

NO-PARTY DEMOCRACY?

**Political organisation under Movement democracy in Uganda,
1994-2000**

**Thesis Submitted for Examination for the
Degree of Doctor of Philosophy**

by

Giovanni M. Carbone

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To my father

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ABSTRACT

Yoweri Museveni's National Resistance Movement took power in Uganda in 1986 and established what it called 'movement' or 'no-party' democracy. Reacting to a history of ethnic conflict-prone parties, the NRM aimed at transforming electoral politics into individual rather than organisational competition. Party activities became subject to strict limitations. The actual functioning of Uganda's alleged 'alternative democratic model' has not been systematically empirically scrutinised. Understanding how it is working is not only an important topic in comparative political analysis but also for appraising external donors' policy. Despite the pressures placed on other African countries to open up to organised pluralism, donors have been uncritically supportive of Museveni's regime, failing to examine the extent to which 'no-partism' can be an authentic alternative to multiparty democracy. This thesis critically investigates the no-party arrangement, both empirically and normatively. It is based on extensive fieldwork carried out in Uganda in 1999 and 2000, when interviews were conducted with parliamentarians, political organisations' officials, NGO representatives, and various policy-makers. The research reconstructs the advent of 'no-partism' in the light of the Movement's reading of the country's political history. It investigates the extent to which party-like organisations retain a presence by mapping them empirically. Finally, it analyses the way 'no-partism' works by scrutinising how political action is *organised* during elections, in parliament, and in policy-making. The thesis demonstrates that the no-party system is largely no longer in place – since the Movement itself has adopted a party-like organisation. Uganda currently has a 'hegemonic party system'. Opposition parties, despite the legal ban, have tried to adopt new organisational stratagems. But the ban also prompted the emergence of alternative arrangements to surrogate party activities, as it is most apparent in an atomised parliament that mainly fails to operate effectively without formal political parties.

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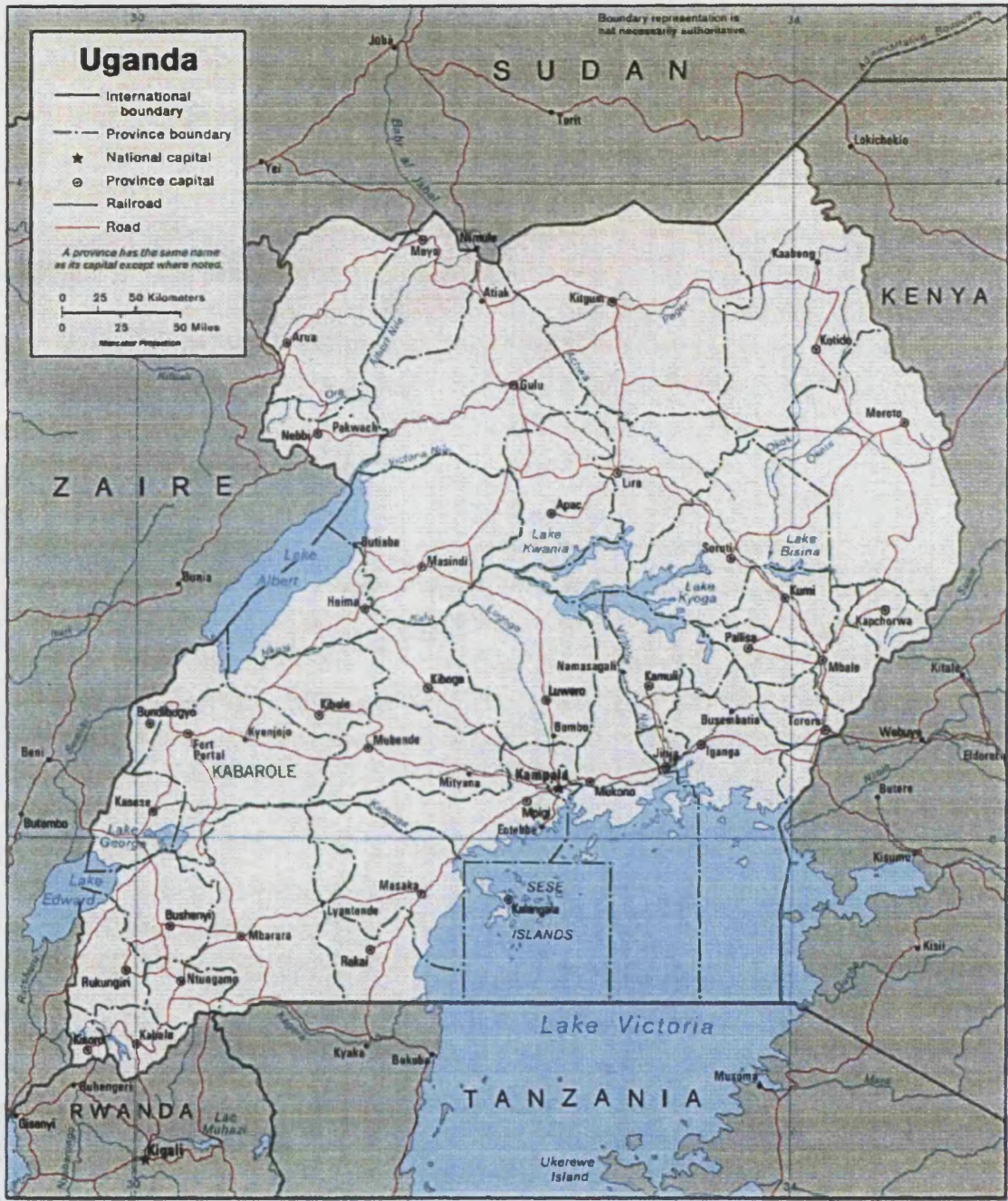
My wife Caterina has been loving and patient regardless of the geographical distance that this study often placed between her and myself. I hope she will never regret first taking me to an African country. I also owe a lot to the unfailing support of my mother Isa and to her help in getting to understand how scientific research and academia at large work.

I dedicate this thesis to my father Enzo, in the hope that the day will come when he, too, will set foot on African soil.

Acronyms and abbreviations

| | |
|---------|--|
| ADF | Allied Democratic Forces |
| ANC | African National Congress |
| BBC | British Broadcasting Corporation |
| CA | Constituent Assembly |
| CAD(s) | Constituent Assembly Delegate(s) |
| CDU | Christian Democratic Union |
| CP | Conservative Party |
| DA | District Administrator |
| DFID | (British) Department for International Development |
| DP | Democratic Party |
| FAD | Foundation for African Development |
| FES | Friedrich Ebert Foundation |
| FIDA | Association of Women Lawyers |
| FOWODE | Forum for Women in Democracy |
| FRELIMO | Frente de Libertação de Moçambique |
| FRONASA | Front for National Salvation |
| IEC | Interim Executive Council |
| IPFC | Inter-Political Forces Cooperation |
| KY | Kabaka Yekka (the King alone) |
| KAS | Konrad Adenauer Foundation |
| LC | Local Council (equivalent to RC) |
| LEGCO | Legislative Council |
| LRA | Lord's Resistance Army |
| MISR | Makerere Institute for Social Research |
| MOF | Milton Obote Foundation |
| MP(s) | Member(s) of Parliament |
| NAWOU | National Association of Women's Organisations in Uganda |
| NCD | National Caucus for Democracy |
| NDF | National Democrats Forum |
| NEC | National Executive Committee |
| NGO | Non-Governmental Organisation |
| NOCEM | National Organisation for Civic Education and Election Monitoring |
| NPC | National Political Commissar |
| NRA | National Resistance Army |
| NRC | National Resistance Council (1986-1996 interim parliament) |
| NRM | National Resistance Movement |
| PPC | Presidential Policy Commission |
| PR | Proportional Representation electoral system |
| PRC | Party Representatives Council |
| RC(s) | Resistance Council(s) and Committee(s) |
| RDC(s) | Resident District Commissioner(s) |
| TANU | Tanzania African National Union |
| TFM | The Free Movement |
| UCC | Uganda Constitutional Commission |

| | |
|--------|--|
| ULA | Uganda Land Alliance |
| UNC | Uganda National Congress |
| UNDP | United Nations Development Programme |
| UNLF/A | Uganda National Liberation Front /Army |
| UNM | Uganda National Movement |
| UPC | Uganda People's Congress |
| UPDF | Uganda People's Defense Forces |
| UPM | Uganda Patriotic Movement |
| UPU | Uganda People's Union |
| USAID | United States Agency for International Development |
| UWONET | Uganda Women's Network |
| UWPA | Uganda Women Parliamentarians Association |
| UYD | Uganda Young Democrats |
| WB | World Bank |
| YPA | Young Parliamentarians Association |



PART ONE

Chapter 1

No more parties?

'Movement democracy' and organisational reform in Uganda

In January 1986, Yoweri Museveni's National Resistance Movement (NRM) finally took power in Uganda and formally established what it claimed was a new type of democracy, which soon came to be known as 'movement' or 'no-party' democracy. After a five-year civil war, the new regime restored formal opportunities for political participation. By the late 1980s, the holding of local elections had been regularised and became the platform for an indirectly elected national legislature. Then, direct elections for a Constituent Assembly took place in 1994 and, under the new constitution, presidential and parliamentary elections followed in 1996 and again in 2001.

The foundation of Uganda's 'no-party democracy' is the principle of what is called 'individual-merit politics'. The latter was articulated by the NRM leadership as a reaction to a post-independence history of sectarian and ethnic conflict-prone political parties, the alleged cause of sequential patterns of ethnic exclusion, political violence and chronic instability. The 'individual-merit' reform aimed at transforming politics – and notably elections – into a game played by individuals only, rather than by political organisations. Thus, parties were 'banned' (or, in fact, marginalised) and all Ugandans were declared members of an overarching (if hardly structured) 'Movement'¹. While party activities became subject to strict limitations prohibiting delegates' conferences, public rallies, local branches and the sponsoring of candidates for election, however, the NRM tried not to exacerbate political opposition by

¹ The regime established by the National Resistance Movement soon came to be known as the 'Movement system'; with the 1995 constitution and the 1997 *Movement Act*, the NRM itself was formally re-named 'the Movement': hereafter, NRM and 'Movement' are used as interchangeable terms. As Pasquino observes, the 'movement' label is often adopted in reaction to party politics, and "implies the non-institutionalisation of an idea, a group, an activity ... [Political movements] aim at criticising all party organisations and stress their only partial involvement into institutionalised political life" (1990:660-661).

letting parties 'exist' as independent entities (for example, they are allowed to keep a central office)².

The key elements of no-party democracy are thus electoral politics, individual merit contests, and strict restrictions on party activities. For a few years, a 'broad-based' government was also part of the scheme – whereby the most prominent party leaders were co-opted with the offer of cabinet positions – but this was never logically or necessarily part of no-partism. As a result, 'broad-basedness' progressively lost momentum and, since the early 1990s, politicians, public discourse and the country itself have been increasingly divided between 'movementists' and 'multipartists'. Through a referendum in June 2000, Ugandans decided not to replace the existing system with a full-fledged multiparty democracy but, instead, to keep it in place for at least another five years. Major opposition parties, however, boycotted the exercise.

The idea of a no-party polity – an idea which is not exclusive to Uganda³ – raises a number of theoretical, comparative and empirical questions. What is the actual role of parties, if any, under a 'no-party' framework? Are there really no party or party-like organisations? Do individuals actually participate in politics without organising? Did Ugandans devise alternative arrangements to coordinate political actions? What kind of arrangements, how do they work and to what extent do they surrogate party activities? What does the presence of these arrangements imply for the political process? Can a no-party participatory system be an alternative to multiparty democracy, as claimed by its supporters? In other words, *what happens when parties are done away with in a participatory system?* These issues are not only of critical importance to understanding how the no-party system is currently and practically functioning. Any assessment of the evolution and consolidation prospects of such a system will have to be based on the answers given to the above questions. A comprehension of how the no-party system is actually working also has obvious implications for an appraisal

² Article 269 of the *Constitution* (1995) states that: "until parliament makes laws regulating the activities of political organisations ... political activities may continue except: (a) opening and operating branch offices; (b) holding delegates' conferences; (c) holding public rallies; (d) sponsoring or offering a platform to or in any way campaigning for or against a candidate for any public elections; (e) carrying out any activities that may interfere with the movement political system for the time being in force". Thus, by no-party politics it is not meant that there are no parties at all in Uganda, but that their position is heavily constrained. In other words, the commonly accepted use of 'no-party politics' is adopted, but the substance hidden by this label will have to be appropriately investigated. Individual-merit or no-party political competition has also been at the basis of local level politics in Ghana since 1989 (Crook 2001) and of post-genocide local elections in Rwanda (*Integrated Regional Information Network of the UN*, 9 March 2001, and *The Economist*, London, 3 April 1999).

³ The frequent calls for banishing political parties, typically made by ruling élites on the ground that 'the country is not ready' or that 'parties are the cause of the country's troubles', were already remarked by the early studies of party politics in developing areas. The general point was made by Huntington that "a ruling monarch tends to view political parties as divisive forces which either challenge his authority or greatly complicate his efforts to unify and modernize his country" (1968:403). Identical anti-party calls, however, were made in the West by 'democratic' founding fathers such as George Washington (Coleman – Rosberg 1966:663) and Charles De Gaulle (La Palombara – Weiner 1966:23).

of donors' policy. In spite of the significant pressures donors have mounted for other African countries to open up to multiparty politics (for example, in the case of Kenya and Malawi, albeit with ambiguous results), they have been largely and almost uncritically supportive of Museveni's regime⁴.

In the following chapters, an empirical investigation is carried out to shed light on the above issues. The investigation is divided in two main phases (i.e. Part Two and Part Three of the thesis), whose aims are, respectively:

- I. to verify the actual absence or weakness of parties in a system that formally limits their activities (i.e. to check the correspondence between *legal output* and *organisational outcome*). This first step is required because the existence of parties might not follow constitutional or legal prescriptions, as, for instance, parties may develop relatively effective underground organisations and activities in a situation of formal confinement;

- II. to inquiry into the immediate consequences of (I) in terms of *the way politics is organised at selected junctures of the political process*. For example, do parties play a role in the organisation of campaign linkages, in the co-ordination of parliamentary activities, and in the policy-making process, or are they absent or too weakly organised to do it? Are there alternative institutions carrying out these processes in an equally effective manner or do such processes remain essentially dis-organised?

Political parties and party-surrogates

The NRM's anti-party ideology was based on the argument that, since independence, political parties and the ethnic and religious antagonisms they promote had been the reason for Uganda's political violence and chronic instability. 'Movement democracy', i.e. individual-based electoral competition, was thus devised as an alternative model of

⁴ Despite the ban on party-based political competition, Western donors defined the 1994 Constituent Assembly election as 'transparent and open' and 'a legitimate expression of the will of the people' (albeit the terms 'free and fair' were not employed because of minor irregularities). They then funded the 1996 presidential and parliamentary elections, raising only minor criticisms with regard to the political education courses staged by the government and inviting the opposition to accept the results (Hauser 1999:627-631).

democracy which would solve the country's problems by banning or marginalising political parties. But parties in participatory systems are not there for nothing. Political scientists have repeatedly focused their attention on the 'functions' that parties perform in the larger political system. Building on V.O. Key's classic distinction of the three sides of a political party – i.e. the party in the electorate, the party as an organisation, and the party in government – Dalton and Wattenberg suggest the following comprehensive list of functions⁵:

Parties in the electorate

- Simplifying choices for voters
- Educating citizens
- Generating symbols of identification and loyalty
- Mobilising people to participate

Parties as organisations

- Recruiting political leadership and seeking governmental office
- Training political elites
- Articulating political interests
- Aggregating political interests

Parties in government

- Creating majorities in government
- Organising the government
- Implementing policy objectives
- Organising dissent and opposition
- Ensuring responsibility for government actions
- Controlling government administration
- Fostering stability in government

Parties help organise and order political participation by selecting, aggregating and channelling the increasing amount of demands and pressures that the political system is

⁵ Dalton and Wattenberg (2000:5), with reference to V.O. Key (1964).

required to address: “the political party is the one agency that can claim to have as its very *raison d'être* the creation of an entire linkage chain, a chain of connections that runs from the voters through the candidates and the electoral process to the officials of government”⁶.

By promoting political participation and bringing different or emerging social forces ‘inside’ the political system, parties can increase the latter’s legitimacy⁷. An effective party system structures the participation of new groups in politics⁸ by giving expression to the public’s concerns, by bringing together and conveying a multiplicity of interests, identities, values and preferences. Parties enable these demands to reach political salience. They can articulate policies and mobilise the popular, political and institutional support that their implementation requires. Alternatively, when they are not in government, parties can constitute a coherent opposition and elaborate diverse policies⁹. Party activities also contribute to the definition, structuration and stabilisation of the political game in terms of issue dimensions, voting patterns, agenda setting, coalition-building, payoff distribution, and so forth¹⁰.

Party linkages, or the connections through which political parties carry out most of the above processes, can assume diverse, more or less commendable forms. Depending on the priorities of its leaders and members, for example, a party organisation may be primarily oriented towards participatory nexuses (when the party aims at fostering the participation of members to the different aspects of state decision-making), electoral links (which should ensure the party leaders’ control over elected representatives), clientelistic connections (when the main objective is the capture and exchange of state-controlled resources) or directive linkages (where the party is functional to the government’s control over its citizens, e.g. through educational or coercive practices)¹¹.

Museveni’s claimed justification for the adoption of a no-party framework is the fear that ethnically-based parties, uncompromisingly facing each other, would dominate and polarise multiparty politics. Similar parties tend to compartmentalise politics, promoting the separation and alienation of a communal group from the rest of the society. The more a party is rigidly based on a group’s communal identity and concerned with articulating the interests of that group only, the less it will be prepared to settle for interparty compromises. This, in

⁶ Lawson (1988:16).

⁷ Cf. Lijphart (1985:107), Apter (1965:206), Huntington (1968:412), Sartori (1968:273).

⁸ Huntington (1968:401).

⁹ Kohli (1994), Mainwaring (1993), Diamond et al. (1995:41); cf. Apter (1965:192).

¹⁰ Cf. Sartori (1994), Bartolini (1986), Dunleavy (1991:ch.5), Panebianco (1986). ‘Issue dimensions’ refer to the main lines of conflict that shape a party system, such as rural vs. urban interests, socialdemocratic vs. liberal principles, and so on (cf. Lijphart 1988:139-140).

¹¹ Lawson (1988:16), cf. Lawson (1980:13ff.).

turn, may hinder and stifle the capacity of a party system to integrate and accommodate all of a polity's socio-political groupings¹². Communal parties are an example of how modernisation processes can provide the means – e.g. party organisations and party-based electoral competition – for the institutionalisation of so-called 'traditional' identities, rather than their replacement or transcendence. By institutionalising differences, ethnically-based parties can be potentially dysfunctional – from the perspective of the larger collectivity – up to the point of political disintegration¹³. And yet, even in a situation of strong group differences and segmentation, parties can still be instrumental in channelling participation and inputs to a successive stage of the political process where the integration of the distinct groups into the polity can be achieved. For this to happen, some mechanism for conflict management, whereby parties are enabled to seek compromises with other groups, may have to be worked out. Examples of such mechanisms include consociational party-based regimes¹⁴ as well as more explicitly integrationist devices¹⁵.

Politics is a collective game, and effective actions in a collective game require co-ordination. Political parties emerge when the number and variety of different interests and unstructured demands require something more than informal interactions to bring them together. The more the people and the complexity involved in the game, the more the need to organise co-operation:

“the novelty derives from a politically active, or politically mobilized society ... modern politics requires a party channelment ... A partyless polity cannot cope, in the long run, with a politicised society ... [which requires] a stabilised system of canalisation ... The larger the number of participants, the more the need for a regularised traffic system”¹⁶.

¹² Cf. Dogan - Pelassy (1990: 97).

¹³ See, for instance, Horowitz (1985:ch.7).

¹⁴ Consociational democracies adopt four principles that aim at regulating communal conflicts: power-sharing in the executive, proportional representation, (territorial or non-territorial) autonomy for communal groups, and veto power for minorities (cf. Lijphart 1977, 1985, 1999). The term 'power-sharing' itself is often used as a synonym for 'consociationalism', not only because the key aspect of the latter is executive power-sharing, but because the other three elements as well imply some kind of 'participation' to the exercise of political power in its broadest sense (e.g. through legislative representation).

¹⁵ See, for instance, Horowitz's (1991:163) proposals for electoral integration. In general, one might think of 'aggregation' as referring to less-than-whole entities, such as majority or minority coalitions, and 'integration' as referring to units as a whole, such as polities. The idea of a no-party polity emphasizes the need for polity-wide integration, and shies away from lower level aggregative agencies such as parties that are perceived as risky and divisive devices. A multiparty polity, by contrast, gives priority to the interest aggregation process that occurs at the level of each party or coalition of parties, especially where there are no deep communal divisions that need be reconciled and integrated. When such divisions exist, however, a party-based political process can still address the question of integration by means of consociational or integrationist designs.

¹⁶ Sartori (1976:xii,41-2).

This study is concerned with the quest for effective political institutions for development¹⁷. Such a concern – largely shared with the ‘good governance’ agenda – is derived from the core ideas of Samuel Huntington’s polity-building theory¹⁸. As participation broadens and calls for organised politics, responses to such calls may be manifest in heterogeneous attempts at co-ordinating individual political activities. Yet, the development of sound institutions is not to be taken for granted nor to be automatically derived as a spill-over of socio-economic change. Rather, such institutions may have to be purposely built and developed. If an effective framework of the polity is needed under conditions of social change and increased participation, more sophisticated ways of political interaction have to be developed and institutionalised. Differentiated and rationalised procedures and organisations have to acquire value, regularity and stability¹⁹. In a participatory context, this process of political institutionalisation requires some kind of organisation, that is, some “form of *formal* co-ordination of the activities carried out by different individuals”²⁰. In practice, parties can contribute to institutionalising mechanisms of response to some crucial political needs of developing countries with fragile political systems:

- parties can make sense of the multiple and complex pressures that emerge from society by articulating demands and selecting issues of political salience. For example, the de-institutionalisation and detachment from society of the pre-1997 Zairian state, where broad regions lacked

¹⁷ This research contributes to the expanding field dealing with constitutional engineering for ethnic conflict regulation only in an indirect way. The study of institutional choices for the democratic management of ethnically-divided societies has drawn attention to issues such as the form of state (e.g. unitary vs. federal arrangements; see, for instance, Horowitz 1991:214ff., Davidson 1992:274,286, Lijphart 1979), the electoral system (e.g. majoritarian vs. proportional formulas; see, for example, Sisk – Reynolds 1998, Barkan 1995, Reynolds 1993 and 1995) and the type of executive (e.g. presidential vs. parliamentary government; see, for example, Linz 1994, Lijphart 1992, Horowitz 1991:205ff.). In particular, attempts at engineering the structure of a party system have largely occurred through the choice of an electoral system rather than another, on the ground that the chosen system would foster the representation of minorities, the stability of the government, or some other feature of the political system (cf. Sisk – Reynolds 1998, Sartori 1968, Lijphart 1994). Aside from the introduction of one-party regimes, by contrast, attempts at shaping the party system in a more direct way (such as by means of mandatory two-partism, a solution advanced by Nigerian rulers when the return to civilian government was being discussed in the late 1980s; see Horowitz 1991:156) was a relatively rare occurrence. In a sense, the Ugandan case would fall in this latter category: a direct attempt at shaping the party system, up to the extreme point of not having any political parties. However, these and other issues related to institutional choices for the democratic regulation of ethnic conflict will not be directly addressed by this thesis. They will remain in the background of an inquiry that focuses primarily on some fundamental aspects of the functioning of Uganda’s ‘no-party’ politics. The way ‘no-partism’ actually works is to be understood before its potential as a conflict-regulation tool is considered, and before we treat it as a prescriptive model – i.e. as a reference for other African countries seeking to manage ethnic conflict in a democratic way – as some observers tend to do (see, for instance, Apter 1995:158 and Mamdani 2001).

¹⁸ Huntington (1968).

¹⁹ Huntington (1968:12).

²⁰ Lanzalaco (1995:105). A distinction is made between *private* political organisations (parties and other associations for interest representation) and *public* political organisations (state bureaucracies and decision-making organs) based on their acting, officially, on behalf of the society as a whole or of specific groups (Lanzalaco 1995:184). Unless otherwise specified, hereafter ‘political organisation’ means ‘private political organisation’.

any sort of contact with the centre, arguably contributed to the destabilisation and collapse of the entire political system;

- parties contribute to structuring and ordering mass participation and pressures by channelling and directing them into relatively recurrent and recognisable patterns of political interaction. Such patterns, in turn, create the behavioural expectations necessary to stabilise politics. For example, daily popular votes on all policies and all politicians would generate a situation of extreme volatility, incoherence and instability. Similarly, retrospective sanctions by voters also need a stable structure of electoral competition and parliamentary organisation²¹;

- parties can create the basis for representing conflicting interests and the mechanisms through which these can be compromised and managed, thus contributing to the integration of different social groups in a common political community. For example, the outcome of the Northern Ireland peace process (1994-2000) largely hinged on whether the main parties could keep their constituencies from exiting the process and violently challenging the system. The concern with integrating the Zulu-based Inkatha party and the right-wing Afrikaner minorities in South Africa's transition is a further case in point²².

Doing away with parties – aside from raising questions concerning the democratic character of the polity – may create more elementary problems of institutional soundness and viability of the new system. Political parties can promote the institutionalisation of participatory politics and thus the stabilisation and governability required for a regime to be effective. Eliminating parties is likely to open gaps in the wider political system²³, *unless other arrangements are devised to fill the organisational vacuum.*

²¹ Hofferbert (1999:7).

²² The 'political integration'-concern may be answered by democratic means, as it is currently the case in Northern Ireland or South Africa. However, the issue is a broader one and, as pointed out, it has to do with the effectiveness and soundness of the system, rather than merely with the latter's democratic content. Indeed, in the short term, problems of political integration may be temporarily solved through external wars. When, after two years of border war, Ethiopia invaded Eritrea in May 2000, the impact on Ethiopia's socio-political life was reportedly one of increased 'nationalist' cohesion (cf. Clapham 2000). Whether war can constitute an 'institutionalised mechanism' – and, notably, whether it can be an advisable solution – is a different matter.

²³ The dependence of the stability and governability of democratic regimes upon effective political parties has been illustrated by a comparative literature focussing not only on African politics but also, for instance, on the Indian case and on Latin

In addition to performing the above functions at the macro- or systemic-level, political parties are also functional arrangements from the point of view of the individuals that are involved in party activities. Voters, party members, legislators, government officials or others may more or less directly benefit from the use of parties as “collaborative devices for mutual gain”²⁴.

Politicians in government, for example, have a keen interest in steering parliamentary activities, which they most often do by means of supportive or controlled party parliamentary groups. While parliamentary governments normally depend on majoritarian support in the assembly for their survival, presidential executives are no less dependent on such support for the effectiveness of their political initiatives.

Similarly, the members of a legislative assembly face strong incentives to devise party-like co-operative mechanisms. There are two main theories framing the benefits that MPs draw from organising or belonging to party-like groupings²⁵. According to one – the ‘one-arena model’ – legislators focus on the advantages that collective actions inside parliament can provide. Parliamentarians need to coalesce to win benefits such as office spaces or staff, powers such as committee chairs and membership or agenda setting, and policy measures (through the control of the agenda and of the government, through legislative initiatives, etc.). A so-called two-arena model, by contrast, emphasises the links between parliamentary and electoral politics by focusing on the parliamentarians’ concern with ensuring their nomination for the next election as well as the necessary support to actually contest it. These concerns can be answered by the organisational, symbolic (e.g. the label), and financial resources provided by a political party.

Whichever of the above interpretations one wants to accept – the one- or the two-arena model – it will point to the fact that party-like arrangements are most likely to emerge, whether among legislators only or also in the electorate. The incentive for legislators to organise, in particular, may be strong no matter what the role of parties in the electorate, that is, even in the context of a general decline of parties among voters. With reference to industrial democracies, it has been convincingly argued that the organisation of legislative groups is likely to “survive and even prosper” since they “still enjoy tremendous procedural advantage over individuals or non-partisan legislative groups ... if parties really are losing

American experiences. Cf. Diamond et al. (1995:33ff.), Shugart – Carey (1992:ch.9), Kohli (1990,1994), Mainwaring (1993:222-223), Linz – Valenzuela (1995:81), Sartori (1994:125,190), Rueschemeyer et al. (1992:9).

²⁴ Strøm (2000:182).

²⁵ Bowler (2000). Cf. Cox – McCubbins (1993).

their hold on the electorate, it represents *a return to their roots as parliamentary organisations*²⁶. In this sense, “democracy without parties might be unthinkable, but large modern legislatures without political parties is almost inconceivable”²⁷.

Surrogating party activities

While this work assumes that, in participatory systems, there are strong reasons why party-like organisations may emerge and become key features of the political-institutional set up, the investigation carried out in this thesis will be open-ended. The research is operationally structured in such a way as not to pre-empt the possibility of uncovering the presence of alternative organisational arrangements as functional surrogates of political parties. The study will verify whether Uganda’s political system includes non-party devices capable of performing party-like roles and filling in the organisational vacuum that a ‘no-party system’ presupposes. A ban on parties may in fact merely produce effects similar to those of other criminal prohibitions concerning drugs, alcohol, etc., that is, when something is forbidden, people often look for and perhaps find alternatives²⁸. What do Ugandan politicians do, for instance, to get in contact with the voters, to aggregate in parliament and to produce inputs in policy-making processes? What organisational arrangements do they rely upon, if any?

The presence and extent of alternative ways of organising politics – if any – will be brought to light only as a function of the processes that these alternatives serve. The research strategy thus begins with the empirical recognition of specific stages of the political process (e.g. electoral politics), which is then followed by the identification of the formal organisations or informal institutional arrangements performing them. There is no illusion of monitoring every single institution of any kind. The notion of functional equivalence assumes that a careful attention to the political context and events should enable to detect the outcome of the activities of the relevant institutions and thus suggest the institutions themselves on which attention is to be focused. For instance, if a church has a critical part in selecting candidates for election, this can be discovered firstly by identifying the ‘process’ itself (i.e. the way individual candidates are selected), and then by following it up to its ‘source’ to find out which agency plays the major role (the church, in the example). Functional equivalencies can be very revealing in a context of weak and informal political organisation, where they can

²⁶ Thies (2000:239, emphasis added).

²⁷ Dalton – Wattenberg (2000:9).

²⁸ I am grateful to Donald Horowitz for suggesting this analogy.

be used to detect less formal but institutionalised forms of politics²⁹. Uganda's 'movement' politics is likely to be a case in point, for no-party politics imply, at least in principle, unorganised or weakly organised politics.

The use of equivalencies that focus on the functions themselves, before searching the institutional arrangements involved in their fulfilment, can also be instrumental to avoiding being misled by 'parties' that are such in name but not in fact or 'functions'³⁰. If the starting point is a function (e.g. the aggregation of votes in the legislative or the participation in policy-making processes) and the latter brings the attention on party 'A' and on an NGO 'C', the risk of being misled by an organisation labelled party 'B', which is actually extraneous to the process under investigation, should be avoided.

Some examples of organisational surrogates that have emerged in Uganda as a reaction to the marginalisation of parties may further illustrate the concern of this study (each of these examples will be discussed in depth in later chapters). The emergence of such surrogates constitutes a direct manifestation of the 'need for organisation' that is a postulate to this research.

The creation of a Movement parliamentary caucus is a first example. The caucus, which co-ordinates the action of pro-movement MPs, goes blatantly against the principles of individual merit and all-inclusive politics. Not only multipartists, but even moderate movementists have quickly acknowledged the contradiction: "if the constitution says that the system is based on individual merit, you don't come here [to parliament] to be whipped into line. Although, I know that in practice it's partly different... But I don't attend the meetings of the caucus, I don't believe in it. Otherwise, we can go back to multipartism"³¹. The rationale of the caucus is quite clear, however, as the chairman explains: "it's a consensus-building caucus. Although we have individual merit, individual politics then need to come together, you know it very well, to reach group consensus. I see it as a filter, and a refiner of possible policies before they come to the House"³². And in order to reach consensus, Movement leaders "are now proposing to put in some rules for discipline ... The idea is that we shouldn't just discuss things on the Floor – and come out as divided – but the Movement people should have a common position"³³.

²⁹ Cf. Dogan and Pelassy (1990:40).

³⁰ The point is raised by Sartori (1970:1048).

³¹ Wandera Ogalo, MP, interview (Kampala, June 14, 1999).

³² Gilbert Bukenya, MP, chairman of the Movement caucus, interview (Kampala, July 2, 1999).

³³ George Wambuzi, MP, interview (Kampala, June 8, 1999).

The Young Parliamentarians Association (YPA) is another organisation which originated in parliament, albeit with a somewhat different agenda. Political socialisation was among the association's initial aims: "we were strangers when we first came here, and parliament had no structure whatsoever for any kind of, say, induction. [YPA was created] to learn what parliament is and how it works ... to support ourselves in understanding how things work and in taking part to the legislative activities"³⁴. Legislative aggregation was another concern: "we also do legislative activities, we agree on issues, we discuss them to overcome the division between the parties and the Movement, in a non-partisan way"³⁵. But YPA's main task is 'to pool resources' and to be "the structure that has to organise fundraising for activities in the constituencies"³⁶: "they have a 'development fund' for work in the constituencies, in which they pay Shs.100,000 (\$60) per month. You know, here we don't have political parties, so MPs need to team up with each other"³⁷.

A further example is provided by the Foundation for African Development (FAD), a third sector organisation which partly replaced the marginalised Democratic Party for some of the latter's activities. As the late director of FAD and DP Publicity Secretary put it, in 1980 "DP hadn't been revived yet: parties were not allowed, so we founded an NGO"³⁸! Currently, the foundation is being instrumentally used by the party as a channel of political communication with the grassroots: after all, "when you don't have party branches to do the job, you need something else in place to do it! As a matter of fact, FAD has always organised seminars to call and gather party members"³⁹.

A fourth case is illustrated by the 1997 *Movement Act*. As it predictably happens to 'movements' of various types, they sooner or later face the question of the extent to which they can be politically effective with a loose organisation: "they suffer the consequences of the unsolved tension between the conception they have of themselves and the constraints of political life, which implies the structuration, the creation of hierarchies, the acceptance of the rules of the game"⁴⁰, "the transformation of the movement into a party ... into something more stable and permanent"⁴¹. In spite of an official mantra referring to the Movement as a system rather than a political organisation, the aim of the *Movement Act* was precisely to develop a

³⁴ Salamu Musumba, MP, interview (Kampala, June 16, 1999).

³⁵ Salamu Musumba, MP, interview (Kampala, June 16, 1999).

³⁶ Elly Karuhanga, MP, interview (Kampala, June 8, 1999).

³⁷ Lt. James Kinobe, MP, interview (Kampala, June 3, 1999).

³⁸ Anthony Ssekweyama, late administrator of the Foundation for African Development and Publicity Secretary of the Democratic Party, interview (Kampala, June 6, 1999). In 1979-1980, post-Amin Uganda experienced a similar though very brief spell of no-partism, during which FAD was created. The NGO was then revived as a party substitute under the NRM.

³⁹ Robert Kitariko, former Secretary General of the Democratic Party, interview (Kampala, May 13, 1999).

⁴⁰ Pasquino (1990:661).

⁴¹ Apter (1965:205).

countrywide extra-parliamentary organisation by setting up party-like structures at different levels.

Methodological notes

The broader aim of this study is to provide empirical evidence of how some crucial components of the current 'no-party' electoral regime are functioning, thus filling a gap in the literature on Ugandan politics. For this purpose, the thesis tries to shed light on the forms, strength and functions of political organisations that exist, resist or are being formed in a supposedly no-party context. The study then analyses the role of such organisations, and of others that are not primarily aimed at formal politics, in the way electoral and parliamentary politics are played out and in the policy-making process.

For the organisational analysis that constitutes the first part of the research, aimed at finding out the degree of presence of political parties on the ground, the latter are defined as "organisations that pursue a goal of placing their avowed representatives in government positions"⁴² through a competitive struggle for political power that is not necessarily election-based. The stress is not on the electoral process *per se*, as political competition is more broadly conceived, but rather on the common goal of parties. Thus, "a political group that *would* present candidates for public office, but is unable to do so either because it is proscribed or because elections are not being held, is also a party"⁴³. These definitions are especially useful to an analysis of Uganda's current regime, where elections are not contested under party banners and, still, the overall political game largely is. In addition, the above definitions can and will be intended as excluding forms of sub-organisation that are entirely internal to governmental institutions, such as parliamentary caucuses lacking an extra-parliamentary organisation.

The specific concern of this first part is with the effective presence and organisational depth of Ugandan parties – i.e. their degree of organisation – which is defined as "the extent of regularised procedures for mobilising and co-ordinating the efforts of party supporters in executing the party's strategy and tactics"⁴⁴. A number of organisational indicators are identified in Table 1.1. The selected indicators are mostly self-explanatory. The presence of a *headquarters* and some *central organisational bodies* are a necessary minimum for talking of a 'party', with the variations to be observed concerning the level of structural differentiation and

⁴² Janda (1970:83). In this case, 'government' is obviously not limited to executive organs.

⁴³ Mainwaring – Scully (1995:2).

⁴⁴ Janda (1970:106). Some of the indicators adopted in what follows are also inspired or directly drawn from Janda's work.

the frequency of meetings. Organisational intensiveness and extensiveness can further be determined by the existence of a formalised *parliamentary group* as well as from *local branches* and *special organisations* (for the youth, women, development groups, etc.). For each party organ, ideally, the frequency of meetings should also be traced. The overall *membership size* will also be looked at (within the limits of reliable figures). *Written rules* and their effectiveness, notably in prescribing internal differentiation of organs and leadership selection processes, are a sign of relatively well-established and regularised procedures, while the *maintenance of records* tells us about organisational continuity. The availability of some regular *funding*, as well as its size and diversity, is critical for the survival and stability of any organisation; *party media* (newspapers, radio channels, etc.) are another important resource. Finally, information on the presence of *internal institutionalised groupings* or *external affiliation* to other organisations improves the understanding of coordinated behaviours.

| <i>Degree of organisation</i> | <i>Indicators</i> |
|---|---|
| (Complexity Effectiveness Levels of activity) | <ul style="list-style-type: none"> <input type="checkbox"/> headquarters and central organisational bodies <input type="checkbox"/> parliamentary group <input type="checkbox"/> local branches or similar referents <input type="checkbox"/> ‘ancillary’ organisations (for youth, women, etc.) <input type="checkbox"/> membership <input type="checkbox"/> party media <input type="checkbox"/> written rules <input type="checkbox"/> maintenance of records <input type="checkbox"/> funding <input type="checkbox"/> informal but openly recognised internal groupings <input type="checkbox"/> party’s formal affiliation to (or alliance with) other organisations |

Table 1.1: *Degree of organisation of political parties: indicators*

The second step of the empirical investigation will focus on the way politics is organised in two phases of the political process, namely electoral and parliamentary politics. The political organisations that enter or emerge in these two arenas are examined through four

empirical indicators that are identified in Table 1.2 and briefly explained below. In addition to these two stages, a case study of policy-making – i.e. Uganda’s land reform process – is selected for closer investigation, with particular attention to the presence of organised inputs and support for specific positions in the form of policy statements and initiatives.

| <i>Variable</i> | <i>Indicators</i> |
|---|--|
| i. Electoral organisation | <input type="checkbox"/> campaigning organisations <input type="checkbox"/> candidates selection mechanisms |
| ii. Parliamentary organisation | <input type="checkbox"/> parliamentary associations <input type="checkbox"/> voting discipline |
| iii. Organisation in policy-making | <input type="checkbox"/> policy statements <input type="checkbox"/> parliamentary policy initiatives |

Table 1.2: *Organisation at the election and parliamentary stages and in the policy process*

Electoral organisation. Effective government needs to be linked to the underneath society. To avoid a state detached from the citizenry it rules, social interests and necessities have to be aggregated so that they can gain political saliency and become the basis of state policy. The process requires some form of organisation, including electoral organisation. The question is whether parties do play a role in providing linkage at this level or, if they do not, whether and which other organisational arrangements are used for electoral linkage⁴⁵. The bottom line is a situation in which the campaigning process is entirely fragmented. On the other hand, the presence of campaigning organisations (beyond the temporary and informal appointment of agents) as well as mechanisms of candidates selection (as opposed to mere self-selection) will be used, respectively, as direct and indirect indicators of the degree of electoral organisation.

Parliamentary organisation. Effective government policy also requires the aggregation of a coherent legislative support. Aside from procedural rules, parliamentary activities need political organisation to avoid the inefficiency of fragmentation. The possible

⁴⁵ Cf. Lawson (1988:14-16).

role of parties in parliamentary interactions will be compared to that of other organisational arrangements that may have been set up, if any. In particular, the existence of parliamentary associations and of mechanisms for the enforcement of voting discipline will be adopted as direct and indirect indicators of processes of aggregation taking place within the legislative assembly.

Organisation in policy-making. To make government policy effective, social interests have to be aggregated, gain saliency and become inputs in the form of policy pronouncements, proposals or initiatives. The question here concerns the way policy formulation is organised: whether parties do play a role or, when they do not, whether other organisational arrangements have the capacity to produce policy inputs. Policy statements and parliamentary policy initiatives – with regard to the specific case of land reform – will be observed as indicators.

Before concluding this introduction with the plan of the thesis, some further clarifications concerning the type, the scope and the techniques of the research must be made. The research is meant to be a theory-disciplined case study⁴⁶. Technically, such a study will consist of a qualitative analysis and explanation of the way and extent to which selected political processes are carried out by political parties or alternative organisational arrangements. While attention is paid to the country's historical background and to the first years of the NRM regime, the period under examination goes from 1994, when the Constituent Assembly was elected, to mid-2000, when fieldwork in Uganda was completed. The data used are partly drawn from party documentation, parliamentary archives, press coverage and secondary literature. The main source are semi-structured élite interviews with:

- members of parliament
- national and local representatives of the Movement and of the major parties
- representatives of non-party organisations (bureaucratic agencies, NGOs, pressure groups, etc.)

Over 50 party representatives (including Movement officials) have been interviewed [see Appendix 1]. The basic criterion for sampling was office. The focus of these interviews was a party's organisational map (both at the national and at the local level), the process of selection of candidates for elections, the way an election campaign is approached, and the

⁴⁶ Cf. Lijphart (1971) and Eckstein (1975).

specific policy formulation and initiatives of the parties. While the research concentrates on national politics, a sample of districts was also selected for a closer investigation of the extensiveness of party organisations. The districts that were chosen are those of Mukono in the centre-south, Gulu in the north, Mbale in the east, and Mbarara in south-western Uganda. In addition to mere geographical representativeness (i.e. four districts, four different regions), the districts selected are all important regional centres, which, resource-wise, makes them 'least likely cases' of the expected party disorganisation. The selection of sub-national units that are broadly representative of the country's socio-economic disparities is also instrumental to controlling such variable by finding evidence that cuts across different contexts.

Over 30 members of parliament have also been interviewed [see Appendix 2]. The sampling criterion was mere access to them, with attention to retaining a certain balance between regions, gender, and political partisanship. The interviews focused on electoral networks, parliamentary associations, parliamentary policy-formulation, voting behaviour and extra-parliamentary links.

Finally, representatives of non-government organisations and policy-makers have been questioned [see Appendix 3]. These include foreign organisations (such as the German Konrad Adenauer Foundation or the UK Department for International Development), political groupings (such as The Free Movement), Ugandan NGOs (e.g. Uganda Land Alliance or Forum for Women in Development) and government agencies (notably at the Ministry for Lands). The sampling criterion was 'relevance' to the policy process, mostly with reference to the case of land reform. The issues addressed in these interviews include party-surrogate arrangements, policy-advocacy, policy-formulation and others.

Quite a lot of space is left to interview materials in the dissertation. The text of the interviews was occasionally improved to make it fully intelligible. This, however, was only done when the message was not ambiguous, with the best endeavour on my part to avoid any kind of distortions.

Plan of the thesis

The thesis is divided in three main parts. In the first part, following this introduction, a reconstruction of Uganda's long process of political-institutional reforms is carried out in Chapter Two and Three. The reform process is reconstructed in the light of the Movement's own reading of the country's political history and of its no-party ideology. Thus, a concise

excursus along the history of Uganda's political parties is presented in Chapter Two, as a basis for an understanding of the broader debate on multipartism. A historical background to the land issue is also introduced in view of the analysis of land reform that is conducted in Chapter Eight.

Chapter Three focuses on the institutional changes of the 1986-2000 period, that is, since the National Resistance Movement took over power – and started developing the ideas and practice of no-party politics – until the referendum of 2000, which was meant to fully legitimise the retention of the current system and the contextual rejection of multiparty politics. Over these fifteen years, the country's political system has gone through a continuous process of institutional and organisational reform. The key phases of this process were, in the mid- and late 1990s, the entrenchment of no-party politics with the adoption of a new constitution, the first direct legislative and presidential elections held under the new regime, and the countrywide creation of party-like Movement structures.

Part Two consists of Chapter Four and Chapter Five, addressing the issue of the actual presence of political organisations under the current arrangements. The analysis is carried out by focusing first on the Movement – whose organisation has not been studied comprehensively so far – and then on the main opposition forces, namely the Uganda People's Congress and the Democratic Party.

The inquiry into the organisational development of the ruling Movement group reveals a continuous process of internal change and of (relative) organisational tightening. In spite of the anti-party credo, the Movement group has used parliamentary legislation to prompt the development of a fully partisan and hegemonic – if fragile – political organisation. Indeed, the Movement is not a 'political system' – as claimed by Movement supporters – but a partisan organisation: its inclusivist claims clash with a *de facto* situation where the ins-outs distinction is quite clear. The Movement is hegemonic, for its organisation rests on a clear supremacy which cannot be challenged by peripheral parties. But the Movement is also a fragile rather than a strong organisation: it had virtually no institutions until very recently, and its new structures still have only a scant presence on the ground. Yet, in a context where the opposition is legally disorganised and the Movement has exclusive access to state resources, such a weak organisation is enough to enforce hegemony.

The study of the Movement is followed by a study of the current state of political parties. As already noted, parties are not prohibited *per se*; rather, most of their activities are legally banned. A crucial step towards understanding actual political practice beneath formal no-partism is to account for the scope for action that political parties retain. This, in turn,

requires an investigation into what parties are in organisational terms. The analysis of the set-up of both the Uganda People's Congress and the Democratic Party – i.e. the country's two historical parties and the bulk of the opposition to the current regime – reveals how parties have reacted to existing restrictions to retain a degree of organised presence in Ugandan politics. Evidence shows that the two parties have been heavily constrained by the anti-party measures, and that their organisational development can be read as a (feeble) attempt to devise internal arrangements, or to find external support, which would improve the chances of party survival and the effectiveness of their opposition.

The third part includes three chapters. These are meant to provide an account of how no-party politics works by focussing on: A) selected junctures of the political process (i.e. electoral and parliamentary politics), B) a case-study of policy-making (i.e. land reform).

Chapter Six and Chapter Seven are similarly structured. They address the question of how political action is organised in no-party elections and in a no-party parliament, respectively. Electoral politics are dominated by the fragmentation that the no-party or individual merit principle generates (or rather maintains). No strong organisational arrangements have emerged at the election stage. Individual campaigning machines prevail in the latter arena, with only weak efforts to coordinate individual behaviours on the part of the Movement and of the political parties.

The analysis of the inner politics of what is supposed to be an atomised parliament is most revealing. A consistent trend towards the establishment of party-like devices within the assembly emerges – especially in the form of parliamentary caucuses – as evidence of the fact that MPs need to overcome the individualisation of political action by coordinating their activities. Similar arrangements run against the original ideas of building a political sphere capable to do without political organisations.

Finally, in Chapter Eight, land reform is investigated as a case-study of no-party policy-making. The analysis points at a decision process which, predictably, is primarily shaped by people in key public offices. In the process, consultative exercises were organised by government bodies as well as by independent organisations. In the virtual absence of party inputs, occasional contributions came from resource-endowed groups such as the powerful elite of the Baganda kingdom and some Kampala-based NGOs.

While the main thread of this thesis is focused on political organisation, the dissertation is also attentive to factors such as historical legacies, social formations, resource availability, leadership style and external influences, all of which undoubtedly contribute to

No more parties?

explaining Uganda's recent political developments. The country's post-independence experience with ethnic politics is taken as the point of departure, in the next chapter.

Chapter 2

Post-independence politics and conflict-management failures

Parties, political conflict and land issues in Uganda

Democracy, ethnicity and political exclusion

Political reform in Uganda was professedly aimed at solving a problem of profound socio-cultural divisions. The country's political history had been largely shaped by changing power balances among ethnic groups. The politics of exclusion – whereby dominance by one or more communities would come (or be *perceived* to come) at the expense of other communities – had fostered a chain of violent ethnic and religious conflicts. In turn, the 'capture' of the state by specific groups, be they the Lwo or the Langi under Milton Obote or the 'Nubians' under General Idi Amin, was reflected in the creation of non-democratic regimes as much as in the latter's instability.

By any definition, ethnicity is based on a cognitive distinction between those who are 'in' and those who are 'out' of a communal group¹. As a consequence, ethnic politics tend to be inherently exclusionary politics. This is true no matter what kind of political regime is adopted. While a democratic system does offer the greatest potential for the inclusion of different communities by ensuring their representation, democracies in plural societies also risk an early loss of this legitimising inclusiveness. Democratic legitimacy is largely if not exclusively a form of procedural legitimacy. 'Free and fair' elections as a way of selecting a political leadership can spread the belief – and legitimacy is about beliefs – that the system is a 'just' one because the rulers are subject to proper procedures (the electoral process) that supposedly guarantee their right to rule. The opposition is meant to be constitutionally loyal

¹ The terms *ethnic* and *communal* are here interchangeably adopted to indicate identities and solidarities based on beliefs in a shared past and in 'real or putative' kinship relationships. Such identities can refer to different attributes as indicators of group membership (e.g. language, religion, colour or 'race', region, 'nationality', etc.), but, to a certain extent, their 'activation' and politicisation can be a function of both inter-group relationships and political manipulation. Cf. Hutchinson – Smith (1996), Horowitz (1985), Young (1976), Kasfir (1976).

and to acknowledge a government that has been empowered by popular vote. The government of the day, in turn, accepts the legitimate attempts by the opposition to take over in subsequent electoral rounds and the possibility that the existing majority/opposition relation might be reversed. In other words, the notion of democratic competition implies the opportunity, for every minority or opposition group, to take part in future to the government of the society.

The problem with democratic politics in an ethnically-divided context stems from the segmentation of the electorate. Voters are likely to vote according to their ethnic identity, and, because communal bonds are hardly negotiable, relatively few of them will modify their allegiances over time². Successive elections may simply produce (or be perceived to produce) census-like results that reflect the ethnic segmentation of the electorate and the demographic size of the different groups. As electoral results tend to mirror socio-cultural cleavages without any foreseeable changes, the roles of majority and opposition may appear to be frozen, with the virtual possibility, for a demographically majoritarian part of the population or an alliance of groups, to be permanently in power. A demographic majority turned into a democratic majority would be able to claim a formal legitimacy, but, by permanently excluding opposition groups from the governmental sphere, it would in fact alienate the latter and undermine the substantive legitimacy and stability of the political system. Thus, the democratic system risks generating the conditions for its own implosion. Groups condemned to the opposition progressively lose their stake in the existing order and are most likely to react with some kind of violent anti-system challenge. Such a pattern is not only supported by worldwide evidence – from Sri Lanka and Burundi to Northern Ireland – but also by the very rhetoric adopted by Ugandan constitution-makers. The latter explicitly pointed at the adoption of highly ‘inclusive’ political institutions as the way to reduce occasions and perceptions of exclusion and thus to promote political legitimacy and stability.

In divided polities, structuring or engineering the political game in order to avoid or limit exclusionary outcomes is a critical task. In particular, the choice of adequate political institutions deeply affects the prospects for consolidation of a new democratic regime. The relative length of political reforms in Uganda reflects not only complex power struggles but also the relevance accorded to constitutional politics and political stability. Political reform, it was claimed, was a powerful instrument for shaping the constraints and incentives of future actors and thus moderating interethnic competition and conflict. The *inclusiveness* of the emerging regime was allegedly the paramount and specific preoccupation of the country’s

² See, for instance, Horowitz (1991).

political leadership when debating the merits of alternative sets of institutions³. The Movement political system was a reaction to a history of violent conflicts and was justified by the need to keep ethnic and religious identities out of politics. Thus, the new arrangements formally rejected communal groups as a legitimate basis for state institutions (such as federal sub-units) or political parties (whose activities are mostly banned).

As a background to the no-party reform of the late 1980s and 1990s – the object of the next chapter – the past development of political parties in Uganda is investigated in the following section. In addition, the history of the land affairs and related conflicts is also introduced, as a basis for the analysis of no-party policy-making for land reform that will be carried out in Chapter Eight.

The historical development of Uganda's political parties

When Uganda achieved independence in 1962, the country inherited from its colonial master a set of new institutional arrangements that broadly and formally reflected British or Westminster-like political structures⁴. The latter included, for instance, prime ministerial executive authority, plurality elections, a single chamber of parliamentary representation⁵, and a lack of central representation for local and regional political-administrative units. The most notable exception displayed by the country's main institutional features, when compared to the Westminster model, were the semi-federal arrangements envisaged by the constitution. These were only accorded to the four traditional kingdoms of Buganda, Bunyoro, Toro and Ankole, creating an asymmetric set-up in which the remaining areas merely retained the status of 'districts'. Thus, "a peculiar form of federalism [was established] with political units based on a presumed common ethnic identity possessing sharply unequal degrees of power and wealth. The kingdom of Buganda was the only political unit with real federal autonomy"⁶.

In spite of the new participatory set-up left in place by the departing colonial power, however, Ugandans had hardly ever organised for modern politics before independence began to loom. The politicisation and organisation of social demands and grievances had only

³ See, for instance, *Uganda Constitutional Commission Report* (1993:7,56) and Museveni (1992).

⁴ See, for instance, Engholm (1963).

⁵ While the British polity is formally based on bicameralism, a key feature of the so-called Westminster model is the clear predominance of one chamber over the other (the case of Britain), when not a situation of pure unicameralism (as, for instance, in New Zealand). See, for example, Lijphart (1999:24).

⁶ Kasfir (1994:149).

occasionally occurred, such as with the agitation of the Bataka (i.e. the Baganda clan heads) movement in the 1920s and again in the 1940s. In the latter period, a Farmers' Union or Federation – which partly overlapped with the Bataka movement – was also active in demanding the break-up of the Asians' monopoly in the processing and commercialisation of cotton and coffee⁷. Overall, however, “the few pressure groups that existed like the Bataka movement, the Taxi Drivers' Association and the Uganda Farmers' Association were more concerned with specific grievances than with questions of democracy and good governance”⁸.

While a colonial assembly had been established since the 1920s as an advisory body to the governor, it was only in 1958, barely four years before independence, that the majority of the African representatives to the Legislative Council were elected by Ugandans. Before that, members of the so-called LegCo were appointed by the governor, and the representation of African people had been delegated to one or two European members. The first African to join the assembly, made up of whites and Asians, was only appointed in 1945⁹. As in several other countries on the continent, the lack of any pre-independence experience with modern politics and government was as striking as it was complete.

Independence arrived to many African countries somewhat unexpected. It was rarely the product of prolonged nationalist struggles, and this meant that nation-wide movements or political organisations hardly materialised. In the case of Uganda, in particular, pre-independence political issues had largely focused on district-level disputes, resulting in a parochial fragmentation and compartmentalisation of political life. The departing British authorities themselves, despite trying to leave in place some kind of participatory framework, had been highly critical of the formation of political parties on the ground that they would bring about populist appeals and sectarian divisions¹⁰.

Political parties only appeared in Uganda in the late 1950s and early 1960s – and not without difficulties. During the 1950s, according to Low, “powerful, extensive, nationalist political part(ies) failed to develop”¹¹ in the country. Several factors have been identified to explain this kind of development. Not only were there no non-African model political organisations to emulate, but the lack of a common language and the divisions of colonial administration, based on what were supposed to be tribal units now reproduced as electoral districts, were further obstacles to the organisation of fully ‘national’ politics¹². The virtual

⁷ See, for instance, Karugire (1980:147) or Mamdani (1976:181ff.).

⁸ Mugaju (2000:14).

⁹ Mugaju (2000:14).

¹⁰ Mugaju (2000:15).

¹¹ Low (1962:7-9). Cf. Kasfir (1976:114).

¹² Karugire (1980:145).

absence of electoral experience further detracted from the development of strong nation-wide political organisations.

Thus, when independence arrived, parties did take central stage, but they remained very weak arrangements. As a matter of fact, the emergence of sound political organisations, such as the Tanzanian African National Union¹³, was a rare instance throughout the continent. In many African countries, the development of strong organisations was also inhibited by the fact that, after independence, “the work of the party tend[ed] to be neglected”, since several party officials took over government responsibilities in the newly created states¹⁴. In Uganda, this was the case of the Uganda People’s Congress. In describing this kind of developments, some observers went as far as to suggest that, in practice, even “the one-party state in Africa has become a no-party state”¹⁵. The main political parties that emerged in Uganda shared this common organisational weakness and displayed an evident tendency to over-rely on individuals:

“[virtually] none of them was a full-time politician. [Party] organisation ... was almost invariably the work of these few men – most usually upon their free week-ends. Parties had executive committees in which they sat with a certain number of others. Very occasionally – once, perhaps, in three or four years – a party convention would be held. Subscriptions were sometimes paid... Party branches were nominally established in many parts of the country, and from time to time political excitement might be enough to stir local rural leaders into activity. But more frequently, party organisation lay moribund. It was only in the Congress outside Buganda that branches ever displayed any considerable activity on their own, and even the course of these up-country branches was sometimes chequered... one saw nothing at all comparable with the signboards marked ‘TANU Headquarters’... Even Congress never worked its widespread radical following into a strong party organisation”¹⁶.

In 1952, the first political party made its appearance in the country. The Uganda National Congress (UNC) was formed and led by Ignatius Musazi, who had already been the prominent figure in the Bataka movement and was the former head of the Federation of Ugandan African Farmers that conducted a riot campaign in 1949. The UNC was a radical and socialist-oriented party, named after the Indian National Congress and controlled by a predominantly Baganda and Protestant leadership. It largely borrowed its own branch system

¹³ Low (1962:7-9). Cf. Apter (1961[1997:307ff.]).

¹⁴ Kasfir (1976:244). Cf. Hill (1980:230). The pattern described could still be observed in the mid-1990s, when, in post-apartheid South Africa, ANC leaders and cadres took over government responsibilities.

¹⁵ Wallerstein, quoted in Kasfir (1976:247).

¹⁶ Low (1962:36).

from the farmers' Federation¹⁷, but it did not manage to attain a national scope or agenda¹⁸. The party remained trapped in a context of highly parochial or localised issues, further emphasised during the 'Kabaka crisis'. In 1953, the Kabaka of Buganda, Mutesa II, had been deported to Britain upon his refusal to sanction constitutional reforms that the colonial authorities envisaged for the kingdom and for its traditional parliament, the Lukiiko, as well as their possible integration in a federation of East Africa. In the agitation that followed the exile of the Kabaka, the UNC, which was not a prominent voice over this issue, decided to take side with Buganda's ethno-nationalists. This particularistic stance resulted in increased factional divisions at the centre and a weaker control over local party branches. In spite of these difficulties and of the virtual absence of elections, however, the UNC's was the first attempt at establishing a presence on the ground, with some 50,000 supporters and 10,000 fee-paying members¹⁹. While the party failed to establish itself as a durable national organisation, it made significant inroads in areas outside Buganda, such as the northern districts of Lango and Acholi²⁰.

If the UNC relied on the Federation of farmers to reach out to the populace, the Democratic Party (DP) was assisted by priests and by the Catholic Action movement in its effort to take root. A moderate party, the DP was formed around 1954-56 to fight against the prospect of another Protestant becoming *katikiro* (the prime minister of the Buganda kingdom, who, according to the new *Buganda Agreement* of 1955, had now become elective)²¹. The party aimed at a general re-balance in the appointment of chiefs, on the ground that Catholics were a relative majority in the country, but Protestants were consistently over-represented in public offices. In this sense, the DP was actually "a *Christian Democratic Party* ... almost exclusively Roman Catholic in origin, inspiration and membership"²². The strategy of building upon religious structures proved to be more effective than the UNC's in making the party's presence a fixed feature on Uganda's political stage. From the outset, the Democratic Party raised a large following in areas that would guarantee the bulk of its support for decades to come, notably Buganda in the south and the northern districts where the Verona Fathers operated (West Nile, Acholi and Lango)²³. The party thus managed, to a degree, to bring together people from significantly different areas, especially by bridging the

¹⁷ Apter (1961[1997:312]).

¹⁸ Karugire (1988:30ff.) and Low (1962:19).

¹⁹ Apter (1961[1997:318ff.,332n]).

²⁰ Karugire (1980:150).

²¹ On whether the Democratic Party was formed in 1954, before the new Katikiro was appointed, or in 1956, after the post was given to a Protestant, see Karugire (1980:157ff.).

²² Low (1962:22-23). Cf. Karugire (1988:30ff.).

north-south divide. While it may have been the case that “only the Catholic political groups have been able to call upon people’s loyalties to lessen the effects of ethnicity”²⁴, however, the Democratic Party heavily contributed to a process of politicisation of religious affiliations. Protestants, who had occupied the vast majority of appointive offices since the end of the XIX century, did not have the same need and urgency to organise politically for the promotion and defence of their interests. At least not until Catholics threatened to modify the *status quo* that protected them so well²⁵. These divisions were not only set to make emerging national politics highly conflictual, but they also exacerbated political confrontations in the primary setting of Ugandan politics – the districts – where religious factionalism “dissipated the energies of the political parties at a time where more coherent national politics could have been formulated”²⁶.

The DP was led from 1958 by a lawyer, Benedicto Kiwanuka. Aside from the issue of how chieftaincies were being distributed, the party pressed for a policy of rapid Africanisation of political representation and of the civil service, and for the development of social welfare. The immediate achievement of independence, by comparison, was considered by the party less of a priority²⁷.

At the time when the UNC and the DP were moving their first steps in the emerging politics, a number of other parties made short-lived appearances on the pre-independence stage. In the late 1950s, for example, a Progressive Party was organised within the Lukiiko assembly by a Westernised but conservative group led by Eridadi Mulira. The party, however, only survived a brief spell in the country’s politics (1955-8). Further attempts at making an impact followed and failed, including those of the Uganda Taxpayers’ Party, the Uganda Labour Party, the Uganda Nationalist Party, and the Uganda Reform Party. None of these small formations managed to establish a durable political organisation.

Both the Uganda National Congress and the Democratic Party, by contrast, succeeded in having delegates elected to the Legislative Council as soon as, in 1958, they were given a chance to do so. In spite of the newly-gained national representation, however, most politicians maintained their focus on district cleavages. The Buganda establishment and its Lukiiko had even decided to boycott the election, refusing to send the representatives they were entitled to. The growing demands and the challenge that the élite at Mengo, the historical site of the Buganda kingdom, was making to the colonial authorities contributed to

²³ Apter (1961[1997:342]).

²⁴ Apter (1961[1997:306]).

²⁵ Karugire (1980:162).

²⁶ Karugire (1980:174).

²⁷ Apter (1961[1997:340]).

reinforcing and cementing the fears and antipathies that other areas bore against Buganda. As the divide deepened, a coalition of anti-Buganda local leaders emerged within the LegCo – under the new label of the Uganda People’s Union (UPU) – bringing together some representatives that had been elected as independents and others that were exiting from existing parties. The emergence of the Union immediately set in motion an important realignment process in Ugandan politics, causing a split within the still-young Uganda National Congress. An internal clash opposed the Baganda members of the UNC, led by Musazi, to the non-Baganda. Milton Apolo Obote emerged from among the latter as a charismatic leader capable of channelling anti-Buganda feelings in a new party, the Uganda People’s Congress, which he formed in March 1960 by merging his wing of the UNC with the recently-created UPU.

The Uganda People’s Congress (UPC) rapidly took centre stage in the country, assembling a majority in the LegCo and positioning itself as a key antagonist in the two cleavages that were shaping Ugandan politics. The origin of the party put it clearly on one side of the first key divide: “the UPC was specifically an anti-Buganda party right from its inception and this was to remain throughout its history”²⁸. At the same time, the party took up a political identity as an anti-Catholic coalition, dominated by a Protestant leadership as well as based on Protestant associations²⁹. In spite of its success, however, the UPC struggled to establish a national organisation:

“both the Uganda People’s Congress and the Democratic Party characteristically featured an amalgam of local caucuses rather than a strong national leadership that would try to branch out into the districts. This pattern was particularly pronounced in the case of the UPC”³⁰.

“the strength of that party did not lie in the coherence of its organs, for these hardly existed, but in the fact that most of its leaders had also been leaders of their own districts. ... Therefore it was impossible to build a coherent party whose machinery could impose discipline on all and sundry”³¹.

Uganda’s new political parties represented the emergence of modern politics, which was meant to be based on popular participation and electoral competition for political office. While the parties themselves appealed to ‘existing’ communal diversities such as ethnic or

²⁸ Karugire (1988:36).

²⁹ Young (1976:250) and Kasfir (1976:196,142).

³⁰ Doornbos (1978:12).

³¹ Karugire (1980:190).

religious solidarities, however, they had to face the opposition of political forces that had an even stronger historical link with cultural or traditional affiliations. These non-party political forces were not going to look on while the parties prepared to fight among themselves for power. In spite of the role that parties were acquiring, it could be claimed that “the most powerful and well-organised grouping remain[ed] Buganda, which function[ed] like a regional political party vis-à-vis others, its clientele based on ethnicity”³².

Since the mid-1950s, politics within the Lukiiko assembly had been dominated by neo-traditionalists. The latter combined an attachment to old style politics – and thus an innate anti-partism – with the early recognition that, to respond to the challenges of the emerging political parties, they had to structure their own action better. The example of Ghana, where, after independence in 1957, the Convention People’s Party had adopted measures that strongly penalised traditional institutions³³, prompted some prominent Baganda to organise a Uganda National Movement (UNM) in 1959. Political leaders such as Mulira and Musazi coalesced in this short-lived party, which faded soon after orchestrating a boycott against non-African products aimed at hitting the resented Asian processing and marketing activities. The UNM, which was only a loose association, was somewhat tightened and formalised with the formation of a quasi-party – the Kabaka Yekka (KY) – in June 1961. The ‘the king alone’ organisation, which was endowed with abundant resources by comparison to other political forces³⁴, was born with an explicit conservative, pro-royalty and federalist political platform. Since the Baganda élite at Mengo had been traditionally dominated by Protestants, the KY also came into being, in practice, as an anti-Catholic coalition.

As the post-independence political scene began to take shape, therefore, a three-actor game resulted from the politicisation of two communal cleavages: an ethnic Baganda *versus* non-Baganda dimension and a religious Protestant *versus* Catholic alignment. In the new politics, the young and semi-organised Kabaka Yekka movement soon scored striking successes. It managed, in the year of its very creation, 1961, to orchestrate an impressive boycott of the election for the first National Assembly, with only 3-4 per cent of the Baganda electorate taking part in the exercise. The success, however, somehow backfired. Mengo’s boycott of the election meant that the DP, which won most of the seats in Buganda with only a few votes and a further share in other areas, managed to put together an absolute majority in the Assembly. The DP leader, Benedicto Kiwanuka, formed the first national executive in

³² Apter (1961[1997:306]).

³³ Low (1962:42).

³⁴ Karugire (1980:186).

June 1961. The new government – and the prospect of it becoming even more powerful on granting of independence – sparked fears among Protestant élites and hierarchies, in and out of political parties.

Buganda's boycott had meanwhile prompted the decision to repeat the vote the following year. On the basis of a fragile anti-Catholic understanding and in spite of all the differences separating the two, the Uganda People's Congress and the Kabaka Yekka resolved to join forces. The formation of this coalition was agreed in view of the 1962 election, to be held just before independence. The KY was now "confronted by novel problems of electoral organisation... but into the breach stepped the now chastened chiefly hierarchy... enjoyed the great advantage of being organised already as a functioning political bureaucracy"³⁵, a "formidable organization"³⁶. While, during the first election, Mengo had influenced the vote by keeping most Baganda away from polling stations, the following year it went straight for their votes. In February, the Kabaka Yekka thus won 65 out of 68 seats in the Lukiiko, losing only the three seats that were contested in the 'lost counties', an area of Buganda which had formerly belonged to Bunyoro and was still inhabited by Banyoro people. The remarkable electoral success granted the KY the control of Buganda's 21 representatives to the National Assembly, since the kingdom had been allowed to elect them indirectly. While Mengo certainly exerted a strong appeal over many Baganda, however, instances of pre-election intimidation and harassment on the part of the Baganda chiefs, who were exempted from the control of Uganda's new self-government institutions and still responded to Mengo, were far from unknown. The fact that the kingdom fought hard at the London constitutional conference of late 1961 to have its representatives to the National Assembly elected by the Lukiiko is open to interesting interpretations:

*"if the Buganda populace was given a free hand in choosing their representatives to the Lukiiko and to the Assembly, they would have unquestionably removed the backwoodsmen who had ruled them by bullying and intimidation for so long. ... Thus the Baganda were carefully shielded from expressing their loyalty so directly"*³⁷.

But the crux of the matter was that, for the KY as for the other parties, the focus remained on local issues and communal representation, which, in turn, implied that central organs could hardly be weaker:

³⁵ Low (1962:55).

³⁶ Kasfir (1976:126).

“Ugandan parties exacerbated ethnic political participation up to 1966. None of them developed centralized national organizations. Instead, they were oriented toward district politics and vulnerable to the appeals of ethnic movements. The national organization of the UPC controlled neither nominations of candidates for the NA nor policy statements of district branches ... ‘its structure was based on a conglomeration of tribes’. The DP also showed few signs of centralization ... KY ... was an ethnic movement and only in the broadest sense a party at all”³⁸.

In both the 1961 and the 1962 elections, the Democratic Party won mostly Catholic votes (especially out of Buganda), while the Uganda People’s Congress represented non-Buganda non-Catholics, and the Kabaka Yekka controlled a large section of Baganda support. Milton Obote, the leader of the UPC, the party that won a relative majority in the second election, took office as prime minister on independence day – the 9th of October 1962 – while the Kabaka became the first head of the newly-born Ugandan state shortly afterwards. But contradictions in the coalition between the KY and the UPC – the latter being a party created to fight the Baganda’s economic and political predominance – were bound to emerge in full sooner rather than later. The Kabaka Yekka, which relied on external institutions rather than on its own organisational strength and coherence, was rapidly consumed by internal factionalism. Defections to the UPC, which controlled the reigns of government and was progressively restricting the scope for the Kabaka’s involvement in politics, became unstoppable³⁹. Deeply divided, the UPC-KY coalition formed at independence collapsed only four years later, in 1966, when prime minister Obote, who by this time could count on a UPC majority in the Assembly, staged a coup. But the enactment of a new, so-called ‘pigeon-hole’ constitution⁴⁰ was the end-result of a longer process. It has been claimed that “multiparty politics had ceased to exist within a couple of years after independence. After 1964 Uganda became a *de facto* one-party state”⁴¹. The organisation of the UPC itself had become somewhat marginal to the new politics. After a party conference in 1964, “Obote decided to do away with mass organization and replace it with an army ... After that Gulu conference no party activity of any significance took place”⁴². As a result:

³⁷ Karugire (1980:185, emphasis in the original); instances of harassment and malpractices in the 1962 Lukiiko election are also presented by Mugaju (2000:19). Another constitutional conference would follow just before independence, without changing much the arrangements that had been agreed the previous year, Karugire (1980:188).

³⁸ Kasfir (1976:113,115).

³⁹ Kasfir (1976:126). ‘Floor crossing’ concerned the DP as well: all but 6 of its 24 MPs had, by 1966, crossed to the UPC (Mugaju 2000:21).

⁴⁰ The MPs only saw the document after they had voted to ratify it, when they found a copy in their pigeon-holes.

⁴¹ Mugaju (2000:21).

⁴² Onyango Odongo (2000:55).

“in fact, by 1965, for the UPC as well as for the DP, the only evidence that political parties had existed in 1962 were the old battered party flags ... to be found fluttering for only over some buildings which had functioned as party offices during the electoral campaigns of 1961 and 1962”⁴³.

In 1967, a third constitutional text was introduced, which merged the figures of the head of state and the head of government into an executive presidency with strongly enhanced powers⁴⁴. Traditional kingdoms were abolished, Buganda as a political entity was broken up into a number of districts by Obote the northerner, and, overtime, a centralising and undemocratic tendency became manifest in the progressive elimination of most participatory structures, from elections and decentralised representative bodies to opposition parties. As Nelson Kasfir has pointed out, the setting aside of state participatory institutions, such as parliament or local governments, and the ban on political parties were not a phenomenon unique to Uganda. Rather, they were part of ‘departicipation strategies’ that were being adopted in a number of other countries on the continent. Many African leaders were trying to cope with the politicisation of ethnic solidarities by cutting down the opportunities for popular involvement in politics that the participatory arrangements installed at independence envisaged. Tanzania remained a most notable (though partial) exception to this common pattern. Under Julius Nyerere, participation was maintained at comparatively high levels, albeit this was controlled by TANU, which contextually developed a relatively strong organisation⁴⁵.

Elections, parties and conflict in the 1980s

In many African countries, the legacy left by the virtual absence of organised politics before independence contributed to paving the way to the early abolition of participatory practices. In Uganda, the tendency inimical to respecting constitutional rule became even more evident under the military dictatorship of General Idi Amin Dada, between 1971 and 1979. After overthrowing Obote with an army coup, Amin not only completed the latter’s work of eliminating pluralist institutions by abolishing parliament, but he tried to ban

⁴³ Karugire (1980:190).

⁴⁴ The president was to be the leader of the party winning over 40 per cent of the vote in parliamentary elections, but new elections never actually took place (Regan 1995:172).

⁴⁵ Kasfir (1976:25ff., 276).

'politics' entirely⁴⁶, ruling by decree and absolute discretion. The army, which Obote had made the basis of political power since the mid-1960s, became the central albeit chaotically-run institution. In the 1970s, Amin's Uganda became synonym for civil repression, political disorder and unpredictable violence.

In 1978, Idi Amin tried to divert attention from internal problems of economic hardship and factionalism within the army by invading and annexing the Kagera river region of northern Tanzania. This granted the numerous Ugandan exiles the support they needed to overthrow the General. Making the best of Nyerere's reaction, the UPC-controlled *Kikosi Maalum* forces and Yoweri Museveni's Front for National Salvation (Fronasa), both based in Dar es Salaam, marched into Kampala alongside Tanzanian troops in April 1979⁴⁷. The Uganda National Liberation Front (UNLF), an alliance of anti-Amin forces formed at the Moshi conference the previous month, installed a transitional government with Yusuf Lule as president of the country.

The collapse of Amin's personalistic regime and the factionalism inside the transitional bodies, however, meant that Uganda's politics and administration became increasingly chaotic. A divide emerged between the Muganda figureheads of the country – Lule first, and Godfrey Binaisa since June 1979 – and a reconstituted army (the Uganda National Liberation Army, UNLA). The latter was dominated by Langi and Acholi elements, such as Brigadier David Oyite-Ojok and General Tito Okello, who were loyally committed to Milton Obote and to the UPC. In the conflicts among factions that ensued, Yoweri Museveni, the vice-chairman of the pivotal Military Commission, was removed from the Ministry of Defence in early 1980. Shortly afterwards, UPC Paulo Muwanga, chairman of the Military Commission, ousted Binaisa and took over as the third transitional head of state. Muwanga's takeover also implied that the scheduled election would be held under multiparty competition, rather than under a UNLF no-party umbrella, as had been previously hypothesised⁴⁸.

The months that followed still constitute one of the most controversial periods in Uganda's political history, and one which sparked the country's civil war. With Obote's return to Uganda, in May 1980, the UPC had a transitional head of the executive (Muwanga), a prospective president (Obote himself), and a loyal albeit undisciplined army. The party immediately started an aggressive election campaign. Soldiers were let loose to harass civilians in supposedly non-loyal areas. Candidates and voters became subject to all sorts of violence, looting and political intimidation on the part of UPC controlled authorities, party

⁴⁶ Ondoga Ori Amaza (1998:9).

⁴⁷ Karugire (1988:84ff.), Mutibwa (1992:137) and Ondoga Ori Amaza (1998:14ff.).

activists, and the army. The Democratic Party and its supporters, who seemed to enjoy an increasing popularity, were carefully targeted as the main threat to UPC's electoral success.

To complement the way the campaign was run, when election day arrived, on 10 December 1980, the UPC intervened heavily to manipulate the voting process and the electoral results⁴⁸. Paulo Muwanga's decree, on the day after the election, prohibiting the Electoral Commission and polling stations Returning Officers from declaring constituency winners until he himself gave the green light was taken by many – including most international observers⁵⁰ – as the definitive proof that the election was rigged.

While it was the Democratic Party that was probably deprived of an electoral victory, the decision to react came from the ranks of a minor party, the Uganda Patriotic Movement (UPM). Set up shortly before the election by Yoweri Museveni and other former-UPC youth such as Eriya Kategaya and Jaberu Bidandi-Ssali, the UPM had gained some support among the urban sections of the population. This, however, did not materialise in a significant electoral result, as the party only won one parliamentary seat. Not even the UPM leader, Museveni, made it to parliament.

On the ground that the Obote and UPC had returned to power through political violence and manipulation, Museveni and 27 others decided to respond to violence with violence by 'going to the bush'. From the very geographical core of the country, the Luwero area of Buganda, they launched what would be the first guerrilla takeover of an independent state on the African continent. Here, drawing on notions of protracted people's war and on his visits to Frelimo's training camps during the Mozambican liberation war, Museveni started recruiting people and organising civilian 'Resistance Councils'. The insurgency was allegedly aimed at radically changing the politics and socio-economic structure of the Ugandan society, as spelt out in the political platform of the National Resistance Movement/Army (NRM/A), the *Ten Point Programme*.

In the five-year civil war which resulted, Obote's controversial army – a synonym of uncontrolled terror for large sections of the civilian population – was opposed by a new politico-military force that made discipline the very foundation of its search for popular legitimacy and backing. The infamous accounts of the behaviour of Obote's soldiers, security agencies, local authorities (which were made appointive) and UPC activists played into the

⁴⁸ Ondoga Ori Amaza (1998:17), Mutibwa (1992:134), and Onyango Odongo (2000:67). The latter refers to the *Mayumba Kumi* alternative political system, which was being devised when Binasisa was ousted.

⁴⁹ See, for example, Karugire (1988:88 and appendices), Ondoga Ori Amaza (1998:18), Mutibwa (1992:140).

⁵⁰ Human Rights Watch (1999:34).

hands of the NRM/A insurgents⁵¹. The population was being terrorised, with some areas being especially targeted. In the so-called Luwero triangle, for example, where the guerrillas had their operational bases, civilians were massacred for allegedly backing them. The West Nile region was hit by violence as the basis of pro-Amin guerrillas and as a DP political constituency. South-western Uganda was the resented home area of many NRM leaders of Banyankole (especially of the Bahima sub-group) and Banyarwanda origins. In all these areas, local people reacted by becoming actively or passively supportive of the rebels. The latter appeared to act in a more disciplined manner towards civilians and, through the local resistance councils, managed to re-create some kind of order in the areas they came to control. Indeed, it was later claimed that “the NRM/NRA ‘bush’ war was a revolution in the sense that it transformed the image of the army among the population”⁵².

Meanwhile, the military failures of the Obote II regime and the growing discontent at the social and economic situation of the country nurtured a deep divide between the Lwo components that dominated the army. As presidential appointments hinted more and more at an attempt to grant full control of the military to Obote’s Langi people, a coup was organised against the moribund regime by some Acholi officers. This, however, could not change the outcome of a civil war that was reaching its conclusion. In January 1986, roughly six months after Obote had been ousted by Tito and Bazilio Okello, Museveni overthrew the latter and took over power in Kampala. It is worth citing the well-known *ouverture* to his inaugural speech as the head of state:

“No one should think that what is happening today is a mere change of guard: it is a fundamental change in the politics of our country. In Africa, we have seen so many changes that change, as such, is nothing short of mere turmoil. We have had one group getting rid of another one, only for it to turn out to be worse than the group it displaced. Please, do not count us in that group of people”⁵³.

The land question in Uganda since 1900: an overview

Whether or not genuine and successful, Museveni’s regime has actively promoted plans for radical changes of the country’s politics, economy and society. The president

⁵¹ For a revealing autobiographical episode, see Ondoga Ori Amaza (1998:xiii-xx). For a general account, see Amnesty International, *Human rights violations in Uganda: extra-judicial executions, torture and imprisonment*, September 1982.

⁵² Eryia Kategaya, former National Political Commissar of the NRM, preface to Ondoga Ori Amaza (1998:xi).

⁵³ Museveni (1992:21).

himself has been the driving force behind these plans, which responded to a combination of political ambitions, developmental convictions and external pressures. In particular, a broad policy agenda, largely elaborated by foreign sponsors, provided content and direction to Museveni's reformist impetus. Political and constitutional reform, participatory decentralisation, civil service reform, privatisation of state assets and market deregulation, universal primary education are among the most important transformations embraced by the regime.

Land reform – the object of Chapter Eight – was an integral part of this broad-ranging framework for change. Developmental and political concerns, intertwining and overlapping, made it a key issue in Uganda's reform agenda for the 1990s. The overlap of pre-colonial practices, colonial interventions and post-colonial reforms had left land affairs in a state of confusion. Both developmental and political concerns aimed at changing – or, at a minimum, clarifying – the existing situation. First, land is a critical aspect in the modernisation of an economy such as Uganda's. Orthodox economic tenets hold that land rights, management and markets have to be rationalised. The country needed to regulate a field which no longer followed the legal dictate of past reforms, and to put in place a set of arrangements that reflected more closely the current thinking on property rights and agricultural development. The reform was aimed at addressing a confused state of affairs, for instance, where “there are practical situations of people with titles who cannot have access to their land. We have situations where there are people on the land but they cannot get titles”⁵⁴. Effective recognition of land rights and their possible formalisation were the key points of a rationalisation process.

In addition to and overlapping with the need for rationalisation, there was a political push to reward groups that had provided the bulk of the consensus for the regime (groups variously identified as women, tenants, westerners or otherwise) and a historical quest for settling disputes between landlords and tenants. Here, the question was which way the above ‘confusion’ in the control of lands and titles would be sorted out: who would get what and how. The president wanted to reward the poor peasants of the central region for the backing they had provided during the guerrilla years, as well as to ensure their continued support. Point number eight in the NRM's *Ten Point Programme* explicitly referred to “people displaced by land-grabbers or through erroneously conceived ‘development’ projects”, “misuse of land” and “an emerging problem of landlessness” as issues that the new regime

⁵⁴ A delegate to the Constituent Assembly, in *Proceedings of the Constituent Assembly* (6 May 1995, p.4200).

was meant to redress⁵⁵. In particular, some form of land redistribution could help cementing the alliance between the president and the peasants of the central (and, to a lesser extent, of the western) region. According to some, the plan of a similar redistribution “was explicit, and a strong motivation for fighters during the guerrilla. For Banyoro people in Kibale and also for the Baganda. And for the Banyankole as well”⁵⁶.

And yet, in spite of the very peculiar trajectory that led the new regime to addressing the land question, land reform was not, in the 1990s, a process unique to Uganda. The emergence of internal pressures to address the issue was a phenomenon common to other parts of the continent, notably to eastern and southern countries such as South Africa, Namibia, Malawi, Zimbabwe and Tanzania:

“in all these countries, the pressure to act is, at least in part, the result of contested democratic politics and the perceived need to meet the concerns of rural voters. This is most obvious in South Africa but also applies to Namibia and Tanzania. The commitment to legislate in Namibia was made just before the general election of late 1994, when the government felt the need to respond to a ‘People’s Conference’ on land reform which had taken place that year. The enactment of the Agricultural (Commercial Land Reform) Act (ACLRA) took place just after the election. In Tanzania, the establishment of a Presidential Commission and the drive towards finalizing a national policy occurred as the country moved from a one-party to a multi-party system”⁵⁷.

Land ownership, management and use practices are so deeply embedded in the life of Ugandans that presenting a picture of the situation as a background to reform is a daunting task. But there is no way around it to appreciate the rationale of the policy process completed in 1998. Since the focus of this work is land reform as a process and an opportunity for *political* interests to emerge – rather than a discussion of the *developmental* merits and drawbacks of alternative solutions – the pre-reform situation is only reconstructed insofar as it matters for understanding the stakes and interests involved in the reform process.

The controversial issues that the reform needed to tackle had deep historical roots, and were thus burning well before the land question entered the policy agenda. Soon after establishing the protectorate, the British had touched upon land relations in a way that was to affect the life of Ugandans for a long time to come. Although the colonial administration did not modify customary land with any radical changes, colonial land policies introduced elements of Western-like ownership in Buganda and in the other kingdom areas of Bunyoro,

⁵⁵ Museveni (1992:281).

⁵⁶ Matia Baguma-Isoke MP, Minister of State for Lands and Environment, interview (Kampala, 29 May 2000).

Toro and Ankole⁵⁸. The 1900 *Anglo-Buganda Agreement* was “an agreement in equal measure about land and about governance”⁵⁹. But, while nowadays there are few if any traces of the provisions agreed to regulate rule in Buganda, clauses 15 to 17 of the *Agreement*, pertaining to land, had enduring consequences. Prior to the *Agreement*, all land in Buganda was communal, and both the king and his chiefs were only recognised rights over people, rather than over land. But the British came in with a different view of land ownership, and combined it with an attempt to reward a Baganda élite whose loyalty was key to colonial rule over the larger protectorate. Thus, they reallocated roughly half the land of the kingdom to the advantage of a small minority: of Buganda’s 19,600 square miles, 958 sqm were assigned to the royal family and some 8,000 sqm to the new bureaucrat-chiefs. The remaining 9,000 sqm were appropriated by the colonial administration as ‘crown land’, and occupants, although formally converted into tenants of the colonial state, in fact retained land in customary tenure⁶⁰.

The square miles of land allocated to the king and his chiefs came to be known as *mailo* land. But, and here lay the most consequential aspect of the re-allocation exercise, that which was allocated to royals and notables was not unoccupied land. A new landed aristocracy was being created by distributing land that was already inhabited by poor peasants – the *bakopi* – and had hitherto been regulated by customary norms rather than individual ownership. The presence of peasants over *mailo* land was not accidental but key to the new arrangement: “if you were chief, the Kabaka would give you your square mile. Many preferred land with people, because the more tenants, the more *nvujjo* [a share of the agricultural produce] you got”⁶¹. “...Otherwise what was the purpose of *mailo*? The *mailo* was to reward the person, to use the peasant labour and make an income”⁶². Indeed, while ‘crown land’ was supposedly carved out of ‘waste or uncultivated land’ (albeit this was far from always the case), it was implicit that *mailo* was land already occupied⁶³. More than ninety years after the *mailo* system was introduced, it was still perceived by some Ugandans as:

⁵⁷ McAuslan (1998:527).

⁵⁸ Uganda Constitutional Commission (1993:675).

⁵⁹ McAuslan (2000:1).

⁶⁰ The newly-created ‘crown land’ came to be known in Luganda as *mailo kenda* (‘the 9,000 square miles’). The figures are those provided by Henry West’s *Land policy in Buganda*, Cambridge, 1972, quoted in McAuslan (2000:1). Cf. Uganda Constitutional Commission (1993:676). L.P.Mairs, *Native Policies in Africa* (1938:158-9) provides slightly different figures: of Buganda’s 17,310 square miles, 1,000 sqm were handed to the royal family, 8,300 square miles went to the new bureaucrat-chiefs (as opposed to *bataka* chiefs), and the remaining 9,000 sqm were taken by the colonial administration as ‘crown land’ (quoted in *The Monitor*, 4 June 1998).

⁶¹ Mulindwa Birimumaso, in *Proceedings of the Constituent Assembly* (5 May 1995, p.4169).

⁶² Maj.Nuwe Amana Mushega, in *Proceedings of the Constituent Assembly* (5 May 1995, p.4153).

⁶³ Maliro, in *Proceedings of the Constituent Assembly* (9 May 1995, p.4234).

“the greatest broad day robbery of the peasants of Buganda by the British imperialists who wanted to bribe the chiefs who overthrew Mwanga. ... the British Governor of Uganda at the time, Johnstone, his land settlement was a practical attempt to create an aristocratic class in Buganda. ... Before the colonial rule, neither the kabaka nor the chiefs had any power over land ... for the Baganda ... the chief does not control land, he rules people – *Tafuga taka, afuga bantu*. ... For the Baganda peasants independence did not mean decolonisation ... the Baganda peasants are the most degraded, the most despised, the most exploited peasants in Uganda ... the perpetuation of the mailo land system ... can be regarded as a time bomb”⁶⁴.

To a degree, however, the customs of the Buganda kingdom with regard to land affairs were open to different interpretations. According to a Ugandan scholar, for example, prior to colonialism “all land in Buganda belonged to the Kabaka” – at least in a broad sense – rather than to the bakopi⁶⁵. A detailed reconstruction of customary land practices, and of the possible interpretations of such practices, are beyond the objectives of this thesis. The key point, however, is that mailo tenure and its relation to traditional norms were extremely controversial issues that were bound to originate longlasting divisions.

Dynamics similar to those that followed the introduction of mailo in Buganda also developed in the Ankole kingdom. When land allotments were distributed in 1901, the local Bahima chiefs made sure their plots would be carved out of the most densely populated areas in the district, so that they could extract maximum rent and other services from Bairu peasants. The result was an overlap of emerging class-like identities with a deepening ethnic divide. This overlap was only in part attenuated when new channels for the upward mobility of Bairu elements were opened by a land titling project, between 1958 and 1963, and by an increased commercialisation of land in the 1960s⁶⁶.

In addition to the individualisation of land ownership, the *Buganda Agreement* had also transferred part of the land of Bunyoro kingdom to the more loyal Baganda. This was done through a formal transfer of both administration (Buyaga and Bugangaizi counties became part of the Buganda kingdom) and ownership (the land in question was turned over to Baganda landowners). But the Banyoro peasants who lived on that land remained there, and Buyaga and Bugangaizi came to be known as the ‘lost counties’.

⁶⁴ Chango Machyo [Samia Bugwe South], in *Proceedings of the Constituent Assembly* (5 May 1995, p.4166), with reference to H.West’s ‘Land system in Buganda’.

⁶⁵ Frederick Golooba-Mutebi argues that “the full saying is ‘*omwaami tafuga taka, afuga bantu*’, and thus excludes the Kabaka, who has never been ‘*omwaami*’ (i.e. ‘chief’, or husband). “In any case, the so-called clan ownership did not amount to members of specific clans living in specifically designated areas. Instead, peasants lived on land belonging to the monarch but under the custodianship of the incumbent chief in the area. Peasants could shift from one area to another to be under the rule of a particular chief [rather than another], or for other reasons” (personal communication).

⁶⁶ Doombos (1978:80,85,131ff.).

Thus, the *Agreement* introduced ownership of land on the part of the king and his chiefs; it established semi-feudal mailo relationships between customary occupants and the new owners; it created a new category of 'public' land; and it transferred to the Baganda land that was previously part of the neighbouring kingdom of Bunyoro. The deep resentments and patent controversies that each of these changes generated did not take long to resurface.

The creation of landlord-tenant relationships with the introduction of mailo tenure raised tensions among the Baganda. From the moment mailo was allocated to the chiefs and other notables, the new owners had been asking excessive *busuulu* (an annual fee) and *envujjo* (a share of the agricultural produce) to tenants whose rights and security went unprotected⁶⁷. The extraction of these benefits, in turn, increased the value of land and the power of the landlords, whose number rapidly increased out of sales or inheritance⁶⁸. When the bakopi's protests were channelled and expressed by the *bataka* (clan heads) movement, in 1921⁶⁹, it became apparent that new legal measures had to be devised to try and sort these problems out. The "allocation of the original mailo holdings ... was made without regard to pre-existing rights of occupancy and ignored the presence of peasant cultivators ... Thus, it became necessary to enact the *Busuulu and Envujjo Law of 1928*"⁷⁰. The law was promoted by colonial authorities – concerned by the decline in the agricultural produce of overexploited peasants – and passed by the Kabaka's government of Buganda. Similar legislation was soon approved in Toro and Ankole⁷¹. These new measures provided for the formalisation of existing relationships between mailo landlords and those tenants who were either already settled on the land or had been allowed to settle in exchange for the rent and labour that landlords would obtain. Tenure rights were granted to the tenants in such a way that, according to some interpretations, the latter were accorded *de facto* freehold⁷²: "a social compromise that incorporated the Baganda peasantry, and reduced the capacity of the [landlords] to develop fully capitalist control over the land they had rented out"⁷³. In fact, the rents established by these laws went largely unchanged until the 1975 *Land Reform Decree*, thus losing their effective economic value. A symbolic significance, nonetheless, remained

⁶⁷ Committee Report on Land Bill (1998:26). Cf. Baguma-Isoke (1998).

⁶⁸ Mamdani (1976:120ff.).

⁶⁹ See, for instance, Apter (1961:113,123,147).

⁷⁰ Uganda Constitutional Commission (1993:676).

⁷¹ The situation in Toro and Ankole was regulated by the 1937 and 1947 *Landlord and Tenant Laws*. Cf. Committee Report on Land Bill (1998:26) and Baguma-Isoke (1998). On the negative effects of *busuulu* and *envujjo* over total agricultural production, see Mamdani (1976:123).

⁷² Marquardt – Sebina Zziwa (1998:176).

⁷³ E.A.Brett, personal communication.

attached to such relationships, and thus ownership of mailo land maintained its importance as an indicator of social status⁷⁴.

When Uganda was granted independence, in 1962, demands for a solution of the 'lost counties' question also came to the fore. The constitutional provisions agreed at the Lancaster House Conference, which recognised the different kingdoms and their territories, envisaged that a referendum would be held in Buyaga and Bugangaizi, the two counties claimed back by the Banyoro, to determine their future. The planned popular consultation was indeed pushed through by prime minister Milton Obote and, as expected, the two counties were returned to Bunyoro as Kibale district. The referendum, however, ignited a dramatic reaction in Buganda and only solved half of the question. While the administration of the two counties was returned to Bunyoro, the formal ownership of land in Kibale was retained by absentee Baganda landlords, towards whom the resentment of the local peasants went unchanged.

Meanwhile, new dispossessions had occurred between the 1950s and the 1960s. In the 1950s, to exterminate the tse-tse fly, the colonial government had evacuated local people from areas at the border with Tanzania. These were nomadic pastoralists who then emigrated to the Congo and to other areas in the north and east of the country. Then, in the 1960s, based on a plan formulated by the colonial government and carried out by Ugandan authorities after independence, ranches were established in the area and land was allocated to people other than those who had been originally dispossessed. The new owners were not the original ones. And, according to some, those who were dispossessed are those currently in power⁷⁵.

Finally, there was the public land issue. When the British left, the so-called 'crown land' that had been in the hands of the colonial administration was returned to Buganda and vested in a Buganda Land Board⁷⁶. Thus, for a few years, the Buganda kingdom authorities found themselves in control of land they had never previously owned (before colonialism, this was in fact customary land). But Obote's coup in 1966 changed again this situation. Following the struggle between the prime minister and the Buganda government, the latter's assets were expropriated and the central administration acquired the control of the contentious 9,000 square miles as 'public land'. This was vested in the Uganda Land Commission, and the

⁷⁴ Cf. Makerere Institute for Social Research – Land Tenure Centre (1989:178).

⁷⁵ Baguma-Isoke, interview (Kampala, 29 May 2000).

⁷⁶ "The 1962 constitution made provisions for what seemed to be two separate arrangements for the holding and management of land; for the federal areas and for areas which were not under federal status ... However, the underlying principle even in the 1962 constitution was that land was still vested in the state" (Ben Wacha [Oyam County North], in *Proceedings of the Constituent Assembly*, 4 May 1995, p.4109).

acquisition was sanctioned by article 108 of the 1967 constitution and, later, by a 1969 *Public Lands Act*.

Like all of the country's previous regimes, colonial or post-colonial, General Idi Amin's rule in the 1970s also left its mark on the land issue. The *Land Reform Decree* of 1975 was the last piece of legislation directly dealing with land before the NRM took over power. After the decree, things had remained largely unchanged for two decades.

On paper, Amin's decree – which declared all land to be public – implied crucial alterations to land tenure. Individually-owned land was now to belong to the state: freehold and mailo tenure were formally abolished, or rather transformed into 99-year state leaseholds. These leases were to be managed by the Uganda Land Commission and its District Land Committees, with a largely discretionary power “to terminate any lease on ‘undeveloped’ land and grant it to a potential ‘developer’”⁷⁷. While customary tenure systems were in theory granted continuation, tenants – now on ‘public’ land – were much more exposed to arbitrary evictions, with private enclosures occasionally sanctioned by the Commission⁷⁸. Customary tenants, whose consent had been necessary, according to the 1969 *Public Lands Act*, before their land could be removed from them, lost this protection. In practice, however, the decree was never fully implemented and all four systems persisted⁷⁹. And so did the repealed *busuulu* and *envujjo* laws. But because the latter had been formally revoked by the decree, a new situation emerged where *bibanja* holders – i.e. peasants on mailo land – lacked security of tenure and, from statutory tenants, became squatters or ‘tenants at sufferance’⁸⁰. According to some analysts, on the other hand, the bakopi were in fact protected from eviction by complex socio-cultural obligations, and they now had the additional advantage of not paying rent any longer. Problems, if ever, would arise when the growing value of land would pit commercial interest against social convention, weakening existing obligations and generating new problems of landlessness⁸¹.

⁷⁷ Mamdani (1987:197).

⁷⁸ Cf. Uganda Constitutional Commission (1993:678), Mamdani (1987:202).

⁷⁹ The unimplemented decree increased the confusion in the regulation and practice of land affairs. On paper, the decree was a valid law and implied that individual ownership no longer existed. But actual practice was more complicated: “the titles, particularly freehold and mailo land ... were never recalled to be cancelled and made into leaseholds, and the Land Office has been treating them as freehold and mailo land” (Urban Tibamanya, in *Proceedings of the Constituent Assembly*, 4 May 1995, p.4140). Thus, any post-1975 transactions “would be valid by only that the interest passed would not be freehold, but it would be leasehold” (Mwesigwa Rukutana [Rusheny County], in *Proceedings of the Constituent Assembly*, 4 May 1995, p.4140). One of the tasks that the constituent assembly set for itself was to establish some order by repealing Amin's decree, although it was claimed that “for Ugandans, it does not matter because they were in freehold, then they became leasehold purportedly under the 1975 Decree, and now we are to send them back” (James Wapakhabulo, in *Proceedings of the Constituent Assembly*, 4 May 1995, p.4141).

⁸⁰ Maj.Gen. David Tinyefuza, in *Proceedings of the Constituent Assembly* (5 May 1995, p.4156).

⁸¹ Kisamba-Mugerwa (1991:316-18) and Makerere Institute for Social Research – Land Tenure Centre (1989:161). The latter study also suggested that, with the growing pressure on and value of land, and with the weakening of social obligations, even

“customary tenants on public land would be in a ... vulnerable position. Land users, particularly smallholders in all parts of the country would be vulnerable to eviction by those who have more political power and are able to convince the Land Commission that they should be given leases with minimal compensation for sitting tenants” (1989:161).

Chapter 3

Political and organisational reform, 1986-2000

The integrationist claims of the (National Resistance) Movement

It took the National Resistance Movement a five-year guerrilla war to overthrow Milton Obote's controversial regime, as well as the briefly empowered Tito and Bazilio Okello, and take over power in 1986. In the course of the war, local Resistance Councils were progressively established by the NRM to restore order in the areas it came to control, and to widen its support and legitimacy by creating participatory institutions for the local population. The NRM was thus re-introducing electoral politics, initially through local councils and later at the national level. But Museveni's Movement also captured a hegemonic control of political power: elections under the new regime were to be contested on an individual basis only, rather than on party platforms, and the activities of political parties became subject to severe limitations. The stage was set for the era of 'no-party democracy'.

The argument for 'no-party democracy'

The ideological underpinnings of no-party politics were provided by an interpretation of Uganda's post-independence history as a spiral of violent conflicts prompted by ethnically-based political parties. The bulk of Museveni's argument for a no-party model is that Western representative democracy can hardly be imported to African countries. The latter's ethnic, linguistic and religious fragmentation combines with pre-industrial development and the lack of a modern class structure. In similar contexts, conventional democratic politics promote the polarisation of communal antagonisms, because parties and party alignments invariably act as vehicles for ethnic or religious appeals and confrontations¹.

¹ Museveni (1992).

It is a fact that Uganda displays an extreme communal heterogeneity, a feature shared with most African countries. Adding to the complexity of the ethnic map are both the lack of a demographically majoritarian group and the presence of a multiplicity of potentially salient collective identities to which, in several cases, the same individual can refer. Thus, for example, many Ugandans may regard themselves or be regarded, at the same time, as Kakwa, West-Niler, Sudanic, Nubi, Muslim, Northerner and so on. Although some of these overlapping identities can be described in terms of higher- or lower-level loyalties, others simply cannot. A Muslim identity, for instance, is one that partly cuts across a multi-religious unit such as the Kakwa one. At one point or another in the country's history, some of these identities (e.g. Acholi, Langi, Kakwa, Muslim or Protestant) have represented the power base of the country's political leadership. General Idi Amin, for example, initially relied on Kakwa support, but later expanded the ruling alliance through the creation of a broader 'Nubi' category². In a somewhat opposite development, the Lwo support on which Milton Obote's second regime relied split dramatically along the Acholi/Langi divide at the time of the Okello coup and during the violence that followed, in 1985³.

It is also true that, in the two short spells when multiparty competition was allowed – in the early 1960s and again in the first half of the 1980s – this was associated with the politicisation of profound cleavages. Both times the country went multiparty, elections ushered in exclusion by opening the way to one-partism and electoral fraud, and violence inevitably followed. Communal polarisation was primarily reflected in the religious antagonism between the Catholic-based Democratic Party and the mostly Anglican Uganda People's Congress. The UPC of the early 1960s also relied on clear ethnic affiliations, being "a result of an alliance by the élites of northern, eastern and western Uganda against their counterparts in Buganda"⁴. The emergence of this unfriendly coalition, in turn, contributed to prompting the Baganda establishment to organise an ethno-nationalist party, the loose and short-lived Kabaka Yekka. Thus, since independence, ethnic and religious antipathies appeared to shape Ugandan politics. A partial attempt to de-politicise communal loyalties was made by Obote in the late 1960s, by progressively eliminating any opportunities for the people's involvement in politics⁵. The end result of the process was, initially, the creation of a state in which the UPC became the only party allowed, and then, under Amin's military

² The emergence of the Nubi was a remarkable example of change in the saliency of communal identities. Amin claimed that "everybody in Africa is free to become a member of the Nubian tribe", and many people deliberately 'converted' to Islamic religion and Arabic language to share the benefits of a privileged linkage to the ruling élite. See Kasfir (1976:30, 220).

³ Ondoga-Ori (1996).

⁴ Ondoga-Ori (1996:33). Cf. Kasfir (1991:267).

⁵ Kasfir (1976). See Chapter Two, p.42.

dictatorship, the advent of an era when 'politics' itself was outlawed. The country, as pointed out in Chapter Two, did not fare any better when it tried to go multiparty for a second time, in the early 1980s. Obote's return to power was marked not only by election rigging, but also by a deepening of ethnic rivalries and violence – the alleged cause of the NRM insurgency.

Given the country's past, the argument went on, an immediate return to multiparty politics was inappropriate to Uganda and a transitional period was necessary in which alternative participatory arrangements would be adopted. To avoid the kind of exclusionary politics fostered by multiparty competition in ethnically divided societies, a 'movement democracy' was devised which boils down to a few but critical provisions banning most activities of political parties⁶. The NRM was in fact re-launching the idea of doing away with opportunities for the politicisation of ethnicity. With the aim of breaking with Uganda's past, its *Ten-Point Programme* manifesto condemned "sectarian, religious and tribal cleavages" as "manufactured divisions", claiming that "one's religion, colour, sex or height is not a consideration when new members are welcomed in the National Resistance Movement"⁷. This time, though, the process of ethnic de-politicisation would not occur through a 'de-participation' strategy such as Obote's, but by means of a new 'dis-organisation' scheme, that is, by retaining popular participation while rejecting party pluralism as the embodiment of politically-organised ethnicity.

The problem was then what sort of participatory system would replace party-based electoral competition, and the answer came in the form of the 'individual merit' principle, the foundation of no-party democracy. According to this 'new model' of democracy, elections are to be held strictly on an individual basis. Political competition among individuals, as opposed to parties, is the theoretical core of the allegedly inclusive 'movement democracy'. This is the most original and consequential feature of Uganda's 1995 constitution – a blend of old institutions, of those already introduced by the NRM, and of others that are entirely new⁸. According to the constitution, the Movement system shall be:

"broad based, inclusive and nonpartisan and shall conform to the following principles: a) participatory democracy; b) democracy, accountability and transparency; c) accessibility to

⁶ Art. 269, *Constitution of the Republic of Uganda* (1995).

⁷ Museveni (1992:279).

⁸ The institutions introduced by the NRM included not only the 'movement' (whose structures had been constitutionalised through *Legal Notice No.1/1986*) and the local Resistance Councils, but also others such as the Inspector General of Government and the Human Rights Commission. The ban on party activities was never passed as ordinary legislation (save for the reference to party campaigning in the 1993 *Constituent Assembly Statute*) but only as a decree.

all positions of leadership by all citizens; d) *individual merit as basis for election to political offices*⁹.

The focus on the individual as the paramount and autarchic actor of politics is the only aspect, among those listed by the constitution, with immediate and practical implications: candidates standing for office in local, parliamentary or presidential elections can only run a campaign on their own credit, without recourse to any political organisation. As pointed out, the underlying assumption is that this will 'eliminate' occasions for direct confrontations between communal groups through the proxy of ethnically-based political parties.

A logical consequence of the individual-merit principle, and a necessary measure for its implementation, was the ban that denies political parties the opportunity to carry out most of their activities. Party conferences, local branches and party electioneering were all prohibited. The ban, introduced in January 1986, was initially limited to a four-year transitional period necessary to 'modernise' the country. But this period was later extended and the ban was constitutionalised in 1995. The new framework, however, formally prohibits party activities, rather than parties *per se*. It still allows parties a formal existence and a central office, as it is rather their operations that are subject to limitations. This was meant to moderate the radicalism of the opposition, notably the country's historical political parties, the Uganda People's Congress and the Democratic Party. But the prohibition has caused the organisational development of Ugandan parties to be temporarily suspended. Scarce activity and lack of organised competitive politics has affected both the legitimacy of the parties (the DP, for instance, has not held any election for internal offices since 1980) and their degree of institutionalisation¹⁰. Attempts by new leaders, such as UPC Cecilia Ogwal, to renew their parties have been systematically frustrated by the old guard, on the ground that the existing leadership cannot be legally challenged without convening a delegates' conference. While some analysts claim that "the old parties have in fact remained very much alive"¹¹, Mamdani observes that they are actually "weak structures with shallow roots, at best a collection of factions organised around individuals. The pre-1986 parties have been artificially protected by a ban on [parties' activities functioning as a barrier for] new parties"¹².

⁹ Art.70(1), *Constitution of the Republic of Uganda* (1995), emphasis added.

¹⁰ Dicklich (1995/1996:107,115). These issues are dealt with in Chapter Five.

¹¹ Oloka-Onyango (1995:171).

¹² Mamdani, quoted in Twaddle (1996:324).

Having banned other political organisations, the NRM – by now simply known as the ‘Movement’ – claimed to provide representation for all Ugandans on the ground of its allegedly non-partisan, ‘civil’ origins¹³ (and, especially, on the ground of a factual military victory). The notion that every Ugandan is a member of the overarching Movement umbrella – a notion that was later included in the new constitution – became the basis on which the country’s politics was unilaterally re-founded. Under so-called ‘movement politics’ – as opposed to multiparty politics – it is individuals that are supposed to take centre stage in public life. The country’s different communities would be integrated in the polity through the participation of the individuals to decentralised structures, the Resistance Councils, which were originally born as organs of the NRM itself¹⁴. This also imply the fragmentation of the opposition and therefore an easy co-optation of its individual members on the part of the Movement, the only organisation allowed¹⁵.

But the claimed inclusiveness of the Movement soon showed clear limitations. On the one hand, in spite of the constraints on other political organisations, well-known members of the opposition have stood for election against declared Movement supporters. Nobody can be prevented from participating in politics, albeit on an individual basis only. The Democratic Party leader, Paul Ssemogerere, and Col. Kizza Besigye, for example, run for the presidency against Museveni in the 1996 and 2001 elections, respectively. Other opposition politicians won important contests, as DP Ssebana Kizito did with the Kampala mayoral election of 1999. Formally, nobody can be expelled from the Movement. In this sense, the latter is quite different from a fully-fledged one-party state – an option which is officially banned by the constitution¹⁶ – and has remained for a long time a very loose organisation. On the other hand, in spite of the Movement’s alleged openness and ‘broad-basedness’, the limits of its integrationist ambitions became apparent when the multipartism *versus* movementism issue polarised the Constituent Assembly delegates along a north-and-east *versus* south-west ethno-regional cleavage¹⁷. The delicate ethnic balance which had originally and informally characterised Museveni’s governmental team was progressively and steadily abandoned, with the ruling group now commonly perceived to be of western or Banyankole origins. Indeed,

¹³ Hansen – Twaddle (1995:141).

¹⁴ Cf. Kasfir (1991:270).

¹⁵ *The Monitor*, for example, observed how “over the years, the NRM poached most of the able DP members like the late Kafumbe Mukasa, Sam Kuteesa, Gerald Sendaula, Kisamba Mugerwa and Dr Speciosa Kazibwe. It also made Joseph Mulenga a judge, which effectively took him out of the party. The Movement’s latest catch includes Maria Mutagamba, Robert Kitariko and even smaller people like Francis Baingana of Bushenyi”, (Kampala, 9 December 2000). The DP leader himself, Paul Ssemogerere, took part to the NRM government up to the mid-1990s. Mayanja-Nkangi, founder and president of the Conservative Party, was still holding the crucial job of Minister of Justice and Constitutional Affairs in 2001.

¹⁶ Article 75, *Constitution of the Republic of Uganda* (1995).

¹⁷ Katorobo (1995), Mukholi (1995).

while the Movement claims to reject communal identities, politics under the new regime has never done away, in practice, with ethnic considerations.

The constitutionalisation of the 'Movement system'

Uganda's institutional set up is the result of a long and incremental process of pragmatic reflection and legal reform. When Museveni took over power in the mid-1980s, the National Resistance Council – the main political body of the NRM – was installed as a provisional parliament and immediately issued the consequential *Legal Notice No.1/1986*. The latter introduced limitations on party activities by simply amending the 1967 constitution, and it entitled the NRC itself to bring about further changes by means of ordinary legislation. Thus, while the old constitution formally lasted well into the 1990s, when a elected Constituent Assembly eventually replaced it, its supposed supremacy was in fact annihilated¹⁸. If Ugandan politics ever had "strong constitutionalist tendencies"¹⁹, they were hardly evident in the thirty years after independence.

The restrictions on political parties were instrumental to the consolidation of the NRM's hold on power, which also relied on the Resistance Councils for local-level participation and on the 'movement' government, a coalition inclusive of elements of the oppositions. By the end of the 1980s, once the National Resistance Movement had secured control over most of the country's territory and stabilised the internal situation, Museveni was ready to inaugurate a second and longer phase for a better-tuned engineering of the new political regime. In 1989, a constitutional commission was established with the task of drafting a new constitutional text. The latter served as a starting point for the debates of an elected Constituent Assembly, which approved Uganda's new constitution in September 1995. The following year, direct national legislative and presidential elections were held countrywide. In the process, the restrictions on the activities of political parties, originally spelt out as interim measures, were first constitutionalised and then further sanctioned by a referendum in 2000. Despite the limits on the freedom of political association, influential observers agreed on the democratic beginnings of Museveni's political reform²⁰.

¹⁸ The Constitutional Court, for instance, ruled that legislation banning activities of political parties was to prevail over constitutional rights, Regan (1995:163).

¹⁹ Engholm – Mazrui (1967:591).

²⁰ See, for example, Apter (1995:158), Young (1999:31), Mamdani (2001:276ff.).

The so-called Odoki Constitutional Commission was mandated to make proposals to “create *viable* political institutions that will ensure maximum consensus and orderly succession to government”²¹. Its 21 members, chosen by the president and often accused of being a homogeneous batch of pro-Movement people, made an impressive effort to reach out to the populace. Their first aim was ‘to educate’ Ugandans on the essence of the constitutional exercise, mainly by means of seminars for the local élites. Then, a massive consultative process was staged, which eventually produced some 25,000 popular submissions in the form of memoranda, articles, position papers, school essays and so on. The whole process took about four years (1989-1992), and the popular involvement that resulted from this long exercise generated great excitement. Even an experienced observer naively described the country not only as a model of alternative and no-party democracy, but also as a new form of “consultative democracy” ... which can enable people to share and understand common civic principles” and thus to diffuse and inculcate a form of democratic culture²². While the Uganda People’s Congress, the most radical opposition group, kept denouncing the constitution-making process, other groups who had initially been very critical of the commission, such as the Democratic Party and the Baganda establishment, eventually accepted the legitimacy of its work²³. After the traditional kingdoms were restored in 1993, for example, the Baganda became more accommodating towards the commission’s proposals²⁴. As a result, and in spite of the influence of the NRM, the draft constitution that the commission handed to president Museveni with a *Report*, in late 1992, was held to be broadly representative of the views of the people.

With the constitutional reform debate already underway, a Constituent Assembly was then elected in March 1994. The no-party politics idea, erstwhile experimented at the local level, was thus applied to national politics and elections for the first time. Candidates had to run on ‘personal merit’, on the ground that this would eliminate any form of tribal, religious or ‘sectarian’ competition. No party, neither partisan nor individual campaigning was allowed. Instead, individual candidates, touring together the electoral constituency, would take part to parish-by-parish public meetings in which they would briefly present their views and then be questioned by the public. In spite of official rules, there was a degree of party campaigning, especially, though not only, on the part of the NRM: “many a candidate won

²¹ *UCC Report* (1993:4, emphasis added). The UCC was established by a *Constitutional Commission Statute* (No.5 of 1988), it first met on 9 March 1989 and presented its *Report and Draft constitution* to President Museveni on December 31, 1992.

²² Apter (1995:158-9,174).

²³ Regan (1995:169).

²⁴ Furley – Katalikawe (1996:248).

and lost the election not on 'personal merit', but rather on what the voters perceived was his or her party political label"²⁵. Yet, over 200 delegates received their mandate through an election recognised by foreign missions as 'open and transparent' and thus 'an expression of the will of the people'²⁶. Given the individualisation of political competition among supposedly non-partisan candidates, however, it was difficult to assess precisely the aggregate results of the pro-Movement and the pro-multiparty camps. Estimates of the number of supporters of no-partism who made it to the assembly ranged between half to two-thirds of members. The NRM could thus claim a success that was mostly rooted in the south-west and in parts of Buganda²⁷, obtaining some good results in the north-west as well.

When Uganda's Constituent Assembly set out to work on the document drafted by the constitutional commission, the rhetoric focused on solving the main controversies and avoiding the deepening of political divisions. The commission itself had stressed the need for 'consensus politics', and the practice of seeking inclusive agreements was initially and successfully adopted by the assembly for the approval of its working procedures²⁸. The assembly was bounded to the constitutional text drafted by the commission, which could only be amended by two-third majorities. This had the effect of reducing the control on the agenda on the part of the assembly²⁹. In spite of the preliminary work of the commission, however, a number of long-standing controversial issues were bound to re-emerge. The most relevant were the choice of the political system (movementism *versus* multipartism) and its future duration; the role of traditional rulers; the specific type of decentralisation (notably the possible introduction of federal arrangements); the adoption of one or more national languages; the electoral reform; and the involvement of the army in politics. On a number of these and other issues, the NRM group had to negotiate support on a provision-by-provision basis. The multipartists were a minority, but they were relatively better organised. Early on,

²⁵ Furley – Katalikawe (1999:12). Cf. Regan (1995:178).

²⁶ Hauser (1999:627-631). 214 out of 288 delegates to the Constituent Assembly were directly elected from county constituencies, with another 39 women indirectly selected by special district electoral colleges. The remaining members were appointed by interest groups and by the president: 10 were appointed by the head of state, 10 were representatives of the National Resistance Army, 8 delegates of the four recognised political parties, 4 representatives of the youth, 2 delegates of the unions and 1 for the disabled.

²⁷ The election of the NRM's candidate to chair the Assembly, requiring 2/3 of the votes, has been suggested as a proxy of the NRM's success (Regan 1995:179). The latter was favoured by the large increase in the number of Buganda representatives that the district apportionment criteria produced, Geist (1994:97) and Kasfir (1994:160). As for the multipartists, UPC candidates were very successful in the north, whereas it was unclear whether a DP/UPC or DP/NRM informal agreement was effectively worked out, Geist (1994:95).

²⁸ Regan (1995:183).

²⁹ In addition to the draft constitution, the report of the constitutional commission provided some evidence of what views the people held over a number of issues. It showed, for instance, a broad acceptance of the movement system and of some representation of the army in parliament (*UCC Report* 1993:12). On issues for which the popular consultations did not give clear indications, the commission advanced its own considerations. The public, for example, was reportedly in favour of adopting a national language, but it was divided between the choice of Swahili or Luganda. The constitutional commission suggested the retention of English as the official language, with the promotion of the use of other major languages and their possible elevation to official status at a later stage (*UCC Report* 1993:80, Waliggo 1995:34).

members of the UPC and of the DP had formed a National Caucus for Democracy to coordinate their initiatives in the assembly³⁰. This made life slightly more difficult for the NRM which, in spite of the large number of alleged supporters in the assembly, occasionally met some problems in finding the majorities it needed to safely promote its own positions. The apex of the debate opposing 'multipartists' to 'movementists' was reached when DP Paul Ssemogerere and UPC Cecilia Ogwal moved an amendment to delete from the constitution any references to the Movement. The proposed amendment was defeated, and a walkout of many multipartists from the assembly followed³¹.

The heavy limitations on political organisation and on the reform agenda implied that there were little chances for constitutional policies other than the NRM's to make it through the decision-making process. The Constituent Assembly only passed a relatively limited number of changes to the existing draft. The constitution thus reflects not only most of the commission's allegedly 'technical' or 'neutral' suggestions, but also the main institutional innovations introduced since the NRM took power – i.e. the movement or no-party style of politics and the local Resistance Councils structure. What the multipartists did achieve, however, was that "the principal debate in the CA" became "largely a matter of when, not whether, no-party democracy will give way to the multi-party kind again in Uganda"³².

Alongside multipartists, the Baganda also raised and backed some significant opposition views, in spite of Museveni's manoeuvres to secure their support by restoring the institution of traditional rulers³³. Indeed, the nature of the restored kingdoms remained a matter for debate, as many in Buganda would have preferred a much broader and political role for their Kabaka than the non-partisan one envisaged by the new law. The Baganda also demanded that recruitment in the army be proportional to the size of each community – a kind of consociational measure which, eventually, was not constitutionalised³⁴. Most of all, they called for a federal form of state to grant Buganda the territorial autonomy that it enjoyed in the immediate post-independence period. The issue was not whether some degree of decentralisation was appropriate – decentralised arrangements had been in place in Uganda since the NRM took over, and nobody really suggested that decentralisation should be reduced – but rather the specific form of territorial autonomy. Against the existing unitary but highly decentralised form of state, the Baganda demanded federal arrangements that would

³⁰ Katorobo (1994:132). An informal electoral agreement between the DP and the UPC to avoid inter-party competition had previously failed.

³¹ The CP did not leave the assembly, and the amendment was defeated on June 20, 1995.

³² Hansen – Twaddle (1995:150).

³³ *Traditional Rulers (Restitution of Assets and Properties) Statute* (1993).

³⁴ Nsibambi (1996:15).

consolidate the districts of Buganda into a single political entity. In a *pro-federo* memorandum (“A case for the restoration of Buganda as *a single unit*”³⁵), for instance, a group of Baganda opinion leaders led by vice-president Simon Kisekka addressed Museveni requesting ‘a Buganda restored to its pre-1966 boundaries’. In the end, however, the Assembly constitutionalised the backbone structure of the district-based Resistance Councils system.

Eventually, the most relevant change to the draft constitution was the abolition of a proposed ‘council of state’ composed of ministers and parliamentarians. The council was to link parliament and executive and it would have probably strengthened the government’s control over legislative activity. Such control was meant to minimise the risks of conflict between two distinct presidential and parliamentary majorities. The proposed council, “incidentally was not a people’s idea but was ... ‘smuggled into the draft constitution’ by some members of the commission”³⁶. Its rejection, in a sense, partly restored control of the CA over the commission’s proposals. Other relevant changes to the draft text concerned the national executive and decentralisation. The executive vice-president is appointed by (rather than elected with) the president, and, in the case of vacancy of the presidency, fresh elections are to be held, rather than the vice-president completing the mandate. As for decentralised institutions, the direct election of district chairmen and the option of ‘interdistrict cooperation’ (with the relative structures) were introduced by the assembly. Also, while the list of competencies of the central government was made much more inclusive than envisaged by the draft constitution, non-listed or ‘residual’ functions are now exclusively reserved to district administrations³⁷. Albeit interesting and of some relevance, however, the modifications to the draft text only touch upon a relatively limited part of the constitutional framework.

Local government and minority representation

Decentralisation has been a core aspect of the NRM’s institution-building effort since before it took over power. The constitutional provisions of 1995 retained Uganda’s form of

³⁵ *The Monitor* (Kampala, 22 July 1994).

³⁶ Furley – Katalikawe (1996:253).

³⁷ These issues are further examined below. On the vice-president, see art. 108 of the 1995 *Constitution* and art. 106(2)(a)/112 of the *Draft Constitution*; on District Chairmen, see art. 183 of 1995 *Constitution* and art. 207 of the *Draft Constitution*; on the competencies of the central government, see art. 189 and Schedule 6 in the 1995 *Constitution* and art. 211 and Schedule 4 in

unitary but highly decentralised state. The system of strong devolution to so-called Resistance Councils – now renamed Local Governments – was maintained and constitutionalised, as were the principles of decentralisation and devolution³⁸.

Under existing arrangements, local ‘political authority’ is primarily vested in district councils, which are elected every four years. The districts – Uganda’s basic territorial units – have retained their internal division into lower level local units that pre-existed the constitution, i.e. the Resistance Councils system structure. The system consists of five levels of decentralised political representation. At each level, starting from the bottom, a representative council elects an executive committee whose members meet with committee members of neighbouring areas to form a higher level council. The latter, in turn, elects its own executive committee that will be part of another, higher level council, and so on. Thus, in its original formulation, the decentralisation system provided for direct elections to occur at the lowest level only (the village level, where all residents above 18 years of age are automatically members of the ‘local assembly’) and then built upon the latter a pyramid of indirectly elected councils and committees, as in Figure 3.1. One of the novelties introduced by the constitution was the direct election of the district chairman. The latter is the political head of an executive committee whose members he himself appoints and the council approves³⁹. The direct election of district chairmen was meant to restore a degree of accountability in a system largely based on indirect elections.

These local administrations have relatively comprehensive competencies. District and lower-level councils have so-called residual powers, i.e. they have ‘responsibility’ for every public function which is not listed among those reserved to the national government⁴⁰. The latter areas of central government exclusive intervention include external relations and internal order; judiciary; currency, taxation and trade regulation; education, health, industrial, agricultural, land and environment policies; energy, transport and communication. The list can only be amended through special procedures that require the participation of the districts themselves, an arrangement that is usually adopted in federal systems for the protection of the territorial sub-units from central abuses⁴¹. On the other hand, the fiscal powers of local authorities are subject to parliamentary legislation, so that, despite the fact that unconditional

the *Draft Constitution*; the idea of ‘interdistrict cooperation’ (art. 178 and Schedule 5 of the 1995 *Constitution*) was not in the *Draft Constitution*.

³⁸ The *Local Government Act* (1997) regulates the details of the reform (e.g. procedures for the direct election of district chairmen, shift from nine- to ten-member committees at all levels, etc.).

³⁹ Art. 183ff., *Constitution of the Republic of Uganda* (1995).

⁴⁰ See art. 189.(3) and Schedule 6 of the 1995 *Constitution* for the list of functions of the central government.

⁴¹ Art. 260, *Constitution of the Republic of Uganda* (1995). If federalism is primarily defined in terms of the constitutional protection of the functions of the constituent units – as Nsibambi (1996:27-28) seems to do, despite the risk of reductionism implied by such a perspective – one cannot refer to the Ugandan solution as a ‘decentralised unitary system’.

grants are constitutionally guaranteed, the autonomy and sound financial basis of the districts is somehow put at risk.

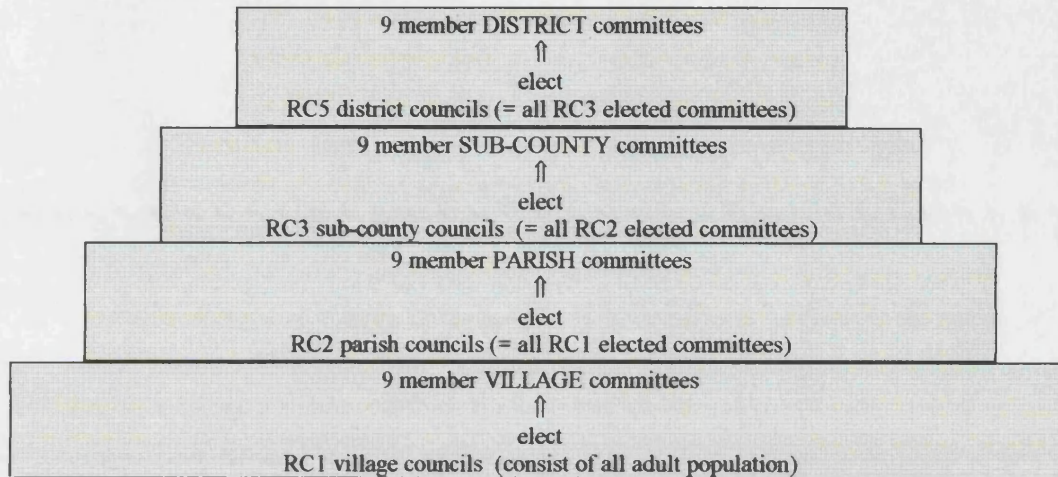


Figure 3.1: *The original structure of the 'Resistance Councils'*

For a study that focuses on political participation and organisation, the way Uganda's internal administrative boundaries are arranged is most interesting. In colonial times, 'native authorities' were drawn along ethnic lines⁴², and after independence the same administrative divisions remained partly unchanged. An internal sub-division of districts began in 1966, when the traditional kingdoms were dismantled by Milton Obote. At least in its original formulation, Museveni's decentralisation design, while not necessarily going against pre-existing territorial divisions, aimed at being even less attentive to the underlying communal map. The establishment of the new Resistance Councils was itself a "change from indigeneity to residence as the basis of rights"⁴³. This was consistent with the broader objective of movement democracy – namely, the marginalisation of the role of ethnicity in the political sphere – and with its key expression, i.e. the limitations on party activities. Hence, although the constitution "attaches ethnic identity on some districts"⁴⁴, there is a remarkable absence of any reference to cultural, ethnic or similar criteria as a basis for the definition of the districts:

⁴² "Except for the districts of West Nile, Bugisu, Bukedi, Toro and Kigezi where the ethnic units were not considered viable", Lwanga-Lunyiigo (1989:31).

⁴³ Mamdani (2001:262). Mamdani, however, notes that, at the district level, "the *practice* was to invest leadership in only those with ancestral claim to the land", and that the radicalism of "the reform held for the duration of the guerrilla war, but not much longer" (2001:172, emphasis added).

⁴⁴ Mukholi (1995:100).

“any measure for the alteration of the boundaries of or the creation of districts or administrative units shall be based on the necessity for effective administration and the need to bring services closer to the people and it may take into account the means of communication, geographical features, density of population, economic viability and the wishes of the people concerned”⁴⁵.

This is not to say that, in the occasional carving out of new districts (whose number has already increased from 39 to 52 since the constitution was approved), ethnic identities are not major considerations. As a matter of fact, they often are. Nonetheless, the wording of the constitution seems to reflect the general philosophy of trying to keep ethnicity out of politics and political structures as far as possible. Uganda’s current internal boundaries, compared to those prevalent at the time of independence and its aftermath, are relatively less consistent with the ethnic map. As Apter observes, “districts whose original boundaries were in some rough accord with the distribution of dominant ethnic groups have also altered. Today ethnic groups are less neatly contained within territorial boundaries”⁴⁶. Ethnic ‘areas’, for instance, are not so much divided by crosscutting district boundaries (i.e. boundaries that incorporate bits of different ethnic regions), rather, they are internally divided into a number of smaller districts.

While the large number of districts reflects Uganda’s numerous ethnic units, the adoption of small units also implies that large homogeneous communities are fragmented by administrative divisions. There is no effort to provide ethnic groups with territorial and political recognition as single entities. Thus, Buganda as such has no administrative or political organs, as it remains divided into Mpigi, Masaka, Rakai and other districts. The same goes for Acholi (made up of Gulu and Kitgum), Bunyoro (Masindi, Hoima and Kabale districts) or Ankole (Mbarara, Bushenyi, Ntungamo and Rukungiri). And so on. As a matter of fact, the new constitution does provide the possibility for a district to establish autonomous co-operative links with other districts⁴⁷. The implementation of these provisions, however, failed even in Buganda, in spite of the fact that autonomistic claims have traditionally been very strong and the constitution states that “the districts of Buganda shall be deemed to have agreed to co-operate”⁴⁸. The adoption of cooperative frameworks has been blocked by vested interests in defence of the status quo (e.g. local élites whose power base is in the district

⁴⁵ Art. 179.(4), *Constitution of the Republic of Uganda* (1995).

⁴⁶ Apter (1995:164). Cf. Regan (1995:297).

⁴⁷ A number of functional areas for which inter-district co-operation is possible are listed by the constitution in Schedule 5, *Constitution of the Republic of Uganda* (1995).

⁴⁸ Art. 178.(3). Cf. *New Vision* (Kampala, 2 June 1998).

organs) and by the external deterrence exerted by the government (since smaller units are less capable of challenging the central authority).

A decentralisation system that denies a cohesive and autonomous territorial basis to homogeneous communities clashes with the widely-held understanding of *federo* (federalism in Luganda language) as “ethnic federalism ... where powers are devolved to regions taking into account ethnicity”⁴⁹. The issue remains unresolved and most likely to re-emerge, especially in connection with the land question and with that of traditional leaders. The latter were restored in 1993, but they are still prevented from cultivating political ambitions on behalf of their communities, as “a person shall not, while remaining a traditional leader or cultural leader, join or participate in partisan politics ... shall not have or exercise any administrative, legislative or executive powers of Government or local government”⁵⁰. As a matter of fact, there have already been calls for a broader role of customary rulers, and some of them have frequently taken open political stances (notably in Buganda, through the influential Mengo traditional government)⁵¹.

Despite the individualistic and non-ethnic assumptions at the basis of the system, a vaguely defined right of minorities “to participate in the decision-making process” is formally recognised⁵². Yet, there is no specific indication of how this right is to be actually implemented. The potential impact of local communities on national politics, for example, is weakened by the absence a district-based second chamber, which is consistent with the aforementioned opposition to the political representation of ethnic and religious groups⁵³. Neither is a similar representation favoured by election rules. A direct result of the restrictions on party politics, in fact, was that proportional representation electoral systems (PR) were ruled out as an option. PR systems are generally considered an instrumental tool for moderating ethnic politics, as they allow minorities to gain representation. But most of these systems are based on the use of party lists⁵⁴. The choice of the electoral formula was thus reduced to either a plurality system (used in past elections and currently in place) or a fully majoritarian formula, such as the alternative vote or the double ballot system. In spite of the

⁴⁹ Wasswa Lule, MP, quoted in *The Monitor* (Kampala, 31 May 1995, p.16).

⁵⁰ Art. 246.(3)(e), *Constitution of the Republic of Uganda* (1995). This provision implies that cultural or traditional rulers cannot be elected to parliament.

⁵¹ See, for example, Nsibambi (1994b:55), who is currently Prime Minister, and *New Vision* (Kampala, 27 April 1998).

⁵² Art.36, *Constitution of the Republic of Uganda* (1995).

⁵³ During the debates of the Constituent Assembly, Crispus Kiyonga and 30 other delegates proposed the introduction of a bicameral system, with a Senate representing districts and other political entities. The amendment was rejected on the ground of financial costs. See *The Monitor* (Kampala, 5 and 7 December 1994).

⁵⁴ The Single Transferable Vote is the only one, among commonly used systems of proportional representation, which does not need party lists. The STV, however, is quite complicate and requires numeracy on the part of the voters.

campaigning by some multipartists – notably by members of the Democratic Party – in favour of some kind of PR solution, the constitution states that the electoral system is to be based on single-member constituencies⁵⁵. It is however remarkable that, in spite of the detailed arguments advanced by the constitutional commission for the adoption of county- and subcounty-based constituencies, there is no reference whatsoever to an ethnic or cultural basis of electoral constituencies⁵⁶. Like most other institutions introduced by the NRM, this was consistent with the alleged intention to reduce the political function of communal solidarities.

Institutional developments in Uganda in the late 1990s

In the years immediately after the constitution was passed, Ugandans undertook further important steps in the polity-building process. The political system retains the dynamism that has characterised it since Museveni took power. The key measure adopted in the second half of the 1990s was the aforementioned *Movement Act* (1997). While increasing the confusion on what is the Movement and how it relates to the state, the Act has somehow re-launched the old NRM, which had gone into abeyance for some time, by providing for the establishment of Movement organs throughout the country. Because the new structures set up at the national and local level are *partisan* ones – i.e. they concern a political part, rather than being *systemic* features – the Act violates the very principle of no-party politics, namely the idea of doing away with political organisations. The Movement is now a full-fledged party-like political organisation, not a political system, regardless of what its supporters claim⁵⁷.

The creation of the new Movement and its legal protection incensed the debate on the status of political parties under the existing regime. The limitations to party politics and the constitutional protection of the Movement inevitably raise questions about both the democratic character and the sustainability of the current arrangements. Yet, the common understanding remains that the movement system will only last for some time, as a transitional system, and that, as pointed out, the country will sooner or later shift to

⁵⁵ Goran Hyden suggested the adoption of a PR system for Uganda (in Hansen – Twaddle 1995), whereas the UCC had suggested a double ballot system for both parliamentary and district elections. Similarly to the South African case, the main guidelines for the electoral system have been constitutionalised in Uganda.

⁵⁶ *UCC Report* (1993:272). On paper, the high disproportionality that a plurality system tends to generate might be contained by the relative geographic concentration of most Ugandan ethnic communities. The constitutional requirement that constituencies should not cut across sub-counties nor, as a consequence, across districts, should further increase the ethnic homogeneity of electoral constituencies and limit the cases of minorities that do not gain representation. It remains to be seen, in practice, whether and which of such communities pay the price of a plurality system in the form of a reduced representation.

⁵⁷ These issues are addressed in some detail in Chapter Four.

multipartism. The constitution required that a referendum be held at the end of the first parliament for the people to choose between the two systems. Since parliament was meant to pass legislation to ensure that 'any person shall be free to canvass' for any of the two sides⁵⁸, a *Political Organisations Bill* was tabled in late 1998. Museveni and his minister for Constitutional Affairs, Jehoash Mayanja-Nkangi, however, tried to use the bill to further institutionalise restrictions on party activities. Predictably, the controversial bill was fiercely attacked by the parties. But even the Movement-dominated parliamentary committee that examined the proposed legislation suggested a number of radical amendments along the lines of multipartist objections, and the heated debate that followed generated divisions in the Movement parliamentary caucus. In the face of criticisms that pointed at the illiberal provisions contained in the bill, and of the drastic changes proposed by the parliamentary committee, the government decided to drop the proposed legislation in June 1999⁵⁹. Instead of introducing clear regulations for party activities in view of the referendum, it was resolved that non-party 'committees' would be set up to campaign for each side. The idea, contained in the *Referendum Bill* (1999), did not go down well. Lacking support even among Movement ranks, this second bill was passed by parliament without the required quorum and precipitated a constitutional crisis. State-owned *New Vision*, usually very supportive of the government, described the manoeuvre as "the first case of daylight vote rigging in parliamentary history since the tabling of the 1966 'pigeonhole constitution'"⁶⁰. The following year, on the eve of the referendum, a petition by DP leader Paul Ssemogerere succeeded in having the Act declared null and void by the Constitutional Court, and a new *Referendum Act* had to be rushed through parliament in an even messier and manipulative way.

Eventually, the referendum was held on June 2000. The multipartists boycotted the exercise on the ground that the right of association and political organisation is a fundamental one, and cannot be subject to political debate nor vote. But the fact that the turnout was not very high (51 per cent) may have had little to do with the boycott. As expected, Ugandans

⁵⁸ Art. 271, *Constitution of the Republic of Uganda* (1995).

⁵⁹ For the subsequent developments concerning the *Political Organisations Bill*, see note n.3 in Chapter Seven.

⁶⁰ *New Vision* (Kampala, 4 July 1999, p.5). The Movement caucus could not reach consensus on the controversial *Political Organisations* and *Referendum Bills*, and many MPs kept away when the latter was voted upon. The Speaker, Francis Ayume, allowed parliament to pass the *Referendum Act* (1999) without the required quorum. Despite the fact that 157 MPs had signed the register when the bill was passed, only about 40 MPs were actually sitting in the House – under the eyes of the national press – well below the necessary minimum of 90 physically-present members. Unfortunately, parliamentary procedures in Uganda do not envisage a record of who votes and how he/she votes (see Chapter Seven, note 75), and this made it difficult to prove that the rules of the House had been blatantly violated. Eventually, however, the Constitutional Court deemed the Act unconstitutional. For a new *Referendum Act* (2000) to be rushed through parliament before the scheduled date of the referendum and be accepted by the Court, Museveni had the constitution amended, parliamentary rules suspended, and MPs intimidated – through the Movement caucus and the suspension of secret voting – into supporting the new bill (cf. *New Vision*, 25 June 1999, p.2-3, 4 July 1999, p.5, 4 November 1999, 16 August 2000; *The Monitor*, 4 July 1999, 9 June 2000, 28/30/31 August 2000). Over thirty years earlier, MPs had only learnt the content of Obote's new constitution after they had passed it, when they found a copy in their pigeonholes.

endorsed Museveni's regime with a 90 per cent support for the existing Movement system. The possible 'return' to a multiparty system was thus postponed for at least another five years, and Museveni's own rule – so far deeply intertwined with the retention of movement politics – was further sanctioned by his success in the 2001 presidential election.

The perpetuation of the no-party transition has been favoured by a combination of internal and external factors. A domestic socio-political coalition was cemented by the NRM's military and unilateral take-over, by Museveni's undisputed charisma and presidential patronage, and by a southern-based regional alliance. Such a coalition succeeded in entrenching its interests and ideas by enshrining the notion of 'Movement system' in the constitutional provisions. At the same time, a particular political economy of external support protected the new regime from outside pressures to open up to full multiparty competition. Museveni found powerful allies in the World Bank and other donors who were desperately in need for one of the reform-abiding African states to develop into a success story. Western countries such as the US and Britain – both of which backed the reforms inspired by the World Bank – also provided key economic and political support aimed at strengthening a friendly state in an extremely volatile region⁶¹.

⁶¹ Cf. de Torrenté (2000), Hauser (1999:623), Human Rights Watch (1999:152).

PART TWO

Chapter 4

The Movement

A partisan organisation in disguise

Political system or political organisation?

The Ugandan government usually describes the Movement as a political 'system', a term which is also enshrined in the 1995 constitution. The conceptualisation of the Movement as a system (i.e. a set of governmental institutions and relationships, including the terms of participation and competition to access such institutions) as opposed to a private political organisation (i.e. a partisan association for regularising and formalising the co-ordination of political activities carried out by members and supporters¹) has crucial implications. In line with such an approach, for example, the *Political Organisations Bill* which is currently being discussed explicitly excludes the Movement from among the 'political organisations' (read 'political parties') that it seeks to regulate². Thus, as a new and all-encompassing 'system' to which everybody is supposed to belong and be loyal, the Movement can make legitimacy claims that would not be possible for a partisan organisation.

As pointed out in the previous chapter, however, Uganda's new constitution does not go beyond abstract principles in defining what 'Movement democracy' is about. It merely specifies that electoral competition has to be based on 'individual merit' as against party platforms. Other than that, the elaboration of this 'new model of democracy' boils down to vague notions of 'broad-basedness', 'participation', 'accountability' and 'accessibility'. Indeed, parliament is left complete discretion in providing content to the Movement system through contingent and flexible legislative measures:

¹ Cf. Lanzaoco (1995:105,184), quoted in Chapter One, page 17.

² "The definition of 'political organisation' shall not include ... the movement political system ... and the organs under the movement political system; pressure groups; civic organisations", Republic of Uganda, *Political Organisations Bill*, No.18 (December 1998), art.2.

“parliament may create *organs* under the Movement political system and define their roles; and prescribe from time to time any other democratic *principle* of the Movement political system”³.

Such vagueness explains the frequent contradictions by pro-movement officials and politicians when describing the rationale and the working of the new system.

From the notion of the Movement as a system also stems the constitutional provision that makes all Ugandans its members. But declaring everybody a ‘Movementist’ is not enough to make them so: in practice, some Ugandans are movementists in beliefs and behaviour – these were the people lining up for the ‘Movement bus’ in the 2000 referendum campaign posters – others are not, or do not wish to get on board. Indeed, its formal camouflage as a public arrangement can hardly disguise the fact that the Movement is a full-fledged organisation aimed at the conquest and retention of state power by a specific and partisan group (this, incidentally, would be a party’s legitimate goal in a multiparty polity). As a partisan organisation pursuing the goal of placing and maintaining its avowed representatives in government positions⁴, the Movement can be analysed using the same parameters adopted for other parties and spelled out in the conceptual checklist of Table 1.1 (see Chapter One).

In addition to contending that the Movement is best understood as a political organisation, rather than as a ‘system’, this chapter suggests that its relation to other political actors is one of hegemony, rather than monopoly, and such hegemonic position is maintained in spite of the Movement’s traditionally loose organisational set up. Before turning to an analysis of the current features of the Movement, the next section concentrates on its historical origins and structural evolution.

From the NRM in the bush to the Movement in the constitution

The National Resistance Movement was created in the early 1980s as the political wing of a guerrilla organisation – the National Resistance Army – set up to overthrow Milton Obote’s newly established second regime. The NRM drew its origins from other organisational efforts previously embarked upon by some members of its core leadership, such as the Fronasa paramilitary group and the Uganda Patriotic Movement party. To talk of

³ Art. 70, *Constitution of the Republic of Uganda* (1995, emphasis added).

⁴ Cf. Janda’s (1970:83) definition, quoted in Chapter One, p.23.

fully-fledged organisational continuity⁵, however, is to overemphasise the permanence of a few leaders and to disregard changes in the institutional arrangements. As Prunier points out, for example, after Amin was overthrown in 1979, Museveni formally disbanded Fronasa, which only “remained as a network of friends”⁶. It is thus more appropriate to think of the NRM as an essentially new organisation, heavily shaped by a specific guerrilla experience and a peculiar no-party thinking⁷.

Fitting and descending from the Maoist notion of ‘protracted people’s war’, the NRM’s cultivated image portrayed it as a people’s organisation, non-partisan and ‘civic’: an open, broad-based and inclusive organisation of all Ugandan citizens, born out of a radical rejection of traditional parties and their ‘sectarian’ divisions. Backing such imagery was the actual establishment, since the guerrilla years, of local Resistance Councils all over the territory falling under NRM control. The RCs – whose pyramidal structure culminated in a National Resistance Council (NRC) – were instrumental in reaching out to the populace, mobilising resources for the guerrillas and organising a broadly legitimate new system of government based on popular participation. While the RCs helped the NRM in extending its support to areas other than the ones from which it originated⁸, the bulk of the consensus came from a Baganda/Banyankore/Banyarwanda (and partly Banyoro) alliance⁹, with its centre in the south and west of the country. Indeed, the regime had been immediately referred to as the first one in Uganda led and supported by southerners, or *bantu*-speakers.

The so-called ‘broad-based government’, meant to bring under a common umbrella the different strands of Ugandan politics, and the anti-party stance that Museveni was gradually articulating were functional to establishing more firmly the new organisation:

“no previous Ugandan political organisation was less well-known, and only the Okellos, and perhaps Amin, had been socially less representative than the NRM was at the moment it took power. The NRM desperately needed a formula that would provide it with national acceptance. ‘Movement’ democracy provided part of the answer to this dilemma”¹⁰.

⁵ See, for example, Kasfir (1991:270). Most NRM top leaders, including Museveni, were UPC up to around 1970 (see, for example, *The Monitor*, 5 January 1997, p.17).

⁶ Prunier (1997:68).

⁷ See also Museveni’s (1997) own reconstruction of how the NRA/NRM emerged.

⁸ In the 1996 presidential election, for example, Museveni obtained almost 60 per cent of the vote in Nebbi and Moyo districts (all in the northern West Nile area, where the NRM had ended the local people’s sufferings at the hands of Obote’s regime). He also performed well in Teso (in Kumi district, for instance, he received 43 per cent of the votes), where presidential challenger Paul Ssemogerere could win but not with the large majorities he piled up in other northern districts such as Arua (also in West Nile), Apac and Lira (Lango), and, especially, Gulu and Kitgum (the two Acholi districts home to the rebellions of the Holy Spirit Movement and the Lord’s Resistance Army). In the 2001 election, Museveni was again successful in parts of West Nile (Nebbi and Adjumani) and in Kumi, while Kizza Besygie obtained large majorities among the Langi and Acholi voters, and also won in Arua, Soroti and Kampala.

⁹ Cf. Mamdani (1996:208-209).

¹⁰ Kasfir (2000:63).

The no-party thinking, however, inevitably affected the NRM's internal working by justifying a hollow organisational set up. A loose structure at the centre suited Museveni's undisputed and unrestricted control as much as it reflected the overarching anti-party and individual-merit ideology. Indeed, while expanding its reach and inclusiveness, the NRM developed a very centralised and leadership-oriented *modus operandi* which kept it heavily dependant upon its leader's personal charisma and patronage linkages. The fact that the NRM "never had a national organisation comparable with those of UPC or DP"¹¹ was as much the result of its comparatively recent emergence as that of a studiedly different strategy:

"the NRM itself believed that the lack of a political organisation was not a sign of its weakness but of its strength: precisely because it had no political organisation of its own, it could be home to all organised political tendencies called political parties"¹².

"the NRM expended little energies or resources in consolidating itself institutionally. The NRM secretariat ... received a small budget, was staffed by few powerful officials, but played only a modest role in setting the direction of government policies. Popular organisations for women, youth, and labour were discussed, but nothing was done to form them"¹³.

Far from being a static arrangement, however, the National Resistance Movement repeatedly underwent internal transformations. Oloka-Onyango identifies three main phases in the NRM's evolution. The initial one covers its first years in power (1986-89), when a transitional broad-based coalition was in charge of re-building basic state structures. The second one goes from 1989 to 1993, in which period the NRM became permanent and exclusivist by progressively marginalising other political groups. And the third phase consists of the 1993-96 period, during which the Movement sought consolidation through undemocratic steps¹⁴.

Internal transformations largely concerned the NRM's claims of inclusiveness as well as its organisation. Actual inclusiveness lost momentum after the broad coalition of the first years in power, and the top political leadership of the Movement came to be increasingly identified by its western or Ankole origins. Simultaneously, the path of internal change led the NRM towards tightening its organisational structures, in spite of its populist condemnation of

¹¹ Brett (1989:20).

¹² Mamdani (1995:237).

¹³ Kasfir (1991:255).

¹⁴ Oloka-Onyango, paper presented at The Free Movement seminar, Kampala, October 1998.

political organisation and the implicit dismissal of the latter's relevance. Organisational changes were brought about through either practice or legislation, spanning from some loosely co-ordinated interventions in election campaigns to the creation of a movement parliamentary caucus and the recent establishment of full scale nation-wide structures by an act of parliament.

The key aspect of the process of change was the dynamic relation – both at the national and at the local level – between Movement and state institutions. At the national level, the original situation was one of 'fusion', whereby "organs of the Movement were not separable from the state"¹⁵. When the NRM gained power, its National Resistance Council (NRC) had been installed as the country's parliament. The NRC was then gradually opened up, first with the co-optation of ministers (including those of other political forces who had joined the 'broad-based' government), and, after 1989, with the inclusion of indirectly elected representatives. With the latter expansion, a National Executive Committee was also appointed as a standing organ of the NRC¹⁶. In the resulting institutional set up, however:

"...the situation was not like now. These structures were fused: the chairman of the political body (the National Resistance Movement) was automatically the president of the country, and ... was also the chairman of the legislative body (the National Resistance Council). Now there has been a re-structuring. So you have the speaker of the ex-parliament, the chairman is no longer automatically a member of parliament. The chairman of the Movement is not necessarily, automatically the president of the country. Although, at the moment this one [Museveni] is holding both. But it is possible to have a president elected and the chairman also separately"¹⁷.

It was only from 1996-98 that the NRC and its chairmanship were replaced, respectively, by separate and directly elected parliament and presidency. At the same time, the Council's politico-partisan functions (as opposed to the legislative ones) were handed over to an expanded Movement Secretariat and a restructured and more autonomous executive committee. These developments created a new situation where:

"the Secretariat ... is a political organ within the Movement political system [read 'organisation']. It is not part of government. Offices in the movement political system are

¹⁵ James Wapakhabulo, National Political Commissar, interview (Kampala, 19 July 1999).

¹⁶ The original NEC consisted of 38 'historicals' (the NRM leaders of the bush days), 10 presidential nominees, and one representative per district (elected by the NRC members of each district). Wapakhabulo (interview, 19 July 1999) and Dicklitch (1998:78).

¹⁷ James Wapakhabulo, National Political Commissar, interview (Kampala, 19 July 1999).

political offices. They are not public service offices within the meaning of the Constitution”¹⁸.

A parallel process of progressive separation between state and Movement structures took place at the local level with the Resistance Councils. The latter were introduced during the civil war as both NRM organs and para-statal structures. Their original functions included, on the one hand, the recruitment of soldiers and the provision of resources such as food for the guerrillas, and, on the other hand, administrative tasks such as local dispute resolution and the distribution of selected basic resources¹⁹. Since the end of the war, however, local councils increasingly came to resemble administrative structures controlled by locally-elected politicians regardless, in theory, of the latter’s political views and affiliations. Around 1987, for instance, a large number of local assemblies were reportedly ruled by Democratic Party people²⁰. This process was later further developed, to the point that “since the adoption of the 1995 constitution and the 1997 *Local Government Act*, local councils at all levels have become more clearly part of the state and less part of the NRM”²¹. To reflect the change, Resistance Councils were re-christened Local Governments by the 1993 *Decentralisation Statute*, on the ground that the term ‘resistance’ had to be eliminated “to distance them from the National Resistance Movement”²². The functions of partisan mobilisation previously carried out by the RCs were formally taken over by newly-established local ‘Movement committees’. The latter were meant to be “a political instrument of the Movement system [read ‘organisation’]. Unlike the Local Councils ... they are not an integral part of the state hierarchy or administrative apparatus”²³.

The emerging tendency to separate state and Movement organs reflected a recognition of the need to set up a strong, autonomous and more effective political organisation – this recognition had been delayed by the initial reliance on state institutions and the ideological aversion to party-like arrangements. The *Movement Act* (1997) marked the beginning of a fourth phase following to the three identified by Oloka-Onyango. The new law, which reformed and potentially boosted the Movement, embodied the answer to precise organisational problems. The pressure on the NRM to improve its organisation and to behave

¹⁸ James Wapakhabulo, National Political Commissar, in *New Vision* (27 July 1998), quoted in Human Rights Watch (1999:65).

¹⁹ Golooba-Mutebi (1999:104-105).

²⁰ Kasfir (1991:255).

²¹ Kasfir (1998:55).

²² For this paragraph – including the quoted recommendation by ‘The Commission of Inquiry into Local Government System’ (1987:28) – I rely on Golooba-Mutebi (1999:3n).

more and more like a party was the result of converging factors, including an increasingly sharp political polarisation, the re-opening of national electoral competition, the resilience of old party affiliations, and the requirements of an effective policy-making and legislative action.

The NRM's partisan character and the boundaries separating its people from non-NRM people had fully emerged at the time of the Constituent Assembly. The NRM group had already become "sufficiently organised to win a majority of seats at every level in 1989 and every subsequent election"²⁴. By the time of the 1994 election campaign for the Constituent Assembly, the NRM was dropping its previous and conscious lack of organisation to turn into something closer to a political party, or at least into something *similar to African parties*, which have never been very disciplined nor effective in controlling nominations²⁵. The results of the CA election were naively hailed by Museveni as a victory for Movement candidates. This made it plain that, while all Ugandans are formally members of the Movement, there were in fact 'non-Movement' candidates: "before that, one could say that the NRM was different from political parties, different in that it had no organisation, only a headquarters. ... With the CA elections, we are witnessing the birth of NRM as a political party. With that change, the Movement vs. party question is no longer a question of principle"²⁶.

The politics of constitution-making allowed an evident and deep divide between movementists and multipartists to emerge and crystallise. The constitutionalisation of the 'Movement system' prompted opposition parties to take a more radical stance in the face of the self-entrenchment of the ruling group. But the culmination of the process was the *Movement Act* of 1997. By setting up less porous boundaries at the exclusion of non-movementists, by identifying the organisation's constituency (i.e. 'movementists') and by specifying an hierarchy of authority embodied in the political secretariat, the Act contributed to defining the Movement more clearly as an organisation. According to a recent report, the new dispensation "in fact replicates the structures of a political organisation that is a party in all but name – the National Resistance Movement – as structures of the Ugandan state, creating a state-sponsored political organisation disguised as a 'political system'"²⁷. The current set up of the Movement is the object of the next section.

²³ *The Movement Newsletter* (Kampala, November 2, 1998, p.5).

²⁴ Kasfir (1998:58).

²⁵ Mamdani (1995:237), Kasfir (1994:173).

²⁶ Mamdani (1995), quoted in Furley – Katalikawe (1999:19).

²⁷ Human Rights Watch (1999:59).

The current organs and activities of the Movement

Devising the organs of the Movement was a task that the constitution entirely delegated to parliament. As pointed out, a *Movement Act* was thus passed in 1997, providing for the establishment of national representative and executive bodies as well as a complex hierarchy of local committees. The Act closely resembles a party statute – some would claim that it *is* actually a party statute – even though Movement members adopted it in a public forum (parliament) as opposed to a formally partisan one. There are important aspects of this law, however, that would not be found in the statute of a party under multiparty politics. For a start, membership is by citizenship: according to the constitution, as already mentioned, all Ugandans belong to the Movement. But the idea of doing away with a boundary that formally discriminates the *ins* and the *outs* does not reflect political and organisational reality: in spite of the Movement's inclusivist claims, what ultimately counts is whether there is a *de facto* distinction between those who behave as members and those who do not. While the dividing line may be blurred and more permeable for the Movement than in other cases, it indeed exists. Reports of pro-party activists or Movement supporters publicly crossing the floor to join the opposite camp are part of the country's political folklore²⁸. Yet, an all-inclusive membership – or the formally 'compulsory nature of membership'²⁹ – has significant implications. Nobody, for example, can be forced out of the organisation. And, if expulsion is not an option, the internal discipline required to promote a consistent political line – say, on the part of pro-Movement MPs – will have to rely on alternative sanctions. Whether and which alternative sanctions are actually available is an open question, which was tentatively addressed by setting up a Movement parliamentary caucus.

A second peculiar aspect of the Act is that, because the Movement is disguised as a public arrangement, its structures recruit exclusively on a state office-holding basis³⁰. District Movement Committees, for example, consist of local officials such as Resident District Commissioners, MPs, district-level councillors and chairpersons of county and sub-county councils. In other words, unless somebody already occupies a political office, there is no chance of finding him in the structure. This virtually complete overlap or penetration of state

²⁸ In the run-up to the referendum, for example, the *New Vision* (Kampala, 28 May 2000) announced with a full front page that "4,000 Lira UPC join Movement", while the *The Monitor* (Kampala, 23 May 2000) reported smaller-scale moves in the opposite direction. As pointed out, at least since the Constituent Assembly election of 1994, the Movement also dealt with and presented election results in partisan terms. In 1998, for instance, counting the number of 'movementists' that were elected to local government bodies, Museveni claimed that the Movement had won 88.9 per cent of the districts (*New Vision*, Kampala, 22 April 1998).

²⁹ Human Rights Watch (1999:58).

³⁰ Village-level Movement committees formally include all the local population, but they are chaired by the LC1 or village chairman who is also the *ex officio* (unelected) representative of the village in the parish-level Movement committee.

structures on the part of the Movement contradicts previous attempts at separating the two. Yet, this recruitment mechanism, which is aimed at taking on board those who count, does not inhibit officials who are against the Movement to keep out, in practice, of the latter's organisation (e.g. the mayor of Kampala, DP Sebaana Kizito, reportedly opted out).

Thirdly, the Movement receives its funding directly from the national budget³¹. The need for public funds is partly the consequence of an all-embracing membership: so long as its affiliates are not required to pay fees, an organisation will need alternative sources of income. While state funding is increasingly becoming the rule in Western multiparty systems, the key aspect in the Ugandan case is that a single organisation is given monopolistic access to such funds³². The opposite is also true, however; that is, state funding also makes the Movement organisation formally dependent upon parliament and the treasury, with potentially important implications³³.

The central leadership and administrative organs

The *Movement Act* represents a turning point that has a major potential for strengthening the organisation. The internal elections introduced by the Act, for example, may have provided the Movement with some degree of renewed participation and legitimacy. From national to local Movement leaders, most office-bearers in the organisation are now elected: the whole structure was somehow democratised and extended to include many more faces than those who were in the bush³⁴. The process was a mixture of cooptation and election. It began in June 1998 with the establishment of Movement committees at district, county, sub-county, parish and village level, closely mirroring the local government hierarchy. The introduction of Movement committees was extremely controversial, not only because they consist of co-opted state officials, but also because it is difficult to think of them as substantially different from (prohibited) party branches.

³¹ The budget for the Movement is first drawn by the NEC, then it is presented to parliament by the Minister of Finance, and finally it is approved as part of Uganda's consolidated fund with the rest of the national budget (James Magode Ikuya, Deputy Director for Information at the Movement Secretariat, interview, Kampala, 1 July 1999).

³² With regard to funding, the Ugandan case may not be substantively different from that of formal multiparty politics where a hegemonic party enjoys an unparalleled and illegal access to state resources, such as the Partido Revolucionario Institucional did in Mexico for several decades.

³³ The dependence of the Movement on state funds implies that it would be easier, for a hypothetical multipartist-dominated parliament, to deflate the Movement organisation by blocking its resources rather than by introducing a 'multiparty system'. The complex procedures for the introduction of a multiparty system require either a referendum (initiated by at least half of all MPs, or by majority votes in half of all district councils, or by a complicated popular petition) or, upon petition by 2/3 majorities in half of all district councils, a 2/3 parliamentary majority (Section 74, *Constitution of the Republic of Uganda*, 1995).

³⁴ Magode Ikuya, interview (Kampala, 1 July 1999).

Shortly after the election of local committees, a five-day National Conference was convened, which consisted of about 1,300 delegates from various territorial or functional organs of the Movement and of the state³⁵. Amidst reports of lively internal politics – with so-called ‘historicals’, ‘moderate movementists’ and Young Parliamentarians identified as the most active groupings³⁶ – the Conference allocated national leadership positions. The three top jobs went unopposed to Museveni (chairman), Emmanuel Kigongo (vice-chairman) and James Wapakhabulo (National Political Commissar)³⁷.

The *de facto* head of the whole organisation is the National Political Commissar (NPC), who controls and directs Movement structures through a central co-ordinating body, the Secretariat. The latter was originally established during the bush days, in 1981, and then formalised in 1986-87 with the creation of 12 directorates and of the NPC office³⁸. The mandate of the Secretariat, whose expiration in 1996 sent it into abeyance for some time, was revived with the approval of the Act that the constitution required for the establishment of Movement organs³⁹. The reformed Secretariat retains by and large unchanged its previous 220-strong staff⁴⁰. The figure includes not only the general staff but also about 80 so-called ‘mobilisers’ – “activists on political attributes”⁴¹ – of which another 200 or so are to be found in the districts, attached to RDCs offices. The personnel is distributed in six re-structured directorates, each led by a political official who is accountable to a 100-member National Executive Council (the reformed political executive, that initially met only once a year, in July 1998 and April 1999)⁴².

³⁵ A second conference was reportedly to take place on 29 September 2000 (*New Vision*, Kampala, 9 September 2000). The full Conference would actually consist of around 2000 members: the president of the republic; the Movement chairperson, vice-chairperson and National Political Commissar; all MPs; all members of district executive committees (local governments) and all Resident District Commissioners; chairpersons of division/municipal/sub-county and town Movement committees; ten members each elected by the army and private business; five each for the police, women, youth, trade unions, veterans and disabled; and three for the prisons’ service. See *Movement Act* of 1997.

³⁶ See, for example, Charles Onyango-Obbo in *The Monitor* (Kampala, 24 June 1998).

³⁷ The National Political Commissar is actually elected by the National Executive Council from among three nominees proposed by the chairman.

³⁸ The directorates were later reduced to 8, and two deputy NPCs were introduced (one for administration and one for political affairs).

³⁹ After the constitution was passed in 1995, the Attorney-General denied all funds to the NRM as long as it held an informal rather than a legal status, Kasfir (2000:73). As a matter of fact, the Secretariat had also been leaderless since Eriya Kategaya, former NPC, received a ministerial appointment (Magode Ikuya, interview, Kampala, 1 July 1999).

⁴⁰ Matia Kasaija, interview (Kampala, 28 May 1999), and Magode Ikuya, interview (Kampala, 1 July 1999). See also *The Monitor* (28 May 1999).

⁴¹ Matia Kasaija, interview (Kampala, 28 May 1999). In line with the general process of re-structuring, a ‘rationalisation’ exercise was decided by NEC and undertaken by the Secretariat in mid-1999 whereby all members of the central staff were required to re-apply for their jobs. The aim was to downsize the whole structure and produce a full record of the people actually employed by the Secretariat. Reducing the number of employees was meant to be a pre-requisite to improve their pay and increase organisational efficiency. The application and registration exercise, on the other hand, was to be instrumental to moving more mobilisers from the headquarters to the countryside, where there’s greater need for them, especially in view of the referendum campaign. Cf. Wapakhabulo, interview (Kampala, 19 July 1999). See *The Monitor* (Kampala, 28 May 1999). The measures were controversially implemented by the director of Mobilisation, Birimumaso.

⁴² In addition to the six directorates (Mobilisation, gender, youth and interest groups; Information; External relations; Research; Economic affairs; and Legal affairs) a permanent secretariat is in charge of Finance and administration.

With its pivotal and permanent focus in the Secretariat and a privileged access to the executive, the Movement organisation is in a strong position to influence the policy process. Indeed, since president Museveni was elected chairman of the Movement (although he is rarely personally involved in its activities), the Secretariat has a line of direct input in government activities. At the most general level,

“the Secretariat is responsible for generating ideas and policies for the government. At the National Executive Committee meeting that we had in April, a number of ideas and papers were presented for discussion. For example, we proposed ... the expansion of the original NRM’s 10-point programme to a 15-point one, which has been elaborated by the NEC through the Secretariat, through the work we did to collect the views of the people. These and others, they come in the form of policy papers. We don’t really produce bills as such. For instance, on corruption, the Secretariat comes up with something and the government initiates a bill to address the issue we have raised”⁴³.

The scrutiny of governmental action on the part of the Movement is further improved and regularised by practices such as having the NPC sitting *ex officio* with the cabinet or making comments available to the national executive before any government bill is introduced in parliament. When carrying out these activities, the Secretariat is allegedly guided by a specific rationale, as the National Political Commissar explains:

“we are involved in appraising every legislation from the *political* point of view ... we do also not just comments on bills but comments on things like the budget, on its impact, or activities like closing banks ... you look at the policy and how that policy – if you implement it – what political implications it carries with it. Favourable and unfavourable. My directors will carry out also research in the field, through our political intelligence. How is that going down? Will it go down well or will it go down unwell? Government departments are not worried about that. For them, they are more concerned about whether it is good or not good for the economy. Someone may come with measures which appear to be very good for the economy, but are they politically [good as well]? So you may have to say: ‘Okay, let’s slow down’ or ‘Let’s push it through now, because this is the time. Otherwise you will only be getting problems’. So we also look at it from that angle. ... [When] I attend cabinet, then, I would raise the political implications, and I would insist that every bill must state political implications as well as other implications - constitutional, economic, legislative, financial implications”⁴⁴.

⁴³ Beatrice Lagada, Deputy Director for Mobilisation, interview (Kampala, 16 June 1999).

⁴⁴ Wapakhabulo, interview (Kampala, 19 July 1999).

In addition, the Secretariat also interacts with the legislative assembly. Five out of the six original directors, for example, doubled up as members of parliament. In this capacity, they were instrumental in directly promoting the positions of the Movement Secretariat in parliament⁴⁵. Moreover, all directors are invited to attend the meetings of the Movement parliamentary caucus, where they can present their views on the issues that are on the table. The caucus itself is somehow financially dependent upon the Secretariat, which is responsible for covering small expenses such as hiring halls or serving refreshments⁴⁶.

Going local: the new Movement committees

The establishment of party-like directive linkages at the local level can be instrumental to the effectiveness of government action and to the political mobilisation of the population. In a hegemonic context, “the manipulative party’s need for a strong local presence [is] necessary to limit the operation of opposition parties, promote political socialisation, and ensure compliance with national directives”⁴⁷. In the early times, the long hand of the Secretariat reached out to the districts through District Administrators (later re-named Resident District Commissioners, RDCs), who had been in charge of setting up local Resistance Councils. “Now, the RDCs are civil servants, for the general supervision of local governments for things such as their powers and finances, and, although they retain some mobilising functions, this partly shifted to the Movement Committees, which are directly in charge”⁴⁸. Although the reality on the ground is actually one where Resident District Commissioners, who directly depend from the President’s Office, are key figures in fostering political support and obstructing the oppositions.

The new committees established in 1997 are meant to be formally autonomous and representative bodies of the Movement at different levels. As at mid-1999, however, at least at district level such committees had largely failed to function and regularise their meetings. Officials at the Secretariat refer to ‘different levels of activity’ or to ‘destructive’ behaviour on the part of those LC1 chairmen that are actually against the Movement: “in the areas where we have strong believers, there is more activity.... The maximum of activity is in western Uganda, and central Uganda, then east, and last in the north – but even in the north is in the

⁴⁵ Wapakhabulo himself, for example, played a key role in having the controversial *Referendum and Other Provisions Bill 1999* and the *Referendum (Political Systems) Bill 2000* passed by parliament. He was also directly involved in the formulation of Uganda’s foreign policy at a critical stage of the Congo war, when Museveni appointed him Chairman of the National Coordination Committee on the Region (see, for example, *The Voice*, Kampala, 12 June 2000, p.2).

⁴⁶ Wapakhabulo, interview (Kampala, 19 July 1999).

⁴⁷ Lawson (1980:18), with reference to the political hegemony of the Partido Revolucionario Institucional in Mexico.

⁴⁸ Lagada, interview (Kampala, 16 June 1999).

increase”⁴⁹. While Lira and Apac are among the districts where activity has reportedly failed to materialise, cadres in Gulu and Kitgum (two relative exceptions in the north), Mbale and Kabale are allegedly among the most active. But ‘activity’ here is exclusively measured in terms of *Mchaka Mchaka* or political education courses⁵⁰, which do not depend on the committees as such, but merely on individuals – i.e. the committee chairman and the RDC. In Gulu, for example, the latter two have worked closely together (the RDC even supplied a small office to the chairman) to organise numerous courses, but virtually no committee meetings have been held at either district or lower levels.

The crux of the matter is that most of the district committees held no more than an inauguration encounter. In some cases, a second meeting was called six months to one year later, after the NEC had gathered. Moreover, these initial meetings were only procedural: they were about holding the internal elections required to fill in the different positions, and they did not in any sense help in firmly establishing the committee nor district-level Movement offices. In the absence of meetings, chairmen of Movement district committees lack opportunities to divulge the content of the publications and policy positions they occasionally receive from the Secretariat. And the virtual non-existence of these bodies at district level also implies that, in the unlikely event of lower committees holding meetings, they would lack any contact with the Secretariat. While directors would at times call a visit, this is much more likely to happen in major districts such as Gulu, Mbale or Mbarara than peripheral or minor ones.

Understandably, weak committee activities are complemented by the poor feedback that the Secretariat gets: “it is difficult to say areas where they are not active... we don’t know much about their activities”⁵¹. But this may also be a consequence of a heavy emphasis and concern with hierarchical communications: indeed, the committees’ “principal activity is to keep the population informed”⁵², rather than reaching out to the populace to gather and bring back information to the top. The alleged aim is to raise an awareness of what policies the government is trying to implement:

“when there’s a specific programme, such as Universal Primary Education, at times, unless the LCs and the committees get involved it will be difficult to get it to work: the people, the

⁴⁹ Kasaija, interview (Kampala, 5 May 1999).

⁵⁰ See below.

⁵¹ Lagada, interview (Kampala, 16 June 1999).

⁵² Matia Kasaija, Deputy Director for Mobilisation, interview (Kampala, 5 May 1999).

The Movement

communities have to understand what the programme is about, they have to actually send the children to school!”⁵³.

“We have some mobilisers, we go to mobilise the people for awareness, for peace and development, for economically viable projects, for the *Local Governments Act*, for the referendum and so on. We go and talk to them - for instance about peace or about abductions - we tell them the government’s good intention with the amnesty [law] ... We go there, few of the Movement committee, not all, as we lack funds”⁵⁴.

But over one year after the establishment of these organs, one may run into district Movement officials who are entirely unaware of what they are supposed to do, even in the broadest terms: “...I haven’t received the guidelines yet, so I don’t know which activities we will carry out”⁵⁵. And this is indeed a problem which is acknowledged at the Secretariat:

“[local committees] haven’t been very active in the last year, since they were elected, for financial and logistical reasons. ... also, some of them have been waiting to be given clear mandates. We were preparing the documentation. We have had a year of preparing documents – some of them I have just mentioned – before these meetings can be held. Because there is no point in just coming to meet, what are you going to meet about?”⁵⁶.

Lack of facilitation is the main reason identified by local Movement leaders to explain the overall absence of activity. Indeed, organising a meeting is certainly no easy thing, as each committee does not only include local district councillors but also members of parliament and chairpersons of lower level councils scattered all over the district. ‘Lack of facilitation’, however, also refers to the fact that the job of Movement officials remains unpaid, and, as voluntary work, it creates a situation of complete dependence upon individual initiative and will. At least until mid-1999, local committees received virtually no funding, with some minor exceptions where some little money would come in for *Mchaka Mchaka* courses or else where indirect financial support would be provided by the RDCs. In Mukono district, for instance, lack of resources prevented the holding of meetings and also forced a short-lived Movement office to close down⁵⁷.

To tighten central control and internal discipline in the new local and national structures, a ‘Code of Conduct for Movement leaders’ was adopted at the NEC meeting of

⁵³ Lagada, interview (Kampala, 16 June 1999).

⁵⁴ Mills John P’Odur, secretary of Gulu district Movement committee, interview (Gulu, 5 July 1999).

⁵⁵ Lawrence Wasukira, secretary of Mbale district Movement committee, interview (Mbale, 9 July 1999).

⁵⁶ Wapakhabulo, interview (Kampala, 19 July 1999).

⁵⁷ Paul Kalule Kagodo, chairman of Mukono district Movement committee, interview (Mukono, 24 June 1999).

April 1999. The Code applies to all persons holding offices in the Movement organs, it sets some general rules against corruption, sectarianism and so on, and establishes 'disciplinary committees' at district and sub-county/municipal level. The committees are telling of the operational dilemmas posed by an all-inclusive membership and reflect the same rationale behind the creation of a parliamentary caucus:

"the disciplinary committees are just to create discipline without expelling people from the Movement. We are not going to expel anybody. But it's just to show displeasure at certain conducts. I think there must be a 'code of conduct' in any organisation"⁵⁸.

Almost as telling, however, is the way these 'disciplinary committees' are structured. At the local level, they consist of the chairman and secretary of the local Movement committee and five members elected by and from among other members. Likewise, a national disciplinary committee includes the Movement vice-chairman, the NPC and 7 members of the National Conference appointed by the chairperson of the Movement and approved by NEC⁵⁹. A similar kind of set up implies that there is hardly any distinction between those who monitor and those who are supposed to be monitored.

Between political education and coercion: the *Mchaka-Mchaka* courses

Along with the partisan use of local governments and the recent establishment of Movement committees, so-called *Mchaka Mchaka* or political education courses have been the most prominent instrument of political socialisation adopted by the Movement organisation. While *Mchaka Mchaka* are here treated after other structural components, it is important to understand the centrality they currently hold as a chief tool for the presence of the Movement on the ground. They are a major device both because committees are not yet operative and because, even if they were, they would not reach out beyond political office-holders.

Mchaca-mchaka is a Swahili onomatopoeic word for the sound that jogging boots make during a military march. As a matter of fact, the courses date back to the guerrilla setting of the early 1980s:

⁵⁸ Wapakhabulo, interview (Kampala, 19 July 1999).

⁵⁹ For the code of conduct, see *Movement Newsletter* (Kampala, 23 April 1999, p.2).

“the *Mchaka Mchaka* have been organised since the bush days, in the army, for training civilian groups in arms and ideas. [They taught] basic things, for people not in the front-line. Then, when we took power, the programme was that people - especially their leaders - had to be trained as leaders through *politicisation programmes*. A political leader needs elementary knowledge on security. For example, on the gun - to understand and not to fear it. ... It's like scouting ... It's a situation of common discipline to which these people are exposed for the first time”⁶⁰.

Although no record of the courses is held at the Secretariat, in the first half of 1999, thousands were being trained every month throughout the country. The *Mchaka Mchaka* are coordinated by Resident District Commissioners – the political representatives of the executive in the field – with some recent but minor participation by the chairmen of Movement committees. While the Secretariat has a role in ‘promoting’ the courses, it is only when the largest groups are trained that it provides some actual support (i.e. a couple of ‘mobilisers’ per course). Otherwise, the courses are very flexible and decentralised: they can be organised virtually at every level (parish, county or other), allegedly when ‘asked by the community’. Some little funding comes from the centre, while another part of the money is raised from among the ‘volunteers’ attending the courses.

While *Mchaka Mchaka* are presented as entirely voluntary exercises, “attendance at the politicization schools is essentially mandatory; that is, if anyone is to advance to any position of prominence within society”⁶¹. This was made explicit by the director of Mass Mobilisation:

“RCs [Resistance Committee and Council members] who are not willing to undergo political education courses should resign because they will not be able to lead in future [sic]... in future, people who will not have undergone political education training will not be elected to any RC office”⁶².

A special place among those targeted for these two- or three-week courses, which would include subjects such as Ugandan history, decentralisation or military science, are potential opinion leaders. Civil servants, teachers, local councillors, university students and other influential people can be instrumental in further spreading the Movement's gospel. For them, a National School of Political Education was specifically created at Kyankwanzi. The Kyankwanzi political school, where participants are taught national-level courses over

⁶⁰ Magode Ikuya, interview (Kampala, 1 July 1999).

⁶¹ Dicklitch (1998:71).

slightly longer periods, is strategically aimed at producing cadres with the task, in the words of the NPC, of 'marketing Movement ideas' among the people⁶³.

Western donors and Ugandan parties have repeatedly expressed concern that *Mchaka Mchaka* would be manipulatively used as indoctrination exercises and campaigning tools with a clear anti-party and pro-Movement bias⁶⁴. Open calls were made to end "political education programs, which advance the view that political parties are responsible for Uganda's past troubles and serve to justify violations of civil and political rights"⁶⁵. Such pressures, combined with lack of money, caused the courses to be discontinued at the time of the 1994 Constituent Assembly and then again, for a couple of years, between 1996 and 1998. But the fact that "political education was also a very effective way of winning support for the Movement" is openly admitted in NRM circles⁶⁶. Thus, their restoration became an inescapable strategy as the referendum approached⁶⁷.

In addition to mass socialisation through the courses, the political propaganda of the Movement is further disseminated by means of the media and through specific publications. The current mouthpiece of the organisation is an irregular *Newsletter* which was recently launched as a weekly paper (November 1998) but, allegedly because of limited funding, is only being published once a month. About 10,000 copies of the *Newsletter* are supposed to reach downwards and be distributed to all lower committee ("we have done it in this resistant paper so that it's not used for other purposes..."⁶⁸):

"[it] contains some of the funding principles. ... That's the main link [with the Secretariat]. And we distribute it to the Movement chairmen at sub-county and LC3, and sub-county chief (the administrator). No, not at the county nor at the village level ... the *Newsletters* are few, we can't give them to all of them"⁶⁹.

⁶² *New Vision* (Kampala, 10 September 1992, p.2), quoted in Dicklitch (1998:72).

⁶³ *New Vision* (Kampala, 14 July 1998). After a few years of inactivity, in late 1998 the Secretariat re-started at Kyankwanzi political school the countrywide courses for mobilisers drawn from district executives (*New Vision*, Kampala, 21 October 1998 and 6 January 1999) as well as those for senior six leavers; the latter were informed by the NPC Wapakhabulo "to register with the RDC's offices with immediate effect" (*New Vision*, Kampala, 24 July 1998).

⁶⁴ *Weekly Topic* (Kampala, 1 October 1993).

⁶⁵ Human Rights Watch (1999:10).

⁶⁶ The statement is by an NRA official and is quoted in Human Rights Watch (1999:66).

⁶⁷ Cf. Human Rights Watch (1999:67).

⁶⁸ Magode Ikuya, interview (Kampala, 1 July 1999).

⁶⁹ P'Odur, interview (Gulu, 5 July 1999).

“We have been receiving about 100 copies, and recently they asked us to provide them a list for about 500 people (leaders, councillors, religious leaders, and so on), and institutions (like schools or others) to send it to them. I myself prepared the list”⁷⁰.

Much more influential than the *Newsletter*, however, is the state-funded and formally independent *New Vision*, which, with a circulation of 25,000 copies a day, is the most widely-read newspaper in the country. On occasions, the *New Vision* has been quite critical of the regime. But, on balance, the paper is an openly pro-Movement tool, which also hosts regular commentaries as well as occasional interventions by top Movement leaders.

Other sources of information for Movement followers include a monthly paper (*The Heritage*) that was to be launched in late 1999 to replace *The Mobiliser* issued under the NRM⁷¹. In addition, the Secretariat makes use of slots on the radio, notably on *Radio Star*, which was “established specifically to counter ‘attacks’ from ‘hostile’ private radio stations, especially CBS (a.k.a. *Radio Buganda*) whose anti-NRM rhetoric reached new heights during the land reform controversy”⁷². In exceptional cases, such as in Gulu district, radio programmes are also employed by local committee chairmen to publicise Movement activities⁷³.

Committees, *Mchaka Mchaka*, publications and all other activities of the Movement are sustained by a budget most of which, as already mentioned, comes from state coffers. Indeed, “all assets and property of organs under the Movement shall be deemed to be assets of the state”⁷⁴. Thus, the Secretariat “depends entirely on the treasury: when the money doesn’t come, when there’s no money, we are affected as any other ministry”⁷⁵. In 1998, for example, some alleged financial difficulties derived from a budget which did not provide for specific funding (the National Conference had only taken place after the budget was read), and the only available funds thus came from ‘a small department for mobilisation in the President’s Office’, whose staff and funds were absorbed by the Secretariat⁷⁶. To diversify its sources of income, the Movement has tried its fortune with commercial businesses more than once. A

⁷⁰ Fred Tumusiime, Secretary of Mbarara district Movement Committee, interview (Mbarara, 15 July 1999).

⁷¹ Magode Ikuya, interview (July 1, 1999).

⁷² Golooba-Mutebi, personal communication.

⁷³ Charles Odora Oryem, chairman of Gulu district Movement committee, interview (Gulu, 6 July 1999).

⁷⁴ Art.35, 1997 *Movement Act*. In spite of prohibitions of private donations to political parties, the Act allows the Movement to receive donations by national or foreign individuals and entities, with the simple requirement of a formal approval by the Minister of Finance. Donations, however, do not seem to have come in in any significant amount.

⁷⁵ Lagada, interview (Kampala, 16 June 1999).

⁷⁶ Magode Ikuya, interview (Kampala, 1 July 1999). An additional reason for the budgetary increase was that the 1998/1999 budget was based on four directorates, but the NEC then met and established seven, so the new budget had to provide for them, Wapakhabulo, interview (Kampala, 19 July 1999).

first attempt brought blame when the infamous *Danze* company, set up to generate income for the organisation, was found guilty of not paying taxes. At a later stage, Movement officials acknowledged that a second commercial company, the *Heritage Terminal*, had been created to run the Internal Container Depot at the inland port of Nakawa as a legitimate business permitted by the *Movement Act*⁷⁷.

Regardless of these controversial activities, the Secretariat is oiled by abundant state funding. Its budget passed from Shs.3.4bn [\$2.2m] for the 1998/1999 fiscal year to about Shs.6.9bn [\$4.5m] for 1999/2000, doubling in the space of only one year⁷⁸. Most of this money allegedly goes into wages, while only about Shs.1bn is reserved for 'activities', with Mobilisation (Shs.400m) and Information (Shs.180m) obtaining the largest shares and the other directorates following at a distance⁷⁹. The generous availability of funds, by Ugandan standards, is also testified by the comprehensive refurbishment, in 1999, of the well-sized Movement headquarters – the building of the former Uganda Development Corporation, positioned as a watchdog right in front of the parliamentary building.

Neither monopoly nor pluralism: a hegemonic party system

The internal reform process undergone by the Movement over the last few years and its impact on the political landscape in late-1990s Uganda have been interpreted in different ways, notably with regard to the actual room permitted for organised opposition. Some observers have suggested that the NRM "have permitted a de facto, though unacknowledged, form of party competition to become the basis for the actual practice of Ugandan electoral democracy"⁸⁰. The claim is that, in spite of the ban, the country "in reality operate(s) more or less as a three-party system, with the NRM increasingly taking on most of the characteristics of the other parties [i.e. DP and UPC]"⁸¹. But opposite interpretations have been advanced as well, propounding, for example, that "it is difficult to see the role of [the arrangements introduced by the 1997 *Movement Act*] ... except as a form of partisan party structure normally associated with one-party states"⁸²; indeed, that "the 'new' Movement ... is simply a state-supported political organisation – a single-party in all but name"⁸³.

⁷⁷ *New Vision* (Kampala, 9 September 2000).

⁷⁸ Wapakhabulo, interview (Kampala, 19 July 1999).

⁷⁹ Magode Ikuya, interview (Kampala, 1 July 1999).

⁸⁰ Kasfir (1998:58).

⁸¹ Ssenkumba (1998:179).

⁸² Human Rights Watch (1999:58).

⁸³ Oloka-Onyango (2000:55).

While both these interpretations have elements of truth, Uganda's political system, as it is currently working, is best conceptualised as something closer to a hegemonic party-state system. That is, neither a fully-fledged one-party state (i.e. political monopoly) nor a three-party system (i.e. political pluralism), but a situation of political supremacy on the part of a single organisation, with smaller opposition groups not able, so far, to put up any significant challenge. Two assumptions underlay this argument. The first one is that, as pointed out, the Movement is a partisan political organisation – rather than a 'system', as claimed by its leaders – driven by the aim of placing and keeping its people in positions of power. The mantra of an all-embracing 'system' cannot hide this fact. Also implicit in the notion of a hegemonic party system is the idea that, if party systems are defined as "the set of patterned interactions in the competition among parties"⁸⁴, a key distinction concerns the actual degree of competition that characterises such interactions. On the one side, monoparty systems display a complete lack of it; on the other side, two- or multiple-party polities are an expression of pluralist competition. In what remains an unsurpassed understanding of parties and party-like political organisations, Sartori provides the best synthetic description of the features displayed by hegemonic party systems. Such systems belong to a:

"variety of arrangements that are *one-party centered* and yet display a periphery of secondary and indeed 'second class' minor parties. ... [The latter] may be an empty façade ... [or else] may be relevant in some substantive respect. ... The pattern can be described as follows. The hegemonic party neither allows for a formal nor a *de facto* competition for power. Other parties are permitted to exist, but as second class, licensed parties; for they are not permitted to compete with the hegemonic party in antagonistic terms and on an equal basis. Not only does alternation not occur in fact, it *cannot* occur, since the possibility of a rotation in power is not even envisaged. ... No real sanction commits the hegemonic party to responsiveness. Whatever its policy, its domination cannot be challenged. ... A hegemonic party system is definitely not a multiparty system, but is, at best, a *two-level system* in which one party tolerates and discretionally allocates a fraction of its power to subordinate political groups"⁸⁵.

The Freedom House, whose regime classifications are widely acknowledged as an important reference, prefers the term 'dominant' rather than 'hegemonic'. Its

⁸⁴ Mainwaring – Scully (1995:4).

⁸⁵ Sartori (1976:230-231). While Sartori holds Poland and Mexico to be the best examples of hegemonic party systems, among the other cases he examines is Portugal, particularly when Caetano succeeded to Salazar and organized elections in 1969 and 1973: one party only was allowed to exist, but "during the one-month preelectoral period independent candidates were permitted to campaign and present opposition slates. [Although] this opposition did not have a party status, [and] was disbanded after the election" (Sartori 1976:236).

conceptualisation, however, is quite similar to Sartori's: "dominant party polities are systems in which the ruling party (or front) dominates government, but allows other parties to organise or compete short of taking control of the government"⁸⁶. Ultimately, hegemonic and dominant party systems are best understood as analytically different categories, where the first indicates a non-competitive regime, while the second points at a least competitive one⁸⁷. Yet, both systems can display a situation where the governing organisations' "political survival is to a large degree due to the fact that even prior to the founding election they had staked a strong claim to represent the new nation (or regime, or dominant racial/ethnic group) with its particular historic project, and had managed to occupy a strategic position of power"⁸⁸. In particular, the instrumental role of no-party elections in securing the Movement's hegemony in Uganda compares strikingly with the emergence of dominant-party systems in Mexico, Taiwan, Malaysia and South Africa. In the latter countries, initial decisions concerning the kind of electoral system and competition had a profound impact on the nature of the emerging ruling group and on its control over its own members and over the oppositions and the society at large⁸⁹. In Uganda, the individual-merit principle granted a degree of legitimacy to the system by enabling the Movement to co-opt a fragmented and largely neutralised opposition: "the idea of personal merit is all embracing because no one is denied the right to vie for political office ... a person like Hon. Cecilia Ogwal [i.e. the UPC secretary general] who does not believe in the concept of personal merit is nevertheless a member of parliament"⁹⁰.

For the country's opposition parties, the reality on the ground has so far been a mixed one. Parties are restricted by the constitution. While constitutional restrictions have the status of a fundamental law, the specification of how breaches to such general norms are actually to be prosecuted – i.e. the statutory law that is necessary to implement the word of the constitution – is not there. Thus, for example, there is no definition of the punishment that a party leader organising a public rally would incur. This lacuna allows parties some occasional scope for action⁹¹. Yet, repression has most often been practised at the hands of government organs, especially by the powerful Resident District Commissioners. The police

⁸⁶ Quoted in Simkins (1999:50). Coleman and Rosberg identified two tendencies among the uniparty and one-party-dominant African states of the 1960s, one being a revolutionary-centralizing type, the other a pragmatic-pluralistic trend. With regard to the latter, they pointed at a characteristic climate of "tolerated but controlled pluralism" that echoes some aspects of Sartori's 'hegemonic party system', Coleman – Rosberg (1966:6).

⁸⁷ Sartori (1976).

⁸⁸ Giliomee – Simkins (1999:2).

⁸⁹ See Giliomee – Simkins (1999:13).

⁹⁰ Wapakhabulo, in *New Vision* (Kampala, 10 May 1999, p.29).

⁹¹ Robert Law, legal consultant at the Office of the Minister of Justice and Constitutional Affairs, personal communication (29 May 2001).

itself has been at times deployed to break up political gatherings by force⁹². The margins of action for parties have varied from region to region, mirroring the stronghold of the government over different parts of the country as much as the discretion of local authorities. Parties have been allowed a broader room of manoeuvre in the northern districts, for instance, whereas they have faced a much stricter regime in areas such as western Uganda. An outright exception has been the Kampala, where they have been relatively free to access para-political activities such as seminars. In the capital, candidates linked to the opposition were even able to win two consecutive mayoral elections. By and large, however, the limited organisation that parties had in the past has virtually disappeared throughout the country. What is left are so-called *kakuyege* activities, or informal and secretive, mostly one-to-one politics. Unsurprisingly, the real extent of restrictions fully emerged during election times. Both at national and local level, political competition was due to be based on 'individual merit' as opposed to party affiliation, but the NRM – and, at times, parties themselves – entered the field and bend the rules on more than one occasion. In the 1996 presidential campaign, discrimination and manipulation on the part of the ruling group were allegedly widespread. So much so that parties reacted with a boycott of the subsequent parliamentary election, with only a fraction of UPC and a few DP individuals standing and gaining office.

In the current politics of Uganda, the Movement's hegemonic status thus derives from two main factors. First, the very absence of any seriously organised competitor, i.e. the broader context of unorganised politics that the principle of individual merit generates. Secondly, the Movement can still count on a privileged as much as ambiguous relationship with the state, which further reinforces its advantage over all other political organisations in terms, for example, of access to patronage resources or manipulation of the oppositions. In this sense, the effectiveness that the Movement organisation retains in spite of a legacy of scarce attention to internal organisational problems (and of the fact that the structures established by the Act are far from being fully operative yet) is the result of exogenous factors, rather than a reflection of the Movement's own organisational strength. In other words, it is strictly a *relative* or contextual effectiveness. Hegemony and organisational fragility coexist in the Movement. The latter, which up to as recently as 1998 was entirely identified with Museveni for it lacked virtually any institutions⁹³, retains a questionable

⁹² As, for instance, in Mbale and Kabale (Paul Ssemogerere, President of the Democratic Party, interview, Kampala 12 July 1999), in Tororo, Kamuli and Mbarara (BBC World Service 12 July 1998, *The Monitor* 14 July 1998, and AFP 19 June 1998) and even in Kampala (*The Monitor*, Kampala, 4 May 1993). See also Kasfir (1994:164).

⁹³ Kasfir (1998:62).

organisational effectiveness even after the internal changes brought about by the Act. In the words of a longstanding observer of Ugandan political developments:

“they have invested little energy in building a vibrant Movement. The NRM’s National Secretariat is a moribund organisation with little sense of direction. ... Why don’t they create a political party and challenge the opposition? ... Part of the answer is that they failed to use their time in power to create a strong organisation ... the hollow shell that the NRM has become would become apparent to everyone”⁹⁴.

The 1997 *Movement Act* envisages the co-optation of state officials such as parliamentarians and local councillors into Movement bodies. This added confusion to a previous trend towards a clearer distinction between state and Movement organs⁹⁵. The cumbersome presence of MPs in the Movement’s national executive, for example, re-introduces a degree of overlap between the Movement organisation and the legislative assembly, something that earlier reforms were meant to end. The consequence of a similar overlap is not only that the ‘neutrality’ of national and local politico-administrative structures remains (politically, of course, but also legally) dubious, but also that the actual functioning and the capacity of Movement organs will at best require more time to be fully manifest. More relevant, however, is that the overlap between state and Movement personnel, which is instrumental to getting influential people involved in Movement politics, may well backfire. The organisation maintains a strong dependence on the state, rather than reinforcing its own autonomy. This, in turn, creates a problem of overload, with different demands for mobilising efforts falling on the shoulders of the same people. As pointed out, for example, Movement district committees include, by statute, all the councillors of the district administration (alongside other officials, such as MPs from the area). These Movement committees tend to elect the head of the district administration as their chairman. Thus, two thirds of the heads of district governments double up as chairmen of Movement committees⁹⁶ and may not find it easy nor particularly rewarding to devote time to Movement meetings. This partly extends to those other members of the Movement committees who already meet as councillors in the local administration. Neither does the Act solve the question of making organisational boundaries clear. The most vocal multipartists can still access an ill-defined organ such as the

⁹⁴ Kasfir (2000:75-76).

⁹⁵ Human Rights Watch refers to a ‘continuing convergence between NRM and state structures’ (1999:68). While the report is a very useful and well-researched one, this specific interpretation is incorrect. As we have seen, there is rather ‘discontinuity’ in the dynamic relationship between state and Movement, where an initial process of progressive separation has been halted and partly reversed by the overlapping organs established by the 1997 Act.

⁹⁶ Wapakhabulo, interview (Kampala, 19 July 1999).

Movement parliamentary caucus⁹⁷. This ambiguity and “openness ... means [that the Movement] is not always able to deal properly with ineffective elements within its ranks”⁹⁸. As predictable within “a loose multi-ideological aggregation with unrestricted entry and exit”⁹⁹, different tendencies have emerged inside the organisation. While strong anti-government stances like those taken by influential Movement moderates such as Winnie Byanyima or Wandera Ogalo can be a healthful sign of internal vitality, the bottom line is that any organisation aiming at effective action requires internal coherence.

Finally, the Movement pays the discontinuous and disorganised attempts at expanding its support among the local grassroots, something parties have done relatively better in spite of the ban. Even the new local structures introduced by the Act are far from being on the ground yet, with some possible exception in the run up to the referendum, when committees were controversially re-launched as funds allegedly became available in late 1999¹⁰⁰.

During the June 2000 referendum campaign, Ugandan politics prominently showed the features highlighted in this section. A part of the population was mobilised to support a relatively well-defined and certainly partisan Movement. Museveni conducted an unchallenged campaign not so much a result of the boycott on the part of the parties, but rather as a reflection of the well-entrenched hegemony of the ruling organisation. The local-level mobilisation of support, however, still largely hinged on *ad hoc* ‘referendum committees’ and presidential patronage (along with the use of local authorities) rather than on a well-established and autonomous political structure¹⁰¹.

⁹⁷ Norbert Mao MP reportedly attended a meeting of the Movement Caucus in which the controversial *Political Organisations Bill* was discussed (*New Vision*, Kampala, 4 November 1999).

⁹⁸ Regan (1995:161).

⁹⁹ Ssenkumba (1997:17).

¹⁰⁰ *New Vision* (Kampala, 7 December 1999).

¹⁰¹ Museveni, for example, oiled his district-to-district campaign on the ‘Movement bus’ with pledges such as a district status for Yumbe county in Arua, re-stocking funds for Apac district, a university of agriculture and environmental studies for Gulu, 300-acre new land to Mbale university, and so on (*New Vision*, 26 May and 20 June 2000, both on p.5; *UTV News*, 27 May 2000).

Chapter 5

The state of parties in a no-party state

The (weakly) organised opposition of the Democratic Party and the Uganda People's Congress

The aim of the clever institutional set up established by the National Resistance Movement, as pointed out, was not only to restore electoral politics, but also to neutralise other political organisations without entirely alienating them. Thus, while Ugandan political parties are severely limited in what they can and cannot do, they have not been outlawed. In addition, several of their most prominent members were initially offered cabinet positions and co-opted into the NRM 'broad-based' government. This was notably the case for the leadership of the Democratic Party: the likes of Paul Ssemogerere, Robert Kitariko, Zachary Olum – to mention but a few – all held ministerial posts for a number of years. The same goes for the small Conservative Party, whose founding father Jehoash Mayanja-Nkangi is still currently in charge of such a prominent and crucial department as the Ministry of Justice and Constitutional Affairs. Milton Obote's Uganda People's Congress was partly a different matter. The party bore the stigma of the hated, defeated and unrepentant enemy – the former president himself is still in exile – and from both the government side and the UPC side there was a persistent lack of will to compromise. Nonetheless, in spite of the UPC's reiterated calls for electoral boycotts, even senior party leaders actually stood for election to local councils, to the National Resistance Council (the supreme political body of the NRM, which acted as the country's legislative for a decade), to the Constituent Assembly, and to the first directly-elected parliament in 1996¹.

¹ At least nine UPC members, for example, were in the NRC and publicly stated that party supporters were free to participate to RC elections on the understanding that nobody would represent UPC (*New Vision*, Kampala, 20 February 1992; cf. *The Monitor*, Kampala, 7 September 1993, p.16). On occasions, UPC stalwarts even joined the executive: Daniel Omara Atubo, for instance, was Minister of State for Foreign Affairs and Regional Co-operation between 1987 and 1991, while Philemon Mateke became Minister of State for Industrial Relations in 1999 (both are listed by Cecilia Ogwal as UPC).

The so-called broad-based government, however, progressively lost its inclusiveness, and Ugandan politics entered a new phase when the Constituent Assembly was convened in early 1994. The NRM's successful attempt to entrench the no-party design in the new constitutional order made it plain that such an arrangement – and the 'Movement' itself – were being progressively institutionalised, rather than being a temporary set up due to be dismantled any time soon. This further polarised political forces, with the DP fully joining the UPC in the opposition camp and a movementists-*versus*-multipartists divide becoming more and more apparent. The constitution re-stated what the no-go areas for parties are. Listed in the key article 269, as previously mentioned, are delegates' conferences, public rallies, local branches and the sponsoring of candidates for election. And yet, the no-party set up still allows existing parties to maintain their central headquarters as well as other assets such as party publications. Nor was party membership formally outlawed. This is the background against which the actual involvement and the impact of the political parties on Ugandan politics is to be investigated. As a first step, this chapter aims at identifying the strategies and the organisational forms pursued by Uganda's two 'historical' political parties – namely, the Democratic Party and the Uganda People's Congress, which are commonly held as the two main components of the country's opposition politics – as a response to the no-party set up.

The organisational strategies of opposition parties

Along with the legal or institutional restrictions currently in place, *strategic choices* also help to explain the kind of organisation that opposition parties have been relying upon over the NRM years. Three broad options were available to existing opposition parties: integration, boycott or violence.

The first possible line of action was to join the system in full, which would provide the opportunity of working from within core institutions (whether at the central or local level) either with the aim of pushing for change or merely of monitoring the working of such institutions in the most effective manner. For example, being elected to parliament enabled opposition MPs to scrutinise closely government policies, to have a say on their making – notably by means of influential parliamentary committees – and even to lobby Movement MPs for support on specific issues. In some cases, party politicians could even be made ministers and thus become most directly involved in the process of policy formulation. This Trojan-horse strategy, however, had its own critics, for it would lend some legitimacy and

credibility to a regime to which multipartists were ideologically adverse. Furthermore, integration was a risky step in that it would favour the government's attempt to co-opt its opponents, especially in the absence of electoral or parliamentary parties binding individual members of the opposition together.

Secondly, a compromise option between integration and recourse to violence was a cohesive and substantial boycott. The latter would put political and moral pressure on the legitimacy-seeking efforts of a government that claimed to be democratic, participatory and 'broad-based'. The evident drawback of such a strategy was a loss of influence on the institution-building process underway, as well as on specific government policies, especially as long as the regime could count on a strong international legitimacy. In other words, the risk of a boycott was to give up any remaining channel for a constructive input and, possibly, to be left with an even worse and unreformed system.

The third alternative was that of an armed reaction. With the NRM itself as an example of the rich premium that would accompany a military success, the threat of 'going to the bush' became rhetorically recurrent. Former president Milton Obote himself occasionally called on the people to find a military leader for a general insurgency². The two rebel movements that have ravaged the north of the country since Museveni took over power – i.e. Alice Lakwena's Holy Spirit Movement and its successor, Joseph Kony's Lord's Resistance Army – demonstrated the practical incapacity of the NRM to close the way to military challenges. But popular exhaustion at the mere prospect of the country plunging again into civil war and being devastated afresh at the hands of armed factions may have proved a difficult hurdle in organising a guerrilla take-over. Moreover, the strong economic performance of the regime provided it with significant consensus among broad sections of the population and, at the end of the 1990s, a substantial part of the political class had 'a stake in stability'³. If anything, the average age of the DP and UPC leaderships made the two parties unlikely torch-bearers for an armed challenge, with all the sacrifices and strong will that the latter would require.

In addition to the legal restrictions in place and the strategic options available, *non-institutional factors* also influenced political parties in choosing and developing their organisational strategies. Such elements included the legacy of past conflicts, the availability

² *The Monitor* (Kampala, 11 October 1998 and 2 May 1999, p.2).

³ Augustine Ruzindana, MP, interview (Kampala, 28 April 1999).

of international and popular support, the resource gap between Kampala and the rest of the country, and the sheer benefits of 'joining in'.

Whether ideological, communal or merely politico-partisan, deep-seated historical conflicts shaped the motivations of party leaders and supporters. This was especially true for the uncompromising attitude that opposed former president Milton Obote's UPC to the NRM, which, as demonstrated below, heavily contributed to the internal developments of the former.

With regard to international support, parties tried hard to lobby pro-Movement donors to switch their position and increase external pressures for opening up the system to multiparty competition. The strategy of the Democratic Party was profoundly affected by the availability of indirect funding coming from a German NGO that favoured political reform. The UPC, by contrast, faced a reiterated refusal by a similar NGO to restore the close ties that had linked the two organisations in the 1960s and 1980s.

Resource constraints outside Kampala were a further consideration. They inevitably created a huge gap between the capital and other parts of Uganda in terms of the levels of existing and potential activities: the strategies adopted for the urban centre of the country were hardly applicable to most rural areas.

The prospect of benefiting from joining the system also played a role. This is true for both individual gains, such as the influence and the salary that an opposition politician would obtain by becoming an MP, and such collective benefits as government resources being steered to 'loyal' areas (or merely to 'pacifying' strife-torn regions).

Finally, opposition parties had to appraise the extent of their own popular backing (people are generally more supportive of the opposition in northern Uganda than in the west, for example). They had to consider the positions taken by other forces (with complete and unconditional adherence, for instance, the boycott of the 1996 parliamentary election would have had a different impact). And, to a significant extent, they depended on the changing disposition of the Movement to co-opt, co-operate or compromise with opposition groups.

To summarise, the organisational development of parties was primarily dependent upon: 1) legal or institutional restrictions, 2) non-institutional constraints, and 3) overall strategic choices. Given the background of constraints and options briefly sketched, what have been the actual *organisational* strategies adopted by the two most prominent parties, the Democratic Party and the Uganda People's Congress, in trying to retain influence and gain power?

The Democratic Party had been the closest ally of the NRM since the latter took over power. By the late 1980s, however, a gradual but steady reduction in the number of DP ministers became evident, and, by the early 1990s, the DP began to insist on ending the interim period with a complete lifting of the ban on party activities. In the space of two years, the Constituent Assembly and the presidential and parliamentary elections brought about a complete U-turn by the party leadership. First, the DP moved from being a government partner to being the 'official' opposition when Ssemogerere ran for the presidency. Then, the party shifted to an extra-parliamentary opposition with the boycott of the parliamentary election. The move could be read as the consistent pursuit of a prominent party objective (multipartism) in view of the NRM's perpetuation of the interim period. This is however a minor point here. Rather, it is interesting to observe what the subsequent moves of the party have been.

Two lines of conduct guided the action of the DP after 1996. First, a partial re-thinking of the boycott strategy. To some extent, the DP found nowhere to go after it opted out of the parliamentary election. The boycott by opposition forces had been incomplete, notably because Cecilia Ogwal's faction of the UPC went to parliament. And yet the bush was never in the agenda for an organisation with a non-violent tradition. Thus, by the time of the 1998 local elections, the DP had gone some way back on its track. This was apparent in the two successive Kampala mayoral contests, in 1998 and 1999, through which DP members won the important office. By the time of the 2001 presidential and parliamentary elections, the party strategy did not include any calls for boycotts. But there was also a second, related route which was being pursued by the DP. A so-called 'rejuvenation' of the party scheme was planned and partly implemented by means of a youth wing, of an ancillary NGO, and of what may be termed the politics of *kakuyege*⁴. It is through these three elements that the DP has been showing a relative liveliness and a certain unity of purpose.

The Uganda People's Congress, after the experience in the Constituent Assembly, saw the emergence of two distinct factions within its leadership ranks. The presidential election of 1996 put the cohesion of the party under heavy stress over the issue of supporting DP Paul Ssemogerere as a common candidate for all multipartists. When the election allegedly proved to be rigged – or, for that matter, was perceived and said to be so – UPC leaders could no longer agree on whether to go on with the parliamentary election or to restore the party's long standing strategy of not taking part in the new regime. This immediately caused the party to split. Obote and his closest allies in Kampala (the

⁴ See below.

Rwanyarares and Odakas) brought back Uganda House to a position of uncompromising distance from 'the Movement's constitution and parliament'. The Secretary General, Cecilia Ogwal, and other younger or independent-minded members (like Ben Wacha and Omara Atubo, Aggrey Awori and the late professor Akiiki Mujaju) challenged the party president, tried to obtain the backing of the party on entering parliament, and thus forced a rupture in the party. The division is one between an ideological and symbolic opposition, and a more pragmatic – though hardly less radical – approach. As a result, the UPC is currently bi-headed. But the creation of two distinct leadership bodies is only in part reflected at lower levels, where such divisions are not always understood. Under existing limitations, it would not be easy for the party to double up that little organisation that may occasionally be in place.

The remainder of this paper provides an empirical account of the current organisation of the UPC and the DP. An investigation into the degree of organisation that parties retain under existing restrictions is a necessary step. The presence and the effective organisation of political parties may not depend solely on constitutional or legal prescriptions. Even in a situation of formal repression, they may still develop underground organisations and activities. As pointed out in Chapter One, the effective presence and organisational depth of parties – i.e. their degree of organisation – is defined as "the extent of regularised procedures for mobilising and co-ordinating the efforts of party supporters in executing the party's strategy and tactics"⁵. Accordingly, a number of key organisational indicators have been identified in Table 1.1 (see Chapter One) to facilitate a more specific and focused analysis. In what follows, the Democratic Party and the Uganda People's Congress will be presented in the light of this conceptual framework.

Continuity and lack of formalisation in the Democratic Party

Over the 1986-1996 decade, the Democratic Party progressively re-defined its role on Uganda's political landscape from being the closest partner of the NRM in government to leading the opposition. Key to this move was the experience of the Constituent Assembly, which changed the perception of what the 'broad-based Movement government' was about and how the DP and its members could relate to it:

⁵ Janda (1970:106).

“in 1986 we lost many. Virtually everybody went into the Movement. DP itself went, and, in the process, people joined the NRM. Then in 1995, during the Constituent Assembly, things came out – that it was not an interim government, that it was here to stay. And people started to come back, to identify themselves as DP”⁶.

“After 1995, with the constitution, to most people it became increasingly clear that the NRM was forcing members to become *its* members while restricting other organisations. So, the contrast between the two, the fact that one had to be either NRM or DP, became more evident”⁷.

By the time of the 1996 presidential election, the party leader Paul Ssemogerere, who had been a minister up to the previous year, was challenging Yoweri Museveni on a pro-multipartism platform. The DP’s decision to boycott the subsequent parliamentary election, officially explained because of rigging on the part of the Movement, signalled the moment of most evident rupture with the regime. Two years on, however, the party was to some extent back into the game, successfully running two consecutive mayoral elections in Kampala.

Despite having an extremely weak – at times and places a hardly detectable – presence, the DP has been in recent years the most prominent and organised political force in Uganda, barring the Movement. But what does the Democratic Party amount to, today? The DP has a Catholic-based party tradition which dates back to the mid-1950s and has long been ‘institutionalised’ in the identities of many Ugandans. In this sense, the party includes and represents a significant segment of the population as well as of the current opposition, as much as it did during every single one of Uganda’s post-independent regimes. In more practical terms, the Democratic Party is a poorly furnished and severely under-funded office in central Kampala (the telephone line was ‘recently cut off’), a well-known party leadership, the thousands supporters in town, and the people who every day come and go from its City House headquarters. In addition, the party has a largely inactive upcountry membership – whether formally affiliated or only quietly supportive – which is scantily informed and often hardly interactive with the central organs.

Given the very weakness of political parties under the existing conditions, struggling for fully-fledged multiparty freedom and competition is a gigantic effort. Quite understandably, the leadership organs of the Democratic Party have devoted much of their attention, energies and practical efforts to this unique issue. Two complementary lines of

⁶ Maria Mutagamba, Deputy Secretary General of the DP, interview (Kampala, 4 June 1999).

action have been pursued for the achievement of this objective. On the one side, the party mounted pressures on the current power-holders to open up the political process to non-Movement organisations. This was the aim of activities such as lobbying the international community, electoral boycotts, anti-referendum press releases and seminar speeches, inter-party coalition-building, occasional policy proposals (notably on the *Political Organisations Bill*) and so on. At the same time, an undercover strategy was devised to revive party structures – or to ‘rejuvenate’ them, in the DP’s internal discourse – without waiting for parties to be legally free to do so. Efforts in this direction include questioning the party leadership, underground and at times open campaigning, re-establishing central and local organs, making use of parallel organisations (such as the Foundation for African Development and the Uganda Young Democrats) and the occasional fielding of candidates. It is this second aspect which is of direct concern for this chapter.

The central organs and party membership

The core organs of the Democratic Party may be expected to fare better than their ineffectual counterparts in the countryside, and, to some extent, they actually do. Despite their success in maintaining a tenuous organisational continuity, however, the party headquarters and central organs suffer from an extreme lack of resources, and their ability to meet is irregular at best, but sporadic to non-existent.

The last time the party convened a Delegates’ Conference was back in 1980, when Ssemogerere was elected to the DP presidency. Several explanations have been advanced as for why this party organ has not been gathered ever since to re-launch the organisation and internal democracy of the DP. Between 1981-1984, the party became so invariably harassed by Obote’s government that organising a Conference allegedly proved to be impossible without provoking the regime’s violent reaction. Later, when restrictions were introduced in the late 1980s, it was initially the DP itself which, in view of the disruptions brought about by the civil war, essentially accepted the NRM’s idea of an interim period under a broad-based no-party government. By the early 1990s, when the DP began to question the actual intentions of the NRM to free political parties, Museveni had created a climate where full restoration of party organs was institutionally repressed and did not enjoy widespread sympathy among Ugandans. The party statute, which requires such a conference to be convened every two years, clashes with the country’s new constitution, which explicitly prohibits such general

⁷ Damiano Lubega, Organising Secretary of the DP, interview (Kampala, 19 May 1999).

meetings. Some party leaders stress the danger or sheer impossibility of convening such a forum under existing circumstances. When, for example, a self-styled 'Mobilisers Group' emerged from within the party and twice tried to convene a public rally in central Kampala in 1993, it was forced to call it off in front of the intolerant security showdown displayed by Museveni⁸. Other prominent members of the party, however, point at a mere lack of political will or financial resources to call the conference. When voices emerged within the DP asking that the party forced its way through to a conference, Ssemogerere himself came under attack for blocking the only forum which could challenge his mandate as party president⁹.

In the absence of a full-fledged conference, it is mainly in smaller organs such as the National Executive and the National Council that the party does retain a degree of internal coherence and effectiveness. While the National Executive Committee (NEC) is the real brain and heart of the party, the National Council is an intermediate body between the NEC and the Delegates' Conference. In a situation where the delegates cannot be heard in full, the Council's approval provides some broader legitimacy to the actions and the decisions of the party executive.

Since 1994, the National Council has been meeting very irregularly (there's a high degree of variation in answers regarding the mere frequency of meetings) and never more than twice a year. The Council consists of the 36 members of the Executive and an additional 45 representatives, one from each district. Compared to the NEC, this organ evidently requires extra logistic and financial efforts to convene, as the majority of its members come from upcountry. In an early 1999 meeting, it still had an uncertain number of district representatives missing (between 2 and 15).

Meetings of the National Executive Committee have been somewhat more regular, especially after 1995, when its officials got together roughly every one to three months. Nevertheless, the NEC itself was grossly incomplete for a long time. Up to the beginning of 1999, defection, inactivity, death and retirement had downsized its effective membership to

⁸ Human Rights Watch (1999:38).

⁹ See, for instance, *The Monitor* (Kampala, 12 November 1993 and 29 March 1996), *New Vision* (Kampala, 12 June 1993 and 1 June 1998), *Weekly Topic* (Kampala, 18 June 1994). In mid-2000, Ssemogerere again managed to derail the process for the renewal of the party leadership. The president initially declared his post to be vacant and allowed seven candidates to complete the formalities for nomination. Shortly afterwards, he successfully petitioned the High Court to issue an order preventing the meeting of the National Council where a new party leadership was to be elected. The process ended up in a wrangle between a southern faction of the leadership (including Ssemogerere, Ssebaana Kizito and Damiano Lubega), backed by the youth wing, and a break-away one with some prominent northern members (the likes of Zachary Oluo and Mariano Drametu). While, in view of the March 2001 election, mainstream DP officially agreed to support Kiiza Besigye's independent bid for the presidency, the break-away faction tried to sponsor former party secretary general Francis Bwengye, who only obtained 0.3 per cent of the popular vote. See *The Monitor* (Kampala, 20 July, 5 September, 25 November 2000, 11 and 25 January 2001) and the *New Vision* (Kampala, 14 December 2000).

around 15. At the February 1999 meeting of the National Council, the executive was fully reconstituted by electing to each vacant office one of three nominees put forward by an especially-appointed ‘credentials committee’. The relative formalisation and complexity of this latter procedure points at a degree of capacity retained by the inner circle of the DP.

A similar capacity is also apparent in the fact that aspiring members still have to go through an informal procedural screening¹⁰:

“one becomes a member either *by invitation or by application*”¹¹. “We need to know something about new members, we have to screen them to make sure they have good intentions. This has become necessary: we have known of people who buy cards for themselves and for others, then they go and denounce their membership! *En masse!* Say, for instance, a group of some sub-county wants to be heard and noticed as being pro-Movement, what do they do? Well, they make this collective statement, denouncing their membership and drawing attention upon them: ‘we are 100, and we are crossing from the DP to the NRM’”¹².

Similar allegations are made by the leaders of the youth wing of the party:

“we also had cards, but then the government would bribe thugs who would buy cards, then they would do some act of hooliganism, and the government would arrest them and say ‘You see, these are the Young Democrats!’ . So we had to stop that”¹³.

This partial control over the effective functioning of the party, however, does not extend much beyond the headquarters. After the political polarisation fostered by the constitution-making process, for example, the DP reaffirmed a clearer notion of party membership. The party subsequently began a registration exercise, but, at present, it seems to lack the very structures that would be necessary to carry out the process countrywide. Thus, the only available membership data remain those of 1980, and no party official dares to estimate the actual number of party adherents. Some district party leaders do show an awareness of the need for counting heads, and they made attempts at providing lists of local

¹⁰ The importance of recruitment criteria has been highlighted by different authors. Janda, for example, suggests that the stricter the requirements to join a party, the stronger the ‘involvement’ of the members “as the intensity of psychological identification with the party and commitment to furthering its objectives by participating in party activities” (Janda 1970:111). Cf. also Panebianco (1988).

¹¹ Mariano Drametu, Secretary General of the DP, interview (Kampala, 12 May 1999).

¹² Lubega, interview (Kampala, 19 May 1999). In the run up to the referendum, for example, the ‘conversion’ of some 15 alleged multiparty activists was publicly announced by Museveni – and by the former activists themselves – at a political rally in Kabale; see “Multipartists defect to Movement”, in *New Vision* (Kampala, 8 May 2000).

¹³ Michael Mabikke, Secretary General of UYD, interview (Kampala, 24 June 2000).

members¹⁴. A complete registration process has not occurred, however, both because of the disorganisation of the party and because of the dangers that derive from the anti-party regulations. Selling party membership cards is seen as a hazardous way of exposing followers to discrimination by government and Movement authorities. Fear is also increased by the confusion surrounding the legality of selling or holding party cards. While party leaders are by and large aware that there is no formal ban on such activity, the common perception at the local level is that cards are simply outlawed:

“in 1996 we realised that we did not know who our members were. So [in 1997] we started selling cards to identify them. But it’s only those few people who are not intimidated that buy them. People fear, that’s the big problem”¹⁵.

“No way, we don’t sell party cards: there’s a ban on selling cards! If you are caught that’s an offence!”¹⁶.

Therefore, aside from the central organs, a low degree of formalisation permeates what is left of party activities. In part, this reflects the weak institutionalisation and the marked reliance on individual leaders that are typical of African parties even where conditions of full political freedom prevail¹⁷. In Uganda’s case, however, the low formalisation of party activities is brought to the extreme by the need to keep them undercover, by the decline over time of inactive party structures, by the recourse to surrogate forms of political action, and by the sheer lack of funding. These elements are worth addressing one by one.

The branches and the informal politics of *kakuyege*

A prominent feature of the low formalisation of DP politics is what party officials refer to as ‘doing *kakuyege*’. The word *kakuyege* is a diminutive form for the Luganda *nkuyege*, meaning ‘termites’, and thus suggests ‘small termites’. In Museveni’s words, “*enkuyege* are very small ants which operate in huge numbers. Once they invade an area, they are able to cover a large piece of ground, penetrating through every crevice in the grass”¹⁸. Thus, just like ants that “typically array themselves in a line as they travel around hunting for

¹⁴ Kerubino Uma, DP branch chairman for Gulu district, interview (Gulu, 5 July 1999).

¹⁵ Mutagamba, interview (Kampala, 4 June 1999).

¹⁶ John Mugisha, DP youth leader for Mbarara district, interview (Mbarara, 15 July 1999).

¹⁷ Cf. Kasfir (1976:246).

food”¹⁹, small groups of individuals would engage in secretive, often door-to-door campaigning. The politics of *kakuyege* is therefore made of “quiet work, like that of the termites: nobody notices it, but the job gets done”²⁰. *Kakuyege* is the secret politics of furtive individual contacts, of mouth-to-mouth messages, of nightly small gatherings. But it is also the shrewd use of any social occasion and event – parties, funerals and weddings, public functions and seminars – as a pretext and opportunity to meet members and followers. In this way, local members:

“are somehow active. House-to-house, or at funerals, weddings, in the churches... We send messages to focus the point and those persons find the way to get it across. This can also be through a government function. When you have a minister coming, for instance, everybody is to be there, and that’s a good occasion to meet our people”²¹.

“In a struggle like this one, you know, you just need to use all opportunities available to reach out”²².

“Organising a meeting is not, per se, necessarily a problem. You can do it. For instance, I would organise a party in my house, for a birthday of somebody in the family. *You create the occasion*”²³.

The very aim of doing *kakuyege* is to awake the party’s ‘silent membership’²⁴, to get messages across, to reach out those followers that are still eager to talk politics, who want to do it without talking Movement, but who cannot do it in an open manner. A fragile and intermittent underground network is thus created, linking the top leadership with the grassroots, Kampala with the countryside. In this sense, *kakuyege* is both a complement to and a substitute for more orthodox, formalised, open and official politicking:

“party organs are all run down, they are still down. None of them is functioning except the National Executive. The rest is *kakuyege*! ... Right now you can’t say we have branches. But we have structures, people who are there and operate the way I said, through *kakuyege*, not openly”²⁵.

¹⁸ Museveni (1997:211) refers to *kakuyege* as a ‘method of mobilisation’ to reach out the lowest and most marginalised sectors of society, notably the peasants. According to some, Museveni himself is the one who gave the word a political meaning.

¹⁹ Tamale (1999:181n).

²⁰ Mutagamba, interview (Kampala, 4 June 1999).

²¹ Mutagamba, interview (Kampala, 4 June 1999).

²² Mabikke, interview (Kampala, 24 June 2000).

²³ Drametu, interview (Kampala, 12 May 1999).

²⁴ A DP representative in Mbale who requested anonymity, interview (Mbale, 9 July 1999).

²⁵ Mutagamba, interview (Kampala, 4 June 1999).

The presence of local branches – at regional, district or lower level – is the main manifestation of the extensiveness of a party organisation. Investigating the current situation of local branches, however, is a particularly demanding task. Parties are allowed to maintain a central office with leadership organs, but branches are prohibited. Activities in Kampala are relatively easy to carry out as well as being more open and more frequent. At the local level, by contrast, the party has to face the toughest resistance of a government which, far from the direct attention of foreign missions and backed by the illiberal legislation, clamps down on the moves of party activists and followers. A long period of scant operation and recruitment, the repression at the hands of Resident District Commissioners and other local authorities, defection to the Movement, and lack of funding have produced a situation where, in several areas, the DP no longer has full-fledged branches but only individual adherents:

“in the 1990s, local branches were decimated, they almost disappeared. And they are now virtually non-existent. There were not any longer full committees, but one or two individuals, who, at times, would try to meet, but secretly”²⁶. “There were not enough people filling formal positions... We only found there the die hard people”²⁷.

Variations do occur, however, between district and district, due to different traditions of territorial presence of the party, the whims of local authorities, and the capacity of local party leaders:

“in many districts, party structures had collapsed. But, still, in every district there would be, if not a full executive, a few individuals. And in some districts they would have their structures in place, such as in the four districts of West Nile. I was regional co-ordinator of district branches there between 1993-99, I was based in Arua. They were active, organising meetings. In Arua, I had 12 people ... and we had three levels, with 5 people at county level, 5 at sub-county and 5 at parish level. ... Then, as a co-ordinator, I called 8 people – the chairman and the secretary of each of the four districts – perhaps four times in a year, plus for occasional, important meetings. We were definitely organised. And we did deliver: Ssemogerere got 90 per cent of the vote in the area in the 1996 presidential election! ... But it varies from region to region. It depends on the officials, the LC5 chairman, on the RDC, and so on, on whether they implement the restrictions and how they do it. In Arua, for instance, we had officials who did not have any problem with any meeting, as long as we notified it. But I know there are new officials now, and things are a bit different. I

²⁶ Robert Kitariko, former General Secretary of the DP, interview (Kampala, 13 May 1999).

²⁷ Drametu, interview (Kampala, 12 May 1999).

understand in Mbarara holding a meeting with more than 8 people is a problem, whereas in Gulu, for instance, there's no problem"²⁸.

Party surrogate: the Foundation for African Development

The porous definition of inter-organisational boundaries and the mixing up of roles is another sign of the largely *ad hoc* character of party arrangements. This is best illustrated by the skilful use the DP has made of the Foundation for African Development (FAD). FAD was created in 1980, along the lines of German political foundations such as the Konrad Adenauer Foundation (KAS) and the Friedrich Ebert Foundation (FES), which had been operating in the country since the 1960s. While FAD is a registered NGO, formally independent of the Democratic Party, its founders were prominent DP figures like Paul Ssemogerere and Anthony Ssekweyama. As the latter explained, in 1980 "DP hadn't been revived yet: parties were not allowed, so we founded an NGO"²⁹. Party leaders themselves consistently characterise FAD as 'not independent of the party', 'a DP organisation', or even a 'quasi-organ of the party'. "It's the NGO of the party, it has its roots in the party"³⁰. An open overlap between the office bearers of the two organisations was avoided in the past, but in 1998 the DP Publicity Secretary was appointed to head the foundation.

The relationship between the DP and FAD is a politico-financial one: while FAD is politically dependent upon the DP, financially it is largely the other way round. The Foundation for African Development does have a substantial budget (roughly DM350,000 or \$200,000 a year) which it entirely receives from the Konrad Adenauer Foundation. Thus, through the inter-mediation of FAD on the Ugandan side and KAS on the German side, the Democratic Party is indirectly connected to the Christian Democratic Union (CDU), the political referent of KAS. This linkage can be explained on the basis of a common Christian conservative background: as Low points out, the DP itself is "a *Christian* Democratic Party"³¹.

The stated objectives of FAD include the promotion of civic education on democratic values and developmental issues. But educational activities are largely directed to DP members³². Party cadres, for example, are the ones who are systematically invited to development workshops and political seminars, and they receive free copies of *The*

²⁸ Drametu, interview (Kampala, 12 May 1999).

²⁹ Anthony Ssekweyama, late administrator of the Foundation for African Development and Publicity Secretary of the DP, interview (Kampala, 6 June 1999).

³⁰ Mabikke, interview (Kampala, 24 June 2000).

³¹ Low (1962:23). A partnership identical to the DP-FAD one used to exist between the UPC and the social-democratic Friedrich Ebert Foundation up to the early 1980s.

³² The activities of FAD are not only pro-DP ones, nor do initiatives only come from party leaders or supporters.

Messenger periodical or other written material on political issues published by the NGO. Political seminars, in particular, have been so skilfully used as to become a surrogate – a weak surrogate, but an important one under existing circumstances – for party branch activities. This reflects the elementary idea that “when you don’t have the branches to do the job, you need something else in place to do it! As a matter of fact, FAD has always organised seminars to call and gather party members”³³. A similar apparatus is all the more relevant since church networks appear to play an increasingly marginal role in Ugandan politics:

“seminars upcountry are mostly used as DP meetings, to brief and educate our people. Especially the ‘political’ ones – the ‘training of trainers’ – they are DP and FAD meetings with our people. ... Yes, they are a sort of branch meetings. But technically they are not illegal. It’s an experiment, a way of starting to revive the branches”³⁴.

While speeches to a seminar plenary would be used to get the party line across, the focus would largely be on the collateral contacts, briefing, recruitment and branch-building opportunities that the forum provides:

“we make sure that some of our members are invited [to the seminars], though not exclusively. Of 50 people that are invited on average, 2/3 might be party members. And then at the seminar we talk both formally and informally. Formally, for instance, a paper might be presented. And we are very selective in recruiting presenters, to make sure that the message gets across. And informally, we talk during a break, mainly person-by-person, or even in somewhat larger groups, especially when it’s an overnight seminar”³⁵.

“at the end of the seminar we often hold what we call a ‘debriefing’, a meeting, a discussion for members only. Especially if there is some specific issue to be discussed, such as if we have to elect district representatives. So, after the seminar, you would have the district structures established”³⁶.

“... after the official seminar, we do *kakuyege*. So you might have DP people. We are able to meet people we would not otherwise be able to meet. In the process, you also make the recruitment”³⁷.

³³ Kitariko, interview (Kampala, 13 May 1999).

³⁴ Ssekweyama, interview (Kampala, 6 June 1999).

³⁵ Lubega, interview (Kampala, 19 May 1999).

³⁶ Drametu, interview (Kampala, 12 May 1999).

³⁷ Mutagamba, interview (Kampala, 4 June 1999).

“this has been systematic and regular ... in the course of one year, we would have 10 national seminars in Kampala, and one in each district. I went *campaigning* around the whole country”³⁸.

The instrumental use of FAD with respect to the development of party cadres allegedly became even more systematic between 1998 and 1999, when a comprehensive and countrywide programme of ‘training-of-trainers’ seminars was set up in view of the referendum:

“the aim is to gather 30-50 people for each seminar who will be our local ‘trainers’ – individuals who will meet and educate other people – and go into detail on the issues of democracy, constitutionalism, human rights and their relations with the referendum. Well, you see, we don’t go there directly as DP, but we think that our grassroots leaders – DP leaders – need to be equipped. *We go through our DP leaders at the district level*, and they identify the people for us. We give them some educational requirements, such as being able to speak English, to read and communicate. ... This kind of activities ... has increased awareness among our leaders. Local leaders had lost enthusiasm, they had bought the Movement propaganda about the evils of parties. But now they are awakening, and, psychologically, it’s very important for them to see that even non-NRM cadres can go and talk politics, speak out their minds! And they now make a difference between pluralism and other systems. They now begin to understand that the referendum is not on ‘political performance’ but on political rights”³⁹.

In addition to those arranged by FAD, seminars organised by other partners of the DP, such as the Friedrich Ebert and the Konrad Adenauer Foundations, have also been helpful in keeping the party alive. In this latter case, post-seminar party briefings would still be held, although there would be less control on the issue discussed at the seminar and on the selection of a DP audience⁴⁰. In addition to workshops and seminars, the circulation of pro-DP publications has been useful in reaching out to DP members. This practice began at the time of the very establishment of FAD, when *The Citizen* and *Munnansi* were printed and distributed all over the country, and has been revived in recent years with the circulation of *The Messenger* to the districts.

The help provided by FAD is not only strategic, but prominently financial. The difficulty in learning about the sources of party funding lies less in an understandable

³⁸ Kitariko, interview (Kampala, 13 May 1999).

³⁹ Ssekweyama, interview (Kampala, 6 June 1999).

discretion surrounding the issue than in the mere weakness and volatility of such sources. This is reflected as much in the dilapidated condition of the party central office as in the admission, by party officials, that “we always prepare our budget, but we generally never realise it as prospected”⁴¹. Membership cards, as pointed out, have been sold scantily and only since around 1997. At present, they constitute a symbol of the survival of institutionalised party identities, rather than providing any significant contribution to party finances. Thus, most of the little funding that goes into the party coffers comes from domestic donations by “individuals who want us to be strongly organised”⁴². Friends and businessmen, ‘people of good will’ are called upon by party leaders to give help. Foreign sponsors provide support in an indirect fashion only. Aside from FAD/KAS, the Westminster Foundation, the British Labour Party⁴³, the European parliament and the South Africa-based Union of African Parties for Democracy and Development have been providing resources for conferences and seminars.

At the local level, party funding shows more regularity only in that it is entirely and consistently non-existent. In fact, “the real issue is [often] how to finance”⁴⁴ a local meeting. Members who do not live in the urban centre of a district may simply not be able to afford transport fares. Cases where party leaders visit a district branch and ‘finance’ a meeting by covering the costs of transport, accommodation, food or merely sodas, with some little individual money, are unique rather than rare instances. Other than that, local party members are entirely left to their own, with the district leaders occasionally claiming that they have put personal money to arrange a meeting.

Mobilising the youth: the Uganda Young Democrats

A further component of the ‘rejuvenation project’ that the party initiated after the national constitution was passed was the creation of a youth wing, known as the Uganda Young Democrats (UYD):

“the circumstances that brought to its creation were those of a constitution-making process from which we had expected the solution to some political questions, such as those of multipartism and federalism. Unfortunately, the final document reflected the hold on power

⁴⁰ Kitariko, interview (Kampala, 13 May 1999).

⁴¹ Mutagamba, interview (Kampala, 4 June 1999).

⁴² Drametu, interview (Kampala, 12 May 1999).

⁴³ *The Monitor* (Kampala, 8 December 1999).

⁴⁴ Drametu, interview (Kampala, 12 May 1999).

of a small clique, not the aspirations of the people; the entrenchment of the Movement's monopoly and the rejection of demands such as federalism, which had been put to the Uganda Constitutional Commission by the people. We were subjected to radio and *mchaka mchaka* propaganda against multipartism, they said that people don't want it. It was a process of indoctrination of the youth against the parties. So, *in response to this*, the youth in the country – initially from the higher institutions of learning such as Makerere or Nakawa – got together to set up this organisation, to stand for things such as multipartism, federalism and social justice”⁴⁵.

Set up between 1995 and 1996 as an offspring of the Democratic Party, “to by-pass government restrictions and harassment, the UYD was organised as a formally independent pressure group, a semi-autonomous organisation”⁴⁶. But the autonomy of the youth wing goes some way beyond its formal status: while the youth leader is a member in the executive of the DP, the UYD as such is not required to consult the party before taking an initiative, and, as a matter of fact, it mostly acts on its own. An excessive dependence of the young democrats' actions on the party would probably stifle their dynamism, particularly under existing restrictions. The DP leadership, aware of how important it is for the party to penetrate Ugandan society and to network among the youth, confines itself to encouraging rather than determining the activities of the UYD, the only requirement being that “all they do must not contradict the DP constitution”⁴⁷.

The radicalism and energy typical of youth organisations have made the UYD a key element in the broader attempt to revive the party. The minimal capacity to reach the populace that the DP retains has depended in significant part on the activism of the UYD. Of course, first of all “the youth are very important for quick electoral mobilisation”⁴⁸. They are the ones who did the advance groundwork for Ssemogerere's presidential campaign and later provided the teams for the Kampala mayoral elections. But there is more to it than that:

“our main activities are seminars, door-to-door campaign and community outreach. ... Door-to-door campaign, or *kakuyege*, as we call it, means that we go and talk individually to influential people: not to the people in the street, we target people who are most important to convince. The way this is actually organised varies a lot, from time to time and area to area. For example, we did it in Mpigi (in 1996), in Masaka (in 1996-7), in Gulu (in 1998), Tororo (in 1998) and in Luwero (in 1998). Community outreach is when we organise teams of four people who would arrange small private meetings, about ten or

⁴⁵ Mabikke, interview (Kampala, 24 June 2000).

⁴⁶ Leander Komakech, President of UYD, interview (Kampala, 19 May 1999).

⁴⁷ Drametu, interview (Kampala, 12 May 1999).

⁴⁸ Drametu, interview (Kampala, 12 May 1999).

fifteen people, to have quiet talks. This works all over the country. ... [Then] we hold about five seminars, or workshops, every year: four regional and a national seminar. Both in 1997 and 1998. At the national seminar last year we had 1,200 people! The title was 'The Uganda we want'. And we'll hold six seminars on the referendum from July up to December this year"⁴⁹.

The DP is a direct beneficiary of UYD seminars, which, following the same pattern of those organised by the Foundation for African Development, are used:

"... as a cover. After the presentation of papers, at the end, we would meet into discussion groups with specific questions to work on, to answer and provide recommendations. And all this is legal. Then we hold party briefings. We often do it by splitting in the rooms of the lodges or hotels which host the seminar. And so we create networks, and distribute information to the local members"⁵⁰.

The government is well aware of the risks of a manipulative use of so-called seminars and, on particular occasions and in tightly controlled areas, it reacted quite heavily⁵¹. Nevertheless, in a few years, the UYD has established itself as a committed force whose advocacy for a 'reactivation of the debate on pluralism' has often gained the attention of the media.

The young democrats claim over 50,000 affiliates, with concentration peaks where the party itself is stronger – in Kampala, Gulu, Arua and Mbarara, for example – some presence in the east of the country and a feebler one in parts of the west due to government repression (although western Uganda was never an area of strong DP tradition). Members are allegedly recruited on the basis of 'commitment' ("first, a would-be member has to do something for the organisation, to show his commitment, then he is registered!"⁵²) and then organised in branches that are closely connected with the local party sections. Their activities are partly funded through the collection of private contributions (including those of businessmen and of party leaders who depend on the UYD for campaigning, such as MPs). Some project-related financing comes from NGOs traditionally close to the DP (like the Foundation for African Development and the Konrad Adenauer Foundation) or other partner organisations. But finance is a problem for the youth wing as it is for the DP. After issuing

⁴⁹ Komakech, interview (Kampala, 19 May 1999).

⁵⁰ Komakech, interview (Kampala, 19 May 1999).

⁵¹ See, for example, *New Vision* (Kampala, 22 July 1998). In an attempt to infiltrate the UYD at its very top level, at some point it also corrupted the UYD president, Joseph Luzige (and later co-opted him to work in president Museveni's office), who was caught by his colleagues and dismissed.

⁵² Komakech, interview (Kampala, 19 May 1999).

The Democrat during the presidential campaign, the UYD had launched and published two periodicals for a few years, a Luganda paper, *Munnansi*, and the *Microscope*, in English, which allegedly circulated between 3-5,000 copies each. The publication of both papers was 'temporarily' suspended in late 1999 due to funding and management problems.

The *kakuyege* strategy and the help of the Foundation for African Development and of the Uganda Young Democrats are the distinctive ways in which the Democratic Party has addressed the issue of surviving, acting in a somewhat co-ordinated manner, and playing an opposition role in Movement times. Several of the activities that the UYD and FAD have tried to carry out – notably the seminars – have often incurred a repressive response from the authorities⁵³. As weak and irregular as it is, the DP's remains the better organised effort in the modest landscape of Uganda's non-Movement forces⁵⁴.

Conflict over the 'method of work' within the Uganda People's Congress

External restrictions and internal political developments have combined to make the organisational set up of the Uganda People's Congress quite intricate. The formal structures prescribed by the party constitution have been turned upside down as a result of several factors, including the divisions within the national leadership, the creation of several extra-constitutional organs, the accession to parliament of some influential party members, and the fact that Milton Obote, the party leader, has remained in exile in Lusaka, Zambia.

When the NRM regime was established, the UPC denounced it as illegitimate and illegal, claiming that the party would not take part in coercively imposed and self-serving structures: the UPC "cannot co-operate with a system that does not want UPC to exist!"⁵⁵. When offered token participation in the constitution-making process, for example, the Congress refused to appoint the two delegates to which major parties were entitled. At the same time, those UPC members who were elected to the Constituent Assembly (some 40), and the 15 or so who later went to parliament, were never acknowledged by Uganda House as

⁵³ The intervention of the security forces to disperse specific seminars – notably between June and July 1998 in the towns of Tororo, Mbarara, Kamuli and Masaka – is documented, for example, in Human Rights Watch (1999:4, 76ff.).

⁵⁴ It must be noted that, in the space of a few months during 2000, the DP lost two of its most skilled organisers, namely Maria Mutagamba, who defected to the Movement and was duly appointed to a cabinet position, and Anthony Ssekweyama, who died in one of Uganda's all too frequent road accidents.

⁵⁵ Patrick Rubaihayo, member of the UPC Presidential Policy Commission, interview (Kampala, 12 June 1999). As recently as 1999, for example, Uganda House referred to the 'movement parliament' as a 'partisan organ with no moral authority'; see Uganda People's Congress, *The Uganda Peoples Congress position on the Political Organisations Bill 1998*, UPC, Kampala, February 1999.

representatives of the party. Rather, they were normally dismissed as “people who claim they are UPC” but “are only there on an individual basis”, or, at times, even as people who “have nothing to do with the party”. The original position of the Congress was neither to oppose nor to support such individual choices:

“you cannot say we are boycotting parliament, as, in fact, there is no room for parties to participate. And we could not swear allegiance to the NRM – which everybody is required to do before taking office – as a UPC member cannot swear allegiance to another political organisation!”⁵⁶.

Abiding by the above position in a consistent and cohesive manner, however, proved too difficult for the party leadership. Step by step, different ideas about the role of the exiled president as well as that of the party itself resulted in the emergence of internal factionalism. Several UPC members, at all levels, blamed this on the NRM regime, arguing that the latter keeps a lid on parties “so that members can eat each other like *ensenene* [grasshoppers] inside a sealed bottle”⁵⁷. The idea is that convening a delegates’ conference would solve all disputes by restoring internal democracy and party unity. While this may be partly true, it was actually a combination of ideological, strategic and generational factors that ignited the internal struggle leading to the 1996 semi-formal split of the party.

A group of younger leaders in their forties and fifties, led by acting Secretary General, Cecilia Ogwal, increasingly clashed with the passive resistance policy followed by the old guard that, under Milton Obote, had governed Uganda in the 1960s and again in the early 1980s⁵⁸. A strategic difference – described by one member of parliament, Ben Wacha, as concerning “the method of work” – separated the two factions. As already mentioned, Obote’s group had always been very resistant to participating in any of the new institutions. This position reflected the party’s long experience of uncompromising and confrontational politics. The UPC was originally created as an anti-DP and anti-Baganda organisation, and the history of the party was deeply shaped by such conflictual events as the 1966 Buganda crisis and the

⁵⁶ James Rwanyarare, chairman of the UPC Presidential Policy Commission, interview (Kampala, 5 May 1999).

⁵⁷ *The Monitor* (Kampala, 29 May 1995, p.1).

⁵⁸ Ben Wacha and Patrick Mwendha are prominent members of Ogwal’s faction, while Sam Odaka, James Rwanyarare, Badru Wegulo and Patrick Rubaihayo belong to Obote’s. The following extract is telling of the aging leadership of Uganda House UPC: “the vice-chairman [of the PPC] shall be elected from among the Youth in the PPC. For this purpose only, *Youth is someone under 45 years*” (A. Milton Obote, *Message to the Presidential Policy Commission*, Lusaka, 9 June 2000, p.13, emphasis added). Badru Wegulo points out that “the Young Congress is not within our constitution. It’s a creation of Ogwal. She was trying to copy the Uganda Young Democrats. We do have a youth wing in the constitution, but it cannot operate. Exactly as the branches cannot operate. ... there is no activity organised by the youth. And, you know, the youth are difficult to manage. In Soronko, in Mbale district, for example, the recently stoned the Movement bus. Those were UPC youth, but they were not organised, they just did it out of their heads. Oh no, we were not happy. That’s not our policy. They were

contentious election of 1980. Moreover, the Congress was ousted from power as a result of the guerrilla war waged by the NRM, which made the new ruling group unpalatable to most UPC leaders and activists. The party leader's enduring exile would be reason enough for UPC members not to indulge in conciliatory attitudes towards the NRM. To make things worse, the skilful propaganda used by Museveni to legitimise the new regime attributed to the Congress the responsibility of virtually all political wrongs in Uganda's post-independence history. The president's 1996 campaign posters, for instance, played on a public fear of Obote's comeback by showing pictures of skulls, the result of the massacres carried out by the army in the 'Luwero triangle' during the early 1980s.

The relative old age of several in Obote's faction made the latter an unlikely prospective ruling group. And the group ostensibly refused to believe in the possibility, under current restrictions, of having an impact on policy-making. Those party members who had been elected to the National Resistance Council parliament, in 1989 had contested their seats in spite of an official party boycott of the election (although the party agreed not to take any sanctions against them as long as they did not claim to represent the UPC). When the Constituent Assembly was elected, the prospect of shaping the new institutions and reintroducing political freedoms made the party oscillate between calls for a renewed boycott and more supportive statements. (In the end, while the UPC as such was kept out by its leaders, as much as by the law, a desk was set up at the Uganda House headquarters to assist individual party members who had won seats to the assembly).

Over this period, Cecilia Ogwal progressively established herself as a pragmatic and reformist leader. After her experience as a CA delegate, she spearheaded the formation of the Inter-Political Forces Co-operation (IPFC) to campaign jointly with the DP for the 1996 presidential election. She then went on with a few other members to contest and win a handful of parliamentary seats. This younger wing of the party, which includes several MPs and is closely linked to many others, was more oriented towards pragmatically acquiring power and shaping the country's future: "we want to be involved in active politics. We are keeping Uganda running: telling them do this, do that. We can't wait for somebody [i.e. Obote] coming back"⁵⁹.

acting like babies. But the problem is that they don't have jobs, or they see that things around them, the administration, is not working", interview (Kampala, 22 June 2000).

⁵⁹ Abna Natifu, former UPC chairman of the IPFC for Mukono, interview (Mukono, 24 June 1999).

Splitting the leadership

The divergent attitudes of Obote and Ogwal proved critical in precipitating the actual split, which dates back to the period between the two elections of 1996, the presidential and the parliamentary. But the conflict had developed over a much longer time:

“normally these issues are not determined by a single happening: it boils over time until it cracks. Basically, the problem was that the president was not in the country”⁶⁰.

“A group of us felt that it was no longer possible for the party to be run from outside the country: a number of decisions were made that did not take into account the current political landscape. The party needed to have some effective leadership *in* the country. And, number two, Obote was becoming an instrument of the Movement leaders, who used him to scare the people about a possible return to multipartism”⁶¹.

Obote's remote control had been exposed since the death of the vice-president of the party in 1991, after which the 'leadership question' had been raised time and again in Kampala by prominent UPC people as close to the exiled president as Sam Odaka, Patrick Rubaihayo and Otema Allimadi⁶². The position of Uganda's ex-president was indeed unclear. Was he to direct the party from abroad, as he did for instance, by instituting the Presidential Policy Commission? Or only to veto decisions made in Kampala, such as when he denied the participation of the UPC to the 1996 parliamentary ballot? Or, else, should he merely advise the party (his appointments to the PPC, for example, were an *ex post* reflection of agreements reached at Uganda House)? As Obote's executive leadership and external control over the party were increasingly put under question, the clash became more evident and the divide more difficult to mend. The issue also involved the question of whether to amend, by-pass or respect those provisions of the party constitution that, in the absence of a delegates' conference, prevented any leadership change⁶³.

⁶⁰ Patrick Mwendha, Secretary of the UPC Interim Executive Council (Ogwal faction), interview (Kampala, 22 June 1999).

⁶¹ Ben Wacha, MP, interview (Kampala, 6 June 1999).

⁶² See, for instance, *The Monitor* (Kampala, 1 February 1994 and 23 January 1995).

⁶³ Obote's ongoing attempt to hold on to the party presidency was revealed, for example, by these words of his to UPC representatives: "I must warn you ... that the Uganda dictatorship and agents of governments in the older democracies will do anything, including bribery, to get you to accept ... the Movement system. ... You will be faced with a campaign that, since the party leader is not in the country ... he must be replaced. The Christians among you know how the snake pretended to be friendly to Eve and made her to eat some fruit ... when God had forbidden them not to eat that fruit. The result was the fall of man from the Grace of God. In the case of the UPC, the deposition of the party leader is not forbidden by a command from God. It is even allowed by the Constitution of the Party, but must be done, if it is to be done, only as provided in that Constitution. If it is done in any other way, the action ceases to be against the party president and becomes a gross derision of

These issues began to degenerate and cause real stir when Ogwal, the party leader in Kampala, decided to run in the 1994 election for the Constituent Assembly. Despite the fact that she claimed that – in accordance with the ‘individual merit’ principle – she was not representing the party but only her own constituency (i.e. Lira municipality and the Langi people), Ogwal was in fact questioning the official line of not taking part in the illegitimate ‘NRM institutions’. Other UPC members who also decided to run for the CA were disappointed by Obote’s initial opposition. The party president’s change of heart caused a delay in launching and organising the campaign, making it more difficult, in the short time remaining, to run an effective campaign and even to short-list a unique candidate for each constituency⁶⁴.

Obote also expressed his opposition to the formation of the National Caucus for Democracy – the alliance among multipartist delegates operating within the CA – as he was afraid of establishing close ties with the Democratic Party and losing control over his own organisation. When the UPC in Kampala agreed to support DP Paul Ssemogerere as the common presidential candidate for the multiparty camp – and even to form joint electoral teams under the name of Inter-Political Forces Co-operation (IPFC) – Obote originally vetoed the initiative, claiming that it would amount to betraying the party⁶⁵. But after reluctantly conceding the party’s participation in the presidential race, he more than welcomed allegations of electoral rigging by the NRM and pushed hard for the party to pull out of the subsequent parliamentary contest.

In fact, after the alleged rigging of the presidential election of May 1996, the Inter-Political Co-operation Forces had decided that they would not take part in the parliamentary election due in June. On the same day, however, the UPC leadership held a separate meeting at Uganda House, where Cecilia Ogwal raised the point of whether it was strategically appropriate to withdraw from the contest even in those areas under UPC or multipartist control – by and large meaning the north of the country – and to abandon ‘UPC people’ to NRM political repression. The Presidential Policy Commission thus agreed that, while the party would abstain from the race, individuals were free to contest. Here, versions differ as to whether lower cadres only or leaders as well were meant to run. However, a prominent member of Obote’s camp, Patrick Rubaihayo, concedes that Cecilia Ogwal “had an understanding with us, that she would resign as soon as she got elected. So we kind of

the Constitution, which, in turn, will lead to disintegration or dissolution of the UPC ... You will be faced with the voice of the snake or Satan” (A. Milton Obote, *Message to the Presidential Policy Commission*, Lusaka, 9 June 2000, p.6-7).

⁶⁴ Mwendha, interview (Kampala, 22 June 1999). Mwendha may actually overemphasize these organisational difficulties, as he himself lost the contest in his constituency.

⁶⁵ Mwendha, interview (Kampala, 22 June 1999).

protected her, to the extent that this was possible, by telling Obote that she was 'on leave, pending resignation'. But then, two days before the election, Obote wrote her the letter to suspend her"⁶⁶. This letter was delivered by a delegation of two – James Rwanyarare and Darlington Sakwa – returning from Lusaka. While Rwanyarare immediately replaced Ogwal as chairperson of the PPC, Sakwa was recently appointed a member of the latter and the chairman of its financial committee. Ogwal and her followers, however, challenged the decision and, after Rwanyarare's refusal to have the issue discussed by the PPC, they gathered the National Task Force. The latter condemned the party president's decision and endorsed an Interim Executive Council which "would still hold Obote in an advisory capacity"⁶⁷.

The division was physically sanctioned by a struggle for the occupation of the historic and symbolic site of the UPC, Uganda House. Although Ogwal's supporters initially took over the office, the latter was eventually retained by the Rwanyarare faction by virtue of Sam Odaka being the head of the Milton Obote Foundation, which legally owns the building. The former group – which includes over half of the people originally working at the UPC headquarters – is currently based in one of the members' private office.

The 'improvisation' of *ad hoc* party organs

The disagreement within the leadership contributed to modifying the UPC's original position – namely, to stay away from 'NRM institutions'. The latter has in fact evolved and changes have occurred. Ogwal's group largely consists of parliamentarians: MPs who are party members and others who are simply close to the UPC are informally invited to the meetings of its Interim Executive. This faction of the UPC has come some way into being integrated in the new regime: "we have done so much for this country, we have achieved a lot, but by working with our friends in the Movement camp"⁶⁸. But moderate changes have also occurred in mainstream UPC. While Uganda House only holds contacts with one MP (who is not even allowed to sit in the PPC), when the parliamentary committee dealing with the *Political Organisations Bill* requested formal submissions to the parties, in early 1999, it received one from each factions, that is, including Obote's.

Relevant changes also concerned party organs. While the notion of 'rejuvenating' party structures is recurrent in DP language, UPC leaders often talk of 'improvisation', meaning that, in a inhibiting context, the rigidities of the party statute have continuously

⁶⁶ Rubaihayo, interview (Kampala, 12 June 1999).

⁶⁷ Mwendha, interview (Kampala, 22 June 1999).

⁶⁸ Wacha, interview (Kampala, 9 June 1999).

required by-passing through the creation of *ad hoc* organs. Less officially, however, the term hides the party's need to adapt its structures to two key internal developments: Obote's absence from the country and the subsequent split of the party.

Obote himself started the whole process of 'improvising' new arrangements when, under pressure to appoint a new vice-president after Paulo Mwanga's death in 1991, he came up with the idea of a Presidential Policy Commission (PPC). Claiming that "he had found an opening, a window of opportunity in the party constitution"⁶⁹, he in fact set up a provisional executive that in theory and in name allowed him to retain full control over the party⁷⁰. 'Improvisation' of extra-constitutional organs thus started well before the divide – the term is actually used by both factions – but, after the split, the process went even further. The National Task Force, which was created in 1995 as a provisional structure in view of forthcoming elections, one year later became the permanent districts representative body for Ogwal's faction, and was instrumental in legitimising the latter's Interim Executive Council.

In the other camp, Rwanyarare's group replied by gathering district delegates in a Party Representatives Council (PRC) in 1997. The *ad hoc* delegates were selected by party constituency and district representatives to national executive organs, as listed in an old register from the early 1980s (though in certain cases they were directly hand-picked by the centre). In the process, an additional and updated register was created. The first meeting of the PRC, in turn, provided the nominations from which the party leader appointed an expanded Presidential Policy Commission. It was almost three years later, however, that the new PPC was actually gathered and, simultaneously, the second PRC meeting was held. Yet, the original PPC, has been meeting without interruptions, albeit irregularly, as documented by its quite detailed minutes. The *de facto* party executive was convened roughly ten times a year between 1994-1999, with a peak of 21 meetings in the eventful 1996⁷¹. In addition to these meetings, the commission reportedly met the president in Lusaka a couple of times in the last few years.

⁶⁹ Sam Odaka, member of the UPC Presidential Policy Commission, interview (Kampala, 2 June 1999).

⁷⁰ "Any tendency to create a cabal or to undermine any member [of the PPC] shall be a cause for termination of appointment. ... Your tenure is *at the pleasure of the Party President* but shall not be less than three years" (A. Milton Obote, *Message to the Presidential Policy Commission*, Lusaka, 9 June 2000, p.13, emphasis added).

⁷¹ It is quite likely, however, that part of the meetings have not been documented: although the administrative staff claims that the records are complete, most UPC leaders – including some of those who left the PPC at the time of the split – talk of weekly meetings of the commission.

The state of the branches

An attempt to revive the party's local branches apparently took place between 1991-1993, with veteran party members re-organising district and lower organs, throughout the country, by holding internal elections and setting up *ad hoc* committees⁷². In early 1993, after launching *Agenda 21* to revitalize the party, Cecilia Ogwal was reported touring the country. She visited districts such as Tororo, Arua, Mbale and especially Lira, where, at times, she would address small political rallies in spite of warnings from the government⁷³. Indeed, on a number of occasions, Ogwal was briefly detained because of these activities⁷⁴. But the relative momentum was soon followed by a slowdown in the party revival⁷⁵, and the latter was further affected, a couple of years later, by the impact of leadership rows upon local-level organs:

“from about 1990, UPC decided to go out to the countryside and test the ban. We went to Mbale, Soroti, Tororo, Arua, Kabale, Gulu, Kitgum. And that is when the branches started being active again. We capitalised that during the presidential election, for they mobilised the people. And they [had] helped us a lot in the election to the Constituent Assembly: we ended up with about 40 UPC, and DP had about 30. But in 1996, with the directive issued by the party president, many areas simply gave up. It created confusion among the people: we were speaking with two different languages. Fewer and fewer branches were active, even now, and the Movement machine is more and more intimidating. And many other candidates just gave up. So we got a greatly reduced number of MPs”⁷⁶.

The general weakness of party branches has contributed to minimizing the diffusion and impact among the grassroots of divisions at the centre: “at the grassroots level, there is no knowledge of this split. People have heard about it, but they haven't followed them”⁷⁷. When and where local structures currently exist, they certainly did not split in any consistent or systematic manner along the lines that divide the leadership. It is only in some cases, such as

⁷² Mwendha, interview (Kampala, 22 June 1999). In mid-2000, a UPC document signed by Obote and circulated by Uganda House called for the reactivation of local branches and of party membership ‘at any costs’, *New Vision* (Kampala, 12 June 2000). Admittedly, however, there was no plan yet on how, in practice, to revive branches (Badru Wegulo, UPC National Chairman and Chairman of the Party Representatives Council, interview, Kampala, 22 June 2000).

⁷³ See, for instance, *New Vision* (Kampala, 30 January, 5 March and 5 November 1993), *The Monitor* (Kampala, 11 May 1993). Although no other party leader mentioned anything similar, Ogwal claims that national party representatives also toured the country between October 1998 and March 1999.

⁷⁴ Ogwal provided details of ten different times in which she was detained without charges during the period 1991-1993, Human Rights Watch (1999:37).

⁷⁵ *Weekly Topic* (Kampala, 28 May and 13 August 1993).

⁷⁶ Wacha, interview (Kampala, 9 June 1999).

⁷⁷ Mustafa Masaba, representative of Uganda House UPC in Mukono and, since May 2000, member of the UPC Presidential Policy Commission, interview (Kampala, 28 June 1999).

in Mukono district, that there has been an attempt at sharing local members through a duplication of the party.

At times, district committees may be in place but entirely detached from the grassroots, as they lack lower level branches bridging the distance with members in the area⁷⁸:

“it’s a fluid situation ... The party structure is not there. What you have is the people’s committee: just like in the former Soviet Union, they delegate you from above and appoint people at the grassroots, and try mobilisation. It’s a committee appointed from above, by the chairman of the PPC”⁷⁹.

In most cases, the very presence and situation of party local organs is variously described as ‘dormant’ or ‘in dead silence’, ‘casual’ or ‘occasional’, ‘non-formal’ or ‘ad hoc’, and so on. There are:

“no organised groups ... party members do meet and consult occasionally, but only in very small groups, not in large numbers. There are no regular contacts with local members, no reporting on a regular basis between them and us. It’s a casual thing”⁸⁰.

The UPC representatives from Arua, Mukono, Mbarara and Gulu districts largely report of ‘non-operational’ structures and non-existent activities, at least since the 1996 election campaign, and, in some places, since before that. Occasionally, some members talk of meeting people ‘on individual merit’ (“they visit me or I visit them, one by one...”⁸¹), but it is only exceptionally, and not without contradictions, that local leaders claim party activities in a district do have some regularity⁸². Again, however, the situation varies not only from region to region but also from district to district:

“[contrary to where we have to operate clandestinely,] in my area, in Lira, there are no longer problems. Nobody is scandalised to hear that we hold a meeting and we can actually do it as much as we want”⁸³.

⁷⁸ Frederick Wako, UPC branch chairman for Mukono district, interview (Mukono, 24 June 1999), and Darlington Sakwa, Uganda House UPC representative in Mbale and, since May 2000, member of the UPC Presidential Policy Commission, interview (Kampala, 10 July 1999).

⁷⁹ Isabirye Fremont, youth representative in Mukono for Uganda House UPC, interview (Kampala, 17 July 1999).

⁸⁰ Edward Ochwo, Uganda House UPC chief administrative secretary, interview (Kampala, 3 May 1999).

⁸¹ Masaba, interview (Kampala, 28 June 1999).

⁸² Peter Labara Oola (interview, Kampala, 23 June 1999) and James Otto (interview, Gulu, 7 July 1999), chairman and vice-chairman, respectively, of Obote-UPC for Gulu district.

⁸³ Ogwal, interview (Kampala, 7 June 1999).

“In some areas this is working, in other areas much less. Bushenyi, for example. And Lango, West Nile (some areas), Gulu, Kabale, Mukono, Fort Portal, Tororo. These are all areas where we have structures in place ... But it’s only in a minority of areas. All the rest – in the rest of the country – we don’t have structures, they are not working”⁸⁴.

Regional variations in the state of the local branches are also related to the latter’s capacity to field candidates for election. Internal primaries for the selection of Constituent Assembly and parliamentary candidates were reportedly held in a few northern districts, but, then, “in the West, South and East there was no party candidates. It was only in the North. ... [Everywhere else] the circumstances said there was no point in standing”⁸⁵. In areas where the UPC is particularly weak, such as in Buganda, Busoga and parts of western Uganda, local leaders invited party supporters to back DP candidates in the CA contests⁸⁶.

Membership and funding

More or less the same considerations are valid with regard to party membership. Although some talk of short-lived attempts to register members in some districts around 1996 or 1998, membership is in fact entirely informal: there is not much more to it than showing an old card or merely claiming to be UPC. Not even this is very common, given the idea that selling cards is illegal and the harassment that follows being exposed as a UPC. As in the case of the DP, the last membership data were collected in the mid-1980s – when the figure of 4 million members was allegedly achieved⁸⁷ – but this information went missing during the troubles of the short-lived Okellos regime. The absence of membership subscriptions, in turn, has obvious implications for party funding, which came to depend entirely upon the Milton Obote Foundation and the occasional private contributions:

“we only get money ‘by luck’! Somebody may come from London, or from abroad, and say ‘Well, here is \$50’, or somebody comes from the village and gives Shs.5,000 [\$3]. Or there may be one who says ‘You don’t have a computer’, and he gives a computer”⁸⁸.

Similarly to what happens in the DP, there is a wide discrepancy between the planned budget – which may be as high as Shs.350m (\$240,000) per year⁸⁹ – and the money

⁸⁴ Wacha, interview (Kampala, 9 June 1999).

⁸⁵ UPC interim chairperson for Mbarara district who requested anonymity, interview (Mbarara, 14 July 1999). UPC primary elections were reported, for instance, in *The Monitor* (Kampala, 13 July 1993 and 19 June 1996).

⁸⁶ *Weekly Topic* (Kampala, 28 May 1993).

⁸⁷ Mwendha, interview (Kampala, 22 June 1999).

actually realised by the party. As Ogwal puts it, the budget is 'flexible' and 'task-targeted'⁹⁰, and – except during the 1996 electoral campaigns, when more substantive private contributions were made – it does not cover much more than administrative expenditures⁹¹. Needless to say, local branches have not seen any shillings coming from Kampala for a long time: "I should fund the meetings, but I personally have no funds for it"⁹². Although the budget of the central office may be greater than the DP's – given the availability of sources such as MOF, external bureaux and, possibly, MPs – the party lacks something similar to FAD to bring some minimal resources down to the grassroots.

Requests of foreign assistance have been systematically turned down by organisations such as the Friedrich Ebert Foundation, the Westminster Foundation, the National Democratic Institute or the Development Fund for Democracy. This may have more to do with the UPC's controversial past than – as the official explanation goes – with the ban and legal prohibitions. In fact, the DP does get more or less direct assistance from similar institutions. As the director of FES put it, UPC "used to be our natural, logical partner up to 1984. [But] we took very seriously what happened under Obote II: that killed our potential co-operation. As long as Obote is there, there is no room whatsoever for us to work with them. Though I still get a call every second week by UPC or MOF. They say 'Hey, Hajo, we used to work well together, why don't we do this and this...'"⁹³. The extent to which lack of funding has jeopardised party operations is difficult to establish. While financial constraints are unquestionably a hurdle, political will may be as big an obstacle. Uganda House UPC, for example, was granted funds by MOF for the long due second meeting of the broad-based Party Representatives Council that it never went on to convene⁹⁴.

The tarnished image of the party has not only made it harder to collect resources, it also increased the practical difficulties of organising certain activities. "I'm telling you: however developmental the idea, if I initiate a programme, they [the government] wouldn't allow me. I have tried several times, especially to associate the youth for development. But they told them not to associate with that man"⁹⁵. To some extent, the treatment of the UPC with regard to this subject compares unfavourably to that of other parties:

⁸⁸ Wegulo, interview (Kampala, 22 June 2000).

⁸⁹ Rwanyarare, interview (Kampala, 5 May 1999).

⁹⁰ Ogwal, interview (Kampala, 7 June 1999).

⁹¹ Such expenses are around Shs.2.5m (\$1500) per month for Ogwal's group and Shs.6m (\$3600) at Uganda House.

⁹² Dick Nyai, MP, Publicity Secretary of Uganda House UPC and Arua district UPC vice-chairman, interview (Kampala, 14 June 1999).

⁹³ Hajo Lanz, head of Friedrich Ebert Foundation, interview (Kampala, 17 May 1999).

⁹⁴ Odaka, interview (Kampala, 2 June 1999), and Rubaihayo, interview (Kampala, 12 June 1999). The Party Representatives Council is supposed to meet twice a year.

“we haven’t organised seminars. It’s the DP that does it, through their foundation. We didn’t have an outside foundation. MOF was actually supposed to organise for education, which is quite similar. But, then, you can’t expect MOF to organise a seminar anywhere in the country: it’s seen as too close to the party, they would say it’s UPC which is organising it. But, anyway, we didn’t even try. Nor we have anything like that. We just keep a low profile. You see, I think the government is willing to allow some activities of DP, but not of UPC. Actually, I believe they might even allow them any activities if we were not around”⁹⁶.

As a matter of fact, this may explain some strategic and organisational differences between the UPC and the DP. The Democrats, as pointed out, managed to replace their parliamentary role with an access to alternative forums and opportunities for giving voice to the opposition (such as through the activities of the youth wing and of FAD). The lack of similar options (e.g. a much weaker Youth Congress was only launched in 1998) is likely to have contributed to the decision by part of the UPC to go to parliament, as well as to the use of ‘external bureaux’ (probably a few members with access to an on-line computer) in places such as Toronto, Nairobi or London⁹⁷.

The fragile survival of organised opposition in a hegemonic system

Little research has so far been devoted to investigating the actual role of parties under Uganda’s no-party framework. As a first step towards filling this lacunae, this chapter focused on what parties are – in organisational terms – in today’s Uganda. Unsurprisingly, evidence confirms that the organisations of both the Democratic Party and the Uganda People’s Congress are impeded from growing effective by the legal sanctions that restrict their activities. The organs of both parties are virtually all run down and, at best, characterised by improvisation and low formalisation. Funding is poor and extremely precarious, and it is virtually in the core executives only that party meetings retain some kind of regularity. Formal membership and local branches are largely notions belonging to the past.

What is perhaps more interesting are the specific organisational strategies and forms that the two parties have adopted. Both parties have been able to respond to existing constraints by adapting their organisations to ensure their political and institutional survival.

⁹⁵ Masaba, interview (Kampala, 28 June 1999).

⁹⁶ Rubaihayo, interview (Kampala, 12 June 1999).

⁹⁷ See, for instance, *The Monitor* (Kampala, 25 May 1993, 17 July 1995 and 16 April 1998).

This is evident, for example, in the rupture that occurred in the UPC leadership as well as in the ancillary organisations the DP has been relying upon. The tough clampdown on UPC activities by the NRM government contributed to splitting the leadership of the party. On the one side, Obote's mainstream UPC continues to reject NRM institutions: while the former president remains out of the country, his group in Kampala stays out of parliament. On the other hand, a breakaway wing of UPC progressive leaders decided to adopt a different 'method of work' and enter parliament. A weak but vocal parliamentary opposition was meant to provide a safer way of being heard and of protecting, rather than exposing to repression, local party members. The DP, by contrast, capitalised on the legacy of a largely co-operative and non-conflictual past between the party and the NRM, and enjoyed the advantage of a relatively softer control by the government. The party was thus able to use its youth organisation and the Foundation for African Development to keep the organisation alive and to seek to advance the cause of multipartism.

The UPC and the DP have managed to strike a fragile balance between disputing the legitimacy of the regime while rejecting the most extreme ways of doing it, notably 'going to the bush' for a guerrilla challenge. This has granted political stability at least to some parts of the country, while leaving the existing system constantly on the edge for its disputed legitimacy. In the light of these organisational developments, an investigation into the actual impact of parties on key political processes such as elections, parliamentary activities and policy-making is required. Do UPC members of parliament, for example, provide the party with a bridgehead in legislative activities? Does the support of extra-parliamentary organisations help the DP in co-ordinating its electoral activities? These issues are examined in the next chapters.

PART THREE

Chapter 6

The electoral politics of 'no-partism'

Individuals, parties and party-surrogates in the election process

This chapter and the one that follows examine the way electoral and legislative activities are carried out in Uganda, in a context where party-based co-ordination and collective actions are legally inhibited. The aim is to learn about the extent to which any organisational arrangements – parties, party-like organisations, or entirely different devices – play a role in these phases of the political process. The focus is therefore on the first two variables identified in Table 1.2 (Chapter One), namely electoral organisation and parliamentary organisation.

According to the 'individual merit' principle, political competition in communally-divided societies should not allow ethnic-like diversities to crystallise into political parties. When this happens, the argument goes, inter-group antipathies become polarised and tend to give way to spirals of political exclusion and violence. Rather than having party-based political competition and all that it implies, therefore, individuals should participate in politics exclusively on their own credentials. In other words, political organisations should *not* be there when an individual decides whether to stand or not for election (selection process); they should not be there when a candidate canvasses for popular support (electoral campaign); and they should not be there when elected representatives co-operate or clash in working out national policies (parliamentary activities).

The presence of independent candidates and MPs is something to be valued. But the presence of independents *only* implies a complete atomisation that is bound to generate practical problems. Elected representatives are part of a state's political links with the population and a crucial component in the process of aggregation of diverse political interests. To provide such connections in an effective manner, deputies need institutionalised linkages with their constituents. A candidate may campaign as an independent, setting up an *ad hoc* election machine that will put him through the election process and then be disbanded. Both

during and after an election campaign, however, the assistance of an established organisation is an important asset in reaching out effectively to constituents, to communicate and exchange information with them. A similar argument is also valid with regard to parliamentary politics. It is one thing to have a number of autonomous voices inside the legislative assembly, quite another to have a parliament whose self-reliant members are in constant need to find precarious and contingent ways of acting together. If this was the case, for every issue, every MP would have to: work out what the policy is about and what the policy options are; go back and hear where the interests of his constituents lie; learn what the position of every other member in the House is; lobby other MPs for support on a one-to-one basis; and so on. All of these are collective activities that require some kind of co-ordination. This is why, in countries where party pluralism prevails, parties normally play a major role in electoral and parliamentary politics. If, therefore, Ugandan parties are prevented from being actively involved in these processes – something which is itself an open question – one may reasonably expect other organisations to step in, either on their own initiative, or because they are solicited by individual politicians who have to perform the activities in question. Atomised politics automatically turns the spotlight on collective-action dilemmas, as pro-‘individual merit’ politicians have soon discovered for themselves.

In this chapter, I focus on the modes of selection of candidates and on the specific forms of campaigning developed by supposedly self-reliant contestants. In the next chapter, I will examine parliamentary activities and try to identify regularities in the interactions among MPs who do not rely on party networks. For both sections, evidence is largely drawn from the 1996 parliamentary election and from the assembly that was formed thereafter (the Sixth Parliament, which operated between 1996-2001)¹. Occasional reference is made to the 1994 Constituent Assembly, the 1998 local elections and the 2001 parliamentary election.

The election process is conceptualised as two-fold, with each of its two phases implying a potential relationship between individual office-seekers and sponsoring organisations. Firstly, an election presupposes the selection of the candidates running for office, which is itself “one of the key linkages between the electorate and the policy-making process”². In making their decision to stand, individuals are affected by the availability of organised support. Depending on the degree of reliance on the latter, potential candidates may either be selected (‘nominated’) by some existing organisation, or independently decide to run

¹ For the analysis of election campaigns, the focus is on the 214 single-member constituencies through which most parliamentary seats are assigned. In addition to directly-elected members, the 282-member Sixth Parliament comprised 45 women representatives (one per district, indirectly elected by an electoral college made of selected members of the district’s local government bodies), 10 representatives of the Uganda People’s Defense Forces, 5 youth representatives, 5 representatives of the disabled and 3 of the workers. Ministers are *ex officio* members of the House without a right to vote.

(what may be termed 'self-selection'), with some mixed options falling in-between these two extremes. Secondly, regardless of whether a candidate was 'nominated' or 'self-selected', he will have to actually canvass for support. This can be done either by setting up a personal election machine, or else by seeking assistance from organisations that are involved in the political contest or available to join in.

Mechanisms for the selection of candidates

In a politically-mobilised society, effective government action needs to rely on linkages with the diverse components of the citizenry: "creating linkages is itself an extremely important function of politics. ... a [hidden] function that contributes to the carrying out of other functions"³. Political linkages are instrumental to minimising centre-periphery or society-state gaps. These interactive connections are critical to channelling the people's needs, interests and identities within state institutions. They also make the people more accessible to the state, lessening, for instance, resistance to the implementation of public policies. Thus, political connections operate in two directions: "citizens seek some way to interact with the larger political system, influencing how it carries out its functions. The leaders of governments depend on being able to connect themselves to the loyalty and energies of citizens"⁴.

But linkages are most effective when they are organised rather than extemporaneous. To prohibit political organisations from sponsoring candidates for election may imply a situation where the linkages between individual representatives and their constituents is weak and scarcely institutionalised. Under no-party rules, the question is whether candidates devise any arrangements to keep in touch with their constituents *over time* and whether they do this by *co-ordinating* with other prospective representatives.

As a matter of fact, any election process is likely to involve some kind of interaction between individuals standing for office and existing organisations. Regardless of whether an individual candidate is a member of the latter organisations or not, he may either be approached by an organisation looking for prospective contestants, or else he may decide himself to contact, consult and involve an organisation in actively supporting him. In particular, under Uganda's no-party politics, one would expect a candidate's selection process

² Crotty (1968:260), quoted in Gallagher (1988:2).

³ Lawson (1988:14-15).

⁴ Lawson (1988:16).

to follow one of four possible patterns. The first is one where the Movement, while formally proclaiming individual-merit elections, in practice exerts pressures for this or that individual to stand or to withdraw his candidature. The second occurs when opposition parties, despite being legally prohibited from taking part in elections, manage to organise and put up their own challengers. Thirdly, other organisations – such as local government organs, a church or other religious institution, elders' councils, and so on – may decide to step in and field or support specific contestants. Finally, in compliance with the individual-merit rule, individuals may make the decision to stand on their own, without much regard for the above organisations or any other external pressure.

Attempts to select candidates by the Movement

As a party-like organisation, the Movement has a keen interest in seeing supportive candidates, rather than anti-Movement ones, running for office and going through. It is not difficult to understand why. The prospect of managing the country's affairs cannot but make any political force – including the Movement – sensible to the character and orientation of the individuals who will form the legislative body. Individualised competition, in the unlikely case of everybody abiding by it, may in theory annul the need to identify winners and losers in terms of *groups* (i.e. parties). But it does not diminish the actual reliance of the government on some co-ordinated support on the part of parliamentarians, and thus the executive's dependence on the composition of parliament. As a consequence, two related objectives have guided the Movement leadership: securing a parliamentary majority and ensuring its internal cohesion.

The Movement needs to make sure that it has a majority inside parliament, before thinking about the latter's cohesion. To win the largest share of seats, it is necessary that it minimises the number of 'movementist' candidates running in any given constituency. Splitting the pro-Movement vote would often mean losing the seat to a multipartist. The need to co-ordinate pro-Movement candidatures to avoid unnecessary electoral defeats is something Movement leaders are fully aware of. The distribution of potential office-seekers has been regularly monitored and appraised, constituency by constituency. In the run up to the election of the Seventh Parliament, Museveni stated plainly that he needed "MPs who will help him implement his manifesto", and 'advised' that, where there were several Movement candidates contesting against a multipartist, all but one should step down in favour of the

stronger among them⁵. On exceptional occasions, in the past, the threat of losing a seat prompted decisive and sophisticated interventions⁶.

But interfering with selection processes was not only aimed at promoting the largest number of Movement MPs. Centrally-controlled nominations can significantly affect the cohesion of the legislative bloc or caucus that emerges in an elected assembly⁷. Wary of keeping their undue interventions away from the spotlight, Movement leaders frequently made clear efforts actually to select contestants. Loyal supporters would be encouraged and promised assistance at the expenses of other aspirants, discouraged and marginalised on the ground of their weaker 'pro-movement' credentials. During the 2001 parliamentary campaign, the president repeatedly met with the Movement caucus in an attempt to veto 'undesirable' Movement candidates⁸. The encouragement or marginalisation of different candidates, however, have largely occurred through private consultations and informal pressures rather than by means of an open selection process⁹:

"of course ... you see people agitating on different lines. So you say 'Let's test the ground. Why don't these Movement people stand?' We did evaluation of people who stood, of *trends* of people. You co-ordinate with those who are mobilising along democratic lines, to get them political education, to make informed decisions"¹⁰.

"You have a natural tendency to support somebody who talks well about the Movement, who speaks the same language, and so we quietly campaigned on his side. *But not openly, because that would go against our principle.* But the Movement might quietly come in and say: 'Look, there are too many of you, too many Movement candidates in a single constituency. This way none of you is going to get elected. Would you let this guy go on? We know he can make it'. But we only *advise* people"¹¹.

Since the Movement's main concern is to promote the greatest number of trustworthy candidates – albeit not running against each other – and to ensure a cohesive and

⁵ *New Vision* (Kampala, 13 June 2001).

⁶ In the 1996 legislative election, the decision was made to field a second Movement candidate in Bungokho constituency, in Mbale district, so to help out the Movement's favourite contestant. The dummy candidate obtained a share of the vote in Nakaloke county – thus directly eroding the multipartist candidate's support base – and thus favoured the success of the candidate that the Movement wanted to see through, who received his votes from a different area (i.e. Makonde county) within the same constituency. Mujaju (1996:29).

⁷ Bowler – Farrell – Katz (1999:6), Carey (1997).

⁸ *The Monitor* (Kampala, 10 June 2001).

⁹ In one occasion, some kind of 'internal' primary election was reportedly held to select the NRM candidate for a Constituent Assembly by-election in Mbale. See *The People* (Kampala, 17 August 1994) and *Weekly Topic* (Kampala, 31 August 1994).

¹⁰ James Magode Ikuya, Deputy Director for Information at the Movement Secretariat, interview (Kampala, 1 July 1999).

¹¹ Matia Kasajja, Deputy Director for Mass Mobilisation at the Movement Secretariat, interview (Kampala, 28 May 1999); emphasis added.

efficient action in parliament, demonstrated loyalty is an obvious asset for a candidate seeking help and facilitation:

“I have been a senior movementist mobiliser ... At the time of the NRC by-election, the Movement contacted me as they thought I was suitable for the job. I used to be based at the President's office ... when the discussion was raised on who could run in the area, my name came up. In the end, I was to contest with five other people, including a member of the Uganda People's Defence Forces, a current Resident District Commissioner and others who were clearly on the Movement camp. But I had been with the Movement for longer time, and so it was me that the Movement wanted to be elected. They tried to convince other people not to stand against me. In the beginning, it was actually 10 others who wanted to run, then many pulled out”¹².

In addition to informal pressures and interventions, the Movement also employs selective funding – choosing among the candidates “those that it will finance more than others”¹³ – to affect the balance of the different contests. But the most effective instrument the Movement can count on to control candidatures is the least material and visible one, and it impacts directly on an individual's will and readiness to stand. While Ugandans have experienced worse regimes, intimidation, harassment and fear are a constant presence under Movement politics¹⁴. Opposition politicians, especially at the local level, frequently show great concern at being exposed as multipartists. It can be safely assumed that a large number of people prefer not to seize the formal opportunities for political contestation, as this could expose them to vexation on the part of the ruling group. By implication, most of the candidates who do come forward are likely to be committed Movementists who do not risk jeopardising their tranquil existence by laying their ideas open.

In spite of the awareness of the need to behave strategically, however, the Movement has often appeared to be caught in-between the professed ideal of individual-merit elections – i.e. elections with no interference on the part of political organisations – and the practical difficulty of imposing its own choices to aspirant candidates: “in 1996, for instance, many refused these advises and went ahead. Some of them won, some lost”¹⁵. The Kampala mayoral election of 1998, which was lost to a multipartist because the pro-Movement vote was split

¹² An MP who requested anonymity (Kampala, May 1999).

¹³ Wasswa Lule, MP, in the report of a seminar organised by The Free Movement (Kampala, October 1998).

¹⁴ Cases of harassment and repression are well documented throughout Human Rights Watch (1999). See, for example, the widespread abuse of pre-trial detention and treason charges against members of the opposition (Human Rights Watch 1999:130ff.).

¹⁵ Kasaija, interview (Kampala, 28 May 1999).

among different candidates, was a case in point. The following year, a by-election for the same post highlighted the dilemma that the Movement leadership so frequently faces:

“there were those who felt that the Movement should present one candidate, while others took the view that there was very little that divides the candidates and the Movement should keep out. To satisfy the first group, consultations were carried out with the candidates professing movement politics so that one of them remains in the race. These consultations were not successful. The position of the latter group was therefore preferred [!]”¹⁶.

Overall, the efforts to control candidatures (i.e. more or less formally to *nominate* people) have neither been as systematic nor as effective as a full-fledged party organisation might allow. Not only must direct interference with candidatures be somehow disguised, but there is also a lack of enforceable sanctions for individuals who do not abide by the directives or the ‘advises’ that they receive:

“what we tried to do – if you take, for instance, any constituency in Kampala which is held by a multipartist MP – the Movement supporters there refused to be advised to stand down, because they all said they were going to win. So we said ‘Ok, so you go and fight it’, because we knew they were going to lose. If you look at [multipartist] Ken Lukyamuzi, he won with about 35 per cent of the vote. The Movement supporters - I think there were three - they got the rest, but they divided it between themselves! That is the same thing that happened in the Lubaga North constituency, and in Lubaga South... But in such cases we sometimes said we supported none. We would say: ‘Unless the three of you stand down and leave one to contest, the Movement will lose it’. But they would say: ‘I am the one who is going to win’, ‘No, I am the one who is going to win’...”¹⁷.

Candidate selection by the oppositions

The fielding of candidates on the part of political parties is inhibited by a combination of factors. For a start, there is obviously the longstanding legal ban on party activities. This not only weakens the parties’ presence on the ground by disallowing public rallies or local branches, but it specifically prohibits parties from sponsoring individuals running for office. Indeed, up to the Constituent Assembly contest of 1994, it was somehow

¹⁶ James Wapakhabulo, National Political Commissar, article in *The New Vision* (Kampala, 25 June 1999). The previous year, a Kampala city mayoral candidate, John Kulubya, withdrew from the race on the ground that he did not want to split the Movement vote (*New Vision*, Kampala, 18 September 1998).

¹⁷ Wapakhabulo, interview (Kampala, 19 July 1999).

accepted that elections would be more or less run on an individual basis. In a situation where politics was not yet as polarised, party activities were kept to a minimum.

The subsequent 1996 parliamentary election, by contrast, was approached by parties in a much more antagonistic manner. They made some preparations in view of the election and got there somewhat better organised. The question had to be addressed, for example, whether parties could agree, constituency by constituency, on single candidates standing for the whole multipartist camp. This was of critical importance as, under plurality election rules, dividing the opposition vote in a constituency increased the chances of a local defeat to the Movement side. The DP and the UPC reached an agreement to share the electoral districts so to minimise multipartist-against-multipartist contests. The original plan was to field candidates in most constituencies. One month before the first direct parliamentary election under Movement politics was to be run, however, the InterPolitical Forces Co-operation (IPFC) – inclusive of both the DP and the UPC – officially resolved to boycott the race on the ground of election rigging during the just concluded presidential contest. As a result, parties went back into virtual inactivity, and most of their candidates allegedly withdrew from the race¹⁸.

Below the surface, however, things were ultimately more complicated. In spite of the official boycott, the DP and a faction of the UPC left it to individual members to determine whether they would stand on their own capacity or not. Thus, exceptions to the 'keep out' decision were far from unknown. Notably in northern districts, such as West Nile and Acholi, and in Kampala, several multiparty candidates decided to stand. In these areas, opposition to the Movement had traditionally been strong and anti-party measures had been more loosely enforced than in other parts of the country. It was in this handful of constituencies, where parties eventually field their challengers, that they made an effort to avoid inter-party and intra-party contests. Neither was such effort always successful. Given the legal restrictions and the boycott, candidatures could only be influenced in a decentralised way, by relying on semi-autonomous resolutions taken at the local level: "the party depended very much on the local leadership then in place in identifying and encouraging members of the party, capable members of the party, to be involved"¹⁹. This is the way local party leaders describe the situation for the DP in the north:

"the last election, we boycotted it in parts of Uganda. But for the North, we were able to convince our colleagues of the need to run, though initially they were sceptical. Candidates

¹⁸ Mariano Drametu, Secretary General of the DP, interview (Kampala, 12 May 1999).

¹⁹ Paul Ssemogerere, President of the DP, interview (Kampala, 12 July 1999).

would come forward. And if you had two or three in one area, the party leadership in the local area would sit down and try to persuade one only to stand ... In Gulu and Kitgum, we had those cases: there were 11 constituencies, and in almost all we had this problem. And in all we ended up with one candidate only. There were several considerations at the basis of the choice: some don't have the experience, then we ask the opinion of local committees, who in fact represent what the voters think, and, also, it depends on the ability to raise resources. All was done at the local level, and then you inform the headquarters"²⁰.

"In 1994, there had been no agreement between the two parties. Each one stood on his own, but we supported Zachary Olum as DP. And in Omoro another one who went through. Then, in 1996, we had joint meetings to select candidates ... the two parties formed the Inter-Political Forces Co-operation and we worked very hard to make sure our candidate, a DP, was the official one: our supporters would come in large numbers for the election [i.e. nomination]! With Zachary's constituency, we managed to convince him – the other candidate – to stand down. And a woman UPC as well was defeated in a joint meeting of UPC and DP. She got less votes"²¹.

The situation was not very different for the Uganda People's Congress. Following the IPFC agreement to boycott the parliamentary races, the party had initially adopted the official line that it would not be involved in the election process. In fact, in large parts of the country – notably in the west, in the south and in the east – the UPC simply did not field any candidates. Several of those who had been preparing to stand, withdrew their candidatures:

"some members took part, but they did not receive official guidance nor support by the party ... there was no attempt to campaign by the district executive. I myself decided not to stand despite I had good support, and the headquarters supported me in my decision"²².

But the question of whether to allow individual members to stand on their own – while boycotting the exercise as a party – was raised by the acting secretary general, Cecilia Ogwal. As pointed out²³, the debate that followed sparked the split of the party. Ogwal argued that, to concede ground to the Movement in UPC traditional strongholds would have been both a betrayal of local supporters and a strategic mistake. In the end, Ogwal and several other candidates stood successfully in a number of constituencies. Virtually all the seats won by UPC people were concentrated in the north, where the party had remained somewhat more active.

²⁰ Zachary Olum, MP and Vice-President of the DP, interview (Kampala, 1 July 1999).

²¹ Kerubino Uma, DP branch chairman for Gulu district, interview (Gulu, 5 July 1999).

²² Darlington Sakwa, UPC leader in Mbale district, interview (Kampala, 10 July 1999).

Again, however, the efforts to influence the selection of candidates often failed not only to produce a common multipartist nomination, but, on occasions, even a single contestant for the UPC:

“we met with 100 and over people. But it was done in a semi-clandestine way, here in town. We would inform our people, the representatives of the parishes, and some aspirants for election. We were doing our nominations. In Omoro constituency, for example, we nominated and assisted Abednego Ongom. There were six contestants for the nomination by the party. And we chose Ongom. Some accepted the decision, others decided they were still standing. [But,] no, this was not done for all MPs. As Olum was a DP, and Reagan Okumu went through on his own. And then Norbert Mao, also apparently on his own effort. We did have a UPC candidate against Okumu, and one also against Mao, but not in the constituency of Olum”²⁴.

Where parties tried to nominate candidates, this could only be done in a somewhat informal manner. Since there was no DP or UPC badge to struggle for, no effort to contain the number of multipartists running for office in a given constituency could be enforced upon rebellious aspirants. As a consequence, these endeavours were not entirely successful and this, predictably, caused the loss of several seats to the Movement camp:

“...because there was no way of stopping them ... despite the advice of these leaders of the party ... there were other cases which were unfortunate - like in West Nile - where, because of several DP standing in an otherwise DP constituency, the constituency was lost. What happened then, we didn't have a forum. And the law, the administration did not recognise the candidate on the basis of his political allegiance: no, it's just 'John'. And I believe that the government or the NRM had a hand in this, in encouraging ... some kind of silent rebellion within the party ... In 1996, you can say it was slightly better organised ... we found that there was a way of consulting different political parties, and we reached an agreement on a single candidate. And some kind of joint work under the IPFC. But it was not as would have been the case if the parties were free”²⁵.

In the end, both the parties and, to a lesser extent, the Movement found it relatively difficult to manage the selection of candidates in any systematic and effective manner.

²³ See Chapter Five, pp.114ff.

²⁴ James Otto, UPC vice-chairman for Gulu district, interview (Gulu, 7 July 1999).

²⁵ Ssemogerere, interview (Kampala, 12 July 1999).

Non-partisan ways to the electoral contest

Most elected representatives describe their own decision to run as a 'personal' or 'individual merit decision', a 'self-initiative'. On occasions, this was the case even when party members decided to run or when candidates retained a close relationship with a party:

"my decision to stand was a personal decision: I was not encouraged by anybody and I didn't discuss it with anybody. My party [UPC] did not sponsor any candidate. No, we didn't even discuss the need to select the candidates. The election was purely run on individual merit, and thus you had situations where you had two candidates from the same party in the same constituency"²⁶.

Several MPs claim that they received requests or pressures to stand on the part of their 'community', 'my people' or 'local opinion leaders', and portray their decision to run as a response to such calls. While, in a few instances, a request from below seems to have actually occurred, in most cases what MPs describe as a 'call' is merely an all-too-obvious process whereby a prospective candidate pays attention to the suggestions and the feedback he receives. In other words, any successful candidate must have met with an array of locally-influential people. Each of them would consult or be consulted by elders, priests, local councillors, teachers or other. Some of these people – perhaps those backing the prospective candidate – may have been (perceived to be) somehow representative of sectors of the community.

At times, however, a more straightforward and precise reference to a specific organisation, such as the Uganda Muslim Supreme Council, convincingly points at the influence of a 'community' or a representative organ of it on the decision of aspirant candidates:

"the voters themselves asked me to run for the CA. ... They said 'You are a lawyer, you know these things and how to talk about them'. It was especially the people of my faith who were putting pressure on me, both informally and through formal organisations, such as the *Uganda Muslims Supreme Council*, because they thought I was qualified for it"²⁷.

²⁶ Omodi Okot, MP, interview (Kampala, 12 July 1999).

²⁷ Med Sozi Kagwa, MP, interview (Kampala, 14 May 1999).

The direct impact of the local community, informal as it may have been, also seems less ambiguous for those few individuals who based their decisions to contest on requests advanced by the elders – a particularly important constituency in northern districts:

“[already] before the 1980 election, the elders in Kitgum wanted me to stand. But I declined, I did not feel I was ready. ... [Then, again,] before the 1996 election - I think it was in January - the elders came to me to ask me to stand. ... They told me they had already done the ground work. So I took a leave and made some preliminary consultations - this was in February - and I decided to run. It was clearly the elders who pressed me to stand. They probably wanted me because of my role in the government, because of the contacts I had, especially for my experience in the land commission. I had helped many people to get their land”²⁸.

“Before the 1994 Constituent Assembly election, some elders - representatives of all the elders - came home and said ‘You must stand’. These were the same people who had said no in 1989 [when I then lost the election]! So I said myself ‘No’, and gave them a list of 20 graduates from the constituency for them to go and seek for a suitable candidate. But they came after a week and said ‘You have to stand’. You know, it was the community who was asking it, the community where I was raised”²⁹.

Although there were different patterns in the way individuals decided to put forward their candidatures, contestants rarely had to go through any kind of screening process. Whether an aspirant felt he was answering to a call, whether he thought he could ‘contribute’, or he merely reasoned of the possible benefits of becoming an MP, the decision was virtually invariably a personal one. The cases of those northern districts where multipartists put up something similar to internal primaries are individually interesting, but they are also an exception rather than a representative picture of over two hundred electoral constituencies. When somebody did try to block a candidate’s choice to stand, it was more often the candidate’s own wife than anything like a local party leader or the head of another organisation. As pointed out, however, it is important to keep in mind that a more subtle and indirect way of influencing candidatures operated in the background. The repression frequently and quite overtly employed by the regime, before and during the campaign, doubtless had an impact, although its effects are difficult to quantify. Not only party leaders were harassed, beaten or arrested, but plenty of other people simply kept away from a similar environment to avoid personal troubles.

²⁸ John Livingstone Okello-Okello, MP, interview (Kampala, 11 June 1999).

²⁹ Dick Nyai, MP, interview (Kampala, 14 June 1999).

Getting organised for campaigning

Formal restrictions on the way campaigns are to be run are key to the no-party politics model. When electoral contests were first re-established at the local level, in the late 1980s, local councillors were to be selected by gathering voters in a public meeting and having them queue behind their favourite candidate. Aspirants were only allowed a short presentation to help voters make up their minds on their 'individual merit'. When direct elections were then organised at the national level, in the mid-1990s, a similar scheme was retained. While voters would now cast a secret vote on polling day, candidates would still meet the voters by touring together the constituency in a series of parish-by-parish public gatherings, over a longer but still limited period of time. Yet, if the rules confined candidates to "15-minute interventions to introduce ourselves to the people", with some additional time for voters to pose questions, the practice was, from the very beginning, pretty different: "I was quite naive in thinking that there was no actual campaigning", admits one³⁰. In fact, as another parliamentarian put it, "you do a lot of canvassing before the official one"³¹. As a result, according to some observers, in most constituencies voters were well aware of the candidates' political affiliations³². Others, however, maintain that, in spite of occasionally intense campaigning, it often remained difficult to identify the partisan alignments of the candidates³³. What is certain is that the moment campaigning moved beyond the scheduled public meetings, new options opened to prospective MPs.

Similar to what happens in the selection process, actual canvassing by individual candidates can also follow different patterns. The Movement, for example, may step in and employ its own personnel and finances to assisting the preferred candidates in their search for votes. Alternatively, the political parties may agitate in a more or less co-ordinated fashion to support their own challengers. As a third possibility, individual candidates may base their campaigns on the mobilisation of organisations that are not officially nor primarily created to compete in elections (for example, an NGO or an elders' council). Finally, a contestant may set up an entirely independent and contingent election machine, purposely devised for a single election of a single individual.

³⁰ Kaggwa, MP, interview (Kampala, 14 May 1999). The comment was made with regard to the Constituent Assembly election.

³¹ Johnson Nkuuhe, MP, interview (Kampala, 28 April 1999). Cf. Kasfir (1994:165) with regard to the Constituent Assembly election.

³² Cullimore (1994:710) with regard to the Constituent Assembly election.

³³ Kasfir (1994:178) with regard to the Constituent Assembly election.

Personal campaigning machines

By far the most common way of arranging an election campaign under no-party politics in Uganda has been the creation of a personal campaigning machine. What is peculiar, here, is not so much the appointment of personal agents nor the clientelistic relations that emerge – similar arrangements can be found virtually everywhere in sub-Saharan Africa – but rather the clear-cut independence of a most of these structures from parties or any other pre-existing political groupings. In this sense, the ban on the activities of political organisations increases the compartmentalisation of the devices that the various contestants set up for electioneering. These interim arrangements are hierarchically organised, side by side, with virtually no networks connecting the different constituency-based experiences.

In a standard case, a pyramid of agents would be used to cover the territory of the electoral area, that is, one or more administrative counties, totalling around 70,000 residents³⁴. The dimension of these pyramidal arrangements shows a great deal of variation – partly due to different understandings of what an 'agent' is – some counting just around 50 emissaries, others with an alleged 2,000-to-4,000-strong workforce. In the latter cases, the candidate would get in touch with lower level agents only occasionally, controlling the whole structure through a core group of intermediaries and area campaign 'managers'. But each agent would receive a few instructions on basic political issues and electoral strategy, either directly from the candidate, meeting them in small groups, or from the candidates' middlemen. Then, they would go out and divulge their patron's gospel to the people living in the area they have been assigned. The following is a non-understated account of how things would be arranged by the better organised aspirants:

"mobilisation is the first thing you have to learn in politics. I had myself a good background since my experiences with students' politics. Like in economics, you need to identify your SWOTs: strengths, weaknesses, opportunities and threats. And you need to recruit the appropriate managers! Some of them might be people who do not hold formal positions, they are out of the system, but they can be extremely influential. And you need to identify them. ... I had many managers. The network you use goes down to village-level. You need to start to know the people who will give you the right names, you can't know people in every area. I had a manager and a 12-people core team at each level, including one person targeting women, one for the youth, one each for the main tribes, and so on. So you have this kind of team in each of the 3 sub-counties, in each of the 20 parishes and in each of 83 villages. This means 996 individuals, plus 240, plus 36. Plus a 12-people team at the top. It

makes 1284 agents covering the whole area. It was a personalised network, parallel to the one left in place by the presidential campaign. You know, you have to use the presidential team itself, but it might not fully work for you, so you need a complementary network. Of course, you tend to lose contact with your own agents, you cannot stay in touch with all of them so you tend to delegate authority downwards. By the time you reach the village level everybody is a campaign manager...! And then, I also had 2-3 intelligence people - separate from and without the knowledge of the 12-people 'official' team - who report to you to tell you whether things have been done, whether the posters or other things you sent have been delivered and put up or else somebody has taken them"³⁵.

The abundance of unemployed people plays into the hands of candidates: getting involved would offer the agents the chance to obtain some small but immediate rewards. Activists would be given sodas and, at times, even some little money: "this was a full time job, so somebody might have a long way to walk and ask for, say, Shs.1,000 [\$0.6] to eat something during the day"³⁶. Moreover, in the long term, the agents might hope to share some of the spoils of power, or merely to be associated with a winning candidate in the future:

"...others were just voters, or little more than that. But every person asked for a letter of appointment, and even now, at times they come and show it to you to get something, they say 'Do you remember me, I was your agent...'"³⁷.

Aside from vague appointment letters, though, recruitment could be so informal that a candidate would not even be able to estimate how many agents he actually 'employed'.

Oiling the agents' pyramid with the handout of soft drinks, soap or similar, normally constitutes a large part of a candidate's disbursement. Taking into account some additional expenses for things such as petrol, posters, photographs, manifestos and – on rare occasions – even t-shirts and radio programmes, the operational cost of individual electoral machines by and large fluctuates between Shs.6m and Shs.20m (i.e. between \$3,600-\$12,000). Upper peaks can be achieved by candidates who, for example, would not just buy soft drinks but would occasionally offer entire meals (this allegedly raised an MP's expenses up to 40 million shillings). At the lower end, restrained aspirants who abstained from satisfying the agents' hunger could apparently make it to parliament with less than 2 million shillings.

It was only in exceptional cases that a relatively complex electoral machine was retained after the election and transformed into a semi-permanent structure. In the Mbarara

³⁴ Kasfir (1994:159).

³⁵ Nsubuga Mayanja, MP, interview (Kampala, 31 May 1999).

³⁶ Kaggwa, interview (Kampala, 14 May 1999).

municipality area, for example, Winnie Byanyima's 1,500-strong Unity network was preserved not only to keep the MP in touch with her constituents and to facilitate mobilisation in future contests, but also to campaign for the election of her associates to local councils. A logic of reciprocity of the kind "support me and if I win I will in turn support you"³⁸ appeared to operate in these cases, whereby the agents' motivations to get involved included the prospective use of the same network of loyal volunteers for personal ambitions.

As pointed out, the most interesting features of the electoral machines employed by Ugandan MPs are their almost ubiquitous diffusion and their autonomy from political parties or other organisations. Yet, the adoption of similar arrangements was not incompatible with the use of party supporters.

Party campaigning

Political parties, having to fight a hegemonic force from a legally restrained position, could only rely upon two strengths: their historical presence on the territory (by now ideological rather than physical) and the unifying effect that dealing with a common political enemy produced on the multipartist camp:

"campaigning in 1994 was very much on individual-merit... Then in 1996 the divisions [with the Movement] emerged. All multipartists were together. We had a common fund and a campaign team with members from all parties. And each party was responsible for those constituencies where it had strongholds, so, for example, in a UPC area the chairman of the team would be a UPC"³⁹.

Party-based campaigning, however, was inhibited by three obstacles – much as the selection of party candidates was. First of all, parties were not allowed any formal role in the exercise; rather, they were legally supposed to keep out. Second, while parties had made preparations for the 1996 parliamentary election, they eventually decided to boycott the race. Thirdly, had they wanted to try and truly challenge the government, parties lacked the minimal financial resources required to launch and organise an electoral threat of any significance.

Party headquarters simply did not have the local branches that were necessary to sustain a campaign. This situation largely reflected the legal ban, which exempted party

³⁷ Benedict Mutyaba, MP, interview (Kampala, 26 May 1999).

³⁸ Tamale (1999:164ff.).

central offices but affected party outposts at the local level. The establishment of the local task forces of the InterPolitical Forces Co-operation did not modify this state of affairs, as the task forces had only been in place for a short time before the presidential election and had no mandate for the parliamentary contest. By 1996, government intimidation and harassment had become widespread, though regionally differentiated. Political parties tried to strike a balance between the official decision to boycott the election and a discreet encouragement for those candidates that, in a limited number of areas, had decided to stand:

“we boycotted the parliamentary elections. Even in practice, yes, those people who were going did so as individuals. There was no effort, from the party, to support anybody. Although we told those who wanted to stand that they could use our local people. But UPC helped some of them, I think. In the end, of course, you had de facto party candidates, yes”⁴⁰.

“[During elections,] we would just support a person, like Norbert Mao or Zachary Olum or Reagan Okumu. In the back of our mind we know he is our man. And our supporters would be informed. My house is used as a kind of information centre to send messages all over the district. As chairman, I would invite the executive and supporters from various parts of the district, and they would bring the information to the grassroots. We were also able to do this because of financial support by candidates (Olum, and Mao, and also Matthew Okello, who was defeated). Two, three months before the election, about three times per month. And we supplied campaign managers at county, sub-county level and so on. And agents. In 1996, when UPC and DP decided to back Ssemogerere, we tried to come together. Zachary Olum also got support by the UPC. He even decided to have a UPC manager at county level. Both Olum and Okello, and Regan Okumu as well”⁴¹.

The mainstream Uganda People's Congress was, among opposition forces, the one that most neatly objected to getting involved in the process. Uganda House denied that it was actively supporting any candidate (if one excludes the short-lived experience of the IPFC presidential campaign). In practice, however, the official line in Kampala did not mean that the UPC people on the ground would not move at all:

“still, candidates – and MPs – have to say they are UPC if they want to get votes in the areas where people are UPC, to get the grassroots votes. Otherwise they have no chance of being elected! And UPC local executives did campaign in a spontaneous manner, not

³⁹ Maria Mutagamba, Deputy Secretary General of the DP, interview (Kampala, 4 June 1999).

⁴⁰ Mutagamba, interview (Kampala, 4 June 1999).

⁴¹ Uma, interview (Gulu, 5 July 1999).

organised from the top, although this was only door-to-door campaigning, undercover, to avoid the reaction of the government”⁴².

“My UPC contacts [were quite important] ... as it was a UPC area. ... UPC people saw me as the least evil among the competing candidates and presented me saying: ‘He is our man, even though he belongs to the Movement’. UPC might not have been fully active as a party, but people knew who the local UPC leaders were. And the Movement knew I was running in a UPC area, and it did not come up openly: they didn’t mind the way I got my support – I mean – by sympathising with UPC”⁴³.

The Ogwál faction of the party was more favourable to implementing the official boycott only in part. The acting secretary general was reportedly able to canvass and gather some huge rallies – especially in Lira, but occasionally also in other districts – though not without incurring the repressive reaction of the regime. Yet, in most districts, UPC people were only incoherently mobilised by individual candidates, whether in connection with other multipartists or not:

“in 1994, I was a candidate to the CA, but I didn’t go through. I met UPC committees in different areas so that they could campaign for me. But the other candidate scared people saying that, if they elected me, I would bring Obote back. We were campaigning on personal merit, so I had a mixture of people, UPC and non-UPC. Some were UPC committees, some were not”⁴⁴.

“In 1996 we met twice to campaign for the candidates to parliament. Door-to-door, through personal contacts. To campaign for whoever was the multipartist. You could ask somebody to organise some people in a house, to explain them that was important to support a multipartist. Oh no, not only a couple of times, you keep doing it day after day! It is not only the 14 people of the executive, they also involve other groups”⁴⁵.

There was hardly a multipartist who could rely on established party structures or use them alongside a personal network. Those few candidates who made recourse to their party links did it by employing local party leaders and members as relevant contact persons, or by integrating them into independent and personalised electoral teams:

⁴² James Rwanyarare, Chairman of the Presidential Policy Commission of the UPC, interview (Kampala, 5 May 1999).

⁴³ Nsubuga Mayanja, interview (Kampala, 31 May 1999).

⁴⁴ Frederick Wako, UPC branch chairman for Mukono district, interview (Mukono, 24 June 1999).

⁴⁵ Wako, interview (Mukono, 24 June 1999).

"I wasn't sponsored by any organisation, but I had a lot of support from the multipartists. In terms of agents, for example, they gave me people to help establish myself, to get known. They would send them to me recommending them"⁴⁶.

"I got nothing from DP. DP had no money! And then the party as such had decided to boycott the election, so I didn't even use DP structures. But I had been district campaign manager for Ssemogerere during the presidential campaign, so we had structures in place that I used. It was both DP and UPC people"⁴⁷.

The overall scenario, however, was again characterised by geographical differences. On the DP side, for example, some organised party support could be found in traditional strongholds such as Kampala, West Nile or Acholi, while party candidates and organised backing were virtually absent from areas such as Mukono or Mbarara. For the UPC, areas like the historical party strongholds of Mbarara and Mbale were practically out of reach because of intense hostility on the part of local authorities towards any non-Movement political activity, and, therefore, the local party did not get involved in politics.

Enter the Movement

Political opponents regularly accuse the Movement of not sticking to the individual-merit principle it established when elections were re-introduced in the late 1980s. They claim that is biased, rather than neutral, and it has often actively supported specific candidates. As a matter of fact, when the Movement intervened in the election process, it was possibly more effective at the stage of facilitating contestants rather than at the previous one of selecting them. In the latter stage, as pointed out, it never had a completely free hand in picking up and fielding candidates and in making sure they would not be challenged from within the Movement's own camp. The actual campaigns, by contrast, exposed the fact that "the NRM was the only organisation with full political freedom during the elections, in addition to its far greater access to state resources for campaign purposes"⁴⁸.

During the election for the Constituent Assembly, incumbent members of the National Resistance Council (the legislative body) and of the cabinet were often favoured by district officials who would allow them to 'explain the constitution' in purposely convened

⁴⁶ Mutyaba, interview (Kampala, 26 May 1999). Mutyaba defines himself as a 'moderate' or 'independent', close to both camps.

⁴⁷ Rainer Kafiire, MP and Women Leader of the DP, interview (Kampala, 15 June 1999).

⁴⁸ Kasfir (1994:173-4).

seminars that actually worked as political campaign tools⁴⁹. Ministers were reported travelling to various constituencies to sponsor other candidates both in 1994 and 1996. In Tororo, for example, members of the executive came and addressed rallies under the pretext of explaining government policies, while *de facto* campaigning for specific candidates to the Constituent Assembly⁵⁰.

Discrimination and intimidation on the part of the authorities were allegedly widespread. Civil servants were reportedly warned that they risked losing their jobs if found supporting the wrong candidate. Voters were told their man would be killed if elected. According to some multipartists, even the army became actively involved in campaigning in areas such as Acholi. During the 2001 parliamentary election, the UPDF public relations officer pointed out that there was no law stopping an army officer from campaigning for any candidate⁵¹.

Local authorities were often instrumentally active for the government. It was observed that "some of the local council structures serve as a partisan NRM body during election time and target multipartists and their supporters"⁵². Local councillors, Resident District Commissioners and Local Defence Units have all been accused by NGOs such as the Uganda Law Society, the National Organisation for Civic Education and Election Monitoring, and the International Foundation for Election Systems for not being neutral and for abusing the populace into supporting Movement candidates. The effect of such interventions is increased by the fact that local people cannot organise or call upon parties to resist similar mistreatments.

Movement candidates occasionally admit receiving financial assistance, with estimated figures ranging between a few hundred thousands shillings and an astonishing Shs.30 millions (\$18,000) per head. The Secretariat does not deny this practice, but defends it as follows:

"but ... the budget was not used for that at all. Even in the 1996 election. ... we didn't spend government money. We have friends, both local and external, and they made contributions. And, then, these contributions, we used them to support our candidates, like for posters and fuel"⁵³.

⁴⁹ *The Monitor* (Kampala, 21 September 1993, p.16).

⁵⁰ Mujaju (1994:17).

⁵¹ *New Vision* (Kampala, 11 June 2001).

⁵² Human Rights Watch (1999:54-56).

⁵³ Wapakhabulo, interview (Kampala, 19 July 1999).

According to Movement officials, this kind of interventions were targeted to constituencies where multipartists mounted prominent challenges:

“in 1994 we didn't have any specific operation, really. Except that there was financial assistance to some of our candidates where there was an outright... a position from the multiparty camp who were trying to reduce our numbers in the Constituent Assembly. But where we had only Movement people we didn't bother, we let them fight, and whoever came through”⁵⁴.

Some observers expect the Movement interventions and control over candidatures – to reduce the number of aspirants, the divisions of the pro-Movement vote and the risks of electoral defeats – to increase due to the rising criticisms and opposition that the ruling group has to face⁵⁵. During the 2001 parliamentary election campaign, past practices became even more open. It was plainly conceded, for example, that each Movement candidate received between Shs 1m and Shs 5m (\$600-3,000) for his campaign⁵⁶. The Secretariat, however, again claimed that funding did not come from the Treasury but was raised by Museveni, as chairman of the Movement, in the form of private donations.

The alternative campaign

As repeatedly exposed by the opposition, the hegemonic role of the Movement and a relatively widespread confusion on whether local councillors are supposed to take sides or not has favoured the frequent misuse of local government organs during election campaigns. Public institutions that were not supposed to enter the electoral contest often did, and they did it in a partisan way⁵⁷. At times, Movement candidates would openly acknowledge their recourse to the councils:

⁵⁴ Wapakhabulo, interview (Kampala, 19 July 1999). The same idea was expressed by Museveni with regard to the 1998 local government elections (*New Vision*, Kampala, 22 April 1998) and the 2001 parliamentary election (*New Vision*, Kampala, 13 June 2001).

⁵⁵ Human Rights Watch (1999:60).

⁵⁶ *The Monitor* and *New Vision* (Kampala, 19 June 2001).

⁵⁷ Oloka-Onyango claims that, “in the 1996 elections, Resistance Councils were critical in ensuring that Movement candidates retained their hold over power, negating any claim to neutrality and non-partisanship” (2000:41). However, he does not really provide any evidence of this, and merely refers to a 1996 book on the 1994 Constituent Assembly election as his source.

“to get in touch with the people ... I used the Resistance Councils. I told them, ‘I am your chairman, if you think I have delivered and you want me to deliver, you have a duty to assist me’. And this obviously created a network for a start, and electoral team”⁵⁸.

According to multipartist MPs, however, the councils in the north (especially at the parish level and above) were too unpopular and distant from the people to be usefully and successfully employed as a campaigning tool. Moreover, the councils often proved to be too internally divided to be consistently employed as a cohesive sponsor for candidates running on a Movement ticket:

“the RC3 – the sub-county that covers the constituency – were divided. Four councillors were for me, one was neutral, and four were against! So there was no way the council could be used as such: I only used those individuals that were supporting me, and my rivals were talking to the others. Unfortunately, a crucial man, the secretary in charge of information, was on the other side!”⁵⁹.

“The incumbent ... was supported by the district council, by the chiefs and possibly by an individual Catholic priest, though lower level councils were supporting me”⁶⁰.

Other than local councils, there is very little evidence of other organisations getting involved in election campaigning. The vast majority of MPs that have been interviewed, for example, claim that churches were of no relevance during the 1996 election, since they mostly kept themselves out of the contest. As a deputy synthesises, “I stayed away from the churches ... and the churches themselves now tend to stay away from politics”⁶¹. Overall, religious institutions appear to be less directly involved in partisan politics than may have been the case in the 1960s. While religion is still closely related to party membership, this may increasingly be a legacy of the past rather than a deliberate decision to defend sacred beliefs and secular powers.

With regard to processes of electoral aggregation, inclusive of both the selection and campaigning phases, four main points sum up our findings.

Political parties as organisations play a very marginal role in the electoral process. For a start, they are legally marginalised, restricted and repressed. They are not able nor they

⁵⁸ Kaggwa, interview (Kampala, 14 May 1999).

⁵⁹ Wandera Ogalo, MP, interview (Kampala, June 14, 1999).

⁶⁰ Nkuuhe, interview (Kampala, 28 April 1999).

⁶¹ Nkuuhe, interview (Kampala, 28 April 1999).

are given the possibility to organise coherently or to raise resources. When parties were given a partial chance to organise some kind of challenge, as in 1996, they only gave it a go in the presidential contest. But they then retracted to the margins when they decided to boycott the subsequent parliamentary election. On occasions, nonetheless, party members did exert an impact by joining forces with other multipartists or by enrolling into the personal machines of multipartist candidates. Anecdotal evidence suggests that parties did not get much more involved in the 2001 campaign.

Restrained by the no-partism ideological principle and by a delay in developing its organisation, the Movement's own effort resulted in the poorly co-ordinated backing of some of its candidates. This needs to be doubly qualified. Firstly, both state authorities (at the local and national level) and resources got heavily involved in the election process, whether directly through the hands of incumbents or because they were mobilised by the Movement leadership. Secondly, the somewhat repressive climate in which elections have so far taken place, and the multipartists' boycott which partly resulted from such climate, lessened the pressure and the urgency for a better organised effort on the part of the Movement.

Non-party groups such as elders, churches or other – i.e. non-strictly political organisations – only got significantly involved in extremely rare instances, through a semi-organised backing of candidates.

The stated objective of an individual-based political competition has in part been achieved. Under no-party rules, most candidates to national elections were extremely isolated, they lacked virtually any contact with each other as well as with political or social organisations. While this may partly reflect the broader deficit of organisations which is common to most of Africa, Uganda has apparently brought this to an extreme. The prevalence of highly individualised electoral machines and of candidates' self-selection processes marked an overall fragmentation in political competition: country-wide connections and continuity between social organisations and candidates were weak at best, non-existent in several cases.

Chapter 7

The parliamentary politics of 'no-partism'

Individuals, parties and party-surrogates in the legislative process

This chapter investigates the implications of 'no-partism' for parliamentary politics. How do non-partisan, supposedly atomised, parliamentarians translate their individual actions into effective political activities within the legislative assembly? To what extent does parliament rely, for its inner working, upon individualised contacts among MPs as opposed to group-based political interactions? Have elected representatives set up any devices through which they can surrogate the co-ordinating functions of legislative parties? And how effective are these alternative organisational arrangements in imposing discipline upon their members' voting behaviour?

Understanding the inner working of parliament and its role in Uganda's politics requires a prior understanding of its position in relation to the presidency. A directly-elected executive tends to magnify the implications of the atomised assembly that the individual-merit principle generates. The legitimacy and the mandate of a popularly-elected presidency do not derive from a parliamentary vote of confidence. Executive and legislative powers are therefore more clearly separate than is the case in parliamentary systems¹. This not only reduces incentives for MPs to aggregate and to stick to partisan alignments in the legislative assembly, it also involves potential conflicts and deadlocks between the House and the government.

The members of Uganda's Sixth Parliament (1996-2001) have devised several arrangements to co-ordinate their activities. In particular, in spite of the independent mandate of the executive and of the large majority of pro-Movement MPs, it soon became evident that the government needed some form of political organisation inside parliament. *A legislative party-like Movement caucus* was thus formed to exert influence on the behaviour of MPs

¹ See, for example, Lijphart (1992) and Sartori (1995).

when critical parliamentary votes are taken. This has favoured the projection on the assembly of the ruling group's broader political hegemony. Yet, the cohesion of the pro-government group in parliament has remained weak – partly due to a relative lack of binding sanctions – pushing the government, in extreme instances, to force its way through parliament and cause constitutional crises.

Uganda has a full-fledged presidential executive. The president is directly elected by a double-ballot formula and can have his five-year mandate renewed only once². He is both head of the state and of the government. As such, the president appoints and directs the cabinet, whose members are responsible to him. While the government is not subject to a parliamentary vote of confidence, on the other hand, parliament has a fixed term and cannot be dissolved by the president. The latter, however, is endowed with an American-type veto power on all legislation that can be overruled only by a 2/3 parliamentary majority³.

Presidential systems are prone to the emergence of antagonism between a legislative body and an executive organ that enjoy formally separate legitimacy, as the political majorities they represent might be different or even opposed to each other. The divide that can emerge between legislative and executive power-holders, where each of the two owes its mandate directly to the electorate, has long been a point of critique of presidential systems⁴.

While a parliamentary system creates incentives that tend to bind together the MPs of the government majority and the executive – for the fortunes of the two are to some extent tied – these incentives are not as strong in a presidential context. An executive presidency is not the expression of a parliamentary majority, nor, in general, does the survival of the former

² In presenting their nominations, presidential candidates need to collect a hundred signatures from each district, which is a relatively bland version of more rigorous requirements for the geographical distribution of electoral support: meeting such requirement will merely demand a minimum of organisation rather than the pan-ethnic appeal that is usually the rationale behind the adoption of similar measures. Cf. Horowitz (1991:184).

³ Art. 91, *Constitution of the Republic of Uganda* (1995). Museveni has repeatedly used his veto power to block bills passed by parliament, asking the latter to reconsider them. In early 2001, for example, he refused to sign the *Parliamentary Elections Bill*, claiming that the proposed nomination fee – up to 2 million shillings (\$1,200) from 200,000 shillings in 1996 – would benefit sitting MPs, and he also asked the restoration of electoral colleges for the election of district woman MPs (see note 31 below) and other minor changes. The Movement caucus agreed to the president's proposals (*The Monitor*, Kampala, 19 February and 22 March 2001). Shortly afterwards, Museveni returned to the House an approved version of the *Political Organisations Bill* which, while still prohibiting parties from sponsoring candidates (and even from holding seminars or meeting below the district level), allowed them to open up branches at district level. The president asked that party activities remained confined to the 'national headquarters', "in line with the decision of the National Executive Committee and the National Conference of the Movement. ... Political organisations ... should not be allowed to operate at district level and below" (*New Vision*, Kampala, 19 April 2001).

⁴ Presidentialism has been identified as an important variable in explaining the breakdown of several democratic regimes, especially with reference to Latin American experiences, because of the conflicts and deadlocks that can develop between separate legislative and executive majorities, the temporal rigidity of their mandates, and the scarce inclusiveness and possible abuses of power of a monocratic executive. See, for instance, Linz (1990, 1994), Lijphart (1992), Mainwaring (1993) and Sartori (1995:185-186). Horowitz (1991:205ff.) and Shugart and Carey (1992), on the other hand, argue that it is not presidentialism *per se*, but rather some particular features – such as plurality presidential elections, party system fragmentation, weak separation between the legislative and the executive, or executive powers that are too strong – which may have caused specific presidential regimes to collapse.

depend on the stability of the support it receives from the latter. Although the origin and the survival of an executive president are independent from those of the assembly, however, an effective action on the part of the government still largely depends on whether the latter is supported or not by the House. For presidential systems too, it holds true that "cohesion and discipline matter ... The maintenance of a cohesive voting bloc inside a legislative body is a crucially important feature of parliamentary life"⁵. The lack of legislative support may "contribute to chronic conflict between the branches of government, which can in turn generate constitutional crises"⁶, as evidence from other presidential countries in transition to democracy demonstrates (most recently, for instance, such crises occurred in Peru, in 1992, and in Russia, in 1994-1995). In Africa, the absence of a presidential majority in the assembly contributed to the collapse of electoral democracy in at least two cases, in the Congo of the early 1960s, and in Niger, in 1996⁷.

In Uganda's case, the question concerns the cohesion of a 'no-party' majority and the extent to which a president has to and can rely on it. In the context of a no-party system, the limits on political organisation and the consequent risk of atomisation of MPs may further reduce the chances, for government initiatives, to find parliamentary support⁸.

During the mandate of the Sixth Parliament, president Museveni's ruling group did enjoy the support of a decisive majority in the House. Yet, the country's politics does not lack handbook illustrations of the troubles that presidential executives may generate when dealing with legislators. Museveni, for example, often complained that he was 'tired of arguing' with MPs – as well as with bureaucrats – when they delayed important legislative measures:

"when I was elected, I signed a contract with the people of Uganda, and government is supposed to implement programmes. Unless this is done it will cause a *political crisis*. We cannot go on like this. We cannot sign a contract with the electorate and some groups frustrate it. ... Parliament is another confusion. Traditionally, I have been having bureaucrats but now there are MPs ... How many wars shall I fight?"⁹.

⁵ Bowler – Farrell – Katz (1999:3).

⁶ Carey (1997:69).

⁷ In spite of the electoral success of Moïse Tshombé's Conaco, who had won 122 out of 167 seats in the legislative elections of 1965, president Joseph Kasavubu picked his prime minister from the opposition Front Démocratique Congolais, and the government thus failed to assemble the necessary support in the House. On the Congo-Kinshasha, see Vanderlinden (1998:989). In Niger, the former single party MNSD led the opposition front that won a majority in the 1995 parliamentary election: a power struggle with the presidency ensued, which was terminated by a coup in 1996 (Sandbrook 1996:78, Bratton – van de Walle 1997:244).

⁸ Cf. Mainwaring (1993).

⁹ *The Monitor* (Kampala, 4 November 1999, emphasis added). To the remarks made by the president at a World Bank conference, MPs replied by inviting Museveni to stop using Parliament as a scapegoat for the declining economy and to 'wake up' to the realities of democracy. Later in the month, the president restated his position saying that if Uganda had been

The capacity of a representative assembly to keep a directly-elected president under check is one of the claimed advantages of individual merit. The latter principle, the argument goes, enables parliamentarians, who are not under the pressure and control of party leaderships, freely and fully to oppose the spread of corruption or the entrenchment of personal interests into public policy legislation. As a prominent Movement thinker suggests:

“a parliament where the element of personal merit is more preponderate is more effective. In Ottawa, the party calls the shots and the MP is marginalised. A member who dares disobey a position taken in caucus does so to the peril of his or her political future. In Colorado, most of the legislation is originated by the individual members. Political parties play a secondary role. The General Assembly of Colorado works hand in hand with the people through referenda to be very effective in checking and supervising the executive. ... Parliament, though young and underfacilitated, is playing an ever increasing role in supervising the executive. I am however sceptical that this refreshing development can be maintained under the multiparty system given the dominant role of the party caucus and whip under that system”¹⁰.

It is true that the independence from the executive occasionally displayed by the Ugandan parliament is partly the consequence of weak (Movement) or non-existent (party) whipping. While political parties still have a presence in the minds of many Ugandans as well as in extra-parliamentary politics, they hardly have any relationship with parliament or any influence on parliamentary activities. Parties are legally kept out of what is meant to be a no-party parliament, and the leaders of the two main opposition forces are not even members of the assembly (UPC president Milton Obote is still in exile, while DP leader Paul Ssemogerere only run for the presidency). In the relative absence of the old parties, a new and independent generation of opposition leaders emerged from among the ranks of legislators. The likes of Winnie Byanyima, Norbert Mao or Wandera Ogalo are only the most visible ones. The courage they recently exhibited has its roots in the experience of the Constituent Assembly: “in 1994 there was not much talking, there was a very hostile situation against multipartists. But Wapakhabulo [the CA chairman] did a very good job, he allowed us to speak out our

Britain, he would have dissolved parliament for new elections over the privatisation issues that were on the table, for “it is not acceptable to go on paralysing the country” (*The Monitor*, Kampala, 24 November 1999).

¹⁰ Article by James Wapakhabulo, National Political Commissar, in *New Vision* (Kampala, 10 May 1999, p.29). According to Mcauslan (2000:19n): “while there is a movement caucus in Parliament consisting of backbench MPs, there is no party discipline and MPs cannot be whipped into the Government lobby. This makes for greater democracy in Parliament but creates considerable difficulties for the Executive. Many Ministers have been forced out of office because of critical reports of Parliamentary committees on their handling of their Ministries. It is an ironic commentary on the notion of democracy that

minds, to elaborate our ideas, and now we can make jokes and get a coffee together”¹¹. But it was especially during 1998 and 1999 that these leading MPs encouraged parliament to scrutinise government legislation more vigorously and effectively, to monitor the activities of the executive, and to censure allegedly corrupt ministers¹². This process augmented and legitimised the authority of the assembly, promoting a sense of belonging even among multipartist MPs who are radically opposed to the Movement: “this is a very strong parliament: it has done better than any other before it”¹³.

The autonomy of parliament, which is doubtless still very limited, was manifest, for example, when the controversial *Political Organisations Bill* (1998) was tabled by the government. The parliamentary committee on Legal and Parliamentary Affairs openly and strongly objected to the government’s restrictive views. Its report suggested changes that would have eased party freedoms and, in this sense, it went some way in satisfying the demands of the UPC and of the other parties. Opposed to such measures, however, the executive opted for withdrawing the bill altogether. The instance was quite telling of the three-cornered game that characterises Uganda’s current political scenario, with the Movement, the extra-parliamentary opposition of the old parties, and a non-entirely-controllable parliament facing each other.

Parliament’s attempt to build up some independence in the field of legislation, however, suffered its worst setback when the government-sponsored *Referendum Bill* was passed in flagrant defiance of procedural correctness¹⁴. With regard to the contention that individual merit fosters the strength of parliament, the evidence is therefore mixed. The case of the referendum law would rather bear out the idea that, in general, “individual merit weakens parliament because members, as individuals, are open to executive control and manipulation”¹⁵. But the question of how an entirely atomised assembly would, in the long term, interact with the executive had already been pre-empted. The moment the Movement created its own parliamentary caucus to impose a degree of order among its rank and file, the no-party assembly was, to a significant extent, no longer atomised. The claimed individualism of the assembly was in fact swept away: practical necessities overrode ideological claims,

the Ugandan system is regarded by donors as not fully democratic because political parties cannot contest seats in Parliament yet, as a result, the Executive has far less control over the Legislature than in most Western European states”.

¹¹ Dick Nyai, MP, interview (Kampala, 14 June 1999).

¹² For instance, Nsibambi (1994a:45). In 1997 and 1999, some MPs also proposed measures to have ministers removed from parliament, allegedly to strengthen the latter and create a full separation of powers (*The Monitor*, Kampala, 29 January 1997, p.1, and 2 June 1999).

¹³ John Livingstone Okello-Okello, MP, interview (Kampala, 11 June 1999).

¹⁴ See Chapter Three, p.69.

¹⁵ While the quote is from an article by the National Political Commissar, James Wapakhabulo (*New Vision*, Kampala, 28 May 1999, p.15), he only makes this point to summarise a view that is commonly held by the opposition and to argue against it in the rest of his article.

demonstrating that that of a no-party parliament can hardly be a sustainable project. Museveni himself recognised the need to use caucus-like arrangements to solve contentious issues and organise parliamentary politics: “even those long term multipartists – these others who are allergic to the Movement – you can start slowly in parliament and form a caucus. In the UK parties started in parliament...”¹⁶.

In what follows, attention is first turned to the different groups that were formed within parliament, and an account is then provided of the way MPs vote in the House – whether according to unrestrained freedom of choice, or to the pressures brought to bear upon them by these semi-organised networks.

The formation and the features of the parliamentary caucuses

Where MPs are supposedly elected on the basis of individual platforms, parliamentary politics is meant to be characterised by an extreme fluidity¹⁷. The formation of parliamentary groups runs against the ‘individual-merit’ aim of promoting non-confrontational politics, since, the argument goes, any crystallised political alignments in a segmented society are likely to express ethnically-based antagonisms.

In practice, Ugandan parliamentarians generally claim that they indeed enjoy a very broad margin of freedom and scope for individual positioning on parliamentary issues. Lobbying focuses on individuals – rather than groups – and the former are comparatively free when casting their votes. This is notably the case when non-controversial matters are being dealt with. The other side of the coin is that not only voting, but also more down-to-earth tasks, such as collecting information on the issues discussed, are largely left to individual MPs. To learn more about the issues that are in the agenda, for example, members of the assembly may have to rely on parliamentary committees or to refer back to their constituents through local hearings. Neither private members have any ready-made network for the articulation of grievances and statements or the submission of legislative measures to the House. There is no question that “the legislative task is collective in nature, and collective dilemmas will readily emerge”¹⁸: individual legislators acting on their own lose out the benefits (e.g. control on the distribution of appointments and other perks, on the agenda, on

¹⁶ *The Monitor* (Kampala, 24 November 1999).

¹⁷ Kyria (1998).

¹⁸ Rasch (1999:123).

policy-making, and so on) that they can gain by co-ordinating their actions¹⁹. But how have things actually worked in the Ugandan parliament? How do almost 300 MPs organise themselves to deal with parliamentary issues? What patterns of association have emerged, if any? Do co-operative arrangements impose restraints on the behaviour of individual MPs? If so, to what extent?

The most notable form of party-surrogate that has emerged under no-party politics in Uganda is the parliamentary caucus. The word *caucus*, which is of American Indian origin, derives its political meaning from US politics, where it describes: "1. a private meeting of political party members in order to seek agreement on a common course of action ... 2. an organisation of members ... [which] may be officially recognised, as are the House majority and minority caucuses, or they may be unofficial groups of members having shared legislative interests"²⁰. Hereafter, the term is adopted to indicate the more or less formalised and regularised arrangement of meetings for a qualified, selected or otherwise restricted group of MPs.

A tendency towards the formation of caucuses became evident at least since the mid-1990s, after direct elections were held nation-wide. The first caucus was formally inaugurated by the 70 or so multipartist delegates to the Constituent Assembly, under the name of National Caucus for Democracy²¹. This was a direct response to an unanswered question: how were elected representatives to develop common strategies and collective discipline within the assembly? It was not by coincidence that such an answer emerged from the ranks of the pluralist camp: "electoral politics is about organisation, some minimum programme and political discipline based on defined political lines. The multipartists were better prepared for this game"²².

Although no discussion by NRM leaders had ever hinted at the need to organise elected representatives in political groups, it did not take them long to learn from the multipartists and to further develop this kind of forums:

¹⁹ Cf. Cox – McCubbins (1993:83ff.).

²⁰ Shafritz (1993:73).

²¹ See, for example, *The Monitor* (Kampala, 15 July 1994) and *New Vision* (Kampala, 17 July 1994 and 11 April 1995). The highest estimates of the number of multipartists among the delegates elected to the Constituent Assembly put the figure at 100, against a 114 pro-NRM majority (*Weekly Topic*, Kampala, 15 July 1994). In addition to a majority of elected members, however, the NRM also enjoyed the support of most of the 72 special representatives, and that of some multipartists who crossed the Floor. Charles Onyango-Obbo, a renowned observer of Ugandan politics, estimates that roughly 80 elected delegates were multipartists, with 130 (plus special representatives) supporting the NRM (*The Monitor*, Kampala, 27 March 1996, p.8).

²² Tajudeen (1997:29).

“it’s in the Constituent Assembly that I realised the importance of a caucus. The first were the multipartists. When they introduced a position, you realised it was a strong one, that they had been meeting together the night before to prepare it. And if you want to give a strong answer, a strong argument, you have to work and consult on it as well”²³.

Pro-NRM delegates in the CA were promptly summoned into a rather informal caucus and, by the time the new parliament was elected in 1996, the picture had been turned upside down. It was now the Movement that rapidly organised its MPs through its own caucus. The multipartists, heavily reduced in their numbers, allegedly decided they were better off avoiding any rigid identification as a *provocateur* group. Thus, while the caucus strategy originated in the multipartist camp, it was the Movement that quickly adopted it and gave it a somewhat more stable and elaborate format.

Far from being restricted to the movementists-*versus*-multipartists divide, the fashion of caucuses soon spread beyond that, as other grounds were found which were suitable for re-grouping members of parliament. Among these, the Young Parliamentarians Associations (YPA), which assembled all young or first-time MPs, acquired fame for its cohesion in fighting anti-corruption battles. A number of ethnically-based caucuses also emerged – such as the Acholi and the Buganda parliamentary groups – which challenged the integrationist and ‘anti-sectarian’ ideas of the Movement leadership²⁴. On a still smaller scale, several individual districts formed their own caucuses (Pallisa, Moroto and many others). A ‘Minority tribes of Uganda group’ had been reportedly formed in the Constituent Assembly by delegates representing the Karimojong, the Samia, the Madi, the Kakwa, the Bamba, the Bakonzo and the Baruli, and, in 1999, even a Parliamentary Pastoralists Association was launched, banding together MPs from Ankole, Karamoja, Teso and other cattle-raising areas²⁵.

These caucuses differ not only with regard to their size, but also in terms of political objectives. Some are meant to operate as links with the constituencies, others to represent ethnic communities, to support government policies, and so on. Yet, their broader and common aim is the co-ordination of collective actions in parliament:

“any form in which people can meet and discuss issues is good. They galvanise consensus and make life easier to and in parliament. It’s impossible to get a chance to say something

²³ Grace Akello, MP, interview (Kampala, 9 June 1999).

²⁴ Albeit the Buganda parliamentary association includes non-Buganda MPs from the region (Sam Kuteesa and Israel Kayonde, for instance, are both Banyankole), the members’ focus is in fact on ethnicity. This would contradict the Movement credo concerning political groupings, as expressed, for example, in the constitutional provisions stating that, in case of a shift to multiparty politics, “membership of a political party shall not be based on sex, ethnicity, religion, or other sectional divisions” (Art. 71, *Constitution of the Republic of Uganda*, 1995).

²⁵ *New Vision* (Kampala, 2 September 1994) and *The Monitor* (Kampala, 10 July 1999).

on everything, every time. Yes, they do aggregate the different ideas. They mediate. If you wait to speak in parliament you would never speak! Fortunately, you can do it in the caucuses"²⁶.

"Caucuses are very useful. They take stances. ... When there is an issue and a caucus has an interest in it, it generally gets more serious. Even whether they are effective, depends on the issues. There are some issues that caucuses don't even discuss. But on issues where caucuses take a position, they do have an influence"²⁷.

| <i>Parliamentary caucuses</i> | <i>Membership (approx.)</i> | <i>Membership criteria</i> | <i>Main objectives</i> |
|--|-----------------------------|--|---|
| Movement caucus | 211 | Partisanship | Support for government policies |
| Young Parliamentarians Association | 93 | Age / Parliamentary experience | Lobbying for positions Constituency activities Anti-corruption campaign |
| Uganda Women Parliamentarians Association | 51 | Gender | Women's rights |
| Buganda Parliamentary Association | 78 | Ethnicity / Region | Land Traditional institutions |
| Acholi Parliamentary Group | 12 | Ethnicity / Region | Customary institutions Security from rebels |
| Pallisa | 4 | District | Resources for the district |
| Parliamentary Pastoralists Association | n.a. | Productive activity of the constituency | Pastoralists' interests |

Table 7.1: *Parliamentary caucuses: membership and main objectives*

Table 7.1 exemplifies the size, the membership criteria and the objectives of these semi-organised parliamentary networks. In addition to inquiring into the above three aspects, the following analysis of Uganda's caucuses will also concentrate on elements such as: the frequency and regularity of caucus meetings; the type and latitude of the issues addressed; the representation and/or consultation links with specific constituencies; the involvement in so-called 'developmental' activities; the capacity to provide policy information to their members;

²⁶ Elly Karuhanga, MP, interview (Kampala, 8 June 1999).

²⁷ Sam Lyomoki, MP, interview (Kampala, 8 June 1999).

the influence on policy formulation and policy-making; and the effective lobbying and impact of caucuses on the voting decisions of MPs.

The Movement caucus

Since the presence of an informally co-ordinated grouping in the Constituent Assembly had “proved to be a good experience, ... the initiative was prompted by the President’s High Command”²⁸ (or, in a slightly different version, by a ‘pressure group’ of MPs close to Museveni²⁹) to set up a more stable caucus in the parliament that was elected in 1996. The more or less explicit need was “to bring order in parliamentary activities ... to understand and make clear what is our position and what is the government position, and to see whether there is any discrepancy between the two”³⁰.

The caucus remained entirely informal, and there is no mention of it among the organs established by the 1997 *Movement Act*. The parliamentary association initially consisted of about 90 MPs (all women district representatives³¹ and one member elected by parliamentarians originating from the same district), but it was then expanded, in 1998, to include all members of parliament willing to join it:

“now the idea is that we should all go to the Movement caucus, disbanding sub-groups and the idea that some [among pro-Movement MPs] are more ‘movementist’ than others! This thing of having the full Movement caucus comes from above, from the President - I’m sure. After the censure votes. They let us know, somehow. You hear it. And it also appeared in the papers, that the caucus wanted full meetings”³².

Because of the all-inclusive membership of the Movement, every parliamentarian is formally a legitimate member of the caucus. Brushing aside the theory of Movement politics, however, the chairman of the caucus provides the precise and commonly-held figure of 211 effective members. This implies that the notion of who belongs to the caucus – and who does not – is quite clear and demarcated. Thus, multipartist MPs have systematically attacked the caucus as illegal, since, by law, every Ugandan is meant to be a member of the Movement. On the other hand, because membership cannot be formally restricted, even an outspoken

²⁸ Gilbert Bukenya, MP, chairman of the Movement parliamentary caucus, interview (Kampala, 2 July 1999).

²⁹ Karuhanga, interview (Kampala, 8 June 1999).

³⁰ Karuhanga, interview (Kampala, 8 June 1999).

³¹ As pointed out, in addition to MPs that are directly elected through single-member constituencies, every district also chooses a ‘women representative’ MP through an electoral college made of selected members of the district’s local government bodies.

multipartist such as Norbert Mao could show up and attend an important meeting of the Movement caucus³³.

Like the parliamentary group of any government under multiparty politics, the caucus mediates among three sides, i.e. the executive, the Movement extra-parliamentary organisation and the activity of supportive MPs:

“we are closely linked to the chairman of the Movement as well as to the Secretariat. Although in the day-to-day business we are independent from them ... we examine the government: whether it is performing according to the principles of the Movement ... It is a matter of harmonisation of the Movement policies in parliament”³⁴.

The above statement would somehow fit the normal working of most representative assemblies. But professor Gilbert Bukenya (chairman of the caucus) and staunch movementist and minister Mondo Kagonyera, provide straightforward explanations of the rationale behind the creation of the caucus. They explicitly link it to the detrimental situation of an ‘individual merit’, atomised parliament:

“everywhere in the world, aside from parliamentary activities, politicians need to meet informally. It’s a *consensus-building* caucus. Although we have individual merit, individual politics then need to come together - you know it very well - to reach group consensus. I see it as a filter and a refiner of possible policies before they come to the House. This is a young democracy. If people were to see the very leadership conflicting, they would be scared ... Politics is a game of solving problems, if you do it in public you are finished ... Then we vote on the issues we have been discussing. I call it a ‘consensus vote’: I have directed the caucus in building consensus. You know, when it ends up divided, with two positions and two groups that are not reconciled, I don’t take it as a good caucus”³⁵.

“We can’t afford just to go on the Floor of parliament and create problems with each other, wash our dirty linen in public! So, when controversial issues arise, we have to discuss them in the caucus. It is usually the very politically-charged and controversial issues ... We are not a bunch of undisciplined people!”³⁶.

On the other hand, a similar forum does not only serve the concerns of the leadership. The caucus performs a very clear function from the point of view of the MPs as

³² Arthur Bagunywa, MP, interview (Kampala, 3 June 1999).

³³ *New Vision* (Kampala, 4 November 1999).

³⁴ Bukenya, interview (Kampala, 2 July 1999).

³⁵ Bukenya, interview (Kampala, 2 July 1999).

³⁶ Mondo Kagonyera, MP and Minister of State at the Office of the Prime Minister, interview (Kampala, 9 June 1999).

well. While it does not circulate written documentation, the speeches and debates that are presented provide important information to MPs who would otherwise be left to their own efforts:

"I have also been going to the Movement caucus. At first I didn't. But then a friend told me: 'how are you going to know what's going on in the Movement and in parliament?'. And I decided it was reasonable to attend"³⁷.

"The caucus is good. It's always an eye opener. You get to know in depth. People brainstorm and it helps you getting the true picture, the government position, and the way the debate will go"³⁸.

The government has repeatedly tried to steer the activities of the Movement caucus and exert control over parliament, both through the Secretariat and through direct presidential involvement. Ministers and, at times, the president himself have turned up at the caucus meetings to explain their positions and make clear what they expect from the members: "to ensure support on the matter ... we are encouraged to be active in the debate to persuade the House"³⁹. In the scornful words that multipartist MPs use to describe it, the Movement caucus "is just a forum to influence spineless MPs, for bulldozing them to support the government position. An instrument of the president"⁴⁰, "trying to push, to get involved and manipulate parliament"⁴¹.

Attendance to the more or less monthly meetings of the caucus fluctuates and largely depends on the issues on the table, with full participation when Museveni himself addresses the forum. But it is especially "where the multipartists have an interest, and we need to find a common position, then we have to meet"⁴²:

"at times the agenda is stated, you find a copy in your pigeonhole that tells you when the meeting is and, occasionally, also what the issues are. At times the agenda is only communicated at the meetings. But what is common is that there is usually a background of national public debate. ... It's the chairman who points out the position of the Movement, and sets the agenda, after consulting with the highest political organs in the Movement. The outcome is almost anticipated. They brief you, give you the background and try to persuade

³⁷ Bagunywa, interview (Kampala, 3 June 1999).

³⁸ Hellen Amongin Aporu, MP, interview (Kampala, 28 June 1999).

³⁹ Peter Logiro Ngorok, MP, interview (Kampala, 30 June 1999).

⁴⁰ Norbert Mao, MP, interview (Kampala, 7 June 1999).

⁴¹ Lyomoky, interview (Kampala, 8 June 1999).

⁴² Logiro Ngorok, interview (Kampala, 30 June 1999).

the members. Yes, it's very top-down. Though sometimes members react, there is discussion and we might not agree"⁴³.

The latter statement points at the core problem of the caucus strategy: despite its top-down arrangements and all the spin, what if members cannot sort out their differences and disagreements in the caucus? This is a point we shall soon come back to.

The multipartists and the decision to go individual

The National Caucus for Democracy that was formed in the CA counted over 70 members. Compared to such a figure, the parliament that was subsequently elected certainly saw a decline in the number of multipartists. But the question of how many multipartist MPs are to be found in the assembly is not easy to answer. The names of some twenty prominent multipartists – mostly vocal and influential MPs – are well known to Ugandans. But multipartism enjoys sympathies among a much larger spectrum of parliamentarians than sheer numbers would tell. Indeed, between key multipartist figures and fully-fledged movementists there is a significant grey area that includes low-profile multipartists, 'independents', and unenthusiastic or critical movementists. Thus, "there's an increasing number of MPs somehow moving to the multipartists"⁴⁴, and the most optimistic estimates reach the figure of about 50 to 70 elected representatives in the House. Similar estimates, however, depend on the extent to which being critical of the Movement is equated to being a multiparty supporter.

It is this uncertain boundary that allegedly convinced the multipartists in the new parliament to avoid the formation of a formal association. Retaining a maximum degree of fluidity and openness was meant to encourage independent-minded colleagues to join forces on specific issues where common positions could be found:

"as far as I know, there are about 12 multipartists. Then, others might not speak out. But multipartists don't have a caucus. We may set up one, but it doesn't exist. We didn't want to be provocative: this is not a multiparty democracy. But now that the Movement has one, we might form it. Generally we hold meetings with those outside also. To organise for election, to raise money. But it's all up to those who want to volunteer to come: there is no formal or regular arrangement"⁴⁵.

⁴³ Logiro Ngorok, interview (Kampala, 30 June 1999).

⁴⁴ Nsubuga Mayanja, MP, interview (Kampala, 31 May 1999).

⁴⁵ Mao, interview (Kampala, 7 June 1999).

“There is no multipartist caucus. We don't need it. We are running this parliament by the force of our arguments. We are only 23 or 25, a small fraction of MPs. But the ideas come from us, as a core group in parliament. ... We learnt from the Constituent Assembly. If we had a caucus they would try to infiltrate it and, once they knew our position, they would meet and agree how to defeat it. It's better this way, to be free agents. We don't need formal meetings. It's just one-to-one exchanges. We know what we want, and we all want and say the same thing”⁴⁶.

There is an element of truth in these claims. Whether good or bad, the battle fought by multipartists is a straightforward one – probably clearer, for example, than what ‘movementists’ stand for – and one whose terms had been largely spelt out during the Constituent Assembly. Once the constitution had been approved, and political parties had been confined to their current marginal position, there may have been much less to discuss together and much more to divide their camp. In addition, it could be argued, the absence of any real chances to get to power – i.e. the lack of effective political competition – diminished the urgency of group discipline⁴⁷.

The multipartists thus gather only on a very irregular and *ad hoc* basis. They ‘know who they are’ and any of them can convene a meeting. Indeed, it was when, in late 1998, the *Political Organisations Bill* was tabled and the common struggle for multipartism re-emerged, that a slightly less irregular forum was convened. But this was an extra-parliamentary (and short-lived) coalition that brought together parties and pro-partism MPs: “what we have created just recently - three months back - is a multiparty caucus *outside* parliament, with DP, UPC, TFM and CP. We have already held four meetings at parliament, although some people such as Ssemogerere and Lubega also come from outside”⁴⁸.

The Young Parliamentarians Association (YPA)

A most revealing case of autonomous organisation on the part of MPs is the Young Parliamentarians Association (YPA). The association is both a potential surrogate for the electoral party, for it largely concentrates on promoting the image of MPs in their own constituencies, and also has a significant impact on parliamentary politics. Indeed, “many are

⁴⁶ Nyai, interview (Kampala, 14 June 1999).

⁴⁷ Cf. Bowler – Farrell – Katz (1999:13).

⁴⁸ Juliet Rainer Kafire, MP, interview (Kampala, 15 June 1999).

calling for it to be transformed into a political party"⁴⁹. Talks or fears of a similar development, when the time will come, are commonly heard.

The YPA emerged at the very outset of the new parliament, in October 1996, on the initiative of a young generation of committed MPs (including Onyango Kakoba and Patrick Kiggundu, Salamu Musumba and Lt. James Kinobe):

"we were strangers when we first came here, and parliament had no structure whatsoever for any kind of, say, 'induction', to learn what parliament is and how it works. We were new, and, as we got here, we were in the dark. We thought that with a caucus we would be able to support ourselves in understanding how things work and in taking part to the legislative activities of parliament"⁵⁰.

As much as the YPA reflected the alleged concern, on the part of young or first-time MPs, of 'being left out', it also revealed a more disenchanted attempt to maximise the members' leverage as a pressure group:

"it was aimed at strengthening the position of the new members of parliament. You, know, there's a tendency in politics by which young politicians are usually marginalised and have little influence. 'Young parliamentarians' refers not only to age, but also to political experience. You have some who are not really young, but who are new to parliament. And there are also some members who were already in the House, but who are still young in age, so they are included"⁵¹.

On the basis of these two qualification criteria – age and parliamentary experience – the association enrolled 93 members. The caucus plenary meets more or less every two-to-three months, whereas a nine-person executive keeps in touch regularly and holds fortnightly meetings. The Young Parliamentarians constitute one of the most formalised and structured among Uganda's parliamentary caucuses. They are registered both within parliament and with the Registrar, and their statute specifies membership requirements and fees as well as positions in the internal executive. The fact that the managing body includes the figure of a 'development co-ordinator' is quite telling. In fact, a significant part of the activities of YPA are devoted to the mobilisation of electoral constituencies for 'developmental' activities:

⁴⁹ Med Sozi Kaggwa, MP, interview (Kampala, 14 May 1999).

⁵⁰ Salamu Musumba, MP, interview (Kampala, 16 June 1999).

⁵¹ Onyango Kakoba, MP, interview (Kampala, 16 July 1999).

"[initially,] it was started to avoid the marginalisation of young MPs, but then we realised we had to come together for development. So we established a contribution of Shs.100,000 [\$60] per month from each MP. This money is pooled together and then they are used as a development fund. Normally, during our fundraising activities, YPA puts a minimum of Shs.1,000,000 per constituency each year. Then, when we cannot organise the fundraising, we give the money to the MP who makes sure that it reaches the constituency"⁵².

In lowly-developed African countries, the assessment of a parliamentarian's performance by his constituents can be highly dependent upon his capacity to initiate local activities and to attract resources from the centre⁵³. Thus, regardless of the developmental merits of a similar initiative, the arrangement no doubt helps parliamentarians in building and promoting their personal image in the constituency. The fees that MPs have imposed upon themselves are, by Ugandan standards, quite high, and few of them would disburse such money if the benefits involved were not so clearly superior to the costs that members have to meet⁵⁴:

"the problem is that the system is now very expensive, even financially, as you are left alone to mind your constituency. There's no party which tells you 'You have to do this, you have to do that'⁵⁵.

Given that parliamentarians might not be able to rely upon political parties and their networks for future electoral campaigns, building a positive personal image is all the more relevant for a sitting MP. 'Political' initiatives or events such as a constituency visit by a group of prominent personalities – something that the YPA frequently organises – can project a favourable light on the local representative. In this sense, the YPA is only a group of MPs who pool and co-ordinate the use of scarce and dispersed resources 'to support each other'. The single-member-constituency system ensures that the MPs involved will not be running against each other, which is why they can associate in a 'cartel' of sitting parliamentarians all looking forward to getting a new mandate:

"they even pay subscription fees of Shs.100,000 per year, and they have 'development fund' - for work in the constituencies - in which they pay another Shs.100,000 per month. You know, *here we don't have political parties, so MPs need to team up with each other.*

⁵² Kakoba, interview (Kampala, 16 July 1999).

⁵³ Barkan – Okumu (1980).

⁵⁴ As Strøm (2000:181) observes with regard to political parties, "it is not sufficient that parties perform some political function if the benefits of this function are not worth the costs to those who sustain the party".

⁵⁵ George Wambuzi, MP, interview (Kampala, 8 June 1999).

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An MP writes to ask for funding for some project - such as to support a school - or for fundraising to promote some community activities, and MPs contribute this in excess of the monthly contribution”⁵⁶.

While the association was initially meant as an effort to avoid the marginalisation of young MPs and to organise them for constituency-oriented initiatives, an increasing awareness of its relative strength pushed the YPA towards a more forward approach to parliamentary politics:

“we realised we were also coming to play a crucial role in parliament. ... And YPA mixes multipartists and movementists, which is a basic advantage over other groups. To most people the generation aspect is more relevant than other partisan affiliations. ... I identify much more easily on the basis of my generation rather than of the Movement’s history or ideology”⁵⁷.

“Although YPA were initially basically a Movement organ, then many youth have become frustrated and are now moving closer to multipartists. Now YPA is probably in-between Movement and multipartists, and it has become more and more influential. The Movement cannot dictate to them. ... they mobilise extremely well on a person-to-person basis, and they are also very influential and popular with the media”⁵⁸.

As a matter of fact, the YPA is possibly the sole non-party organisation that enjoys some respect among leading multipartists – the like of Ben Wacha, Dick Nyai or Norbert Mao – who do subscribe to the association. But the strong public image of the Young Parliamentarians goes beyond that. The media, for example, have been sensible to their crusade against corruption and quite supportive of it. In addition, the YPA have occasionally joined forces with other ‘progressive’ and independent pressure groups, such as the Uganda Land Alliance and The Free Movement. Contacts have allegedly been established with the international community as well, including UNDP, Danida, the British High Commission and, especially, the Friedrich Ebert Foundation (FES). The latter was eager to find alternative partners after it cut links with the UPC. A relatively close and regular contact was thus established with the YPA, largely aimed at funding the organisation of extra-parliamentary seminars that deal with supposedly content-neutral issues, such as governance and transparency:

⁵⁶ Lt. James Kinobe, MP and secretary of the Movement parliamentary caucus, interview (Kampala, 3 June 1999).

⁵⁷ Kinobe, interview (Kampala, 3 June 1999).

“the majority of YPA members are Movement, but we still make proposals to improve the Movement system. For example to improve participation, or the electoral system, or the management of the affairs of the state. For instance, on the issue of how do we have a real democracy in a one-party, or, well [*laughs*], a no-party system”⁵⁹.

The case of the Young Parliamentarians is most interesting for the incremental spill-over effect that the original organisation produced. The latter was born to prevent the sidelining of young MPs, but it soon moved on to promoting constituency-based collective activities, and it finally engaged in a more active role in parliamentary politics. As pointed out, a key question concerns whether such an arrangement could at some point be turned into a political party:

“I think it would be difficult to retain all the people while transforming into a party. Even if the Movement were to do so, it would face the same problem. There are people who are there because they believe in that, and if you change the aims of an arrangement or organisation, many would simply leave”⁶⁰.

Museveni’s tolerance, which was already strained when the YPA independently decided to propose Maj. John Kazoora for the crucial position of National Political Commissar, may reach its limit if the association were to be transformed into something different⁶¹. But an even greater obstacle would be the conversion of an elitist and exclusive club of parliamentarians into a nation-wide political organisation capable of gaining significant support among the electorate. “I wouldn’t commit myself to transform it into a political party, for the time being. You know, by the time you reach it, the bridge may no longer be there...!”⁶². If time only will tell which developments await the YPA, what is currently relevant is the impact that the association presently bears upon the behaviour of its members within the assembly, something to which we will return.

The ethnically-based caucuses

A further set of somewhat structured groupings which materialised in the 1996-2001 parliament consists of the ethnic community-based caucuses. Most MPs nominally belong to

⁵⁸ Mayanja, MP, interview (Kampala, 31 May 1999).

⁵⁹ Kakoba, interview (Kampala, 16 July 1999).

⁶⁰ Kinobe, interview (Kampala, 3 June 1999).

⁶¹ Nyai, interview (Kampala, 14 June 1999).

⁶² Kakoba, interview (Kampala, 16 July 1999).

a parliamentary group made up of representatives elected in a same 'historical' area of the country (a past political or administrative entity, in turn based on a supposedly homogeneous ethnic identity). This is in spite of the fact that such areas are currently divided into different administrative districts (Busoga, for example, consists of Iganga, Jinja and Kamuli districts; the Acholi people are split between Gulu and Kitgum; former Ankole comprises Mbarara, Bushenyi and Ntungamo, etc.).

Ironically, these caucuses run counter to Museveni's assumptions in two senses. First, because they were set up as organised arrangements within a supposedly individualised parliament. Secondly, because this was done on the basis of the very 'organisational principle' on which Museveni declared war, namely ethnicity.

Although these caucuses certainly give expression to very relevant identities and common concerns, some MPs observe that "they are not strong, it's rather to give a feeling of belonging: they are just tribalistic things"⁶³. Others wholly condemn the underlying idea: "a caucus should be larger than tribal ... these are just ethnic groups, not really caucuses"⁶⁴.

On occasions, however, community caucuses may come to play a role on matters that do not appear to be immediately related to any specific ethno-regional area. When the local government reform was tabled, for example, "parliamentarians [were] busy forming caucuses to map out common positions on the controversial Article 108 of the *Local Government Bill*", which required O-level qualifications for candidates to sub-county chairmanships. Some MPs worked out their positions on the issue through local caucuses such as the Mbale group (which reportedly rejected the controversial provision) and the Acholi Parliamentary Group (which largely accepted it)⁶⁵.

Community caucuses, however, primarily organise around locally-defined and locally-relevant issues. To this kind of group or area advocacy in parliament, the Buganda Parliamentary Association adds constituency-based concerns, with a fund for 'development' activities that operates along the lines of the Young Parliamentarians'. With 78 members (including representatives of the army in parliament), Buganda's is not only the largest among these groupings but, on paper, a numerically powerful parliamentary force.

In spite of the very significant membership that some of the community caucuses have, however, their actual effectiveness and impact on Ugandan politics has been relatively

⁶³ Wandera Ogalo, MP and chairman of the Parliamentary Committee on Legal and Parliamentary Affairs, interview (Kampala, 14 June 1999).

⁶⁴ Okello-Okello, interview (Kampala, 11 June 1999).

⁶⁵ *The Monitor* (Kampala), 7 February 1997, p.24.

modest. The internal cohesion of these groups is considerably constrained by the ideological differences that divide their members:

“well, we do meet when we need to, as for the land issue. Probably every two months, but it's only recently that they've met once a month, with the questions of the Kabaka's wedding or palace to be discussed. Cultural issues. Otherwise, I don't think we really have a common position. So we try to avoid political issues, for we would not agree: there's movementists, federalists, multipartists and so on. The only thing that holds us together is the Kabakaship as a political institution - although it's difficult to draw the line between political and cultural roles - all of the 73 believe in it. But out of 73 members, you are lucky if you get 15 who come to a meeting. It's mainly for lack of support, and lack of a common position. There is a main divide between movementists and non-movementists”⁶⁶.

The Acholi Parliamentary Group seems to face similar dilemmas. The security problem was an issue on which the twelve Acholi MPs could easily find common ground (as they also did on the related questions of cattle restocking, compensations for lost properties, and general economic development). On the issue, they manoeuvred quite effectively and lobbied jointly the president, parliament and foreign representatives, until an *Amnesty Bill* for the rebels of the Lord's Resistance Army was tabled and passed in the second half of 1999. Similarly, they also acted collectively for the recognition and protection of customary land tenure - the predominant tenure arrangement in Acholi - when land reform was discussed. On the other hand, the politically-charged issues at the core of the national political discourse were deliberately avoided, as it was made clear during a joint consultative tour by Gulu and Kitgum district MPs. In the words of the Democratic Party vice-president and MP Zachary Olum: “we have no common position on the referendum and the party bills. I'm a renowned multipartist while my colleague Pen Mogi is a Movement supporter. We don't want to send wrong signals to the people that once you don't agree on an issue, you can't agree on others”⁶⁷.

The Uganda Women Parliamentarians Association (UWPA)

The gender issue became prominent in Uganda after the NRM took power. Ever since, the country's political scene has seen different women gaining significant influence,

⁶⁶ Bagunywa, interview (Kampala, 3 June 1999).

⁶⁷ *The Monitor* (Kampala, 19 May 1999, p.9).

from Winnie Byanyima to Cecilia Ogwal, to Miriam Matembe. Indeed, a woman also holds what is formally the second highest political office in the country, i.e. the vice-Presidency.

The recognition and improvement of women's status in Ugandan politics has been instrumental to and largely guided by Museveni himself. Introduced in 1989, the whole "affirmative action policy did not emerge directly from the struggle and demands of women's grassroots organisations. Rather, it was imposed from above for reasons having more to do with political manoeuvring than a genuine commitment to women's rights"⁶⁸. All the same, however, such policy came to be protected by constitutional and legislative measures.

As a result of the NRM's favourable stances, both the 50 woman delegates to the Constituent Assembly and the 51 woman MPs have played quite a visible and significant role. It was especially during the CA that women became influential. This was a critical time for guaranteeing an overall protection of women's position and interests, traditionally marginalised in the Ugandan society. Aware of the crucial moment, women mobilised quite successfully and provided a gender input for a number of constitutional provisions, ranging from property rights to political representation. Workshops, dissemination of information, and lobbying male colleagues were thoroughly pursued by female delegates. And "how were the token female CADs [Constituent Assembly delegates] able to make such monumental achievements in an assembly as skewed as the CA? ... The answer is caucusing"⁶⁹.

Building on the experience in the CA, women MPs organised in the Uganda Women Parliamentarians Association (UWPA) in the 1996 parliament. The caucus occasionally includes members of parliament representing other marginalised groups – such as people with disabilities, workers, and youth – under the label of Special Interests Groups Caucus. The arrangement enables these diverse groupings to gather together their small numbers and trade their reciprocal support.

In addition, the women's parliamentary group has close links with extra-parliamentary organisations such as the Forum for Women in Development (FOWODE), the National Association of Women's Organisations in Uganda (NAWOU), the Uganda Women's Network (UWONET) and the Friedrich Ebert Foundation. These contacts were instrumental to finance and organise workshops where women MPs, for example, could acquire the necessary knowledge and skills to fully understand and influence parliamentary debates on political and economic issues⁷⁰.

⁶⁸ Tamale (1999:91). The first affirmative measures actually date back to 1987, when the system of the Resistance Councils already included, at every level, one woman out of nine committee members.

⁶⁹ Tamale (1999:116).

⁷⁰ Tamale (1999:156).

Exemplary achievements on the part of UWPA include the amendment of the *Local Government Act* (1997) to provide for reserved seats for women, and the adoption by the government of a National Gender Policy⁷¹. On the land issue as well, women mobilised quite effectively (see Chapter Eight). Finally, while it is not easy to relate this to the activities of UWPA, after being reserved affirmative action parliamentary and local council seats, women also obtained several ministerial positions.

Similarly to the case of the community caucuses, however, the limit to the manoeuvres of UWPA is also set by the need to bridge over political differences, so that "avoiding divisive issues is vital to its success"⁷². The high points that women scored during the Constituent Assembly probably marked the peak of their accomplishment, their highest achievement. After that, their role and effectiveness as a group was somewhat diminished. The partial loss of thrust of women's parliamentary action led to a call for the 'revitalisation' and 'reconstitution' of UWPA⁷³.

Aligning the vote: Independence and discipline among MPs

Parliamentary groups become relevant to Ugandan politics to the extent that they can actually articulate specific positions on political issues, put these positions forward in the course of legislative debates, and back them in the assembly. A key feature of the country's parliamentary life, however, is a virtual lack of direct sanctions for caucuses to make sure that individual MPs stick to and back the group's line on particular bills or motions. The absence of binding sanctions is both an aim and a consequence of individual-merit or no-party politics. Uganda's arrangements compare strikingly, for example, with the multiparty set up adopted by South Africans in their transition to democracy, between 1994 and 1999. In South Africa, political parties were strengthened by 'anti-defection' constitutional provisions that prevented parliamentarians from neglecting party directives when voting in the assembly. Anyone who did it would be expelled from his party, which would automatically cause him to lose his parliamentary seat. As a result, South African party organisations had complete control over the behaviour of their MPs, notably when voting in the assembly. So much so that the African

⁷¹ Tamale (1999:154,156).

⁷² Tamale (1999:153).

⁷³ Tamale (1999:199).

National Congress government, at least for its first year in power, developed a parliamentary practice of passing legislation without even holding a vote⁷⁴.

In Uganda, the question is whether and to what extent parliamentary caucuses that lack direct disciplinary instruments can make use of *indirect* ways of shaping or influencing the vote. What are the specific mechanisms that have been developed for this purpose? Do the caucus arrangements succeed in exerting persuasion – or even control – over the voting behaviour of their affiliates? In assessing the presence of voting discipline in the House, the fact that a roll-call analysis could not be carried out must be kept in mind as an important limitation of the inquiry. An analysis of the votes cast by each parliamentarian on specific issues could not be conducted because: a) a precise mapping of the caucus affiliations of Ugandan MPs is not available, b) multiple membership (i.e. MPs belonging to different caucuses) would make the exercise extremely complex, c) roll call records were not available⁷⁵.

The Movement caucus and available sanctions

Parliamentarians show a great deal of variation in their assessment of how effective the Movement is in using the caucus to secure cohesion among its supporters in the assembly. Such an assessment is complicated by two factors that have partly reduced the importance of discipline in the sixth parliament and contributed to disguise defections: the size of the pro-Movement parliamentary majority, and its unclear organisational boundaries. In practice, neither it is necessary for the Movement to have the backing of *all* its declared supporters to ensure that a specific bill or resolution is passed, nor is a straightforward identification of defectors easy to carry out where group divisions remain so loose.

The Movement caucus is widely (though not unanimously) held to be the most influential of all parliamentary associations. This is largely because of its size, both in

⁷⁴ Most of South Africa's anti-defection clauses were only in place between 1994-1999 and were then dropped with the full implementation of the country's 'final' constitution. See Carbone (2001) for a discussion of the role of parties in the South African transition. Curiously, in case Uganda shifted to multipartism, similar 'anti-defection' provisions would come into effect (see article 83.(1)(g)(h) and (2), *Constitution of the Republic of Uganda*, 1995) to try to avoid the migration of opposition MPs to the ruling group that occurred so often in the past.

⁷⁵ The outcome of most parliamentary votes is 'assessed' by the Speaker without any precise counting taking place (also implying that no names are recorded): "when the question has been put by the Speaker ... the votes shall be taken by voices of 'Ayes' and 'No' and the result shall be declared by the Speaker". A division may be ordered either by the Speaker "in his or her discretion", or if, after a result is declared, forty or more members "stand in their places signifying their disapproval". In either case, "the Speaker ... shall direct the 'Ayes' into the lobby on his or her right and the 'Noes' into the lobby on his or her left and appoint two tellers for each lobby to count the votes", *but only the names of members who abstain would be recorded*. Secret voting is adopted for constitutional amendments, for the election or removal of individuals holding constitutional offices, and for any other matter "if the House so decides" (art. 73, 76-77, *Rules of Procedure of the Parliament of Uganda*).

absolute terms and when compared to other groups. To some degree, however, its relative strength is also due to the kind, extent and effectiveness of the pressures that it can bring to bear upon its members. Informal pressures and kickbacks are available and frequently used to obtain compliance and ensure support for the official line. As a leading movementist put it, "there's no power to whip, although informally we do prevail on people"⁷⁶. Museveni's use of the caucus to hastily push a new *Referendum Bill* 2000 through and thus pre-empt a constitutional crisis prompted a commentator to note that "there is now a real likelihood that the unconstitutional, undefined, secretive and unaccountable Movement caucus is to increasingly assume the role of Parliament"⁷⁷. In a surprisingly candid fashion, the chairman of the caucus explains how the Movement exerts its control over its MPs and how it is planning to tighten it:

"in fact, when people come to a consensus and you belong to that ideological group, you tend to stick to it. A party can discipline, if you behave badly. And, indirectly, we do it too. Yes, for example, through assistance at the next election. People don't want to lose their belonging to a certain group. We've introduced new rules, a 'Code of conduct' that was approved by the last NEC. It includes a 'Leadership code': how you should behave. Otherwise, you can be thrown out, marginalised - although this is not done formally"⁷⁸.

Ugandan elections are formally fought on a non-partisan basis. Nevertheless, the fear of having to run, in practice, against the informal pressures and without the financial support of the Movement, can be a further, powerful reason for an MP to comply with directives coming from above:

"you know, if you want to be re-elected you might have a lot of opposition orchestrated, engineered by the authorities - for example through the Resident District Commissioners - projecting a bad image. Other than that, there is not much else. People can be sponsored against you, or you would be left out of an eventual financial support"⁷⁹.

Promises of financial or political backing for future elections and immediate material rewards can be particularly effective in a context where poverty is widespread, democratic practices are young, and alternative organisations are few:

⁷⁶ Kagonyera, interview (Kampala, 9 June 1999).

⁷⁷ *New Vision* (Kampala, 10 June 2000, p.25).

⁷⁸ Bukenya, interview (Kampala, 2 July 1999).

⁷⁹ Logiro Ngorok, interview (Kampala, 30 June 1999).

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“although there is no evidence, they have some ways of putting pressure to control their MPs. It’s mainly patronage: appointments as ministers, or when you have Moses Kigongo [the vice-chairman of the Movement] who distributes money to some key members of the caucus”⁸⁰.

“The government do have instruments to try to control voting within parliament. They blackmail you. They tell you: ‘what did you say? you cannot say that and that! If you want to have any chance of becoming a minister...’”⁸¹.

“[The caucus and voting are] a voluntary thing. Though I heard of some quiet distributions. Two or three times parliament changed its position”⁸².

Ministerial appointments, money, businesses and travels abroad are among the perks allegedly employed to induce MPs into supporting certain positions:

“well, of course, there is always patronage. For example, in the business in the House, such as trips abroad to international forums, in the programmes for international exposure: you might not get them. There are complaints that some people go more often than others. It’s the speaker who decides”⁸³.

“At times we even meet on developmental issues, on the development of our constituencies. For example, the donors can come to the Movement caucus to make sure they distribute their funds broadly over the districts. So that then the Minister can have support when he goes to the House proposing a specific distribution”⁸⁴.

In the run up to the June 2000 referendum, for example, some MPs confirmed that between Shs.500,000 and Shs.1m (i.e. \$300-\$600) had been dished out to Movement MPs by the National Referendum Committee through the caucus. Such money was officially distributed for ‘facilitation’ activities in the local-level referendum committees. But it was only handed to ‘active Movement supporters’ and to members who regularly attended the caucus, “with some MPs being referred to Bukonya [the caucus chairman] for clearance”⁸⁵. Rather than being mere tools of the caucus, these instruments are actually employed in a triangular interaction between the government, the caucus and the extra-parliamentary Movement organisation or Secretariat.

⁸⁰ Lyomoki, interview (Kampala, 8 June 1999).

⁸¹ An MP who wished this comment to remain anonymous.

⁸² Ogalo, interview (Kampala, 14 June 1999).

⁸³ Logiro Ngorok, pro-Movement MP, interview (Kampala, 30 June 1999).

⁸⁴ Amongin Aporu, interview (Kampala, 28 June 1999).

Even after taking the initiative for the formation of the caucus, however, the executive has not always managed to be consistently in command of its members. Museveni let it be known that he would not tolerate any Movement leaders or ministers taking positions different from the official line⁸⁶. But the question of sanctions for other 'errant members' remains to some extent unanswered. Much, for example, depends on the method of voting which, on a case-by-case basis, is adopted by the House. In those rare instances when voting is secret, "the opposition numbers swell"⁸⁷. This may explain why, since the time of the Constituent Assembly, the 'division lobby' method has been prevalent. Such a manner of voting implies a lack of privacy which has been heavily criticised, as it tends to create situations whereby "people are being cajoled or coerced to vote ... against their conscience ... delegates say 'I agree with you ... but I can't afford to be identified with you'"⁸⁸. At least as relevant to the way MPs vote is, of course, the particular matter that is being debated. According to some, the "caucus is very effective on voting when issues are not controversial, that is, when there is consensus in the caucus"⁸⁹! This would imply that, while the caucus can be a relevant discussion and information gathering forum, it does not really affect how MPs vote in the House but only acts as a 'conditionally active' coalition: "when we don't agree, people would go their own way"⁹⁰ without necessarily buying the government's line.

"The president calls them to strategize ... They try to stick together, when voting. But it's one thing to say 'We shall do this', quite another thing to actually vote that way. Many just want to listen the debate, but they can be persuaded otherwise"⁹¹.

The House records include numerous instances in which members of the caucus ended up splitting their vote. Among such cases are, for example, the by-election of the parliamentary speaker (where several movementists decided to support multipartist Ben Wacha⁹²); the rejection of the ministerial appointment of the president's brother Salim Saleh,

⁸⁵ *New Vision* (Kampala, 21 June 2000, p.1).

⁸⁶ Dr. Ruhakana Rugunda, Minister in charge of the Presidency, in *New Vision* (Kampala, 25 February 1999).

⁸⁷ Logiro Ngorok, interview (Kampala, 30 June 1999).

⁸⁸ *The Monitor* (Kampala, 9 September 1994, p.1).

⁸⁹ Kinobe, interview (Kampala, 3 June 1999).

⁹⁰ Logiro Ngorok, interview (Kampala, 30 June 1999). The idea that party-based parliamentary majorities may be no more than 'conditional coalitions' (i.e. they reflect existing agreements among elected delegates, rather than being able to impose upon them any decisions taken by the party leadership) has been employed to describe the inner politics of the US House of Representatives. See Cox – McCubbins (1993:5).

⁹¹ Juliet Rainer Kafire MP, interview (Kampala, 15 June 1999).

⁹² In 1998, Francis Ayume became the new Speaker of the House with 152 votes. Multipartist Ben Wacha obtained 94, most of which must have come from the Movement side. The importance of the Speaker was evident, for example, when Ayume had the 1999 *Referendum Bill* passed without a quorum. It is unlikely that this would have happened had Wacha been

who lacked basic educational requirements and was well-known for his ambiguous dealings; the censure votes passed on corrupt ministers; and such crucial legislative measures as the *Land Bill* ('although eventually we changed the bill to find consensus'), the *Local Government Bill*, the *Political Organisations Bill* and the *Referendum Bill*. It was these 'control failures' that prompted the Movement to further tightening its grip over its own MPs: "they are now proposing to put in some rules for discipline. It comes from the National Executive Committee [of the Movement], and it was discussed in the caucus. The idea is that we shouldn't just discuss things on the Floor – and come out as divided – but the Movement people should have a common position"⁹³. A number of members, however, rebelled against these attempts to dictate to the caucus from above. The caucus chairman, for example, was heavily criticised when he 'consulted with other leaders outside' parliament about the handling of the Col. Kiiza Besigye case (a military officer who wrote an extremely critical and controversial paper on the Movement). In the event, the chairman was forced to back down by some members who insisted that "the caucus is a loose association, and not a formal Movement organ required to take orders from the President"⁹⁴. Contextually, several members also shied away from the formal endorsement of 'oaths of allegiance' and 'codes of conduct' put forward by Movement leaders. These were rejected as "an attempt to bind them to a political party of sorts, which has been formed without their knowledge or consultation, because one can't pay allegiance to a system"⁹⁵, as the Movement is often described.

The multipartists: individual MPs between parliament and the parties

The very idea of somebody 'controlling' the vote of multipartists is far from obvious and most difficult to frame. By and large, multipartist MPs went to parliament without owing allegiance to any organisation. This was both because of the individual-merit principle and because the Democratic Party and the Uganda People's Congress had officially boycotted the parliamentary election.

Once in parliament, multipartist MPs could have somehow regrouped, whether along party lines or through the formation of a larger and more influential unit comprising multipartists of all colours. As a matter of fact, they had already set aside their differences in

elected: as an MP put it, Wacha had "been seconded by ourselves not by any power. His allegiance is clearly to this House and not to somebody else", *New Vision* (Kampala, 29 July 1998).

⁹³ Wambuzi, interview (Kampala, 8 June 1999).

⁹⁴ The story of the caucus and its positions on Col. Dr. Kiiza Besigye's case can be found in *The Monitor* (Kampala, 10 December 1999).

⁹⁵ *The Monitor* (Kampala, 10 December 1999).

the Constituent Assembly, where the experience of the National Caucus for Democracy generally left a positive impression. And they had done the same with the formation of the InterPolitical Forces Co-operation during the presidential campaign. Thus, a legacy upon which to build further parliamentary co-operation was there, and one would have expected some kind of common arrangement to be worked out.

Multipartist MPs, however, allegedly decided that they did not wish to set up a clear boundary between them and independent or pro-Movement members of parliament. After all, 'we all know what we want', as one of them put it. Rather than adopting any stable structure, multipartists opted for retaining a degree of fluidity that would allow them to lobby, join forces and vote along with 'well-wishers' – and vice versa. This was meant to avoid the risk that, in the words of a movementist MP, "at times, a multipartist position would be systematically defeated, at any cost, even though they have substance"⁹⁶.

Party-based policy and strategic divisions may have also played a role in preventing the formation of a formal parliamentary caucus between DP, UPC and CP members. In addition, while several multipartist MPs do hold official positions in the 'old' parties, the weakness of the latter makes any co-ordination effort rather difficult. As a result, the relatively strong impact that multipartists have had on parliamentary life has so far hinged very much on individual initiatives. Those few instances of co-ordination that can be found generally concern policy initiatives rather than group discipline.

The Young Parliamentarians Association

The motivations behind the creation of the YPA also had to do with the presence of divergent views within the Movement camp, the least orthodox of which were looking for appropriate channels of expression. The concern was to protect the standpoints taken by individual MPs from uncalled-for external interference:

"the 1996 parliamentary election brought in new members of parliament ... The president still wanted to use the past tactic to talk to members in the Movement caucus. But the 'young Turks' in the Movement (who are mostly YPA, like me, Byaniyima, Musumba and so on) thought that some issues on which we were asked to give support to the government were either not transparent or needed some improvement. That is where the problem emerged. For example, on corruption, the methods we wanted to use were different. The executive wanted the suspects to be thoroughly investigated by other, existing and

⁹⁶ Amongin Aporu, interview (Kampala, 28 June 1999).

'appropriate' mechanisms. But these were not being carried out. That is why parliamentary investigations began. And that created some frictions"⁹⁷.

The tensions generated on similar issues by the presence, within parliament, of independent-minded individuals with loose or non-existent partisan commitments prompted the emergence of the YPA. While partly overlapping in membership with the Movement group, the YPA is a new and distinct political entity:

"for example, when there was a proposal by the president for raising the number of ministers, we opposed it. It was rejected by parliament. And, there, it was a YPA success and a Movement caucus defeat. In any case, the Movement has to come and talk with YPA first, as we want to be independent"⁹⁸.

But the relationship between the Movement caucus and YPA is not merely one of division of labour or complementarity:

"most MPs of YPA also belong to the Movement, so there's no antagonistic relationship. Though perhaps it might have been so with certain cases of corruption, as the Movement caucus includes people in the government"⁹⁹.

The membership of YPA, which straddles between the multipartist and movementist sides, provides the association with the advantage of appealing virtually to the whole parliamentary spectrum. Therefore, on top of its formal members, the Young Parliamentarians claim the support of at least 50 'well-wishers', MPs who are relatively unbounded by party-like affiliations and often lend their support to the YPA:

"normally there's lobbying, which we see as convincing somebody about the rightness of your argument, but it might also be seen as putting pressure on MPs ... When YPA has a position there's a lot of pressure in the way of mobilising for lobbying. Then, one other major thing is also public opinion, since we are very engaged in the anti-corruption crusade. We have a lot of backing for that and MPs may want to identify with YPA [i.e. not challenge its line] for fear of being misinterpreted as going against such crusade"¹⁰⁰.

⁹⁷ Kakoba, interview (Kampala, 16 July 1999).

⁹⁸ Salamu Musumba, interview (Kampala, 16 June 1999).

⁹⁹ Adolf Mwesigye, MP, interview (Kampala, 17 June 1999).

¹⁰⁰ Kakoba, interview (Kampala, 16 July 1999).

On occasions, the association was allegedly able to assemble the necessary majorities and influence the outcome of a vote in the House¹⁰¹. The significant influence built up by the YPA is largely an accepted fact. Among the alleged benefits of its increased authority are, for example, the fact that all key positions within the Movement caucus are occupied by YPA people (or is it the other way round?), and that an increasing number of ministerial positions was assigned to members of the association¹⁰².

The very cross-sectional nature of the YPA, however, also accounts for its limitations. Discussions and efforts to work out common positions have been constrained by the need not to alienate any of the internal tendencies. Because debates on politically- or ideologically-charged issues are mainly avoided, some conclude that "there's very little politics talked about in YPA"¹⁰³:

"it's been mostly 'developmental' issues. When it comes to controversial parliamentary matters it risks dividing members, and so we leave it to individuals ... we don't take a position"¹⁰⁴.

"We rarely discuss bills, but we try to influence the parliamentary committees individually. We can, but I don't remember a single time when we discussed a bill, nor when we took a position on voting. Well, we've mobilised for the votes of censure, but it was never unanimous. In the end, MPs are totally free to vote as they see fit: there is no whip, it's impossible to ensure to impose the vote"¹⁰⁵.

As a result, even in a relatively effective organisation such as the Young Parliamentarians Association, a consistent co-ordination of parliamentary initiatives is heavily restricted by fears of undermining co-operation in those areas where agreement among members can be reached.

What happens to other, minor caucuses is not very different from the above picture. Their difficulty in acting cohesively and shaping the vote suggests to conceive the meetings of these groups almost exclusively as information gathering forums¹⁰⁶, with frequently low turnouts that may reveal the doubts that many members hold with regard to the effectiveness of having a caucus¹⁰⁷.

¹⁰¹ Kakoba, interview (Kampala, 16 July 1999).

¹⁰² Kakoba, interview (Kampala, 16 July 1999).

¹⁰³ Ben Wacha, MP, interview (Kampala, 9 June 1999).

¹⁰⁴ Kakoba, interview (Kampala, 16 July 1999).

¹⁰⁵ Mao, interview (Kampala, 7 June 1999).

¹⁰⁶ Kinobe, interview (Kampala, 3 June 1999), with reference to the Buganda Parliamentary Association.

Organised action in parliament: the balance sheet

A few members of parliament are strongly opposed to the very idea of setting up caucuses. The latter are condemned as an inexcusable and dangerous attempt to curtail the freedom of MPs and the independence of the House at large. This kind of criticism is obviously raised by multipartist members of the assembly, who denounce the executive's endeavour to discriminate among parliamentarians and leave them out of forums where the ground for key parliamentary decisions is prepared. But the same point is also made by those Movementists who see the caucuses as a betrayal of the original individual-merit principle:

"I don't belong to any caucus. I don't believe there's a need for it. If the constitution says that the system is based on individual merit, you don't come here to be whipped into line. Although, I know that in practice it's partly different. They set up the Movement caucus. But I don't attend the meetings of the caucus, I don't believe in it. Otherwise, we can go back to multipartism"¹⁰⁸.

The concern with the manipulative use of parliamentary associations goes beyond the Movement caucus, and involves government interference with other groups. As a matter of fact, any co-ordinating arrangement that is set up in the House may be instrumentally used by the executive to reach out to the MPs and try and put pressure on them:

"many caucuses have been used by the president to meet them and exert influence. Especially at the beginning, up to 1997. YPA, the Movement, the women, even the districts. I mean, like the Acholi. You just get a letter from the clerk of parliament that your group will meet the president, without any solicitation! Why?! Why should we?"¹⁰⁹.

In spite of all these criticisms, there is no lack of MPs who think that caucuses do not detract in any significant way from the members' capacity to behave in an autonomous way. As much as political groups struggle to shape the way members will vote, the bottom line is that MPs are formally independent. In the end, they can by and large do what they see fit, rather than what they are told. This is evident, the argument goes, in the alleged autonomy of the House as a whole as well as of individual MPs. In other words, whatever they do,

¹⁰⁷ Bagunywa, interview (Kampala, 3 June 1999).

¹⁰⁸ Ogalo, interview (Kampala, 14 June 1999).

¹⁰⁹ Okello-Okello, interview (Kampala, 11 June 1999).

caucuses do not have much of an impact, and parliamentary politics largely remains an individualistic affair:

“the proper work of a caucus is for a multiparty situation, where you have to stick to your party position. These are loose organisations without any binding rules”¹¹⁰.

“On specific issues, you find individual MPs in the lobby who tell you their position and seek your support”¹¹¹.

“In the House ... you generally don't know how many people are behind a position”¹¹².

Moreover, although the Movement parliamentary leadership can certainly make use of patronage resources – “they are the party in power, they have all the resources...”¹¹³ – for most caucuses “it is a matter of persuasion rather than control”¹¹⁴. There are only weak inducements and deterrents that can be employed to enforce a commonly agreed position (if and when the latter is achieved). The meetings of most parliamentary associations remain quite intermittent and issue-dependent. And a high degree of overlap in membership between different caucuses hinders the formation of clear-cut expectations with regard to a parliamentarian's voting behaviour. Thus, an MP's endeavour to preserve his independence is somewhat facilitated by caucus boundaries that are largely crosscutting as well as porous:

“even if whipping is informally there, it's not effective. You know, you end up sitting in different caucuses so that you receive different inputs and pressures, different positions. And whipping it's not even by the government, it's by interest groups. For example the Young Parliamentarians Association or the Buganda Parliamentary Association, it is them who ask members to vote this or that way. I don't know whether you can call it whipping. It's just a matter of persuasion. You cannot isolate anybody, penalise him because he hasn't stuck to a group's position. It's not like parties in Britain”¹¹⁵.

“But in the plenary session no, I don't think the presence of caucuses appears very clearly. Many caucuses simply split, people shift positions and vote differently. Or you simply fail to get consensus on an issue in the caucus itself!”¹¹⁶.

¹¹⁰ Okello-Okello, interview (Kampala, 11 June 1999).

¹¹¹ Kaggwa, interview (Kampala, 14 May 1999).

¹¹² Bagunywa, interview (Kampala, 3 June 1999).

¹¹³ Omodi Okot, MP, interview (Kampala, 12 July 1999).

¹¹⁴ Lyomoki, interview (Kampala, 8 June 1999).

¹¹⁵ Kinobe, interview (Kampala, 3 June 1999).

¹¹⁶ Kinobe, interview (Kampala, 3 June 1999).

All this points at a considerable degree of autonomy for MPs, and it also implies that the organisation of collective support for specific measures is not easily achieved:

“the drawbacks are lengthy discussions and negotiations by the government to persuade MPs for support. Though, again, they have no guarantee of succeeding. For example, the government privatisation plan met a lot of parliamentary opposition. But parliament is not strong enough to create a stalemate as the US Congress might do. Especially on financial issues by an immediate shut off, because the government has a right to four months of non-authorized spending. In practice, it is the government which knows what the budget has to be like and must approve it, and thus, for mere lack of information, parliament has not much of a say on it”¹¹⁷.

As a matter of fact, there has been an increasing awareness of the need to improve collective co-ordination and to devise sanctions for its enforcement. Evidence of this were, for example, the creation of the caucuses, the adoption of the Movement's codes of conduct, the collection of caucus membership fees, the conditional disbursement of government money to MPs, and so on. The issue of discipline, however, has not fully come to the fore yet for two basic reasons. The first one is that, when confronted with the presidency, parliament is still too weak to actually cause a deadlock. The weakness of parliament meant that the executive's concern with the discipline of MPs, though visibly increasing, started off from being relatively modest. This was evident, for example, during the debate on the army's involvement and dealings in the Congo war. In spite of the fact that there was widespread opposition, both at the popular and the parliamentary level, this opposition did not find any significant expression, nor it raised any institutional obstacle for the government to prolong the war at will. The second reason is that, as with legislative parties in parliamentary systems, “party cohesion is a direct function of the degree of competition”¹¹⁸. But effective competition is hardly a feature of Uganda's hegemonic politics. The multipartist opposition in parliament is so small that, even in those instances when the Movement's ranks split and embarrassing

¹¹⁷ Augustine Ruzindana, MP, interview (Kampala, 28 April 1999). Given the comparative weakness of information networks – also due to the absence of party structures – individual MPs find it useful to rely on the expertise of the specialised committees of the House. The lack of a whip system implies that the Movement has little formal input in the process of assigning committee membership and chairs: committees are elected by the House from among members who submit their names, and no minister can be a member (Robert Law, legal consultant at the Office of the Minister of Justice and Constitutional Affairs, personal communication, 29 May 2001). Committees thus enjoy quite a good reputation not only for careful examination of the issues tabled in parliament but also for their relative independence from external intrusions. Their reports and recommendations can be a good indicator of the views of the House as a whole, and they also significantly shape the way MPs vote. Because committees have to mediate among different positions, however, they present more or less ‘technical’ analyses – to the extent that the term can be used with reference to the parliamentary process. While a committee's work may have important political implications, its role is not to be read as an alternative way of forming voting blocs.

¹¹⁸ Golombiewski, quoted in Bowler – Farrell – Katz (1999:13).

situations may emerge, the government is still likely to get away with it. And where a ruling group has a large majority and no prospects of an electoral threat, it may simply decide “not to enforce discipline where there is no point”¹¹⁹.

Yet, the concern with discipline survives because any governing party needs to preserve a minimum of unity to secure retention of power. On those occasions when the Movement faced serious challenges on critical issues, it opted for forcing its way through. In the case of the *Referendum Bill*, for example, this was done through a straightforward manipulation of parliamentary voting. Because several perplexed movementists avoided turning up when the issue was being decided upon, the bill was passed without the required quorum¹²⁰. In addition to the manipulation of rules, the physical and political presence of powerful ministers in parliament, which goes against the ideal separation of executive and legislative powers of presidential systems, was also instrumental to whip MPs into line. This was the case, for instance, when the parliamentary committee failed to have the *Political Organisations Bill* scheduled before the *Referendum Bill*. Alternatively, ministerial positions have been left unfilled for some time after cabinet reshuffles, “left hanging to whip parliament back into good behaviour”¹²¹. On a further occasion, when educational qualifications for local councillors were being discussed, Museveni allegedly used the Resident District Commissioners to mount pressure on MPs by telling people that sitting parliamentarians were trying to prevent others from getting to positions of power¹²².

These buffer solutions, however, are neither a guarantee of success nor likely to last, as “MPs are becoming more and more independent, on any issues”¹²³:

“in the past, the caucus was so scared by the image of Museveni – they didn’t even ask him questions when he was with them – but this is gradually diminishing”¹²⁴.

“Previously it was the president who gave directives to parliament. Now even if he gives directives some people may oppose him or just stay quiet and do things differently”¹²⁵.

More generally, the absence of direct sanctions has enabled individual MPs to actually retain a degree of autonomy. In a similar context, Museveni’s charisma – oiled with a

¹¹⁹ Bowler – Farrell – Katz (1999:13).

¹²⁰ See Chapter Three, note 60.

¹²¹ *New Vision* (Kampala, 17 May 1998). See also *New Vision* (Kampala, 30 May 1998). This was made possible by the fact that, against the separation of executive and legislative authorities of an archetype presidential system, the Ugandan president can and does pick his ministers from among MPs.

¹²² Ogalo, interview (Kampala, 14 June 1999).

¹²³ Benedict Mutyaba, MP, interview (Kampala, 26 May 1999).

¹²⁴ Omodi Okot, interview (Kampala, 12 July 1999).

The parliamentary politics of 'no-partism'

pragmatic combination of patronage and intimidation, mediated by the Movement caucus, and enforced by bending legislative and constitutional rules – has been functional to overcoming parliamentary oppositions and organisational vacuums. Yet, in some extreme instances, the Movement's strategy of bulldozing opposition to government measures when important legislation is tabled brought about constitutional crises, as in the case of the 1999-2000 wrangles around the referendum laws.

¹²⁵ Kakoba, interview (Kampala, 16 July 1999).

Chapter 8

Making policy for land reform

*The organisation of interests in a no-party policy process**

In Chapter Four and Chapter Five, I focused on the organisation of political actors in party and party-like arrangements. Chapters Six and Seven shifted attention to two junctures on the input side of the political process – electoral activities and parliamentary interactions – to find out how and to what extent individual politicians organise collective actions. This chapter carries the analysis forward by focusing on the production of specific policy measures – i.e. those concerning land reform – to shed light on how policy-making is carried out under Uganda's no party politics and, especially, to understand what kind of organised interests make an impact on policy reforms.

In political science as much as in common sense, it is frequently assumed that political parties are key actors in modern and participatory policy-making processes. Parties justify their existence and bids for government by presenting policy programmes to the electorate – or at least they are supposed to do so – and it is largely party personnel that, after an election, take the top executive positions. Thus, what a government does is often perceived as something that the parties in power want and plan it to do.

As intermediary organisations, parties are meant to aggregate and channel key demands of the electorate into the state administrative structure. While they may not always be an original source of policy proposals, parties can be in a privileged position to take up initiatives started by other organisations: party activities are largely devoted to formulate appealing electoral programmes by bringing together demands and policy suggestions that

* I would like to thank professor Patrick McAuslan, a legal adviser to the Ministry in charge of land affairs when the *Land Bill* (1998) was being drafted, for discussing the topic with me and for making unpublished material available to me. This chapter owes a lot to his analyses of land reform in Uganda and in Africa at large.

were initially articulated by other actors¹. As a matter of fact, this is what parties, their functions and the mandates they receive are all about: “interest groups cannot aggregate interests as broadly across social groups and political issues as political parties can. Nor can they provide the discipline necessary to form and maintain governments and pass legislation. Only political parties can fashion diverse identities, interests, preferences and passions into laws, appropriations, policies and coalitions”².

If it is the *party government* model of policy-making that insists on the primacy of parties, virtually any other explanatory scheme of the policy process takes party leadership, personnel and programmes into account³. Where parties are not directly involved in articulating the content of a policy, for example, they are often perceived as providing critical support to policy-making by promoting the legitimacy of government policies.

That political parties always have a role to play in policy-making, however, can be a questionable generalisation. The idea that parties are actively involved in formulating and negotiating policy reforms may well belong to normative views, rather than being upheld by empirical evidence. The notion that parties elaborate, mediate, and channel social inputs may be an idealistic interpretation of the policy process and its outputs as due responses to demands raising from the society. Even in political systems where parties hold a central position, they are not necessarily nor significantly involved in making policy. Indeed, we are warned that “the claim made for the role of parties in policy-making ... seem to be broadly correct. Parties can make a difference. But there is an important caveat... they are likely to make far more difference with respect to the general direction that public policy takes than in the development of distinct, detailed, policies. The reason for this is quite simple. Parties lack the resources – in terms of information, research staff and so on – to develop detailed policies on their own”⁴.

We should not expect the absence or marginalisation of political parties to imply necessarily a lack of diverse views on and organised struggles around policy issues. Neo-corporative processes, for example, may be an alternative or complementary way of channelling the inputs of large interest groups into the core decision-making arenas. Alternative paradigms have theorised the key role of issue networks, policy communities or

¹ Hill (1997:116).

² Diamond (1999:97).

³ Pasquino (2000:201).

⁴ Ware (1996:357). The point I am making is, more specifically, that parties *may* lack the resources to develop detailed policies.

iron triangles in accounting for policy-making processes in ways that significantly reduce the room for a direct intervention of political parties⁵.

An analysis of policy-making under Uganda's no-party electoral politics will have to be entirely open-ended. While the notion of no-party politics implies the idea of a no-party policy process, in the case of Uganda, it is to be demonstrated that:

- parties 'are not there' and cannot take part in making policies;
- those political organisations that are there – if any – do provide meaningful inputs;
- organisations that are not primarily involved in the struggle for and capture of government positions do not have a significant say in a policy process.

The above issues, as pointed out, will be addressed through an investigation of Uganda's process of land reform. But why choose land reform as a case study of policy-making? Land is a critical issue in Uganda, as it also is in most African countries. Its direct relevance to the subsistence of the great majority of the population as well as to any seriously-conceived development strategy makes it a highly-charged political issue. On top of the objective importance of land, a subjective value is also attached to the issue by pervasive ethnic and communal symbolism and historical antagonisms. The struggle for the control of land fosters antipathies and increases the stakes of conflict among key social groups. In the case of Uganda, in particular, land issues have a tendency to generate or reinforce ethnic, class and gender divides within the population. There is no doubt that land has been and will be a central question – possibly the paramount question – for any of the country's past and future governments. Indeed, land was one of the key issues debated by the constituent assembly and one of the matters that the first no-party parliament was mandated to legislate upon.

The choice of a single and specific policy issue cannot but be a mere example of what policy making *can* be like under no-party politics: aspects and actors that played an important part in the process of reforming land (say, for example, NGOs) may be entirely irrelevant or non-representative of other cases of policy-making. The limitations of the analysis which is carried out hereafter, therefore, have to be recognised from the outset, and generalisations must consequently be avoided.

⁵ Cf., for example, Hill (1997:65ff.).

A background to policy-making for land reform: context and actors

The following analysis of land reform in Uganda aims at understanding how interests have been organised to influence the reform process and the extent to which they actually affected the new policy. The process of land reform is reconstructed up to the stage of outputs, i.e. when constitutional and legislative texts were produced (in 1995 and 1998, respectively) which re-shaped land affairs in Uganda. These new laws will be seen – to the extent that it is possible and reasonable – as score- or balance-sheets on which the impact that different interests had on the reform is recorded. At the same time, unsuccessful attempts at influencing the reform will also be traced and investigated. Table 8.1 provides an overview of the key stages of the land reform process.

| <i>Timing</i> | <i>Stage</i> | <i>Activities</i> | <i>Output</i> |
|------------------|---|---|--|
| 1989 on | <i>Ministerial teams</i> | general investigations into land matters; drafting bills | Reports and draft bills |
| 1989-92 | <i>Uganda constitutional commission</i> | popular consultations; drafting a new constitution | UCC Report and draft Constitution (1993) |
| 1994-95 | <i>Constituent assembly</i> | lobbying and caucusing; general debate; amendment of draft constitution | Chapter 15 of the Constitution (1995) |
| 1997-98 | <i>Cabinet & ministerial teams</i> | general investigations into land matters; drafting bills | Land Bill (1998) |
| 1998 (June) | <i>Parliamentary committee</i> | review of submissions/ consultations; informed debate | Committee Report (June 1998) |
| 1998 (June-July) | <i>Parliament</i> | lobbying and caucusing; general debate; amendment of the <i>Land Bill</i> | Land Act (1998) |

Table 8.1: *The main stages in Uganda's land reform process*

Before setting out to reconstruct the politics of land reform, we need to try to frame the broader context in which political bargaining took place. In the case of Uganda's land

reform, three sides delimited the field where the policy process was played out⁶. The first side was the set of pre-existing norms – inclusive of collective practises as well as legal provisions – dealing with land issues. The second was the broader social context in which land affairs are embedded. And the third was the specific political-institutional framework, as the chessboard on which the different actors related to each other.

For a start, land affairs in Uganda are complicated by the presence of a highly differentiated, multifarious set of tenure systems. While in most areas land is held under some form of customary tenure, freehold, leasehold and a fourth tenure system specific to some parts of Uganda – known as ‘mailo’⁷ – are also in use.

Customary tenure itself differs from area to area. Everywhere, however, this form of tenure is strongly entrenched in local practices, ideology and power relations. Thus, regardless of whether ‘custom’ is a genuine reflection of age-old historical practices or an instrumental creation of recently-established hierarchies, it is almost by definition fiercely resistant to any changes dictated by statutory law. For example, traditional stances and practices in gender relations constituted a cultural resistance to the adoption of the egalitarian provisions that women’s coalitions and international donors supported. The symbolism attached to tenure practices is further reinforced by the perception that land and control over land are the foundations of the life and the survival of any community.

In addition to resistance to change, the sheer complexity and indeed confusion in land tenure makes reforming them an even more difficult task. The differentiation of tenure systems is the result of the overlap between traditional forms of tenure and a complex history of statutory regulation. This overlap began with the 1900 *Anglo-Baganda Agreement*, the first British attempt at regulating land affairs in the protectorate, and with similar agreements signed with the kingdoms of Toro and Ankole in 1900 and 1901. Alongside regulating relations between colonial authorities and local communities, these agreements introduced mailo (mostly in Buganda) and freehold land (mainly in Ankole, where the agreement allocated 26 square miles to the Omugabe and his chiefs and 50 sqm to private individuals, and in Toro, with 122 sqm to the Omukama and the chiefs and 255 sqm to private individuals; in addition, just before independence, a few smallholders in Kigezi, Bugisu and Ankole were ‘adjudicated’ freehold through local pilot schemes)⁸.

⁶ Cf. Grindle – Thomas (1991).

⁷ See Chapter Two, p.48.

⁸ Uganda Constitutional Commission (1993:677), cf. World Bank (1993:23). Doornbos (1978:80) provides somewhat different figures for Ankole.

Once started, the statutory regulation of Uganda's land affairs went on decade after decade, with the progressive adoption of new measures overlapping with existing ones. Thus, the 1928 *Busuulu and Envujjo Law* (again, concerning Buganda only) and the 1937 and 1947 *Landlord and Tenant Laws*, which reshaped tenure relations in Toro and Ankole respectively, contributed to laying down this intricate puzzle. At independence, in 1962, the constitution and the *Public Lands Ordinance* tried to deal with the issue, but they were soon replaced by the 1967 constitution and the 1969 *Public Lands Act*. Finally, land tenure and relations in the country were further complicated by the comprehensive *Land Reform Decree* issued by Idi Amin in 1975.

Some structural features of the Ugandan society constituted a second element that shaped and affected the process of reforming land. The country's high levels of inequality, poverty, illiteracy and ruralism, for example, systematically act as barriers to the organisation of interests. The consequent weakness or relative absence of non-state organisations means that there are few limits to a complete control over decision-making on the part of central institutions. Where few financial and organisational resources are available outside state administrative structures, core state actors have a disproportionate capacity to shape the policy process:

“uncertain information, poverty, pervasive state influence in the economy, centralisation of decision making ... a large rural population, limited communications, low levels of literacy and a limited adult population tend to mean that a much larger percentage of the population is out of touch with what is happening, especially when the government is strongly centralized ... enhances the role of policy makers while tending to isolate them”⁹.

Finally, Uganda's political-institutional set up contributed to the definition of roles and resources in the reform process: “institutions do not allow one to predict policy outcomes. But, by establishing the rules of the game, they enable one to predict the ways in which policy conflicts will be played out”¹⁰. The constitution is the bottom line in defining formally who is to take part in a policy process and in what capacity. Accordingly, institutions such as the presidency, the ministry in charge of land affairs, parliament, and the parliamentary committee were in privileged positions to direct or affect the policy change. By contrast, the participation of political parties was hindered by the broader limitations on their political

⁹ Grindle – Thomas (1991:45, 49-51).

¹⁰ Immergut (1992:63), quoted in Hill (1997:89).

activities, something which is the very object of this study. Similarly, the decentralised arrangements adopted by the Ugandan state – and their specific form, e.g. the lack of a direct *political* recognition for traditional kingdoms – were also a key element affecting policy-making and implementation. And so was the administrative capacity of the state: the actual possibility to disseminate information, to carry out processes of registration, titling, monitoring, disputes settlement, and so on, or the ability to fund the reform were all important constraints to take into account when designing new land regulations.

Political and developmental views in reforming land

The initial framework for land reform in Uganda was outlined by the 1995 constitution, which also required the first directly-elected parliament to legislate the details of the reform and to provide for its implementation. By the time the constituent assembly and then parliament took centre stage, however, a less visible discussion was already underway. This was articulated through academic research, ministerial work and more open consultations. All along, one could observe two main approaches behind the process of land reform: “they may be called the World Bank force and the constitutional force. The former represents the forces of the market; the latter the political force”¹¹. The original economic development views that emerged at the outset were progressively diluted by political factors. The market approach was openly put forward by the supposedly ‘technical’ or low-political-content reports produced in the early 1990s. But, as the debate moved on to the actual decision-making arenas, this approach had to come to terms with the accommodation of more explicitly political interests. This occurred, first, with the debates and the decisions of the constituent assembly – which also opened up the discussions to a wider public and set of non-state actors – and then with the legislative politics of the new parliament.

In June 1989, a World Bank-commissioned and USAID-funded research programme, carried out jointly by academics of the Makerere Institute for Social Research (MISR) in Kampala and the Land Tenure Centre of the University of Wisconsin, had produced an influential report on *Land tenure and agricultural development in Uganda*. The study, part of a number of publications on land matters in Uganda, developed an early argument for a tenure

¹¹ McAuslan (2000:4).

reform largely inspired by orthodox economic thinking¹². It recommended the repeal of the 1975 *Decree*, the uniform adoption of freehold tenure and the contextual promotion of a land market. But the report also justified, from an economic perspective, the security and protection of tenure for people with no opportunities other than tilling the land, on the ground that their displacement would disperse and reduce the country's productive forces¹³. Thus, for example, mailo tenants were to become freehold owners of the land they occupied (with the government and the beneficiary tenants sharing the costs of compensations), whereas mailo owners would only retain freehold titles to land that was not held by any tenants¹⁴. This was meant to break the impasse between mailo owners and *kibanja*-holders, so that markets could facilitate the efficient and flexible allocation of land which is crucial to development: "the land market serves an extremely important function ... because it allows progressive farmers [i.e. those farmers who invest the most in land, albeit not necessarily large-scale farmers] access to land, a critical step in the economic development of agriculture"¹⁵. The arguments articulated in the Misr/Wisconsin study were to influence the subsequent stages of the policy process, and notably the work of the constitutional commission as well as the numerous bills which were drafted in the early 1990s.

Between 1989 and 1992, the Uganda Constitutional Commission, which was mandated with drafting a new constitutional text that an elected assembly would then discuss, also set out to address the land question. In 1993, the commission completed its task by publishing a long-awaited Report – the result of widespread and widely publicised consultations – which contained a section dealing with the land issue. The report largely drew upon and referred to the Misr/Wisconsin study. It pointed out Ugandans' concerns with equity, access, protection, security and development of land, and concluded that, to achieve these objectives, "the state should hold land in Uganda in trust and for the benefit and well-being of all the people of Uganda"¹⁶. Key among the report's proposals were the phased

¹² Neo-liberal assumptions concerning land reform are summarised as follows by a World Bank study on Uganda: "(a) a freehold title is necessary to encourage investments in and sound management of land; (b) the possession of a freehold title facilitates the use of land as collateral for credit – which, by implication, can be directed to long-term capital investments; (d) a land market can be created – or restored – where none exists; (e) Uganda needs a uniform land tenure system rather than the current myriad systems; and (f) a freehold system with registration of titles would permit Government to capture some of the rents to which it is entitled, and to introduce a land tax to spur further development" (World Bank 1993:24).

¹³ Makerere Institute for Social Research – Land Tenure Centre (1989:xiv, 155-157, 209).

¹⁴ Makerere Institute for Social Research – Land Tenure Centre (1989:xvii, 174ff., 210).

¹⁵ Makerere Institute for Social Research – Land Tenure Centre (1989:xv, also pp.156, 209). In pre-colonial Buganda, a peasant would get, under a chief of his choice, a *kibanja* (plot) land over which he would enjoy inheritable rights of occupation (*ebibanja*), subject to "his maintaining the correct social and political behaviour", Uganda Constitutional Commission (1993:674).

¹⁶ Uganda Constitutional Commission (1993:682).

introduction of a uniform system of freehold for rural areas and leasehold for urban areas¹⁷ and a decentralised system of land management, an alleged response to complaints about the “long, costly and complicated process of acquiring title to land” that an overcentralised system had imposed upon Ugandans for years¹⁸. The most relevant recommendations included in the UCC Report were the following:

- land should be vested in the state;
- in the long run, all mailo (‘already a freehold tenure’) and leasehold land in rural areas was to be converted into freehold, with leasehold to be retained in urban areas only¹⁹;
- legal occupation of land was to be formally recognised and protected through registration and titling;
- *kibanja* occupants were to obtain freehold titles, with mailo owners to be compensated by the government;
- an equitable distribution of land was to be promoted – with the size of landholdings subject to control and limitations – while avoiding divisions into uneconomic units;
- customary tenure should continue to exist, but customary tenants were to be encouraged to acquire titles in land²⁰;
- the Uganda Land Commission would be retained, while ensuring its independence from political interference when implementing government policy;
- existing District Land Committees would also be retained but further empowered, making them autonomous entities (only co-ordinated by the ULC) able to issue titles; decentralisation was to be promoted by establishing Sub-county Land Committees to facilitate land titles applications and local Land Tribunals to settle land disputes;
- a land tax should be introduced, notably for idle or undeveloped land;

¹⁷ Phasing the process of tenure reform was meant to limit the ‘hardships’ and ‘upheavals’ that an abrupt abolition of customary tenure might generate, Uganda Constitutional Commission (1993:673, 684).

¹⁸ Uganda Constitutional Commission (1993:672). The decentralisation of some land management functions was also recommended by the Misr/Wisconsin study (Makerere Institute for Social Research – Land Tenure Centre 1989:xviii, 203). “Before 1969 every district controlled its land and issued land titles. Then the UPC government decided to centralise control over land – the idea was that this would speed up the development of the country – and the district land was abolished”, John Livingstone Okello-Okello, MP, interview (Kampala, 20 June 2000).

¹⁹ The Misr/Wisconsin study had suggested that all leasehold be transformed into freehold automatically (save for very large, illegally-acquired or government-sponsored leases); Makerere Institute for Social Research – Land Tenure Centre (1989:xviii).

²⁰ The Misr/Wisconsin study had deemed an ‘indigenous customary land tenure system’ inappropriate to agricultural development, and suggested that customary tenants be given freehold titles over land rights certified by their communities; Makerere Institute for Social Research – Land Tenure Centre (1989:xvii-xviii).

- ownership by foreigners should not be confined to leasehold, albeit subject to controls²¹.

A third report was produced by a 10-member technical committee on Land Tenure Law Reform – the Agricultural Policy Committee – which was set up by the government, over the same period when the Uganda Constitutional Commission was looking into land matters, to carry out a country-wide study in accordance with the recommendations of the Misr/Wisconsin Report:

“when the CA was elected, the first document that the delegates were given, just after swearing in, was the report by the technical committee. Because land was a very important issue. The committee had been literally in all the districts – except one, Kalangala. We had a programme on the radio, where we would announce that we would hold a meeting at this place at this time, so that people could gather. We were selecting people, telling them that we wanted to meet so and so (religious leaders, women leaders - all leaders). Because we didn't want to hold rallies, where you cannot really have discussions, but we wanted around 100 people”²².

The committee allegedly used the demands raised in the public meetings, as expressed in the report, to draft a number of bills²³. While some of these drafts were submitted to the government, however, none of the bills was tabled in parliament for enactment. A civil servant from the Ministry in charge of land affairs recalls the situation as follows: “what happened ... we had tried to table a bill in 1993. But, at the time, there was the constitution-making process under way. And we feared that we may have ended up with a land law which contradicted the constitution, as it was not clear yet what the constitution would say on land”²⁴.

Since the debate in the constituent assembly would start off from the constitutional text drafted by the Uganda Constitutional Commission, it was the latter's work, including its long report, which set the direction of the land debate during the constitution-making process. To a significant extent, the stands expressed in the UCC report reflected and legitimised the

²¹ Uganda Constitutional Commission (1993:686-692).

²² Okello-Okello, interview (Kampala, 20 June 2000). Loice Bwambale-Biira (Women, Kasese) referred to the June 1993 report of the Technical Committee on Land Tenure Law Reform “which all of us have”, in *Proceedings of the Constituent Assembly* (8 May 1995, p.4219).

²³ The 1990 *Tenure and Control of Land Bill*, for example, suggested that freehold be extended to the whole country (also implying the elimination of mailo), retaining leasehold in urban areas only. At the same time, it also aimed at restoring some security for customary tenure. For the management of land affairs, the bill suggested subcounty-level land committees to replace the district-level ones established in 1969, as well as the establishment of district land tribunals. See Uganda Constitutional Commission (1993:679-680); Marquardt – Sebina Zziwa (1998:179).

World Bank approach, as elaborated by the Misr/Wisconsin study, and introduced more fully and openly the land issue in the political as well as in the constitutional agenda.

The constitutionalisation of land affairs

It was in the constituent assembly that the issue of land reform was first addressed in an open national debate. Because the agenda of the assembly was set by the draft constitution formulated by the constitutional commission, land became automatically a constitutional issue. Indeed, as a delegate observed, “the question of land is probably the most central in the process of constitution-making”²⁵. The statement is worth a few considerations.

The inclusion of a chapter on ‘Land and Environment’ in the 1995 constitution runs against the notion that constitution-making is about the regulation – i.e. the organisation, allocation and limitation – of political power, not of political issues. The need to avoid issues that had nothing to do with a general recognition of rights nor with the organisation of political institutions was pointed out by a delegate: “there has been so much a tendency of us trying to describe everything. A constitution is not a dictionary!”²⁶. Over-stretching the reach of a constitutional text is an inherently risky operation, as one Italian political scientist has put it:

“the more we establish all-regulating and all-promising constitutions, the more we prompt their infringement and a country’s débâcle. ... Constitutions are, first and above all, *procedures* designed to ensure a controlled exercise of power. Therefore, and conversely, constitutions are required to be content-neutral. A constitution that takes it upon itself to establish policies preempts the popular will and tramples upon the policy-making bodies (parliaments and governments) to which the policy decisions are constitutionally entrusted. We must beware, therefore, of ‘aspirational constitutions’ ... ‘target constitutions’”²⁷.

But the inclusion of land affairs in the constitution reveals the crucial relevance attributed to the issue. After all, “land reform is about restructuring existing power relations

²⁴ K.S.B. Mubbala, Director for Lands and Environment at the Ministry of Water, Lands and Environment, interview (Kampala, 30 May 2000).

²⁵ Cyril Agard Didi, in *Proceedings of the Constituent Assembly* (3 May 1995, p.4095).

²⁶ Rhoda Nsibirwa Kalema, in *Proceedings of the Constituent Assembly* (11 May 1995, p.4292).

²⁷ Sartori (1997:197, 200).

around land”²⁸, and, as mentioned, to most Ugandans land is more important than politics: “people are even more concerned about land than power”²⁹.

“Land is viewed by the people as a *vital natural resource* and *common heritage* which cannot be matched by any other natural resource. Ownership of land by the individual, family or community confers real or potential wealth, social prestige and a sense of economic security. Population growth continues to put a great deal of pressure on land”³⁰.

The tough debates on the proposed chapter 15 of the constitution, however, could not sort out all the thorny aspects of land reform. Rather, the constituent assembly confined itself to pointing at the direction of change, and required parliament to legislate on the matter within two years. Nevertheless, the CA did make some crucial decisions.

By stating that “land belongs to the citizens of Uganda”³¹, the constitution abolished public or state land and restored people’s ownership of land, which had been modified by the 1900 *Agreement* with the colonial authorities. The restoration was allegedly the response to the peasants’ fervent desire to possess their land. The support that the latter seemed to enjoy among the delegates resounded in the rhetoric of the constitution-making debates:

“owning... this is what all of us have been asked to come here and get. The peasant in our villages wants to own the land that he tills, where he is or which he uses for sustenance. ... I do not think there is anybody here who will say that the people he represents told him that they do not wish to own land”³².

A constituency in favour of the retention of some government control over land emerged in, and was largely confined to, the south-west. People from these areas, which largely lack cultivable soil, hoped to get hold of better land via government redistribution³³. It was claimed that Museveni himself, who hails from western Uganda, was backing such demands. As a matter of fact, the recommendations of the government-inspired constitutional commission envisaged a significantly broader role for the intervention of state organs in land

²⁸ Khosa (1994:50).

²⁹ Maria Nakyanzi, in *Proceedings of the Constituent Assembly* (3 May 1995, p.4095).

³⁰ Uganda Constitutional Commission (1993:671, emphasis added).

³¹ The new formulation – “land in Uganda belongs to the citizens of Uganda and shall vest in them” (art. 237, *Constitution of the Republic of Uganda*, 1995) – was a significant shift away from the recommendation of the Constitutional Commission that land be vested in the state in trust for the people (“all land in Uganda belongs to the people and its use shall be regulated by the Uganda Land Commission”, art. 271 of the UCC draft constitution).

³² Fabius Byaruhanga (Kitagwenda County), in *Proceedings of the Constituent Assembly* (4 May 1995, p.4105).

³³ Okello-Okello, interview (20 June 2000). See, for example, Mbarara MP Winnie Byanyima’s contribution to the debate, in *Proceedings of the Constituent Assembly* (11 May 1995, p.4286). Dick Nyai and Yusuf Okulo-Epak, both MPs, also pointed

affairs than was finally agreed. Nevertheless, the support for re-vesting land in the people turned out to be overwhelming.

The lengthy discussions on the content and the exact wording of the provisions vesting land in the people reflected the awareness that the proposed one was a revolutionary change, that is, a counter-revolution to restore what had been there in the past. The notion that land is public was allegedly inherited by the 1900 *Agreement* with the British, which replaced people's land with state land. State ownership had later been re-asserted with the 1962 constitution, and again with the *Land Reform Decree* of 1975, which had reduced land tenure to state leasehold only³⁴. Thus:

“what we did in 1995, by re-introducing people's land with the constitution, was to go back to what was there before. This was a major step and it is going to have great implications. The power of the state is reduced to regulation only. This is very important, because before they could – and, in fact, they did – come and dispossess you without adequate compensation for the land. Now, that land which previously was public land, is now handed back to the citizens as freehold, as customary or whatever may be”³⁵.

Aside from restoring people's ownership, the constitution recognised the four existing forms of tenure. If vesting land in the people was the biggest change, stating that land “shall be owned in accordance to ... customary, freehold, mailo, leasehold”³⁶ systems was the main guarantee that current practices would not be turned upside down. The formal restoration of mailo and freehold was an important step to re-establish a degree of order and legality after the failed implementation of the *Land Reform Decree*. To some extent, ‘reform’ in this case was more about setting up regulations that reflected existing practices, rather than changing existing practices by means of new regulations.

The continuation of all four forms of tenure, however, did not go unquestioned. In particular, hard-line modernisers, who favoured a complete rationalisation through the country-wide adoption of freehold and leasehold, clashed with traditionalist views that demanded the protection of customary and mailo tenure systems.

Popular support for established practices ensured the retention and the acknowledgement of a legal status for customary tenure. At the same time, certificates of customary ownership were envisaged for customary owners. This measure was partly linked

at Museveni's will to retain government control over land, interviews (Kampala, 14 June 1999 and 19 June 2000 respectively).

³⁴ Okulo-Epak, interview (Kampala, 19 June 2000).

³⁵ Okulo-Epak, interview (Kampala, 19 June 2000).

³⁶ Art. 237, *Constitution of the Republic of Uganda* (1995).

to the idea of vesting land in the people. Certificates were meant to formalise the ownership rights of occupants on customary land and thus shelter them from government and administrative interference: “no longer are they customary tenants on public land, subject to the whims of officials willing to grant that land to whomsoever they see fit ... Given that ... all customarily occupied lands were public lands, the effect of this provision is virtually to eliminate public land as a category of land in Uganda”³⁷.

The fate of mailo land, recognised as a *de facto* form of freehold, turned out to be very controversial. Again, there was no lack of delegates ostensibly putting forward the demands of the tenants:

“the peasants of Buganda have not been having a big voice because there is a lot of intimidation ... [But] one of their messages ... was ‘We would like to be the owners of the land that belonged to our ancestors without undue interference from the absentee landlord who carries the title but has never grown a single banana tree or even a coffee tree or grazed the cow over the land’”³⁸.

The point was made that the idea of giving land to the peasants was not merely based on a redistributive rationale. Developmental objectives would also be achieved – the argument was – by enhancing the security of tenure of those primarily responsible for agricultural production and thus, in the long run, promoting their capacity for investment:

“it’s unfair to say that the peasants don’t want the land, that they are happy as they are. It maybe true that peasants in Buganda now don’t want land, but, as the country develops, they will not sit down and say ‘I’m happy to be landless’. It’s just that they fear to be thrown out if they ask for it, if they disturb the landlord. But titles are an asset. You can borrow money. At the moment it is not there, the banks are not lending. But the first purpose of a land title is security of property – nobody will come and claim it – not that of borrowing money. But there are situations where people may want to borrow money, and you don’t walk in a bank empty-handed and borrow”³⁹.

The opposite claim was made, however, that the cultural particularity of land relations in Buganda had to be respected, and that the bakopi themselves would actually

³⁷ McAuslan (2000:6).

³⁸ Maj.Nuwe Amanya Mushega (Igara County East), in *Proceedings of the Constituent Assembly* (5 May 1995, pp.4152-3). Several other delegates – some from areas as diverse as Toro, Bunyoro, Buhweju, Ankole or Apac – intervened in favour of mailo tenants, see *Proceedings of the Constituent Assembly* (5 May 1995, pp.4156-75).

³⁹ Okello-Okello, interview (Kampala, 20 June 2000).

defend mailo relations “as the case may be with *federo*”⁴⁰, that is, the kingdom’s political autonomy. Key to this argument was the notion that the bakopi did not own land prior to colonial rule – itself a contentious notion⁴¹ – and, thus, that they did not see the introduction of mailo as the origin of their deprivation. The very significance attached to the term ‘mailo’ restrained actual possibilities of change: “it was assumed that if this word does not appear, the next day, headlines in the Luganda papers would say ‘*Mailo abolished*’, and yet we had no intention of abolishing mailo”⁴². In the end, mailo land ownership was restored, with security of tenure guaranteed for lawful or *bona fide* occupants of mailo, as well as for occupants of freehold and leasehold land. The detailed regulation of landowner-tenant relationships and the registration of the interests of occupants, however, were left for future parliamentary legislation.

The assembly also devoted a great deal of attention to the question of the former ‘lost counties’. The committee dealing with land issues, led by a Munyoro chairman, argued that Buyaga and Bugangaizi counties constituted a special case, the result of a historic wrong which the assembly had to redress without any further delay, rather than postpone it for parliament to regulate. The committee suggested that the government should pay compensations for absentee Baganda landlords to give up ownership of land to the local peasants. On this point, a number of other delegates tried to jump on the wagon by adding their own areas for ‘special’ consideration⁴³. The difficulty and the risk of singling out parts of the country for special attention and funding, however, was pointed out by members of the assembly concerned that a common settlement of tenant-landlord relations for all mailo areas should be found⁴⁴. Extending compensations to all mailo through a general land fund would create new problems, they argued, for it would in fact constitute an indirect form of taxation on Ugandans living in non-mailo areas⁴⁵. Eventually, and in spite of the committee’s recommendations, the question of the former lost counties was dropped and left for parliament to settle.

⁴⁰ Mulindwa Birimumaso (Bukoto West), in *Proceedings of the Constituent Assembly* (5 May 1995, p.4169); cf. William Senteza Kajubi (Kyadondo North), *Proceedings of the Constituent Assembly* (5 May 1995, p.4172).

⁴¹ See Chapter Two, page 49.

⁴² Augustine Ruzindana, in *Proceedings of the Constituent Assembly* (5 May 1995, p.4151).

⁴³ The areas for which special attention was requested included, for instance, the 900 square miles that the British had handed to the Omugabe of Ankole and his supporters as mailo and freehold land (Mwesigwa Rukutana, Rusheny County, in *Proceedings of the Constituent Assembly*, 6 May 1995, p.4196), Buruli of Buganda (Mukasa Muruli in *Proceedings of the Constituent Assembly*, 9 May 1995, p.4240), Tooro and Mbale (Byaruhanga, in *Proceedings of the Constituent Assembly*, 6 May 1995, p.4204), Bwamba and Busungora in Kasese (Kule Muranga, Busungora North, in *Proceedings of the Constituent Assembly*, 11 May 1995, p.4255).

⁴⁴ Anthony Ssekweyama (Mawokota), in *Proceedings of the Constituent Assembly* (6 May 1995, p.4198).

⁴⁵ George Masika (Mbale Municipality), in *Proceedings of the Constituent Assembly* (9 May 1995, p.4237).

All four existing systems, as already mentioned, were acknowledged with equal status by the constitution. Yet customary and public land leaseholds were also made convertible into freehold. The rationale behind the transformation of leases into freeholds was evidently “consistent with the aim of eliminating public land”⁴⁶. For customary tenure, on the other hand, it was assumed that, notwithstanding the protection accorded to it, the long term goal should remain its gradual conversion to freehold tenure⁴⁷.

Finally, a set of national and local bodies was re-established to administer land affairs. An independent Uganda Land Commission was given the task of managing state-owned land at the national level. Locally, independent District Land Boards – no longer part of the Uganda Land Commission – would operate at the district level to supervise land matters and to hold and allocate non-owned land. These boards would be supplemented by local Land Tribunals in settling land disputes, so that the handling of the latter, which used to take years for courts to hear, could be speeded up. The overall result was the introduction of “a strong orientation towards democratisation of property relations ... manifest in the removal of ... authority over property titling and transfer from government to district-level autonomous Land Boards [and] dispute resolution ... [to] independent land tribunals”⁴⁸.

The constitution left the details of the new land policy and the implementation of the changes that it introduced to the incoming parliament, which was mandated to legislate on these issues within two years from its election. As much as the work of the constitutional commission had somewhat forced the Constituent Assembly to address the land issue, the agenda of the government was also pre-determined by the deadline for new land legislation.

Government policy and the politicisation of the land debate

The *Land Bill* was published for debate in March 1998, after an earlier version had been unofficially circulated in the second half of the previous year without raising much discussion. It was only in late May, however, that a redrafted version was tabled in parliament. At this point, there was little more than a month to the constitutional deadline of July the 2nd.

⁴⁶ McAuslan (2000:6).

⁴⁷ Matia Baguma Isoke, in *Proceedings of the Constituent Assembly* (5 May 1995, p.4148; see also p.4081).

The bill was the result of the work of a technical committee that had been formed in 1997 by the ministry with the task of drafting the new legislation. Once again, the work of the drafting committee was key in shaping the agenda, largely deciding what the reform was going to address and what would be left out: “they are the ones who decided which were the issues on which they wanted to legislate. ... by putting some issues on the table and not others”⁴⁹. Later in the drafting process, a cabinet committee (consisting of representatives from a few concerned ministries, including land, finance, local government and agriculture) was also formed to work out compromises on some of the most controversial issues⁵⁰. Thus, while president Museveni largely forced his stance upon cabinet, the different departments and their civil servants – notably at the Ministry in charge of land – had a significant say in the formulation of the bill. Within bureaucratic circles, some went as far as claiming that:

“there was no interference from the outside [i.e. from outside the Ministry]. We were using the constitution and we didn’t want an influence aside from the constitution. So, in effect, it was to put into effect the constitutional provisions on land, so why should we accept other influences? Though, of course, parliament then changed a few things. Cabinet had accepted most of it, it only changed something”⁵¹.

But it was the president himself who forcefully spelled out the position of the government and the terms of the debate. Museveni argued in favour of the reform on the ground of pressing needs to rationalise land affairs, develop land markets, and protect poor Ugandans from social and economic subordination. He pointed out that:

“land had no value because the economy was asleep. But now ... land has become precious ... Uganda is now a capitalist country. We should get out of this feudal system... The present law creates a paralysis between owners and poor peasants in villages”⁵², whereby “no one owns land in Buganda, even Buganda landlords are landless because they cannot use land from which they cannot evict their tenants: it means that it has no commercial

⁴⁸ Palmer (2000:278).

⁴⁹ Rose Mwebaza, leader of Uganda Land Alliance, interview (Kampala, 9 June 2000). Towards the end of the process, a few representatives of NGOs (the Uganda Law Society, the Uganda Land Alliance and Uganda Women’s Network) also took part in the twelve-member team alongside the technical heads of the ministry. But their request for more time was turned down, and they were invited to put their demands to the subsequent parliamentary stages. Mubbala, interview (Kampala, 30 May 2000), and Eddy Nsamba-Gayiyi, Acting Chief Government Valuer at the Ministry of Water, Lands and Environment, interview (Kampala, 13 June 2000).

⁵⁰ The committee consulted: ULA and UWONET; representatives of Lukiiko; mailo owners from Kibaale; freeland-holders from Mbarara, Ntungamo, Bundibugyo, Kabarole and Kasese; the Lango community on the issue of customary tenure; MPs from Kibale; MPs from Mbarara, Bushenyi, Kabarole and Kasese; MPs from Gulu, Kitgum, Apac, Lira, Nebbi, Moyo, Adjumani, Arua, Kotido and Moroto; MPs from Buganda. The Committee also visited the districts of Kibaale, Mbarara Bushenyi, Nakasongola, Luwero, Mbale. Francis Ayume MP, in *Parliamentary Debates* (20 June 1998, p.4044).

⁵¹ Mubbala, interview (Kampala, 30 May 2000).

⁵² Museveni, quoted in *New Vision* (Kampala, 19 May 1998).

value. The tenants themselves cannot optimally use the land because they do not have title deeds”⁵³.

The exact ‘extent’ of the rights of both landlords and tenants needed to be clarified, with new and unambiguous rules for tenancy and eviction.

The government’s plan was outlined by Museveni in a landmark speech at a workshop organised by the Forum for Women in Democracy (Fowode)⁵⁴, in which he focused the debate around four well-defined key points. First, whatever the tenure system, the rationalisation of land affairs should start from the recognition of the ownership titles of landlords. At the same time, the president opposed the idea of granting the landowners a right to evict tenants at pleasure and to charge commercial rents⁵⁵. Rather, it was the peasants actually living on and working the land that – so long as they were legitimate occupants of the land – had to be protected against eviction. Their protection, in turn, required the emission of ‘certificates of occupancy’ to acknowledge and register the interests in question. Moreover, the controlled or nominal rents (i.e. non-commercial fees) which had been abolished by the 1975 *Land Reform Decree* would be re-introduced: “in the villages”, the president argued, “there are no capitalist relations. People do not have adequate income. How can you charge them economic rent?”⁵⁶. Finally, and further developing this latest point, Museveni wanted the establishment of a land fund from which poor peasants would be able to obtain loans to buy or invest in land.

The impact that president Museveni had by coming out explicitly on some of the most contentious issues cannot be underestimated. Any public statement about his political views would constitute the bottom line for scores of politicians who would hardly consider challenging his positions. Museveni, for example, was “the one solely responsible for pushing the nominal rent down to Shs.1,000 (\$0.6)”⁵⁷, *ipso facto* dashing most objections (if at all, many were oriented towards fixing a nominal rent closer to commercial value)⁵⁸.

Certificates of occupancy, nominal rents and land fund all worked towards strengthening the position of poor peasants. A well-known Ugandan commentator provides a possible interpretation of why the president was promoting these measures: “there are a few thousand substantial land owners in Uganda, but millions of squatters, the landless, and

⁵³ Museveni at Fowode, quoted in *New Vision* (Kampala, 27 April 1998). Cf. Makerere Institute for Social Research – Land Tenure Centre (1989:xvi).

⁵⁴ *New Vision* (Kampala, 19 May 1998).

⁵⁵ *New Vision* (Kampala, 19 May 1998).

⁵⁶ *New Vision* (Kampala, 19 May 1998).

⁵⁷ Nsamba-Gayiiya, interview (Kampala, 13 June 2000).

⁵⁸ Mwebaza, interview (Kampala, 9 June 2000).

people with quasi-legal rights to the land they live on. In gratitude, they will vote for Museveni. Museveni, whose popularity has taken a beating lately, is manufacturing votes for himself⁵⁹. The pro-peasants choice was consistent with other positions taken by the president in the past. On the qualifications for the chairmanship of sub-county councils, for example, the president pressed parliament to modify its previous decision by abolishing the requirement of school certificates: “it was because of the semi-illiterate people who had campaigned for him: he wanted them to get those sub-county positions”⁶⁰.

On the other hand, advocates of the reform described it as a way of restoring pre-colonial ownership by the people. Non-customary tenure systems – including mailo – were the result of colonial agreements that had brushed aside traditional land tenures. The 1900 *Agreement* originally signed and now defended by Mengo (the site of the traditional government of the Buganda kingdom, and thus of the Baganda establishment) had actually dispossessed the ordinary people. It “overthrew the traditional Kabakaship, Bugabeship, etc; and also overthrew the traditional clan-based land owning system in order to replace it with commercialised serfdom which was very different from the traditional tribute system”⁶¹.

In reaction to the proposed changes, a loose and informal coalition of conservative interests emerged, centred in Buganda. The Mengo establishment, its media, the regional MPs, the Church of Uganda, and also Buganda members of the Democratic Party and Conservative Party⁶², they all denounced Museveni’s policy as a ‘foreign’ plot, anti-Buganda and pro-Banyankole. The president and his cronies in government, the argument went, were deliberately promoting land-grabbing by westerners (i.e. Banyankole and Banyarwanda). At one point or another, people such as DP leader Paul Semogerere, CP Ken Lukyamuzi and Nsubuga Nsambu, the first deputy *Katikkiro* Godfrey Kkaaya Kavuma, the bataka leader Emmanuel Musoke Kayita and many others, all hinted at ‘a deliberate plan of the government to dispossess the Baganda ... the non-Baganda are likely to own all the land in the kingdom’; ‘to impoverish Baganda, a conspiracy by the old communist personality of Museveni to rob landlords and settle foreigners, “intruders” on Ganda land’; ‘to use women and squatters to grab Buganda land from the rightful owners’; ‘to use money it put aside for non-Baganda to buy land’; ‘to seek to reinstate Idi Amin’s 1975 *Land Decree* which attempted to take away

⁵⁹ Charles Onyango-Obbo, in *East African* (3 June 1998).

⁶⁰ Okulo-Epak, interview (Kampala, 19 June 2000).

⁶¹ *New Vision* (Kampala, 2 June 1998).

⁶² See, for instance, *New Vision* 27 April, 17 and 30 May, 2 June 1998, and *The Monitor*, 14 April 1998. A few years earlier, prospective delegates to the constituent assembly had been asked by the *katikkiro*, the prime minister of the Buganda ‘government’, to commit themselves to fighting for the recognition of mailo and the return, for land ownership, to the pre-1975 situation, *The Monitor* (Kampala, 19 October 1993). At the time, the *katikkiro* was still Jehoash Mayanja-Nkangi. By the time the land bill was tabled in 1998, Mayanja-Nkangi had been appointed minister of Justice and Constitutional Affairs, which made some Baganda believe that he would be in a key position to shape the reform.

land rights from free-holders without compensation⁶³. In an effort to shield the interests of the Buganda establishment from the redistributive intentions of the government, when the parliamentary debate on the land bill got started they tried to obtain a one-year postponement of the constitutional deadline on the ground that more discussions were needed⁶⁴. Fears of an anti-Buganda scheme went as far as to suggest that the manoeuvre hid an attempt by the ruling south-western group to break the political and financial power of the Baganda by grabbing their land and making sure that the landed bourgeoisie of the central region could not earn more than nominal rents⁶⁵. On occasions, even northern (opposition) politicians familiar with land issues would join in to criticise land-grabbing on the part of the ruling group:

“when this government came to power, in 1986, there was a rush to get land. Everybody was getting land - the Kagame [i.e. the current president of Rwanda] and everybody. People felt that their land was threatened. Go to Mityana and see the map of the area and who owns land in Buganda! Yes, people from the south-west and many others - Banyarwanda. ... You know, when Buganda was divided into mailo and public land, in 1900, public land was mostly in Mubende and Luwero. So that is were you got easily land from the government. Land was being leased by the government to these people. You applied and you were then allocated and shown on the map - in yellow - with your name. So there was no secret. Of course it was a matter of connections. At one point somebody also told me that even the chairman of Mubende land committee was a Munyankole!”⁶⁶.

A particular aspect of the controversy concerned squatters who occupied land between 1975 and 1986. According to the *Land Bill*, if the landlords made no effort to remove them, these people (including the large Banyarwanda immigrant community which, the president argued, were brought to Buganda as cheap labour by mailo landlords, not by the NRM) should now get certificates. But Mengo wanted legitimate tenants only to be recognised⁶⁷. While conceding that they did not formally consult the bakopi, Mengo denied that the latter had any interest in changing the *status quo* to have their rights better protected than was the case under the existing arrangements:

“before the land reform, there was no outcry that peasants did not have access to land. Under the traditional mode, a *kibanja*-holder was entitled to hold virtually forever that land,

⁶³ See, for example, *New Vision* (Kampala, 27 April 1998) and *The Monitor* (Kampala, 26 May 1998).

⁶⁴ Ken Lukyamuzi, in *Parliamentary Debates* (22 June 1998, p.4062).

⁶⁵ John Katende, Attorney General of the Kingdom of Buganda, interview (Kampala, 21 June 2000).

⁶⁶ Okello-Okello, interview (Kampala, 20 June 2000).

⁶⁷ *New Vision* (Kampala, 16 June 1998).

he could also sell or lend it, and – up to 1975 – he would pay a nominal rent of Shs.8.5. Less than an American dime! After 1975 they were not paying anything. And nobody was being chased from the land, nobody was being prevented from occupying land. No, absolutely, tenants were not demanding it. And they are actually totally indifferent to it. It is not true that they were afraid to be kicked out”⁶⁸.

But the question was not confined to the conflicting rights of landlords and tenants over individual plots of land. On the contrary, the issue soon developed into a broader problem of how to protect the kingdom and the Buganda community from the widely perceived danger of foreign intrusions. Beside the preservation of each landlord’s rights over his own mailo, the argument began to circulate that the defense of the kingdom hinged on whether 9,000 square miles of public land would eventually be handed back to the *kabaka* to be autonomously administered by the Buganda Land Board⁶⁹. The Baganda coalition claimed that a simple restoration of the pre-1975 situation was required, and that land should be vested in the *kabakaship* in trust for the people:

“the issue was political pure and simple: who was to control land within Buganda? Was it to continue to be the traditional landlord class, individually on mailo and collectively, via the Lukiiko, on public land or was it to be the peasants – the erstwhile tenants who were being given ownership rights in the land? ... politicians and leading public figures in Buganda, by claiming that the bill is designed to facilitate taking land away from the Baganda, have aimed at getting the peasants to throw their lot in with the landlords and support the maintenance of the *status quo* on mailo land”⁷⁰.

The 9,000 square miles of former public land, however, were not a consolidated and unoccupied plot of land. Rather, they were scattered under the homes of the largely unaware peasants who were supporting the very idea of ‘returning’ it to the *kabaka*: “the local people... many of them thought that this 9,000 sqm was a clearly defined piece of land somewhere in Entebbe, or Mpigi or Luwero, and thus they were in favour of its return to the *kabaka*. But then, when they realised it was the very land under their feet, that was a different story”⁷¹.

⁶⁸ Katende, interview (Kampala, 21 June 2000). According to the MISR/Wisconsin study, by contrast, “the registry survey confirmed that tenants are exposed to eviction by mailo owners or leaseholders, based on official records of eviction disputes” (Makerere Institute for Social Research – Land Tenure Centre, 1989:xv).

⁶⁹ McAuslan (2000:13). When the kingdoms were restored as cultural institutions, in 1993, the Buganda Land Board had also been re-established to manage the 350 sqm of land returned to the Kabaka.

⁷⁰ McAuslan (2000:13).

⁷¹ Lt. James Kinobe, MP and secretary of the Movement parliamentary caucus, interview (Kampala, 3 June 1999). “The Baganda, they wanted the 9,000 sqm. But how do you return them? They are scattered all over the places as mailo”, Okulo-Epak, interview (Kampala, 19 June 2000).

The government wanted land to be administered by district land boards, and claimed that kings and chiefs had no traditional rights over land because, before colonial authorities introduced mailo ownership, land was held communally by the people through their clans. Since public land was established, the landlord had been the state. Mengo only controlled the contentious 9,000 sqm for a few years during the 1960s. But, now, public land had already been abolished by the 1995 constitution, and customary law ownership of land had been re-introduced in its place. Formally, in other words, there was no longer Buganda public land to be vested in any authority⁷². In addition, Museveni also rejected Baganda demands for compensation for former public land which had been leased to other citizens, claiming that public land which had been leased by the state to individuals according to the constitution was now freehold⁷³.

What made these issues explosive were their ethnic implications. The president attacked Mengo for using its CBS radio to sow ethnic hatred and misinform people about migrant settlers by declaring that “the Banyankole are oozing with money, [and] will buy all the land of Buganda”⁷⁴. He warned that the controversy over land could spark off a civil war, especially in Buganda, Mbale and in Sheema, Kashaari and the Ankole/Masaka ranching belt in western Uganda⁷⁵. The minister for information went as far as to comparing CBS radio with the infamous *Radio Télévision Libre des Mille Collines*, responsible of genocidal propaganda in Rwanda⁷⁶.

At the same time, the president tried to meet the Buganda caucus to cajole Baganda MPs into backing the bill, but his invitation was reportedly turned down. Allegations were also made that, in a cabinet re-shuffle, Museveni left some ministerial vacancies to use them as convenient inducements⁷⁷. Divided between their loyalty to Mengo and support for the government or the districts, parliamentarians from Buganda did not manage to behave consistently as a cohesive group. The Buganda caucus, for example, struggled to have MPs show up at crucial meetings, let alone to command their unconditional loyalty⁷⁸. At times, opposition voices were heard from Buganda districts such as Mubende, Ssembabule, Luwero or Nakasongola, partly orchestrated by non-Baganda from these areas (including some

⁷² McAuslan (2000:13) and interview (London, 16 May 2000).

⁷³ Ugandanews, 14 April 1998.

⁷⁴ *New Vision* (Kampala, 2 June 1998).

⁷⁵ *New Vision* (Kampala, 19 May 1998).

⁷⁶ Human Rights Watch (1999:114).

⁷⁷ *New Vision* (Kampala, 30 May 1998) and Kakungulu (Bulisa, Masaka Municipality), in *Parliamentary Debates*, 22 June 1998, p.4069).

⁷⁸ *New Vision* (Kampala, 30 May 1998).

parliamentarians) or by envoys of the Movement secretariat who would organise tenants associations to put the case for the peasants⁷⁹.

To cap the question of land in Buganda, there was the problem of Kibale district, where absentee Baganda landlords owned mailo land that was occupied by Banyoro people. Museveni, the Uganda Land Alliance (ULA), government-sponsored tenants associations, and some Bunyoro royal organisations had suggested the legalisation of occupation and the institution of a land fund to help local people in the former 'lost counties' buy the land they lived on. Again, however, the Baganda rejected the idea of recognising *bona fide* occupancy as such, without the consent of the landlords.

If the regulation of mailo land – and, more broadly, the relationship between landowners and land occupants on mailo, freehold or leasehold – was of concern for only a few small areas outside Buganda, questions of customary and communal land ownership were a major issue for most of the country. World Bank-inspired studies, as pointed out, had suggested the conversion of customary ownership into freehold. This raised conservative and conservationist concerns which were articulated by the ULA, by groups of northern MPs, and by the parliamentary committee itself. These insisted on the actual recognition, for customary tenure, of a status equal to other forms of tenure, as granted by the constitution. The very idea of issuing certificates of customary occupancy was challenged: "the people in Acholi say if you want to give certificates don't call it 'customary'. That is not our custom. We don't register customs in a government office"⁸⁰. There were also concerns that, because people were not used to hold such kind of certificates of ownership and because the land in question was not surveyed (a pre-requisite for any meaningful certificate to be issued), it would be difficult to implement the proposed arrangements.

The question was further complicated by the fact that, while northern MPs and organisations such as the Uganda Land Alliance were on the same side with regard to the recognition of customary ownership (and against other organisations such as the Uganda Women's Network), they clashed with each other on the related issue of women's land ownership rights (over which ULA and Uwonet joined forces, for example, in mobilising support for pre-defined quotas of woman representatives in land bodies). Should women's co-ownership and inheritance rights over family land be recognised? Were spouses to have a say

⁷⁹ *The Monitor* (Kampala, 26 May 1998) and *New Vision* (Kampala, 27 May and 17 June 1998).

⁸⁰ Okello-Okello, interview (Kampala, 20 June 2000).

in family land management and sale? An economic argument was also made for empowering women. Because the largest share of agricultural output was the direct result of the work of women, the proper incentive to productivity and modernisation could only be found in the specific mention and defence of their role as land owners⁸¹. But a strong pro-customary feeling emerged, shared and supported by many MPs – especially male MPs – and explained as follows by a parliamentarian from Lango:

“we Langi, we are traditionally satisfied with the land being owned by the man as head of the family, on behalf of the family. That was a little too much, what the government was proposing. We prefer to remain as we are. There were a series of meetings we held at our respective areas. Women’s groups, councils - they all agreed to maintain the status quo”⁸².

As an organisation whose rationale and focus was on women’s rights, by contrast, Uwonet systematically addressed the various issues involved in the reform agenda from a gender point of view. The fact that women have been generally supportive of Museveni’s government, under which they have made significant advances, may explain why the approach was never fully confrontational. While Uwonet cooperated with the ministry, however, it also took clear oppositional stance on some of the land issues. Advocating a better protection of women and other vulnerable groups, Uwonet’s programme demanded co-ownership of land for spouses and a guaranteed representation of women in land management bodies. Such demands clashed with traditionalist views, which led the organisation to take a broader, critical position “against any kind of customary tenure, because they basically discriminate against women”⁸³. This kind of reasoning was further elaborated to the point that even mailo ownership was rejected – Uwonet, for example, backed the proposals for a Shs.1,000 ground fee and for certificates of occupancy – as was the idea of vesting land in the *kabakaship*.

The Uganda Land Alliance, on the other hand, focused on land in a broader sense. The activities of the Alliance were allegedly driven by a consistent design: “our idea was always that people didn’t really know what is happening, so we needed to find it out and let them know”⁸⁴. Thus, a key objective of the alliance was to go out to the districts. In order to do this, independent funding was obtained from the British Department for International Development. In addition, the institutional affiliation of some existing NGOs (such as the

⁸¹ Miria Matembe, in *Parliamentary Debates*, 23 June 1998, p.4097

⁸² Omodi Okot, MP, interview (Kampala, 12 July 1999).

⁸³ Sheila Kawamara, co-ordinator of Uganda Women’s Network, interview (Kampala, 15 June 2000).

⁸⁴ Mwebaza, interview (Kampala, 9 June 2000).

Forum for Women in Democracy, controlled by prominent MP Winnie Byanyima) became essential, alongside that of the founding individuals, to use the latter's grassroots organisations, reach out to the different parts of the country, and gather the necessary information on land affairs in Karamoja, Lira or wherever else⁸⁵. In the end, the ULA opted for a position different from that of Uwonet and closer to emerging views⁸⁶ about the need to respect land use traditions. From local consultations in Lango, for instance, the ULA derived the idea that, while some form of titling could be contemplated, clan control over access to land was to be preserved as the ultimate safeguard for community survival. The clan would ensure that land was not grabbed by outsiders nor amassed by greedy members of the community, so that the Lango people would not be deprived of their most important resource and become landless⁸⁷. But the ULA's pro-customary approach was extended to other aspects of the reform, such as the mailo issue, leading to some surprising positions: "I would have thought they would try to protect the marginalised group, but they were in fact defending the landlords!"⁸⁸. The alliance coordinator – a Muganda lawyer and university lecturer – claims that the issue was simply not a priority to the ULA: "the decision not to be involved on the mailo issue was taken rather randomly. In a sense, we simply happened to focus on other issues"⁸⁹. Yet, her argument closely resounds Mengo's when she points out that, "if you talk to ordinary Buganda peasants they say they feel safe. For them there is no issue of lack of security on mailo (aside from Kibale). People know exactly what their rights are"⁹⁰.

The *Land Bill* also spelled out the organisation of the decentralised structures originally established by the constitution. While the latter already contained the principle of decentralising the management of land affairs, the question of how actually to do it was mixed up with other contentious issues. Mengo's demands for handing the 9,000 square miles of former public land to the *kabakaship*, for instance, hid a struggle with district administrations, which, in the government's scheme, were supposed to manage land affairs on behalf of local people. Moreover, the land bureaucracy at the ministry was not happy at all with the prospected decentralisation of land administration. The ministry wanted control of the implementation process, whereas devolution meant that powers and resources were being

⁸⁵ Mwebaza, interview (Kampala, 9 June 2000).

⁸⁶ According to Alden Wily, for instance, "if there were a single point of radicalism in tenure reform as occurring in Sub-Saharan Africa it is this: for the first time in one hundred years, *states are slowly being forced to recognise customary rights in land (and therefore customary regimes) as legal in their own right*" (quoted in Palmer 2000:271).

⁸⁷ Uganda Land Alliance (1998).

⁸⁸ Kinobe, interview (Kampala, 3 June 1999).

⁸⁹ Mwebaza, interview (Kampala, 9 June 2000).

⁹⁰ Mwebaza, interview (Kampala, 9 June 2000).

moved away from the centre – whether in favour of the districts or in favour of cultural institutions⁹¹.

The publication of the *Land Bill* generated very intense and heated public discussions. At times, the debate seemed set to dig deeper divisions and to be escalating towards more open and possibly violent conflict. Parliament played an important role in working out compromises, bringing together the different groupings, and building some kind of consensus to legitimise the new legislation.

The parliamentary process: negotiations, deadline and the *Land Act 1998*

Following standard parliamentary procedures, the *Land Bill* had to be examined by a sessional committee which would then report to the plenary assembly. Given the late tabling of the bill, however, the committee was hard pressed by the time constraints imposed by a constitutional deadline set for early July. And even more pressure fell on parliament, which only started debating the proposed law on the 20th of June. As it did on other occasions, the government counted on the pressure the deadline would put on parliamentarians to have the measure passed with minimal amendments⁹². In the end, the bill was literally rushed through parliament to meet the constitutional deadline.

As much as the teams involved in drafting a bill have an impact on the selection of the issues that the law will address – and of those that will not be part of the reform – parliamentary committees are often extremely important in shaping parliament's reaction to government policy. In a situation where parliamentarians are relatively isolated, they tend to rely very heavily on a committee's authoritative inquiry into the issue which is on the table and expect it to provide crucial information and guidelines for the debate in the assembly. Consequently, if a committee decides to introduce important amendments, the government may run into troubles as it only has relatively weak instruments to streamline support for its policies. The absence of whips and the lack of rigid alignments means that members have a relatively large scope for manoeuvre both in the assembly and in the committee, and decisions will often be supported by uniquely arranged coalitions.

⁹¹ McAuslan, interview (London, 16 May 2000).

⁹² The government recently adopted the same strategy, for example, with the *Referendum Acts 1999* and 2000 and with the *Constitutional Amendment Act 2000*. But the strategy itself dates back at least to October 1989, when a bill titled "A statute to amend *Legal Notice n.1/1986* so as to extend the term of office of the National Resistance Movement for five years from the 25th January 1990" was passed by suspending the rules of procedures that require a minimum period of time between the first and the second reading; see Nsibambi (1994a:24).

The parliamentary committee which examined the land issue included several MPs with experience in the field and, facilitated by the British Department For International Development, it carried out a public consultation tour involving several districts⁹³. Reflecting the extreme relevance attributed to the bill and the number of interests that it touched upon, the committee complained in its report that members had been subject to “numerous outbursts, intimidation and attempted blackmail”⁹⁴. The report also described the bill as ‘contradictory’, as most provisions “leave lingering doubts and uncertainties on what its intentions are”, and complained about its hurried and late introduction or “the muddled way in which [the bill] was presented”⁹⁵. With regard to the content of the proposed legislation, the committee’s considerations had the effect of moderating the reformist zeal of the government. In particular, it was pointed out that the conversion of leasehold and customary tenure into freehold might encourage “the growth of a class of rural proletarians depending on the decisions of land owners for their existence”, and that the focus should be shifted on tenure security, “which can be delivered by both customary and formal systems”⁹⁶, rather than on the formal land title per se. Tenure security, in turn, required the proposed certificates of customary ownership to be given a status equal to that of other titles, otherwise the conversion to freehold would undermine customary tenure by assuming the latter’s inferiority and insecurity.

The Land Act (1998)

The final *Land Act* (1998), one of the most ambitious pieces of legislation passed under Museveni, aims at a comprehensive re-organisation of the tenure, ownership and management of land⁹⁷. The new law not only spells out the details and provides for the implementation of what was decided when the constitution was passed, it also addresses issues that had previously been left hanging. Through its most significant provisions, the act alters the status and protection of land occupants; it provides for the formalisation of customary land tenure; and it arranges for the upgrade of leasehold into freehold. With “a challenging and ambitious programme. It seeks to provide security of tenure to all land users

⁹³ The British DFID also sponsored a seminar for MPs on the land bill organised by the Forum for Women in Democracy, and provided the assistance of a British legal expert, Professor Patrick McAuslan, to refine the drafts of the bill.

⁹⁴ Parliamentary Committee on Works, Transport, Communications, and Lands, Housing and Physical Planning, *Report on the Land Bill* (1998:3).

⁹⁵ Parliamentary Committee, *Report on the Land Bill* (1998:15).

⁹⁶ Parliamentary Committee, *Report on the Land Bill* (1998:23).

⁹⁷ The *Land Act* (1998) repeals the *Public Lands Acts* (1965/1969) and the *Land Reform Decree* (1975).

under a pluralistic tenure system ... and ... also provides for the protection of tenants' rights"⁹⁸ and for a decentralised system of land affairs management. In spite of the several compromises that it required, the Act was deemed "in many respects a revolutionary law, overturning a century of land relations in Uganda and laying the groundwork for the evolution of a market in land based on individual ownership"⁹⁹.

Crucial changes are introduced concerning peasants who occupy land that they do not own. The reform acknowledges as *bona fide* those peasants who occupied or used land unchallenged for at least 12 years 'before the coming into force of the constitution' (i.e. since 1983), as well as small farmers who were settled on the land in question by government authorities (in which case, the government will compensate landowners)¹⁰⁰. Not only lawful and *bona fide* occupants are now entitled to obtain certificates of occupancy, but they are to be charged a nominal ground fee only, as opposed to a market-determined commercial rent. Such fees are to be established by the districts, but a ceiling is set nationally at a very low Shs.1,000 per year. These formal titles are meant to protect occupation and thus to provide incentives for farmers to invest in the development of land and increase productivity¹⁰¹. The combination of the above measures – certificates and nominal fees – not only formalises and transforms occupancy into statutory tenancy¹⁰², it also enables recognised occupants to inherit, to have a first option to buy in the case of sale, and, with the owner's approval, to sub-divide or sub-let the tenancy¹⁰³. By contrast, landlords will only be able to evict their tenants if the ground fee is not paid, or the plot is abandoned, for three consecutive years¹⁰⁴. Albeit limited to land use rather than formal ownership, the explicit redistribution of rights over land – "giving security of tenure to the tenants of mailo land and reducing landlords' rights to 'bare' ownership" – was held to follow "the political undertakings made to the tenants during the guerrilla struggle of the NRM in the early 1980s"¹⁰⁵.

The *Land Act* provides for the conversion of leasehold into freehold, with leasehold tenure to be retained only for expatriates and for concessions for mining companies. Again, the final version of the act is somewhat different from the original content of the bill. The change was made with regard to the upgrade of leasehold into freehold. The concern was that

⁹⁸ Quan (2000b:204).

⁹⁹ McAuslan (2000:1).

¹⁰⁰ Art.30, *Land Act* (1998).

¹⁰¹ The rationale behind titling was that, while it might have been true that "even if we gave these tenants the rights to get titles they could not afford it. But that does not stop us from doing the right things, because ... while the tenants of today might not afford to get titles, their sons will, or their grandsons", Hope Kabirisi Luberenga (Women Bushenyi), in *Proceedings of the Constituent Assembly* (5 May 1995, p.4174).

¹⁰² Cf. McAuslan (2000:8).

¹⁰³ Artt.35-36, *Land Act* (1998).

¹⁰⁴ Artt.32 and 38, *Land Act* (1998).

¹⁰⁵ McAuslan (2000:12).

people who obtained plots of land on lease out of political influence would be allowed to get full ownership for free¹⁰⁶. Whereas officials at the Ministry wanted people to pay for such upgrade, MPs decided that there would not be a need to pay for the conversion for plots smaller than 100 hectares¹⁰⁷. In a slightly different reconstruction of what happened, it was the parliamentary committee which, objecting to the fairness of private gains derived from an automatic conversion of leasehold into freehold as a wrong and unfair misapplication of the constitution¹⁰⁸, suggested that market-rate payments be imposed for leaseholds of over 100 hectares. Again, this was meant to include and accommodate political demands and fears that outsiders could freely come into possession of land in an area 'belonging' to a specific community¹⁰⁹.

A third major change introduced by the act concerned customary tenure. While customary tenure was recognised by the constitution, the act envisaged the possible individualisation, through the emission of certificates of customary ownership, of customary land which was occupied or used by individuals or households. Subject to the payment of a fee, these same households or individuals were even allowed to acquire freehold titles. Supporters of these arrangements expected important benefits to be derived from issuing certificates, since they provide "conclusive evidence of customary rights ... subject to the limitations identified within each certificate"¹¹⁰: certificates should improve security of tenure and thus both the incentive and the possibility to develop land.

The new law also takes up some concerns expressed by the parliamentary committee and makes it clear that decisions which limit ownership, occupation or use by women, children and disabled are to be null and void, in line with the constitutional protection of the rights of these categories¹¹¹.

Finally, the act draws a distinction "between *communally used land* [e.g. common grazing land] and *communally owned land* which may be used by individuals"¹¹². The possibility to establish Communal Land Associations is envisaged for communal land ownership or management – on customary or other tenure – which is occupied or used for communal purposes such as grazing or woodfuel¹¹³. These associations are inspired by a principle of self-organisation by local communities that was already embraced by the South

¹⁰⁶ Lt.Col. Mudoola (Kigulu North, Iganga), in *Parliamentary Debates* (22 June 1998, p.4073).

¹⁰⁷ McAuslan, interview (London, 16 May 2000).

¹⁰⁸ Parliamentary Committee, *Report on the Land Bill* (1998:22).

¹⁰⁹ McAuslan (2000:15).

¹¹⁰ Toulmin and Quan (2000:226).

¹¹¹ Art. 28, *Land Act* (1998).

¹¹² Parliamentary Committee, *Report on the Land Bill* (1998:19).

¹¹³ Artt. 16 and 24, *Land Act* (1998).

African reform of 1996 and the Tanzanian reform of 1997, both of which are explicitly referred to in the report by the parliamentary committee. The punctilious procedures that are to be followed when forming such associations (e.g. arrange a first meeting, understand the meaning of the association, provide a model statute, etc.), however, point at a concern that, at the local level, people may actually lack the capacity to organise for themselves, and may give district authorities undue control over supposedly-autonomous communal organisations (e.g. through the registration process).

The way land affairs are managed is also radically changed by the Act, which decentralises administration to local governments and other local bodies. The land law establishes the independent District Land Boards envisaged by the constitution. These will include representatives drawn from the local government councils that exist at the different levels (district, county, etc.) and are meant 'to hold and allocate land in the district which is not owned by any person or authority' – i.e. to administer former public land and manage related issues. As a concession to Baganda requests, these tasks may be done in the name of a cultural or traditional leader¹¹⁴.

Two further sets of local bodies are created by the act. When issuing certificates of customary ownership, the above District Boards are to be assisted by Parish Land Committees, while District, Sub-County and Urban Land Tribunals are instituted to adjudicate land disputes.

The land that remains vested in the national government is to be held and managed by a Uganda Land Commission¹¹⁵. The Commission will also be responsible for a land fund for loans to tenants by occupancy who want to acquire lease- or freehold or, alternatively, for the government to buy land and redistribute it to these same target groups or to re-settle landless people. Those concerning the land fund are among the major changes brought to the original bill. The parliamentary committee suggested to drop the discrimination between areas that would get grants and others that would only receive loans¹¹⁶, and thus the fund was broadened to serve the whole population, rather than being confined to sort out compensation problems in selected areas.

¹¹⁴ Art. 57, *Land Act* (1998).

¹¹⁵ Art. 47, *Land Act* (1998).

¹¹⁶ Parliamentary Committee, *Report on the Land Bill* (1998:38).

Who got what?

In spite of the positive comments that the new legislation has attracted, the settlement agreed with the Act left a number of unsolved controversial issues on the table. The latter include, for example, the question of women's ownership of land, the position of unrecognised occupants ('squatters'), and the problem of tenants living in the former 'lost counties'. The comprehensiveness of the act was also questioned in radical terms by some opposition politicians: "as a matter of fact, we don't really have land reform in this country. I mean, we don't have provisions dealing with land use, with land consolidation, and all the rest. Those things are not there. What we had is change in tenure systems"¹¹⁷; "vesting land in the population, that may be reform ... But the rest is something done to capitalise politically, and that does not last"¹¹⁸. While these radical views are relatively isolated, two main critiques have been moved to the *Land Act* from several quarters. They concern the decentralised arrangements for land administration and the protection of women's rights over land.

The risk of increasing institutional confusion by creating a new set of decentralised structures for the management of land affairs was pointed out during the parliamentary debate. The isolated cry of a member of the House, for example, warned, with regard to the proposed parish land committees, "not to introduce another monster into land management ... Let that job be done with the structures in place, along with the customary authorities, they resolve most of the issues at that level. It is cheap. It is not subject to manipulation ..."¹¹⁹. But the advice was not taken, and it was only after the law established the new organs that doubts began to emerge. The arrangements adopted were criticised for being based upon an entirely new set of structures, rather than building on what already existed at the local-level or trying to integrate traditional authorities. It was also claimed that the relationships between the districts and the national government and between district- and parish-level bodies contained built-in elements of hierarchical control (as opposed to leaving room for locally specific solutions to emerge)¹²⁰. Most importantly, it was soon pointed out that the creation of a multi-tiered structure implied budgetary expenses and required an administrative capacity that had not been fully considered in advance. It was calculated that the establishment of 52 district land boards and as many land tribunals would require 260 and 156 officials respectively; the

¹¹⁷ Okulo-Epak, interview (Kampala, 19 June 2000).

¹¹⁸ Okello-Okello, interview (Kampala, 20 June 2000).

¹¹⁹ Kirunda Kivenjinja (Bugweri County, Iganga), in *Parliamentary Debates* (23 June 1998, p.4102).

¹²⁰ Quan (2000b:203).

917 new sub-county tribunals needed a 2,751-strong personnel, and the 7,000 parish land committees demanded an astronomic 28,000 functionaries. On top of it, office facilities and an undetermined number of *ad hoc* mediators were also necessary. In other words, the entire setup required, to be up and running, the recruitment, training and remuneration of over 30,000 Ugandans with some formal education¹²¹. Huge, probably unsustainable financial estimates corresponded to these figures, and the question of how actually to implement the Act became an issue which would itself take time to solve. Accordingly, a Land Act Implementation Unit was established at the ministry for land to facilitate the implementation process and, in late 2000, a *Land (Amendment) Act* was passed which protracted the responsibility of magistrates and local council courts over land disputes until proper land tribunals could be established at district and sub-county levels¹²².

The object of a second important criticism was the lack of protection for women's rights. The activities of groups concerned with women's rights – especially the Uganda Women's Network, and the Uganda Land Alliance, but also others such as Fida (the Association of Uganda Women Lawyers) or the Uganda Law Society – did produce some effects. Among their important achievements were the requirement of the children's and spouses' consent for the sale of land where a family resides, the introduction of quotas for the representation of women in land bodies, and the provision ruling out as 'null and void' any discriminatory practices based on customary law.

A major embodiment of gender concerns which did not make it into the final Act, however, was co-ownership of land by spouses. During the land debate, the issue stirred the opposition of traditionalist groups such as the Acholi parliamentary association. According to these groups, altering the position of women with regard to land would be against customary tenure, which is not only prevalent in several areas of the country but also constitutionally recognised¹²³. This position enjoyed the more or less tacit support of a broader spectrum of parliamentarians who thought the time was not yet ripe for such a radical change in customary and family practices. To face this strong opposition, the demand for co-ownership only had a weakly organised backing, mostly on the part of NGOs such as Uwonet: "what strikes us is that the demand came from outside, not from government or from parliament. It came from

¹²¹ Adapted from *The Monitor* (Kampala, 4 October 1998), which was based on the old figure of 45 districts. As recently as late 2000 – just ahead of the 2001 presidential election – five new districts were created.

¹²² *The Monitor* and *New Vision* (Kampala, 6 December 2000). The Land Regulations were also contextually passed to operationalise the *Land Act*.

¹²³ *The Monitor* and *New Vision* (Kampala, 4 June 1999).

people hardly organised, from outside, in a rough form”¹²⁴. The effort that these advocacy organisations made to articulate the issue was not enough to gather and mobilise the necessary support. This is revealing of how difficult it can be, under individualised politics, to organise the backing required for similar initiatives successfully to go through the different stages of the policy process. In spite of the support it usually lent to gender issues, the government had never explicitly included co-ownership in its agenda, since the well-known opposition of a large section of male MPs was bound to emerge and would have split the pro-government ranks. The comment of a minister in charge of land affairs on the ‘Matembe amendment’ (an amendment granting land co-ownership to spouses, which was allegedly left out of the Act despite apparently being passed by parliament) is quite telling: it “was really a hand of God to the government!”¹²⁵. To add to the controversy, some donors lent their support to women’s groups who suggested the amendment was intentionally omitted from the final text. The British Department for International Development, for example, refused to release funds to implement the *Land Act* before the co-ownership clause was restored¹²⁶.

Another category of vulnerable people whose interests did not make it into the final settlement was that of the squatters, or undocumented tenants, ‘the weakest and most vulnerable sections of society’ for whom there is no mention in the Act. Squatters were left out of the ‘deal’ between Museveni and the peasants of the central area. This was largely due to the position taken by the parliamentary committee, which pointed out that the definition of *bona fide* occupants, as spelt out in the original bill, was problematic, because it implied a questionable protection of trespassers¹²⁷. Such definition was thus restricted to the two categories mentioned above (unchallenged occupants for more than 12 years or people settled by the government), and scrapping those who settled on land “genuinely believing that no registered owner ... was available from whom the occupant could obtain consent”, as this was considered hardly an eventuality in Buganda¹²⁸. Accordingly, the latter remained unprotected squatters who would have to negotiate their own agreements with the landowners through the newly established figure of a ‘mediator’. This was introduced after the recommendations of

¹²⁴ Matia Baguma-Isoko, MP and Minister of State for Lands and Environment, interview (Kampala, 29 May 2000).

¹²⁵ Baguma-Isoko, interview (Kampala, 16 May 2000). The true story of the ‘lost amendment’, however, has never been entirely clear. The proposal for the amendment had been drafted together by parliamentarians and organisations concerned with women’s rights. Later, the MP who tabled the amendment, Miria Matembe, privately admitted she made a mistake with parliamentary procedures. She thought the amendment had been passed, whereas it had only been accepted in principle and sent for the draftsman to refine it. But then, when the issue was to be sorted and approved as a precise provision in the text, Matembe was not in the house and the amendment was thus dropped. The rumour soon spread that she had been set up (Baguma-Isoko, interview; and McAuslan, interview, London, 16 May 2000).

¹²⁶ *New Vision* (Kampala, 5 December 1998).

¹²⁷ Parliamentary Committee, *Report on the Land Bill* (1998:27-31).

¹²⁸ McAuslan (2000:12).

the parliamentary committee and was meant to recognise the role of local-level traditional leaders and elders in the settlement of land disputes.

Similarly to the squatters, people living in the former 'lost counties' of Kibale district did not obtain all they were hoping for. During the land debate, some prominent Banyoro managed to steer the work of the cabinet so to have the Kibale issue addressed by a specific clause of the *Land Bill*, from which it was initially missing. But no mention of the area was to be found in the final version of the Act. The fear was that a land fund that would issue compensations or loans in favour of some selected areas would foster the perception that public money were being used in a discriminatory way, and thus it was agreed to drop specific references to Kibale or any other districts.

Most prominent among the voices raised during the reform process were those of the Baganda élite. Public appeals from people like the *Katikiiro* of Buganda, Joseph Ssemogerere, or the Attorney General, John Katende, frequently appeared on the media, and it was never a secret to anybody that "someone from the palace was putting pressures"¹²⁹. On occasions, lobbying allegedly reached the level of intimidation:

"individual Constituent Assembly delegates – and later MPs – were threatened to toe the line of Mengo. They let them know that they would find their homes or plantations burnt down, destroyed. And to those non-Baganda MPs from Buganda, that they would not be able to go back to their homes!"¹³⁰

Mengo wanted and obtained the legal recognition of mailo tenure which existed prior to the 1975 *Land Reform Decree*, but they were penalised on the issue of the protection of tenants' rights¹³¹. Neither did Mengo manage to get it its own way on the question of vesting the 9,000 square miles of former public land in the *Kabaka*, as pointed out. The attempts at orchestrating support through the instrumental use of the Buganda caucus was only partly successful:

"we had been meeting the *Katikiiro* twice. Then we were invited by the *Lukiiko*, and they presented the position they wanted us to defend. We studied it and found out what was in line with the constitutional provisions. For example, the idea of handing the controversial

¹²⁹ Baguma-Isoke, interview (Kampala, 29 May 2000). The palace, in this case, is that of the Baganda establishment.

¹³⁰ Baguma-Isoke, interview (Kampala, 29 May 2000). The Muganda chairman of the parliamentary committee who examined and reported on the bill claims that "Mengo, the *Katikiiro* and the *bataka*, they put a lot of pressure, through the radio, the press, submissions and so on. They vilified me", Benedict Mutyaba, MP, interview (Kampala, 26 May 1999).

¹³¹ After the Act was passed, it was claimed that Baganda landlords were trying to boycott its implementation by refusing to collect the nominal fees they are entitled to. While it is true that fees are so low that landlords hardly have an interest in

9,000 sqm to the *Kabaka* was unfeasible, as this would have meant the *Kabaka* to perform an administrative function, which is unconstitutional. But we managed to work out and pass a slightly different motion, suggesting that the body in charge of managing that land would have done so in the name of the king. This was a representative function, a symbolic recognition. And the caucus agreed on that. But the house was against us, and it took us some lobbying until we managed to convince them. Even Mengo realised our proposal was not as bad”¹³².

From the point of view of legislators, however, parliament did play an important role in “ensuring that local, ethnic or class interests figure in resource allocation decisions and in mediating political conflict”¹³³. The two key bridges between the legislature and the executive were the Movement caucus and the parliamentary committee. The first one was used by the government to rally support for the proposed law and to lobby recalcitrant groups, especially those Baganda MPs who were not favourable to government policy. The parliamentary committee turned out to be a critical player because, in the absence of highly institutionalised and binding political groupings, individual MPs tend to rely a lot on the information and recommendations that committees produce. In addition, the committee provided an entry point for external inputs in the form of submissions. Other than these two forums, parliamentarians largely assembled through ethnically- or district-based groups. While a comparative lack of information may have restrained members of the House from challenging the views of the executive, they did try to consult with the population and among themselves and then to put forward some specific points. The Baganda and a group of northern MPs concerned with protecting customary practices, in particular, were prominently vocal.

Political parties never appeared to play any significant role in the reform process for the adoption of a new land policy. In spite of the relevance of the stakes, parties did not articulate their position on the land issue nor did they enter the debate through formal submissions, lobbying or any other activities. When some multipartists took a position on the issue, this was done exclusively on an individual basis. At most, in a couple of cases, the gist of these individual contributions could be traced back to the political culture of the party the specific politician belonged to. Ken Lukyamuzi’s attempt at having the deadline for the land law postponed of one year, for example, reflected the views of the Conservative Party (although Lukyamuzi had a point when he claimed that the reform was being hurried through

collecting them, not doing it may imply that there is no recognition of the tenancy, Mubbala, interview (Kampala, 30 May 2000).

¹³² Kinobe, interview (Kampala, 3 June 1999).

parliament). Similarly, Yusuf Okulo-Epak's insistence that it was necessary to vest land in the people was in line with the traditional social pledges of his party, the Uganda People's Congress (the point about vesting land in the people, however, was a widely shared rather than a partisan one).

Contextual explanations of why parties were not involved in the process have been advanced. According to some multipartists, for example, the *Land Bill* did not contain anything that was really new, and thus multipartists did not need to make up their minds or coordinate their actions because they had already discussed land issues in the Constituent Assembly¹³⁴. Individual action was enough. A leading member of the UPC also claims that the party thought it strategically wise to keep out of a debate that was pitting against each other its two historical enemies – Museveni and the Buganda kingdom. Why not just wait, let them clash and then “collect the pieces”?¹³⁵

The Democratic Party, on the other hand, contend that they organised a few meetings at the local level in which the land issue was discussed. Some prominent members of this moderate party also raised concerns regarding land in Buganda, where they supported the idea of entrusting the controversial 9,000 square miles in the Buganda Land Board and limiting the notion of *bona fide* so as not to include squatters. But this was never articulated in any party document, and its status remained that of the party leader's informal interventions. The party president explains this choice by claiming that, when the bill was debated, parliament and parties had not yet developed the constructive relationship that would emerge over the following couple of years. Parties were not taken ‘seriously’, and no submissions of policy proposals were really expected from them¹³⁶.

The position of the Movement group was quite intricate. The land issue risked splitting the bulk of the ruling coalition along a Baganda-versus-westerners cleavage, with the latter accused of trying to grab land in the central kingdom. The few voices that were raised in favour of a stronger role of the state over land affairs came from people from the south-west, where good land is notoriously scarce. Allegations were made that these people aimed at using their control of the government to put their hands on the fertile land which is abundant in Buganda. In spite of Museveni's attempt to have the members of the Movement caucus toe the government line, Movement supporters were also divided between those favourable to the Baganda establishment and those supporting Museveni's attempt to link directly with the

¹³³ Grindle – Thomas (1991:62).

¹³⁴ Nyai, interview (Kampala, 14 June 1999).

¹³⁵ Patrick Mwendha, interview (Kampala, 22 June 2000). After the Act was passed, the UPC hinted at the need to join forces with the Baganda in opposing its implementation, *The Monitor* (Kampala, 13 October 1998).

¹³⁶ Paul Ssemogerere, interview (Kampala, 12 July 1999).

peasants. But these positions were in favour or against government policy, rather than against anything coming from the Secretariat. The Movement as an organisation, which at the time was in the process of being revived and did not have functioning structures in place, did not articulate a specific position.

Among NGOs, the Uganda Land Alliance attracted a lot of attention as the strongest advocacy coalition emerged in the land reform process. The Alliance contributed to changing a few provisions of the proposed law. They raised questions concerning communal holding of customary land and women's representation in land bodies (a demand promoted together with Uwonet). The land fund was also strongly supported by the ULA, albeit they meant to use it for Kibale district only¹³⁷. In addition to the ULA, as already mentioned, other civil organisations were involved as well, including FIDA, the Uganda Law Society, the Forum for Women in Democracy and the Uganda Women's Network. Both in the case of the ULA and of these other organisations, however, it was virtually only NGO groups (or individuals) based in Kampala who put forward their views, albeit they would claim that such views were supported in this or that area of the country. There was hardly any attempt, at the local level, to organise autonomously. No real grassroots organisation emerged in spite of the fact that the stakes were very high for poor peasants.

While a number of broad consultative processes were carried out, their relevance to the process should not be overestimated and they should be looked at with some scepticism. Anything can be labelled 'consultation', and consultations can often be manipulated or access to them restricted. In its tour of Uganda's districts, for example, the technical committee that investigated land issues in the early 1990s was not exactly open and available for anyone to make an input: "we were selecting people, telling them that we wanted to meet so and so"¹³⁸. Later on, a cabinet committee working on the draft bill visited a number of problematic areas – including Ankole, Kibaale, Mbale and parts of Buganda – to hear from the people on some controversial issues. Perhaps of necessity, however, this committee would inform in advance local opinion leaders, "so that they would tell the people and mobilise them"¹³⁹. But who would be mobilised? And who would not be? And to say what? These questions brings us back to the broader issue of how interests are organised. According to an official involved in the reform process, for example, some groups were more adept than others in organising and mobilising their constituencies:

¹³⁷ Mwebaza, interview (Kampala, 9 June 2000).

¹³⁸ Okello-Okello, interview (Kampala, 20 June 2000).

¹³⁹ Nsamba-Gayiiya, interview (Kampala, 13 June 2000).

“the most organised was a group from the north who was advancing requests to leave communal land as it was. They were opposed to land titling to individuals, to avoid creating entry points for foreigners. They also spoke with one voice, always backing the one who was speaking for the group. ... They used to caucus and also to go back to their areas to form a uniform view, so that when officials would visit, they would get a consistent demand, everywhere the same”¹⁴⁰.

But, again, these opportunities – and the search for a single voice – may be skilfully used to guide what people ‘say’. The question goes well beyond control over consultative processes. Some groups claim that they were entirely left out of widely publicised consultative tours: “the argument was that women do not want to own land. But that’s not true. The women we met had never seen the consultations that the Ministry carried out!”¹⁴¹. The less local groups have an opportunity to organise for themselves, the more easily popular ‘voices’ can be selected and manipulated.

Finally, western donors and advisers entered the frame by providing seemingly neutral technical expertise and promoting the study of aspects of the existing use of land in the country. This was notably the case with the World Bank and the British Department For International Development (DFID). The reports from which the land debate took off were ‘sponsored’ by the Bank, and, as pointed out, they duly reflected a largely market-friendly approach to reform. These studies displayed a crucial concern for the rationalisation and formalisation of land affairs, promoting titling and tenure security as key factors for the creation of efficient land markets, the improvement of incentives to invest in land, and the development of agriculture at large. These views, legitimised by ‘indigenous’ research and properly divulged, appear to have significantly shaped the way many Ugandan decision-makers looked at land reform. As for DFID, high level Ugandan officials either deny an hidden agenda or they claim that they “do have their agenda – the poverty thing and the co-ownership, the gender issue – but they didn’t push it at the time”¹⁴². The most direct intervention that DFID made was probably the one subsequent to the approval of the reform, when it put pressure for the question of women’s rights to be addressed. Otherwise, the legislation which was being debated, and the line of the government, were probably going in a direction that pleased the British department, so that there was not necessarily much more to

¹⁴⁰ Baguma-Isoko, interview (Kampala, 29 May 2000).

¹⁴¹ Kawamara, interview (Kampala, 15 June 2000).

¹⁴² Nsamba-Gayiiya, interview (Kampala, 13 June 2000).

do than to support the whole process. In addition, DFID had only entered the frame towards the end of the process, some three or four months before the reform was passed¹⁴³. The Uganda Land Alliance and the Forum for Women in Democracy received assistance as representatives of civil interests, with an eye to issues of poverty reduction or women's rights. But, while DFID supported the poverty eradication programmes of the Ugandan government, it was still elaborating its own policy guidelines with regard to land reform in African countries. A general approach began to be articulated only around 1999, and thus, it was claimed, "Uganda itself has actually been very much a lesson learning experience"¹⁴⁴.

Political organisations were not supposed to participate to (no-party) decision-making, and they did not: Ugandan parties were almost completely absent from the land reform process, in spite of the fact that they are to some extent involved in political competition and that party-like arrangements have been emerging in parliament. How did the palpable absence of parties affect the formulation of the new land policy? Land issues are, to a significant extent, 'basic' and everyday issues. Understanding the position of the tenants, the question of the 'lost counties' or the rationale behind the land fund was probably easier than, say, pondering what state assets to privatise. In addition, the 'consultations' and the research that were carried out, and the dissemination of the findings they produced (at least to decision-makers, but also through the media), helped to clarify the content of the proposed reform. The presence of a free press nurtured a lively public debate. Thus, it is unlikely that the participation of political parties to the process would have significantly added to the formulation and the understanding of the policy options. It may be speculated that, in a process that lacked autonomous grassroots inputs, well-functioning political parties might have provided a better channel for local-level concerns to be expressed, linking the countryside with the core decision-making arenas. Even parties of local notables such as those that were present in Uganda in the 1960s could have contributed to give representation to the countryside. Yet, the alleged 'interests' of non-urban groups nevertheless found their way into the process. While the land reform that the country adopted in the 1990s was largely directed by the government, the policy-making process was, by African standards, relatively open. Museveni provided the main political input, backed by Western donors concerned with promoting the rationalisation of institutional arrangements. But parliament did contribute to the substance of the legislative process; non-governmental organisations were allowed to have

¹⁴³ Mubbala, interview (Kampala, 30 May 2000) and Baguma-Isoko, interview (Kampala, 29 May 2000).

¹⁴⁴ Joanne Bosworth, member of the Land Act Implementation Unit at the Ministry of Land, Waters and Environment, interview (Kampala, 2 June 2000).

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a say on the proposed measures; a number of other informal groupings, often united by a common background or cultural focus rather than actually organised (as in the case of the loosely co-ordinated Baganda élite), exerted some pressures to shape the new policy; different actors taking part to the process also carried out more or less open 'popular consultations'. As a result, the reform process was a reflection of a semi-liberal regime which is open enough to allow debate on policy measures, but limits the organisation of inputs so to retain clear control over the outcomes of the decision-making process.

Chapter 9

Conclusions

The demise of a democratic model and the organisation of political hegemony

The democratic value of Uganda's no-party experiment must be assessed in the context of the history of the country and of the region at large. These have hardly been hotbeds for democracy and political stability. With these terms of comparison, the progress that Uganda has made in the last fifteen years must be acknowledged. Under the Movement regime, the country has experienced important breaks from the dictatorships and human rights abuses of the past. Albeit progress and reform have been too slow and limited in the political sphere¹, popular participation and the rule of law have been significantly improved. In particular, the achievement of relative political stability and the regularisation of electoral practices should not be overlooked. If it is true that "tenure strengthens democracy"², the institutionalisation of elections is a crucial component of such process.

The problem with the current system is that, so far, elections have been open to individual contestation only. Moreover, during the 2001 presidential and parliamentary elections, political violence, intimidation and violations of basic rules were on the increase³. It is of primary importance that the regime is brought to account for all this if malpractice is to be avoided in the future. But, there is no need to throw away the baby with the bath-water. The contests for individual parliamentary seats remain essentially open and, while Museveni's 69 per cent presidential majority was probably enhanced by the government's interference

¹ Human Rights Watch (1999:3,42).

² Kohli (1990:8).

³ The controversial presidential campaign was epitomized by a remark made by Museveni: "I'm not ready to hand over power to people or groups of people who have no ability to manage a nation ... Why should I sentence Ugandans to suicide by handing over power to people we fought and defeated? It's dangerous despite the fact that the constitution allows them to run against me ... At times the constitution may not be the best tool to direct us politically for it allows wrong and doubtful people to contest for power". The quotation can be found, alongside a detailed account of many instances of violence that characterised the campaign, in Human Rights Watch (2001). On the criticisms raised by Ugandan and international election

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with the election, nobody seriously doubts that the president still enjoys a wide consensus among the rural masses.

The picture that emerges from this study is nuanced, and in my conclusions I do not wish to simplify this nuanced portrait. If opposing supposedly fully-fledged 'democratic' states to 'non-democratic' ones can be a useful strategy in political science modelling, and sometimes in political prescription, in reality "there exists no simple dichotomy between a few 'true' democracies and the rest which are labelled sham or pseudo-democracies"⁴. Rather, electoral regimes that combine coercive and constitutional practices and lie between authoritarian systems and formal democracies can often be found⁵. A cardinal component of this complex picture is the presence, in Uganda, of a party-like hegemonic organisation such as the Movement. Relatively open and competitive systems in Africa have frequently been associated with the presence of an overwhelmingly dominant organisation, as in the case of the Botswana Democratic Party, the Senegalese Socialist Party (until recently), and the African National Congress (albeit South Africa is still a very young 'democracy'). While these polities may only experience a limited practice of political competition and democratic rule, the presence of paramount organisations allegedly brings 'mixed blessings' that may include, for example, an increased stability and legitimacy for the political system⁶.

The investigation in the politics of Uganda between 1994 and 2000 which was carried out in this thesis reveals important inconsistencies in the current system. The research set out to explore the practical implications of the notion of no-party electoral politics. At the more general level, the focus was on the following questions: how is Uganda's no-party system working, in practice? What is the actual presence and scope for manoeuvre for political parties? What kind of arrangements, if any, have been adopted to cope with the need for organised political action in the absence of parties? Starting from these questions, the empirical investigation followed two steps. First, an organisational analysis of the Movement and of the political parties. Then, an examination of the electoral and parliamentary stages of

monitoring organisations with regard to "maladministration, malpractices and excessive violence" during the parliamentary elections, see *New Vision* (Kampala, 29 June and 1 July 2001).

⁴ Giliomee – Simkins (1999:xvi).

⁵ Diamond refers to these electoral regimes as 'pseudo-democracies'. These are "less than minimally democratic but still distinct from authoritarian regimes ... cutting point between electoral democracies and electoral regimes that have multiple parties and many other constitutional features of electoral democracy but that lack at least one key requirement: an arena of contestation sufficiently fair that the ruling party can be turned out of power. ... They include... Sartori's 'hegemonic party systems' in which ... the ruling party regularly wins massively and controls the overwhelming bulk of legislative seats and subnational governments. Mexico (until 1988), Senegal and Singapore are classic examples" (1999:15).

⁶ Cf. Giliomee – Simkins (1999:xv). Botswana, South Africa and, until 2000, Senegal display 'dominant-party systems' – rather than 'hegemonic party systems' – which are formally competitive, i.e. a challenge to the ruling party is conceivable. On the similarities and the differences between the two categories, see Chapter Four, pp.90-91.

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the political process – as well as of the land reform experience – to learn about the role of party and non-party organisations in Ugandan politics. The findings of the inquiry reveal that there is an evident discrepancy between word and practice. A political system which is claimed to be based on individual-merit and no-party participation actually had to come up with forms of organisation to address unanswered political needs. Some of these organisational forms belong to the old parties themselves; some are closely linked to the parties; and others are entirely independent surrogate arrangements. More specifically, the thesis and the evidence of my fieldwork suggest three important points:

The no-party framework is largely no longer in place – if it ever was – since the Movement organisation itself has progressively adopted a party-like apparatus and mode of conduct.

Political reality prompted the Movement ruling group, in practice, to move away from notions of individualised politics and to undertake crucial organisational changes. In spite of its anti-party ideological claims, the attempt to entrench its hegemonic status led the Movement to undertake continuous organisational developments. With the *Movement Act* passed in 1997, these developments reached the point where a fully-fledged – albeit still very weak – party-like organisation was devised, both at the national and the local level, for purposes of political mobilisation.

Opposition parties themselves have tried to retain some kind of organisation, while also adopting new organisational stratagems; parties are legally and practically obstructed but they exist and may develop and flourish if these restrictions were removed.

Uganda's political discourse rotates around a movementists-versus-multipartists dichotomy. The latter term of this dichotomy has largely been articulated by the country's two historical political parties, i.e. the Uganda People's Congress and the Democratic Party. Under the current regime, it is the organisational activities of political parties that are declared illegal, rather than parties *per se*. An investigation into the actual organisational presence of parties was required to figure out the organisational forms and strategies that parties have adopted as a response to the no-party framework. Evidence shows how opposition parties have struggled to survive. Their trajectories are a direct reflection of the hegemonic context in which they have to operate. The Democratic Party's reliance on the informal politics of *kakuyege*, on a newly-established youth wing, and on an NGO, for instance, are part of its effort to cope with and by-pass a prohibitive political environment. Similarly, the split of the

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UPC leadership and the establishment of extemporaneous arrangements reflect the party's coming under duress and its attempt to endure and organise in times of Movement dominance and repression. The bottom line confining the endeavours of the UPC and the DP, however, is the Movement's own hegemonic ambition, that is, the notion that 'other' parties are to be impeded from having any *significant* organisational presence in the state and the electoral arena.

A systemic drive towards the formation of party-surrogate organisations becomes apparent when examining the politics of a parliament that tries to operate without parties.

The inquiry into the way politics is played out in Uganda's legislative arena was driven by the concern to find out:

- a) what kind of arrangements individual MPs have devised to articulate collective actions in parliament, and
- b) what has been the impact of these arrangements in actually binding parliamentarians to group decisions.

The evidence collected on the formation of caucuses illustrates how alternative organisational devices have emerged within parliament as surrogate political parties. Such arrangements are largely aimed at replacing parties by providing opportunities for legislative, office-seeking and deliberate collective action. Pro-Movement MPs, for example, were gathered in a parliamentary caucus to facilitate the government's effort to orchestrate support for its policies in an individualised assembly.

But why did party-like structures not emerge outside parliament as evidently as they did inside it? My findings concerning Uganda seem to be in line with broader arguments that stress the primacy of party-like legislative organisations over 'the party in the electorate' and 'the party as an organisation'⁷. Accordingly, the fact that party-like groups have emerged in parliament proves that "their ability to reduce transaction costs and solve collective action problems in the legislative arena may be their ultimate rationale and source of strength"⁸. In spite of the individual-merit principle, legislators face powerful incentives to organise and act together. Common action increases dramatically their payoff prospects when compared to acting on their own⁹: parliamentarians maximise the benefits they enjoy if they support or oppose a government collectively; they need to join forces if they are to influence policy-making or to get hold of prestigious positions; they add to their chances of being re-elected if

⁷ The distinction between these three sides of a political party is drawn by Key (1964); see Chapter One, p.14.

⁸ Strøm (2000:189).

⁹ Bowler (2000:177).

they pool together their resources. In this sense, the quasi-party arrangements that have appeared in Uganda's parliamentary politics – the Movement caucus, the Young Parliamentarians Association, the women's caucus, and so on – validate the idea that, by origin, "the political party is a purposefully designed organisation of, by and for legislators"¹⁰.

The urgency to develop extra-parliamentary organisations was probably weaker than the need for co-operative arrangements inside parliament. "Like other political institutions, political parties are as attractive as the alternatives permit"¹¹, and *ad hoc*, independent electoral machines made of temporary agents could easily be adopted as a surrogate option.

Partly the outcome of incipient parties in parliament being stronger than incipient parties in the countryside is a consequence of the 'law of anticipated reactions'. Ordinary Ugandans are much more vulnerable to harassment on the part of the government than is any MP. The clampdown on party arrangements and personnel was largely directed towards citizens or party-citizen activism: all the limitations on party activities refer to actions of the parties outside parliament (i.e. conferences, branches, rallies and so on). The constituency-based electoral system, which only requires candidates to campaign in a relatively limited area, and the large availability of unemployed people, mean that a local campaigning arrangement can be quickly and smoothly set up and then dismissed. A nation-wide electoral district or a more expensive workforce would have reduced the attractiveness of temporary-agents devices. But in the face of government harassment and of widespread poverty, these turned out to be cost-effective and efficient alternatives.

In so far as the ideal of individual-merit politics promised a system with no need for political organisation, Uganda's regime therefore displays a serious incapacity to fulfil its own premises and promises. The 'hegemonic party system' model, elaborated by Sartori¹², fits the evidence of the country's recent politics better than the no-party ideal. The former model captures the crucial features of Uganda's politics: dominance on the part of one privileged organisation, with minor political organisations allowed to exist albeit systematically and strategically marginalised.

The hegemony of the Movement becomes manifest at different levels. For a start, dominance over central institutions and local authorities is virtually unchallenged. Individuals belonging to the opposition are only allowed occasional electoral successes insofar as these do not significantly affect the position of the current rulers. Any effective challenge to the latter

¹⁰ Thies (2000:256).

¹¹ Strøm (2000:183).

¹² Sartori (1976).

is pre-empted through a selective restriction and repression of civil and political freedoms – notably through the limitations on party activities, but also, for example, through a discriminating licensing for the activities of NGOs¹³. The individual-merit election system legitimates an electoral process that, in spite of relatively open constituency contests, impedes the emergence of any strongly organised opposition bloc. Relatively isolated ('individualised') politicians are an easy prey for cooptation on the part of the Movement. The latter's ascendancy over the legislative body is then organised – if not always effectively – through a pro-government parliamentary caucus. The atomised opposition and the use of the caucus increase the control over the policy process on the part of a ruling group that allows debates and inputs to emerge only insofar as they do not hinder the achievement of its fundamental objectives. In turn, the tight control over state resources permit a skilful use of patronage to generate and reinforce popular consensus for the regime¹⁴. At the societal level, a careful action for reaching out to and mobilise the populace, especially by means of *mchaka mchaka* political education courses and of the state media, contributes to the diffusion of pro-Movement political propaganda. These processes of political mobilisation are increasingly coordinated by a renewed Secretariat, and are meant to be boosted by the establishment of new local and national party-like structures.

The fact that *the 'no-party' political system is actually best understood through the lenses of a framework for party systems analysis* – as the combined examination of the organisation of the Movement and of the political parties suggests – points at the difficulties, in practice, of having participatory politics without political organisations. The no-party label is used to cover a semi-organised hegemony. There are thus clear limits to thinking of the no-party model as a 'democratic' alternative, and this is a critical point that donors may take into consideration when dealing with the current regime. In addition, aside from raising questions concerning the democratic content of the regime, 'eliminating' political parties, as pointed out, is likely to open gaps in the wider political system and to turn the spotlight on the need for organisation. Some of these gaps – notably those that emerged in parliamentary politics – became so evident that Ugandans promptly tried to fill them with surrogate organisational

¹³ All third sector organisations are required to apply to the *National Board for NGOs* for registration. The Board is used to control non-governmental organisations, for example, by delaying or suspending registration or by interfering with details of NGO activities. This, in turn, can be an excuse for the authorities to curtail workshops or similar activities. As an NGO activist put it, "they often remind us of our registration, which requires us to be nonpolitical, nonpartisan, noneverything" (Human Rights Watch 1999:104,5). On the 27th of May 1999, for example, the police stopped the NGO Forum at the International Conference Centre in Kampala because, formally, it was operating illegally: in spite of the fact that the Forum had presented its papers to the NGO Board two years before and it then paid its registration fees, the registration procedures had not been completed yet (*New Vision*, Kampala, 10 December 1999). This kind of controls further weakens the political impact of NGOs (cf. Dicklitch 1998).

¹⁴ On how the patronage practices of many African regimes often answer 'demands from below', and thus help generate popular consensus, see, for example, Barkan (2000:232-234).

Conclusions

arrangements. But the fact that such arrangements are basically hindered by the country's political system raises new questions concerning the full stabilisation of a no-party set up beyond a transitional period.

Finally, the value of no-partism as a specific conflict management tool is normatively undermined, if the no-party system is *not* functioning, in practice, as an organisation-free system – i.e. the no-party prescriptions are in practice distorted. That which does not meet its own defining standard is hardly likely to be an honest recipe for others.

The depth of democratic control and the accountability of the policy-making process are inevitably limited in a no-party system that does not allow the opposition to organise. Human rights abuses continue and the enduring political instability of some areas of the country is frequently ascribed to the political and economic marginalisation of certain forces, groups or communities – or their straightforward exclusion¹⁵. At the dawn of the new century, Museveni's rule was increasingly coming under attack. Parties had progressively gained legitimacy in the public discourse, and there was growing discomfort within the Movement's own ranks at the ongoing and manipulative confinement of opposition forces. This was prominently evident in the latest political campaigns. The run-up to and the aftermath of the June 2000 referendum on multipartism were marred by constitutional crises. Col. Kizza Besygie's decision, in the March 2001 presidential campaign, to challenge Museveni 'from within' the Movement was a manifestation of the uneasiness among supporters of the regime. A few months later, the parliamentary election campaign saw the president engaged in a systematic effort to promote pro-Movement stalwarts against not only declared multipartists but also disloyal or critical movementists.

The dilemma for the Movement remains twofold. On the one hand, a struggle between the temptation to retain its hegemonic status and the need to prepare for pluralist politics¹⁶. On the other, the effort to portray itself as an inclusive force while also ensuring the political and organisational cohesion of its core supporters. The need to develop a better

¹⁵ Ssenkumba, for example, observes that there is a "link between the collapse of the federal platform and the defeat of the IPFC [i.e. the defeat of the multipartists] to the resurgence of rebel activity not only in central Buganda, but also in western Uganda and renewed insurgency in northern Uganda. ... the crux of the matter lies in the belated recognition by various forces which aspire to control the state that it is practically impossible to defeat NRM through constitutional avenues" (Ssenkumba 1997:26). Human Rights Watch points out that, "despite these important reservations about the purported political motivations of Ugandan rebel groups, it would be a mistake to suggest that rebel activity is completely unrelated to the suppression of political opposition activity in Uganda. The movement system of government deprives nonviolent political opposition of some of its effectiveness because it does not allow organised political opposition ... [According to] Okello Okello ... 'This system is a declaration of future war. When you close all avenues of opposition, where do you want them to go? They will go back to the gun, obviously'" (Human Rights Watch 1999:127-128).

¹⁶ Mainwaring – Scully (1995:21) talk of "hegemonic party systems in transition" for cases such as, at the time, Mexico and Paraguay, where it was difficult to establish the extent to which fully competitive party systems were being institutionalised or else authoritarian hegemony remained the dominant feature.

Conclusions

Movement organisation has been repeatedly recognised¹⁷ and, in the course of the 1990s, quasi-party Movement structures have been set up and candidates and results have been increasingly dealt with in partisan terms. As late as mid-2001, however, prominent Movement leaders would stick to the original idea that “the Movement cannot become a political party ... The whole doctrine and concept of the Movement is anti-political organisations”¹⁸. Caught between real competition and hegemonic tendencies, the regime may be on the verge of addressing the issue of political institutionalisation, albeit it is not yet clear which direction the latter will take.

¹⁷ Mamdani (1995), Kasfir (1994:173). In June 1995, Museveni wrote a famous letter to the movementists of the CA in which he suggested that the NRM might have to transform itself into a different political organisation in the near future, if competition for power should require it. Contextually, a Movement parliamentary caucus was “specifically created to bring in ‘discipline’... a whipping process, which is why it expressly excludes multipartists (although all Ugandans are members of the Movement) ... all Movement politicians have rallied without a squeal to the party line” (Charles Onyango-Obbo, columnist of *The Monitor*, Kampala, on Ugandanet, 1998, exact date missing).

¹⁸ Col. Kahinda Otafiire, MP for Ruhinda, quoted in *New Vision* (Kampala, 30 June 2001).

APPENDIX 1

Interviews with officials of the Movement and of the political parties

Fifty-one officials belonging to the main political organisations – i.e. the Movement, the Uganda People's Congress, the Democratic Party, and the small Conservative Party and National Democrats Forum – were interviewed. The focus of these interviews was a party's organisational map (both at the central and at the local level), the selection of candidates for elections, the way an election campaign is approached, and the specific policy formulation initiatives of the parties. A geographically-representative sample of four districts was also selected for a closer investigation of the extensiveness of party organisations. Accordingly, local party representatives were interviewed in the centre-south district of Mukono, in Gulu in the north, in Mbale in the east, and in Mbarara in south-western Uganda.

THE MOVEMENT

| Name | Age ¹ | Ethnicity / District | Religion ² | Position | Personal background |
|---|------------------|------------------------------------|-----------------------|-----------------------------------|---|
| Date of interview | Gender | Region | | | |
| Wapakhabulo James Kampala, 19 July 1999 | 55 M | Mumasaba / Mbale East | Anglican | National Political Commissar | MP, legal expert |
| Kasaija Matia Kampala, 28 May 1999 | 45 ca. M | Munyoro / Kabale West | Catholic | Deputy Director Mass Mobilisation | politician (former UPM), commercial cattle business |
| Lagada Beatrice Kampala, 16 June 1999 | 46 F | Langi / Apac North | Protestant | Deputy Director Mass Mobilisation | education officer, politician |
| Magode Ikuya James Kampala, 1 July 1999 | 55 M | Jopadhola-Itesot / Tororo East | Anglican | Deputy Director Information | politician, administrator |
| Henry Matsiko Kampala, 20 June 2000 | 40 M | Mukiiga / Kabale South-West | Protestant | Deputy Director in the NPC office | civil servant/military |
| Bukenya Gilbert Kampala, 2 July 1999 | 51 M | Muganda / Mpigi Central | - | Caucus Chairman | MP, former university professor |
| Kagodo Paul Kalule Mukono, 24 June 1999 | 68 M | Muganda / Mukono Central | Protestant | District Committee Chairman | farmer/businessman, politician |
| Odora Oryem Charles Gulu, 6 July 1999 | 46 M | Acholi / Gulu North | Catholic | District Committee Chairman | local politician and administrator |
| P'Odur John Mills Gulu, 5 July 1999 | 44 M | Acholi / Gulu North | Catholic | District Committee Secretary | teacher, local politician and administrator |
| Tumusiime Fred Mbarara, 15 July 1999 | 42 M | Munyankole / Mbarara South-West | Catholic | District Committee Secretary | school headmaster/LC5 councillor |
| Walimbwa Charles Mbale, 9 July 1999 | 46 M | Mugisu / Mbale East | Catholic | District Committee Chairman | civil servant, LC5 chairman |
| Wasukira Lawrence Mbale, 9 July 1999 | 47 M | Mumasaba / Mbale East | Catholic | District Committee Secretary | local civil servant and politician |

¹ Age in the year 2000.

² Religious denomination as indicated by the respondent.

UGANDA PEOPLE'S CONGRESS [Obote's faction]

| Name | Age | Ethnicity / District | Religion | Position | Personal background |
|--|-------------|-----------------------------------|--------------------------------|--|--|
| Date of interview | Gender | Region | | | |
| Rwanyarare James Kampala, 5 May 1999 | 60 ca. M | Munyankole / - South-West | Protestant | Chairman of Presidential Policy Commission | politician, oncologist |
| Badru Wegulo Kampala, 22 June 2000 | 61 M | Munyole / Tororo East | Muslim | Chairman | politician, former civil servant |
| Rubaihayo Patrick Kampala, 12 June 1999 | 60 M | Munyankole / - South-West | Protestant | Member PPC | university professor and consultant in agriculture |
| Odaka Sam Kampala, 2 June 1999 | 68 M | Muluya / (born in Uganda) - | - | Member PPC | politician, businessman |
| Ochwo Edward Kampala, 3 May 1999 | 60 ca. M | Luo-speaker / Tororo East | Christian | Chief Admin. Secretary | former civil servant |
| Kasirye-Mayanja Paulo Kampala, 4 May 1999 | 55 ca. M | Muganda / Masaka Central | Catholic | Principal Assistant | former civil servant, small local business interests |
| Masaba Mustafa Kampala, 28 June 1999 | 43 M | Mugisu / Buganda Central | Muslim | District Representative | unemployed, former employee and farmer |
| Isabirye Fremont Kampala, 19 July 1999 | 36 M | Musoga / Jinja East | Muslim (former Anglican) | District Youth Leader | teacher |
| Labara Oola Peter Kampala, 23 June 1999 | 76 M | Acholi / Gulu North | Protestant | District Chairman | politician |
| Sakwa Darlington Kampala, 10 July 1999 | 48 M | Mugisu / Mbale East | Protestant | District Leader | computer business and restaurant, former lecturer |

UGANDA PEOPLE'S CONGRESS [Ogwal's faction]

| Name | Age | Ethnicity / District | Religion | Position | Personal background |
|--|---------|-------------------------------------|------------|------------------------------|--|
| Date of interview | Gender | Region | | | |
| Ogwal Cecilia Kampala, 7 June 1999 | 53 F | Langi / Lira North | Christian | IEC Chairperson | MP, food processing and farming business |
| Wacha Ben Kampala, 9 June 1999 | 52 M | Langi / Apac North | Protestant | IEC Secretary | MP, lawyer |
| Mwondha Patrick Kampala, 22 June 1999 and 28 June 2000 | 51 M | Musoga / Bugiri | Protestant | Secretary of IEC | politician, computer scientist/ business |
| Wako Fredrick Mukono, 24 June 1999 | 58 M | Muganda / Mukono Central | Anglican | District Chairman | small trade |
| Natifu Abna Seeta, 24 June 1999 | 58 M | Mugisu / Mbale East | Protestant | Member | former teacher and education officer, owns/runs restaurant |
| Otto James Gulu, 7 July 1999 | 73 M | Acholi / Gulu North | Catholic | District Vice-chairman | farmer, former civil servant and local councillor |
| (Official who requested anonymity) Mbarara, 14 July 1999 | 51 M | Munyankole / Mbarara South West | Anglican | Interim District Chairperson | - |
| Twamuhabwa Wilson Kampala, 28 June 2000 | 32 M | Munyankole / Ntungamo South-West | Protestant | Youth Leader | bank employee on leave |

DEMOCRATIC PARTY

| Name | Age | Ethnicity / District | Religion | Position | Personal background |
|---|-------------|--|----------|--|---|
| Date of interview | Gender | Region | | | |
| Ssemogerere Paul Kampala, 12 July 1999 | 68 M | Muganda / Kalangala Central | Catholic | President | politician, tourism business |
| Zachary Olum Kampala, 1 July 1999 | 55 M | Acholi / Gulu North | Catholic | Vice-President | MP, former university professor |
| Byanyima Boniface Mbarara, 15 July 1999 | 78 M | Munyankole / Mbarara South-West | Anglican | Chairman | farmer, politician |
| Drametu Mariano Kampala, 12 May 1999 | 65 ca. M | Madi / Moyo North | Catholic | Secretary General | politician |
| Mutagamba Maria Kampala, 4 June 1999 | 47 F | Muganda / Rakai Central | Catholic | Deputy Secretary General | bank director and restaurant owner |
| Kitariko Robert Kikomo Kampala, 13 May 1999 | 66 M | Mukiga / Kabale South-West | Catholic | former Secretary General | politician, electoral commissioner |
| Lubega Damiano Kampala, 19 and 25 May 1999, 6 June 2000 | 63 M | Muganda / Rakai Central | Catholic | Organising Secretary | lawyer, civil servant |
| Ssekweyama Anthony Kampala, 18 June 1999 | 55 (†) M | Muganda / Mpigi Central | Catholic | Publicity Secretary | NGO director, former politician and civil servant |
| Rainer Kafiire Juliet Kampala, 15 June 1999 | 60 F | Mugwere / Pallisa East | Catholic | Women Leader | MP, investment farming |
| Komakech Leander Kampala, 19 May 1999 | 30ca. M | Acholi / Gulu North | Catholic | Leader of Uganda Young Democrats | teacher and deputy headmaster |
| Michael Mabikke Kampala, 24 June 2000 | 27 M | Muganda / Kampala Central | Catholic | Secretary of Uganda Young Democrats | - |
| (Official who requested anonymity) Mukono, 24 June 1999 | 49 M | Muganda / Mukono Central | 'Pagan' | - | - |
| Uma Kerubino Lacor, 5 July 1999 | 61 M | Acholi / Gulu North | Catholic | District chairman | semi-retired headmaster |
| Mayeku Peter Kampala, 16 July 1999 | 61 M | Mugisu / Mbale East | Anglican | District chairman/ Regional representative | local politician, former farmer |
| Mutete Philip Mbale, 9 July 1999 | 55 M | Mugisu / Mbale East | Catholic | Member | local councillor |
| Kaishaija Emmanuel Mbarara, 14 July 1999 | 63 M | Munyankole / Mbarara South-West | Catholic | District chairman | small business |
| Mugisha John Mbarara, 15 July 1999 | 31 M | Munyankole / Mbarara South-West | Catholic | District Youth Leader | small business |
| Tumusiime John Mbarara, 15 July 1999 | 50 M | Munyankole / Ntungamo South-West | Catholic | District chairman | tailor |

CONSERVATIVE PARTY

| Name | Age | Ethnicity / District | Religion | Position | Personal background |
|-------------------------|--------|----------------------|------------|-------------------|---------------------|
| Date of interview | Gender | Region | | | |
| Mayaja-Nkangi Jehoash | - | Muganda / | - | President | MP, minister |
| Kampala, 19 July 1999 | M | Central | | | |
| Lukyamuzi John Ken | 46 | Muganda / Masaka | Catholic | Secretary General | MP |
| Kampala, 5 June 1999 | M | Central | | | |
| Mubiru Mugumba Ali | 31 | Muganda / Kampala | Muslim | Youth Leader | part-time assistant |
| Kampala, 22 June 1999 | M | Central | | | |
| Senku Daniel | 70 | Muganda / Mbale | Protestant | District chairman | medical doctor |
| Kabwangasi, 8 July 1999 | M | East | | | |

NATIONAL DEMOCRATS FORUM

| Name | Age | Ethnicity / District | Religion | Position | Personal background |
|------------------------------------|--------|-----------------------|------------|---|------------------------------|
| Date of interview | Gender | Region | | | |
| Chapaa Karuhanga | 48 | Munyankole / Bushenyi | none | Chairman | development consultancy firm |
| Kampala, 4 June 1999 | M | South West | | | |
| (Official who requested anonymity) | 51 | Mugisu / Mbale | Protestant | District Chairman | private company manager |
| Mbale, 8 July 1999 | M | East | | | |
| Bagwa Mathias | 29 | Munyankole / Bushenyi | Catholic | Regional General Secretary and Youth Co-ordinator | accountant |
| Mbarara, 14 July 1999 | M | South-West | | | |

APPENDIX 2

Interviews with Members of Parliament

Thirty-three Members of Parliament were interviewed. The sampling criteria was access to them, with attention to retaining a certain balance between regions, gender, and political partisanship. Yet, because of the broader interests of this study, multipartists are over-represented in the sample. The interviews focused on electoral networks, parliamentary associations, parliamentary policy-formulation, voting behaviour and extra-parliamentary links.

| Name | Age ¹ | Ethnicity / District | Religion ² | Political affiliation | Personal background |
|---|------------------|--|-----------------------|-------------------------------|---|
| Date of interview | Gender | Region | | | |
| Akello Grace Kampala, 9 June 1999 | 50 F | Itesot / Soroti North-East | Christian | Movement (former UPM) | social worker/ civil servant, publishing editor |
| Amongin Aporu Hellen Kampala, 28 June 1999 | 42 F | Itesot / Kumi East | Catholic | Movement | education officer |
| Baguma-Isoke Matia Kampala, 29 May 2000 | 47 M | Munyoro / Kibale West | - | Movement | - |
| Bagunywa Arthur Kampala, 3 June 1999 | 73 M | Muganda / Mubende Central | Anglican | Independent/ Multipartist | - |
| Bukenya Gilbert Kampala, 2 July 1999 | 51 M | Muganda / Mpigi Central | none | Movement | academic |
| Kafiire Rainer Juliet Kampala, 15 June 1999 | 59 F | Mugwere / Pallisa East | Catholic | Multipartist (DP) | farming business |
| Kaggwa Medi Sozi Kampala, 14 May 1999 | 45 M | Muganda / Kampala Central | Muslim | Movement | lawyer |
| Kagonyera Mondo Kampala, 9 June 1999 | 59 M | Munyankole / Rukungiri South-West | Protestant | Movement | academic |
| Kakoba Onyango Kampala, 16 July 1999 | 36 M | Jopadhola / Tororo (MP Mukono) Central/East | Protestant | Critical Movementist | journalist, politician |
| Karuhanga Elly Kampala, 8 June 1999 | 53 M | Munyankole / Mbarara South-West | Protestant | Movement | lawyer |
| Kinobe James Kampala, 3 June 1999 | 44 M | Muganda / Luwero Central | Catholic | Movement (claims close to DP) | army officer |
| Logiro-Ngorok Peter Kampala, 30 June 1999 | 39 M | Karimojong / Moroto East | Catholic | Movement | teacher and social worker |
| Lukyamuzi John Ken Kampala, 5 June 1999 | 48 M | Muganda / Masaka Central | Catholic | Multipartist (CP) | politician |

¹ Age in the year 2000.

² Religious denomination as indicated by the respondent.

| | | | | | |
|--|---------|---|-------------------------|---|---|
| Lyomoki Sam Kampala, 8 June 1999 | 33 M | Mugwere / Pallisa East | Born-again Christian | Independent Multipartist (The Free Movement) | - trade unionist, medical doctor |
| Mao Norbert Kampala, 7 June 1999 | 33 M | Acholi / Gulu North | Christian | Multipartist (close to DP) | lawyer |
| Mayaja-Nkangi Jehoash Kampala, 19 July 1999 | 69 M | Muganda / - Central | - | Movement | politician, lawyer, minister |
| Mutyaba Benedict Kampala, 26 May 1999 | 41 M | Muganda / Kampala Central | Catholic | Independent/ critical Movementist | lawyer, civil servant, lecturer |
| Mwesigye Adolf Kampala, 17 June 1999 | 34 M | Muturo / Kabarole South-West | Catholic | Movement | lawyer |
| Nkuuhe Johnson Kampala, 28 April 1999 | 51 M | Munyankole/ Mbarara South-West | Christian | Movement | academic |
| Nsubuga Mayanja Sazir Kampala, 31 May 1999 | 42 M | Muganda / Mukono Central | Muslim | Movement (former UPM, now close to UPC) | lecturer/ public manager |
| Nyai Dick Kampala, 14 June 1999 | 58 M | Lugbara / Arua North | Protestant | Multipartist (UPC) | former teacher, editor, social worker |
| Ogwal Atim Cecilia Kampala, 7 June 1999 | 54 F | Langi / Lira North | Christian | Multipartist (UPC) | MP, food processing and farming business |
| Okello-Okello John Livingstone Kampala, 11 June 1999 and 20 June 2000 | 60 M | Acholi / Kitgum North | Protestant | Multipartist (UPC) | former civil servant, now consultant |
| Okulo-Epak Yusuf Kampala, 19 June 2000 | 62 M | Langi / Apac North | Christian | Multipartist (UPC) | civil servant |
| Olum Zachary Kampala, 1 July 1999 | 57 M | Acholi / Gulu North | Catholic | Multipartist (DP) | politician, former academic |
| Omodi Okot Kampala, 12 July 1999 | 63 M | Langi / Apac North | Protestant | Multipartist (UPC) | civil servant and farmer |
| Ruzindana Augustine Kampala, 28 April 1999 | 55 M | Munyarwanda / Ntungamo South-West | Catholic | Movement (former UPM) | politician |
| Salaamu Musumba Kampala, 16 June 1999 | 37 F | Musoga / Kamuli East | Catholic | Movement | social worker |
| Wacha Ben Kampala, 9 June 1999 | 52 M | Langi / Apac North | Protestant | Multipartist (UPC) | lawyer, MP |
| Wambuzi George Kampala, 8 June 1999 | 52 M | Musoga / Kamuli East | Protestant | Movement | engineer |
| Wandera Ogalo Kampala, 14 June 1999 | 44 M | Musoga / Bugiri East | Protestant | critical Movementist (former UPC) | lawyer |
| Wapakhabulo James Kampala, 19 July 1999 | 55 M | Mumasaba / Mbale East | Anglican | Movement | politician, MP |
| Wasswa Lule Kampala, 26 May 1999 | 51 M | Muganda / Kampala Central | Anglican | Multipartist (DP) | politician |

APPENDIX 3

Interviews with NGO representatives and policy-makers

Representatives of non-governmental organisations and officials of the Ministry of Water, Lands and Environment were also interviewed. The sampling criteria was their relevance in the land reform process (or, in a few cases, their privileged position as observers of other phenomena studied in the thesis). The interviews largely focused on the negotiation and formulation of the new land policy, and on the specific inputs produced by the different interest groups and by other actors.

| Name | Age ¹ | Ethnicity/ District | Position | Organisation | Personal background |
|---|------------------|--------------------------------|--|--|----------------------------------|
| Date of interview | Gender | Region | | | |
| Lanz Hajo Kampala, 20 and 27 May 1999 | - M | (German) | administrator | Friedrich Ebert Foundation | - |
| Knirsch Thomas Kampala, 25 May 1999 | - M | (German) | administrator | Konrad Adenauer Foundation | - |
| Sekweyama Anthony Kampala, 18 June 1999 | 55 (†) M | Muganda / Mpigi Central | administrator | Foundation for African Development, Democratic Party | politician, civil servant |
| McAuslan Patrick London, 16 May 2000 | - M | (British) | consultant for Government of Uganda | DFID-sponsored | academic, lawyer |
| Mubbala K.S.B. Kampala, 30 May 2000 | 50 ca. M | Mugwere / Pallisa | director for Lands and Environment | Ministry of Water, Lands and Environment | civil servant |
| Bosworth Joanne Kampala, 2 June 2000 | 35 ca. F | (British) | official at Land Act Implementati on Unit | Ministry of Water, Lands and Environment, (contracted by DFID) | civil servant |
| Mwebaza Rose Kampala, 9 June 2000 | 27 F | Muganda / - Central | co-ordinator | Uganda Land Alliance | lecturer and qualified lawyer |
| Oloya J.J. Kampala, 12 June 2000 | 45 ca. M | Acholi / Gulu North | consultant | DFID | development economist |
| Eddy Nsamba-Gayiiya Kampala 13 June 2000 | 45 ca. M | Muganda / Masaka Central | acting chief government valuer | Ministry of Water, Lands and Environment | civil servant |
| Kawamara Sheila Kampala, 15 June 2000 | 34 F | Mutoro / Kabarole West | co-ordinator | Uwonet | - |
| Katende John Kampala, 21 June 2000 | 45 ca. M | Muganda / - Central | attorney general | Buganda kingdom | lawyer |

¹ Age in the year 2000.

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