

The Challenge of Building Strong Political Parties for Democratic Governance in Uganda: Does multiparty politics have a future?

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Introduction

The purpose of this paper is to locate the function of political parties in democratic governance. It examines the problems encountered by political parties in the process of building and sustaining competitive political systems. It looks back at the conditions that have led to a resurgence of multiparty democracy in the last two decades and highlights the Ugandan case as a country that has emerged from a failed state to monopoly politics and to back to multipartyism. It points out that Uganda has not had a history of successful multiparty democracy. . Political parties have had very limited opportunity to contribute positively to the process of democratic governance in the country. This explains why parties remain weak. They lack institutional support, an enabling political will and financial resources to facilitate their role in the transition to effective democratic politics. It is an attempt to answer the question: with the dominant party determined to

retain power at all costs, can parties have a chance of influencing the course of democratisation in the country? To achieve this objective, the paper is divided in three parts. Part one reviews the literature and theoretical arguments regarding the functionality of political parties. Part two deals with the problems of democratisation Part three puts forward suggestions for making political parties more effective vehicles of democratic governance.

Background to post-colonial politics in Uganda

Political parties are vital political institutions for the functioning of a modern democracy. They are essential for the organization of the modern democratic polity and are crucial for the expression and manifestation for political pluralism. Political parties are presumed to be central to the democratization of any state. Defined as an organization whose prime objective is to mobilize its supporters to assume a leadership role, a political party of any significance is viewed or views itself in terms of providing alternative policy platforms, ideological direction, as well as redefining the agenda of government.

In the Ugandan context, the *Political Parties and Organizations Act (2005)* defines a political party as “*a political organization the objects of which include the influencing of the political process or sponsoring a political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level*”. In a liberal democracy, political parties perform the function of integrating individuals and groups in society into the political system.

Generally, political parties in Africa played a key role in the nationalist struggles against colonial rule. On attaining independence however, most of the ruling parties of the day either outlawed opposition parties, criminalized their activities or their contribution to national debate/policy were belittled and disparaged. After independence, most African rulers proclaimed one-party states Whether undermined by the civilian or the military, the consequences of diminishing the role of political parties in building democratic states and societies were disastrous. Dictatorship, authoritarianism, cronyism,

corruption and economic collapse became rampant, leading to the ubiquity of collapsed or failed states in Africa. Despite the fact that competitive multiparty regimes governed well immediately after independence, this gain was short-lived as selfish post-colonial leaders abandoned the ethos of democratic pluralism. As some scholars have pointed out, most of the post colonial leaders in Africa chose to rule in a style similar to that of the colonial rulers by relegating the majority of the people and isolating the opposition groups. These tendencies sowed the seeds of authoritarian rule in Africa.¹

Uganda was particularly affected by the postcolonial leadership that pursued zero sum politics. The country suffered the intolerance of one-partyism in the 1960s, the notorious and murderous military regime of Idi Amin in the 1970s as well as the unstable and strife-ridden government of the second Obote government in the 1980s. Since 1986 the National Resistance Movement (NRM) government has helped in rebuilding a semblance of democratic rule. Even then, there has been a deliberate campaign by some pro-government activists to castigate parties as devilish. Not only did the NRM blame parties for whatever went wrong in the country in the past, it also portrayed them as factionalist, divisive, and narrow based. This was in addition to the claim by the NRM that it was an alternative system to the party systems.² In retrospect, the foundation for multiparty democracy that was laid at the time of independence has been dismantled. Whereas the liberal tradition perceives democracy as the right of the people to organise and choose their government through an institutionalized multiparty system,³ in Uganda, this is still viewed with suspicion by the political elite. Thus, for most of the post of the colonial period, parties

1. Goran Hyden (1983), *No Shortcuts to Progress: African Development Management in Perspective*, Los Angeles: University of California Press, p.44.

2. See Article 70 of *The Constitution of Uganda 1995*.

3. Adebayo Adedeji (2007), "Democracy and Development: A complex Relationship" in Khabele Matlosa, Jorgen Eklit & Bertha Chiroro, *Challenges of Conflict, Democracy and Development in Africa*, Johannesburg: EISA, p.19.

were either banned or their activities disallowed by the governments of the day.

In Uganda, the malaise of authoritarian rule and economic mismanagement was most felt during Idi Amin's regime (1971–1979). Some scholars have lamented this period in the following words:

“...perhaps of all sub Saharan countries-Uganda must take the dubious honour of being the country that experienced the widest range of misfortunes in the last two decades. During a regime of singular economic mismanagement and political repression, Amin reduced a once-prosperous country to one of the poorest in the world.”⁴

Indeed during the 1970s and the first half of the 1980s, life was short and brutal. Idi Amin's nine year rule left a mark of terror on Uganda's history. His was a state of blood.⁵

Idi Amin's ascendance to power was a result of mistakes made by his predecessor, Milton Obote. The first post-colonial government of Milton Obote had weakened the opposition and scrapped the democratic constitution of 1962 replacing it with a hastily drafted constitution of 1966⁶. This resulted in stifling opposition groups, abolition of kingdoms and gravitation towards one-partyism. The post-Amin period can be characterised as a period of instability. Not only was the Uganda People's Congress (UPC) government accused of rigging the 1980 elections, there was insurgency in most parts of the

⁴ Vali Jamal and John Weeks (1993), *Africa Misunderstood: Or Whatever Happened to the Rural-Urban Gap*. Geneva: ILO.

⁵ See Henry Kyemba (1997), *State of Blood: An Inside Story of Idi Amin*, Kampala: Fountain Publishers.

⁶ Samwiri R. Karugire (1980), *A Political History of Uganda*, pp.57-58; Phares Mutibwa (1982), *Uganda Since Independence: A story of Unfulfilled Hopes*, London: Hurst & Co; Dan Mudoola (1996), *Religion, Ethnicity and Politics in Uganda*, Kampala: Fountain Publishers.

country and the economy was faring poorly.⁷ In short, Uganda's post-colonial history has essentially lacked democratic governance. The environment necessary for building a culture of multiparty politics has not been conducive.

The purpose of this paper is to underscore the importance of democracy, the role of political parties in the growth and sustainability of democracy and the need to facilitate political organisations and groups to cultivate democracy in society. In particular, we focus on the modalities of financing political parties to play their democratic role. We address the question of whether public financing of political parties enhances their capacity to play a more meaningful role in deepening democracy in the Ugandan society.

Conceptualization of political parties

The contribution of political parties to the growth and practice of democracy has been a contested phenomenon, right from the time of Athenian democracy to the time of American independence. In the ancient Greek democracy, political parties had no role. In the American constitutional democracy the debate was whether parties should be allowed or not allowed. The dominant view was anti-parties as summed up by the words of President George Washington here below:

Let me now ...warn you in the most solemn manner against the baneful effects of the spirit of party generally.....It serves always to distract public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms;

⁷ See F.W. Bwengye (1985) *The Agony of Uganda: From Amin to Obote*, London: Regency Press); Keith Edmonds (1988), "Crisis Management: Lessons for Africa from Obote's second term" in Holger Hansen & M. Twaddle, *Uganda Now*, London: James Currey; Paul Collier & Pradhan (1998), *Economic Aspects of the Transition from Civil War*" in Holger Hansen & M. Twaddle, *Changing Uganda*, London: James Currey.

[it] kindles the animosity of one part against another...⁸

Of the new democracies, America is unique in two aspects, first its early struggles for democratic governance and indeed its first constitutional governments were not based on party systems. This explains why parties are not part of the American constitution. On the other hand, it boasts of one of the oldest surviving multiparty systems of government. The question to pause is why were the founding fathers of the American democracy sceptical about the utility of political parties in a democracy? George Washington and others believed that parties were enemies of democracy as they divided people along unprincipled and selfish interests which could have injured the unity of their young nation. In spite of such perspectives, political parties emerged naturally in the United States.⁹ Some of the modern writers on political parties have argued that political parties promote an oligarchy instead of popular democracy. Robert Michels is noted for his so-called iron law of oligarchy:

“[A party] ...is an organisation which gives birth to the domination of the elected over the electors, of the mandataries over the mandators, of the delegates over the delegators. Who says organisation says oligarchy.”¹⁰

Michels based his sociological argument on the idea that organised minorities tend to dominate unorganised majorities. That is why large crowds are usually unable to make effective decisions.¹¹

⁸ Quoted in Allen Schick & Adrienne Pfister (1975), *American Government: Continuity and Change*, New York: Houghton Mifflin, p.69.

⁹ *Ibid*, Schick & Pfister, pp. 68–79. Parties in the US grew out of the debate between federalists and anti- federalists.

¹⁰ Robert Michels (1962), *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, New York: Free Press, p.15.

¹¹ *Ibid*, pp.64–65.

More recent writers on political parties believe that parties are inevitable for a democracy to work.¹² Apter conceives political parties as instruments of modernisation in developing polities. He argues that “*the political party is such a critical force for modernisation in all contemporary societies that the particular pattern of modernisation adopted by each is quite often determined by its parties.*”¹³ Apter stresses further that the genesis of political parties is difficult to disentangle from the evolution of societies and states. Parties therefore depend upon the degree of modernisation in society for their pluralism and diversity. In a similar argument along the modernisation continuum, Huntington sees political parties as modicums of political assimilation, consciousness and participation produced by the process of modernisation. To him, political parties produce a stable balance between participation and institutionalisation of modern politics.¹⁴ In this regard, parties are seen as important for organising the modern structures of power, encouraging participation, minimising a likelihood of political instability and enhancing proper governance of a modern state. Huntington’s thesis is that a society which “*develops reasonably well organised political parties while the level of political participation is still relatively low....is likely to have a less destabilising expansion of political participation than a society where parties are organised later in the process of modernisation.*”¹⁵ This raises the all important question of citizen participation. Almond and Verba make a very interesting distinction between citizen and subject. While a citizen is perceived in terms of his civic roles that is, in terms of his effective participation in governance as well as questioning certain policies, a subject does not participate in making rules nor does s/he seek to influence policy

¹² Samuel Huntington, (1968), *Political Order in Changing Societies*, Yale University Press.; David Apter (1967), *The Politics of Modernisation*, University of Chicago Press; Gabriel. A. Almond & Sidney Verba (1963), *The Civic Culture*, Princeton University Press.

¹³ David Apter, *Ibid*, p. 179.

¹⁴ Samuel Huntington, *op cit*, p. 397.

¹⁵ *Ibid*, Huntington, p. 398.

outcomes.¹⁶ In other words, the level of civic responsibility possessed by a citizen assumes that s/he is free to participate in any organisation that makes it possible for him or her to influence government processes. Therefore, political parties play a significant role in interest articulation as well as interest aggregation, hence influencing the policy agenda of government. In less developed countries parties play an important role of national integration through the function of representation of various groups at national and sub-national levels.¹⁷ In the particular case of Sub-Saharan Africa, Coleman¹⁸ noted that parties were held together by the cement of fighting for self-government from the colonial rulers. The subsequent post-colonial years witnessed a rapid emergence of dominant parties. Thus while in other areas, parties played a strong integrative role, this was only successful in a handful of African countries. Possibly, the presumptive anti-party sentiments amongst the political elites in most African countries could be a result of this “false start”.

Whether the political elites like parties or not, by levying accusations against them such as promoting corruption, spurring conflict and causing instability; it appears that such vices do not override Duverger's assertion that “a regime without parties is of necessity a conservative regime”.¹⁹ Generally, parties are notable for mobilising and socialising the public for political purposes. They operate as vehicles for articulation and aggregation of diverse social interests in society; recruit political elites by nominating and selecting candidates for public offices, influence government agenda, policies,

¹⁶ Almond & Verba (1963), *The Civic Culture*, p.214. See also, M. Mamdani (1996), *Citizen and Subject*, Princeton University Press.

¹⁷ See Gabriel Almond & James Coleman (1960), *The Politics of the Developing Areas*, New Jersey: Princeton University Press, pp. 239–246.

¹⁸ See James Coleman (1960), “The Politics of Sub Saharan Africa” in Almond & Coleman, *ibid*.

¹⁹ Maurice Duverger (1954) *Political Parties*, New York: John Wiley, p.426.

and public actions; cause governments to act more transparently and accountable for their actions; and propose alternative policy agenda.

Political parties are important ingredients in building democracy. Parties are vehicles for strengthening the electoral systems and processes. They are the means for strengthening accountability institutions especially the parliament. They strengthen the partnership with civil society organizations. They mobilize disadvantaged groups such as women, the people with disabilities, and the youth to actively participate in public decision making. Parties have a continuous engagement with the government in all matters of public concern. Most importantly, they hold the government accountable for its policies and actions. Dominant regimes however will find means of suppressing political parties, claiming that the dominant party or no-party state has the means for mobilising the population for development purposes which opposition political parties would only be keen to subvert.²⁰ Huntington however dismisses this argument by arguing that the progress of modernisation increases the fragility of the no-party state and that the stability of the modern political system depends on the strength of its political parties because it is the parties which have institutionalised means of mobilising support, hence political stability.²¹ To this extent, the opponents of political parties acknowledge that they are essential for democratic governance. However, they rarely accept their idea of pluralistic competition for power. In Africa particularly, the dominant political forces take politics to be a job for life and are unwilling to allow other organisational forms that may question the status quo.

²⁰ Huntington, *op cit*, p.407.

²¹ *Ibid*, p.407.

The resurgence of democracy

While it is evident that democracy was under decline since the mid 1960s, there has been a realisation that democracy does not have a quick-fix alternative. Apter has vividly noted:

“In so far as there is widespread consensus that democracy is the best available political system, most comparative political enquiry shows a concern with democracy: how to realise it, sustain it, adapt and improve it and how to deal with threats to its survival both from within and without.”²²

For this purpose it is useful to capture a precise definition of democracy. “*Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives.*”²³

Democracy can be distinguished from other forms of government by the method through which the rulers access power, their institutionalised mechanisms of checks and balances and accountability. Non-democratic regimes are characterised by the restrictions they impose on participation. Democratisation in the world today may be captured in Huntington’s “third wave”. He attributes the timing and growth of the transition to democracy to five factors:

- The legitimacy crisis of the authoritarian regimes
- The strong economic growth of the 1960s
- The rise of church based opposition to authoritarian regimes
- The change of attitude among the super powers, and

²² David Apter (1996), “Comparative Politics, Old and New” in Robert E. Goodin & Hans-Dieter Klingemann (eds), *A New Handbook of Political Science*, Oxford University Press, p.373.

²³ See Philippe C.Schmitter & Terry Lynn Karl (1993), “What Democracy is ...and is not” in Larry Diamond & Marc F.Plattner, *The Global Resurgence of Democracy*, p.40.

- The emergence of model democracies and their “snowball effects”.²⁴

The world-over, the 1990s saw the resurgence of neo-liberal democracy, characterized by the collapse of former communist states, one-party states and quasi-military regimes ushering in multiparty politics. According to Bratton and van de Walle, by the mid-1990s a good number of single party or quasi military governments had embraced multipartyism.²⁵ These changes were accompanied by popular demand for good governance. Despite the resurgence of multipartyism, popular representation and political pluralism which came with activism and proliferation of civil society organizations; several African states including Uganda succeeded in dodging this “third wave” of democratization.²⁶ The move towards democratization in some African countries did not prevent the state from abusing power to deny the people of their liberties, human rights and freedoms. In particular, opposition politics was either circumscribed or brutally suppressed. While liberal scholars were busy celebrating the “*end of history*”²⁷ the undemocratic category of states in Africa entrenched repressive dominant state parties or ‘movements.’ Such movements initially tend to ride on populism but as this wanes, they narrow down to patronage, cliques and corruption.

²⁴ See Huntington S. (1993), “Democracy ‘s Third Wave” in Diamond L.& Plattner M., *The Global Resurgence of Democracy* p.4.

²⁵ Michael Bratton and van de Walle (1997), *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, Cambridge: Cambridge University Press. It is noted that by 1996, 29 of the sub-Saharan African countries had made a transition to multiparty politics.

²⁶ Sabiti Makara (2007), “Uganda’s 2006 Multiparty Elections: Consolidating Democracy and Peace?” *East African Journal of Peace and Human Rights*, Vol.13, No.1.

²⁷ Francis Fukuyama (1992), *The End of History and the Last Man*, London: Hamish Hamilton.

While there can be no doubt that modern democracies need political parties to make them work and that political parties are indispensable to any regime that claims some credentials of democratic governance; in emerging democracies, political parties are perceived as a threat to the power of the ruling elite. The predicament however is that such rulers find out that the state without parties has no institutional means of generating change and absorbing the impact that such a change can cause.²⁸ Parties are therefore perceived as vehicles for expression of citizens' preferences. In that regard, they serve the critical functions of democratic delegation and accountability. Delegation is important because the sovereignty of the citizens is delegated to political parties to articulate their preferences. This is because in a representative democracy, while the citizens are the governors and determinants of their destiny, they are not active governors and their actions are not homogenized except through organized groups such as political parties. This therefore requires that in building a democratic society, there is need for good citizens and good politicians. However, this may not always be the case. For that matter, benchmarks need to be built to ensure democratic accountability.

Democratic accountability is essential because political parties are not always trusted by the citizens. Politicians tend to be corrupt and to exhibit inappropriate and unethical behaviour. Sometimes, parties have preferences that are not consistent with those of the citizens. Hence they abrogate their responsibility of being representative and accountable to the citizen. Some parties tend to be dominated by personalities who at times become law unto themselves. In Africa this has translated into what is termed as "*strongman regimes*"²⁹ For these to

²⁸ Huntington (1968), *op cit*.

²⁹ Oloka-Onyango (2004), "New Breed" Leadership, Conflict and reconstruction in the Great Lakes Region of Africa: A Sociological Biography of Uganda's Yoweri Kaguta Museveni", *Africa Today* 50 (3); Tripp Aili Mari (2004) "The Changing Face of Authoritarianism in Africa; The Case of Uganda" *Africa Today* 50 (3).

survive in power, they tend to practice some forms of authoritarian rule. Part of their scheme is to undercut the viability of alternative power centres and to entrench systems of patronage.³⁰

Understanding why State political parties monopolise power

In Uganda, Obote advanced the view that for the sake of national unity, the fight against poverty, disease and ignorance, it was necessary to establish a one-party system instead of the factional and tribal groupings that characterised political parties. It was further argued by Obote that organised opposition to government was a “typical capitalist” notion yet they had “... *rejected capitalism once and for all*.”³¹ Obote added that his government was firmly convinced that a one-party state does not in any way prevent expression of individual opinion and constructive criticism.³²

Issa Shivji asserts that monopoly of politics in the manner it happened in several African countries, and specifically in Tanzania under Chama Cha Mapinduzi (CCM) revolves around four interrelated aspects.³³ First it means that no organised political or political activity can be permitted outside the state-party. So, all “mass organisations”—trade unions, cooperatives, students, women and youth organisations, and even football clubs and cultural troupes—are brought under the control of the state-party. This is followed by destruction of

³⁰ Roger Tangri & Andrew M. Mwenda (2006), “Politics, donors and the ineffectiveness of anti-corruption institutions in Uganda,” *The Journal of Modern African Studies*, 44 (1):101–24, Cambridge University Press.

³¹ On the move towards party rule see Gingyera-Pinyewa (1978), *Apollo Milton Obote and His Times*, pp. 56–66. Pinyewa notes that the idea of one party state was first introduced by Obote on a district trip to his homes district of Lango (at Lira on 7 January 1964).

³² See Gingyera Pinyewa, *Ibid*, p.59.

³³ Issa Shivji (1991), “The Democracy Debate in Africa: Tanzania” in *Review of African Political Economy*, No. 50.

autonomous and organised expression in civil society. The second method of monopolising politics is to discourage criticism; by branding it “*a few disgruntled elements,*” “*unpatriotic elements,*” “*detractors,*” etc. The third one is the cumulative effect of the first two. This is the development of a closed society. Openness, one of the most important ingredients of an open society suffers. Popular subconscious teaches the people to set their own limits of expression through self censorship. All this leads to the following evils: arbitrariness, intrigues, nepotism, favouritism, and political sycophancy. The fourth effect of the monopoly of politics is ideological. This generates a political culture of intolerance which expects and actively solicits unanimity of views. This is the most subtle yet profoundly prejudicial to democracy.

Most of the opponents of parties accuse them of being divisive, which complicates the task of national unity and modernisation. They therefore advocate for no-party or one party system.³⁴ Most of these dominant parties emphasise “developmentalism” that is, a situation where it is claimed that development should come before democracy.³⁵ This however manifests strong elements of domination by the ruling oligarchy whereby the contribution of other social forces in society is negatively perceived either as subversive or retrogressive. Criticism is perceived as diversionary. However, historically economic development has always succeeded where democracy has had a chance to grow. It has been argued that democracy requires development if it is to be relevant to the daily livelihoods of the people.³⁶ Conversely, development without democracy is unsustainable.

³⁴ See Lionel Cliffe (1967), *One Party Democracy: The 1965 Tanzania General Elections*, Nairobi: East African Publishing House.

³⁵ Ibo Mandaza & L.Sachikonye, (eds), (1991), *The One Party State and Democracy: The Zimbabwe Debate*, Harare: SAPES Books.

³⁶ Khabele Matlosa (2007), “Democracy and Development in Southern Africa: Strange Bedfellows” in Khabele Matlosa, J.Elklit & Bertha Chiroro, *Challenges of Conflict, Democracy and Development in Africa*, p. 57.

The durability of democracy is assumed to originate from a constitutional order. However, dominant state parties tend to undermine constitutionalism. It may be noted that the failure of constitutionalism in Africa is not a result of lack of popular constitutions but of governments seeking to escape from constraints imposed by constitutions. Instead personal rule in Africa has become a norm. One scholar has observed.

Where there is, in fact, the potential to resist arbitrary rule, either society is not sufficiently organised politically to challenge it, or the political and legal institutions are too weak in the quality of their personnel and in their political support from society, to resist or counter balance the executive power.³⁷

Executive power in Africa is overwhelming partly because the leaders do not believe in constitutional rule or those provisions that limit their powers. At the same time institutions of representation simply become what is termed as “rubber stamps.” Okoth Ogendo³⁸ assessing African political elites observes a paradox in their commitment to constitutionalism and their emphatic rejection of classical principles of liberal democracy. Such a paradox produces the conditions where the political elite in Africa believe that instead of controlling a government, the constitution is there to serve government, leaving a room for manipulation. For example, Julius Nyerere, the late Tanzanian president is quoted to have said “*We do not intend that the people of Tanzania should serve the Constitution.*”³⁹ This implies

³⁷ Samuel Nolutshungu (1993), “Constitutionalism in Africa: Some Conclusions” in Douglas Greenberg et al (eds), *Constitutionalism and Democracy: Transitions in the Contemporary World*, New York: Oxford University Press, p. 366.

³⁸ Okoth Ogendo (1993), “Constitutionalism without constitutionalism: Reflections on African Political Paradox” in Douglas Greenberg et al (eds), *Constitutionalism and Democracy: Transitions in the Contemporary World*, p. 66.

³⁹ *Ibid* as quoted in Okoth Ogendo, p. 68.

little faith in constitutionalism. This may be a result of the legacy of colonialism and perpetuation of coloniality. As Ake Claude⁴⁰ has observed, the absence of democracy in Africa can be attributed to two fundamental factors: the first was the colonial legacy where the discourse excluded not only democracy but even the idea of good government. The second was attitudinal; where the African leaders, after independence decided to take over the colonial system instead of transforming it in accord with the aspirations of the people. As a result of this disjunction, most of the African political elite found themselves on a collision course with their people. Fearful of the people, the elites did a lot to discourage opposition. The elites argued, for example, that “*the problems of development demanded complete unity of purpose.*”⁴¹ This was followed by criminalisation of political dissent and the inexorable march to monolithism. Most one-party systems in Africa were a result of the continuing monopoly of influence exercised by nationalist parties, that were built around and served as instruments of a single dominant personality for example, in Kenya, KANU under Kenyatta and in Tanzania, CCM under Nyerere.⁴²

According to Coleman, nationalist parties were to face the challenge of the opposition parties after independence. Nationalist struggles for independence were the only cement keeping these desperate groups together. During the nationalist struggles disunity was condemned or considered treasonous. With self-government at hand, political rivalry and competition were to be expected and in principle accepted as part of the norms of a democratic system. However, as self-government approached, dominant parties also became assailable because they were unable to produce all the promises they made or the

⁴⁰ Claude Ake(1993), “Rethinking African Democracy” in Larry Diamond and M.F. Plattner, *The Global Resurgence of Democracy*.

⁴¹ *Ibid*, p.70.

⁴² James S. Coleman (1970), “The Politics of Sub-Saharan Africa” 2nd edition in G.A. Almond & J.S. Coleman, *The Politics of the Developing Areas*, New Jersey: Princeton University Press, p. 296.

personalities of their founders were questioned. Dominant parties became increasingly bureaucratised and less sensitive to the claims of new groups entering the political arena, and tensions among factions and cliques in top leadership ranks became apparent and virulent.

As a response to emergent dissenting tendencies, the dominant parties absorbed threats by use of patronage, reorganisation of local governments and state structures in order to further central government and party control as well as use of coercion to deal with recalcitrant forces. With this in mind, dominant parties were able to stigmatise opposition parties as being not only unnecessary but also dangerous in the pursuit of unrealised goals of modernisation.⁴³ If state parties did not outlaw opposition parties, they created conditions that made it difficult for them to operate in such a way as to compete favourably for power. Such conditions included denying them the right to address assemblies, to publish their views, to convene delegates' conferences and to raise funds to support their activities. In some cases they were denied opportunity of nominating candidates for elections.

Further analysis of political parties reveals that it is not only funding that undermines the efficacy of their operations. Other factors are also influential. In particular, ethnic cleavages, religious affinities, and class-based dominance have crippled the work of political parties as drivers for democratic governance. These not only subvert the project of building strong social bases but also, promote clientelist politics, extensive patronage; hence lack of transparency in public policy and clean governance.⁴⁴ These weaknesses however, do not diminish the relevance of political parties in sustaining the struggle for democracy. The enemies of democracy are not fair to cash on the weaknesses of parties to wreck the possibility of building democratic states based on multiparty politics.

⁴³ *Ibid*, p.297.

⁴⁴ Hermel, Robert and Savsand Lars (1993). "Party Leadership and Institutionalisation", *West European Politics*. Vol (16): 2.

Political parties and the democratization process in Uganda

Like in many African countries, the post-independence period in Uganda was characterised by the tendencies towards monopoly politics whereby the incumbent UPC government made all attempts to undermine political pluralism. Therefore, multiparty democracy was short-lived.

The failure of multiparty democracy in Uganda is responsible for the political malaise that the country has suffered in the post-colonial era. Other countries that sustained tolerance of democratic pluralism have tended to enjoy political stability and economic progress. It appears fallacious to argue, as some authors have done, that multiparty politics is responsible for sectarian divisions and lack of progress in society.⁴⁵ Evidence is abundant which shows that in Uganda the most prosperous period was that of the immediate post-colonial government when multiparty politics thrived⁴⁶. Not only was there economic well-being and accountability in government, social service delivery was efficient and effective. It was after Obote abrogated the constitution in 1967, suspended elections and made moves towards one-party state that bad times began in the country. These were the reasons advanced by Idi Amin to overthrow Milton Obote in a military coup in 1971.⁴⁷

⁴⁵ Museveni (1992), *What is Africa's Problem?* Kampala: NRM Publications.

⁴⁶ IBRD (1962). *The Economic Development of Uganda*. Baltimore: John Hopkins University Press.

⁴⁷ J. Mugaju (2000), "An Historical Background to Uganda's No-Party Democracy." In J. Mugaju and O. Oloka, (eds), *No Party Democracy in Uganda: Myths and Realities*. Kampala: Fountain Publishers; Norman W. Proviser. "National Electoral Process and State Building: Proposal for National Elections in Contemporary Uganda." *Comparative Politics*. Vol. 19 (3) 1977; Cherry Gertzel (1974), *Party and Locality in Northern Uganda*, London: Commonwealth Studies. No 16. Anthlone Press; Geoffrey Engholm (1962), *Transition* 3, pp. 15–17.

The chances of harnessing multiparty democracy were further thrown out of the window during Idi Amin's military regime (1971–1979) where military officers and marshal law were the order of the day. Under that regime there were no traces of democracy or any forms of citizen participation in governance. Instead, the regime is accused of mass murders, systemic repression and deliberate elimination of any citizen suspected of holding views contrary to those of the regime.⁴⁸ Nevertheless, the overthrow of Idi Amin in 1979 by a combined force of Ugandan exiles and Tanzanian defence forces and installation of the Uganda National Liberation Front (UNLF) produced more confusion rather than a stable government.⁴⁹ The subsequent elections based mainly on competition between the two old parties—Uganda Peoples Congress (UPC) and Democratic Party (DP) and two other minor parties—Uganda Patriotic Movement (UPM) and Conservative Party (CP); were not able to produce conditions for political stability. First, the 1980 elections were considered as extremely rigged by the pro-UPC Military Commission and the Electoral Commission that organized them.⁵⁰ Thus, although the elections were organised as multi-party elections, the contestation produced conditions that led to a prolonged five year civil war (1981–1986) that not only devastated normal livelihoods but also led to loss of several thousand innocent lives and crippled the economy. Thus the second Obote regime was very unstable and unable to govern effectively. This is sometimes used as an excuse to demonise multiparty rule.

⁴⁸ Kyemba (1997), *ibid.*

⁴⁹ Avirgan & Honey (1982), *War in Uganda: The Legacy of Idi Amin*, Dar es Salaam: Tanzania Publishing House.

⁵⁰ Bwengye (1985), *op cit.*

The National Resistance Movement and the banning of party activities

The successful capture of state power in 1986 by Yoweri Museveni's National Resistance Army/Movement (NRA/M) began from a point of undermining the role of political parties. Legal Notice No.1 of 1986 banned the activities of political parties. It claimed that political parties had not been banned. However, the law barred parties from holding delegates' conferences, opening party branches, sponsoring candidates, recruiting of membership and displaying of party colours. If this did not mean banning of parties, then one would wonder what else it was. The contradiction is that at the same time the NRM was doing exactly what it prohibited the parties to do—mobilising the masses for political support. At the beginning, these measures appeared temporary, as if intended to give the new regime time to create conditions for stability and sobriety. However, the temporary measures turned into a permanent ban on party activities when they were reproduced in the draft constitution in 1993, and later entrenched in the new Constitution of 1995. These measures crippled the dynamic functionality of political parties.

The contradictions underlying the intentions of the NRM towards political parties became more apparent when the NRM was not only entrenched in the new Constitution of 1995 (Article 71). This article provides for the Movement as an alternative system to political parties. Under Article 269 the activities of political parties were to remain banned until such a time when a referendum would be held to decide either way.⁵¹ The new constitution therefore legitimised the Movement and kept political parties in the cold. Any attempts by some party activists to protest the ban were met with serious state repressive measures and the organizers were harshly dealt with.

⁵¹ Referendum held in 2000 upheld the retention of the Movement and rejected the parties. Another one in 2005 endorsed multipartyism. But referenda results depended on the wishes of what the Movement and the leaders wanted to achieve at a particular time.

The Movement tapped political resources by exploiting the advantages of incumbency and constitutional privilege to recruit political support. It was free to use state resources for its political purposes, to dispense patronage and to penetrate society. While the constitution explicitly disallows establishment of a one party state, the Movement which claimed to be non-partisan, all-inclusive, and broad-based, acted and operated in all manner like a quasi one-party state. Not only was the Movement Secretariat budgeted for and financed from the Consolidated Fund, its cadres and officials were also paid salaries and facilitated from state coffers. The movement appointed government—paid Resident District Administrators and their assistants in all districts of Uganda. It created local councils (LCs) throughout the country which in their routine activities doubled as local government structures as well as Movement structures.⁵² These structures run from the village to the district level. While serving as local government structures, they are also presumed, and do act as Movement structures. Recent studies have shown that despite the unbanning of political parties, these structures have remained beholden to the NRM making it relatively difficult for other parties to penetrate the grassroots.⁵³ Under the movement system, the state also financially supported *mchaka mchaka* (cadre training) schools. To dispense patronage, the President keeps a large number of political advisers. The Movement also organised several elections at the local and national levels. Although the democratic credentials of these elections have been at the centre of the democratisation debate in Uganda, they were able to bring about a semblance of democratic competition at the local level but not at the national level where the strongman tendencies remained unchallenged.

⁵² Local Government Act: 1997, The Movement Act 1998, Section 25.

⁵³ Kiiza, Makara and Rakner (eds) (2008), *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections*, Kampala: Fountain Publishers.

Any attempts by some politicians to challenge Museveni at elections were castigated as past leaders who had caused suffering of Ugandans.⁵⁴

Conditional return to multipartyism in Uganda

By the end of the 2001 elections, two trends were very clear. First, Museveni had had a competitor for the presidency; Dr Kizza Besigye who challenged him from within the Movement. This followed controversy as to whether Museveni could be challenged from within the Movement. Secondly, the elections had been fought on very bitter grounds with the state unleashing violence as part of the strategy for Museveni to win elections; which he did amidst controversy. *The Report of the Select Committee of Parliament on Election Violence*⁵⁵ documents cases of state inspired violence against Museveni's opponents. In the judgement of the election petition filed by Besigye against Museveni, four of the seven judges of the Supreme Court ruled that although the election had been marred by violence and breach of rules, these were not sufficient enough to annul Museveni's victory. These two developments tended to divide the Movement within its ranks.

Furthermore, it appeared that by the time Museveni stood for the 2001 elections there had already been disagreements within the top ranks of the Movement (*The Monitor*, 25 November 2000). This explains why Museveni pledged in his 2001 election manifesto that he was standing for the last term to put in place mechanisms for an orderly leadership succession (*Museveni's 2001 Manifesto*). In his declaration Museveni asserted as follows: "*When President Museveni completes his second and final term as directly elected president, the Movement under his leadership, will for the first time in the history of our country, have created legacy of an orderly leadership succession*" (*Museveni's 2001 Manifesto*: 9). Although Museveni went to the polls with this promise, his NRM historicals had

⁵⁴ Makara, Tukahebwa and Byarugaba (eds) (2003), *Voting for Democracy in Uganda: Issues in Recent Elections*, Kampala: LDC Publishers.

⁵⁵ Parliament of Uganda, 2002.

anticipated that he would leave after serving his term. Simultaneously, foreign donors had been quietly pressing Museveni for political reforms. It appears however that it was Museveni's strategic calculation to retain power that he started the process of unbanning parties.

On December 18, 2001 the national executive committee of the Movement appointed an *ad hoc* committee to examine the performance of the movement system. The committee submitted its report in April 2002. Its major recommendation was opening for political pluralism. It noted that though the Movement had made several achievements since 1986, it also had internal weaknesses. Such weaknesses included declining ideological commitment, increase in corrupt behaviour and lack of discipline amongst its cadres. It was plainly pointed out that the all-inclusive nature of the Movement was providing opportunity to some opponents to undermine the Movement from within. It was therefore recommended that the Movement be reconstituted into a party, and space be opened for multiparty politics. This position was supported with two arguments. The first move was to let the opponents of the Movement form their own organisations and leave the Movement alone. This was termed as *mubaleke bagende* (let the opponents go). The second argument was that political pluralism was a world trend therefore, Uganda could not be exceptional.⁵⁶

While the NRM historicals were content with reforming the NRM from within, they had little idea as to what was in Museveni's mind. This was to be revealed at the national executive committee meeting which met on March 3, 2002. At that meeting two issues were brought up for debate namely; the question of opening up political space and the question of amending the constitution to remove the term limits.

⁵⁶ Makara, Rakner and Svasand (2008). "Turnaround: The National Resistance Movement and the Reintroduction of a Multiparty System in Uganda" in Kiiza, Makara and Rakner (eds), *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections*, *ibid.*

Whereas the first issue had been seen as part of the normal business, the second issue took most of the members by surprise. The sponsors of the amendment of Article 105 (2) of the Constitution led by Adjumani District Woman MP, Jessica Eriyo argued that it would not be prudent for the NRM to open the political space to pluralism and remove the sitting president at the same time. The argument was that the Constitution should be amended to allow Museveni to stand again. This was the beginning of what came to known as *kisanja* (third term). In other words, while multipartyism became Museveni's political priority in the post 2001 period, it was more of a self-serving measure than a genuine conviction on the NRM administration to work towards greater democratisation of the state.

Events leading to the 2006 elections demonstrated Museveni's determination to retain power. In 2003 he sacked five of his cabinet ministers who were opposed to his desire to amend the Constitution in respect of Article 105 (2). In 2005 he spearheaded the campaign in referendum to open up for multipartyism. In October 2005 again, the NRM leaning MPs were 'bribed' with Shs.5million each to vote in Parliament for the removal of presidential term limits from the Constitution. By the end of 2005 Museveni had secured his two political goals. The Constitution had been amended to allow the President unlimited legibility. Multipartyism had been restored. Thus while his critics castigated him for being power hungry, others viewed him positively as a person who had restored competitive politics. Nevertheless, the experiences of the 2006 elections showed that little had changed in the way the Movement and Museveni treated their opponents. A recent study⁵⁷ has demonstrated that "*once the decision was made to move away from the Movement system to a system of competing parties, the NRM sought to minimise the likelihood of losing power to its competitors.*"

⁵⁷ Makara, Rakner and Svasand (2008). "Turnaround: The National Resistance Movement and the Reintroduction of a Multiparty System in Uganda" Kiiza, Makara and Rakner (eds) (2008), *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections*, ibid. p.276.

Such an objective was achieved by several methods. Museveni and NRM were able to exploit the advantages of incumbency such as using facilities attached to the presidency for the campaign. The Electoral Commission was unable to fully follow the electoral law and was accused of favouring candidate Yoweri Museveni. The government was also accused of bringing trumped up charges of terrorism and rape in courts of law and in the court martial against Museveni's main opponent, Kizza Besigye. Although Besigye was finally exonerated in the rape case, he had already gained poor public image and lost a lot of campaign time. Moreover, in the treason case Besigye had been granted bail so that he could campaign but a paramilitary force known as Black Mamba, invaded the court, had him re-arrested and jailed in an incident that Justice Ogoola termed as the Rape of the Pearl. At the end of the polls, Besigye again petitioned the Supreme Court on election results. Surprisingly, a judgement similar to that of 2001 was pronounced -that although the Electoral Commission failed to follow the law on several counts, still that was not enough to annul the results. Therefore while Uganda might be proud to have 33 registered political parties, the difference they can make on the quality of politics still remains questionable.

Readiness of state institutions to accommodate multiparty politics

Political parties returned to Uganda's political scene after 20 years of being in the cold. Political parties are supposed to be champions of political freedom and advocates for people's rights. The question to be posed is whether the Ugandan state and its institutions have the will to promote a new political dispensation brought about by multipartyism.

The NRM under the Movement system was used to enjoying all the political space alone. The reintroduction of multipartyism is somewhat perceived as an obstruction of that abundant political space. This may explain the post 2006 political conduct of several state institutions towards opposition political parties and their activities. While the NRM government had allowed civil society organisations to proliferate and to

conduct their business freely, there has been increasing intolerance of the activities of political parties. In the past such activities were disallowed because they were banned under the law. The irony is that the state in Uganda wants to behave in the same way it did before multipartyism was allowed. For example, the army which pays personal loyalty to the president is quoted to have asserted that “*the army will not allow bad characters to take power from the NRM*” adding that “*the people who are going to operate our guns [must be] politically right.*”⁵⁸ Such comments do not augur well for a country that has moved from militarism to multiparty democracy.

Equally, the Police in Uganda has earned itself the image of a repressive force. Using the colonial law of regulating assemblies, the police have been vigorously involved in violation of freedom of association and assembly. Opposition rallies have routinely been blocked and demonstrations violently dispersed. The increasingly common excuse for prohibiting lawful assemblies is that they disrupt business in the city centre of Kampala. This justification cannot withstand considering that pro-NRM assemblies are never dispersed. The police dispersed a Democratic Party rally at Mpigi on January 26, 2007, when there was no business to disrupt, since it was a public holiday. Disruptions always a result of police interference in otherwise, peaceful assemblies, indiscriminately using tear gas, water cannons, batons and even live bullets on unarmed civilians.

In a petition filed in court by Muwanga Kivumbi, a DP activist to the Constitutional Court, he argued that police had boundless powers that were in contravention of the freedoms of equality, expression, movement, and assembly. However, the Attorney General Khiddu Makubuya countered that Police have every right to allow or prohibit public rallies arguing that it was mandatory for Ugandans to seek written permission from the Police before holding an assembly and that

⁵⁸ See *The Daily Monitor*, September 1, 2008 where the Army Commander was quoted addressing the army at Mubende Military Rehabilitation Centre.

government was not in agreement with some of the views contained in the court judgment and would therefore challenge it. Makubuya in his communication cites Article 212, which mandates Police to prevent and detect crime as, and when there is ample ground to suspect that criminal activity might take place. More so, Article 212 read together with Article 43 allows restrictions on the enjoyment of fundamental rights and freedoms in public interest. The court however rejected the argument by the Attorney General asserting that Article 20 of the Constitution stipulates that fundamental rights and freedoms of the individual are inherent and not granted by the State. The court noted that for the police to evoke Article 43 to limit individual freedoms the grounds for such limitations must be sufficiently important and they should not be arbitrary, unfair or based on irrational considerations.

Police powers have always been exercised whenever opposition parties stage rallies. For example, on November 18, 2006, police used tear gas to disperse Forum for Democratic Change (FDC) party leader Dr. Kiiza Besigye and his supporters, who had gathered at the Constitutional Square in Kampala where FDC was supposed to launch its party cards. Confronting Besigye, the Kampala Extra Regional Police Commander, Grace Turyagumanawe, said: *“I asked him (Besigye) to respect the concerns of Kampala traders who wrote and said that political party activities disrupt their business.”*⁵⁹ Complaining later about the incident, Besigye retorted *“if NRM wants to rule as a single party state, they should do so formally, but as long as we are a registered party we shall do everything in our power to assemble and demonstrate.”*⁶⁰

Police has however not been deterred by the recent Constitutional Court ruling suspending sections of the Police Act that require organisers of assemblies to ask permission of the Inspector General of Police. On Saturday, June 7, 2008 police battled DP youth, raided the party's head office at City House, and arrested its members to prevent them from holding a rally. The party claimed that the assembly was to

⁵⁹ *Sunday Vision*, November 19, 2006.

⁶⁰ *Sunday Vision*, November 19, 2006.

celebrate a recent constitutional court ruling nullifying a section of the Police Act. Why would Police stop the rally before it had actually convened? Dr. Ruhakana Rugunda, the Minister of Internal Affairs, defending the police actions argued that in dealing with public demonstrations, the objective of the NRM government was to democratise the country to ensure that there is a disciplined state where citizens' rights are not violated. The contradiction, however, is that in the past twenty years under the NRM government, no assembly called by the NRM organisers has ever been interrupted, banned or stopped by Police. In other words, one may infer that the Police have been targeting opposition groups.

Much more recently, there was the controversial arrest of Hon. Nabilah Naggayi the woman MP for Kampala District and member of the opposition FDC on a routine tour of her constituency. On June 10, 2008 the legislator was educating vendors in Owino Market on how to use a suggestion box as a means to get their views reach her so that she could articulate them in Parliament. The Police violently arrested her for holding an 'illegal assembly.' Narrating her ordeal to Parliament she said she was surprised to be told that she was under arrest for holding an illegal rally. In an emotional narrative she claimed "*I was almost stripped naked by uniformed Police officers led by the officer in charge of the New Taxi Park Police post AIP Babigamba*"⁶¹ She further claimed that she was severely beaten, coerced by the Police to sit on the floor of the Police Post, and that during the arrest a metallic case tore through her blouse and cut her back, exposing her inner dresses. Similarly, Hon. Nampijja Lukyamuzi MP for Rubaga South (Conservative Party) had her rally dispersed by police using tear gas at Kitebi Primary School where she had organized a bicycle rally in her constituency on June 7, 2008. Defending the actions of the Police, the Minister of Internal Affairs again argued that the MP had organised a rally without informing the Police hence there were no traffic or crowd control measures to guide the rally.

⁶¹ *The New Vision*, June 19, 2008.

The discussion above highlights the predicament of opposition politics in Uganda. The acts of the state seem to portray a picture of a regime that is not prepared to compete for power. The critical question is: if a Member of Parliament is prohibited from addressing a rally in his/her constituency, how else is he/she supposed to mobilise support? It is more disturbing given the fact that the Constitutional Court has pronounced itself on this matter and above all, the country is now governed under a multiparty political system.

NRM's determination to hold on to power

In 1986 when the NRM took power, the argument advanced by its leader, Yoweri Museveni was that the main problem causing underdevelopment in Africa was the African leaders who sought to stay in power indefinitely.⁶² Surprisingly after 23 years of staying in power, the Constitution has been changed for him to contest and possibly stay in power as long as he wishes. The question that arises is: what has caused his change of heart?

Speaking on his tour of eastern Uganda, in August 2008, President Museveni said that he was in good health and capable of ruling for many more years. He asked the people rhetorically: "Why should NRM lose elections?" Museveni told a rally on August 16 2008 at Apuuton Primary School grounds in Katakwi. "*We are the ones who restored democracy in Uganda. Who else should win in this country? Do you see me as somebody who is about to collapse?*" he added.⁶³ Having stayed in power for 23 years now he is already planning for a fourth term. He had confirmed earlier that he would run for a fourth term of office.⁶⁴ Such revelations follow his earlier comments at Mungonya in Bushenyi District where he was reported to have said in Runyankore "*Ninye nabiigire enyamaishwa yangye nkaagita, mbwenu ngende nzehi?*"—he hunted his

⁶² Museveni (1992), *ibid.*

⁶³ *Daily Monitor*, August 18, 2008.

⁶⁴ *Daily Monitor*, August 18, 2008.

animal; now he is being told to go; go where?⁶⁵ Basically Museveni was saying that he fought for power and had a legitimate reason to keep it. More recently, Museveni who is quoted to have declared that he will become 65 by September 2009 said

I saw people knocking themselves over leadership when I am still around. I said these are going to *kutomeza* (crash) the revolution ushered in by the NRM. So I decided to hang around... if somebody brings *ffujo* (chaos) near me I won't rush to call for help. *Tutandikirawo* (we start immediately) and by the time my army comes to assist I would already be handling the enemy⁶⁶.

This implies that he is determined to keep power, leaving little space for other political players. Again Museveni was recently quoted to have said: "*I have no time for opposition... I am an extremist. There is no doubt about that. I don't have two sides. You are not on our side politically—out.*"⁶⁷

While Museveni has shown determination to keep power, other sections of society may seem to feel that the NRM has overstayed. The problem however is that both within the NRM and in the opposition alternative strong leaders have not emerged. In the opposition ranks confusion is rife. In the NRM corruption is rampant. These two weaknesses leave Museveni without a strong contender for his seat. Some opinions have tended to suggest that Museveni is grooming his own son to take over power. For example the Secretary General of the NRM is reported to have said "*When he retires (Museveni) all of us will go... The younger generation will have become of age.*"⁶⁸ But when Museveni was asked during his visit to the USA on the question of his son succeeding him he replied "*I'm grooming all of them to continue the torch forward... There*

⁶⁵ *The Monitor*, February 14, 2008: p.1.

⁶⁶ See *Saturday Vision* February 28, 2009 p.3.

⁶⁷ See *New Vision*, January 5, 2009, p.1.

⁶⁸ *Sunday Vision*, September 28, 2008.

*are elections. Those faces whether they are the same or different they are elected by the population.”*⁶⁹

In discussing the role of political parties in democratising society, it has been noted that in societies such as Uganda where strongman tendencies have been the norm rather than an exception, the rules of the game are defined by those in power. Therefore, emerging parties have an uphill task in trying to contest for power. All kinds of road blocks may be laid in their way that they sometimes appear as if they are legitimising the rule of the dominant party. Nevertheless, experience has shown that the contradictions within the ruling elite could give some advantages to the opposition parties if they were well organised. For the political ground to be level, the opposition parties will need to press for more transparency in public funding, electoral reforms, and change in the attitudes of some of the state institution.

The cost of democracy

One of the key challenges to democratic pluralism is the issue of financing political parties. On the one hand, political parties especially on the opposition are so highly constrained financially that they cannot effectively implement their programmes. On the other hand, parties have been accused of corruption and lack of transparency in their financial transactions. Ruling parties particularly are accused of unfairly using state resources to advance their political agenda. The debate therefore has dwelt on whether public funding may facilitate the operations of political parties by increasing their democratic and accountability credentials. Some theorists of political parties posit that the funding of political parties generally takes two major perspectives.⁷⁰ The proponents of the neo-Marxist paradigm have argued that political

⁶⁹ *Sunday Vision*, September 28, 2008.

⁷⁰ Marcus Mietzner (2007), “Party Financing in post-Soeharto Indonesia: Between State Subsidies and Political Corruption”, *Contemporary South East Asia*, Vol. 29, No.2.

parties and their leaders are agents of global and local capitalist interests, with the “predatory” behaviour; therefore, parties reflect developments in other parts of the world. In this model, parties are corrupt because they are by definition, part of the struggle of oligarchic elites that hijack democratic institutions and perpetuate the capitalist system. Other interpretations adopt a more anthropological approach based on what is termed as the “*assumption of self-interest utility*.”⁷¹ This approach argues that politicians like other people, are largely interested in maximising their own benefit, with political parties only acting as vehicles for increasing their wealth, influence and social status.

Beyond the above arguments, it is plainly clear that money matters in politics because parties need resources for administration and election campaigns. But money should not be allowed to buy access to decision-making. The issue of money in politics is complicated due to a number of reasons. Firstly, under-funded political parties are not likely to compete effectively in the political game and are unlikely to nurture the growth of democracy. Secondly, ruling parties are likely to use their influence to solicit much more financial resources than the opposition parties. Thirdly, opposition parties are likely to illicitly solicit resources from sources restricted by the law. In addition, most parties, whether in government or opposition are tempted to conceal their sources of funding, which is dangerous to both democracy and the security of the state.

Therefore political parties need common sources of raising finances. This will create equal opportunities for all contending parties to access public power. Excessive inequality in financing of parties is likely to favour certain parties and candidates over others. In most countries, for both presidential and parliamentary election campaigns, candidates rely heavily on the media; mainly the television and radio for political marketing. For this reason, political parties are under heavy pressure to raise large amounts of money, irrespective of its origin. However, most parties especially on the opposition are seriously

⁷¹ Mietzner, *ibid.* p.2.

constrained financially. Because of weak laws, the people in government tend to misuse their stay in power to finance their party activities. This has been the case with the ruling NRM in Uganda.

Financing of election campaigns under the Movement in Uganda

The NRM passing as a Movement System used state coffers to finance its political activities. Using the legal mandate under the 1995 Constitution the Movement was entitled to state funding, just one-party systems. Under the Movement System (1986–2005), the elections were held under individual merit. The assumption was that an individual was solely responsible for raising his/her electoral campaign funds. However, this was part of the picture. There were other sources of finances other than the individual's resources *viz*:

- The Constitution allowed the President and Ministers to use facilities ordinarily attached to their offices for electoral purposes.
- The Movement Secretariat mobilized state resources and “facilitated” some candidates.
- The President participated in mobilizing support for Movement candidates.
- The financing of the presidential campaign was the sole responsibility of the presidential candidate.
- There was no limit on the finances a candidate could use for his election campaign. The richer candidates had higher chances of influencing voters using their financial power, than the poor ones. Although the election laws expressly prohibited bribery of the voters, some candidates would still violate the rules by passing “envelopes” to certain people at rallies while others would use material things such as soap, salt, sugar, matchboxes, roofing sheets, cement, cash etc to influence voters. The material substances dished out to the voters depended on the

significant influence a particular candidate had over others. Local council officials were targeted beneficiaries of the candidates' wild search for votes.

- The main sources of campaign funds under the Movement were assumed to be largely personal savings, bank loans, donations from friends and well-wishers. Some candidates could have received funding from foreign sources such as non-governmental organizations, friendly governments and corporations.
- There was no law in place to limit a candidate's sources of election finance, the amount he/she could spend on the campaign and there were no requirements for declaration of finances used.

Although there are still no requirements for declaration of election campaign finances for individual candidates, the law prohibits certain sources of finances and bribery of votes. It also assumes that candidates are sponsored by their political parties

Under the Movement System, individual merit meant that a candidate was not allowed to officially solicit financial support from his/her party of affiliation. The constitution prohibited candidates from receiving financial support from their parties. The implication was that:

- Individual candidates struggling to sponsor themselves were forced to sell their treasured assets or contracted heavy bank loans that caused them dire poverty. Some candidates had powerful patrons who financed their election campaigns. Such patrons had their own expectations, imposed obligations and demanded that candidates do certain things for them. In effect when highly patronized candidates were elected, they were not independent enough to make decisions free of the wishes of their sponsors.
- Excessive personal expenditure on the election campaign not only increased the incidence of vote buying, it also

perpetrated the perception amongst the elected officials that they bought the votes; hence they owed no responsibility to the electorate. Moreover, the electorate having been induced by the candidates' incentives to vote this or the other way grew the appetite of wanting more favours from the elected officials once in office. These tendencies are in general orientation towards political corruption. The constituents of a particular elected official bordered on holding him/her hostage of their unending demands.

- State funding of candidates was/is limited to presidential candidates. Each successfully nominated candidate for the post of president is facilitated by the Electoral Commission to the tune of Shs20 million, plus a vehicle and state security. However, this is very little money considering the cost of running a presidential election campaign throughout the whole country. One can only say, it is symbolic funding because it can hardly be enough to cover campaigns in one district. The basis upon which this level of funding was decided is unclear. Moreover, it assumes that all presidential candidates will mobilize resources from private sources. To the contrary, a person already holding the presidency is more likely than others to take advantage of incumbency. The law allows the sitting president to use the facilities attached to his/her office during the campaigns. Unless there are mechanisms for critically checking and prohibiting the use of such facilities, there is a strong likelihood of the office-holders turning such facilities to their advantage during the election campaign.

Financing election campaigns under the multiparty politics

The multiparty politics is a recent phenomenon in Uganda. From 1986–2005, the Constitution had suspended most of the activities of

political parties such as holding of delegates conferences, sponsoring candidates for election to public offices, holding public rallies and opening up branches (other than their headquarters). Although the law did not explicitly forbid political parties from raising finances for their own activities, the prohibition of all partisan politics meant there was no rationale for political parties to raise funds from their well-wishers and supporters. However, the passing of the Political Parties and Organization Act (PPOA) 2005 effectively legalized the existence of political parties. Since the end of 2005 when the Act took effect, the activities of political parties have been freed. This has resulted in registration of more than fifty political parties.

The Act specifies the sources of political finances, requirements for disclosure and penalties for failure to comply with the law. Since 2005 some observations can be made in respect to the operations of political parties:

- Some political parties have a wide national coverage, with branches across the country.
- Some political parties are regional parties drawing most of their support from particular regions.
- Some parties contested the 2006 multiparty elections while others did not.
- Some performed very well, others poorly.
- Many new parties have been registered since 2006. It is estimated that there are 56 political parties in Uganda today.

The real test for multiparty democracy in the recent past was the 2006 elections. Not only was the election hotly contested but also a lot of finances were used. It was reported that President Museveni used Shs 50 billion for his campaign.⁷² This however was contradicted by the NRM Secretary General who put Museveni's expenditure at Shs10 billion.⁷³ On the other hand, the main opposition Forum for

⁷² *The Daily Monitor*, April 22, 2006.

⁷³ *The Daily Monitor*, April 27, 2006.

Democratic Change (FDC) declared Shs 740 million as campaign expenditure for its presidential candidate, Kiiza Besigye. These figures are surrounded by mystery because the NRM on its part did not make an official declaration of its sources of funding. Though the opposition parties declared their campaign finances, they could easily have under-declared. For all parties, there was little transparency, wishing to conceal the identities of some of their benefactors. A recent study suggests that NRM could have used businessmen connected to it as conduits for state resources that could have financed the elections.⁷⁴ It is possible that other parties could have also raised substantial amounts of money from businessmen, but the extent to which this was done cannot be ascertained. This is the reason why disclosure is an important aspect of political transparency. These concerns were also expressed by the Coalition for Election Finance Monitoring (CEFIM).⁷⁵

Conclusion

The last two decades have witnessed a dynamic return to multiparty democracy in several countries. Some of the states that had hitherto controlled politics with the intention of promoting dominant parties to monopolise political space have given some room to other players. However, some states such as Uganda have allowed party politics superficially; that is, allowing legal existence but denying them the necessary climate to effectively contest for political power.

⁷⁴ See Julius Kiiza (2008), "Party Financing and its implications for Democratic Governance in Uganda" in J. Kiiza, Sabiti Makara & Lise Rakner, *op cit*, pp. 247–250. Kiiza suggests that the representative of the business community on the National Executive Committee of NRM, Hassan Basajjabalaba received US\$11million from Bank of Uganda with the guarantee of President Museveni. This money has to date not been paid back.

⁷⁵ See CEFIM (2006), *Electoral Campaign Financing in Uganda, Kampala*: Transparency International - Uganda.

Strongman tendencies characteristic of authoritarian regimes have increasingly become apparent in the ruling NRM under Yoweri Museveni. State power is not only dominated by NRM, but its leader Yoweri Museveni seems to be pursuing a life-long tenure in the presidency. This followed the draconian amendment of the Constitution in 2005 to allow him indefinite eligibility for the office. Thus, compared to other democratising countries in Africa, Uganda seems to be sliding back to the authoritarian era –where the word of the strongman was the law, state institutions owed allegiance to the ruler, not the people and those with financial muscles controlled the political agenda. These alarm bells could be sounding the undesired possibilities of political instability, patronage-based politics, corruption and intolerance in the country that had registered a positive posture in its public politics. This far, the future of competitive multiparty politics in Uganda will depend on the struggles of democratic forces (including political parties) in reshaping the agenda for democratisation and their realisation of concrete gains thereof.