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Deepening Democracy through Multipartyism: The Bumpy Road to Uganda's 2011 Elections

Sabiti Makara

Abstract: The 2011 elections will be one of the several elections (and the second-ever multiparty election) organized by the National Resistance Movement (NRM) since it captured power in 1986. Despite the regular elections since the 1990s, the quality and outcomes of these elections have remained subjects of debate. Democracy has remained elusive in Uganda despite the re-introduction of multiparty politics. Incumbency advantages, manipulation and unconstitutional use of state resources and apparatuses, and removal of the constitutional term limits on the presidency have combined to hamper effective growth of multiparty politics and democracy in the country. The question is: Does electioneering necessarily produce democratic governance or does it simply create the conditions and norms necessary for institutionalization of democratic rule? In particular, does the existence of multiparty politics necessarily deepen democratic governance? This paper stresses that despite the return of multiparty politics in Uganda, neither has democracy been consolidated nor have elections acted as effective instruments for advancing democratization in the country.

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While regular, free, transparent and fair elections are generally considered one of the key benchmarks of a democratic state (Matlosa, Khadiagala and Shale 2010), it is noted that in the case of most African countries that have held elections of one form or the other, a serious commitment to ensuring that their outcomes are credible and legitimate is still lacking. Uganda is one such African country with mixed results. On one hand, it has emerged out of chaos and state failure; on the other, it has moved sluggishly on the road to consolidation of democracy, for even after allowing multipartyism, the elements of authoritarianism still linger.

Like many African countries, Uganda's immediate post-independence regime was a vibrant multiparty system, which unfortunately collapsed into a one-party state under Milton Obote in 1967 (Mazrui 1967, 1974, Satyarmurthy 1975, Mujaju 1976, Uzoigwe 1983). To make matters worse, Idi Amin's military coup in 1971 subjected Ugandans to nine years of brutal dictatorship (1971–79) that was sustained by military governors in almost all state positions. Under Amin's regime, the order of the day was suppression of free political expression, brutal murder of suspected political opponents and instilling fear amongst the population. People's rights were abused with impunity.

The controversial 1980 elections, organized on a multiparty basis, failed to produce a clear winner, sparking another wave of instability and civil strife. Between 1981 and 1986, the country suffered a guerrilla war fought by the National Resistance Army (NRA), spearheaded by Yoweri Museveni. The guerrilla war contributed to the failure of Obote's second Uganda People's Congress (UPC) government to return the country to normalcy. The capture of state power by the National Resistance Army/Movement (NRA/NRM) in 1986 ushered in the "no-party system" or "Movement" regime, which claimed "restoration of democracy" as point number one in its Ten-Point Programme. The Ten-Point Programme, however, emphasized "participatory democracy" based on "individual merit" in elections and "non-partisan politics". The NRM government used this excuse to suspend the activities of political parties (Mamdani 1988). Indeed, elections held in 1989, 1996 and 2001 (Kasfir 1992, 1998, Makara et al. 1996, 2003, Apter 1995) under the Movement system were organized following the concept of "individual merit". The 1995 Constitution (Article 269) provided that candidates for all elections were prohibited from seeking sponsorship of a political party, opening branches, displaying party colours, or in any way attempting to use the facilities and slogans of a political party. In other words, the legal framework under the NRM has tended to undermine the work and growth of political parties. The NRM, for its part, used the suspension of activities of political parties to entrench itself politically and to undermine

the existing parties. Moreover, the constitution required that the change of the political system necessitated a referendum (Barya 2000, Bratton and Lambright 2001, Onyango-Odongo 2000). Referenda on political systems took place in 2000 and 2005. That of 2000 re-affirmed the Movement system, while the one in 2005 changed the system to multipartyism.

The Strategic Re-Introduction of Multiparty Politics

The limitation on political pluralism in Uganda ended with the 2005 referendum. In that year, the Political Parties and Organizations Act (PPOA) effectively legalized the existence of political parties and freed their activities. In effect, parties became free to organize their delegates' conferences, hold party primaries, open branches, solicit funding and devise programme and party manifestos.

Re-introduction of multiparty politics was precipitated by both internal and external considerations. In 2001 it became apparent that the popularity of the Movement and its leader Yoweri Museveni was declining. His popularity rating was 76 per cent in 1996, 69 per cent in 2001 and 59 per cent in the 2006 elections. There was also domestic and international pressure (especially from the donors) demanding that the NRM initiate political reforms geared towards opening political space. Within the NRM itself, there was internal discussion about the weaknesses of their political organization. For example, it was noted by political observers that the Movement system was a perverted version of one-partyism and was out of touch with the realities of the democratizing world (Makara, Rakner and Svasand 2009). Strategically, the Movement officials and their supporters perceived the opening of the political space as a strategic calculation that would give the NRM a new lease on their life in power.

Bribery and suspension of secret voting in parliament were used to ensure that term limits for presidents were removed. It was not accidental that the opening of the political space coincided with the termination of presidential two-term limits, which in effect gave Museveni indefinite eligibility to stand for the presidency. The act of scrapping presidential term limits posed a major challenge to democratization. In Africa, where incumbent advantages and patronage politics are unlimited, term limits on incumbents is one sure way of facilitating the growth of democracy. But wherever this provision has been removed, the opposition has had a hard time effectively challenging the incumbent for national leadership.

Political Bottlenecks to Multiparty Democracy in Uganda

State institutions have shown a lot of bias against opposition parties. Opposition parties have withstood harassment and violence unleashed on their leaders and supporters by the state. In the run up to the 2006 elections, Besigye, the leader of the Forum for Democratic Change (FDC), the main opposition party, was charged with treason in both civil and the military courts and with rape in civil court. His nomination as a candidate was delayed by the legal fiat. Aside from that, he lost a lot of time to campaign due to his required court appearances. Since 2006, the police force has intensified their campaign of harassment, targeting assemblies organized by the opposition parties. Though the opposition activists have challenged this in courts of law, where the judges have ruled that the right to assemble is god-given and not up to the state (Makara 2009), the police have insisted that any public assembly involving 25 or more people requires the permission of the inspector general of police.

A Biased State Service

The NRM has frequently used the state apparatus to frustrate the activities of the opposition political parties. The police and other security agencies have been staffed by mainly military personnel, who seem to perceive themselves not as servants of the state but rather as agents of the ruling party and its leadership. It is a clear fact that since 2000, the government has appointed the inspector general of police from within the top ranks of the army. Thus in dealing with the opposition parties, they sometimes exceed their official limitations. A good example of this boundary-crossing is when a paramilitary group called the *Black Mambas* blocked Besigye from being released on bail granted by a court, in the midst of the 2006 presidential election campaigns. In another example, a different paramilitary group allied to the Uganda police known as *Kiboko Squad* ruthlessly dispersed demonstrators during the protests against a government decision to sell the natural forest of Mabira to a sugar-growing company.

The same rag-tag group has been harassing opposition leaders at their rallies as the police stand by. Both the army (UPDF, Uganda People's Defence Force) and the police are decidedly pro-NRM. The army commander said that the UPDF will not allow "bad people" to take over for the NRM (*The Monitor*, 1 September 2005). More recently, the army commander said that if the opposition uses violence or protests, the army will intervene (*The New Vision*, 16 June 2010). Opposition rallies have routinely been blocked

and demonstrations violently dispersed. The increasingly common excuse for prohibiting lawful assemblies is that they disrupt business in the city centre of Kampala. This justification cannot withstand considering that pro-NRM assemblies are never dispersed. The police dispersed a Democratic Party rally at Mpigi on 26 January 2007, when there was no business to disrupt because it was a public holiday. On 18 November 2006, police used tear gas to disperse FDC party leader Kiiza Besigye and his supporters, who had gathered at Constitutional Square in Kampala where the FDC was supposed to launch a sale of its party membership cards (*Sunday Vision*, 19 November 2006). There was also the controversial arrest of Hon. Nabilah Naggayi, the woman MP for the Kampala District and member of the opposition FDC, who was on a routine tour of her constituency. On 10 June 2008 Naggayi was educating vendors in Owino Market on how to use a suggestion box as a means to get their views to reach her so that she could articulate them in parliament. The police violently arrested her for holding an “illegal assembly” (*The New Vision*, 19 June 2008). The question then becomes: If a legislator is not free to hold assemblies in her/his own constituency, what else is she/he supposed to do?

Since 2006 the ruling party has dominated the parliament with most of the legislators subscribing to it. The NRM was able to secure not only most of the directly elected seats in parliament but also the majority of seats reserved for the army, people with disabilities, and the representatives of workers, women, and youth. For the reserved seats, the opposition parties have been unable to make any serious gains. For example, it is particularly difficult for the opposition parties to campaign in the army barracks. These constituencies are reminded that it is the NRM which “gave them the privilege to be represented” in parliament, hence their support for the NRM. It is also known that the NRM employs financial, security, and other resources to manipulate elections of special groups. There are also the controversial ten seats reserved for the UPDF. The army MPs are supposedly non-partisan. The reality, however, is that they are not allowed to criticize or contest the position of government. Reference is usually made to the famous Brigadier Tumukunde case, the former director general of the Internal Security Organization (ISO), an army MP who criticized the government on a radio show. Tumukunde was removed from parliament just for doing that. He challenged his removal in Constitutional Petition 6/2005. The court, however, ruled against the petitioner, arguing that while the army personnel in parliament enjoyed fundamental rights as enshrined in the Constitution, army personnel cannot expect legal protection if they criticize the government, even as MPs. The judges observed in this case that some questions are too political for the courts. Observers have therefore concluded that the ten

seats reserved for the army are under the “president’s control” (Gloppen, Kasimbazi and Kibandama 2008: 61). The reserved seats are generally in the political hands of the NRM. This obviously gives the ruling party an edge over the other parties. The Constitution also allows the president to nominate ministers who are not members of parliament. By virtue of being ministers, they become ex-official members of parliament. There are currently 13 ex-official MPs in parliament and, by implication, they boost the number of NRM members.

Party-Funding in the Age of Corruption

In Uganda, people have historically perceived ruling parties to have corrupt tendencies. For example, there were allegations made by the parliament against Prime Minister Milton Obote that he used government soldiers to illegally acquire gold from the Congo. This precipitated the 1966 political crisis (Mujaju 1987). Under the NRM government, prominent personalities in the ruling party have been accused of corruption. The irony of it all is that they are rarely reprimanded or punished. Corruption is tolerated in Uganda. One prominent example is when the president authorized the Bank of Uganda to give an unsecured loan of 11 million USD to a local businessman, who happened to be the head of the business league in Museveni’s ruling party (Kiiza 2008). This public money has never been paid back. It could be one of those avenues used to fund the campaigns of the ruling party. Recently, a law was passed that required the government to fund all political parties. However, no funds were included in the budget for that purpose. In 2008 the NRM’s secretary general was accused of selling land to the National Social Security Fund corruptly at an inflated price of 11 billion UGX (5.5 million USD). While MPs from all sides of parliament generally condemned the act, the president whipped the members of his party into forgiving him.

The NRM machinery has been working hard to weaken the opposition parliament. It is believed that the NRM has even been funding certain individuals to undermine their own parties. The biggest casualty of such machinations is the main opposition party, the FDC. In the course of 2008 and 2009, the FDC lost the loyalty of three of its members in parliament. It was suspected that the NRM used its influence to dish out favours to them. The situation for opposition parties is made worse by the lack of funds to open up party branches and sustain mobilization of the population.

Opposition Faced with Unfair Competition

Currently, parties face serious challenges in opening grounds for recruitment of support. Such challenges include

- the difficulties involved in penetrating the Local Council (LC) structure, which is largely tilted in favour of the NRM. The government has increased the number of districts from 56 in 2005 to 112 at the time of writing. LCs are noted as a key vehicle for the NRM's mobilization strategy. The NRM has made it mandatory for all LC officials to attend its political school, where they are politicized in the NRM ideology. Recently, the NRM government authorized the Local Government Ministry to pay allowances to all chairpersons of LCs. This payment is likely to further estrange LCs from the opposition parties;
- the fact that the military establishment is almost exclusively loyal to Museveni as a person. Observers doubt that the army would allow any person other than Museveni to take power, even if he/she won an election;
- the fact that the police force is decidedly pro-NRM and anti-parties;
- the large percentage of the population that is poor and illiterate, hence politically vulnerable to manipulation, especially by government agents, who, apart from employing intimidation tactics, also use money to induce support for the NRM; and
- a hostile anti-party political atmosphere created by the government that makes the population suspicious of the motives of political parties.

Citizens' Engagement in Politics is Hampered by Efforts to Control the Public Debate

There are avenues for citizens' engagement in politics. There are over 100 FM radio stations, seven television stations, several newspapers and newsletters, five mobile telephone networks, and several Internet providers. These avenues, especially the radio, have increased the tempo of engagement of the citizens in public debate on almost all subjects of public concern. The government, however, has at times unleashed its intolerance, arresting and charging journalists with various crimes and violations (Human Rights Watch 2006). It has also made it difficult for opposition leaders to talk on rural-based FM radio stations. Most of these radio stations are owned by NRM politicians. Besides, the NRM as a party enjoys unlimited

usage of the state media (which is supposed to be politically impartial) to advance its view points. The state owns the *New Vision* newspaper and its sister newspapers *Lupiny*, *Etop*, *Bukedde*, and *Orumuri* that are used to propagate NRM ideology. More recently, the *New Vision* has made it an editorial policy to cover Museveni's campaign and to place his campaign pictures on its front page. Some of the media outlets considered unfavourable to the ruling party have been victimized. For example, the Central Broadcasting Service (CBS), owned by the Buganda kingdom, was suspended for two years. It opened in September 2010 when popular demand in the Buganda region threatened to not vote Museveni in 2011. In addition, most civil society organizations have to tread carefully when dealing with the state because they need to renew their registrations annually, and the state has the power to deny these renewals for "security" or other reasons. Most civil society organizations shun opposition parties, and claim themselves to be non-partisan (Dicklitch and Lwanga 2003).

Uganda's Guided Democracy is Expensive

The cost of keeping elite support has increased political patronage (Tangri and Mwenda 2001, 2006). This has been costly to the taxpayers. The NRM maintains a cabinet of 72 ministers, over 100 paid presidential advisers, 112 resident district administrators and their assistants, and over 112 district chairpersons. The expansion of districts from 56 in 2005 to 112 at the time of writing has increased patron-client politics that bolster the NRM. In effect, the state pays the bills for the NRM "campaigners".

The law under which parties operate is the PPOA of 2005. The act requires every group wishing to operate as a political party to register with the Electoral Commission. In order to register, political groups must fulfil simple conditions. These include having a constitution and formal organization; providing an application to register that has been signed by 50 registered voters; possessing support from two-thirds of Uganda's districts; and providing a list of party officials, a party programme, and a party symbol. The PPOA requires that parties be internally democratic. The law also calls for the state to fund political parties, although the bill to effect this provision is still before the parliament. Parties are supposed to disclose their financial sources and submit their financial accounts to the Electoral Commission within six months of registration. The disclosure provisions have been flouted by most of the parties, including the ruling NRM. In the aftermath of the 2006 elections, the NRM officials argued that they would not disclose their sponsors because they are supposed to remain anonymous; other parties then made the same argument in support of their own non-disclosures.

This is partly due to the entrenched culture of lack of transparency in most public organizations in the country.

A Contested Electoral Commission

The performance of a multiparty system of governance is enhanced by a belief amongst stakeholders that there are fair electoral laws and institutions that can ensure free and fair elections. In Uganda, parties have been revived despite the existence of an intransigent Electoral Commission (EC), which has been accused by the opposition groups as being skewed in favour of the NRM. Such a view was given credence by the Supreme Court in the aftermath of the 2001 and 2006 elections when it ruled on both occasions that the Electoral Commission failed to administer free and fair elections. In May 2009, opposition parties presented a list of political and electoral reforms that they believed would strengthen democratic governance. However, President Museveni categorically stated he would not effect any reforms. In August 2009, he re-appointed the same Electoral Commission team presided over by Badru Kigundu amidst protests by opposition supporters. For his part, Secretary General of the NRM Amama Mbabazi praised the re-appointed EC, saying that in the past it had done an “excellent job”. The FDC’s Besigye countered by saying that the current EC has no legitimacy to preside over any election in the country (*New Vision*, 26 August 2009: 5). He has asserted that every election the EC has presided over has been marred by rigging, violence, and other irregularities (*New Vision*, *ibid.*). The government’s reluctance to correct the errors pointed out by courts of law and its appointing of a discredited EC means that the parties will face a difficult task in preparing for the next elections in 2011. The NRM government has also sent a negative message to the voters and to the world to the extent that even if the EC performs its best, there will always be an accusation that they are not impartial and, therefore, not credible.

The Inter-Party Cooperation (IPC): Weak, but not Negligible

IPC partners modelled their coming together on the Kenyan opposition’s “rainbow coalition” that successfully ousted the long-reigning and authoritarian KANU party. The Ugandan parties that initially constituted the IPC were the Forum for Democratic Change (FDC), the Uganda Peoples Congress (UPC), the Justice Forum (JEEMA), and the Conservative Party (CP), but those were later joined by the Social Democratic Party (SDP). Another booster was Suubi, a Buganda pressure group led by Joseph Mulwanyamuli,

former Prime Minister of the Buganda kingdom. In the run up to the beginning of the campaigns, however, the UPC pulled out of the IPC, citing the overbearing dominance of the FDC. This weakened the IPC to a certain extent, and it found itself hardly in a position to play the coalition role the rainbow coalition had played in Kenya. Despite its weak position, it has been able to formulate some strategies:

- a) The IPC came up with a detailed programme for reform, including electoral reforms, which are needed to deepen democracy in the country. This was presented to parliament in May 2009. The EC agrees with some of the reforms demanded by the opposition parties, but the government is not keen on the reforms. The IPC demanded that the Electoral Commission be re-instituted to reflect the multiparty spirit and politics. This motion was defeated in Parliament.
- b) Ideologically, IPC partners have the common value of good governance – for example, they are uncomfortable with the cost of public administration. The IPC is also committed to zero tolerance for corruption.
- c) The IPC is committed to peaceful resolution of conflicts.
- d) The IPC is working closely with some human rights organizations to promote the rule of law, democratization, and equity in Uganda.
- e) The IPC has put in place a joint political-campaign strategy.

If it were not so internally divided, the IPC would pose a formidable challenge to the NRM in elections. The first rift occurred when the UPC accused the IPC of taking decisions without consulting all parties. The second problem has been a lack of coordination in leadership. For example, *two* people from the IPC – Erias Lukwago and Michael Mabike – have been nominated for the Kampala city mayoral seat, reducing their chances of defeating the NRM candidate. Third, there is growing mistrust amongst the partners in the IPC, with different officials issuing contradictory statements. Fourth, the IPC is weak because each partner has kept its own distinct identity and has remained the sole loyalty of its supporters. Fifth, it has not sufficiently captured the women's constituency.

NRM Primaries: Creating Internal Rifts

In an attempt to show some semblance of internal democracy, the ruling party organized primaries for its leaders throughout the country in August 2010. This, however, turned out to be a fiasco. The primaries were haphazardly undertaken, lacking basic logistics, trained personnel, transparency, and proper procedure. The results were widely contested by various party candidates. The losers felt they failed because the party elections were skewed

against them. As a result, several NRM supporters have decided to stand as independents, including five ministers in the forthcoming elections. Although this showed internal weakness in the ruling party, the opposition parties did not strategize to reap the benefits of that confusion. It is not surprising that the opposition has failed to slot candidates in several districts for position of district chairperson.

Conclusion

The 2011 elections will be a microcosm of the nature of the state of politics in Uganda and the country's reluctance to promote and deepen multiparty democracy, even after opening the political space in 2005. State institutions are skewed to the wishes of the ruling party and sometimes act as if they were extensions of the ruling party. The Electoral Commission is widely perceived to be a partial organization. The question that has been consistently raised by the opposition parties is: How can a partial electoral commission produce impartial results?

This should also be taken against the background of the fact that whereas the ruling NRM reluctantly agreed to re-introduce multiparty politics, it has not been willing to allow the proper functioning of a competitive party system. Electoral reforms proposed by the opposition parties have been pushed aside. The police have intensified their harassment of opposition supporters. Whether or not the second elections in the 25 years of NRM rule will lead to a deepening of democracy or will end up becoming yet another "fallacy of electoralism" remains to be seen.

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Vertiefung der Demokratie durch Parteienpluralismus: Der steinige Weg zu den Wahlen in Uganda 2011

Zusammenfassung: Wie schon mehrfach zuvor werden auch die Wahlen 2011 in Uganda vom regierenden National Resistance Movement (NRM) organisiert werden, das im Jahr 1986 die Macht übernommen hat; es werden die zweiten Mehrparteienwahlen sein, die es in Uganda überhaupt gab. Auch wenn seit den 1990er Jahren regulär Wahlen durchgeführt worden sind, waren doch Ablauf und Ergebnisse dieser Wahlen Gegenstand von Diskussionen. Trotz der Wiedereinführung eines Mehrparteiensystems bleibt die Demokratie in Uganda ein schwer zu fassendes Phänomen. Infolge der Nutzung von Amtsvorteilen, Manipulationen, nichtverfassungsgemäßem Einsatz staatlicher Ressourcen und Einrichtungen sowie der Abschaffung der in der Verfassung vorgesehenen Begrenzung der Amtszeit des Präsidenten konnten sich Demokratie und Mehrparteiensystem im Land nicht entwickeln. Damit steht in Frage, ob Wahlen notwendigerweise zu demokratischem Regieren führen oder ob sie nicht zunächst einmal nur Bedingungen und Normen schaffen, die Voraussetzung für eine Institutionalisierung demokratischer Regierung sind, und insbesondere steht in Frage, ob die Existenz eines Mehrparteiensystems notwendigerweise zur Vertiefung demokratischer Regierungsführung beiträgt. Der Autor stellt fest, dass trotz der Wiedereinführung eines Mehrparteiensystems in Uganda eine Konsolidierung der Demokratie nicht zu beobachten ist und dass die Wahlen sich bisher nicht als effektive Instrumente zur Förderung der Demokratisierung erwiesen haben.

Schlagwörter: Uganda, Politisches System, Wahl/Abstimmung, Demokratie