This is known as a 'closed list'. Alternatively, a voter is asked to choose candidates from any party list up to the number of seats available to be filled, and those candidates with the largest number of votes win. This is the open list, sometimes called the block vote system.

With this plethora of possible electoral systems many factors influence the decision in choosing an electoral system. These factors include everything from cultural background, political experience, societal values, cost, the need for simplicity, the desire to be just and inclusive, to the desire to be up-to-date. Hence, one needs to have an understanding of what the different systems are and how they work in terms of their strengths and weaknesses.

Advocates of proportional systems argue that the most important criterion of an electoral system is that it returns representatives who fairly reflect the various interests and political views in the country. In other words, the number of votes a party receives at national level should translate as closely as possible into seats in the legislature. On the other hand, proponents of majority systems contend that the main point of an election is to choose representatives who can form a government and provide stable decision-making and leadership for the country. In their view such stability is more likely to be the outcome of elections in a majority system.

Furthermore, they argue that majority systems are more easily understood by all electors and normally provide a far closer link between the voter and the elected member than do proportional systems, which require a voter to choose party lists rather than individual constituency representatives. Even in mixed proportional systems, where some members represent constituencies and some are chosen proportionately, either the constituency representative must represent a very large number of voters, or the size of the legislature must be extremely large, in order to accommodate the two types of members. But in a larger forum, each member will of necessity have less voice, which is a disadvantage.

No electoral system will fulfil all requirements equally. No system is perfect. Choices must be made based on the specific needs, requirements and priorities of the people who live there and the particular circumstances at the time. Uganda needs to revisit its electoral system if elections are to yield the fruits of multiparty democracy and satisfy the different political parties.

Challenges and Remedies of Managing Elections

Electoral reform refers to any change in an electoral system which increases efficiency in the general management of an election, with the primary goal of delivering a free and fair election through increased impartiality, inclusiveness, transparency, integrity and accuracy. The need for electoral reforms arises from the fact that from the time the 2001 and 2006 general elections were disputed, no major electoral reforms have been made.

The major intervention relating to the problems concerning democracy in any country lies in providing 'more democracy' to the citizens. So, electoral reform is expected to be a permanent feature of any democracy. This is the foremost universal reason why it is important to constantly reform electoral laws. The second reason is that it is human nature to continuously pursue fundamental and other human rights and freedoms, including the right to choose one's leaders without coercion.

Several benchmarks can be used to establish a firm foundation and culture for conducting free and fair elections. In 1994, the Inter-Parliamentary Union (IPU) also highlighted similar benchmarks. These benchmarks are as follows:

- i. Security and Freedom – There should be adequate security, and freedom of expression and assembly for all voters;
- ii. Non-Discriminatory Suffrage – The electoral system must have a mechanism to eliminate disenfranchisement and discrimination.
- iii. Disenfranchisement of Voters – There should be an electoral law to make 'wilful deletion of voters' names from the register' a serious and punishable offence;
- iv. Demarcation of Constituencies - There should be a fair system of demarcating constituencies, so that small communities do not get several representatives or double representation while large ones get just a few. Also, the creation of new districts (or 'districtisation') especially on the eve of elections should be halted because it tends to favour the incumbent – who is seen as the 'giver' - as compared to the opposition. Indeed, some of the new districts become no-go areas for the opposition. Article 63 of the Constitution, especially clause (2), should be reviewed to make it possible for the Electoral Commission to demarcate constituencies in a more rational manner;
- v. List of Voters – A verifiable, complete and accurate list of voters must exist before an election is conducted;
- vi. Independent and Impartial Electoral Commission and Polling Officials - There should be an independent Electoral Commission and only impartial election officials should be involved in the management of elections. The constitution should be amended to allow the Judicial Service Commission to nominate the entire Electoral Commission from a list of people submitted by all registered political parties for approval by parliament. Only parties which have representation in parliament, have held national delegates conferences, and have participated in presidential, parliamentary and local elections should participate in the submission of names (number to be determined) as prospective candidates for the Electoral Commission; the chairperson and all commissioners in the new Electoral Commission

- should serve for one seven-year non-renewable term and be responsible for appointing its officers;
- vii. Voter Education – Voters should be given adequate practical education in the mechanics of elections, including the importance of periodical elections, the benefits of multiparty elections, the use of the secret ballot, voters’ rights and responsibilities and freedom to choose the candidates of their choice;
 - viii. Protection of Minorities – A country must have adequate mechanisms which ensure that powerful groups in society (including the ruling party) do not get unfair advantage over small groups and opposition parties;
 - ix. Electoral Campaigns – The conduct of electoral campaigns from registration to election day should be carried out in strict observance of the following: a) Respect by the authorities for the freedom of movement; b) Freedom of assembly, association and expression of candidates and voters throughout the campaign period; c) All political parties should conduct their activities within the law; d) The freedom of political parties and special interest groups to engage in the electoral process without arbitrary and unnecessary restrictions on media access or communication with the public; e) Equal security for all political parties, their candidates and supporters; and f) Prevention of fraud and illegality in the entire campaign period;
 - x. Balloting, Monitoring and Announcing electoral Results - On polling day, ballots should be made available to voters and accessible, well staffed, secure and well publicised polling stations in each constituency. Voting must be secret and ballot boxes secure. When polling closes, votes must be counted and officially declared and displayed at the polling station, in the presence of all the participating parties. Party representatives should also be invited in the process of transmission of the results and/or transfer of ballot boxes to the district or national Electoral Commission headquarters. Furthermore, it is necessary for electoral observers from other countries to have the freedom to monitor the elections in any part of the country;
 - xi. Complaints and Dispute Resolution - It is crucial for the Electoral Commission and the law courts to resolve electoral complaints, disputes and cases within a short time in order not to delay justice;
 - xii. The Role of Security Organs in Elections – According to Article 1 (4) of the 1995 Constitution of Uganda, ‘the people (of Uganda) shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections

of their representatives or through referenda'. Unfortunately, it is sometimes the case that a few senior military personnel tend to engage in partisan politics, contrary to the established law. Hence, measures should be taken to curb this infringement of the law as follows:

- The returning officers of each parliamentary constituency should be the ones responsible for ensuring that the electoral process is conducted in a free and secure environment. In case of the need to reinforce order at polling stations, it is the electoral officials to appoint election protection officers, who must be ordinary civilians/residents. There should be a form to be filled by the presiding officer and signed by the party agents, clearly indicating the reasons which necessitated the request for police assistance;
 - The law must specifically exclude the military police, paramilitary forces such as DISO, ISO, and LDU, from being appointed;
 - Election Protection Officers – Parliament should enact a strict 'code of conduct' for the army and other security agents that prescribes their conduct during the election period. The code should target the individual and the officers responsible for his/her deployment;
 - No special polling stations for the army should ever be allowed;
 - Soldiers and other security agents not dressed in military attire or uniforms should only be allowed to vote in the nearby civilian polling stations and not in their barracks and must be on the voters register of that particular polling station;
 - No soldier or security operative should be allowed to vote at any other polling station on the excuse of being deployed nearby. It is incumbent upon a soldier who wishes to vote to apply for pass leave to travel to his/her polling station; and
 - Article 78 (1) (c) of the Constitution should be amended immediately to remove UPDF representatives from parliament and consequently section 8 (2) (a) of the Parliamentary Elections Act which provides for army representatives as a special interest group should be deleted;
- xiii. The CAOs and other public servants should be removed from handling or managing electoral matters because they compromise the principle of independence of the elections;
- xiv. The Electoral Commission's chairperson should be a person of high moral character and qualified to be appointed a judge of the High Court, with not less than 10 years experience in the legal profession; there is need to amend section 38 of

the Electoral Commission Act which gives the commission wide discretionary powers to do as it wishes on the excuse of unforeseen circumstances and exigencies. There is need to restrict powers of the Commission as this provision allows the it to ignore the law. There is need to amend Article 60 clauses (1), (3), (4), (7) and (8) of the Constitution which cover appointment, security of tenure and removal from office of the Commissioners. Parliament should enact an elaborate procedure for the removal of a chairperson and Commissioners from office similar to that of judges where there must be a tribunal constituted to conduct a fair hearing before submitting its findings to the appointing authority, the Judicial Service Commission. The job of secretary to the Electoral Commission should be held on a once-renewable contract of five years. To promote accountability and transparency, the holder should be appointed by the Electoral Commission in consultation with the political parties;

- xv. The number of Commissioners should be increased from seven to 11, including the chairperson and his/her deputy. The bill to establish the code of conduct for political parties should expeditiously be tabled in parliament for enactment into law. However, the Minister of Justice and Constitutional Affairs/ Attorney General should consult all parties before tabling it;
- xvi. The parliamentary constituency should become the basic electoral unit with a returning officer appointed by and answerable to the Electoral Commission;
- xvii. The national identity card system, based on a national citizens register, which the Electoral Commission will use in preparing the voters registers should be introduced;
- xviii. The law should clearly specify the period for voter registration, and register display and give sufficient time for both processes. The final voter register (including the changes made during the display) should be displayed again for further cross-checking, to avoid new inaccuracies or allegations of intentional removal of voters; the persons affected by the errors in the final register should have an opportunity to appeal well in advance before the elections; the deleted names should be displayed separately to avoid disenfranchisement of any voter;
- xix. Creation of new administrative units should be completed at least two years to the election date to enable the presidential, parliamentary and local government elections to be planned for and conducted efficiently;

- xx. New parish tribunals that suit the current multiparty system should be created, with the participation of political parties' representatives at that level;
- xxi. All the polling stations for a general election and where voters' registers will be displayed should be gazetted at least one month before the display exercise starts. An offence of wilful deletion and mismanagement of the register by electoral official should be created;
- xxii. The Electoral Commission should develop such materials for submission to political parties for sufficient debate on the content. The Electoral Commission should also incorporate views received from individual parties and other stakeholders, and submit the amended materials to the 'National Consultative Forum' for formal adoption as the common voter education manual;
- xxiii. Widespread bribery of voters, once proved to have been committed by a political party, should automatically lead to a nullification of the election and the candidate benefiting from the bribery should be barred from contesting in the by-election and one subsequent general election;
- xxiv. With regard to the media: a) The state should refrain from applying intimidatory measures against the media since such measures will lead to further erosion of democracy; and b) The private media should be sensitised by the Electoral Commission (with the support of both the government and opposition parties) that it is in their interest to give equal opportunity to all parties to put their messages across to voters. Such media will not only gain from operating in a stable nation but also become channels of mass education;
- xxv. The Police Act, which the police is using to interfere in the organisation of campaign rallies by political parties on the excuse that they have the power to regulate assemblies, should be reviewed. The Resident District Commissioners (RDCs) and other security operatives should also be prohibited from interfering with activities of political parties;
- xxvi. Parliament should review the laws regulating the use of public resources and institutions during election campaigns as provided for in Article 67 (4) of the Constitution; and Article 105 (2) should be amended to restore presidential term limits;
- xxvii. An MP should vacate his/her seat when the High Court has declared it vacant. On the appellate process, parliament should amend section 66 of the Parliamentary Elections Act so that a

person aggrieved by the decision of the High Court (whose trial should not exceed 90 days) may appeal against that decision only up to the Court of Appeal (whose trial should not exceed 60 days). Courts should also be allowed to suspend any matters before them in order to expeditiously determine these petitions; any person found by court to have committed an illegal practice should not be allowed to stand for elections for the next five years, without prejudice to any other punishment requiring a separate criminal trial;

- xxviii. No candidate for any election should be nominated in a private building;
- xxix. The period for nomination of presidential and parliamentary candidates should be extended to three days to avoid hasty nominations;
- xxx. The Electoral Commission should provide intensive education on polling day activities to voters, with the assistance of the political parties; and every candidate's agent should be allowed free access to the voters' register in the polling station concerned and the Electoral Commission Act should be amended in sections 28, 29 and 36 to criminalise the offence of denying access by candidates' agents to electoral materials as the law may permit;
- xxxi. The process of designing and printing ballot papers should not only be transparent but strictly monitored by the Electoral Commission, party representatives and local elections monitoring agencies. Political parties must be involved in the management, storage and transportation of election materials and should be availed the serial numbers of ballot papers for each polling station;
- xxxii. The Electoral Commission should investigate the possibility of using modern methods of voting such as the electronic voting system and the solar-powered battery/biometric voting machines which have been used successfully in other countries (such as India) and which will make elections cheaper. Party agents should be allowed to access copies of their voters' registers in their respective polling stations and use them to cross-check the names of eligible voters. The register should come as part of the packing list in the ballot boxes;
- xxxiii. The storage of election materials should be done under very strict terms. The participating parties should be involved in monitoring the security of these materials;

- xxxiv. Polling stations should be demarcated, gazetted and publicised six months before the election takes place.
- xxxv. Voters' registers should be displayed on buildings, nearest to the polling booths, one week before the elections, to enable the voters to cross-check their names. The tallying regulations should provide for the presence of the representatives of candidates at every polling and tallying centre. Results should be declared at the polling station and thereafter sent to the intermediary tallying centre at the parliamentary constituency level as the first tallying centre and then dispatched to the national collating centre. In the case of presidential elections, the commission should proceed to declare the results promptly in the national media. The results from each polling station should be displayed on the nearest building, for at least one week, to increase public confidence in the final verdict of the people of Uganda. Transparency should be ensured by letting the political party representatives and election observers be present at all levels, including the national tallying centre. There must be unhindered access by party agents and accredited observers to all tallying centres;
- xxxvi. The time frame in which to announce the results of the presidential elections should be revised to 72 hours by amending the Presidential Elections Act, section 57 (1). Results other than those authenticated by the Returning Officer should be accepted by the Electoral Commission. The Electoral Commission should be strengthened to be more efficient in its vote tallying operations to counteract the alternative idea of establishing parallel tallying centres;
- xxxvii. Section 9 (1 to 3) of the Election Commission Act should be deleted because it subjects the Electoral Commission to the direction and control of the Minister of Finance and contradicts Article 62 of the Constitution and section 1 of the Electoral Commission Act, which clearly states that the Electoral Commission shall not be subject to direction or control of any authority. An additional clause should be added to Article 66 of the Constitution to make it clear that once the Commission's budget has finally been approved by parliament, it is given the first priority charge on the Consolidated Fund, and the funds released within 90 days. Administratively, the Committee on Legal and Parliamentary Affairs and that on Budget should ensure that sufficient provision of funds for the Commission is promptly made, and put pressure on the Cabinet to introduce relevant legislation (or amendments) without any further

- delay. The Constitution should be amended to provide for all amendments or regulations governing elections to be presented to parliament and enacted into law one year before the general elections. This will create an adequate time frame within which all electoral laws, amendments and/or regulations shall be passed;
- xxxviii. Political parties should receive funding proportional to the aggregate number of votes obtained in the previous parliamentary and local government elections. After enacting the said law, the courts should be empowered with specific legislation to enforce sanctions on parties which do not adhere to annual declarations of assets and liabilities. The sanctions may include stopping parties from getting funding from the Consolidated Fund or not being permitted to participate in subsequent elections for non-compliance;
 - xxxix. The government should submit the list of hostile states to parliament for approval, at least six months before every presidential and parliamentary election;
 - xl. The Minister of Justice and Constitutional Affairs should table a Local Government (Amendment Bill) in parliament providing for the election of LCs of parish and village levels on a multiparty basis;
 - xli. Parliament should amend section 59 of the Presidential Elections Act and Article 104 (2) of the Constitution to provide for a more rational way for the Supreme Court to annul a presidential election. This will necessitate the courts to apply either the qualitative or quantitative test or both;
 - xlii. Parliament should amend the law to provide for punishing electoral offenders with fines or imprisonment or with disqualification from standing for elective office for a period of ten years from the date of conviction. The law should also be amended not to allow a person (whether candidate, agent or Electoral Commission official) who has been declared to have committed an illegal practice by the courts of law, to be employed in the public service again or to continue sitting in parliament or in council;
 - xliii. Parliament should review section 168 of the Local Governments Act (1997) that allows for petitions at village and parish levels to be filed at the Magistrate Grade I, and Article 61(1) of the Constitution which gives the Electoral Commission powers to hear and determine complaints before and during polling. Also, Article 64 (1) of the same Act (which allows any aggrieved

person to appeal to the High Court) should be reviewed to cater for the rural residents who cannot afford the complexities of the High Court. There is a need to establish systems which will enable faster resolution of disputes by the Electoral Commission and the courts;

- xliv. To address the late enactment of electoral laws and regulations, the law should provide for the Electoral Commission to work hand in hand with political parties, even in accreditation matters, to enhance consensus and harmony; and
- xlv. The Electoral Commission should ensure that it trains party agents adequately in order to enable them to execute their responsibilities efficiently.

Other benchmarks for conducting free and fair elections are found in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights (ACHPR) to which Uganda is a signatory. Article 2 of the ICCPR states, among other things, that in free and fair elections, no individual should suffer from disenfranchisement or exclusion from voting on the basis of 'race, colour, sex, language, religion, political or other opinions, national, social origin, property, birth or other social status'. With regard to the ACHPR, the article stresses five principles upon which democratic (free and fair) elections should be conducted. These are: i) establishment of impartial, competent and accountable electoral institutions; ii) adherence to the principles of separation of power, e.g. non-interference of the state or security organisations in elections; iii) strict compliance with all electoral laws; iv) participation of political parties at every state in the electoral process; and prevention of fraud, rigging or any other illegal practices throughout the electoral process.

Conclusion

In conclusion, it has to be emphasised that elections have to be managed properly so that the results are credible and acceptable to all stakeholders. It is the constitutional mandate of the Electoral Commission to manage elections to the satisfaction of the interested parties. To do so, it has to be seen to be managing the elections so as to measure up to international standards. No doubt, if the Electoral Commission is to manage elections to acceptable national and international standards, and freely and fairly, there has to be in place the right legal framework, impartial and competent personnel, and adequate resources. The playing field must also be levelled so that all actors are able to participate in the political process without undue interference by state functionaries. Equally important is the fact that the critical legal and regulatory aspects governing elections in Uganda will have

to be reformed. However, the electoral reform process is not an easy matter to deal with. Hence, it will call for more painstaking effort, willingness, patriotism and commitment from the key stakeholders (the government of Uganda, parliament, the Electoral Commission, political parties, religious leaders, CSOs, the international community, and the general public) to ensure that these necessary changes are effected speedily so that future elections are managed properly and their results accepted by the electorate without any recourse to violence or any other types of nuisance.

Chapter Six: Assessing the 2011 Campaign Process

Introduction

Ideally, an electoral campaign in any democratic state is meant to give the voters the chance to study and choose the available options before deciding which of them is most compatible with their desires. Unfortunately, in many countries the reality is the opposite of this statement. Instead of informing the voters, political candidates frequently manipulate the minds of voters through lies. In fact, some candidates make promises that they clearly know they can never fulfil, such as 'building a bridge where there is no flowing river'. Yet in several countries, especially in the Third World, unfulfilled promises are a flagrant abuse of the intelligence of the voters, and a major cause of lack of popular confidence in the campaigners and of widespread disenchantment and disenfranchisement with the electoral process and democratic institutions all together.

This chapter assesses the recently concluded 2011 campaign process by: explaining political campaigning and voting decisions in campaigns; explaining the 2011 campaign and the electoral process; interrogating the extent to which the campaigns in the 2011 general elections were issue-based rather than personality-based; examining how the voters made decisions during the 2011 campaigns; and providing a conclusion, which will wrap up the chapter.

Explaining Political Campaigning and Voting Decisions in Campaigns

A political campaign is an organised effort that seeks to influence the decision-making process within a specific group. In democracies, political campaigns often refer to electoral campaigns, wherein representatives are chosen or referendums are decided. Using presidential campaigns, voting analysts usually distinguish between 'long-term' and 'short-term' forces that influence voting decisions.

Box-Steffensmeier and Kimball (1999:1) argue that long-term forces reflect information and considerations that are available to the voter before the campaign commences. The forces that they define as long-term include: political attitudes – such as party identification, political experience and ideological inclinations – and demographic attitudes – that include issues such as race, religion, and union membership.

They argue that the long-term forces shape the voting decision and often lead voters to develop a habitual pattern of voting for the same party every electoral period (Ibid.: 1). On the other hand, they see short-term forces as referring more specifically to the campaign and contemporary events, and do not favour the same party every election. They note that traditionally, attitudes towards the candidates and the salient issues change from election to election. They identify other short-term factors as being discussion with family members or co-workers during the campaign, exposure to campaign advertising and other contact with one of the campaigns.

Thus, they argue that influence upon some voters is entirely by long-term forces, while others are more by short-term forces. They exemplify their argument by noting that a strong partisan may have made up his/her mind before the campaign begins and, therefore, he/she will likely interpret all the short-term events of the campaign in a way that reinforces his or her partisan predispositions. In contrast, they note that an independent voter may base his/her vote more on the day-to-day events of the actual campaign.

The 2011 Campaign and the Electoral Process

In any electoral process, candidates use a variety of techniques to reach the voters, from public appearances and rallies to the use of mass media advertising, whether positively or negatively. There are seven critical factors essential for promoting the freeness and fairness of an electoral process, namely:²² timing of the campaign; ability to campaign freely; free and fair circulation of election information; quality of campaigning; neutrality of electoral officials during the campaign; public opinion polling; and security. Each of these factors will be discussed in turn.

Although campaigning for political office can start much earlier, the calendar for elections sets the dates for the 'official' campaign before voting day. In fact, public funding is only available during the official campaign period. One critical factor about the timing of campaigns is that its length affects the ability of candidates and parties to get their messages across to the voters. For instance, in Uganda, short campaign periods have disadvantaged opposition presidential candidates more than it has done President Museveni of the NRM who takes advantage of his office much earlier in order to 'campaign' in the name of executing his executive responsibilities of, say, raising the citizens' awareness of national development programmes. Yet longer campaign periods would have given less well-known candidates and parties more campaign time to prepare and inform the electorate about their manifestos. However, such a lengthy campaign period will require such under-resourced parties to sustain their campaigns over a longer time.

22 See ACE Electoral Knowledge Network, in <http://aceproject.org/main/english/ei/eie09.htm>

Further, in a poverty-stricken country such as Uganda where the majority of the people eke out a living in the harsh rural conditions, longer campaign periods can negatively affect voter turnout as voters may tire of the never-ending electoral campaigning that does not put food on their table.

Freedom to campaign in the electoral process is the second critical factor that can promote the integrity of the electoral campaign process. Candidates, parties and voters should freely participate in the electoral campaign without deterrence from anyone. Indeed, candidates must be able to mingle freely with their supporters and the electorate to publicise their political manifestos. In a multiparty democracy, voters should be free to attend political rallies of any candidate based on their free will and without coercion. Any campaign material meant to inform voters about what the candidates and parties stand for should be easily accessible to voters so that they can make informed choices. Furthermore, voters should be free to assemble and discuss the issues being raised by parties and candidates as much as parties must be able to meet and plan their electoral campaigns with their supporters and sympathisers. Associated with the freedom to campaign is the freedom to move from one campaign area to another and anywhere in the country. In areas with security problems, the state should take care of campaign candidates. However, the state should not use security risk as an excuse to stop or restrict the movement of candidates and supporters, which could interfere with their lawful ability to campaign.

In Uganda, freedom to campaign has been interfered with by some overzealous state operatives (e.g. security officers) and party diehards in all elections held in the past. Some opponents of some candidates have staged road-blocks, sometimes with the tacit consent of some security officials (police, military, etc.) to prevent them from either holding their rallies or to cast their vote. In addition, some media houses either initially accept to host some candidates and then later return their funds because of intimidation from some highly placed individuals from the opposing party or outrightly refuse to host some candidates for fear of reprisal from some government 'big shots'. Cases of radio stations, mainly those owned by NRM supporters, blocking Dr Kiiiza Besigye, president of FDC, from conversing with listeners – and thus contravening broadcasting regulations – abound. Defacing of candidates' posters on all sides of the political divide, but especially against opposition candidates, to deny them visibility and to block their messages has been witnessed in various parts of the country. Lastly, some security personnel flagrantly abuse their powers and break the law by behaving in a partisan way, especially against the opposition candidates.

The third critical factor for promoting free and fair electoral campaign is free circulation of information. The press must have the ability to publish

and disseminate information without censorship or manipulation of their coverage. The press should never abuse its rights by publishing slanderous or false information. Should it do so, then there is a need to hold it accountable in a court of law. It is the responsibility of government to protect the free flow of information by passing laws that protect the freedom of expression, by making a special effort to investigate threats towards the media and by bringing those responsible to justice. During elections, a free press and professional journalists should neither feel intimidated when covering an election campaign, nor exercise self-censorship out of fear. The government and the public broadcasting system should set the necessary standard to help ensure a free and fair circulation of information. Indeed, in the campaign period, the public broadcasting system has a responsibility to ensure that they provide an equitable and fair coverage of the process. To ensure the freedom of expression, there is a need to develop guidelines for broadcast coverage of election campaigns in transitional democracies. Such guidelines could include:

- Informing voters about relevant election matters, including disseminating voter education information;
- Providing balanced and impartial election coverage;
- Not censoring election articles or materials unless their motive is to spread hatred among the voters
- Providing accurate, balanced and impartial news coverage and current affairs programming;
- Providing parties and candidates with air time for direct access to programmes on a fair and non-discriminatory basis; and
- Granting equal time to both sides in a referendum vote.

Uganda is one of the few African countries where there is a considerably high degree of press freedom. Various newspapers, radio and television channels are in the public domain. In spite of this positive development in relation to what the situation used to be under Idi Amin's regime, some violations of press freedom have been witnessed. Some critical journalists have been apprehended and arraigned in courts of law on trumped-up charges. Some ministers and highly placed politicians have denied the press access to vital information that could be of public interest under the guise of 'confidentiality' and/or 'sensitivity' (Olum 2009: 5). The opposition has accused the Uganda Broadcasting Corporation (UBC) of bias in the manner in which it treats some media houses. For example, the closing of the Buganda-leaning Central Broadcasting Station during the September 2009 riots on the allegation that they incited Baganda youth to become riotous and failure to reign on the electronic media houses – both the national and local radio stations – that

deny the opposition air space. These denials and similar malfeasance go against the spirit of the Access to Information Act (2009), which allows the citizens to access public information freely unless this act is bound to cause insecurity.

The fourth critical factor for promoting free and fair electoral campaign is the quality of the campaign. The quality of a political campaign becomes an issue if the campaign resorts to unethical tactics to discredit other candidates or to disrupt the campaign process. Indeed, political campaigns set the tone for the most significant relationship in any democracy – that between leaders and citizens. Civil society and interest groups should aim to improve the quality of election campaigns, and to encourage the media to carry more substantive candidate debates. In Uganda, the past elections were not on critical national issues but on the personalities of the presidential candidates. The major factor behind the non-issue-based campaigns was the fact that the population was under a Movement system where President Museveni was omnipresent. The first multiparty elections in 2006 were more coercive and violent because the stakes were too high for the Movement and its candidates to lose. The campaigns in the 2011 general elections were relatively more issue-based – a subject which is discussed in the next sub-section.

The fifth critical factor for promoting free and fair electoral campaign is neutrality of election officials. By their very nature, the design of election campaigns is such that they are noisy public events that use patriotic and other symbols to get voter support. The administrators of the elections have to remain non-partisan and impartial in the delivery of their services, position and in the fulfilment of their responsibilities. Their office, resources or positions should not be used to help the campaign of any party or candidate or to attempt to influence the outcome of the vote. This restriction is usually also applied to government officials and resources. To ensure a fair playing field, government resources, positions and influence are not used to help any candidate. Officials are supposed to remain neutral in their official capacity during the process. However, the distinction between what the public official does and his party interests can be difficult to maintain.

Generally, campaigns in Uganda were conducted freely and fairly as voters progressed into the 2011 general elections. Candidates have been seen ferrying supporters from one campaign rally to the next at their own expense. However, the manner in which some Electoral Commission officials have treated candidates in the opposition leaves a lot to be desired. Indeed, some NRM candidates have enjoyed more leniency when they break the rules than opposition candidates - e.g. the time when campaigns should end each day. Hence, the playing field has been tilted in favour of NRM against the opposition (Olum 2010b). The president is also privileged because of

incumbency. He can now use public resources as passed by the 8th Parliament. President Museveni is both the president of Uganda and the chairman of the NRM party. While he transacts business as the head of the executive, he is also expected to actively campaign for his party and its candidates. So the fusion between the two roles blurs the separation between his executive and party roles.

The sixth critical factor for promoting free and fair electoral campaign is public opinion polling. Political parties, candidates and the media use public opinion to measure voter support for particular candidates, parties and positions. Polling is used to target campaigns and to develop voter messages. In most systems, polling is allowed without political interference or unreasonable restrictions. When polling results are made public, the methodology of the polls is also provided so that users can judge the accuracy of the polling. This usually includes the margin of error, sample size, and demographics of the respondents (age, location, gender, occupation, etc.). The timing for the release of a public opinion poll can be an integrity issue because, depending upon when a poll is released, it can affect the election outcome. Indeed, poll results can influence undecided voters and build momentum for candidates or positions. The voter can think the election is already decided so why vote, or why vote against majority thinking. To address these issues, some systems prohibit the release of polls at sensitive times – usually right before or during polling, and some systems prohibit the release of exit polls until the end of polling. In some countries, the regulations are clear; it is a criminal offence to release a poll predicting an election winner from eight days before the election until after the polls have closed (e.g. Mexico). In others, there is no publication of opinion poll results until the polls are closed (e.g. South Africa). And in yet other countries, there are no restrictions on polling or the releasing of poll results (e.g. Denmark).

In Uganda, it is quite clear that opinion polls are used more as a campaign strategy to hoodwink the electorate either about the strengths of a particular party (in this case the ruling party) or the weaknesses of other parties (in this case the opposition). Its message is crafted in such a way that voters dismiss the opposition as incapable of winning any elections and that it is only the ruling party that has the capability of doing so. In spite of using scientific tools and techniques of arriving at their poll results, usually some of the indicators that are used in the assessment of people's perceptions of the candidates and the parties do not tell the whole truth. For example, while there are various governance challenges that the incumbent party is facing – such as abuse of human rights of opposition activists - it is sometimes reported that on those particular aspects, the regime is doing 'very well'.

The other noticeable ploy of the opinion poll results in Uganda is the timing of the release of the results and by whom. They are usually released repeatedly during the three or so weeks to the polls so as to influence the behaviour of voters in favour of one candidate and party at the expense of another candidate and party. For instance, it is highly likely that most voters who support the opposition candidates and parties are usually put off by the opinion polls which show that candidate Museveni and his NRM are far ahead of the presidential candidates and parties in the opposition. These poll results are released by the government mouthpiece, the *New Vision*, whose top management are supporters of the NRM. Unfortunately, the other parties in the opposition have no means to counteract these well-crafted strategies for wooing voters to the NRM. In Uganda, there are no restrictions on polling or the release of poll results. Perhaps there is need for legislation to regulate the way in which poll results are released during electoral campaigns.

The final critical factor for promoting a free and fair electoral campaign is security because it affects both the electoral campaign and eventually the results. The ability to campaign in an atmosphere free of fear and intimidation is an essential component of a free and fair election. Candidates need to be able to move freely to meet the voters without fear for their own physical safety, or those of their supporters. Voters should not be fearful while attending campaign rallies. Monitors, observers and the press need to be able to cover the process and publish their reports without fear of intimidation or retribution. In Uganda, the greatest acts of insecurity during electoral campaigns are directed at the opposition. Activities of opposition parties are closely monitored by uniformed and plainclothes security personnel who then report their findings to ruling party organs.

This climate of intimidation and harassment which creates fear causes opposition parties to fail to conduct their party activities – i.e. recruit, organise, establish functioning offices, and engage in dialogue with the voters – or to perform them in a limited period or only certain parts of the country. The inevitable consequence of this insecurity is to create an electoral environment biased in favour of the NRM party and disabling to the opposition, who end up reaping fewer votes. The classic case in the 2011 general elections is that of a soldier who shot at Nandala Mafabi, current Leader of Opposition, who was battling for the Sironko constituency with Beatrice Wabudeya, the NRM-sponsored candidate. The bullet missed him narrowly and instead hit a journalist who was with him at the time. While the heavy deployment of soldiers and security personnel in Sironko was because it was declared a red flag zone, it did not deter voters from electing an opposition MP and pro-FDC councillors. In other parts of the country the deployment of soldiers certainly intimidated voters, thus influencing their behaviour pattern in the run-up to the elections.

The 2011 Issues-Based versus Personality-Based Campaigns

In 2011, personality-based campaigns were more or less taken over by policy- and issue-based campaigns and voting. Therefore, for the opposition to convince the voters about what they stood for beyond just wanting to dislodge President Yoweri Museveni from power was a tall order. In other words, the opposition had to strengthen their candidates to compete with the NRM, a party which is well-entrenched in power and which enjoyed the advantage of incumbency.

Through emphasising its achievements over the past several years, while also pledging that it would do better in the years ahead, the NRM portrayed itself as the best placed party to, deliver several goods and services to the voters. Henceforth, the oppositions campaign on grounds of government failure to meet the citizens' expectations, rampant corruption, job creation for the youth, poverty, and the restoration of peace in the north (which gave the NRM more votes in the 2011 general elections than at any time under the leadership of President Museveni) and not endear with the voters as anticipated. Hence, these issues were met with cynicism and rejection in certain parts of the country. In fact, the opposition parties' glaring failure was to present their manifestos in ways that were substantially similar to those of the incumbent NRM. For example, in terms of 'ideology' – i.e. being left, centre or right on the political spectrum - the opposition parties did not clearly indicate how they differ from the ruling NRM.

The other aspect of the 2011 campaigns is the fact that the opposition largely failed to transcend identity politics. Their election campaign strategies of targeting minority communities and the problems that afflict them have caused many voters and pundits to observe that they were more focused on appealing to a narrow group of voters than the wider population. This was even more true of the smaller parties whose manifestos appealed to narrow and specific interest groups rather than capturing the vote of any significant numbers of the electorate. Part of the electorate saw them as being merely power-hungry and felt that if they were to assume the reins of government they would destroy the NRM's achievements. It is, therefore, not surprising that many of the parties registered at the commencement of multiparty politics in 2005 suddenly sank into oblivion; they were inconsequential in terms of their leadership, organisation and message to the electorate.

On a negative note, a prominent feature of the 2011 campaigns was the use of the 'politics of fear'. The NRM has continuously been hammering in the minds of the voters the dangers of the opposition winning in the general elections. While in the past the NRM kept telling the voters that those in the opposition, especially the UPC, were responsible for the killing of innocent

people in Luwero district – hence the ‘Luwero skulls’ – in 2011 it criticised them for not having viable policies to run government except to undo the many ‘successes’ the NRM had registered over the years. Hence, the NRM told voters that the opposition is not a viable alternative government. However, Suttner (2004) challenges the argument that the existence of an opposition capable of becoming an alternative government is a requirement for democratic consolidation. To him, effectiveness and trust in constitutional mechanisms and institutions are far more likely to facilitate the preservation of democracy.

The 2011 Campaigns and Voters’ Choices

In any campaign, political candidates have to offer voters their messages, programmes or manifestos. The campaign message contains the ideas that the candidate wants to share with voters. The message often consists of several issues or policies. These messages have to be repeated frequently to resonate with the voters or create a lasting impression on them. No doubt, if the message is crafted carefully, it will guarantee the candidate high chances of victory at the polls.

The most important aspect of the modern campaign is ‘targeting’. Targeting is directing the campaign at voters who are potentially capable of supporting the candidate. In fact, not only is targeting important, it is a key ingredient of successful resource management. There is no need to waste resources on converting voters, but rather efforts should be directed at registered voters who have an affinity for the candidate’s party.

However, the best way for a party and its candidates to target voters is to secure a qualified voter register. These lists have to be secured in order to determine whom the campaign should contact and which voters should be got out to vote. The NRM party used the list of mobile phone subscribers (MTN and Warid) to send its messages and presidential candidate’s rap song to would-be voters. This could have endured him to various voters.

Finally, the political, socio-economic, cultural and related issues that affect the districts differently are crucial in crafting the campaign message of the party and its candidates. President Museveni and many of the NRM candidates did sufficient homework to know which specific issues were central to particular districts and regions. For example, insecurity has been a major problem in Uganda for the last two decades or so. The NRM’s being able to resolve this problem before the 2011 general elections certainly endeared him to the northerners more than had been the case in previous elections.

Conclusion

The fragmentation of the opposition and their failure to communicate a clear message to the voters also caused the electorate to see them as not representing their interests and as being power-hungry. This foiled the opposition's opportunities to sufficiently challenge the incumbent NRM party in order to win massively. Thus, the opposition's alignments and strategies, the negative voter behaviour towards them, and the extent and reach of the, resource endowed and hegemonic powers of the NRM party in most parts of the country, including the remotest areas, pose a serious challenge to the opposition parties as it provides the avenues for President Museveni and the NRM to consolidate their power base under the multiparty system.

Chapter Seven: Commercialisation of Elections in Uganda

Introduction

Political campaigns in many, if not all, countries have become a very expensive business indeed. Today, in spite of the existence of electoral laws, electoral activities such as party funding and the use of resources in campaigns, have witnessed the flooding of money, some of which emanate from unknown sources. Campaigns in today's media age can cost colossal sums of money, thus raising integrity issues over the mobilisation and spending of money as well as the issue of whether or not elections are won by the candidate who spends the most money.

Lately, while in the course of campaigning candidates have had to work extremely hard to get their message out and to encourage voters to turn out in big numbers and vote for them and their party, the money factor has brought in a new dimension regarding the freeness and fairness of elections in Uganda. This chapter addresses this critical subject of the commercialisation of elections in Uganda's electoral process by analysing the following issues: conceptualising the relationship between money and democracy; examining how money has influenced campaigning in Uganda; discussing how parties have fared in the political contest in the face of monetisation of elections; and, to conclude the chapter by, providing proposals on how to remedy the commercialisation of elections in Uganda.

Money and Democracy: Theorising on the Commercialisation of Politics

Electoral campaigns are the competitive efforts by candidates and political parties to win over support in the period preceding an election. The general theoretical import of elections in a democratic polity is that it should be organised and practised in such a way that the electorate's choices of leaders are made freely and fairly. The fact remains that the monetisation of politics has a negative effect in a democratic contest. This is because it alters the democratic right of citizens to choose individuals who will form a government (central and local). In the end, the legitimacy and sovereignty of the governments are compromised.

By definition, the commercialisation of politics is a phenomenon whereby liquid cash (money) is used in buying voters so as to induce them to vote in a particular fashion. Sometimes the use of money is effected indirectly through offering material goods. Also, the use of money has the effect of

excluding potential candidates from electoral competition. Hence, the use of money and other resources has taken campaigns out of the hands of politicians and placed them firmly in the hands of political organisations bankrolled by business magnates, corporations and special interest groups. For instance, the democratic space or forum for deliberative politics has shifted from political candidates sharing their thoughts and programmes with the electorate to sound-bites on television and radio stations.

Yet representative democracy relies on the premise that voters should be in a position to hold their political leaders to account for their actions in government. Indeed, in a representative democracy, and constitutionally, voters are expected to vote in their leaders to articulate and defend their interests. Democratic elections should include as many people as possible instead of alienating them. In addition, elections have to offer opportunities for citizens to offer themselves in leadership positions in order to renew the political process; failure to renew the political process is certainly a recipe for political conflict and development impasse. It is not quite clear why some Ugandans view elections as a 'do-or-die' affair. What is clear, however, is that the use of money adversely affects campaigning in Uganda.

Money and Campaigning in Uganda

Of late, the deployment of colossal sums of money has become a prominent characteristic of elections in Uganda. Whether the elections are presidential or parliamentary or local, candidates have decided to mobilise as much money as they can from diverse sources in the hope that they will become victorious. In the end, many voters do not think of freely choosing candidates of their choice, but how much money they can obtain from them. Thus, voter behaviour towards elections is not only contrary to enshrined electoral laws but also to democratic ethos and practice.

It has to be noted that the use of money in electoral contests is not unique or restricted to Uganda or developing countries. It is widespread in western industrialised countries such as Italy, United States of America (USA), Britain and France. There, however, criminality in the use of money only expresses itself under circumstances that either lead to conflict of interest or under-hand dealings. Otherwise, the use of money for campaigning purposes is not an offence as such but is openly legitimised. For instance, the well-oiled and elaborate campaign machinery President Barack Obama managed to put in place to attract donations from supporters and sympathisers to the tune of millions of dollars that became critical in his winning in 2009, thus becoming the first African-American president in USA's history.

In Uganda, the commercialisation of politics has resulted in a number of side effects during campaigning:

- Few candidates could win without distributing money and other resources to the voters. In this sense, money is used for purposes of manipulating and rigging to gain political power;
- Elections become a contest between the affluent or rich or privileged and excludes the poor – representing a complete reversal of the intention of democracy itself;
- It corrupts the entire political process as those elected will attempt to recover the monies they used after gaining positions of influence;
- Voters no longer focus on issues but on money, thus interfering with the discussion of policy issues;
- It institutionalises a regime based on patronage;
- Policies and programmes will be directed on the basis of influence, thus adversely constraining resource distribution to depressed areas;
- Contestants who are unfairly defeated owing to the use of money become discontented and apathetic to politics (and apathy is not what any political system wants) and people who expect progress and positive change from elections become annoyed; and
- Those who win owing to the use of money become abusers of the political system because they are less concerned about people's demands since they know that they came to power because of their money and not because of the genuine support of the people. In this sense the use of money dehumanises and demoralises the entire electoral process.

Money and Party Competition

The use of money or the commercialisation of the political system has serious implications for party competition. This section enumerates some of the serious consequences of the commercialisation of politics for party competition. First, the use of money makes political competition unfair. In Uganda, the incumbent NRM party has always had a head-start compared to parties in the opposition, for example:

- a) opposition and independent candidates have always had limited time to traverse the many (112) districts which the incumbent president does in a few days because he has access to money and logistics (for example, a helicopter) and time by virtue of being president; and

- b) the power of incumbency – longevity and visits to districts in the guise of doing the president’s work endears him to voters in advance. As a result of being in power, the NRM party has been privileged to access public resources to undertake its party activities.

In Uganda the issue of money in politics and in accessing public resources is explainable through specific examples. In the middle of the 2011 campaign period, President Museveni chaired a Cabinet meeting on 8 December 2010 to request Cabinet to pass a supplementary budget amounting to Shs 380 billion for State House, the Ministry of Defence, the Uganda Police and the President’s Office (see Mwenda 2011). The breakdown of this money was as follows: Shs 108 billion for the Ministry of Defence; Shs 1.8 billion for External Security Organisation; Shs 5 billion for the Ministry in-charge of Security which was under Amama Mbabazi, who is also the Secretary-General of the NRM party; Shs 82 billion for the Uganda Police (Police is now headed by Major General Kale Kaihura, a long-time confidant of the president who served as his Military Assistant for many years); Shs 83 billion for the Electoral Commission; and Shs.8.4 billion for the President’s Office. It has to be recalled that at the time of this request, parliament had already approved Shs 624 billion for the Ministry of Defence, Shs 253 billion for the Police, and Shs 120 billion for the Electoral Commission. The request was tabled on the floor of Parliament on 17 December 2010. All these institutions are under President Museveni’s close control (Mwenda Ibid.). Some of the money that is earmarked for State House is used for topping up the salaries of the 12,000-strong Presidential Guard Brigade (PGB) under the control of President Museveni’s son, Colonel Muhoozi Kainerugaba (Ibid. 3). Yet the salaries of soldiers catered for under the Ministry of Defence do not get top-ups like those in the PGB.

Equally important is the president’s appointment of Syda Bbumba, the then Minister of Finance, as the deputy chief of the NRM’s Election Coordination Committee. Former vice president, Specioza Wandera Kazibwe, who was appointed to head the Micro-Finance Support Centre that was given billions of shillings from the Treasury to support micro-finance projects of various disadvantaged groups, was also appointed to head the Election Coordination Committee. After appointing Syda Bbumba and Specioza Kazibwe to the NRM’s Election Coordinating Committee, President Museveni left the task of choosing the rest of the members of the team to the Secretary General, Amama Mbabazi. While appointing the various members of the Election Coordinating Committee, President Museveni stated: ‘We don’t want campaigns which are just floating at the district, sub-county and parish. There are no people there. People are in the village’ (Ibid. 4). To the opposition, this request was geared towards boosting President Museveni’s and the NRM’s campaign funds.

The other consequences of the commercialisation of politics in the country are as follows:

- i. Electoral law on campaigning and especially the use of money is not fully enforced by the relevant authority. Worst of all presidential privileges remain intact during elections for the incumbent president to the extent that other parties are pressurised to seek for money to inject into their own electoral campaigns;
- ii. Moral decadence has arisen because of the monetisation of elections. Many party candidates and independents now focus on nothing but winning elections at all costs. In this regard, money becomes the immediate avenue to winning in an electoral contest. The exchange of votes for money and vice versa certainly raises a moral question;
- iii. Government programmes are used as campaign tools by some contestants, especially those who toe the line of the incumbent party – e.g. donation of materials such as iron sheets for roofing houses; donation of benches and desks to schools; government programmes such as the National Agricultural and Advisory Services (NAADS); and other poverty eradication programmes such as micro-credit schemes;
- iv. Internationalisation and privatisation of monetisation of elections – Foreign governments contribute to the regime huge sums of money during elections in support of government programmes that could easily be diverted to campaigns that favour the incumbent party. Businesspersons also quietly contribute to some political parties in the hope that in the future they will reap by way of receiving business contracts; and
- v. Another integrity issue that arises from the use of money in politics is the amount it takes to organise party campaigns. For instance, it requires huge sums of money to disseminate information to voters during electoral campaigns. The electronic and print media demand huge sums of money for advertising campaign materials. Their costs have inflated exponentially the cost of election campaigns, to the point where only wealthy individuals or those with financial support from major business or interest groups can compete and 'win' a national or local political office. However, there are various ways of addressing the equity issue stemming from the costs of political advertisements. These are: advertisements by political parties can be disallowed on national and regional radio and TV channels (e.g. in Denmark); printed material intended to influence the outcome of an election must be labelled clearly with the full name and address of the printer and the publisher of any publication must start the article with the word 'advertisement' (e.g. in South Africa);

free postage can be provided for candidates for a letter to every registered voter (e.g. in Ireland); and public funds can be provided for campaign purposes (in other countries).

Remedies to the Challenges of the Commercialisation of Elections

The bottlenecks that money poses to the efficacy of multiparty democracy means that this anomaly should be arrested before it can further destroy the body politic of the country. The remedies that are proposed are along the lines of national politics, political parties, and individuals.

(1) National Politics

- There is need to enforce the necessary legislation to deter those who engage in using money for purposes of influencing people's choices;
- Any infringement on the law should be met with severe punishment;
- National leaders must never put themselves in a compromising position by engaging in the use of money and other resources during elections if they are to enforce any legislation on voter buying; and
- The Minister responsible should put in place the code of conduct for political parties as soon as possible through which their conduct during electoral competition can be audited.

(2) Political Parties

- Political parties must reject any practices that contravene any provision of their constitutions;
- Political parties must harmonise their laws with national laws on matters relating to the way money should be used during elections;
- Any party that contravenes such legal provisions should either be heavily fined or be de-registered by the authority so mandated;
- Parties must submit their books of accounts to the relevant authorities such as the Electoral Commission for auditing – i.e. where they get their resources, and how they spend them in accordance with established laws. Any default must be punished accordingly; and
- Parties should put in place a code of conduct to guide them on how they do their business.

(3) Individuals

The stakeholders who use money or 'logistics' most frequently during elections are individuals. They do so in order to influence the voters to put them in political office. The necessary remedies to such individuals, should be as follows:

- They should be sensitised, say, through civic education programmes and workshops on the immorality that accompanies the distribution of money during elections;
- Any party member or electoral candidate should be punished severely when he/she is found to have broken party and national laws on matters of using money or any other materials during elections. One possible sanction against such an individual could be to bar them from participating in competitive politics for, say, at least ten years;
- Party activists should understand what politics and multiparty democracy are about. They should desist from seeing politics as a 'do-or-die' affair and multiparty politics as an adversarial-oriented competition; and
- Party candidates and independents should cease seeing voters as objects of manipulation and believing that they are naive and, therefore, can be 'purchased' with relative ease. This perspective is an insult to the integrity and values of the very people they seek to represent.

Conclusion

In conclusion, this chapter has demonstrated how money and other resources – the local lexicon is 'logistics' – have penetrated the electoral politics of Uganda with a vengeance. Whereas money *per se* cannot be ruled out in the political process of any country, the central thrust of this chapter is that when its use is taken to extremes it can lead, and has led, to dangerous consequences. Indeed, money has been used in such a way that many individuals, groups and parties have had to compromise their integrity and dignity. Thus, the political 'game' has been reduced to survival or 'do-or-die' contests. In the end, the majority of the citizens within the polity, who live in conditions of abject poverty, find themselves excluded not only from the electoral process but also from the broader political and governance processes. As a result, it is primarily those with money and other critical resources who end up becoming triumphant. The monied class ends up determining both local and national policies basically to meet their individual and group interests. Therefore, the use (or misuse) of money and related resources in electoral politics should be looked into – even if it means its use is to be limited – so that the purpose of politics is not for selfish personal aggrandisement but to serve the interests of the citizens with a view to achieving socio-economic transformation and prosperity.

Part III: The Political Parties and Multiparty Politics

Chapter Eight: Institutionalisation and Functional Performance of Political Parties and Party Systems

Introduction

Political parties are found in most political systems. Parties may be authoritarian or democratic, they may seek power through elections or through revolution, and may espouse ideologies of the left, right or centre, or, indeed, disavow political ideas altogether. The development of political parties and the acquisition of party systems came to be recognised as a mark of political modernisation. By the late 1950s, 80 per cent of the world's states were ruled by political parties.

During the 1960s and early 1970s, however, a decline set in with the spread of military rule in the developing world. Political parties were accused of being divisive, and of failing to solve the overriding problems of poverty and ethnic and tribal rivalry. They also proved to be inconvenient for economic and military elites. The upsurge of 'democratisation' in the 1980s and 1990s led to renewed flourishing of parties. In Asia, Africa and Latin America, the demise of military rule was invariably accompanied by the reemergence of parties. In former communist states, one-party rule was replaced by the establishment of competitive party systems. From then on, many countries institutionalised political parties, thus enhancing participation in the political process. In spite of this institutionalisation, parties still face many bottlenecks placed in their way by semi-authoritarian rulers.

This chapter tackles the institutionalisation and functionality of political parties using the following spectrum: history of political parties; party systems; the institutional and functional characteristics of political parties in Uganda; the Inter-Party Co-operation (IPC) and multiparty democracy; the weaknesses and remedies to the functional performance of political parties in Uganda; the future of political parties; and conclusion.

History of Parties

It would be a mistake to assume that parties have always been with us. Political parties are part of the structures of mass politics, ushered in by the advent of representative government and the progressive extension of the franchise during the nineteenth century. Until then, what were called 'factions' or 'parties' were little more than groups of like-minded politicians, usually formed around a key leader or family. So-called 'court' parties, for

instance, often developed without autocratic monarchies as a result of the struggle for influence among notables and advisers. Thus, when Edmund Burke in the late eighteenth century described a party as a body of men united upon some particular principle upon which they all agree, he was thinking about fluid and informal groupings such as the Whigs and the Tories in Britain and not about the organised and increasingly disciplined machines into which they were to develop.

Parties of the modern kind first emerged in the USA. Despite the abhorrence of parties felt by the 'founding fathers' who created the US Constitution, the Federalist Party (later the Whigs and, from 1860, the Republican Party) appeared as a mass-based party during the US presidential election of 1800. Many conservative and liberal parties started life as legislative factions. It was only later when they were forced to appeal to an ever-widening electorate that they developed an extra-parliamentary machinery of constituency branches, and local agents. In contrast, socialist parties and parties representing religious, ethnic and language groups were invariably born as social movements or interest groups operating outside government. Subsequently, they developed into fully-fledged parliamentary parties in the hope of winning formal representation and shaping public policy. By the beginning of the twentieth century, parties and party systems had, in effect, become the political manifestation of the social and other cleavages that animated society at large. However, the resulting party forms varied considerably.

It should be noted that, the mere presence of parties does not, in itself, guarantee the existence of a party system. The pattern of relationships among parties only constitutes a system if it is characterised by stability and a degree of orderliness. Where neither stability nor order exists, a party system may be in the process of emerging, or a transition from one type of party system to another may be occurring. Political parties are important not only because of the range of functions they perform (representation, elite recruitment, aggregation of interests, etc.), but also because the complex interrelationships between and among them are crucial in structuring how political systems work in practice. This network of relationships is called a *party system*. The most familiar way of distinguishing between different types of party systems is by referring to the number of parties competing for power. On this basis, one can distinguish between 'one-party', 'two-party' and 'multiparty' systems. Although such a typology is commonly used, party systems cannot simply be reduced to a 'numbers game'.

As important as the number of parties competing for power is their relative size, as reflected in their electoral and legislative strength. Indeed, what is vital about parties is to establish their 'relevance' in relation to the formation

of governments, and in particular whether their size gives them the prospect of winning, or at least sharing, government power. Another consideration is how these 'relevant' parties relate to one another; the party system can be characterised by cooperation and consensus, or by conflict and polarisation. This is closely linked to the ideological complexion of the party system and the traditions and history of the parties that compose it.

Party Systems

The major party systems found in modern politics are as follows: one-party systems; two-party systems; dominant-party systems; and multiparty systems (For detailed discussions see Matlosa and Karume 2004); Arian and Barnes 1974. Each of these systems is discussed in turn.

The term 'one-party system' is contradictory since 'system' implies interaction among a number of entities or sub-systems. The term is nevertheless helpful in distinguishing between political systems in which a single party enjoys a monopoly of power through the exclusion of all other parties (by political or constitutional means). Because monopolistic parties effectively function as permanent governments, with no mechanism (short of a coup or revolution) through which they can be removed from power, they invariably develop an entrenched relationship with the state machinery. This allows such states to be classified as 'one-party states', their machinery being seen as a fused 'party-state' apparatus. Two rather different types of one-party systems are identifiable.

The first type has been found in state socialist regimes where 'ruling' communist parties have directed and controlled virtually all the institutions and aspects of society. Such parties are subject to strict ideological discipline, in accordance with the tenets of Marxism-Leninism. They have highly structured internal organisations in line with the principles of democratic centralism. These are cadre parties in the sense that membership is restricted on political and ideological grounds. In this type of party, the party core consists of well-paid full-time officials, the *apparatchik*, who run the party *apparat*, or apparatus, and exercise supervision over both the state machine and social institutions. A central device through which communist parties control the state, economy and society, and ensure the subordination of 'lower' organs to 'higher' ones, is the *nomenklatura* system. This is a system of vetted appointments in which, effectively, all senior posts are filled by party-approved candidates. The justification for both the party's monopoly of power and its supervision of state and social institutions lies in the Leninist claim that the party acts as the 'vanguard of the proletariat' in providing the working masses with the ideological leadership and guidance needed to ensure that they fulfil their revolutionary destiny. Vanguardism -

i.e. the belief in the need for a leading or revolutionary party – has, however, been criticised for being elitist.

The second type of one-party system is associated with anti-colonial nationalism and state consolidation in the developing world. In Ghana, Tanzania and Zimbabwe, for example, the 'ruling' party developed out of an independence movement that proclaimed the overriding need for nation-building and economic development. In other cases, such parties have developed as little more than vehicles through which a national leader has tried to consolidate power. One-party systems in Africa and Asia have usually been built around the dominant role of a charismatic leader and drawn whatever ideological identity they have possessed from the views of that leader. Not uncommonly, these parties are weakly organised (very different from the tight discipline found in communist one-party states) and they play, at best, only a peripheral role in the process of policy-making. Nevertheless, their monopolistic position helps to entrench authoritarianism and to keep alive the danger of corruption.

A two-party system is duopolistic in that it is dominated by two 'major' parties that have a roughly equal prospect of winning government power. In its classical form, a two-party system can be identified by three criteria: i) although a number of 'minor' parties may exist, only two parties enjoy sufficient electoral and legislative strength to have a realistic prospect of winning government power; ii) the larger party is able to rule alone (usually on the basis of a legislative majority) while the other provides the opposition; iii) and power alternates between these parties (both are 'electable', the opposition serving as a 'government in the wings').

Two-party politics was once portrayed as the surest way of reconciling responsiveness with order, and representative government with effective government. Its key advantage is that it makes possible a system of party government, supposedly characterised by stability, choice and accountability. The two major parties are able to offer the electorate a straightforward choice between rival programmes and alternative governments. Two-party systems have also been praised for delivering strong but accountable government based on relentless competition between the governing and opposition parties. Two-partyism, it is argued, creates a bias in favour of moderation, as the two contenders for power have to battle for 'floating' votes in the centre ground. However, instead of guaranteeing moderation, two-party systems have displayed a periodical tendency towards adversarial politics. This is reflected in ideological polarisation and an emphasis on conflict and argument rather than consensus and compromise. Adversarial two-partyism has often been explained by reference to the class nature of party support (party conflict being seen, ultimately, as a reflection of the class struggle) or

as a consequence of party democratisation and the influence of ideologically committed grass-roots activists.

Yet another problem with the two-party system is that two evenly matched parties are encouraged to compete for votes by outdoing each other's electoral promises, perhaps causing spiralling public spending and fuelling inflation. This amounts to irresponsible party government, in that parties come to power on the basis of election manifestos that they have no capacity to fulfil. A final weakness of two-party systems is the obvious restrictions they impose in terms of electoral and ideological choice. While a choice between just two programmes of government was perhaps sufficient in an era of partisan alignment and class solidarity, it has become quite inadequate in a period of greater individualism and social diversity.


Dominant-party systems should not be confused with one-party systems, although they may at times exhibit similar characteristics. A dominant-party system is competitive in the sense that a number of parties compete for power in regular and popular elections, but is dominated by a single major party that consequently enjoys prolonged periods in power. This definition, however, runs into problems, notably in relation to determining how 'prolonged' a governing period must be for a party to be considered 'dominant'. The most prominent feature of a dominant-party system is the tendency for the political focus to shift from competition between parties to factional conflict within the dominant party itself. Apart from a tendency towards stability and predictability, dominant-partyism is usually seen as a regrettable and unhealthy phenomenon for four reasons. Firstly, it tends to erode the important constitutional distinction between the state and the party in power. When governments cease to come and go, an insidious process of politicisation takes place through which state officials and institutions adjust to the ideological and political priorities of the dominant party. Secondly, an extended period in power can engender complacency, arrogance and even corruption in the dominant party. Thirdly, a dominant-party system is characterised by weak and ineffective opposition. Criticism and protest can more easily be ignored if they stem from parties that are no longer regarded as genuine rivals for power. Finally, the existence of a 'permanent' party of government may corrode the democratic spirit by encouraging the electorate to fear change and to stick with the 'natural' party of government. Dominant-party systems may, then, be psychologically self-perpetuating. Arguably, a genuinely democratic political culture requires a general public that has a healthy distrust of all parties, and most importantly, a willingness to remove governments that have failed.

A multiparty system is characterised by competition among more than two parties reducing the chances of single-party government and increasing the

likelihood of coalitions. However, it is difficult to define multiparty systems in terms of the number of major parties, as such systems sometimes operate through coalitions including smaller parties that are specifically designed to exclude larger parties from government. There are two distinguishable types of multiparty system, namely, moderate and polarised pluralist systems. In moderate pluralism, ideological differences between major parties are slight, and there is a general inclination to form coalitions and move towards the middle ground. Polarised pluralism, on the other hand, exists when more marked ideological differences separate major parties, some of which adopt an anti-system stance.

A variety of classifications have been used for political parties. The most important of these are the following: cadre and mass parties; representative and integrative parties; constitutional and revolutionary parties; and left-wing and right-wing parties. The most common distinction is that between cadre parties and mass parties. The term 'cadre party' originally meant a 'party of notables', dominated by an informal group of leaders who saw little point in building up a mass organisation. Such parties invariably developed out of parliamentary factions or cliques at a time when the franchise was limited. However, the term 'cadre' is now more commonly used (as in communist parties) to denote trained and professional party members who are expected to exhibit a high level of political commitment and doctrinal discipline.

The distinguishing feature of cadre parties is their reliance on a politically active elite (usually subjected to quasi-military discipline) which is capable of offering ideological leadership to the masses. Although strict political criteria are laid down for party membership, careerism and simple convenience are often powerful motives for joining such parties. A mass party, on the other hand, places heavy emphasis on broadening membership and constructing a wide electoral base. The key feature of such parties is that they place heavier stress on recruitment and organisation than on ideology and political conviction. Although such parties often have formally democratic organisations, except for a minority of activities, membership usually entails little in the way of participation and only general agreement about principles and goals. Most modern parties fall into the category of what is termed 'catch-all parties' that drastically reduce their ideological baggage in order to appeal to the largest possible number of voters. These parties differ from the classic model of a mass party in that they emphasise leadership and unity, and downgrade the role of individual party members in trying to build up broad coalitions of support rather than relying on a particular social class or sectional group.



The second party distinction is that between so-called parties of representation and parties of integration. Representative parties see their primary function as being the securing of votes in elections. Thus, they attempt to reflect, rather than shape, public opinion. In this respect, representative parties adopt a catch-all strategy and thereby place pragmatism before principle and market research before popular mobilisation. The prevalence of such parties in modern politics has given considerable force to arguments based on rational-choice models of political behavior which portray politicians as power-seeking creatures who are willing to adopt whatever policies that are likely to bring them electoral success. Parties of integration, in contrast, adopt proactive, rather than reactive, political strategies; they wish to mobilise, educate and inspire the masses, rather than merely respond to their concerns. A typical mobilising party is an ideologically-disciplined cadre party; mass parties may also exhibit mobilising tendencies.

The third type of classification distinguishes between constitutional parties and revolutionary parties. Constitutional parties acknowledge the rights and entitlements of other parties and thus operate within a framework of rules and constraints. In particular, they acknowledge that there is a division between the party and the state, between the party in power (the government of the day) and state institutions (e.g. the bureaucracy, judiciary and police) that enjoy formal independence and political neutrality. Nearly all constitutional parties acknowledge and respect the rules of electoral competition. They recognise that they can be voted out of power as easily as they can be voted into it. Mainstream parties in liberal democracies have such characteristics.

Revolutionary parties, on the other hand, are anti-system or anti-constitutional parties, either of the left or the right. Such parties aim to seize power and overthrow the existing constitutional order using tactics that range from outright insurrection and popular revolution to the quasi-legalism practised by the Nazis and the Fascists. In some cases, revolutionary parties are formally banned by being classified as 'extremist' or 'anti-democratic'. When such parties win power, however, they invariably become 'ruling' or regime parties, suppressing rival parties and establishing a permanent relationship with the state machinery. In one-party systems, whether established under the banner of communism, fascism, or nationalism, the distinction between the party and state has been so weakened that the 'ruling party' has, in effect, substituted itself for the government, creating a fused 'party-state' apparatus.

The final way of distinguishing between parties is on the basis of ideological orientation, specifically between those parties labelled left-wing and those labelled right-wing. Parties seen as part of the left (progressive socialist and communist parties) are characterised by commitment to change in the

form of either social reform or wholesale economic transformation. These have traditionally drawn their support from the ranks of the poor and disadvantaged (in urban societies, the working classes). Parties thought to constitute 'the right' (conservative and fascist parties in particular) generally uphold the existing social order and are, in that sense, a force for continuity. Their supporters usually include business interests and the materially contented middle classes.

However, this notion of a neat left-right party divide is at best simplistic and at worst deeply misleading. Not only are both the left and the right often divided along reformist/revolutionary and constitutional/insurrectionary lines, but also all parties, especially constitutional ones, tend to be 'broad churches' in the sense that they encompass their own left and right wings. Moreover, electoral competition has the effect of blurring ideological identities, once-cherished principles commonly being discarded in the search for votes. Finally, the shift away from old class polarities and the emergence of new political issues such as environment, animal rights and feminism has perhaps rendered the conventional ideas of left and right redundant (Giddens 1994).

Although political parties are defined by a central function (the filling of political office and the wielding of government power), their impact on the political system is substantially broader and more complex. It goes without saying that there are dangers in generalising about the functions of parties. Constitutional parties operating in a context of electoral competition tend to be portrayed as bastions of democracy. Indeed, the existence of such parties is often seen as the litmus test for a healthy democratic system. On the other hand, regime parties that enjoy a monopoly of political power are more commonly portrayed as instruments of manipulation and political control. A number of general functions of parties can nevertheless be identified. The main functions are as follows: representation; elite formation and recruitment; goal formulation; interest articulation and aggregation; socialisation and mobilisation; and organisation of government.

Representation is often seen as the primary function of parties. It refers to the capacity of parties to respond to and articulate the views of both members and voters. Parties of all kinds are responsible for providing states with their political leaders. Politicians achieve office by virtue of their party post. In most cases parties provide a training ground for politicians, equipping them with skills, knowledge and experience, and offering them some form of structure, albeit one that depends on the fortunes of the party.

The Institutional and Functional Characteristics of Political Parties in Uganda

Multiparty System under the 1962 Constitution

Political parties emerged in Uganda with the formation of the Uganda National Congress (UNC) in 1952. Thereafter, a number of parties emerged, prominent among them being the DP, the UPC and KY. It was these parties that led the independence struggle. However, in the quest for independence they did not seem to be much concerned with Uganda's freedom or interested in creating a foundation for multiparty democracy. Instead, their major concern was who was to inherit the mantle of power from the departing colonialists and what security there would be for each of the diverse ethnic groups in the new state.

Hence, the 1962 Constitution, Article 17 (b) provided that 'every person shall enjoy the fundamental rights of the individual, that is to say freedom of conscience, of expression and of assembly and association'. But multipartyism did not exist for long after independence. After 1964 Uganda became a *de facto* one-party state. In 1969 there was an attempted assassination of Milton Obote that ultimately led to the banning of all opposition parties. In fact, the Obote regime was in the process of imposing a *de jure* one-party political system at just about the time it was overthrown by Idi Amin in 1971.

Towards a No-party Political System

From the mid - 1960's to the mid - 1980's, the one-party system became fashionable in Africa. Countries preferred the one-party system for various reasons. However, many leaders did not care to provide a rationale for adopting such a system. Tanzania's Julius Nyerere was one of the few who gave a philosophical justification for such a system and strongly championed it for a long time. Some of the reasons advanced by Nyerere were: (a) political parties represent classes, and since there were no classes in Africa, political parties would end up representing ethnic and clan interests; and (b) post-colonial societies in Africa were faced with such huge challenges that they needed to harness all the resources they could and mobilise all their forces to fight such evils as ignorance, disease and poverty. Julius Nyerere (1968) once stated:

With rare exceptions the idea of class is something entirely foreign to Africa. Here, in this continent, the Nationalist Movements are fighting for freedom from foreign domination not from domination by any ruling class of our own. To us 'the other

party' is the colonial power. In many parts of Africa this struggle has been won; in others it is still going on. But everywhere the people who fight the battle are not former warloads wanting to re-establish a lost authority; they are not a rich mercantile class whose freedom to exploit the masses is being limited by the colonial powers, they are the common people of Africa.

In economic terms, Africa presents an interesting case in that the countries that championed the one-party system and those that followed the multiparty system were not different from each other. The crisis of the 1980s devastated all African economies, and most countries had no alternative but to follow the prescriptions of the IMF's and World Bank's neo-liberal economic agenda and the Washington Consensus.

By the time Milton Obote was deposed in 1971 he had decided to turn Uganda into a *de jure* one-party state. Idi Amin promised to restore multiparty politics although he, too, soon turned the country into a military dictatorship. He banned all political parties and declared himself a 'life president'. He suspended significant sections of the 1967 Constitution, and in some way the constitution ceased to be the 'supreme law' of Uganda. Parliament lost its law-making powers to the Head of State (Legal Notice No.1 of 1971), thus making the president not only the 'supreme law' but also the sole law-maker (Ibid.: 1993).

The Movement Political System

On the assumption of political power in 1986, President Yoweri Kaguta Museveni promised Ugandans a new model of political governance which would be defined as a 'broad-based, individual merit and inclusive'-oriented government. His justification for this system of government was that it guaranteed national unity, reconciliation, stability and reconstruction. The following arguments have been presented as the rationale for this position:

- The few years of relative peace in some areas since 1986 and in others since 1990, cannot be taken for granted. These are still people – including some activists of political parties – who would like to take revenge on their real or imaginary enemies;
- Politics should be inclusive, as opposed to past experience of political parties where those in or seeking power often sought to exclude all save party faithful from sharing power – the 'winner-take-all' syndrome; and

- In order to put in place development policies which cater for all, there is need for a political system which includes all on the basis of equality.

The Movement system partially revived the centralised or one-party system of governance, as a means of embracing all political thinking.

Then, President Museveni argued that the no-party system needed time to reconcile with itself and to create national unity and cohesion. In addition, he justified his new system by observing that so much blood had been spilt that people needed time to breathe the air of freedom and to discard the fear of tyranny. What was not expected was that this 'no-party' system would be a long-term feature of Uganda's constitutional order. Thus, it was not surprising that during the debate on the 1995 Constitution, proponents of political pluralism strongly agitated for a return to multiparty democracy. It was agreed that a referendum be held in 2000 to decide whether the country should return to multipartyism or continue with the 'no-party system' or adopt any other form of democracy. In the referendum held in 2000, those who wanted the 'no-party system' won, but in reality the matter was only postponed.

Historically, the birth of the Movement system was a product of the 'bush' war of the 1980s. In 1981, Museveni and his 26 young combatants went to the 'bush' and captured power in the spell of a mere five years. The penultimate constitution of the 'bush' war was the 10 Point Programme – which was later reformed into the 15 Point Programme. The basis of the 'Movement' democracy was inspired by the administrative need to organise villagers in 'Luwero Triangle' to supply food and recruits to the NRA. The elections to the RCs were introduced later, in order to give members of the councils a role to play in directly choosing their leaders and governing their communities. As the NRA grew in size and expanded its territory it introduced the RC system in the areas it liberated.

The architects of the salient features of the Movement system opined that it evolved out of the needs and dictates of Uganda at that particular historical moment. Statutorily, Article 70 of the 1995 Constitution defines the Movement political system as: broad-based, all-inclusive and non-partisan. It conformed to the following principles: participatory democracy; accountability and transparency; accessibility to all positions of leadership by all citizens; and individual merit as a basis for election to political offices. The position that the Movement system of government and the multiparty system are incompatible was enshrined in the 1995 Constitution under

Article 269, which suspends political party activity during the tenure of the Movement government and vice versa.

The Multiparty System in Uganda

The legal regime for the existence of a multiparty system is provided under paragraph (e) of clause (1) of Article 29 of the 1995 Constitution. The particular provision allows every person the right to freedom of association which shall include the freedom to form and join associations or unions, trade unions, and political and other civic organisations. Article 71 of the constitution sets out the principles upon which political organisations shall form. The conditions for political parties/organisations to form are defined as follows: An organisation shall not operate as a political party or organisation unless it conforms to the principles laid down in the constitution and it is registered; parliament shall by law regulate the financing and functioning of political parties and organisations.

The formation of political parties or organisations must conform to the following:

- i) A political party or organisation may be founded in Uganda to further any purpose which is not contrary to the laws of Uganda; and
- ii) Every citizen of Uganda has a right to form or join a political party or organisation of his or her choice.

In terms of registration of political parties and organisations, the 1995 Constitution mandates the Electoral Commission with the responsibility for the registration of political parties or organisations. Furthermore, it prohibits the formation of political parties on ethnic or religious lines in the following words: A person shall not form a political party or organisation: i) the membership of which is based on sex, race, colour or ethnic origin; ii) tribe, birth, creed or religion or other similar division; iii) which uses words, slogans or symbols which could arouse divisions in the country; and iv) the objects and membership of which are not of a national character.

To prohibit individuals and groups from contravening these requirements, clear sanctions have been prescribed. A political party or organisation is formed on any of the above basis specified in sub-section (1) if membership or leadership is restricted to members of any particular category or if its structure and mode of operation is not national in character. Any political party or organisation and any member of the executive committee of a

political party or organisation which or who contravenes any provision of this section commits an offence and:

- i) In the case of a political party or organisation, is liable on conviction to a fine not exceeding seventy two currency points; and
- ii) In the case of a member of the executive committee of a political party or organisation, is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

A political party or organisation shall not be taken to be of a national character unless it has in its membership at least 50 representatives from each of at least two-thirds of all the districts of Uganda and from each region of Uganda. Furthermore, the 1995 Constitutions clearly defines the corporate status of political parties. A political party or organisation is a body corporate and has perpetual succession and may sue and be sued in its corporate name; but a court or tribunal shall not have power in any suit to grant an order of involuntary winding up of a political party or organisation in favour of a judgement creditor. It also defines the calibre of people who should hold office in a political party. A person who is not a citizen of Uganda shall not be appointed to and shall not accept appointment to a political office in a political party or organisation. To ensure that the parties are indigenous and not foreign-controlled, the constitution restricts contributions from foreign sources as follows:

- i) Certain categories of persons or bodies cannot directly or indirectly make a contribution, donation or loan whether in cash or kind in excess of the value of twenty thousand currency points within any period of twelve months, to funds held or to be held by or for the benefit of a political party or organisation. This is to safeguard national interest.
 - a) Categories of persons/bodies referred to in (i) above are:
 - a) a non-Ugandan citizen; b) a foreign government or diplomatic mission; and c) a non-Ugandan NGO, registered in Uganda under the NGO Registration Act.
 - b) A political party or organisation shall not: a) demand or accept directly or indirectly a contribution, donation or loan in excess of the value of twenty thousand currency points within any period of twelve months, from any organisation specified in sub-section (2); or demand or accept directly or indirectly any contribution, donation or loan in excess of the total value of two hundred thousand currency points

in any period of twelve months from anyone or more of the sources.

- ii) A political party or organisation which receives any contribution, donation or loan in accordance with sub-section (3) shall report to the Electoral Commission his acceptance of the contribution, donation or loan within twenty one days after receipt.
 - a) A political party or organisation shall not:- a) obtain, solicit or receive any financial or other assistance from any foreign Government, institution, body or person which or who has demonstrated an intention to overthrow the lawfully established Government of Uganda, or to endanger the security of Uganda; b) Obtain, solicit or receive any financial or other assistance from an organisation which has been declared a terrorist organisation under the Anti-Terrorism Act 2002; and c) Employ for the purposes of its operations any financial or other assistance from any government institution, body or person described in (a) above or from an organisation referred to in (b) above.
- iii) The Minister responsible for Internal Affairs may, with the approval of parliament, by statutory instrument, declare the foreign government, institution, bodies or persons from whom assistance is prohibited. Any political party or organisation which contravenes this section commits an offence, and any member of the executive committee of the political party or organisation who contributes in any way to the contravention also commits an offence, and is liable: i) in the case of a political party or organisation, to a fine not exceeding seventy two currency points; or ii) in the case of a member of the executive committee of the political party or organisation to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.
- iv) Money or other assistance obtained by a political party or organisation contrary to law shall be forfeited to the state by order of the court which convicts any person of a contravention of this section.

There are various internal and external reasons²³ that explain why Uganda had to shift from the Movement to multiparty politics.²⁴ First, because it was exclusionary and behaved as a political party, the Movement became undemocratic. Second, due to the NRM's internal divisions, to cohere, it had to release the dissenters or 'enemies from within'²⁵ to establish their political homes. Third, the international community preferred a reversion to multiparty politics. Fourth, anti-Movement activists were determined to hold onto their old parties (i.e. UPC, DP and CP). Fifth, President Museveni could not resist the multiparty wave sweeping across the African continent. Sixth, President Museveni decided to trade off multiparty politics with the removal of the presidential two-term limit enshrined in the 1995 Constitution.²⁶ Lastly, because President Museveni was steadily losing political support country-wide as shown in the 2001 elections where his arch rival, Dr Kiiza Besigye, secured 29 per cent of the votes,²⁷ he had to succumb to the wave of multiparty politics.

Consequently, on 28 July 2005, a referendum which generated a low voter turnout (47.3%) was held to decide whether or not Uganda should adopt multiparty politics. Responding to the referendum question 'do you agree to open up the political space to allow those who wish to join different organisations/parties to do so to compete for political power', the results were in favour of opening up the political space. With the results showing support for multiparty politics, there was an unprecedented rush to register political parties (by 2006, Uganda had 32 registered political parties). However, some of the parties turned out to be 'briefcase parties' with 'entrepreneurial leaders' – entrepreneurial in the sense that the leaders were only scheming to either cut deals with powerful leaders to sell their 'parties' or to join powerful parties in the hope of being appointed to high political office.

23 The National Executive Committee (NEC) of the NRM which convened in November 2000 had its own reasons for opening up the political space, namely: 1) providing the NRM with the opportunity to purify itself of those people that are in the system because of the concept of 'broad-basedness'; 2) depriving opponents of accusing the Movement of being undemocratic; 3) enhancing relationship between Uganda and the development partners, thus facilitating the country's access to world markets and international aid; and 4) political pluralism is the current world trend and Uganda can ill afford to detach herself from this wave.

24 For this discussion, see Simba Sallie K. (2007) 'Electoral Processes in Uganda: From Individual Merit to Multiparty Democracy', in J. Oloka-Onyango and Nansozi K. Muwanga (eds.) *Africa's New Governance Models: Debating Form and Substance* (Kampala: Fountain Publishers), p. 139.

25 President Museveni referred to pro-multiparty activists as 'enemies' inside the NRM who were bent at destabilising it. Therefore, he decided that they should be let to go and establish their own political homes.

26 Since the lifting of the two terms limit, President Yoweri Kaguta Museveni immediately made overtures to stand in the 2011 presidential elections.

27 Makara Sabiti, Rakner Lise and Svasand Lars (2008) 'Turnaround: The National Resistance Movement and the Reintroduction of a Multiparty System in Uganda', in Julius Kiiza, Sabiti Makara and Lise Rakner (eds.) *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections* (Kampala: Fountain Publishers), p. 263.

Subsequently, on 23 February 2006, elections were held based on a multiparty system. The results of these elections, which had a high voter turnout (69.2%), are shown in Table 3 below.

Table 3: Results of the February 2006 Presidential Elections in Uganda

Candidate and Party	Number of Votes Garnered	% of Votes
Yoweri Kaguta Museveni (NRM)	4,109,449	59.26
Kizza Besigye (FDC)	2,592,954	37.39
John Ssebaana Kizito (DP)	109,583	1.58
Abed Bwanika (Independent Party)	65,874	0.95
Miria Obote (UPC)	57,071	0.82
Total	6,934,931	100.00

Source: Simba Sallie K. (2007), p. 140

As is shown in Table 3, the total number of registered voters was 10,450,788 and the votes cast were 7,230, 456. The invalid or blank votes were 295,525. The actual number of votes cast was 6,934,931. In the same period, parliamentary and local elections were held under a multiparty arrangement. In order of representation in the national parliament, the NRM was the largest followed by the FDC,²⁸ then UPC, and then DP. JEEMA and the CP had one MP each.

The opposition parties in the 8th Parliament included the FDC, DP, UPC, JEEMA, CP, and independents - some independents²⁹ entered into a memorandum of understanding (MoU) with some political parties. For example, Omara Atubo, formerly of the UPC, signed an MoU with the NRM. Cecilia Ogwal and Ben Wacha, both of whom won their parliamentary seats as independents,

28 The FDC is an offshoot of the NRM. Its president, Dr Kiiza Besigye, was President Yoweri Kaguta Museveni's personal physician during the 'bush' war. He occupied various high positions in both the military and in the Cabinet before he abandoned President Museveni. He has posed a serious challenge to President Museveni in three previous presidential elections (2001, 2006, and 2011).

29 MPs who are 'independents' are those who decided to stand on their own personal merit after being rigged out of the electoral process within their respective political parties.

signed an MoU with FDC. The interests of the opposition parties sometimes conflicted with each other.³⁰ Since the FDC was the second major party after the NRM, it formed the official opposition. Indeed, the Leader of Opposition at the time, Professor Morris Ogenga-Latigo, was vice president for northern Uganda in the FDC.

In 2011 general elections, the results of the presidential elections changed slightly in favour of the NRM party and independents but dropped for the major opposition parties, and remained the same for JEEMA and CP (see Table 4).

Table 4: Results of the February 2011 Presidential Elections in Uganda

Presidential Candidate	Valid Votes Received	% of Total of Valid Votes
Yoweri Museveni (NRM)	5,428,365	68.38%
Kizza Besigye (IPC/FDC)	2,064,963	26.01%
Norbert Mao (DP)	147,917	1.86%
Olara Otunnu (UPC)	125,059	1.58%
Beti Kanya (UFA)	52,782	0.66%
Abed Bwanika (PDP)	51,708	0.65%
Bidandi Ssali (PPP)	34,688	0.44%
Sam Lubega (Independent)	32,726	0.41%
Valid Votes	7,938,212	--
Invalid Votes	334,548	4.0%
Total votes	8,272,760	Turnout 59.28%
Total of registered voters	13,954,129	--

Source: European Union Election Observation Mission (2011: 40).

NB: The voter turnout was 68.45 per cent in the 2006 presidential election.

As is reflected in Table 4, the incumbent President Yoweri Kaguta Museveni was re-elected for a fourth term, receiving 68.38 per cent of the votes. The leader of the major opposition party, FDC and candidate for the IPC, Kizza Besigye, obtained 26.01 per cent, while the other six candidates received less than 6 per cent together. The turnout for the presidential election was 59.28 per cent, significantly lower than in the previous election.

The parliamentary elections delivered a majority of at least two-thirds to the ruling NRM, which won 279 seats. Independent MPs, most of them former NRM members, became the second largest group in parliament, with 37 seats. The major opposition party, FDC, won 34 seats, followed by DP and

³⁰ See Ogenga-Latigo, Morris W. (2006b), p. 1.

UPC with 11 and 9 seats, respectively. The CP and JEEMA parties secured one seat each. As in the previous parliament, six political parties are represented in the 9th Parliament.

The IPC presidential candidate, Kizza Besigye, leader of the DP, Norbert Mao, leader of the UPC, Olara Otunnu, and independent presidential candidate, Samuel Lubega, rejected the results, claiming widespread rigging of the elections prior to and on election day itself. Despite their rejection, none of them opted to appeal against the results to the Supreme Court.

The Inter-Party Cooperation (IPC) and Multiparty Democracy

After having lost elections to the NRM since 1996, in the 2011 general elections, some parties in the opposition formed a coalition or co-operation pact as a strategy to oust the dominant NRM party from power. They formed the Inter-Party Co-operation (IPC) of four parties (FDC, CP, JEEMA and Social Democratic Party [SDP]) which had programmes, protocol, objectives, and structure. The structure had: a Summit of the Presidents of the opposition parties, their Secretaries-General, a Steering Committee to advise and implement the decisions of the Summit, and a Secretariat which performs the administrative role. Although this pact could have increased the opposition's chances of garnering some reasonable votes, it faced teething problems. Before explaining the achievements and challenges of the IPC, it is imperative to describe briefly the characteristics of an 'alliance'.

In any political alliance, the starting point is that instead of being dominated by a strong party, it should be as free as possible to enable individual parties to propose ideas. In fact, in an alliance, there is need to make compromises because it is a give-and-take arrangement. It is also important that lengthy negotiations are undertaken because they are vital to effective coordination before adopting common positions. Mutual understanding, respect and confidence are critical for any alliance to work and unity among the alliance members to take root. Parties entering into an alliance should always look at the broader picture and agree to disagree on critical issues. Where they disagree, they should put it behind them and focus on issues that are critical. Lastly, institutions are the best avenues for alliance-building.

Based on such a conceptual understanding of alliance building, the IPC wanted to achieve three major objectives. The first objective was to co-operate because they realised that individually they could not dislodge the entrenched NRM party from power. The second objective was that they were acting within the law because section 18 of the PPOA (2005) provided for co-operation, alliance or merger of parties. The third objective was the signing of the MoU as spelt out in the IPC's Protocol.

Having attained the three objectives, a critical assessment of the IPC's performance in the 2011 general elections is now imperative:

- 1) It fielded a flag-bearer, Dr Kiiza Besigye, as presidential candidate, who traversed much of the country;
- 2) It informed the voters of their existence and spread the message regarding their manifesto through rallies and meetings, for example, on 4 December 2010 in Masaka, on 5 December 2010 in Jinja and on 6 December 2010 in Hoima;
- 3) It launched the IPC Women's League;
- 4) It organised the first IPC conference held on 14-16 August 2008 which was attended by 143 delegates;
- 5) It made 15 crucial resolutions among which are: promoting internal democracy by holding delegates' conferences, development of a road map for the 2011 general elections, and devised strategies for winning the 2011 general elections;
- 6) It endorsed electoral, constitutional, legal and administrative reforms it considered essential for conducting free and fair elections which it then sent to parliament as Electoral Amendment Bills, and carried out advocacy and campaigns around these issues (e.g. restoration of term limits, removal of the UPDF from parliament, and changing the composition of the Electoral Commission);
- 7) It designed a work plan and worked assiduously towards its implementation;
- 8) It identified socio-economic and political challenges whereupon it recommended remedies;
- 9) It conceived of an idea to register a Uganda Institute of Governance;
- 10) It built the capacity of IPC members, for example, by organising a women and youth trainers workshop held in 2009, and trained 72 party members to conduct voter education; and
- 11) It created a conflict resolution mechanism to ensure that it remained focused on its activities.

In spite of these significant achievements, the IPC faced three broad challenges, namely: IPC, political party, and environmental challenges. The IPC challenges, were as follows:

- A mixture of strong and weak parties in the co-operation generated its own problems. Strong parties thought they could go it alone without the others, thus polarising the alliance;

- Ineffective coordination erupted between them in the sense that the 'weak' parties argued that they did not reap from the alliance;
- There was fear of the 'strong' parties swallowing the smaller and newer parties;
- It was not widespread structurally in the countryside. Because they were more visible in urban areas than in rural and remote areas, this generated the problems of reaching out to all the voters and coordination between the headquarters and the grass roots;
- Failure to disseminate sufficient, accurate and timely information on IPC to a cross-section of the electorate;
- Detachment of the Summit Chair from the Steering Committee (IPC's Executive Committee) which generated confusion over whether they should have been chaired by the same selected party president or whether the Chair of the Summit should have been an ex-officio member of the Steering Committee;
- Difficulty in mobilising the youth, workers, and women to create an attractive and relevant IPC platform;
- There was no clear agreement on policies such as federalism and homosexuality which could have dented the IPC's image before the eyes of the voters and supporters;
- There was no clear strategy for the opposition and government to dialogue;
- It demonstrated mixed relations with donors because the messages from some IPC members were anti-donors at one moment and co-operation at another;
- It split voters during the campaigns because of failure to adhere to a common alliance platform;
- It failed to effectively use the media to counteract NRM's anti-IPC propaganda;
- It was were ineffective in designing strategies for the 21,000 polling stations, militia, threats by some UPDF officers such as DISOs and GISOs, ballot stuffing, tallying of results, and use of colossal sums of money;
- It showed open mistrust and rivalry among the members in the quest to demonstrate who is more powerful or visible than the other, thus denting its image in the eyes of some voters;
- The emergence of SUUBI (comprising mainly Baganda with a leaning to the royal establishment in Mengo) on the eve of the 2011 general elections created stiff competition between the Baganda who had joined the IPC and those in the DP and the NRM over the controversial issues of federalism and land; and

- It failed to construct the alliance as a solid political organisation with a common plan regarding how the leadership would be constituted in terms of sharing positions and demonstrating that it could offer a government-in-waiting.

The second challenge relates to political parties. First, most political parties are led by transactional leaders rather than by transformational leaders. Second, the political parties lacked internal democracy thus leading to factionalism, or splintering, or weakening of the alliance members. Third, dominance by the founding fathers and those who are entrepreneurial have tended to define the direction of the parties on behalf of the members even when the latter have different ideas. Fourth, resource constraints interfered with the functionality of the parties. Fifth, the parties lacked ideological clarity. Sixth, the parties hurried into multiparty elections without effecting serious constitutional changes. Seventh, most of the parties are largely urban-based and thus failed to open effective branches. Lastly, rivalry, suspicion, and ethno-regional competition among opposition candidates and parties greatly undermined their mobilisational capacity.

The third set of challenges is environmental in nature, namely:

- 1) Dominance of the state and NRM's machinations to weaken the opposition through three approaches, namely intimidation and isolation of the opposition, luring some highly placed opposition leaders with the carrot of state patronage, and denial of a level playing field (legally or otherwise) (Olum 2010b);
- 2) Failure to embed a democratic culture or ethos nationally, wherein political actors claim to be democrats when in reality they practise dictatorship by substituting institutions with personalities;
- 3) The national electoral system uses the single-member-district FPTP winner-take-all model. Hence, the opposition finds itself in a disadvantaged position since the seats it won are not proportional to its share of the popular national vote;
- 4) Election malpractices such as violence, vote rigging, legal manipulations, etc;
- 5) Militarisation and commercialisation of politics, which work against the opposition because they are not in control of the instruments of coercion (which are under the NRM since it is in power) and they lack the capacity to mobilise resources;
- 6) The Electoral Commission and the administration of elections which the opposition sees as being biased in favour of the ruling NRM party; and

- 7) Failure by the opposition to learn lessons from both inside and outside the country to function effectively.

The Weaknesses and Remedies to the Functional Performance of Political Parties in Uganda

Much as political parties, besides civil society and foreign donors, have been significant actors in the efforts towards political reform in Uganda, they have experienced serious weaknesses, particularly in the current transitory period. These weaknesses have greatly undermined their capacity to advance the cause of political reforms. These weaknesses are discussed hereunder (see Tripp 2010: 101-102; Kalinge-Nnyago 2010: 126-127).

The first challenge relates to the role of the opposition. The role, functions, legitimacy and capacity of the opposition have remained fluid. The fragmented nature of the opposition was demonstrated by the different party identities, strategies, alignments and realignments that evolved on the eve of the 2011 general elections. In Uganda, where the NRM party is so dominant, there is a tendency for the opposition to depend on it for the country's political direction. Among the opposition parties, it is mainly the FDC which continues to challenge the NRM's dominance, albeit inadequately and amidst the hurdles put on its way by the NRM. Nevertheless, the FDC has positioned itself as a major political contender and posed a threat to the NRM and its leadership, particularly in its strategy of raising sensitive issues of national significance such as government accountability and corruption. The NRM leadership has continuously hounded the leader of the FDC, Dr Kiiza Besigye. The FDC's slogan of 'Change Now' or 'Change We Can', crafted along Barack Obama's 'Yes We Can', has resonated well with a cross-section of the population.

The second challenge is that the parties lack internal democratic practices. On this matter, Kanyeihamba puts it this way:

There is lack of internal democracy in almost all political parties in Uganda ... the parties have been led by the same groups of individuals. A few attempts to build internal democracy have been stage-managed or corrupted only to end in the people's disappointment when the old guards is still firmly in charge. Citizens become fed up seeing the same faces and hearing the same messages from the same leader for decades and change becomes compellingly desirable.³¹

31 <http://allafrica.com/stories/201106221220.html>

Other weaknesses, especially among opposition parties, include the following:

- There is inadequate capacity to support their growth. Each new election brings forth new parties (though a good thing in itself in political pluralism) but with unclear agendas;
- Inadequate investment in political parties;
- They lack a firm base and structures for continuity – they are mainly active during elections;
- Parties are fractured (e.g. DP and UPC are internally fragmented to the extent that they can hardly adopt a common position on anything), personality-driven and entrepreneurial or business-like. This set of weaknesses explains why opposition parties are easily penetrated and co-opted by the ruling NRM party;
- Failure to consistently package and disseminate their policies, thus making them look less attractive to the electorate;
- They are poorly institutionalised, with limited membership, inappropriate policies and weak capacities to retain supporters;
- They lack a clearly defined ideological stance, choosing to be pragmatic, thus leading to failure to clearly define what their parties stand for in deed, philosophy and practice;
- They lack the necessary resource (especially finance) base (see Ssemogerere 2011: 61-74); and
- They are more personality-based than focusing on the socio-economic conditions of their main constituency – the people.

However, the aforementioned weaknesses are not only a preserve of the opposition. Clearly, the NRM has its own doses of dissent from within due to failure to practise internal democracy. Given the currently brewing dissension against President Museveni within his own party, no one knows for sure what the NRM party will look like as the country heads to the next general elections in 2016. Nevertheless, the weaknesses have undermined the opposition parties more in terms of making an effective contribution to representative politics and multiparty democracy in the country than the NRM party. In the process, their ineffectiveness has allowed the NRM free rein to dominate the political space and to destabilise them through harassment and intimidation.

Apart from these weaknesses, there are broader challenges of a democratisation nature that affect the efficacy of the functioning of multiparty democracy in Uganda within the context of semi-authoritarianism and neo-patrimonialism. These challenges include:

- a) The behaviour of the electorate towards the dominant party system – While the NRM has been winning at the ballot, it should realize that its votes can never be permanent – i.e., it is not insulated from loss of support. However, it has to be noted that the opposition has failed to clearly articulate to the voters that it is an attractive alternative to the NRM government.
- b) The present challenge of the NRM will be to consolidate democracy amidst the widespread poverty and economic inequalities within society. However the wrangling within the opposition parties that interferes with their message on alternative policies compounds this problem and entrenches the NRM's grip on political power. In order to appeal to the voters, the opposition will need to re-think its strategy with a view to moving it away from rallies and campaigning towards sustained engagement with civil society and interest/pressure groups. The opposition 'parties must not only exist in a legal or organisational sense, but they must also be mechanisms that enable representation and express the social interests of significant constituencies in society' (Habib and Taylor 2001: 209).
- c) The opposition's challenge is to reverse the demotivation and withdrawal of a section of the electorate who do not identify with the NRM from the democratic process. In Uganda's political system, whereby the NRM dominates in all forms (political, military, economic, international relations, civil society etc.) so that they will win the elections no matter what, voters end up thinking that there is no point in casting their vote. Hence, because of the lack of voter appeal of the different opposition parties, they choose to vote the NRM because it is the only party likely to win and to address their problems. Indeed, President Museveni has craftily laid the blame for the slow progress of the NRM's socio-economic transformation and industrialisation agenda at the door of the opposition; he frequently attributes the delay in increasing the generation of hydro-electricity at the Bujagala dam in Jinja to opposition MPs. Therefore, for a party to be termed opposition, it must organise itself as an alternative governing party. Whereas the role of the opposition is to remove the NRM party from power, it has to demonstrate that it is a credible and legitimate 'voice' in the polity whose views it will listen

to and who can hold government – especially one that is dominant, such as the NRM – to account (something that PAC in parliament has done quite well).

- d) The continued elevation of the liberation struggle in the politics of the ruling party may have a distabilising effect on democracy. Authoritarian and oppressive tendencies can emerge – signs of which are already visible today – from the unrivalled dominance.
- e) There are conflicting interpretations between the NRM and the opposition of the role that the opposition should play under the new multiparty system. Thus, while Uganda is formally a multiparty democracy with an institutionalised political opposition, of profound concern has been the tendency on the part of the NRM leadership to show intolerance of criticism from both opposition parties and from within its own ranks, and to view the former as 'enemies'. This is why, in spite of the constitutional provision for the setting up of an NCF, it has never taken off; this is due to NRM's belligerence. Instead, the NRM has decided to establish the IPOD; it can more freely define the political agenda of the country. For instance, the NRM's response to the FDC (which has become more robust and uses an adversarial stance) has created considerable animosity between the two parties in previous general elections. Consequently, as a political strategy, the opposition has resorted to forming an alliance to defeat the NRM's dominance.
- f) Co-opting the opposition is a strategy adopted by the NRM to poach members of the opposition into its ranks to weaken it. This has benefited the poached individuals. Those who cross over do so as a strategy to gain access to channels of power and resources. 'If you cannot beat them, join them' is a mentality that has taken root among some members of the opposition. This opportunistic stance is symptomatic of the dominant-party system. It arises because mounting an effective challenge to the dominant party seems daunting. Hence, individuals sacrifice political principle for short-term material, financial, and electoral gain. Fortunately, Uganda does not have an anti-defection law that prohibits floor-crossing at both national and local levels; this would have hampered the dominant NRM from luring opposition members through patronage. The crux of this political re-alignment is that it entails a

loss of accountability to supporters and diminishes the competitiveness of the multiparty system. In Uganda, the weak and co-optive opposition has led to the NRM amassing political power. Hence, the NRM's increased parliamentary power has eroded real authority from the Constitution and its structures, thus allowing the ruling NRM party to amass it. Its numerical strength in parliament continues to pose a serious threat to accountability and responsiveness to the needs of the citizens. The NRM caucus selectively³² defends some of its high profile members against abuse of office in corruption scandals – e.g. Temangalo and CHOGM. A middle-class that has arisen through patronage does not have the wherewithal of broadening and strengthening democracy; in fact, it may stifle such a development.

- g) Today, in spite of the NRM's dominance, opposition from within its own ranks is revealing some crevices. Some of its members have expressed divergent views over various policies and the manner in which a centralised clique are running the party and the country. It is, therefore, arguable that the NRM is beginning to face more internal conflict in the 9th Parliament than from the opposition. The challenges the NRM has faced and is facing cover issues like: opposition to President Museveni's nomination of NRM MPs as ministers;³³ ignoring Museveni's chosen candidate for chair of the Uganda Women's Parliamentary Association (UWOPA), Margaret Kibojana, in preference for opposition's Betty Amongi; opposing the Anti-Bail Bill that targets protesters and government opponents; blocking additional funds to ministries such as that of Energy, whose head, Irene Muloni, wanted to raise over Shs 200bn to pay electricity-generating companies; opposing the give-away of Mabira forest to Metha for sugar-cane growing; and recently the demands for public release of the PSAs that Uganda signed with Tullow Oil and its partners, which has led to allegations of ministerial corruption against senior NRM officials – including the Prime Minister who doubles as Secretary-General of the NRM party. However, various motives have been attributed to the 'rebellion' within the NRM party, namely: rooting for ministerial posts by being vocal (the Hon. Henry Banyenzaki is cited as an example of

32 Selectively because while some are sent to prison on remand – such as Vice President Gilbert B. Bukenya (though he was recently released by the IGG) and three Ministers (Jim Muhwezi, Kamugisha and Mike Mukula) who were implicated in the GAVI funds scam – others are protected and defended by the NRM caucus.

33 James Kakooza, Nasser Ntege Ssebagala, Saleh Kamba, and Henry Kajura Muganwa.

someone who was vocal and who ended up being rewarded with the post of Minister of State for Economic Monitoring in the current Cabinet);³⁴ attacking individuals by fighting proxy personal wars with the party's top leaders such as the Prime Minister;³⁵ some young politicians are craving the limelight to make their presence felt; NRM's trick to hoodwink the opposition; pawns of external oil firms; good patriotic MPs fighting to get a good deal for their electorate; and giving a semblance of internal debate and reform within the party.

In spite of the different reasons that can be attributed to the actions of the NRM 'rebels', the fact remains that walking out on President Museveni, who is seen as a strong 'big man', at Kankwanzi, is no mean feat. Butaleja Woman MP, Cerinah Nebanda, observed that they walked out on the president because he was undermining parliament. Dokolo county's Felix Okot Ogong said he felt the president was undermining both the party and parliament. The significance of these internal voices within the NRM is that they are upping the stakes on the exercise of excessive powers by the leaders within the party to curb the undermining of democracy through arbitrary and centralised decision-making. The Secretary for Mobilisation in the FDC and former NRM member and bush fighter, General Mugisha Muntu, argued that such a crisis within the NRM was inevitable given the mess that characterised the party's 2010 primaries in which many candidates felt cheated.³⁶ He also noted that the fragility of the NRM was woven around 'incumbency' and hopes that it will ultimately lead to a smooth transition (Atuhaire 2010: 12).

However, President Museveni's response towards the 'rebels' within his party is to threaten them with disciplinary action to curb their vocal criticisms against him, the party

34 Hon. Henry Banyenzaki was recently quoted as having attacked the dissembling MPs, particularly Sekikubo who was his closest ally in the 8th Parliament – accusing them of championing uninformed debates.

35 The president was quoted as telling the caucus at Kyankwanzi that the following proxy wars were being fought: Baryomunsi was fighting Mbabazi's wife; Niwagaba was fighting Hope Mwesigye, former Minister of Agriculture and sister-in-law to Mbabazi, on behalf of Father Gaetano Tibayenda (see Atuhaire 2011: 11); and Sekikubo was fighting Foreign Affairs Minister, Sam Kutesa. Amama Mbabazi was being fought by some MPs for having frustrated their hopes of becoming ministers and supporting their rivals in the previous election campaigns.

36 The NRM's primaries held in August 2010 were characterised by violence, rigging, and chaos, to the extent that most candidates who were closely connected to the NRM leadership managed to sail through, thus explaining the high number of independents who were formerly NRM members.

and his government. He even associated them with being collaborators of the opposition. In fact, it is arguable that a possible prospect for the future of multiparty democracy in Uganda is when the dominant NRM splinters. However, owing to the youthful nature of the multiparty system, splintering of the NRM could have a destabilising effect. The only way to avoid this scenario is through imposing institutional checks and balances on all the parties, especially the ruling party; recognition of civil liberties by tolerating the opposition and respecting the rights of associational groups to operate unrestricted; adhering to the terms of the constitutional provisions and the rule of law; the existence of an institutionalised political opposition being seen as a viable alternative government; and the strengthening of democratic and governance institutions.

- h) Fundamentally, because the emerging dominant NRM party has embraced the global neo-liberal agenda, this places considerable limitations on how it exercises state power. In other words, the liberal democratic agenda that the NRM has resorted to in order to re-introduce multiparty democracy is what the other political actors can use to check its undemocratic tendencies.

The Future of Political Parties

Theoretically, most analysts share the view that parties and the democratic institutions they articulate are expressions of the consolidation and the boundary control of the modern state (see Bartolini and Mair 2001). Viewed from this perspective, parties are a crucial device for internal political articulation within what has been an externally closed political entity – that is, within a polity that has enjoyed relatively pronounced control over its external economic, cultural and politico-administrative boundaries. One of the steepest challenges parties confront today stems from the final loosening of this historical capsule, the nation-state. Put very briefly, territorial units that tend to become more and more softly bounded economically, administratively, and culturally may undermine not only the political integration capacity of parties but also their institutional integration capacity.

Yet even when recent analysts emphasise that parties now face a number of competing actors and challenging new processes, they nevertheless also recognise that in both old and newly established democracies, no real alternatives have emerged. Parties may face an increasing number of competitors, but they seem to have faced no real alternative.

To be sure, the lack of alternatives to the political party is not any guarantee of its future success or even survival. Parties could become reduced to mere labels reflecting factionalised, clientelistic struggles among more or less independent political entrepreneurs, each of whom seeks to win the support of voters by using methods and resources outside the reach and control of party organisations as such. However, while this might represent one possible future for parties, it leaves open new questions regarding the wider political systems in which these parties compete.

Conclusion

In conclusion, it has to be stated that initially, the Movement type of politics was justified by the NRM as an interim measure based on a 'gentleman's agreement' between the pro-Movementists and the pro-multipartyists – an agreement whose contents are as unknown to the public as it is disputed by the parties themselves. Indeed, whereas the draft 1995 Constitution provided that '... the right to form political parties is guaranteed ... Parliament shall leave no power to enact a law establishing one-party state', the activities of parties were confined only to a part of Uganda.

Yet in Uganda today, we can already perceive the almost spontaneous explosion of ethnicity and cultural revivalism expressed, in part, by the frustrated attempts to have parties freely operate. Indeed, the architects and democratisers have glaringly failed to face up and positively respond to this new situation: the democratic right to organise and associate politically must be kept at an intensity that avoids these explosive situations from getting out of hand.

In sum, there is need by the opposition and civil society to struggle for legal and political reforms. They must do so to prevent the shrinking arena of popular political participation and monopolisation of power by a few political and economic elites. If this does not happen, this group of elites will end up circumscribing the parameters of free political activity through manipulating the law and the legal system, ultimately leading to the criminalisation of legitimate political activity and subordinating the enjoyment of human rights to regime survival and the continuity of the state in the name of state security. It is also vital that the IPC members should revisit the motives of their previous alliances by answering the question: Were the alliances meant only for electoral purposes or were some opposition parties merely used as vehicles for political elites angling or struggling for positions in a post-election government? Finally, IPC members, and the opposition in general, should realise that alliances that are crafted around narrow interests (region, class, ethnicity, 'eating', religion, race, friendship, and gender) will never win in an election.

Chapter Nine: The Multiparty Parliament

Introduction

In historical terms, the contemporary form of parliamentary democracy Uganda is exercising today, known as the 'Westminster' model, was bequeathed to her by the British. The British colonialists exported this model to other colonies too³⁷ The British-based parliamentary system of government rests upon 'government by the majority' political party. However, enshrined within this democratic principle of the *majoritarian* right to rule is the respect and protection of *minoritarian* rights. In Britain, this respect and protection is enshrined under Her Majesty the Queen's loyal opposition. Furthermore, in the British type of parliamentary democracy, the party that wins the majority of the votes and therefore the majority of seats in parliament is mandated to form a government. These features intermingled is what largely forms the Uganda Parliament.

In the November 2005 referendum, Uganda shifted from Movement to multiparty politics in order to expand political space. Historically, Uganda practised multiparty politics briefly during the Obote I regime (1962-1969) and during his second reign (1980-1985). This shift was seen as a critical foundation for democratic consolidation. This section argues that because of various challenges and, especially, the NRM's repressive tendencies, the opposition will find it difficult to consolidate parliamentary democracy.

To analyse this standpoint, the chapter discusses the following main issues: the theory and the role of opposition; formal recognition of the opposition; analysis of the opposition's role in consolidating parliamentary democracy by focusing on its agenda-setting power; law-making power; questioning government during Prime Minister's Question Time; aggregation of the electorate's interests; promotion of constructive debates; holding the government to account; maintenance of close contact with the electorate; securing its rights through the Speaker and demonstrating that it can be an alternative government; caucusing in parliament; the independents in the Parliament of Uganda; and conclusion.

The Theory and Role of Opposition

Opposition is a fundamental concept that is central to western, liberal democratic political thought and political systems. It has a direct bearing

37 See Msekwa Pius (2006) *Reflections on the First Decade of Multiparty Politics in Tanzania* (Hanns Seidel Foundation), pp. 171-176.

on the relationship between individuals, groups, and the government. It can be understood as 'part and parcel of the political process ... the *altera pars* of government or power',³⁸ Any form of disagreement with the ruling authorities, however mild or extreme, is opposition. Indeed, politics itself is about disagreement or conflict. However, opposition should not only be seen as political disagreement or conflict but as a special phenomenon distinguishable from other types of conflict such as factionalism, dissidence, protest, militancy and insurrection – although all of them may be related, more or less closely, to opposition as such.

Opposition should also be identified within the system of which it forms a part; to understand it in relation to the socialisation process – the learning and acceptance of conventional political wisdom – and to relate it to the government, which, *qua* government, is entitled to govern and be obeyed. The ostensible purpose of the opposition on the political system is to stimulate change although, in practice, it could reinforce the status quo. Sometimes it is accused of doing both.

Broadly, opposition means attitudes or behaviors that serve to promote change. Dahl³⁹ defines it as 'public contestation', implying that those who cannot determine the conduct of some aspect of the government during some interval and are opposed to the conduct of the government by those who can determine it. To Ionescu,⁴⁰ opposition is any concerted attitude or action, spontaneous or deliberate, sporadic or continuous, of anomic or associational groups under any circumstances or by any means. Macridis⁴¹ sees it as an organised and structured attempt to replace government according to certain rules, parliamentary or other. Whereas opposition is frequently equated with parliamentary opposition, one of whose tasks is, in principle, to replace or at least share in the government, much of its activity, as is evident today, is not aimed to replace the government. This is why Friedrich's⁴² argues:

Opposition is at once a group of persons effectively organised for the purpose of opposing the activities and policies of the government in power and the complex of activities in which such persons might engage.

In stating that opposition is 'effectively organised', Friedrich broadens its objective as being an inherent part of the political system and not a

38 For an elaborate discussion of political opposition, see Ponton Geoffrey (1976) *Political Opposition* Monograph 4 (London: The Politics Association).

39 *Ibid.*, p. 6.

40 *Ibid.*, p. 6.

41 *Ibid.*, p. 6.

42 *Ibid.*, p. 6.

peculiarity or aberration. Barker⁴³ emphasises the relationship of opposition to the wider political system because it is practised 'without either contesting (the commanding group's) legitimacy or threatening or rejecting the basis of the state or constitution'. Indeed, opposition is supposed to be legitimate and constitutional. Oakeshott⁴⁴ notes that any opposition has an authority of its own but with allegiance to the government which has authority to rule. Hence, any government must have positive tolerance for the opposition through desisting from persecuting it in any way within the expressly or implicitly agreed limits of legitimacy and constitutionality. Lipset's definition of democracy as a system of institutionalised opposition in which people choose among alternative contenders for public office⁴⁵ reinforces this point. Dahl⁴⁶ is more explicit:

... one is inclined to regard the existence of an opposition party as very nearly the most distinctive characteristic of democracy itself, and we may take the absence of an opposition party as evidence, if not always conclusive proof, for the absence of democracy.

Thus, characteristically, opposition is about dissent from the government which is overt and known, structured and sustained, and legitimate and constitutional. Within the political system, it is a recognised, acceptable and delimited political activity. In principle, opposition is a non-elitist phenomenon; people outside the ruling elite are enabled to have a positive political role while the very limits of opposition – that is, structures and agreed rules -, while not threatening the foundations of the social and political system, may potentially enable more positive achievement than general disaffection and discontent and without a major social upheaval in the short term.

However, opposition may become little more than a ritual to cover the superficiality of the actual disagreements and the collusive nature of much political activity; it can serve to obscure corruption and ossification in the political system. This obscurantism and ossification are the reasons why twentieth century critics have launched a vigorous attack on western liberal democracy and opposition by arguing that the former is largely a fraud – hypocritical, opportunistic and selfish – and that the latter gives minorities rights and duties within the system. They also argue that mitigating the selfishness of majority rule is a façade because, in reality, the system is designed to prevent action on matters where there is a grave difference of opinion and only to allow it where the differences are not serious or

43 Ibid., p. 6.

44 Ibid., pp. 6-7.

45 Oloo Adams G. R. (2007) 'The Contemporary Opposition in Kenya: Between Internal Traits and State Manipulations', in Godwin R. Muranga and Shadrack W. Nasong'o (eds.) *Kenya: The Struggle for Democracy* (Dakar: CODESRIA), p. 92.

46 Ibid., p. 92.

significant. They also observe that opposition weakens the national will and causes the nation to hesitate instead of facing its tasks unflinchingly. Opposition, then, is equated with weakness, vacillation and moral cowardice.

In spite of these criticisms, opposition is a rare phenomenon in the political world, of recent growth and of limited distribution among political systems, past and present. The ruling power must officially tolerate and even encourage disagreement with its policies and actions, to accept the dangers of exposure of inadequacies, to take up the extra work of explanations and justification and to face the increased possibility of removal from office which all this entails.

Contextually, Uganda, having been a British Protectorate, derives her opposition's role from the Commonwealth parliamentary practices⁴⁷ thus:

The effectiveness of the party system in Parliament relies to a large extent on the relationship between the government and the opposition parties. Depending on the relative strength of the parties in the house, the opposition may try to overthrow the government by defeating it on a matter of confidence vote.

Therefore, the opposition aims to: contribute to the formulation of policy and legislation by constructive criticism; oppose government proposals with which it disagrees; table amendments to government bills; and put forward its own policies to improve its chances of winning the next general elections to form an alternative government.

Given this background, the next sub-themes analyse the opposition's role in consolidating parliamentary democracy in Uganda. Given the recency of the 9th Parliament – nine months – the assessment of the multiparty parliament will be based more on the 8th Parliament. Before discussing the sub-themes, the legal basis upon which they are supposed to function will first be presented.

Formal Recognition of the Opposition

After the amendment of Article 82A of the constitution (amended in 2005), the opposition's role became legally recognised and operationalised through the Administration of Parliament (Amendment) Act of 2006. The act made various provisions for the Office of the Leader of the Opposition and its status, functions, benefits and privileges. It also provided for the positions, roles and functions of the Opposition Chief Whip and Party Whips in parliament and for the Shadow Ministers. The Rules of Procedure of Parliament further

⁴⁷ See Ogenga-Latigo, Morris W. (2008b), pp. 1-2.

entrenched the opposition's role in the House by providing for rights of reply to policy options through Statements in Reply made by the Leader of the Opposition or the Shadow Ministers. Significantly, it vested the leadership of the four accountability or oversight committees of parliament, namely the Public Accounts Committee, the Local Government Accounts Committee, the Government Assurances Committee, and the Statutory Bodies and State Enterprises Committee, in the opposition. Symbolically, the parliament is bi-cameral with the government side sitting on the right of the Speaker and the opposition on the left. The independents have been located in the middle of the two sides.

By and large, the opposition has made an effort to utilise this institutional framework to check the powers of the government by exercising its oversight role.⁴⁸ Unfortunately, the opposition confronts several challenges in performing its role; some of the NRM MPs tend to treat it as a nonentity or as illegitimate. Sometimes, the NRM behaves towards the opposition as if they are doing it a favour. Three main reasons explain the NRM's negative attitude towards the opposition. First, more than two decades of *de facto* one-party (Movement) rule has enabled the NRM to entrench itself and to criminalise multiparty politics. Thus, the opposition has faced incessant attacks from the NRM leadership. Second, the political transition has been too short (less than one year) for the opposition to prepare adequately for the political contest with the NRM that has been in power for well over two decades. Several MPs in the 8th Parliament were in their twenties, some as young as 23 years old, with insufficient legislative experience.⁴⁹

Hence, most Ugandans have not only failed to fully understand what multiparty politics means, but are ignorant of their political rights. This lack of awareness due to insufficient civic education has caused tensions in the operationalisation of multiparty politics from the day it was launched. The other reason is President Museveni's aversion to multiparty politics.⁵⁰ In justifying his support for the change-over to the multiparty system during the November 2005 referendum, he categorically asserted that, first, it was imposed upon him and the country by the donors and, second, he wanted to off load trouble-makers from the Movement. His aversion saw him presiding over the drafting of obnoxious laws such as the Penal Code, Police Act, UPDF Act, media laws, the NGO law, the phone tapping law, and the Anti-Terrorism Act⁵¹ that directly and indirectly stifle the opposition's operations. The selective application of these laws by state organs aims at stifling political freedoms to tilt the outcome of any political contest in the NRM's favour⁵².

48 Interview with Opposition Chief Whip, (Hon.) Kasiano Wadri, on Tuesday 24 February 2008.

49 See Ogenga-Latigo, Morris W. (2006b), p. 1.

50 See Ogenga-Latigo, Morris W. (2008c), p. 3.

51 See Ogenga-Latigo, Morris W. (2008c), p. 4.

52 Ogenga-Latigo, Morris W. (2008a), p. 3.

For example, the Police Act that prohibits political rallies from being held in certain parts of Kampala city targets the opposition by preventing them from reaching out to the public. The anti-riot police, for instance, has used brute force to disperse several opposition rallies and demonstrations on grounds of avoiding insecurity from erupting. A classic example was when the opposition and civil society groups organised a peaceful demonstration against President Museveni's give-away of Mabira forest to the Metha Group only to be violently dispersed by the anti-riot police and the *kiboko* squad (cane-wielding NRM youths). The government did not apologise when three innocent Ugandans died in this incident; instead it blamed the leaders of these groups for organising an 'illegitimate' assembly. Hence, some law enforcement agencies have been slow to realise that under multiparty politics their duty is to protect the opposition, the government and the public equally.⁵³ Instead, by brutally suppressing the 'voices' of the opposition, the armed forces see the opposition as the 'enemy' of government. The NRM's tendency to coerce the opposition manifests itself in parliament as well. Because of its huge numbers, it has succeeded in stifling the opposition's voice over critical national issues such as corruption. This suppression is the reason why parliament has been referred to as a 'rubber stamp' because it does the president's or executive's bidding.

In spite of the rubber-stamp qualities of the 8th Parliament, the opposition performed various crucial roles. The next sub-themes discuss the extent to which the opposition performed the different roles.

Agenda-setting

Agenda-setting means that issues come into the public policy domain from various sources: political platforms, research and analysis, academia, the private sector and civil society. In a democratic polity, stakeholder involvement in agenda-setting is considered necessary for all the voices to be heard and, where possible, acted upon by the responsible authority. In Uganda, the Rules of Procedure do not mandate the opposition to set the agenda in the House but to respond to government. The opposition has made inroads in this respect.

The Statement in Reply made by the Leader of the Opposition in response to the State of the Nation Address delivered by the president at the commencement of each parliamentary session is the instrument by which the opposition responds to the annual broad policy pronouncements of government.⁵⁴ Where the opposition is in agreement with the government, it says so, and where it does not, it proposes an alternative. For example, by

⁵³ See Ogenza-Latigo, Morris W. (2006a), p. 3.

⁵⁴ See the details of this discussion in Ogenza-Latigo, Morris W. (2008b), pp. 2-3.

presenting an alternative budget, the Shadow Minister of Finance responds to the government budget presented by the Minister of Finance, Planning and Economic Development on Budget Day. As part of the budget process, Cabinet Ministers present to parliament their Ministerial Policy Statements that outline what they intend to implement in the financial year and the justifications for the budget proposals made for their ministries. Through the Shadow Ministers, the opposition in turn prepares Statements in Reply to the Ministerial Policy Statements, stating their positions in respect of government's action and budgetary proposals, mentioning where they agree or disagree, and their alternative policies and actions.

Contrary to principles of parliamentary democracy, the NRM sometimes conducts parliamentary business single-handedly as if Uganda is still under the Movement political system. Also, the pro-NRM Speaker sets the agenda and calendar of parliament without consulting the Leader of the Opposition and the Opposition Chief Whip. Hence, opposition MPs are at times ignorant of the contents of the Order Paper. The fact that the Speaker chairs the Business Committee of parliament, which has not met since multiparty politics began, means that the Speakership leverages agenda-setting in favour of the NRM. Thus, the opposition has been frustrated in contributing to the House's agenda. Yet, the effectiveness of the party system in enhancing parliamentary democracy is premised upon a cordial working relationship between the government and the opposition.

Law-making Powers

Theoretically, another role of any opposition in parliament is to ensure that law-making is in the best interests of the country.⁵⁵ In Uganda, the opposition has no legally mandated powers in law-making because it is restricted by the 1995 Constitution (Article 93). Under Article 93, no bill or motion that may lead to a charge on the Consolidated Fund shall be tabled by an MP and debated unless it is done 'on behalf of the Government'. Since the NRM government will not allow the opposition to table such a bill or motion on its behalf, the latter has a limited mandate.

Nevertheless, whenever bills or motions are introduced in parliament, the opposition's responsibility is to move amendments so that the resultant laws meet the citizen's needs. Unfortunately, the government sometimes ensures that unpopular bills pass (with the Speaker's *tacit* consent) contrary to the Parliamentary Rules of Procedure; for example, the Referendum Act was passed without a quorum. Where the opposition fails to stop the NRM, the only source of redress it has is the courts of law.

55 Ogenga-Latigo, Morris W. (2008b), p. 4.

In spite of the constraints, the opposition has contributed to law-making by challenging various pieces of legislation brought by the NRM that has adverse repercussions for the country. However, it would have been proper for parliament to generate consensus on critical national issues to encourage mutual respect between the government and the opposition. To do so would necessitate the amendment of the restrictive Article 93. It is arguable that because of the NRM's huge majority and the chief executive's overbearing personality such a call for an amendment cannot be effected. The reality is that the 'big man' syndrome is so dominant that parliament is turned into a 'rubber stamp' to the extent that even if there is need for such an amendment it probably would not go through.

Prime Minister's Question Time

When the NRM party went to the past multiparty elections (2006 and 2011), it sold its manifesto regarding what it would do if it won. Having won, it is the opposition's responsibility to critique the NRM's performance. Through the Leader of the Opposition and the Shadow Ministers, the opposition has vigorously put questions to government ministers during Prime Minister's Question Time on Thursdays that is televised live by UBC. Through the question time, the opposition seeks clarification from government on unclear policies, programmes, and events.⁵⁶ Such questions may lead to the moving of motions for resolutions of parliament directed against government failures, actions or inaction. Such resolutions may also be moved, debated, and passed in their own right.

Given that the Prime Minister and his ministers take long to answer the opposition's questions, to which they are supposed to respond every Thursday or in the space of two weeks, this delays the decision-making process. Hence, the opposition argues that question time is a waste of taxpayers' money. In addition, whereas opposition MPs can summon a minister or officials from any government department to respond to particular queries on a monthly basis, this option has never been utilised fully except during the budgeting process, a period which is insufficient to tackle the country's enormous woes. Unless a motion is on a Private Member's Bill, the opposition now waits for government business to make its position known.

Two other problems affect the functionality of question time. First, there are instances when the Speaker favours the NRM, especially when the issue is overly critical and damages its image. He does so by invoking section 35 (4) of the Rules of Procedure which states that 'The Speaker shall determine the admissibility of a question in accordance with rule 37'. The Speaker also uses the same provision to block the opposition from debating 'sensitive' motions.

⁵⁶ Interview with the Leader of the Opposition, Professor Morris Ogenga-Latigo, held on Thursday 26 February 2009.

Second, the government ministers' responses to questions by the opposition are frequently tailored to suit the NRM no matter the circumstances. This posturing by the NRM MPs has frustrated opposition MPs, thus undermining the essence of question time itself. Consequently, because some opposition MPs do not attend question time, policy-making has assumed a subjective nature and become a preserve of the NRM party.

Interest Aggregation

A cardinal function of a political party is to aggregate the electorate's interests to feed into the party manifesto. Interest aggregation means the activity in which the political demands of groups and individuals are combined into policies or programmes.⁵⁷ A manifesto is developed through the collection and aggregation of societal interests which are discussed by the relevant party organ and then forwarded to the annual delegates' conference for debate and adoption.

It has to be stated that the opposition MPs collect views from the public on national issues such as the environment, land, the distribution of national resources, corruption, war in the north and security, by visiting their constituencies and sharing views with them through the media (radio talk shows), workshops, and political rallies. After collecting these views, the opposition raises these issues in the committees and on the floor of parliament for discussion and debate, respectively.

However, because some citizens have the high expectation that the opposition will alleviate their plight promptly, they get frustrated when nothing happens. Ignorance by many citizens regarding the roles of MPs causes them to expect the latter to solve all their socio-economic problems overnight. Unfortunately, the opposition lacks adequate resources, especially funds, to collect all the essential information to develop their policies, values and principles⁵⁸ so that they are debated in the House. Because many Ugandans do not fully know their fundamental human rights and how government works, and the opposition fails to agree on which particular issues they should tackle thus causing incoherence and improper coordination of debates, interest aggregation has become problematic. Consequently, the opposition focuses more on regime change than on formulating sound policies for implementation.

Yet there are several national concerns that the opposition could have used to challenge the NRM, namely: systemic corruption, the controversial Land Act, divisions within the NRM, the bad state of the road infrastructure in a number of regions, the skyrocketing prices of food and fuel, and the

57 See http://en.wikipedia.org/wiki/interest_aggregation

58 Interview with Mr John Ken Lukyamuzi, President-General of the Conservative Party (CP), on 18 September 2008.

fluctuating electricity supply which is greatly affecting the industrial sector. The opposition cannot effectively challenge the government on these issues because it, too, is disorganised; DP, UPC, CP are all fragmented and do not speak with one voice.

Promotion of Constructive Parliamentary Debates

Under multiparty democracy, the opposition is expected to promote constructive debates both in and outside parliament. Indeed, multiparty politics allows for different ideas to blossom so that they can produce outcomes that are in the citizens' interest. In the 8th Parliament, the Speaker ensured that when a Cabinet Minister moved a bill or motion for debate, the Opposition Chief Whip and Shadow Minister responsible for the docket was given an opportunity to reply by outlining their alternative policies and actions in respect of government's proposals and actions. At other times, the opposition caucus and inter-party consultations are used as avenues through which it promotes critical national issues. Parliamentary debates are conducted in a generally open atmosphere. Responses to the Ministerial Policy Statements are prepared and presented to parliament by sector ministers. In addition, the Leader of the Opposition has to respond to the president's State of the Nation Address delivered at the commencement of each parliamentary session. Every year, the Shadow Minister for Finance responds to the national budget presented by the Minister of Finance, Planning and Economic Development.

Between 2006-2008, the opposition challenged a number of bills and motions during parliamentary debates, namely the enactment of the NGO Bill that restricted the participation of civil society in the country's politics, the Access to Information Act (2005), the Phone Tapping Bill, the motion against harassment of journalists, and police brutality against MPs and ordinary Ugandans. Although the debates which are used to generate alternative policies and actions are seen as constructive by the opposition,⁵⁹ the unhealthy relationship between the NRM and the opposition causes the former to lose objectivity, to intimidate the opposition and to fail to respond, either by omission or commission, to opposition's demands – a classic case which will be discussed later is the oil agreements, which have raised a lot of heat within the NRM and between the NRM and the opposition in 2011.

All the disputes between the NRM and the opposition would have been resolved had the NRM instituted the NCF. The PPOA legally provides for the establishment of a NCF for all registered political parties to amicably dialogue on national issues. The NCF has never been established. Instead,

⁵⁹ This view was expressed during an interview with Opposition Chief Whip, (Hon.) Kasiano Wadri, on Tuesday 24 March 2009.

President Museveni has preferred to deal with some selected opposition MPs, perhaps as a calculated strategy that aims at weakening the opposition. The failure to create a level playing field is counter-productive for parliamentary democracy because it weakens party organisations that are the hallmark of political pluralism.

Another of the opposition's constraints is that whenever the government tables a bill, the Speaker exercises bias by denying the opposition adequate time and enough speakers to respond to government's position. Also, the lack of an enabling climate within the parties interferes with the flourishing of constructive debates. A few individuals, usually confidants of the party presidents, end up influencing the party's direction. Instead of using party constitutions, regulations and procedures, influential party members resort to sectarianism (ethnicity, religion, and regionalism) to make decisions and resolve party disputes. Hence, many party members remain disenfranchised.

Furthermore, because some opposition parties are relatively inexperienced, handling internal party crises has become problematic. For example, where a party member who gets involved in a party or national controversy is a party president's confidant, he/she remains protected. For example, the former Minister for Security (Prime Minister today) and Secretary-General of the NRM, who is President Museveni's confidant, having been accused of influence-peddling in the purchase of his land for Shs11bn in Temangalo, Wakiso district, by the National Social Security Fund – a workers' savings fund – has gone unpunished.

Lastly, some laws which have been enacted have undermined the opposition's freedom to debate critical national issues because the NRM interprets their criticisms, however constructive, as seditious or treasonable. Specifically, the Anti-Terrorism Act has been used by the NRM to suppress the activities of opposition leaders even when they are not likely to engage in terrorism. For example, when Dr Kiiza Besigye, president of the FDC, declared his candidacy for president in 2001, he was arrested on the grounds that he was the leader of the rebel People's Redemption Army (PRA). When the Electoral Commission allowed him to stand, he did not have ample time to campaign because he had been incarcerated in Luzira Prison. Frequently, the Police Act has been used to block the opposition's rallies indiscriminately.

Holding Government to Account

Government accountability means the obligation of government to explain its policies and actions to the citizens.⁶⁰ It covers issues such as the conduct of public leaders in their official and personal capacities, giving information to

60 For a detailed discussion on government accountability, see Ogenga-Latigo, Morris W. (2006b), pp. 3-12.

the citizens and to their representatives that explain and justify government policies and actions, and declarations of how government has spent the money appropriated to it and the outcome. There are three categories of government accountability: political, legal and administrative. These issues will not be discussed here owing to lack of space.

However, to achieve accountability, the opposition has tried its level best to subject government to intense scrutiny over its policies and actions. It has exposed its failures, weaknesses and misconduct to the electorate through political rallies, the media, parliamentary queries, open criticism and the use of oversight or accountability committees. To implement the oversight role, the Rules of Procedure provide for four Standing Committees specifically charged with matters of accountability which the opposition chairs:⁶¹ the Public Accounts Committee (PAC), the Local Government Accounts Committee, the Government Assurances Committee, and the Statutory Bodies and State Enterprises Committee. However, numerically, the NRM has overall control of these Committees.

The opposition has also disseminated information regarding how the NRM is not meeting its promises, especially on matters of human rights, distribution of the national cake, and corruption. On legal and administrative accountability, PAC, Local Governments Accounts Committee and Statutory Bodies and State Enterprises Committee have exposed various corruption scandals involving the government, such as Butabiika Hospital land, the decentralisation of corruption, and the Temangalo-NSSF land saga, respectively.

However, the opposition faces limitations in holding government to account. First, the NRM looks at the opposition's aggression on accountability as politically motivated. So, it scares the opposition by forcefully linking it to rebel activities. Second, inadequacy of facilities, such as lack of a modern reference library, affects the opposition's research capacity.⁶² Third, some senior government officials are reluctant to provide relevant information to the opposition. Fourth, the executive dominates parliament. Fifth, NRM MPs do not condemn corrupt government officials to safeguard their seats (which can be targeted by the NRM machinery if they are found to oppose it). Lastly, the NRM leadership ignores the opposition's demands by not acting on some of its resolutions.

61 The chairs and vice chairs of the committees are now from the FDC, DP, and UPC.

62 There are some foreign bodies, such as the Westminster Foundation for Democracy (WFD) in the United Kingdom, that have come to the rescue of the Ugandan parliament by giving it logistical support (e.g. vehicles, books, tools and equipment, refurbishment of parliament building etc.) and training the MPs in various aspects related to the effective and efficient functioning of parliament, for example, how a multiparty parliament works, monitoring and evaluation of national policies and programmes, the legislative process etc.

Maintenance of Close Contact with the Electorate

To participate effectively in the political process, the opposition MPs are expected to maintain close contact with the electorate so as to be able to collect their views in order to articulate them in parliament. This proximity is expected to aid the opposition's recruitment drive, assessment of the implementation of the NRM's manifesto and reception of the electorate's input vital for making laws and policies in parliament. The opposition has to a large extent conducted this role through monitoring government programmes such as NAADs, holding fundraising functions for community projects, organising rallies, district-based seminars and political meetings, releasing weekly press briefings, and radio talk-shows.

However, the lack of effective opposition party structures and the restrictive political environment created by the NRM constrain the opposition from easily interfacing with the electorate. The closure of some FM radio stations by NRM supporters, such as RDCs, to deny opposition leaders the necessary space to communicate with the electorate interferes with the freedom of speech, association and choice. Coupled with this problem is the fact that the failure by the Electoral Commission and civil society to raise the electorate's consciousness through civic education causes many citizens to fail to engage in politics. This lack of civic competence is the main reason why elections are reduced to the voting of personalities (President Museveni always emerges as the strongest candidate) rather than on issues that have a direct bearing on the citizens' living conditions. However, and in a rather progressive twist, the 2011 general elections focused more on issues than personalities.

The opposition is also facing difficulties in engaging effectively in the political process because President Museveni continues creating small non-viable districts (or 'districtisation') to reap political capital. Although the 1995 Constitution (article 179) allows for the creation of new districts for purposes of 'effective administration and the need to bring services closer to the people', nearly a quarter of Uganda's 112 districts have been created by President Museveni during presidential elections. In spite of their non-viability and causing a huge public administration expenditure (this stood at US\$120m in 2006),⁶³ it would appear that the continued 'districtisation' is done more for purposes of patronage than for providing goods and services. It is widely known that President Museveni and the NRM party have been beneficiaries of the creation of these new districts because they have won elections in all of them; in fact, the voters see him as their 'man'. Some opposition MPs who have been President Museveni's ardent critics have

63 Mwenda, Andrew (2006) 'Foreign Aid and the Weakening of Democratic Accountability in Uganda', in *Foreign Policy Briefing*, No. 88, July 12th, p. 7; See also, Green Elliott (2007) 'Patronage District Creation and Democracy in Uganda', October – unpublished; Mwenda, A. M. and Tangri, A. (2005) 'Patronage Politics, Donor Reforms and Regime Consolidation in Uganda', in *African Affairs*, p. 416.

crossed to the NRM simply because their constituencies have been granted district status. Whereas some opposition parties are struggling to unite so as to lessen President Museveni's grip on political power as well as halting the creation of these non-viable districts, some oppositionists have clashed because they want their constituencies to become districts.

Equally significant is acknowledging the reality that many LCs, up to the district level, which were created under the Movement system are still controlled by the NRM.⁶⁴ Many chairpersons of LCs are pro-NRM. As they did under the Movement system, these councillors continue to play a major role in mobilising the electorate to vote for the NRM under the multiparty system by harassing members of the opposition. Hence, the multiparty system will not allow for totally free political competition as long as this system is in place.

Consequently, the opposition has faced difficulties in recruiting supporters in the new districts. The creation of the new districts has lessened and sometimes fragmented the local political support (especially in the north) for the old parties (UPC and DP) they had enjoyed since independence. By 2006, both the Movement and NRM governments *and* the opposition had been influenced by the north-south divide that crystallised after 1986 because the majority of the 'bush' fighters, who came from the western and central regions, had deposed the soldiers in the Uganda Army, the majority of whom were northerners. In spite of the penetration of some of the areas that belonged to the old parties by President Museveni, the northern region had periodically voted against him and the NRM because of insecurity and marginalisation in resource allocation. It is only in the 2011 general elections that many voters in the north voted in favour of the NRM. The reason for this change in voter behaviour is because the northern region has been pacified.

Securing the Rights of the Opposition by the Speaker

The Rules of Procedure of parliament provide that in a multiparty parliament the Speaker's main role is to guarantee the full and unbiased participation of MPs from the ruling party and the opposition to secure the rights of the latter. The Speaker plays two main roles: being Chief Officer of the House and presiding over all its sittings. Presiding is understood to mean making rulings, communication from the chair, swearing in new members of the House and approving questions to be debated in the House.

These roles imply that the Speaker's election has to produce individuals capable of exercising neutrality while conducting parliamentary business.

⁶⁴ This observation was brought to my attention by Dr Green Elliott of the London School of Economics. I am very grateful to him.

Speakers of parliament elsewhere, such as in Kenya or Britain, have no political leaning. In Uganda it is the opposite. Hence, it would have been prudent for the Speaker and his deputy to return their party cards so as to perform their roles with neutrality. However, during the Speaker's election, the NRM leadership used its influence to ensure that both the Speaker and the Deputy Speaker belonged to the NRM party. It would have been fair if the slot of Deputy Speaker was reserved for the opposition and the elections had been conducted freely and fairly. From the time he was elected, the Speaker of the 8th Parliament was consistently criticised for favouring the NRM.⁶⁵ One of the reasons for the criticism is that the opposition is sometimes denied the opportunity to engage in productive parliamentary debate. A classic example is when then Leader of the Opposition, (Hon.) Morris Ogenga-Latigo, protested against the Speaker for denying him an opportunity to address the House on Budget Day.⁶⁶ This is what he said:

If the Leader of Opposition cannot be allowed to state why he is rising in the House, then who will be allowed? This is making issues very complicated in the House.

He demanded an assurance from the Speaker that this bias would stop to no avail. This unhealthy relationship and the Speaker's lack of neutrality are inimical to parliamentary democracy. This is the reason why the opposition threatened to move a motion of censure on the Speaker of the 8th Parliament. It has to be stated that, so far, the Speaker of the 9th Parliament, who is also the first female Speaker of the Parliament of Uganda, the Hon. Rebecca Kadaga, is showing signs of neutrality in handling sensitive parliamentary motions introduced by the opposition supported by 'rebel' NRM MPs. The leadership of the NRM party are displeased with her neutrality to the extent that they are now the ones threatening to censure their 'own'.

Formation of Alternative Government

Finally, in a multiparty system, the opposition has to demonstrate its capability to form an alternative government. Legally, the 1995 Constitution (Article 82a), that is operationalised through the Administration of Parliament (Amendment) Act of 2006, provides for the opposition to conduct itself as a 'government-in-waiting'. Under the same constitution, the party which is voted into power serves for five years, regardless of what happens to the president or an MP.⁶⁷ Also, the constitution (Article 107) provides that the major change in government that can happen is the abrupt removal of the president (through impeachment). A resolution for such a removal requires that two-thirds of all MPs vote in its support.

65 Interview with Salaam Musumba, vice president of the FDC, on 19 October 2008.

66 *New Vision* (2008) 'Ssekandi Irks Professor Latigo', Friday 20 June, p. 5.

67 For this detailed discussion, see Ogenga-Latigo, Morris W. (2008b), p. 2 - unpublished.

Thus, after the conclusion of any general election and formation of a new government by the triumphant party through appointing Cabinet Ministers, the opposition must immediately thereafter appoint its Shadow Cabinet. The Shadow Cabinet is supposed to formulate alternative policies to check the government and to demonstrate to the electorate that it has the capacity to govern. No doubt, the opposition has appointed individuals of integrity and requisite qualifications to the Shadow Cabinet in both the 8th and 9th Parliaments. These Shadow Ministers have been able to develop alternative policies and to provide Cabinet Memos for ministers. They have also participated in the national budgeting process, all of which are essential attributes of running a government.

However, at times the opposition has not portrayed itself as a 'government-in-waiting' for various reasons, namely: they are not internally democratic because internal division has not only undermined their growth but has portrayed them as ineffective national institutions and alternative democratic choices for the country. For example, jostling for portfolios in the Shadow Cabinet has undermined its unity and performance. The resignation of two MPs from the FDC in the 8th Parliament, namely Odonga Otto and Betty Kanya, for not being appointed to portfolios that they wanted, are classic examples. Also, the UPC accused the FDC of edging it out of parliamentary committees. In the 9th Parliament, the new Leader of the Opposition, the Hon. Nandala Mafabi, experienced a similar problem while appointing his Shadow Cabinet, where some MPs were interested in specific portfolios and not others.

These clashes have weakened the opposition and hampered them from continuously checking the NRM's acquisition and consolidation of political power. The lack of resources (e.g. funds, well-stocked library, equipped offices, and research assistants) for the Shadow Cabinet to perform its role, the lack of clarity on their tasks, intrigue among themselves, and the NRM's intimidation aimed at denying them easy access to the electorate, compounds the opposition's difficulties. The opposition is yet to transcend these difficulties amidst the NRM's caucusing in parliament because of its huge numbers.

Caucusing in Parliament

The etymological origin of the word 'caucus' is debatable. As the use of the term has expanded, however, its exact definition has varied among political cultures. It is, however, generally agreed that it first came into use in the English colonies of North America. James Hammond Trumbull suggested to the American Philological Association that the word 'caucus' comes from an

Algonquian word for 'counsel'. Other sources claim that it is derived from the medieval Latin word *caucus*, meaning 'drinking vessel'. An analogical Latin-type plural 'cauci' is occasionally used.

In definitional terms, a caucus is a meeting of supporters or members of a political party or movement.⁶⁸ The term is also used in mediation, facilitation and other forms of alternate dispute resolution to describe circumstances where, rather than meeting at a common table, the disputants retreat to a more private setting to process information, agree on a negotiation strategy, confer privately with counsel and/or with the mediator, or simply gain 'breathing room' after the often emotionally-difficult interactions that can occur in the common area where all parties are present.⁶⁹ Examples from a few countries will clarify the usage of the term.

In Australia, the term 'caucus' is frequently used as a collective term for all MPs, usually called a parliamentary group, rather than as a word for a regular meeting of these MPs. In Canada, it refers to all members of a particular party in parliament, including senators, or a provincial legislature. These members elect from among themselves a caucus chair who presides over their meetings. This person is an important figure when the party is in opposition and an important link between Cabinet and the backbench when the party is in government. In a Westminster parliamentary system, a party caucus can be quite powerful, as it can elect or dismiss the party's parliamentary leader. The caucus also determines some matters of policy, parliamentary tactics, and disciplinary measures against disobedient MPs. In some parties, such as the Australian Labour Party and the New Zealand Labour Party, the caucus also has the power to elect MPs to Cabinet when the party is in government. In the USA, 'caucus' has several distinct but related meanings. One meaning is a meeting of members of a political party or sub-group to coordinate members' actions, choose group policy, or nominate candidates for various offices. The term is frequently used to discuss the procedures used by some states to select presidential nominees. Hence, since the 1980s, such procedures have become, in aggregate, an important component of the nomination process. Because such caucuses are infrequent and complex to organise, there is a practice version called a 'maucus', a portmanteau of *mock caucus*. Yet another meaning of caucus is a sub-group of officials with shared affinities or ethnicities – e.g. Congressional Black Caucus⁷⁰ - who convene, often but not always, to advocate, agitate, lobby or to vote collectively, on policy. There can be smaller caucuses in a legislative body, including those that are multipartisan or even bicameral or biartisan, such as the Congressional Internet Caucus.⁷¹

68 For the various definitions of caucus, see Wikipedia.

69 Wikipedia

70 The Congressional Black Caucus is a grouping of African-American members of Congress which advances the interest of African-Americans.

71 The Congressional Internet Caucus is a group of members who wish to promote the growth and advancement of the Internet.

In the current Parliament of Uganda, as in the previous multiparty parliament, there are both political and tribal caucuses. The political caucuses perform similar functions as those performed by caucuses in the Westminster and USA models, such as deliberating on political issues and strategising how to defend their position in parliament. These caucuses include the following: the NRM caucus comprising 287 NRM MPs and chaired by (Hon.) David Bahati; the FDC caucus which comprises of 34 MPs subscribing to FDC currently chaired by Opposition Chief Whip (Hon.) Winnie Kiiza; the DP caucus which comprises of 10 MPs who belong to the DP and is chaired by (Hon.) Sebuliba Mutumba; the UPC caucus which comprises of 9 MPs belonging to the UPC and is chaired by its Whip (Hon.) Betty Amongi; the Youth Parliamentary caucus which comprises all 5 Youth MPs who are below 35 years of age and deliberates on issues pertaining to the youth, particularly in the political, social, and economic realms; and the caucus representing independents who subscribe to no party; it is chaired by the Hon. Sam Otada.

Besides the party-oriented parliamentary caucuses, tribal-oriented parliamentary caucuses have been formed in parliament supposedly to advance the interests of the respective regions or sub-regions. The tribal caucuses in parliament include the following: Buganda Parliamentary caucus; Busoga Parliamentary caucus; Bunyoro Parliamentary caucus; Lango Parliamentary caucus; Acholi Parliamentary caucus; Teso Parliamentary caucus; Bugisu Parliamentary caucus; West Nile Parliamentary caucus; and Karamoja Parliamentary caucus.

No matter the merits of caucusing, they should never be seen as a replacement for parliament. Retired Justice George Kanyeihamba rightly observes that '[s]omeone who wants to talk in the interest of the country should never be taken to be a non-disciplined member. They should always be appreciated instead of regarding them as rebels.'⁷² One of the classic cases where the role of the caucus in Uganda's parliament has generated enormous controversy is that of parliament's resolutions on oil in the 9th Parliament in 2011. The Speaker of Parliament, (Hon.) Rebecca Kadaga, observed that decisions of a political party caucus cannot challenge resolutions of the House. She made this authoritative statement after the ruling by the NRM party, in a meeting chaired by President Yoweri Museveni, had resolved that parliament's position on the oil sector be reversed.⁷³ The parliamentary resolutions which the NRM sought to reverse are the following:

- A moratorium on executing oil contracts and/or transactions be put on the Executive arm of government until the necessary laws have been passed by Parliament to put into effect the Oil and Gas policy;

⁷² See <http://allafrica.com/stories/201106221220.html> .

⁷³ See Nalugo Mercy (2011) 'Kadaga: NRM Can't Block Oil Resolutions', *Daily Monitor*, Tuesday 25 October, pp. 1 and 4; Sekanjako Henry (2011) 'NRM Caucus Can't Change Decisions of Parliament, Says Kadaga', *New Vision*, Tuesday 25 October, pp. 1 and 5.

- Government comes up with the necessary laws and tables the same in Parliament within 30 days from the date of the resolution;
- Government produces to Parliament all agreements it has executed with all companies in the oil industry, including the MoU executed with the Uganda Revenue Authority and Tullow (U) Limited in March in Uganda and that it takes note of the decision of the High Court of Uganda Civil Appeal No 14 of 2011 (Commercial Court Division) between Heritage Oil and Gas Limited (Appellant) versus Uganda Revenue Authority (Respondent) to the effect that there shall be no arbitration on any tax dispute more so outside Uganda;
- Government reviews all Production Sharing Agreements (PSA) already executed for purposes of harmonising them with the law and the decision of court and in particular the principles that tax disputes are outside the arena of arbitration as they are statutory and non-contractual;
- An account of all revenues so far received by government from the oil industry be made to Parliament within seven days;
- Government accounts for expenditure (if any) made from oil revenues within seven days, and a moratorium be put on government to stop any further expenditure on oil revenue without the laws on revenue collection and management being in force; and
- Subject to Article 71 of the Constitution, government shall desist from executing any contract in the oil industry with a provision/ clause for confidentiality.⁷⁴

The stance by the NRM caucus to challenge and nullify these resolutions is reminiscent of parliament under the Obote I regime (Oluka 2011: 5). In 1966, Daudi Ochieng, an opposition MP of the KY party, moved a motion in parliament calling for investigation into the financial activities of two of Prime Minister Dr Apollo Milton Obote's ministers, Felix Onama and Akbar Adoko Nekyon as well as the Deputy Army Commander, Colonel Idi Amin Dada. They were accused of smuggling gold and coffee from the DRC, formerly known as Zaire. While Dr Obote was jointly accused with the trio, he did not initially interfere with parliament's move to investigate the scandal. A commission of enquiry was set up comprised of experts from the United Kingdom (UK).

⁷⁴ Article 41 of the 1995 Constitution provides for the right of access to information. Specifically, Article 41 (1) provides that 'Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interference with the right to the privacy of any other person'. While the NRM government has continuously invoked the confidentiality clauses inherent in the Production Sharing Agreements, it has not stated that it is objecting on security grounds. It would, therefore, appear that the government's recourse to confidentiality is with regard to specific clauses that deal with protecting the interests accruing to the parties – those who signed on behalf of the Government of Uganda (GoU) and those who signed for the Oil companies – in the Agreements. If those who signed for the GoU did so in the national interest, then it is incumbent upon them to declare the PSAs to the Parliament of Uganda which represents the interests of the country, without hiding under the confidentiality clauses.

Although the verdict of the report vindicated the trio, subsequent events culminated in serious political crises in the country whose repercussions are still being felt up to-date. Most notable among these political crises was the *Kabaka's* announcement of Buganda's intention to secede from Obote's government and his demand that the central government relocate its capital to Nakasongola. In return, Obote's government accused the *Kabaka* of covertly attempting to overthrow the central government. He followed this allegation with orders to suspend the 1962 Constitution, arrested five Cabinet Ministers, and raided the *Kabaka's* palace in Lubiri – which led to the *Kabaka's* ultimate flight into exile in the UK, where he eventually died – and proceeded to declare Uganda a republic.

In a similar twist, President Museveni is going down the same route by attempting to influence the decision of parliament to investigate three of his ministers alleged to have received millions of dollars in bribes from oil companies. At least five NRM MPs have vowed not to be party to the executive's machinations to manipulate the legislative arm of government, through extra-legal means, over a matter of national interest. Other legal minds in Uganda have added their voices to this resistance.⁷⁵ The former chairman of the Constitutional Review Commission, Professor Frederick Ssempebwa, argued that attempts to reverse the parliamentary resolutions on the oil sector border on the criminal and unconstitutional by stating thus:

If the president changes what was agreed in parliament, that will be irregular and unconstitutional... It will be wrong if MPs are threatened by the president to change their position. Whatever happened in Kyankwanzi was a party matter and has nothing to do with parliament (Ibid, p.4).

Ben Wacha, a long-time parliamentarian who was instrumental in the formulation of the Rules of Procedure of Parliament and now a senior counsel, observed that:

Caucus is caucus and parliament is parliament ... the rules do not allow MPs to reverse matters resolved by parliament... for the president to proceed because the caucus has agreed without coming back to the House will be illegal. Parliament needs to find out why the executive is not implementing the resolutions of the House, otherwise what they are trying to do means Parliament is useless and is outside the doctrine of separation of powers (Ibid.: 4).

75 With regard to these legal commentaries on the parliamentary resolutions on the oil sector, see Mugerwa, Yasin (2011) 'Prof. Ssempebwa, Legal Minds Warn NRM on Oil Resolutions', in *Daily Monitor*, Tuesday 25 October, p. 4.

Furthermore, retired Supreme Court Judge, Justice George Kanyeihamba, asserted that: 'It will be unusual for a party to overturn parliament resolutions. If that happens, it will erode the independence of the institution of parliament. Parliament shouldn't be arm-twisted to reverse itself otherwise it ceases to be a parliament'.

Jean John-Barya, who doubles as an advocate and an Associate Professor of law at Makerere University noted:

What the government is trying to do is totally illegal and unconstitutional and can be challenged in courts of law. It may mean overthrowing the constitution because the other arm of government has been interfered with but such a move has serious implications on the doctrine of separation of powers. Parliament is supposed to be independent and the NRM caucus is not Parliament.

Lastly, Peter Walubiri, a senior counsel and law scholar, put it as candidly thus:

It means the president has fused the NRM party with the state and he uses the constitution only when it is convenient, that is why he wants to go back to the bush. What happened in Kyankwanzi was a party affair and to proceed on resolutions other than those made in the House will be throwing away the constitution.

In a nutshell, these opinions raise two critical arguments. First, the president is under a legal and oathal obligation to uphold the cherished constitutional doctrine of separation of powers by ensuring that the culture of constitutionalism prevails between the executive, parliament, and judiciary so as to avoid generating a situation of dictatorship in the country – yet he fought so hard to restore constitutionality. Second, the saga that is unfolding in parliament regarding the oil industry brings into the open two fundamental issues: the politics of oil in the country and the question of discipline in the caucuses. Several local and international commentators have opined that the country risks going down a slippery slope regarding oil and democracy if the government does not handle it transparently and in an accountable manner. For instance, while presenting the 19th Joseph Mubiru Memorial Lecture at Speke Resort Munyonyo in Kampala, Professor Paul Collier, a senior economist at Oxford University, advised the government to emulate Botswana which used her diamonds to transform her economy; Uganda should avoid the oil curse and other conflicts that may occur as a result of revenue accruing from oil. He underscored the fact that oil belongs to the citizens and all benefits coming out of it should be used for the benefit of the

people. He noted that failure to ensure that the oil benefits the citizens could lead to the kind of negative scenarios obtaining in Sierra Leone regarding diamond mining and in the Niger Delta in Nigeria, where an oil war has been going on for sometime. He offered the following strategies:

- Government's transparency in the management and usage of oil revenue and the levying of taxation on the oil companies;
- The best way to gain from oil revenue is to allow competition among the oil companies rather than picking a particular company to undertake the oil business;
- Government should be prepared to manage the oil through the enforcement of transparency and accountability measures because the oil belongs to the citizens and not to a particular group of people in government or to the powerful political class; and
- Government should embark on massive investments in infrastructure using savings from the oil revenue.

On the question of discipline within the parties, it is imperative that all MPs behave in accordance with their party constitution – i.e. regulations, rules and procedures – if they are to conduct their business coherently. It is certainly a mark of indiscipline for any MP to go against the party's position on anything. However, if this argument is to make sense and have some positive effect, all political parties must practise internal democracy in such a way that the opposing 'voices' are heard and respected. Frequently, the reason why indiscipline arises within the parties is simply because the positions of those in leadership are in contradiction to those MPs who choose to behave in an undisciplined manner.

The Independents in the Parliament of Uganda

Contestation has arisen over the role of independents in Uganda's multiparty democracy. The independents are the second largest group of MPs represented in the 9th Parliament after the NRM party. In the 2011 general elections, close to 500 candidates were nominated as independents. Because they have now become a formidable force in parliament, the independents have decided to form their own caucus chaired by (Hon.) Sam Otada of Kibanda county. They have decided to do this in order to avoid the scenario of being thrown out of parliament as happened to some MPs in the 8th Parliament who returned to their mother parties.

Two main arguments have been advanced in favour of allowing independent candidates to stand in elections, namely (for a detailed discussion, see Msekwa 2006): their exclusion is a breach of the freedom of association


which is guaranteed to every citizen by the constitution; and there is no reason why those citizens who prefer to choose 'a person of integrity rather than a pompous party programme' should be deprived of the right to do so. In spite of these arguments for independents, there are opposing arguments, which include the following:

- (a) The problem with the independents is that they are not driven by ideological differences but anger and grudges. Much as some of the reasons why independents emerge include lack of internal democracy within the parties, other times it is because of the character of some of the candidates who do not wish to admit defeat by other party candidates;
- (b) The independents are also a result of weak legislation because they do not adequately guide the development of multiparty democracy;
- (c) Considering the fact that for the previous 25 years the voters had been accustomed to choosing between only two candidates whose names appeared on the ballot paper and since it was most likely that there would be a large number of independent candidates presenting themselves for election, it was feared that the ballot paper would contain too many names, and this could make it difficult or confusing for many of the voters to make meaningful choices; and
- (d) In many electoral jurisdictions worldwide provision is usually made for the exclusion of 'frivolous' candidates – i.e. candidates who have no serious chance of being elected, but who may influence the poll adversely by splitting the votes. A common form of exclusion is to require a substantial deposit in cash to be made by each candidate. That deposit would be forfeited by those who fail to obtain a certain specified percentage of all the votes cast. The restriction on private candidates would partly solve this problem of frivolous candidates.

Conclusion

In both law and practice Uganda has shifted from Movement to multiparty politics. In law, the opposition is now formalised to play several roles, namely: set the agenda in the House; engage in law-making; put questions to government; promote constructive debates; hold government to account; maintain close contact with the electorate; ensure that the Speaker secures its rights in the House;; and demonstrate that it is an alternative government.

However, the opposition faces several challenges: the NRM prevents it from actively participating in politics; the Speaker controls agenda-setting; it is sometimes sidelined in law-making; the NRM ignores its demands during



question time; it focuses less on policy-making; its frustrated by failure to cause the government to account fully; the NRM prevents it from easily reaching the electorate; the Speaker occasionally favours the NRM; and it is finding difficulties in asserting itself as an alternative government because of the NRM's repression.

One of the major constraints on parliamentary democracy is caucusing in parliament. The major problem posed by the activities of the caucuses in parliament is that they tend to silence their MPs so that they do not freely debate important national issues in plenary sessions. Indeed, the practice of caucusing prior to any sensitive motion being put before parliament is that it has killed the art of national debate, stifled the opposition and denied parliamentary democracy to the nation. Because of the huge number of its MPs in parliament, the ruling NRM party has been able to formulate laws and take vital decisions that are sometimes inimical to the interests of the nation.

In the final analysis, the evolving autocracy, neo-patrimonialism and sectarianism, which have now permeated the entire body politic, have made the prospects for multiparty democracy rather gloomy. The NRM leadership now uses coercion, rewarding of loyalists, prompt punishment of dissenters, and increased bestowment of trust in ethnic groups and kith and kin, as stabilising forces to cling onto power. Hence, the opposition has minimal chance of taking over political power as the president's henchmen and relatives dig in.

Part IV: Other Actors in the Multiparty System

Chapter Ten: The Current Multiparty Democracy Landscape

Introduction

Besides political parties that play a direct role in multiparty democracy, there are other political actors who also have a stake in Uganda's democratisation process by contesting the political space so as to 'voice' their concerns. These significant 'others' include civil society (i.e. women, youth, NGOs and PWDs), the military, the judiciary, the media, and the international community. They are equally important in defining how multiparty democracy is shaped and whose interests it serves.

This chapter deals with the following critical issues: explanation of civil society; civil society and democratisation; civil society in Africa; civil society in Uganda (i.e. NGOs, women, youth, and PWDs); the role of the military in the multiparty system; the role of the judiciary in the multiparty system; the role of the media in the multiparty system; the role of the international community in the multiparty system; and a conclusion, which will wrap up the chapter.

Towards an Explanation of Civil Society

The renewed interest in democracy globally and in Africa, in particular, has thrust the concept of civil society into a prominent position in social science theory and development policy.⁷⁶ One of the critical pressures for political reforms globally have come from within domestic societies as citizens have mobilised to rid themselves of the military and one-party dictatorial structures which have buttressed illegitimate power. The historical roots of civil society can be found in both liberal and Marxist traditions of European political thought.⁷⁷ Common elements in the civil society discourse are the following: a critique of state domination of public life; a preference for reform over revolution; and a strategy for political change based upon negotiations and elections.

In definitional terms, the concept of civil society offers an opportunity to understand and influence the process of democratisation. In defining the concept, there is need to focus its nature and how it relates with the state.

76 On the conceptual and practical issues regarding civil society, this chapter relied extensively on Bratton Michael (1994) 'Civil Society and Political Transition in Africa', in *IDS Reports*, Vol. II, No. 6, pp. 1-21.

77 For example, in de Tocqueville's emphasis on the importance of voluntary associations in promoting democratic citizenship and in Gramsci's emphasis on the role of social institutions in either buttressing or challenging state power.

Civil society is defined as a sphere of social interaction between the household and the state which is manifest in norms of community co-operation, structures of voluntary association, and networks of public communication. In terms of the norms of civic community, the most important values for the construction of civil society are trust, reciprocity, tolerance and inclusion. These values are promoted by citizens who actively seek to participate in public affairs. They are norms of civic community that are taught in the family, schools, churches, and community groups.

In order for civic life to become institutionalised, it has to be expressed in structures of associational life or in organisational form. The most common of these structures is the voluntary association – a grouping of citizens who come together by reason of identity or interest to pursue a common objective. Examples of voluntary associations are: localised, informal and apolitical, on the one hand, and national, legally-registered, policy advocacy, on the other. Irrespective of whether or not they are explicitly oriented to civic or political functions, all types of voluntary associations help to populate and pluralise society. In order to be politically active, citizens require networks of public communication. Citizens need to communicate with one another and to debate the form of government they desire for themselves. Civic discourse takes place in various fora; the most important one is the public communications media both print and electronic.

Thus, by definition, civil society is participatory. Participation is attained when people construct a sphere other than and even opposed to the state including almost always unsystematically, some combination of networks of legal protection, voluntary association, and forms of independent expression. Therefore, civil society lies beyond the household, and stands apart from the state. It is distinguishable not only from the family and the state but also from the realm of social action known as political society. Whereas civil society is an arena for the expression of economic interest, it is not always conterminous with the market economy.

Civil Society and Democratisation

It can be argued that because civil society manufactures political consent, it is the source of the legitimation of state power. The right of any elite to exercise state power is ultimately dependent upon popular acceptance. Thus, civil society serves the 'hegemonic' function of justifying state domination. For as long as civic actors grant consent, civil society exists in a complementary relationship to the state. In other words, the legitimacy of a

political leader's claim to exercise state power derives from civil society. This is to say that responsive and effective government can only be built on the premise of civic community. The quality of political and economic activities and national culture is intimately connected to the strength and vitality of civic associations. It would, therefore, be worthwhile for political leaders to value their long-term legitimacy by promoting democratic institution-building in civil society, even if it implies increasing the number of social demands on them.

There are three main demand-related activities through which civil society institutions can contribute immensely to democratisation. First, civil society action widens participation by mobilising marginalised groups into public life – especially the poor, women, and minorities. This implies guaranteed group representation or consociationalism.⁷⁸ Second, they protect citizens against excesses by the state through acting as a buffer against possible predatory behavior and by monitoring public performance on human rights abuses and corruption. Finally, they help to guarantee political accountability, the 'distinctive hallmark of democracy'. Civil society institutions can perform all these activities through communication, representation, and negotiation.

The roles that civil society plays vary according to the stage of the political transition process. Four stages of regime change are distinguishable. The first stage – pre-transition – describes the period in which the authoritarian regime or authoritarian government has consolidated its rule and faces no significant political change. Such regimes or governments routinely emasculate political society by banning political parties and controlling elections. In response, political non-conformists, who can no longer operate openly, take refuge in civil society in organisations such as occupational, religious and educational organisations.

The second stage – political liberalisation – occurs when a ruling elite grants previously denied civil and political rights, thus marking an important departure from authoritarian practices and the onset of political transition. The third stage – political transition – is the interval between one regime and another. During transition, political actors struggle to establish political rules that provide advantage in both the immediate contest over state power and over any future redistribution of public resources. The critical moment of the transition occurs when the incumbent regime concedes that the rules of political competition can be changed to allow the formation of autonomous political parties. Thereafter, and after the announcement of competitive elections, the initiative in the democratisation shifts back from civil society

⁷⁸ Consociationalism is a form of government involving guaranteed group representation, and is often suggested for managing conflict in deeply divided societies. Sometimes it is seen as synonymous with power-sharing; however, technically it is only a form of power-sharing. It developed on grounds of reconciling societal fragmentation along ethnic and religious lines. The goals of consociationalism are: government stability; survival of the power-sharing arrangements; survival of democracy; and avoidance of violence.

to a reconstituted political society. During turbulent election campaigns, civil society becomes highly mobilised, only that its role changes from partisan to neutral.


The fourth stage – consolidation – begins when a political transition ends, which, in the case of a democratic transition, is marked by the installation of a new government as the result of a free and fair election. Regime consolidation only occurs after significant threats of regime reversal such as from the military or a ‘disloyal’ opposition have been effectively contained.

Therefore, a healthy democracy is founded on a plurality of organised social groups through which citizens learn the arts of associating together, practise the procedures of democratic governance, and express group interest to policy-makers. Indeed, it is through civic organisations that people participate in politics and development. In general, however, civil societies do not perform well in the early stages of democratic consolidation. Various reasons can be adduced for this, namely: the dynamics of the democratisation process whereby the deflation of political energies occur immediately after transition; the new regime may draw civic leaders into leadership positions in government or party institutions, thereby effectively co-opting and silencing them; the intense levels of political engagement that were whipped up during the election campaign among citizens cannot be sustained under normal political conditions; political factions which united around the common goal of ousting an authoritarian leader rediscover differences of interest that can divide, incapacitate, and even destroy civic organisations; and, in poor countries, many of the people who became politically active during the transition choose to withdraw again into the household realm in order to address pressing and neglected needs of economic survival.

In sum, the revival of political society, and the end of political transition, can have demobilising consequences for civil society. The reinvigoration of civil society as a force for democratic governance over the long-term is a major item for the post-transition agenda. Civil society institutions, as instruments of political contest, can either provide political legitimacy to governments or withhold it. In the final analysis, any political legitimacy won at the polls is a scarce resource which is easily dissipated and must be constantly renewed.

Civil Society in Africa

The civil society discourse has manifested itself in African countries. However, the contours of civil societies in Africa are different from those that are found in other parts of the world. African societies seem to possess few intermediary organisations that occupy the political space between the household and the state. In Africa, fresh forms of voluntary associations



were constructed in response to the disruptive effects of urbanisation and the market economy during colonialism, namely: ethnic welfare associations, prophetic movements and agricultural work parties, peasant movements, labour unions, and teachers' associations. After independence, however, the African ruling elite gave top priority to state sovereignty and national security and sought to bring about 'departicipation' by investing heavily in constructing one-party and military regimes. Nevertheless, they were not always successful at discouraging autonomous organisations from taking root in civil society. In many countries, voluntary associations proved too strong to be subordinated and survived as an alternative institutional framework to officialdom; they continued to 'speak truth to power'.

Associational life took different forms in different countries: Christian churches in Burundi and Kenya; Islamic brotherhood in Sudan and Senegal; journalists' and lawyers' associations in Nigeria and Ghana; farmers' organisations in Kenya and Zimbabwe; and mine workers' unions in South Africa and Zambia. The poor performance of planned economies in Africa gave an added impetus to autonomous activity beyond the ambit of the state. Hence, financial constraints forced governments to loosen their tight grip on autonomous organisations and networks by allowing them to perform some of the functions they had previously monopolised. Towards the end of the 1980s, independent associations and alternative economic networks together provided a recruiting ground for a popular upsurge against post-colonial autocracy.

In fact, civic actors in Africa derived new-found energy from the climate of political liberalisation in the 1990s. In response to popular protest and donor pressure, political leaders in Africa created political spaces that improved the legal environment for free association and expression. Historically, Africa's greatest original contribution to civil society is the national conference – a form of political association that has been convened in more than half a dozen francophone states. Its main purpose was to address the political crises in the continent and to attempt to formulate constitutional rules for political transition.

Through public communication, journalists in Africa have been a driving force within civil society. Through their publications, they thrust into the mainstream discourses of political opinion that was previously censored as 'dissident' or 'subversive'. The global spread of new communication information technology, such as fax machines, satellite TV and, of late Twitter and Facebook, has facilitated public political discourse. Furthermore, the emergence of public debate about human rights – a subject that was considered taboo – became ingrained as part of civic norms.

In spite of all these developments in civil society in Africa, institutions of civil society in some African countries exist only in fledgling forms. On a positive note, there are elements of political culture in African countries that are conducive to building strong civic institutions. Indeed, the fact that many African countries still draw their identities from collective social units (family, clan and ethnic groups) there is a firm basis of group solidarity upon which to construct primary associations. Also, the expansion of associational life in Africa has cut across class boundaries, being equally, if not more, prevalent among economically marginal groups as among emergent middle classes.

It has to be underscored that African countries suffer long-term economic crisis characterised by shrinking output per capita, escalating indebtedness, and dropping family living standards. Thus, people who are preoccupied with ekeing out the daily needs of economic survival have neither the time nor inclination to devote themselves to civic and community affairs. Hence, civic organisations in Africa suffer gross shortages of material and financial resources. Consequently, they have had to turn to foreign donors to cover the costs of both capital projects and core operating expenses. The pathological consequences of over-reliance on foreign funding on the development of civil society are numerous: the direction of accountability is reversed within the organisation, with leaders reporting to donors rather than to members or clients; and political liability by reducing the credibility of claims by associations to be authentic advocates for domestic constituencies and enabling host governments to dismiss them as agents of foreign interests.

Culturally, Africa appears to be infertile ground for nurturing civil society. The political cultures in many African countries possess political attributes embedded under authoritarian regimes in the pre-colonial, colonial and post-colonial periods. The political cultures are predominantly neo-patrimonial. The origin of neo-patrimonialism is in the extended family, with the dominance of older males and strong interpersonal ties; it has been re-invented in the spurious form of the 'big men' and personal political relationships that pervade post-colonial African political institutions, including government bureaucracies. Neo-patrimonialism also manifests itself at the elite level by way of over-centralisation of power, arbitrary decision-making, and the use of public resources for personal advancement and aggrandisement. At the mass level, the culture of neo-patrimonialism expresses itself in deference to political superiors, in conformity in group behavior and in economic dependence upon wealthy individuals or patronage.

While civic organisations in Africa contest this illiberal political culture, they tend to embody and reproduce it wholesale. These civic organisations are led by personalistic leaders who use the distribution of material rewards and inducements to build support around an ethnic, linguistic, or regional base.

While members of some civic organisations have been able to eject corrupt or unresponsive leaders or to break away to form splinter organisations, the lack of internal democracy within them has affected their effectiveness as a force for political accountability in relation to the state.

Civil Society in Uganda

NGOs

The forces at work within Africa and other Third World countries have not left Uganda untouched. In particular, certain social and political developments which have been characterised as the 'democratic reawakening' of Africa or even her 'second liberation' have assumed some form in Uganda. There is a plethora of NGOs in Uganda. Their character is extremely diffuse and has shifted in emphasis from the relief and charity work of the first-generation NGOs to the so-called 'developmental' approaches in a whole range of activities, such as small-scale industrial production, agriculture, health care, education, the environment, women in development and human rights.

Whereas characteristically NGOs are popular, grass-roots organisations that tap popular initiative, little attention is directed to the critical issue regarding their organisational qualities and practices in the democratic sense. Clearly, some NGOs display the characteristics of personal freedoms. The state regulation of NGOs also raises the issue of their vitality as bulwarks of civil society. It has to be said that foreign interests tend to view NGOs as offering them leverage in channelling their services, finances and influence because they offer an alternative conduit and can contribute to the de-escalation of the dictatorships that are prevalent in many Third World countries.⁷⁹ However, the proliferation of NGOs has two contradictory effects on democratisation. On the one hand, they are charitable organisations that tend to exclude the input and participation of recipients of their 'aid'. On the other hand, it would appear they are part and parcel of the global scheme by the West to further emasculate the 'besieged African state' and replace it at grass-roots level.

These contradictions perhaps explain why the Ugandan parliament in 2006 passed an NGO Registration Act whose import was to give to a new NGO Board wide-ranging regulatory powers (Tripp 2010: 143). In its composition, this new board is dominated by high-ranking government officials, among whom are senior security officers. The NGOs vigorously protested against the powers bestowed upon this board by demanding a thorough review which took into consideration the input of all stakeholders. The obnoxious intentions of the act were spelled out as follows:

79 This subject is extensively discussed by Barya Jean-John B. (1996), *op. cit.*, pp. 125-144.

- NGOs to renew their licences every year;
- The Board has powers to de-register an NGO for contravening 'any law'; and
- Placing the activities of NGOs under the Ministry of Internal Affairs (*read as* Ministry of Security).

The consequences of such provisions are glaringly clear; the government saw the advocacy activities of NGOs as anti-establishment and political. This is why in the past it refused to renew licences for organisations such as Uganda Women's Network, the Uganda National NGO Forum, the Uganda Human Rights and Documentation Centre, and the National Organisation for Civic Education and Elections Monitoring (NOCEEM).

In spite of the fact that the NGOs persisted in their resistance to the new law, the board was eventually established. The NGOs only got momentum to reassert their presence as a result of the the global economic crisis which started with the financial crunch in the USA towards the end of George Bush, Sr.'s administration. These crises have produced negative effects in Uganda in 2011; inflation and food prices rose by 30.5 per cent and 45 per cent, respectively. Hence the effects of the global financial and economic crises have galvanised the political opposition and sections of civil society such as Action-for-Change (A4C) to organise 'peaceful' walk-to-work (W2W) demonstrations against the NRM regime, demanding a quick fix to arrest the situation in order to help the ordinary poor and working class from leading a hopeless existence and to curb the high level of corruption and misgovernance. The protestors were joined by the Kampala City Traders Association (KACITA). At the same time, primary school teachers and Makerere University University Academic Staff Association (MUASA) were demanding pay increments. The governments's response to the protests and demonstrations by A4C were predictable: put a ban on food exports; allow market forces to determine the prices of goods and services; identify NRM traders to import sugar; have the anti-riot police arrest and teargas the protesters; charge the ring-leaders of the protestors with treason and/or terrorism; and propose the scrapping of the right to bail for 180 days.

Furthermore, as a strategy to foil the tide of protests in some parts of the country and to amass more authority and control over public gatherings, the NRM government has proposed the enactment of the Regulation of Public Order Management (POM) (2009) Bill (see Olum 2010c). To reinforce this bill, further guidelines were issued by the police whereby any meeting exceeding three people would require prior approval of the Inspector General of Police (IGP). The bill is divided into four main parts: Part One deals with the preliminaries covering the commencement, interpretation and principle of

managing public order; Part Two deals with the regulation of public meetings by covering the powers of the IGP, the delegation of powers, the meaning of public meeting, notice of public meetings, and notification by public officers; Part Three deals with the duties and responsibilities of the police, organisers and participants by covering the powers of an authorised officer, the duties of the police and responsibilities of organisers and participants; lastly, Part Four deals with miscellaneous items by covering the issues of public address systems, and registering and gazetted areas to hold rallies, assemblies and demonstrations.

Clearly, much as the government wants to fight all forms of terrorism and unruly protests, it has to ensure that the bill is not inconsistent – which it already appears to be – with the 1995 Constitution, the ACHPR, the ICCPR, and the Universal Declaration of Human Rights (UDHR). It has to be realised that Article 29 (1) (d) of the 1995 Constitution provides that every person shall have the right to ‘...freedom to assemble and to demonstrate together with others peacefully and unarmed ...’ Section 29 (2) (a) further provides that every Ugandan shall have the right to ‘... move freely throughout Uganda and to reside and settle in any part of Uganda’. However, the same 1995 Constitution also provides under Article 43 (1) that: ‘In the enjoyment of the rights and freedoms prescribed in this Clause, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest’. While the police strongly believes that it has powers under Article 212 of the 1995 Constitution to stop any assembly, rally and demonstration, the implication behind these provisions is that all interested parties should work together in order to get the balance right between preserving the rights of those who wish to assemble and demonstrate while at the same time protecting the interests of citizens whose rights could easily be trampled upon as a result of such public events getting out of hand.

However, critics of the NRM argue that the hidden intention of the POM Bill is to deny them the political space to reach out to the citizens on matters of corruption and bad governance under the NRM regime. They also see it as a clamp-down on their constitutional rights and a negation of the enforcement of the rule of law. They cite cases where the police have dispersed their peaceful rallies and demonstrations through brute force and pink teargas. Indiscriminate arrests of A4C activists led by the MP for Masaka, (Hon.) Mathias Mpugga, and the inhumane arrests of some opposition leaders, such as Dr. Kiiza Besigye of the FDC – who of late has been on ‘preventive detention or arrest’ in his home at Kasangati in Kampala – Nobert Mao of the DP, and Olara Otunnu of the UPC – attests to the conflictual relations between the NRM and the opposition in recent times. This convoluted political environment is already interfering with the nourishment of multiparty democracy in the country.

Although these are early days of the operations of the multiparty system, it has to be emphasised that because the NRM is behaving as a semi-authoritarian regime which is superintended over by a dominant party, a disorganised lot of impoverished citizens can get organised by a conscious civic group, such as the A4C. Ultimately, such an organised force will not only threaten the social fabric of the society, but will lead to a 'revolution' (Acemoglu and Robinson 1999: 1). Indeed, this assertion has recently been witnessed in what has come to be known as the 'Arab Spring' (it has metamorphosed into the 'Arab Autumn') in Tripoli, Egypt, Tunisia and the Middle East, wherein the elite have either been forced to democratise by introducing political and social reforms or have been toppled from power altogether.

Women

The level of women's political participation in Uganda is not by chance. It has been a process supported by the legal and policy framework of Uganda since the Beijing Plan of Action. Consequently, the state has continuously promoted political participation of women through a number of measures including constitutional provisions for affirmative action. The constitutional provisions are further amplified by the Parliamentary Elections Act, 2005 to the effect that; as required by Article 78 (1) of the constitution, there shall be one woman representative in parliament in every district or city. Further, the provisions of the LGA 2007 provides for one-third of the seats on each LC to be reserved for women. The one-third requirement is further highlighted by the PPOA, where it is provided that: Every political party or organisation shall elect such persons as may be determined by the members of the political party or organisation with due consideration for gender equity. Apart from this provision, however, the rest of the act is silent on how gender equity is to happen at party level.

Additional level provisions on women's participation in politics and decision-making can be found under the National Women's Council (NWC) Statute of 1993, as amended in 2003. The purpose of this piece of legislation is to provide for the establishment of a NWC and its composition, functions, objectives and powers. Women councils are provided for from village to national level in a vertical manner. Other objectives of the NWC include organising the women of Uganda in a unified body and engaging the women in activities that are of benefit to them and the nation. The main function of the NWC is to encourage women to consolidate their role in national development in the political, social, cultural and educational fields.

Owing to affirmative action, Uganda has seen a marked increase in the number of women in politics. For example, in 1980, there was only one woman in parliament out of 142 parliamentarians. In 1992, there were four

women Cabinet Ministers. By 1994, two of 21 representatives who served on the UCC were women. Women's national parliamentary representation has increased to 24.7 per cent since the June 2001 elections. Today, Uganda ranks 23rd out of 188 countries in the world regarding women MPs. However, most of the political parties have not focused on questions important for women. The main reason is the prevailing patriarchal elements of Uganda's society. For instance, the NRM has continuously delayed the Domestic Relations Bill whose enactment into law would have gone a long way in addressing gender-based discrimination at household level – e.g. inequalities such as land rights and decision-making.

The problem has been the failure by the old political parties, UPC and the DP, which were active in the 1980s, not taking issues regarding women seriously. It is also worth mentioning that these political parties had the support of strong religious institutions. For example, support for the UPC came from the Protestant Church and the DP from the Roman Catholic Church. As already alluded to in Chapter Four, these parties have not signalled a programmatic desire to alter their deeply ingrained patriarchal character or practices. The fact that few women have taken up the challenge to stand as candidates in their own parties is also an indicator that they still see their achievement as inherently male-driven. Indeed, there has also been some outright intimidation of the opposition by the government, thus causing fear among some women to support the opposition.

In spite of this intimidation, a section of women within the women's movement has been critical in raising its 'voice' over issues of governance in the country (Tripp 2010: 105-106). They have awakened to the reality of their participation in governance at both national and local levels; they are represented in parliament, Cabinet, local councils, and the civil society sector. One major reason regarding women's invigorated energy in governance is a result of the NRM's policies towards them. However, there are other views that see their participation as mere 'tokenism' which can easily be withdrawn whenever the regime feels it is under threat. The failure by the NRM regime to pass some crucial bills such as mentioned earlier on attests to this behaviour.

This explains why some vocal women activists shifted their support from the NRM to the opposition. For example, led by Ingrid Turinawe of the FDC, opposition women activists belonging to the IPC organised a demonstration on February 2010 in front of the headquarters of the Electoral Commission, objecting to the reappointment of the Electoral Commission chaired by Dr Badru Kiggundu. This demonstration, like those before it, was brutally crushed by a combined force of the police and other state operatives. In fact, some of the police personnel even stripped naked some of the women

demonstrators, bundled them into waiting police pickups in full view of the cameras of photojournalists and later screened on various TV newscasts. Today, Ingrid Turinawe and others are incarcerated in Luzira Maximum Prison on charges of terrorism and treason. The problem with these protests is that sometimes they are sporadic and therefore unorganised and draws from few strong-willed women.

Despite their disorganisation, there are positive attributes that women bring into politics generally. These virtues include (DEMGROUP 2011: 8): transparency; being good listeners; understanding family and community problems better than men; being good at canvassing; being good service deliverers; being hardworking; because they are mothers, they are caring; they understand people's problems; being committed to their work; being open; they are polite when campaigning; they give advice; they make the elections lively; they are more focused on development issues than men; and they are compassionate and approachable. However, women face several challenges while participating in politics.

It has to be acknowledged that the challenges that women face while seeking political office are not different from those of men (Ibid.: 10). The commonality of these barriers, among others, include: insufficient funds to run a campaign, high expectations from the electorate and the antagonistic nature of competitive politics. However, there are specific gender-related constraints that women face when standing for elections. The barriers to women's participation in politics are as follows (Ibid.: 10): limited support by the community; restrictions from their husbands, and sometimes family strife; low financial base; high demand to prove oneself against opposition due to cultural norms and values; family responsibilities impair their performance; child-bearing roles inhibit their involvement in politics; husbands hinder their wives from being leaders; culturally they are looked at as assets in a man's house and so they have to be ruled and not to become leaders; few of them are returning officers; they are largely confined to 'women seats' because the regular constituency seats are seen as men's; when they take a long time in meetings, it leads to conflicts with their partners; they are not always supportive of their fellow women voters; some are sexually harassed during campaigns or when they become leaders; family clashes and violence erupt when husbands are not supportive of their wives to participate in politics; and a unique constraint which affects women candidates from the opposition is the creation of new districts. These new districts gave huge support to the NRM because the opposition lacked adequate resources to field candidates – for example, the IPC fielded 84 candidates out of 112 districts.

Enhancing the effective participation of civil society and other actors in the new multiparty political dispensation will require time, hard work,

and commitment. Indeed, it will require clear multi-pronged approaches to include them in the political process as well as by tackling individual, family, group, cultural, and structural limitations. Equally important is the realisation that unless or until socio-economic circumstances improve for rural and poor communities, it is difficult to see how women and excluded men can advance rapidly in the political realm. The affirmative action that was meant to redress the plight of traditionally marginalised groups (women, youth, PWDs, the elderly etc.) that has now turned into an avenue for patrimonialism may need a re-think, especially under the new multiparty political system. Indeed, any future reforms driven by whichever group, including women groups, should target the institutions for representation, such as political parties so that the numerical and substantive strengths of those marginalised groups can be felt.

In the end, two of Onsagiro's (2005: 97) recommendations for women's involvement in Kenya's politics will come in handy to reinforce the efforts of Ugandan women in the democratisation process. The first recommendation is that the political field must be made level to give both men and women equal chances of political leadership. Olum (2010b: 64) views a level playing field as fair competition in which each player does not necessarily have an equal chance to succeed, but all players play by the same set of rules. Further, a metaphorical field is level if no external interference affects the ability of the players to compete fairly. The second recommendation is that there is need to educate the public on their civil and political rights and particularly on their responsibility to support women seeking political leadership. She is right to conceptualise democracy as being *justice, equality* and *fairness*. True, once fairness and justice have been assured, the status and dignity of women are likely to improve and this, in turn, will lead to sustainable development for all in a democratic society.

Youth

Whereas the young people constitute nearly 70 per cent of the population in Uganda, their effective participation in politics has been marginal. This failure has caused them enormous frustration with their leaders, parties and politics generally. This statement might sound rather contradictory in the light of the fact that some parties, such the DP and UPC, have had vocal youth leaders. True, it would appear that the youth in Uganda are integrated in their mainstream parties. Indeed, at one time, the youth wing of the DP, the UYD, has been quite strong, independent and militant. The UPC's youth wing appears to be better integrated into the mother party than the other political parties – this is historical in that the founding-father of the UPC, Dr Apollo Milton Obote, had a fondness for young people. In fact, a good number of the current top brass of the NRM and UPC, including President

Museveni, were once nurtured and/or educated under the sponsorship of Dr Obote and the UPC party. This affinity, in spite of their constant criticisms of Obote's past deeds, could explain why they were more sympathetic to the return of his body as opposed to that of Idi Amin Dada, whom they perhaps still do not like for a number of reasons – tyranny, Muslim, West Niler etc.

When viewed from an electoral perspective, one would decipher that the youth have engaged actively in the electoral process. For example, the youth participated feverishly in the 2011 general elections. An unprecedented number of youths vied for parliamentary and other electoral seats compared to past elections. It has to be noted that the Parliament of Uganda allocates five seats to youth MPs. Compared to the elections of the other interest groups, the youth elections were slightly more transparent. Usually, the elections of the five MPs begin with the election of a nine-person Youth Committee in each of the 57,364 villages up to the district level. Eventually, it culminates in all Four Regional Youth Committees electing one youth MP and the National Youth Council electing one woman youth MP. All citizens of 18-30 years of age qualify to vote and stand as independent/party candidates.

However, several challenges emerged in the elections of the youth MPs to the 9th Parliament. These challenges include the following (see European Union Elections Observation Mission 2011): four-day delay; low turnout (10%); poor voter education; high number of unopposed candidates; voting process is unregulated; *ad hoc* polling staff; poorly produced or insufficient ballot papers; inconsistent application of measures (e.g. checking voters' names on registers); poor respect of vote secrecy; under-age and over-age voting; unclear complaints process; unclear access to information by opposition candidates; lack of effective oversight by returning officers (some returning officers stood for election, and some DP candidates were not registered); structural weaknesses constraining the youth from grass-roots activities (no effective branches); violence; co-optation by the dominant ruling NRM by plying youth leaders with some material inducements, thereby causing some youth leaders to fall prey to the regime's patronage; lack of strong leadership; failure to assess their power within their mainstream parties; lack of adequate resources, e.g. funding to implement their activities; some of the parties do not take them as particularly useful; the five seats allotted to the youth in parliament is too small compared to their numerical strength in the country; by virtue of many of them being unemployed and poor, the youth are easily susceptible to being lured to train as militia to mete out electoral violence to other youth and Ugandans who subscribe to political parties other than their own; and under the multiparty arrangement, the youth compete, rather unfairly, with other candidates of advanced age with resources and experience (hence, many youth choose to stand as independents because of frustration).

In sum, it is worth noting that when the youth join elective and competitive politics, they should not do so because they see it as an avenue for employment. They should join politics to serve the people, their constituencies, and the country.

Persons with Disabilities (PWDs)

Apart from engaging in the electoral process, and making some 'noise' regarding their plight, this interest group has not had much impact on the multiparty system. However, they have been participating in the electoral process from the time they came into being. Electorally, during the 2011 general elections, the PWDs were comprised of 448 people (four per district). Their elections were administered by the member organisations of the National Union of Disabled People of Uganda (NUDIPU).

Whereas the five representatives of the PWDs in parliament are elected by all their members irrespective of their party affiliations, they end up being co-opted as appendages of the NRM to which they now owe their allegiance rather than to their interest group. In other words, the views of the opposition, howsoever constructive they are, get ignored by the PWDs simply because they are pro-NRM. The crisis of this phenomenon is that no one has ever raised this anomaly in the country that is bound to affect the process of policy-making and policy implementation.

In summing up this section on the role of civil society in the multiparty system, it has to be recognised that the new organisational and associational forms thrust forth by the current multiparty democracy deserve to be given clear conceptualisation and analysis. The changing landscape of political parties and the informal (grass-roots) politico-economic organisations need to emerge more vigorously to confront the issues of the day. This is crucial for embedding full-blown political pluralism, not as the agencies of a new indirect rule with the 'statisation' of civil society that this may imply, but as champions of a new democracy in a world where the old assumptions and structures can no longer hold. The present suppression of the opposition in Uganda, the straitjacketing environment within which the NGOs are supposed to operate, and the suffocating mantle of the hegemonic NRM party, are delaying the democratisation process whose outcome may turn violent.

The Role of the Military in the Multiparty System

Traditionally, the involvement of the military in politics arises as a result of a number of factors (Kanyehamba 2007: 123-126; Diouf 1998: 31-33). The first reason is when a country faces external aggression or an internal state

of civil war or insurrection or occupation by a conquering foreign power. In this case, martial law is invoked to rule the country as civilian organs are suspended indefinitely. The second reason for a military takeover of civilian government is to remove a corrupt regime that is siphoning public resources into the personal bank accounts of the rulers. The third reason is nothing more than the personal ambitions of those behind the military *coup d'état*. Either of these reasons or a mixture of them explains military interference in politics on various continents in the world, from Latin America to Africa and as far as Asia. The results of military governments in the world have been mixed: pseudo-development in Latin America, a greater degree of underdevelopment with the exception of, say, Egypt before the Arab Spring of 2011, in Africa, to developing economies such as Pakistan in Asia.

Uganda's experience with the military in government has been largely economically disastrous and politically tyrannical, especially under Idi Amin Dada from 1971 to 1979. Historically, the origin of the Uganda Army is traceable to the time when the British used the Baganda to disarm the fighting forces of the kingdoms.⁸⁰ However, the day Dr Apollo Milton Obote directed the then Army Commander, Idi Amin Dada, to attack the Kabaka's palace in Mengo causing him to flee into exile in Britain where he eventually died, heralded the militarisation of politics in the country. Given the army's involvement and centrality in the country's politics, any abrupt U-turn would either be radical or counter-productive.⁸¹

Indeed, while the army has always been at the centre of Uganda's politics, such as the case of the UNLA which toppled Idi Amin in 1979 and the NRA which toppled General Tito Okello-Lutwa's junta in 1986, de-linking it from the political process would require a clearly defined framework of how this should be effected. To constitutionalise the legal imperative of the army's political behaviour, negotiations between the key stakeholders – the UPDF, the government and the citizens – would have to take place in order to arrive at a consensus.

Furthermore, since the NRA is the army that brought the current government into power in January 1986 under a NRM political arrangement, their full understanding of the new multiparty political dispensation is still shaky; a good number of them still think that no other citizen can become president except the incumbent President Yoweri Kaguta Museveni. Indeed, because the army is in bed with the NRM party in a somewhat quasi-military arrangement, some of them have been involved in canvassing votes for President Yoweri Kaguta Museveni, contrary to the PPOA. The PPOA regulates the financing

80 The historical genesis of the Uganda Army is clearly elaborated in Tripp Aili Mari (2010) *Museveni's Uganda: The Paradoxes of Power in a Hybrid Regime* (Lynne Rienner Publications, Inc.), pp. 133-135.

81 See Kituo cha Katiba (2002) *Towards Political Liberalisation in Uganda: A Report of the Uganda Fact-finding Mission* (Kampala: Fountain Publishers), pp. 66-67.

and functioning of the multiparty system. It outlaws the activities of parties based on region, ethnicity or other forms of discrimination. It also bars members of the military, police, public service, traditional leaders, and employees of state-owned corporations from political party participation. In addition, the PPOA tasks the Electoral Commission with registering and annually auditing the finances of political parties – a function it has failed to execute fully up to this day. The act also mandates the Minister of Justice to issue a code of conduct for political parties and to call a NCF that is provided for in the 1995 Constitution. The NRM has so far blocked both measures from taking effect. Hence, parliament has failed in its constitutional obligation and so has the Minister of Justice in his legal obligation.

Yet another sign that the UPDF is contravening the PPOA is with regard to their elections. The electoral college of the UPDF is constituted by the army's governing and appointments body known as the Defence Council Forces (DCFs). The DCF is chaired by the President of Uganda or in his absence, by the Vice President of Uganda, or the Minister of Defence, or any other person appointed by the President. Procedurally, the president, as Commander-in-Chief, submits the nominations at the DCF's meeting. The nominees' qualifications are then verified in the UPDF database. The challenges with the electoral process in the UPDF are as follows: whereas UPDF MPs are supposed to be non-partisan, in practice they sit on the NRM side in parliament and tend to vote in favour of the NRM – in breach of the PPOA; and UPDF MPs remain in active service and are thus subject to the chain of command headed by the Commander-in-Chief who is also the chairman of the NRM party. Hence, the UPDF MPs are accountable to the president rather than the army constituency; and while the 1995 Constitution is absolutely clear about freedom of speech, the UPDF MPs are free to speak in parliament but not outside. Clearly, the army is under the ambit of the president (Kobusigye 2010: 159).

In spite of opposition's strong rejection of the UPDF's involvement in partisan politics, in February 2006 the 7th Parliament endorsed the continued stay in parliament of the ten nominated army MPs. This decision entrenched further the fusion of the UPDF with the NRM party whose commander happens to be the president, who also happens to be the chairperson of the NRM party. President Museveni has always said that the role of the army MPs in parliament is to serve as 'listening posts' but not to debate motions before the House. The NRM has also continuously argued that the army's representation in parliament should not be seen in isolation of the country's turbulent history where it has been used by previous regimes to repress the 'voices' of the citizens.⁸²

82 Apollo M. Obote used the Uganda Army in abolishing the monarchy in 1967, Idi Amin used the same Uganda Army in causing a coup against A. M. Obote on 25 January 1971, and Tito Okello-Lutwa used the Uganda National Liberation Army (UNLA) in toppling the Military Commission of Paul Muwanga in 1985.

The reality is that, rather than being subordinated to civilian authority, the army has been an agent of the executive to assert its authority in a partisan way contrary to the principles of multiparty democracy which demands their total neutrality. It is therefore not strange that with their coercive power, some senior military officers have harassed, victimised, and intimidated the opposition to instil fear in the electorate to the benefit of the ruling NRM party. It is ironical that on assuming power, President Museveni attacked Idi Amin's and Obote's regimes for involving largely illiterate soldiers in politics when they had no clear philosophy behind the gun only to turn around several years into his leadership to bring the gun back into the fore of political power.

Although the NRM regime has attempted to 'professionalise' the army, it would appear that its loyalty is inclined more to the person of President Museveni and his son, Colonel Keinarugaba Muhoozi, who currently heads the Special Armed Forces. There is now fear among the opposition parties and other pundits that the UPDF cannot hand over power to anyone else other than to President Museveni even under conditions where he loses in a democratic contest.⁸³ This view is certainly worrying and a threat to Uganda's transition to a fully-fledged multiparty democracy. Hence, unless military personnel are educated on the operations of multiparty politics to cause them to espouse the characteristics of a national institution without any partisan loyalty to the incumbent regime, the nurturing of multiparty democracy will become a daunting task.

The Role of the Judiciary in the Multiparty System

The judiciary in Uganda has a common-legal system. It is vested with constitutional independence. During past regimes, and especially under Idi Amin's authoritarian regime, the judiciary had completely collapsed. In fact, some judges were killed – e.g. Benedicto Kiwanuka – and others fled the country when their lives were in danger.

In the last 25 years, the NRM regime has made formidable attempts to improve the efficacy of the judiciary and, indeed, the other organs of government. The confidence that the judiciary reaped from the early days of the NRM in power has enabled it to function independently and impartially. Consequently, the judiciary took on the executive without fear and favour on a number of landmark cases (Tripp 2010: 86-87). A number of cases were brought against the NRM by the opposition, particularly the DP and the UPC, which had both direct and indirect implications for democratisation. Both

83 See Kalinge-Nnyago Omar D. (2010) 'To What Extent Does Uganda's Political Opposition Present a Viable Alternative for Effective Governance?' in Yusuf Kiranda and Mathias Kamp (eds.) *Reality Check: The State of Multiparty Democracy in Uganda* (Kampala: Konrad Adenauer Stiftung), pp. 134-135.

parties successfully challenged in the courts of law, the 2002 PPOA Bill that had restricted the operations of political parties.

The struggle by the judiciary against a powerful executive has not been easy. In 2006, there was an unprecedented standoff between the government and the High Court (the infamous 'Black Mamba saga'). As the country moved into the 2011 general elections the relationship between the judiciary and the executive was at its lowest ebb. The judiciary's response to the violation of human rights in Uganda, whether actual or potential, has been positive even in situations where judges face danger, as was the case when General Yoweri Museveni, General Elly Tumwine and General David Tinnyefuza passed judgement on the guilt of Dr Kiiza Besigye and his co-accused when they were brought before the High Court for trial on terrorism charges (Kanyehamba 2006: 60-62).

In sum, the judiciary has had some reasonable degree of independence under the NRM regime by asserting its autonomy and defending the rule of law. It did this by resisting the executive's excessive desire to control it and the legislature. However, the desire to politicise the courts and under-resource the judiciary does not augur well for its continued exertion of its legitimate authority under the multiparty system.

The Role of the Media in the Multiparty System

A free media is often referred to as the fourth estate, providing as it does, additional leverage of checks and balances in a modern state. In a young multiparty democracy such as that of Uganda, a free, independent media that subscribes to high ethical standards is a central pillar of democratic development. In this sense, the media is vital in educating the voters on any political issue of importance to them. Indeed, the media, both print and electronic (newspapers, radios, television stations), as a communication medium, is crucial in disseminating critical political information.

There has been a remarkable mushrooming of both print and electronic media in Uganda from the time the NRA/NRM captured state power in 1986. In the early days of the NRM regime, some of them have been quite critical of the NRM government's shortcomings without serious retribution being meted out to them. Some major achievements by the media during the previous elections can be cited, for instance the media coverage of candidates and parties during the 2011 general elections was high; many media houses made an effort to relay what was happening throughout the country during the general elections; and some journalists and media houses, for example, NTV, have demonstrated remarkable levels of professionalism and objectivity in their balanced reporting and presentation of information and materials.

However, the media faced a number of challenges. The challenges the media faced were wide-ranging. They included the following: some journalists were not professional in the way they conducted their business because they were biased. For example, in the 2011 general elections, both the *New Vision* and the *Daily Monitor* supported the NRM. ; some state agents behaved repressively through indiscriminate arrests and the passage of restrictive laws that bar professional journalists from freely going about their business. This has led to self-censorship among some media houses that are believed to be anti-NRM; and some media houses such as the UBC and Simba FM failed to provide equitable coverage for some candidates and parties during the 2011 general elections, choosing to back the NRM party (see European Union Election Observation Mission 2011).

When all is said and done, the media could, as it has done in some instances before, take a lead in organising local and national debates on multiparty politics on a periodical basis and objectively. A joint relationship between professional journalists and their association and a national body such as the Uganda Media Council could organise such debates but on a programmatic manner.

The Role of the International Community in the Multiparty System

The concept of pluralism in Uganda is neither new nor has the struggle for pluralism began only in recent years when Western powers began to relate demands for pluralism and multiparty democracy to conditions for grants and loans or 'aid'. The history of the struggle for pluralism may be traceable to the end of the Second World War through to the post-colonial period (see Barya 1996). The anti-colonial struggles for democracy and pluralism in Uganda arose from within society and were *internal* demands, arising from the people of Uganda themselves against colonial rule, against economic domination and against African collaborators with the colonial regime. To some minimal extent, however, these struggles were supported by radical or labour or socialist interests in Europe, especially Britain, as well as in the USA. After Uganda attained independence the struggle for democratic pluralism took place in the Cold War context at international level, and on the basis of tribal (nationality) and religious calculations, and to a minimal extent ideological differences. It is in this context that the analysis of the external pressures on the struggle for democratic pluralism in Uganda should be located.

Although pressures have played a critical effect on the renewal of multiparty politics in Uganda, internal and external pressures on the struggle for democratic pluralism are interlinked (Barya 1996: 137-140). The Ugandan state, due to economic and financial dependency on the West occasioned by

the collapse of Eastern European state socialism, has become more vulnerable as the West can now impose its definition of democracy and pluralism without any threat or hindrance. Further, it is important to understand that the new demands by the West for multiparty democracy in Africa from 1990 to-date were objectively meant to undercut the popular democratic struggles and social movements of the 1980s.

Indeed, the demands by the West for multiparty democracy were presented by World Bank and IMF SAPs that saw the problem in Africa not as lack of mass or popular democracy or even bourgeois democracy but simply as how to liberalise and commercialise parastatals and deregulate the economy, exchange rates and remove state subsidies (Mamdani 1976: 138). Thus, in order to ensure that the liberal bourgeois definition of democracy was not hijacked by the riff-raff workers and peasants, the West has sought to encourage a definition of democracy that brings forward other hitherto excluded middle class elements in African countries. In this way 'the struggle for broad democracy was derailed in Africa by the late 1980s. Instead the whole question of democracy was reduced to multipartyism'. The emerging parties in Africa are therefore middle class, elite parties with 'hardly any organic representation of mass or community organisations.' There is a clear acceptance of the universal concept of liberal democracy and human rights among most of these parties. Democracy and human rights are seen as a form of rule which includes the right of representation, organisation and expression. It is a matter of the ballot box, and it does not matter what means one uses to get the votes.

Consequently, several bilateral donor agencies, for example, the United States' Millennium Challenge Corporation, have begun taking democracy seriously and openly into consideration when disbursing aid. ACSS (2011: 25) notes that today donors are more likely than in the past to withhold or cease aid when a hitherto democratic government stops governing in a democratic manner, as was seen with the cessation of payments to Malawi following the lethal crackdown on protesters in July 2011. In Kenya, donors held back disbursements because of concerns over corruption and the indictment by the International Criminal Court (ICC) of leading politicians for their alleged role in the post-election violence of 2007/2008.

In the case of Uganda, SAPs and the liberalisation of the economy began in 1981 under the UPC- Obote II regime. Central to SAPs has been the undermining of local industrial production and the social services through removal of subsidies. In addition, the economy was liberalised and privatised. While it is true that there are some positive aspects of IMF programmes, in political terms it has led to the repression of wages, labour and civil society.

Nevertheless, the international community continues to support Uganda in many ways, including on the democratic front. In fact, even the political processes themselves, like CA elections, decentralisation, the constitution-making exercise and the general elections, have been largely foreign-financed. Aid has also facilitated democratisation by supporting civil society and encouraging the opening up of the political space. The opposition has, however, been sceptical of the resources that foreign countries have been pouring into the country; they see it as consolidating the NRM regime that has over-liberalised the economy and has in the process rewarded foreign companies unrestricted.

However, the semi-authoritarian tendencies that the dominant NRM regime has espoused over time have started sending discomfiting signals to the international community. It is not surprising that they have, to a minimal extent, joined the opposition parties and civil society to demand political and legal reforms to liberalise the political system further. President Museveni has, however, ignored their demands, claiming that the country was sufficiently democratic for the citizens to participate in the democratic process. President Museveni's outright win by 68.28 per cent in the 2011 presidential election seems to vindicate him. In fact, it would now appear that his win has given him the opportunity to dig in and consolidate his power base through patronage and sectarianism, among other avenues.

Conclusion

In conclusion, it has to be stated that on balance, while Uganda has opened up the political space for other civil society actors such as NGOs, women, youth, and PWDs to engage in the political process, this is still not full-blown due to a number of restrictions being placed upon them. As stated at the beginning of this book, Uganda is under a dominant party system superintended by a dominant or hegemonic NRM party, whose leadership is not seeing itself out of power any time soon. In this sense, because the regime does not wish to see power slipping out of its hands in any conceivable way, it is ready to restrict the operations of civil society as much as possible. One way in which it will – and has continued – to do this, is through force to silence its critics in order to rule indefinitely. In such a political situation, multiparty democracy and governance in general are in jeopardy.

Chapter Eleven: Conclusion and the Prospects of the Future of Multiparty Politics in Uganda

The re-introduction of multiparty democracy in Uganda is now in its fifth year. These years are certainly too few to embed the system fully. Nevertheless, in both legal and practical terms, multiparty politics has come to stay. There is, therefore, need to protect and entrench it further. The opposition parties are crucial in embedding this system if it is not to reverse to the Movement or 'no-party' type of politics.

However, for the opposition and other stakeholders in the political domain to play their part in entrenching multipartyism, the onus is on the ruling party to provide a level political playing field. There are many ways in which the NRM government can do so for multiparty politics to thrive, namely: exercising a high degree of internal party democracy, not misusing the army to advance its political agenda, putting in place the NCF to enhance inter-party dialogue, and enhancing co-operation and consultation among the key political actors.

In other words, the political bedrock upon which the future of multiparty democracy rests is, among others, to guarantee that all political parties have the right to compete in the political marketplace without any form of deterrence from any quarters. For these political parties to compete freely and fairly, they need to strengthen themselves to play by the 'rules of the game'. Clearly, several political parties in Uganda that emerged immediately after the lifting of multiparty politics in 2005 have suddenly gone quiet or become defunct; they have not been serious in the political competition from the day they were borne. Indeed, many of them are riddled with internal dissensions and cleavages to the extent that they have become a laughing stock unable to challenge the ruling party. Because they are so weak, they are so disgraceful that the citizens no longer take them seriously. Their leaderships have not portrayed the attribute of being serious contenders to the political throne, and their strategic goals and vision are not clearly espoused.

Yet one of the immediate benefits that the political parties would reap from becoming sufficiently strong is that they would perhaps easily send their candidates to parliament that, in turn, will be essential for strengthening parliamentary democracy. While the 8th Parliament performed dismally, the

9th Parliament appears to be asserting its authority over the executive – a behaviour that has enraged the leadership of the NRM that vows to purge the NRM of its dissenting voices.⁸⁴


In other words, parliament can become the kind of institution that can perform its oversight role and a platform that can engineer pro-people reforms only when it has MPs who are a product of a competitive electoral process that is not malfunctioning or abused. In fact, parliament will truly become a people's organ only if it has MPs who put Uganda above their parties and above self. This way, parliament will become an institution that has the capacity to play its role of checking an overbearing executive to sustain multiparty democracy.

The centrality of an efficacious parliament in fostering multiparty democracy need not be over-emphasised. Thus, parliament, among other political institutions, should be relevant, accountable and responsive to the demands of the citizenry. In addition, in spite of the dominance of the ruling NRM party, it is Parliament's role to ensure that it operates efficaciously in order to enhance not only parliamentary democracy but multiparty democracy as well.

However, the numerical dominance of the MPs subscribing to the NRM in parliament should not be viewed as constraining the efficiency and effectiveness of parliament through their caucus. Much as the NRM is the majority party in parliament, it should respect and protect the minority party in line with the British-style parliamentary system of government. The opposition in parliament must never be seen to be antagonistic to the ruling government since it constitutes the alternative government-in-waiting. The opposition must check the excesses of the incumbent government wherever and whenever it believes that it is about to occur, is occurring, or will occur. However, the ruling party, like any other party in power, will not relinquish power soon. From 2006 when the first general elections were held after the re-introduction of multiparty politics, the tendency of the ruling NRM party has been to frustrate the opposition as much as possible to disable it from coming close to taking over power.

One strategy which some of the opposition parties adopted in order to dislodge President Yoweri Museveni and his NRM party from power has been through the formation of a co-operation pact or alliance in 2006 and in 2011. This strategy did not come to fruition. In fact, besides failing to win the presidency, the opposition ended up sending fewer MPs to parliament and also did not manage to win many seats in local elections. In parliament, in

84 See Gyezayo Emmanuel and Nalugo Mercy (2011) 'Museveni Vows to Purge NRM of Dissenting Voices', in Daily Monitor Tuesday, October 18, p. 3



2011, the number of MPs from the opposition actually dropped compared to what they had in 2006. In 2011, the NRM has a huge majority of about 280 seats compared to the opposition's approximately 58. In the 2011 presidential elections, President Yoweri Museveni won by 68.28 per cent compared to his win of 58 per cent in 2006. In local elections, the NRM took most of the positions at LCV. In spite of these big wins by the NRM that has sent shivers down the political spine of the opposition, not all is lost for them. Hence, it is important that for multiparty democracy to be embedded, political parties must practise democracy internally. This realisation is the way in which serious and strong parties can eventually develop.

However, the manner in which multiparty elections have been conducted in Uganda since 2006 has raised several complaints and petitions. The chief culprit that has been pointed out by the opposition, civil society and foreign governments, such as the USA, and international institutions, such as the European Union and international observers, regarding the failure to hold free and fair elections has been the Electoral Commission. Specifically, the Electoral Commission has been accused of failing to comply with some of the laws governing multiparty democracy and to enforce existing laws against errant parties. The failure to conduct free and fair elections has necessitated the call for electoral reforms. The ruling NRM party and its leadership have vehemently rejected these calls.

In the end, the future of multiparty democracy in Uganda will ultimately hinge on the willingness of the government to amend sections of the electoral legal regime which impairs political actors, especially the opposition, from exercising their fundamental civil and political rights to express their free will in the political process. It is an indisputable fact that an enabling climate is crucial for conducting free and fair electoral competition between political parties as a sure way of reducing the power of a dominant party that survives through patrimonialism.

Bibliography

a) Textbooks

Acemoglu Daron and Robinson James A. (1999) 'A Theory of Political Transitions', July – unpublished.

ACSS (2011) Africa and the Arab Spring: A New Era of Democratic Expectations (Washington, D.C.: Africa Centre for Strategic Studies), Special Report No. 1, November.

Arian A. And Barnes S. H. (1974) 'The Dominant Party System: A New Neglected Model of Democratic Stability', in *The Journal of Politics*, 36 (3), pp. 592-614.

Bartolini Stefano and Mair Peter (2001): 'Challenges to Contemporary Political Parties' in Bartolini Stefano and Peter Mair (eds.) *Political Parties and Democracy* (The Johns Hopkins Universities Press and the National Endowment for Democracy).

Barya John-Jean B. (1996) 'Internal and External Pressures in the Struggle for Pluralism in Uganda', in Joseph Oloka-Onyango, Kivutha Kibwona and Chris Maina Peter (eds.) *Law and the Struggle for Democracy in East Africa* (Nairobi: Claripress), Chapter 8, pp. 125-144.

Bayles Carolyn (2004) 'Political Conditionality and Democratisation' in Bayles Carolyn, Giles Mohan and Tunde Zack-Williams (eds.) *The Politics of Transition in Africa* (ROAPE Publications Ltd; James Currey; Africa World Press ROAPE).

Berman Bruce, Eyoh Dickson and Kymlicka Will (2004) 'Introduction: Ethnicity and the Politics of Democratic Nation-Building in Africa', in Bruce Berman, Dickson Eyoh and Will Kymlicka (eds.) *Ethnicity and Democracy in Africa* (Oxford and Athens: James Currey and Ohio University Press), pp. 1-21.

Boeninger Edgardo (1991) 'Governance and Development: Issues and Constraints'. *Proceedings of the World Bank Annual Conference on Development Economics*, pp. 267-287.

Box-Steffensmeier Janet M. And Kimball David (1999) 'The Timing of Voting Decisions in Presidential Campaigns', being a paper presented at the annual meeting of the Midwest Political Science Association, Chicago.

Bratton Michael (1994) 'Civil Society and Political Transition in Africa', in IDR Reports, Vol. II, No. 6.

Bratton Michael and van De Walle Nicolas (1997) 'Neopartimomial Rule in Africa' in Michael Bratton and Nicolas van de Walle (eds) Democratic Experiments in Africa, Regime Transitions in Comparative Perspective (Cambridge Universities Press).

Brooks Heidi (2004) 'The Dominant Party System: Challenges for South Africa's Second Decade of Democracy', in EISA Occasional Paper Number 25, October.

Budge Ian and Keman Hans (1990) Parties and Democracy: Coalition Formation and Government Functioning in Twenty States (Oxford University Press).

Burki Shahid Javed, Perry Guillermo E. and Dillinger William (1999) Beyond the Centre: Decentralizing the State (Washington D. C.: World Bank).

Change Initiative Limited (2009) Inter-Party Cooperation Uganda: Proposed Electoral Reforms (Kampala: Change Initiative Limited), May.

Collier Paul (2009): 'Ethnic Politics' in Collier Paul (ed) Wars, Guns and Votes: Democracy in Dangerous Places (The Bodley Head London)

DEMGGroup (2011) Participation of Women in the 2011 Electoral Process in Uganda (Kampala: Democracy Monitoring Group, DEMGroup), January.

Diamond Larry (1997) 'Introduction: In Search of Consolidation', in Larry Diamond, Marc F. Platter, Yun-han Chu, and Hung-Mao Tien (eds.) Consolidating the Third Wave Democracies (Baltimore: The Johns Hopkins University Press).

Diamond Larry (1996) 'Is the Third Wave Over?' in Journal of Democracy 7(3): 20-37.

Diouf Mamadou (1998) 'Political Liberalisation or Democratic Transition: African Perspectives' (Dakar: CODESRIA).

Dunleavy Patrick and O'Leary Brendan (1987): 'Pluralism; Marxism' in Patrick Dunleavy and Brendan O'Leary (eds) Theories of the State: the Politics of Liberal Democracy (Macmillan Education Ltd.).

Duverger Maurice (1963) *Political Parties: Their Organization and Activity in the Modern State* (New York: John Wiley and Sons, Inc.).

Dworkin Ronald (1984) 'Liberalism' in Michael Sandel (ed) *Liberalism and Its Critics* (New York: New York University Press).

European Union Election Observation Mission (2011) *Uganda Final Report: General Elections 18 February 2011, 10th March*.

Green Elliott (2007) 'Patronage, District Creation and Democracy in Uganda', October – unpublished.

Greene Kenneth F. (2007) *Why Dominant Parties Lose, Mexico's Democratization in Comparative Perspective* (New York: Cambridge University Press).

Habib A. and Taylor R. (2001) 'Political Alliances and Parliamentary Opposition in Post-Apartheid South Africa', in Southall R. (ed.) *Democratization, Special Issue: Opposition and Democracy in South Africa*, 8 (1).

Hameso Sayoum (2002) 'Issues and Dimmesa of Multiparty Democracy in Africa', in *West Africa Review*, pp. 1-32.

Hansen Kari Nordstoga (2006) *Towards Multiparty System in Uganda: The Effect on Female Representation in Politics* (CMI Chr. Michelsen Institute).

Heywood Andrew (2003) *Political Ideologies: An Introduction* (Palgrave Macmillan), Third Edition.

Heywood Andrew (1997) *Politics* (Palgrave Macmillan).

Hoffman Paul (2008): 'Constitutionalism in South Africa', in *African Meeting Process for Debate and Proposals on Governance in Africa: the Southern African Perspectives* (Colloquium Proceedings), June.

Jjuuko F. W. (1996) 'Political Parties, NGOs, and Civil Society in Uganda', in Joseph Oloka-Onyango, Kivutha Kibwana, and Chris Maina Peter (eds.) *Law and the Struggle for Democracy in East Africa* (Nairobi: Claripress), Chapter 7, pp. 180-198.

Kamp Mathias (2010) 'Introduction', in Yusuf Kiranda and Mathias Kamp (eds.) *Reality Check: The State of Multiparty Democracy in Uganda* (Kampala: Konrad Adenauer Stiftung).

Kanyehamba G. W. (2010) 'Launching of Foundations Report on Elections Management in Uganda', being a speech delivered under the auspices of the Open Society Initiative for East Africa, held at the Golf Course Hotel, on Tuesday, October 5 – unpublished.

Kanyehamba G. W. (2006) *Kanyehamba's Commentaries on Law, Politics and Governance* (Kampala: Renaissance Media Ltd).

Kanyehamba G. W. (2002) *Constitutional and Political History of Uganda From 1894 to the Present* (Kampala: Centenary Publishing House Ltd.).

Kategeya Eriya Tukahirwa (2006) 'In Government (1986-2003)' in Eriya Tukahirwa *Kategeya Impassioned for Freedom* (Kampala: Wavah Books Ltd.).

Kiiza Julius (2008) 'Party Financing and Its Implications for Democratic Governance in Uganda', in Julius Kiiza, Sabiti Makara and Lise Raknar (eds.) *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections* (Kampala: Fountain Publishers).

Kituo Cha Katiba (2002) *Towards Political Liberalization in Uganda: A Report of the Uganda Fact-finding Mission* (Kampala: Fountain Publishers).

Kjaer Mette Anne and Olum Yasin (2008) 'From Confrontation to Acquiescence? The Role of Civil Society and the Media in the 2006 Elections in Uganda', in Julius Kiiza, Sabiti Makara and Lise Rakner (eds.) *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections* (Kampala: Fountain Publishers).

Konrad-Adenauer-Stiftung (2010) *The state of Political Pluralism and Democracy at Local Government Level in Uganda: A Report from the Assessment of seven Districts* (Kampala: Konrad-Adenauer-Stiftung), June

Kobusingye Olive (2010) *The Correct Line? Uganda Under Museveni* (Author House).

Leonard David (1982) 'Analyzing the Organizational Requirements for Serving the Rural Poor', in David Leonard and Dale Rogers Marshall (eds.) *Institutions of Rural Development for the Poor* (Berkeley: Institute for International Studies).

Lindberg Steffan I. (2006): 'The Role of Elections' in Steffan I. Lindberg *Democracy and Elections in Africa* (Baltimore, MD: The Johns Hopkins University Press).

_____ (2009) 'The Power of Elections in Africa Revisited', in S. I. Lindberg (ed.) *Democratization by Elections*, (Baltimore, MD: Johns Hopkins University Press).

Makara Sabiti (2010) 'The Challenge and Prospect of Multiparty Democracy in Uganda', in Yusuf Kiranda and Mathias Kamp (eds.) *Reality Check: The State of Multiparty Democracy in Uganda* (Kampala: Konrad Adenauer Stiftung).

Makara Sabiti, Rakner Lise and Rwengabo Sebastiano (2008) 'Administering the Electoral Process in Uganda', being a paper prepared for Makerere University and Chr. Michelsen Institute (CMI), May.

Mamdani Mahmood (1976) 'On the Colonial State and the Articulation of Modes of Production' in Mahmood Mamdani *Politics and Class Formation in Uganda* (London: Heinemann).

Matlosa K. and Karume S. (2004) 'Ten Years of Democracy and the Dominant Party System in South Africa', in *EISA Election Update 2004: South Africa* No. 5, 30 March.

Mbabali Jude (2005) 'The Role of the Opposition Parties in a Democracy: The Experience of the Democratic Party of Uganda', being a paper presented at the Regional Conference on Political Parties and Democratization in East Africa, held at Impala Hotel, Arusha, Tanzania, from 25th-27th August – unpublished.

Msekwa Pius (2006) *Reflections On the First Decade of Multiparty Politics in Tanzania* (Hanns Seidel Foundation).

Museveni Yoweri (2000) *What Is Africa's Problem?* (Minneapolis: University of Minnesota Press).

Mushemeza Elijah D. (2007) *The Functioning of a Multiparty System in Local Government: Challenges of Transition from the Movement System in Uganda* (Kampala: ACODE Policy Briefing Paper No. 20).

Mutabwire Patrick K. (2010) 'Decentralisation and Good Governance', being a paper presented at a Certificate Course in Governance held at Makerere University on 8th August – unpublished.

Mwenda Andrew M. (2006) 'Foreign Aid and the Weakening of Democratic Accountability in Uganda', in *Foreign Policy Briefing* No. 88, July 12th, pp. 1-9.

Mwenda Andrew M. and Tangri Rogers (2005) 'Patronage Politics, Donor Reforms and Regime Consolidation in Uganda', in *African Affairs*, pp. 449-467.

Nyerere Julius (1968) *Freedom and Socialism* (Dar-es-Salaam: Oxford University Press).

Ogenga-Latigo Morris W. (2008c) 'Expectations in Functional Multiparty Democracy', being a paper presented to the First Follow-up Workshop on Strengthening Multiparty Democracy and Electoral Reform in Uganda, held at The Commonwealth Resort, Munyonyo, Kampala, on 20th November - unpublished.

_____ (2008a) 'Role of the Opposition in parliament', being a paper presented at the Launch of the Parliamentary Outreach Programme of the Link Project, held at Tropic Inn Hotel, Masaka, on 26th September - unpublished.

_____ (2008b) 'Two Years of Multiparty Governance in Uganda: Progress and Challenges', being a paper presented at the Makerere University Convocation/KAS Workshop on Two Years of Multiparty Politics in Uganda, held at Makerere University Senate Building, on 25th September - unpublished.

_____ (2006a) 'Holding Government Accountable and Providing Necessary Checks and Balances in Parliament: Success and Challenges of the Opposition and Emerging Issues in 2006', being a paper presented at The First Annual State of Governance Conference organised by Human Rights and Peace Centre, Faculty of Law, Makerere University, held at Hotel Africana, Kampala, on Friday, 24th November - unpublished.

_____ (2006b) 'The Role of the Opposition in a Multiparty Democracy: Uganda's Experience So Far', being a paper presented at the Foundation for African Development (FAD)

Rondinelli D. A. (1982) 'The Dilemma of Development Administration: Complexity and Uncertainty in Control-Oriented Bureaucracies', in *World Politics*, Vol. 35, October, pp. 52-65.

Sekaggya Margaret (2010) *The Management of Elections: A Review by AfriMAP and Open Society Initiative for Eastern Africa* (Open Society Foundation).

Seminar on Politics in a Multiparty Dispensation, held at the Lion Centre, Sheraton Kampala Hotel, on Tuesday, 15th August - unpublished.

Suttner R. (2004) 'Liberation Movements, Democratic Transition and Consolidation in South Africa' Advice from the 'the experts' in Landsberg C. and Mackay S. (eds.) Southern Africa Post-Apartheid? The Search for Democratic Governance (Cape Town: IDASA).

Oloka-Onyango Joseph (1996) 'Taming the Executive: The History of and Challenge to Uganda's Constitution-making', in Joseph Oloka-Onyango, Kivutha Kibwana, and Chris Maina Peter (eds.) Law and the Struggle for Democracy in East Africa (Nairobi: Claripress), Chapter 25, pp. 487-510.

Oloo Adams G. R. (2007) 'The Contemporary Opposition in Kenya: Between Internal Traits and State Manipulation', in Godwin R. Murunga and Shadrack W. Nasong'o (eds.) Kenya: The Struggle for Democracy (Dakar: CODESRIA).

Olum Yasin (2011) 'Decentralisation and Citizen Engagement: Theoretical and Conceptual Perspectives', being a paper presented at the 33rd AAPAM Annual Roundtable Conference, Lilongwe, Malawi, 14-18 November - unpublished.

_____ (2010a) 'Participatory Budgeting in Decentralized Local Governments in Uganda', in The Uganda Journal of Management and Public Policy Studies, Vol. 1, No. 1, pp. 98-119, October.

_____ (2010b) 'The Political System and Environment in Uganda: Are the Checks and Balances to Power and the Political Playing Field Sufficient to Consolidate Multiparty Democracy', in Yusuf Kiranda and Mathias Kamp (eds.) Reality Check: The State of Multiparty Democracy in Uganda (Kampala: Konrad Adenauer Stiftung).

_____ (2010c) 'New Guidelines on Public Gatherings: Implications to the Fundamental Freedom of Assembly in Light of the 2011 Campaign Season', being a paper presented at a Public Dialogue on Constitutionalism and Rule of Law in Uganda, organised by Foundation for African Development (FAD), held on 27th October, at Imperial Royale Hotel – unpublished.

_____ (2009) 'Press-Politicians Relations in Uganda: Keynote Address', being a paper presented at a breakfast dialogue organised by Konrad Adenauer Stiftung on Thursday, 12th November, held at Serena Hotel, Kampala – unpublished.

_____ (2008) 'Reflections on Internal Party Democracy in Uganda (2006 to Present)', in *The Defender* No. 1 (Kampala: Foundation for Human Rights Initiative), June.

_____ (2006) 'Election of Members of the East African Legislative Assembly: The Case of Uganda', in *The Uganda Living Law Journal*, Vol. 4, No. 2, December, pp. 136-152.

Onsarigo Beatrice N. (2005) 'Factors Influencing Women's Participation in Democratization and Electoral Process in Kenya: A Case Study of Gusii Women 1992-97' in Tukumbi Lumumba-Kasongo (ed.) *Liberal Democracy and Its Critics in Africa: Political Dysfunction and the Struggle for Social Progress* (Dakar: CODESRIA), pp. 76-98.

Osei-Hwedie, Bertha Z. (2001) 'The Political Opposition in Botswana: The Politics of Factionalism and Fragmentation', in *Transformation*, 45, pp. 57-77.

Rubongoya Joshua B. (2007) *Regime Hegemony in Museveni's Uganda: Pax Musevenica* (Palgrave Macmillan).

Ponton Geoffrey (1976) *Political Opposition Monograph 4* (London: The Politics Association).

Salig M. A. Mohamed and Nordlund Per (2007) *Political Parties in Africa: Challenges for Sustained Multiparty Democracy in Africa* (International Institute for Democracy and Electoral Assistance).

Schedler Andreas (2002) 'The Menu of Manipulation', in *Journal of Democracy* 13 (2), pp. 37-50.

Shapiro Ian (2003; 2006) 'Reconsidering the State of Democratic Theory' in Ian Shapiro (ed.) *The State of Democratic Theory* (Princeton and Oxford: Princeton University Press).

Simba Sallie Kayunga (2007) 'Electoral Processes in Uganda: From Individual Merit to Multiparty Democracy', in Joe Oloka-Onyango and Nansozi K. Muwanga (eds.) *Africa's New Governance Models: Debating Form and Substance* (Kampala: Fountain Publishers).

Ssemogerere Paul K. (2011) *Reality Check: Political Party Financing in Uganda* (Kampala: Konrad Adenauer Stiftung).

Tripp Aili Mari (2010) *Museveni's Uganda: Paradoxes of Power in a Hybrid Regime* (Lynne Rienner Publishers, Inc.).

USAID (2007) A Directory of the Eighth Parliament of Uganda, 2006-2011 (Kampala: The Parliament of Uganda).

Telemcani Rachid (2005) 'Reflections on the Question of Political Transition in Africa: the Police State', in Tukumbi Lumumba-Kasongo (ed.) Liberal Democracy and Its Critics in Africa: Political Dysfunction and the Struggle for Social Progress (Dakar: CODESRIA), pp. 26-45.

Wolinetz B. Steven (1988): 'Introduction: Party Systems and How they Change' in B. Steven Wolinetz (ed.) Parties and Party Systems in Liberal Democracies (Routledge).

Wrong Michela (2009) It is Our Turn to Eat: The Story of a Kenyan Whistleblower (London: Fourth Estate).

b) Government Publications

Republic of Uganda (2008) Statement in Reply to the State of the Nation Address Delivered by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, at the Opening of the Third Session of the 8th Parliament of Uganda, on 5th June 2008 (Kampala: The Parliament of the Republic of Uganda), 26th June.

Republic of Uganda (2007) Induction of Local Government Councils: Participants Handbook (Kampala: Ministry of Local Government), September.

Republic of Uganda (2006) Constitution of the Republic of Uganda (Kampala: Uganda Law Reform Commission), 15th February.

Ssali Jaberu Bidandi (1993) 'Ministerial Statement to the NRC on Decentralisation of Local Government on 31st March 1993', in Republic of Uganda (undated) Decentralisation in Uganda: The Policy and Its Philosophy (Kampala: Decentralisation Secretariat), Book No. 1.

Republic of Uganda (1997) The Local Governments Act, 1997 (Entebbe: Uganda Printers and Publishers Corporation), 24th March.

Uganda Parliament (2002) Select Committee Report for the Parliamentary Committee on Election Violence (Kampala: Parliament of Uganda).

c) Magazines and Newspaper Articles

Among Barbara (2008) 'Opposition to Discuss Multiparty Politics', in New Vision, Wednesday, June.

Atuhaire Agather (2011) 'NRM's Rebels: Might they be the Key to a New Reform Politics?', Independent, Issue No. 186, October 28-Nov 3, pp. 10-12.

Gyezayo Emmanuel and Nalugo Mercy (2011) 'Museveni Vows to Purge NRM of Dissenting Voices', in Daily Monitor, Tuesday, October 18.

Mugerwa Francis (2008) 'Otafiire Should Understand People's Power', in Sunday Monitor July 6th.

Mulondo Moses (2008) 'Opposition Delegation Tours Sweden', in Sunday Vision July 13th.

Sekanjako Henry (2011) 'NRM Caucus Can't Change Decisions of Parliament, Says Kadaga', New Vision, 25th October.

Nalugo Mercy (2011) 'Kadaga: NRM Can't Block Oil Resolutions', Daily Monitor, Tuesday, 25th October.

New Vision (2008) 'Ssekandi Irks Professor Latigo', Friday, June 20th.

Oketch Martin Luther (2011) 'Emulate Botswana Mineral Success, Oxford Don Tells Government on Oil', in Sunday Monitor, 30th October.

Oluka Benon Herbert (2011) 'NRM Push to Vhange House Resolutions Brings Back Memories of 1966 Crisis', Daily Monitor, Tuesday, 25th October.

Tebajjukira Madinah and Mulondo Moses (2008) 'UPC Raps FDC over Odit Sacking' in New Vision, Thursday, September 18th, p. 3.

Tumugarukire Musirika Sam (2008) 'Akaki is Right about Sham 2001 Elections', in Sunday Monitor, July 6th.

d) Internet Sources

Aidan Stonehouse (2011) 'The Weight of History: Ethnic Identity and Colonial Rule in Uganda', 18th October, in <http://thinkafricapress.com/uganda/identity-teso-acholi-lango>

ACE Electoral Knowledge Network in <http://aceproject.org/main/english/ei/eie09.htm>

Forum for Democratic Change (2008) 'Besigye, Obote, CP Seal Coalition Deal', http://www.fdcuganda.org/index.php?option=com_content&task=view&id=430&Itemid=5.

Mbatia Paul, Bikuru Kennedy and Nderitu Peter (2009) 'The Challenges of Ethnicity, Multiparty democracy and State Building in Multiethnic States in Africa', 17th October, in <http://thefutureofafrica.wordpress.com/2009/10/17/the-challenges-of-ethnicity>

Mwenda Andrew M. (2011) 'Uganda: Inside Museveni's Campaign Money', in <http://allafrica.com/stories/201012230537.html>

Wikipedia, the free encyclopedia

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