

# **DEMOCRATIC TRANSITION IN EAST AFRICA**

**(A Case study of Uganda)**

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**R50/69022/2011**

**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE AWARD OF A MASTERS  
DEGREE IN INTERNATIONAL STUDIES AT THE UNIVERSITY OF  
NAIROBI.**



**September 2013**

## DECLARATION

I declare that this research project is my own original work and has not been submitted for a degree or any other award in any other University.

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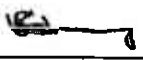
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## **DEDICATION**

**This project proposal is dedicated to my teacher, guide and mentor, Professor Maria Nzomo, the Director of the Institute of Diplomacy and International Studies at the University of Nairobi, whose example as a scholar has left a lasting impression on me.**

## **ACKNOWLEDGEMENT**

I most sincerely thank my research supervisor, Mr. Patrick Maluki for his willingness to guide me thorough the research. Thank you, sir for your timely response whenever I needed your guidance and support.

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## **ABBREVIATIONS AND ACRONYMS**

|              |   |
|--------------|---|
| <b>AU</b>    | African Union                                     |
| <b>CP</b>    | Conservative Party                                |
| <b>DP</b>    | Democratic Party                                  |
| <b>DRC</b>   | Democratic Republic of Congo                      |
| <b>FDC</b>   | Forum for Democratic Change.                      |
| <b>GDP</b>   | Gross Domestic Product                            |
| <b>IBEAC</b> | Imperial British East Africa Company              |
| <b>IMF</b>   | International Monetary Fund                       |
| <b>JEEMA</b> | Justice Education Economy Morality African Unity. |
| <b>KY</b>    | Kabaka Yekka                                      |
| <b>LC</b>    | Local Council                                     |
| <b>LGBT</b>  | Lesbian, Gay, Bisexuals and Trans-sexuals.        |
| <b>LRA</b>   | Lord's Resistance Army                            |
| <b>MP</b>    | Member of Parliament.                             |
| <b>NRA</b>   | National Resistance Army                          |
| <b>NRM</b>   | National Resistance Movement                      |
| <b>SAPs</b>  | Structural Adjustment Programmes                  |

|             |                                  |
|-------------|----------------------------------|
| <b>TPDF</b> | Tanzanian Peoples Defence Forces |
| <b>UN</b>   | United Nations                   |
| <b>UPC</b>  | Uganda People's Congress.        |
| <b>UPDA</b> | Uganda People's Democratic Army  |
| <b>UPDF</b> | Uganda People's Democratic Front |

## ABSTRACT

The process of democratization in Uganda has been very slow despite a return of relative order in the country since 1986. There is need for an assessment to be carried on the Ugandan society to determine the internal and foreign factors that predispose the country to a slow democratic transition. This study seeks to determine the nature and state of democracy in Uganda, to investigate the societal factors that render democratic transition in Uganda slow and to examine the contribution of international actors towards the slow democratic transition of Uganda. The study is based on the democratic peace theory. According to Emanuel Kant, democratization would render the world safer as democracies are less likely to engage in war. This is because democracies require the consent of their citizens before they engage in wars. The citizens would naturally want to avoid war because it is they that would bear its costs. On the other hand, autocracies are prone to wars because the rulers suffer minimally from the effect of the wars. The study takes the research design of a case study. This design was chosen because it enables the researcher to trace out the natural history of a social unit and the relationship with the social factors and the forces involved in its surrounding environment. This design is supplemented by data obtained through interviews and use of questionnaires. This aspect of the research studied four elements of democracy as they are provided for in the Ugandan democracy. The four elements include the independence of the judiciary, the participation of women in governance, the credibility of elections conducted in Uganda, and the freedom of press in Uganda. In a study that involves 305 Ugandans, it was found that the participation of women in governance as a contribution towards democracy is rated rather highly scoring 3.06 in a scale where the maximum score was 5.0. This was followed by the independence of the judiciary scoring 3.0 in the same scale. Credibility of elections conducted in Uganda was found wanting scoring 2.67 in the same scale while the freedom of press was rated at 2.68. The overall average score for Uganda was 2.85, a rating that was interpreted to indicate 'a partial democracy with minimal progression towards consolidation'. Local factors that contribute to slow democratization were identified as ethnicity, the influence of the colonial divisive legacy and the participation of the military in governance. Foreign factors that were found to have contributed to slow democratization include the events in the Congo in the 1960s and international politics during the cold war era. The study recommends that the representation of the army in parliament is incompatible with the growth of democracy and should be abolished.

## CHAPTER 1: INTRODUCTION

### 1.0 Background to the study

In a discussion of democratic transition, Uganda holds a very un-enviable position not only in the African context but also globally. Out of its fifty years of independence, close to ten of them had Uganda under the leadership of one of the worst dictatorships ever, that of President Idi- Amin. More than 800,000 Ugandans were killed by the dictator and his close associates.<sup>1</sup> A cumulative total of more than ten more years were wasted in protracted guerrilla wars. Since 1986, Uganda may have witnessed a return to peace and relative stability but its democratic credentials are still highly questionable.<sup>2</sup>

Uganda gained political independence from Britain in 1962. The first post-independence government was formed by the Uganda People's Congress (UPC) under the presidency of Dr. Milton Obote in partnership with the Buganda based Kabaka Yekka (KY) party.<sup>3</sup> By 1967, most of the opposition members of parliament from the Democratic Party, (DP) and Kabaka Yekka (KY) party had either been imprisoned or bribed to cross the floor of the house.<sup>4</sup> By 1970, Uganda had been declared a one-party state by Obote.<sup>5</sup> Autocracy had officially set in. Hundreds of political opponents were detained, the constitution overthrown and traditional monarchies of the Buganda, the Ankole, the Bunyoro and the Toro dissolved.<sup>6</sup>

In 1971, Obote was overthrown by his military Commander, General Idi Amin. Amin's coup was greeted with optimism by Ugandans who had by now loathed Obote's regime enough to

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<sup>1</sup> African elections database (n.d.) *Elections in Uganda*, Retrieved April 14<sup>th</sup> 2013, from [www.africanelections.tripod.com/ug.html](http://www.africanelections.tripod.com/ug.html).

<sup>2</sup> Barkan, J.D. (2006) *Democracy in Africa: What Future?* In Ndulo M. (ed) (2006) *Democratic Reform in Africa: Its impact on Governance & Poverty Alleviation*, Ohio: Ohio University Press, p.23.

<sup>3</sup> Makara, S. (2010) *The Challenge and Prospect of Multiparty Democracy in Uganda*. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.29) Kampala: Konrad Adenaur Stiftung.

<sup>4</sup> Ibid, p.34.

<sup>5</sup> Museveni, Y. K. (2007) *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.43) Nairobi: Moran Publishers.

<sup>6</sup> Ibid. 43.

accept anything else for an alternative.<sup>7</sup> Soon, it would dawn on Uganda that it had fallen from the frying pan into the fire. Civil strife followed as armed groups took to the bush in an attempt to overthrow Amin. In 1979, with the assistance of Tanzanian troops, Kampala fell and Amin was forced to flee to exile. Obote won the presidency in the 1980 general elections which were said to have been deeply flawed. The NRM started a guerrilla insurgency against Obote's government. Violence and instability continued until 1986 when Kaguta Museveni's NRM took over the government and promised a return to democracy.<sup>8</sup>

The NRM regime however emphasized 'participatory democracy' based on individual merit and 'non-partisan politics'. The activities of political parties were suspended with the candidates of the 1989, 1996 and 2001 standing on 'individual merit'. The 1995 constitution prohibited all candidates for elective posts from seeking the sponsorship of political parties.<sup>9</sup> In 2002, the constitutional court declared the 'no-party' system of democracy unconstitutional declaring that the National Resistance Movement, NRM had acted as a political party in all senses.<sup>10</sup> In 2005, multi party politics were restored in Uganda following a referendum in July.<sup>11</sup> The 2006 and 2011 elections were conducted under the multi-party system but were both characterized by extreme violence and harassment of the opposition candidates and supporters.<sup>12</sup>

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<sup>7</sup> Ibid p.46.

<sup>8</sup> The Ten-Point Programme of the National Resistance Movement has 'restoration of democracy' as its first point. The Programme is published at Museveni, Y. K. (2007) *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.221) Nairobi: Moran Publishers.

<sup>9</sup> Makara, S. (2010) The Challenge and Prospect of Multiparty Democracy in Uganda. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.31) Kampala: Konrad Adenaur Stiftung.

<sup>10</sup> Ssemwogerere and Others vs. Attorney General, Constitutional Appeal 4/2002, quoted by Makara, S. (2010) The Challenge and Prospect of Multiparty Democracy in Uganda. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.36) Kampala: Konrad Adenaur Stiftung.

<sup>11</sup> African elections database (n.d.) *Elections in Uganda*, Retrieved April 14<sup>th</sup> 2013, from [www.africanelections.tripod.com/ug.html](http://www.africanelections.tripod.com/ug.html).

<sup>12</sup> European Union Election Observer Mission for Uganda (2011) *Final Report on the Uganda General Elections, 2011*, (p.22) Kampala, Author.

From the foregoing, we observe that Uganda has transited democratically from a worst case scenario of civil strife to the current state that has been described by the Freedom house as 'partly free'.<sup>13</sup> This study will seek to determine the local and the international factors that have contributed to the slow democratic transition in Uganda. At the end of the study, recommendations will be given on how a democratic culture may be cultivated in Uganda.

### **1.1 Statement of the research problem.**

The process of democratization in Uganda has been very slow. There is need for an assessment to be carried on the Ugandan society to determine the internal factors that predispose the country to a slow democratic transition. An assessment needs to be done to determine whether there are factors outside the Ugandan state that contribute to the slow democratic transition of the country. It is also important to determine how such factors contribute to the slow democratic transition in Uganda.

Key questions with regard to democratic transition in Uganda that call for an answer include:

What are the societal factors unique to Uganda that make the transition to liberal democracy slow? Are there external factors that are contributory to the slow democratic transition in Uganda? In which way do the external factors contribute to the slow democratic transition in Uganda?

### **1.2 Objectives of the study**

#### **1.2.1 General Objective of the study.**

The general objective of this study is to analyze the transition of democratic order in Uganda.

#### **1.2.2 Specific Objectives of the study**

1. To determine the nature and state of democracy in Uganda.

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<sup>13</sup>The Freedom House (2013). *Freedom in the World Report for 2013*, Country Report for Uganda, Retrieved 29<sup>th</sup> May 2013 from <http://www.freedomhouse.org/report-types/freedom-world>.



2. To investigate the societal factors that render democratic transition in Uganda slow.
3. To examine the contribution of international actors towards the slow democratic transition of Uganda.

### **1.3 Research hypotheses**

- a) Participation of the army in the governance of Uganda contributes to the slow democratic transition of the country.
- b) The history of ethnic strife in Uganda contributes to the slow growth of democracy in Uganda.
- c) The slow democratic transition in Uganda may be attributed to certain actions and influences by international actors.

### **1.4 Justification of the study**

This study is being conducted at a critical time in the history of Uganda. Having sustained a peaceful hold on to power since 1986, there are questions about the possibilities of Uganda sliding to dictatorship and anarchy again after the Museveni era. This study will therefore be of interest to international actors who may be interested in supporting the growth of liberal democracy in Uganda. One such actor is the Millennium Challenge Corporation of America. The corporation clarifies that the recipient countries in its programs are those countries that score highly in quantitative democracy indices. The corporation insists that there is correlation between democracy and economic growth.<sup>14</sup>

Another category of policy makers that will find this study useful are the supra-national organizations like the East Africa Community (EAC) and the African Union (AU). These organizations will make use of the findings to assess the adherence of Uganda to international

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<sup>14</sup>Millennium Challenge Corporation (2007) *MCC and the long term goal of deepening of democracy*, Washington, D.C: Author.

treaties and covenants regarding democracy and good governance. In the treaty establishing the East African Community, Uganda as a signatory of the treaty is bound to the fundamental principles of the community. In Article 6(d) member countries commit to abide to the tenets of *'good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the African charter on human and people's rights.'*<sup>15</sup>

In the African charter on Human and Peoples rights that Uganda ratified on 10<sup>th</sup> May 1986, the country is bound to respect the right to assemble (article 11), the right to participate in government (article 13) and the duty to guarantee the independence of the courts (article 26).<sup>16</sup> Accordingly, the proposed study will act as a pointer for Uganda's fulfillment of its commitments to the East African Community (EAC) and the African Union (AU). The study of the factors that predispose the Ugandan society to slow democratic transition will be of interest to scholars of democracy, since it will contribute to the understanding of why democratization has been slow in Africa.

### **1.5 Literature Review**

In this section, we examine various issues pertinent to democracy including global perspectives of democracy, features of democracy, democratic transitions and democracy in Uganda.

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<sup>15</sup> The East African Community (1999). Treaty establishing the East African Community, Article 6(d.), Retrieved September 10, 2013, from [http://eac.int/treaty/index.php?option=com\\_content&view=article](http://eac.int/treaty/index.php?option=com_content&view=article).

<sup>16</sup> The Organisation of African Unity (1981). African charter on Human and Peoples rights, Article 26, Retrieved September 10, 2013, from [www1.umn.edu/humanrts/instree/z1afchar.htm](http://www1.umn.edu/humanrts/instree/z1afchar.htm).

### 1.5.1 Global perspectives of democracy

The ancient Greek city state of Athens is popularly regarded as the cradle of democracy.<sup>17</sup> The earliest known regular 'assembly meetings' inclined towards the governance of the society date back to 508/507 BC in Athens.<sup>18</sup> It must however be noted that archeologists have come across a constitutional document dating 600BC that shows that a popular Spartan assembly would meet at regular intervals. Even though, Sparta has never featured as the origin of democracy not only due to the dictatorial tendencies of the city in later years, but also because there is no sufficient information to support this Spartan contribution to democracy.<sup>19</sup>

While the concept of democracy has gained an overwhelming appeal as the preferred system of government in many parts of the world, it is important to mention that the name democracy was initially a word of abuse. The term *demokratia* was initially used derogatorily to mean 'rule by country cousins'.<sup>20</sup> It is the Greek reformer Kleisthenes who used the term for the first time as a slogan to mean 'people-power'.<sup>21</sup>

The understanding of democracy would become clearer if we paid attention to other systems of government that are *not* democracies. Brooker, P.(2009) classifies the following forms of governments as 'undemocratic'.<sup>22</sup> Totalitarianism, Monarchies, military rule, and single party states.

The growth of democracy has been painstakingly slow across the centuries. One study showed that as late as 1985, only about 16 per cent of all the countries in the world could be

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<sup>17</sup> Homblower, S. (1993) Creation and Development of Democratic Institutions in Ancient Greece. In Dunn, J. (1994). (Ed.) *Democracy: The Unfinished Journey-508BC to AD 1993*, (p.1) New York: Oxford University Press.

<sup>18</sup> Ibid p.1.

<sup>19</sup> Ibid.p.1.

<sup>20</sup> Ibid p.8.

<sup>21</sup> Ibid p.8.

<sup>22</sup> Brooker, P. (2009) *Non-Democratic Regimes*, (2<sup>nd</sup> ed. pp.16-45), London: Palgrave Macmillan.

said to be completely free (democratic). 36 per cent of the countries were not free at all and 48 per cent were said to be partly free.<sup>23</sup>

Although democracy grows sluggishly through the dynamics of society, there are clear historical episodes at which democratic tendencies in certain countries peaked and ended up having an impact in the whole world. Such spurs of history have had significant impacts on the growth of democracy and must be of interest in a study of democratic transition. Examples of such episodes include the ancient Athens experiment with democracy, the levelers movement in England in the 17<sup>th</sup> Century, the French revolution of the 18<sup>th</sup> Century, the American revolution of the 18<sup>th</sup> Century, the fall of the Soviet bloc in the 20<sup>th</sup> Century and the ongoing Arab spring in various Middle Eastern countries.<sup>24</sup>

According to Finer S. (1997), Democracy is a state where political decisions are taken by and with the consent or the active participation even, of the majority of the People. Liberalism, though recognizing that in the last resort the 'legal majority' must prevail, tries to protect the minorities as it does the civil rights of the individual, and by much the same methods. Liberal democracy is qualified democracy. The ultimate right of the majority to have its way is conceded, but that way is made as rough as possible.<sup>25</sup>

Shapiro (1999) says that Democrats are committed to rule by the people. They insist that no aristocrat, monarch, philosopher, bureaucrat, expert, or religious leader has the right, in virtue of such status, to force people to accept a particular conception of their proper common life. People should decide for themselves, via appropriate procedures of collective decision, what

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<sup>23</sup> Gastill R. D. (1990) *The comparative Survey of Freedom and Suggestions: Studies in Comparative International Development*, (pp.25-50) Quoted by Rourke J.T. (1993) *International Politics on the world stage*, (4<sup>th</sup> ed.,p.208.) Connecticut: The Dushkin Publishing Group.

<sup>24</sup> Dunn, J. (1994). (Ed.) *Democracy: The Unfinished Journey-508BC to AD 1993*, (pp.1-155) New York: Oxford University Press.

<sup>25</sup> William M. Reisinger (n.d.) *Definitions of Democracy*. Retrieved May, 30, 2013 from <http://www.uiowa.edu/~c030142/DefinitionsOfDemocracy.html>.

their collective business should be. Participation plays a necessary but circumscribed role in ordering social relations justly. Valuable as democratic participation is in managing the power dimensions of collective activities, it is not the point of the exercise.<sup>26</sup>

Bühlmann et al. (2008) define democracy as the essential idea that the people have the right to determine who governs them. In most cases they elect the principal governing officials and hold them accountable for their actions. Democracies also impose legal limits on the government's authority by guaranteeing certain rights and freedoms to their citizens.<sup>27</sup>

Lipset, S. M.(2000) defines democracy as a political system which supplies regular constitutional opportunities for changing the government officials, and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office, that is, through political parties.<sup>28</sup>

The definition by Lipset S.M. is of interest to this study because it emphasizes the central role of the political party in the exercise of democracy. In view of this definition, the 'movement' system of governance in Uganda that suppressed political parties will be looked at as single party dictatorship.

### **1.5.2. Features of democracy.**

From the definitions above, there appears to be a consensus among the scholars that democracy must propagate certain societal characteristics. Elgstrom and Hyden (2002) say that democracy must espouse universal suffrage and the right of participation by all the people in selecting the leaders of their own choice. There also must be institutionalized

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<sup>26</sup> Shapiro, Ian. (1999) *Democratic Justice*. New Haven, CN: Yale University Press, Quoted by William M. Reisinger (n.d.) *Definitions of Democracy*. Retrieved May, 30, 2013 from <http://www.uiowa.edu/~c030142/DefinitionsOfDemocracy.html>.

<sup>27</sup> Bühlmann, M., Wolfgang M., & Bernhard W., (2008). *The Quality of Democracy: Democracy Barometer for Established Democracies*. (p.23) Vienna: University of Klagenfurt.

<sup>28</sup> Lipset, S. M., (2000) The Indispensability of Political Parties. In *Journal of Democracy* 11(1),48-55.

constrain on the exercise of power by the executive. This constrain is explained to be in the form of competition by other persons who have capabilities to form government over the people.<sup>29</sup>

Larry Diamond (1995) states that democracy must provide for extensive civil liberties including the freedom of press, freedom of expression, as well as freedom to form and join organizations. One other major feature of democracy is the autonomy of the executive, legislature and the judiciary organs of government.<sup>30</sup>

In this study, the features that will be sought out for in a democracy include: Free, fair and frequent elections, civil liberties including freedom of expression, freedom of the press to guarantee alternative sources of information, as well as the freedom of association and belief, rule of law, universal suffrage for all adults, constitutionalism, complete separation of powers of the executive, legislature and the judiciary, Respect of human rights and fundamental freedoms. Democracies must especially be sensitive to the rights of the minorities as well as women, good governance, which implies constrain in the exercise of power by the executive, political participation by all groups of the population and security of persons and property.

### **1.5.3 Democratic transitions**

The study of democratic transitions is based on the understanding that democracy is not a discrete concept but a continuous variable. Even if democracy were to be a discrete concept, it would be wrong to categorize countries into a dichotomy of autocrats and democracies. Between autocracy and democracy, there exist various forms of partial democracies. Hence, a

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<sup>29</sup> Elgstrom, O. and Goran H.(2002) *Development and Democracy: What have we Learned and How?*, London, Routledge, Quoted in The UN Committee of Experts on Public Administration (2006),*Definition of basic concepts and terminologies in governance and public administration*, (p.6) New York: The United Nations.

<sup>30</sup> Diamond, L. (1995), *Promoting Democracy in the 1990s: Actors and Instruments, Issues and Imperatives*. In Report to the Carnegie Commission on Preventing Deadly Conflict, December 1995,Quoted in The UN Committee of experts on public administration (2006), *Definition of basic concepts and terminologies in governance and public administration*, (p.6) New York: The United Nations.

trichotomy composed of authoritarian regimes, partial democracies and democracies is suggested.<sup>31</sup>

Democratic transitions are observed using democratic indices. Democratic indices adopt either a maximalist or minimalist conceptualization. Minimalist indices mainly focus on the electoral competition for executive office, overlooking other important aspects of democracy such as the freedom of press and the freedom of expression. The weakness of such indices is that they recognize some outright autocratic regimes as democratic, where as some of them like Zimbabwe use competitive elections as a façade of their autocratic tendencies.

Maximalist indices on the other hand define democracy in a broader manner. Based on Robert Dahl's book *Polyarchy* (1971) maximalists contend that the following are the important features of a democracy: Elected officials, Free and fair elections, Inclusive suffrage, The right to run for office, Freedom of expression and Freedom of association.<sup>32</sup>

The polity IV index is cited as an example of the minimalist indices. An example of a maximalist index is the Freedom House's Gastil index of civil liberties and political rights.<sup>33</sup>

This study adopts a maximalist approach to determine the nature of democracy in Uganda. A minimalist approach would vindicate Uganda's democratic credentials without questioning some other subtle but crucial aspects of democracy.

#### **1.5.4 Democratic transition in Africa**

Paul and Wafula (2004) observe that most governments in Africa are democracies in transition. According to them, most post-colonial regimes in Africa were either blatantly authoritarian or were either propped or propelled by the military. They expound that certain

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<sup>31</sup> Kaiser, P.J. and Okumu, F.W. (2004) The Challenges of democratic transition in East Africa. In Paul J. Kaiser and F. Wafula Okumu (Eds.), *Democratic Transitions In East Africa*,( p.2) England: Ashgate.

<sup>32</sup> Norris, P. (1971) *Driving Democracy*. Retrieved April 18,2013, from <http://www.hks.harvard.edu/fs/pnorris/acrobat/drivingdemocracy/chapter3.pdf>.

<sup>33</sup> Ibid

local, national and international factors have however caused some transition from the authoritarian state to various degrees of democracy. Some of the factors mentioned include the historical legacy of colonialism, pressure by the civil society and economic reforms prompted by international financial institutions and donors.<sup>34</sup>

Another factor that hinders the proper transition of democracy in Africa is ethnicity. Most states in Africa are multi-ethnic societies with each group inhabiting a distinct territorial homeland. Norms of reciprocity shape social relations to such a great degree that occupation or social-economic classes matter much less in deciding the governance structures of the state.<sup>35</sup>

Having mentioned some of the factors that hinder the rapid transition of democracy in Africa, this study will seek to find out the internal and external factors that are unique to Uganda that hinder the transition of the country into a stable democracy.

### **1.5.6 Democratic transition in Uganda**

Since January 1986, Uganda has had only one president, President Yoweri Museveni who came to power after defeating the military regime led by Tito Okello that had taken over from Milton Obote in a coup in 1985.<sup>36</sup>The ruling party since then has been the National Resistance Movement (NRM). Before Museveni took power in Uganda, Uganda had known a reign of terror and civil strife since the country gained independence from Britain in 1962.<sup>37</sup> Although Museveni's government has introduced a reign of relative stability and economic growth in Uganda, he has been accused of manipulating the parliament and the constitution to

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<sup>34</sup> Kaiser, P.J. and Okumu, F.W. (2004). The Challenges of democratic transition in East Africa. In Kaiser, P.J. and Okumu, F.W. (Eds.), *Democratic Transitions In East Africa*, (p.4) England :Ashgate.

<sup>35</sup> Ibid, p.24.

<sup>36</sup> Museveni, Y. K. (2007). *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.169) Nairobi: Moran Publishers.

<sup>37</sup> The Parliament of the Republic of Uganda (n.d.). *The 1995 Constitution* Retrieved June 2, 2013 from <http://www.parliament.go.ug/new/index.php/documents-and-reports/the-constitution>.



extend his Presidency.<sup>38</sup> The President and the NRM-oriented army and police have been accused of harassing the opposition candidates and denying the freedom of media in the country.<sup>39</sup>

### 1.5.7 The Parliament in Uganda

Uganda is a multi-party democracy, but the unicameral parliament is heavily dominated by the ruling National Resistance Movement, NRM. Currently, there are 38 registered political parties in the country. Elections in Uganda are held after 5 years. The last Parliamentary elections were conducted on 18<sup>th</sup> February 2011. According to the African elections database, the composition of the parliament is as follows: 238 members are directly elected at the constituency level using the first-past-the-post system, 112 women representatives are directly elected to represent each of the country's district in the Parliament, 15 members are indirectly elected to represent special groups. The special groups represented include the youth-5 members, the disabled-5 members and workers-5 members. There are 10 representative members of the Ugandan Peoples Defence Forces (UPDF) who are indirectly elected. In addition, there are 13 ex-officio members who are appointed by the President.<sup>40</sup>

The president has power to appoint the cabinet. Currently, the Ugandan cabinet is made up of 80 members, 22 of whom are women. According to the 1995 constitution, the President should not hold office for more than two terms of office. However, in 2005, the Parliament

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<sup>38</sup> Kabagambe, J. (2006). *The Democratization Process in Uganda: Obstacles and Possibilities*, (p.40) Magisteruppsats: Sodertons University College.

<sup>39</sup> Kigambo, G. (June 1-8, 2013). What Future for Media Freedom in Uganda? In *The East African*, (p.6) Nairobi: Nation Media Group.

<sup>40</sup> African elections database (n.d.). *Elections in Uganda*, Retrieved April 14<sup>th</sup> 2013, from [www.africanelections.tripod.com/ug.html](http://www.africanelections.tripod.com/ug.html).

amended article 105 of the constitution to allow President Museveni to run for office for a third term in 2006.<sup>41</sup>

### 1.5.8 The Judiciary

The judiciary of Uganda is established under chapter eight of the 1995 constitution.<sup>42</sup> Article 126 (1) of the constitution declares the significance of the people as the source of judicial power saying: *“Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people.”*<sup>43</sup>

The structure of the courts comprises of various courts as listed below: Supreme Court: It is the final court of appeal. Except for presidential election petitions where the court has original jurisdiction, the Supreme Court only decides the cases on appeal from lower courts.<sup>44</sup>

Court of appeal/ Constitutional Court: It has appellate jurisdiction over the high court. It has no original jurisdiction except when it hears constitutional cases.<sup>45</sup> High Court: It has no original jurisdiction except when it hears constitutional cases. It is composed of five divisions namely the family division, the land division, the civil division, the commercial division, and the criminal division.<sup>46</sup>

Magistrate Courts: It handles the bulk of the civil and criminal cases in Uganda. There are three levels of magistrate courts i.e. Chief Magistrate, Magistrate Grade I and Magistrate Grade II. Uganda is divided into 26 Chief Magisterial areas administered by the Chief

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<sup>41</sup> Barigaba, J. (April 13-20, 2013). Bill on Term Limits goes to Uganda Parliament. In *The East African*, (p.8), Nairobi: Nation Media Group.

<sup>42</sup> Republic of Uganda, (1995). *Article 129 of the 1995 constitution of the Republic of Uganda*, (p.92) Kampala: Author.

<sup>43</sup> Republic of Uganda, (1995). *Article 126 of the 1995 constitution of the Republic of Uganda*, (p.91) Kampala: Author.

<sup>44</sup> CHR Michelsen Institute (2006). *The Legal and Constitutional Context of the 2006 elections in Uganda, Monthly Update*, (p.22), Kampala: Makerere University.

<sup>45</sup> Ibid, p.22

<sup>46</sup> Ibid, p.24

Magistrates who have general powers of supervision over all magisterial courts within the area of their jurisdiction.<sup>47</sup>

Local Council Courts: They litigate over light civil matters that arise out of daily activities in their areas of jurisdiction and matters arising out of infringement of the by-laws duly made under the Local Government Act.<sup>48</sup> There are three levels of the Local Courts i.e. Sub-county, Parish and village courts. Appeals from the Sub-county level are raised with the Chief Magistrate.<sup>49</sup>

### 1.5.8 Democracy in Uganda.

Uganda attained independence from Britain on October 9<sup>th</sup> 1962<sup>50</sup>. The pre-independence elections held in that year were won by a coalition between the Uganda Peoples Congress Party (UPC) and the Kabaka Yekka (KY) party.<sup>51</sup> The constitution in place then was drafted at the Lancaster house in London with a significant input from the colonialists. While it is clear that the colonialists knew that the Ugandan democracy would encounter serious challenges on its path to maturity and stability, they had underestimated the problem ahead.<sup>52</sup>

The government of Milton Obote would soon become autocratic and force the collapse of the parliamentary opposition using both carrot and stick tactics. 'Carrot' tactics included patronage offers and the promise of future rewards within the ruling coalition while 'stick' tactics included unfair arrests of MPs.<sup>53</sup> By 1966 the parliament members consisted of

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<sup>47</sup> Ibid,p.24

<sup>48</sup> Ibid,p.25

<sup>49</sup> Ibid,p.26

<sup>50</sup> Kanyeihamba G.W. (1975). *Constitutional Law and Government in Uganda*, (p.59). Kampala: East African Literature Bureau.

<sup>51</sup> Makara, S. (2010). The Challenge and Prospect of Multiparty Democracy in Uganda. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.39) Kampala: Konrad Adenaur Stiftung.

<sup>52</sup> Op cit, pp.55-59.

<sup>53</sup> Kabagambe (2006). *The Democratization Process in Uganda: Obstacles and Possibilities*, (p.31) Magisteruppsats: Sodertons University College.

seventy-four members from UPC, nine DP, eight KY and one independent MP.<sup>54</sup>In 1970, President Obote declared Uganda a single party state.<sup>55</sup>

The prospects for any democratic progress in Uganda were dimmed in 1971 when Obote's government was overthrown by the army commander Gen. Idi Amin. During Amin's eight year rule, Uganda became highly autocratic with more than 500,000 Ugandans being killed by the dictator and his close associates.<sup>56</sup>

Amin's regime was forced out of power in 1979 by the combined armed forces of Ugandan exiles with the backing of the Tanzanian People's Defence Forces (TPDF).<sup>57</sup>

A number of caretaker governments were put in place before the 1980 elections were held. These were the second post-independence elections. Obote was returned to power but did not institute the much needed reforms for the restoration of peace and stability in Uganda. He instead unleashed retribution and bloodletting against political opponents and Amin's supporters.<sup>58</sup>The polls were deeply flawed and international observers noted the serious discrepancies accompanying the same.<sup>59</sup>

Dissatisfied Ugandan exiles led by former defense Minister Yoweri Museveni took to the bush to wage a guerilla war. In 1986, Yoweri Museveni and the NRM seized power ushering an era of relative peace. Museveni immediately restricted political activity in Uganda. Political parties were suspended. All Ugandans were declared members of the NRM and

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<sup>54</sup> Ibid p.31.

<sup>55</sup> Museveni, Y. K. (2007). *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.43) Nairobi: Moran Publishers.

<sup>56</sup> Ibid, p.41.

<sup>57</sup> Makara, S. (2010). The Challenge and Prospect of Multiparty Democracy in Uganda. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.30) Kampala: Konrad Adenaur Stiftung.

<sup>58</sup> Kabagambe, J. (2006). *The Democratization Process in Uganda: Obstacles and Possibilities*, (p.37) Magisteruppsats: Sodertons University College.

<sup>59</sup> African elections database (n.d.). *Elections in Uganda*, Retrieved April 14<sup>th</sup> 2013, from [www.africanelections.tripod.com/ug.html](http://www.africanelections.tripod.com/ug.html).

Museveni promised to hold competitive polls based on individual merit and not political parties.<sup>60</sup> In 1989, National Resistance Council elections are held in which members are elected without party affiliation. Museveni's NRM is however, largely favoured in the resulting legislative assembly setting ground for continued single party rule.<sup>61</sup>

In 1994, a Constituent assembly election was held in which the non-partisan delegates were principally tasked with the writing of the final draft of a new constitution.<sup>62</sup> In 1995, the new constitution was promulgated. The second post-independence Presidential elections were held in 1996 in which President Museveni was elected with a majority 74.33% of the votes.<sup>63</sup> In the same year, Parliamentary elections were held. The opposition parties having alleged rigging in the presidential elections held earlier boycotted the elections.<sup>64</sup>

The next event having a major significance in the democratic transition of Uganda is the referendum held in 2000. It was aimed at deciding whether Uganda adopts multi-party democracy or continues with the "no-party" system. The "no-party" system was endorsed.<sup>65</sup>

In 2001, Museveni was re-elected President in the Presidential elections. While the opposition continued to boycott Parliamentary elections, the NRM went ahead to dominate Parliament.<sup>66</sup>

A national referendum was held in 2005 in which the country voted for the re-introduction of the multi-party system of government. However, another amendment was made to the 1995 constitution eliminating the term limits that a President can hold office. The 1995 constitution

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<sup>60</sup> Kasfir, N. (1998). No-party democracy in Uganda. *Journal of Democracy*, 9 (2), p.49.

<sup>61</sup> African elections database (n.d.). *Elections in Uganda*, Retrieved April 14<sup>th</sup> 2013, from [www.africanelections.tripod.com/ug.html](http://www.africanelections.tripod.com/ug.html).

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

had provided for two term limits of 5 years each. This opened the door for Museveni to stand for a third term in the 2006 Presidential election .The move was criticized heavily by western development partners.<sup>67</sup>

President Museveni was re-elected for a third and a fourth term in 2006 and 2011 respectively. However, his popularity declined significantly as evidenced by the votes he garnered in the 2006 elections (59% compared to 74.2% in the 2006 election.)<sup>68</sup>

### 1.6 Theoretical Framework

The proposed study is based on the democratic peace theory. The principal proponent of the theory is Emanuel Kant who in his 1795 treatise, *Perpetual Peace* theorized that the nations of the world would co-exist more peacefully if many of them were to become democracies. He said that democracies were less likely to engage in war because they would require the consent of their citizens. The citizens would naturally want to avoid war because it is they that would bear its costs.<sup>69</sup>

According to Kant, autocracies are prone to wars because the rulers suffer minimally from the effect of the wars. The brunt of the war is borne by the helpless subjects.<sup>70</sup>

Some explanations have been forwarded to clarify the democratic peace. The structural explanation says that leaders in a democracy would be replaced in elections if they lost in a war. Fearing such an occurrence, leaders opt to avoid war. The normative explanation says that democratic nations in their foreign relations will try to follow the same norms of conflict resolution that characterize their domestic processes. In that case, when they face other nations, they expect the other party to resolve disputes through compromise and non-

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<sup>67</sup> Okuku, J.A. (2005). *Beyond 'Third Limit' Politics: Constitutional amendments and Museveni's quest for life presidency in Uganda*, (p.15) Johannesburg: Institute for Global dialogue.

<sup>68</sup> Kamp, M. (2006). Introduction. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (pp.26-27) Kampala: Konrad Adenaur Stiftung.

<sup>69</sup> Sarah Mitchell (n.d.). *Democratic Peace Theory* Retrieved April 18, 2013 from <http://www.saramitchell.org/dempeace.ppt>.

<sup>70</sup> Pugh, J. (2005). *Democratic Peace Theory: A review and evaluation*, (p.23) Centre for Mediation, Peace and Resolution of Conflict International.

violence. The power relations theory says that since democracies have strong economic ties with each other, they are likely to avoid going to war with each other so as to preserve their wealth.<sup>71</sup>

A number of criticisms against the theory have been passed. Farber and Gowe say that peace among democracies is not as a result of democracy itself but as a result of other factors that contribute to peace. They point for example to military alliances and economic interrelationships which have increased in the era of democracy, yet they contribute to peace as well. Another criticism is that transitional democracies have been observed to be involved in more wars than either autocracies or mature democracies.<sup>72</sup>

The democratic peace theory is relevant in the study of democratic transition in Uganda considering that Uganda was caught in a chain of ceaseless civil breakdown from 1962 to 1986. Establishment of relative democracy in the country may be thought to have brought about the peace and hence vindicated Kant's views. Militarized wars with the neighbours have also decreased since then.

### **1.7 Research Methodology.**

In this section, the research design of the study, the study population, and the determination of the sample size are discussed. The section also discusses the methods used for collection of data, ethical considerations and reliability and validity of the instruments used.

#### **1.7.1 Research design**

This research will take the design of a case-study. Kothari C.R. says that the case study method is a form of qualitative analysis where careful and complete observation of an individual or situation or an institution is done; efforts are made to study each and every

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<sup>71</sup> Op cit.

<sup>72</sup> Tomz, M. and Weeks, J. (n.d.). *The Democratic Peace: An experimental approach*, Retrieved April 21, 2013 from [http:// www.princeton.edu](http://www.princeton.edu).

aspect of the concerned unit in minute details and then from case data, generalizations and conclusions are drawn.<sup>73</sup> This design has been chosen because case studies enable the researcher to trace out the natural history of the social unit and its relationship with the social factors and the forces involved in its surrounding environment. Hence the research design renders itself suitably for the study of democratic transitions.

The study is also diagnostic in nature because it will seek to find the traits that are unique to the Ugandan community that limit rapid transition to mature democracy. It will also lead to an understanding of how external factors interplay to contribute to such a slow democratic transition.

### **1.7.2 Study Population.**

Considering that the unit of analysis is the Republic of Uganda, the population under study is the entire population of Uganda. According to the UN Fund for Population Activities (UNFPA), the population of Uganda was estimated at 34.5 million in 2011 with a growth rate of 3.1 per cent. The same report observed that the population comprises of approximately 50% of each gender.<sup>74</sup>

### **1.7.3 Sample size.**

The sample size has been determined using Cochran's (1977) formula.<sup>75</sup> The formula uses two key factors to determine the sample size: (1) the risk the researcher is willing to accept in the study, commonly called the margin of error, or the error the researcher is willing to

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<sup>73</sup> Kothari C.R. (2004). *Research Methodology: Methods and Techniques*, (pp. 113-115, 2nd edition), New Delhi: New Age International Publishers.

<sup>74</sup> Baguma, R. (2011, October 30). Uganda's Population Now at 34.5 Million, *The New Vision*, Kampala: New Vision.

<sup>75</sup> Detailed explanation of the use of this formula has been provided by Barlett II, J.E., Korttrik J.W. and Higgins, C.C. (2001). Organizational Research: Determining Appropriate Sample Size. In *Survey Research, Information Technology, Learning and Performance Journal*, 19 (1), 43-50.



accept, and (2) the alpha level, the level of acceptable risk the researcher is willing to accept that the true margin of error exceeds the acceptable margin of error.<sup>76</sup>

Cochran formula recommends that the alpha level of 0.05 for studies unless one is interested in identifying marginal relationships, differences or other statistical phenomena.<sup>77</sup> For this study, an alpha level of 0.05 will be used. The margin of error recommended for studies involving continuous data is 3%.<sup>78</sup>

To determine the standard deviation, one must consider Likert scales that are commonly used to measure continuous variables such as democracy. The scale used in this study consists of five points labelled as 1 =“strongly disagree”, 2 = “disagree”, 3=“neutral”, 4=“agree”, or 5=“strongly agree”. There are four standard deviations, two to each side of the mean, to capture 98% of all responses.

Therefore,

$$\underline{S} = 5/4 = 1.25 \text{ i.e. } \frac{\text{Number of points on the scale}}{\text{Number of standard deviations.}}$$

Considering alpha level = 0.05, a five point scale is to be used and the acceptable error is set at 3% and the estimated standard deviation of the scale is 1.25,

$$n_0 = \frac{(t)^2 \times (S)^2}{(d)^2}$$

Where t = value for selected alpha level of 0.025 (i.e. 0.05/2) in each tail = 1.96

S = Estimated standard deviation

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<sup>76</sup> Barlett II, J.E., Kortlik J.W. and Higgins, C.C. (2001). Organizational Research: Determining Appropriate Sample Size. In *Survey Research, Information Technology, Learning and Performance Journal*, 19 (1), 43-50.

<sup>77</sup> Ibid, p.45.

<sup>78</sup> Ibid.p.45.

$d$  = Acceptable margin of error for mean, i.e. number of points on primary scale X acceptable margin of error.

$$\begin{aligned} \text{In this case } n_o &= \frac{1.96^2 \times 1.25^2}{(0.03 \times 5)^2} \\ &= 266.77 \end{aligned}$$

To cater for “uncooperative subjects” Barlett II et al. recommend increasing this sample by about 15%. In this study therefore, the sample size taken is 305.

A sample of 305 citizens of Uganda was taken as a representative of the whole population. The respondents were asked to fill some questionnaires on issues related to democracy and the democratic transition in Uganda. Respondents were taken from each of the administrative districts of Uganda. All the respondents were registered voters. 136 respondents, accounting for 44.6% of the sample were female. 169 respondents were male. The study was conducted in the month of July 2013.

#### **1.7.4 Instruments for data collection**

Data was collected from both primary and secondary sources. Primary sources are recommended because they provide greater accuracy and comprehensiveness of information. However, it is generally more costly to obtain primary data than secondary data. For this reason, historical research has been criticized for its overreliance on secondary data.<sup>79</sup> In this study, primary sources of data used included interviews and questionnaires.

Secondary sources of information include books, journals, newspaper articles, data bases and other relevant websites. The advantage with secondary sources is that they allow the researcher to access information pertaining to events that happened a long time ago.

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<sup>79</sup> Gay, L.R. (1981). *Educational Research: Competencies for Analysis & Application*, (2nd edition, pp.148-149), Ohio: Charles E. Merrill.

Secondary sources of information also allow the researcher to access the view points of different people regarding an issue and therefore minimize bias.<sup>80</sup> Secondary sources of data used in this study include data bases, books, journals, and newspaper articles.

#### **1.7.5 Primary sources of data**

Both questionnaires and unstructured interviews were used for collecting primary data.

Unstructured interviews were used to collect data on the possible causes of the slow democratic transition in Uganda. 5 respondents identified from various fields including lecturers, lawyers, journalists, and civil society activists were interviewed for the study.

Questions to guide the interview are listed in appendix 2.

C.R. Kothari in his book *Research Methodology: Methods and Techniques* recommends the method of unstructured interviews for collecting information as demanded of this study. He says that unstructured interviews allow the interviewer to restructure the questions to suit the understanding of different respondents.<sup>81</sup> He also says that through this method, the interviewer obtains more information and that too in greater details. Through the method of unstructured interviews, the problem of missing returns and non-response is minimized.<sup>82</sup>

Two types of questionnaires are employed for obtaining data in this study: Likert scale questionnaires (section B of appendix 1) and the structured open questionnaire.

Likert scale questionnaires are used to discriminate between those respondents whose total score on an issue is high from those whose score is low.<sup>83</sup> Likert type scales constitute a suitable tool for measuring the respondents' attitudes towards a given topic. The scale therefore allows the interviewer to recognize how responses differ between different people

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<sup>80</sup> Ibid. p.30.

<sup>81</sup> Kothari C.R. (2004). *Research Methodology: Methods and Techniques*, (p.98, 2nd edition), New Delhi: New Age International Publishers.

<sup>82</sup> Ibid, p.98.

<sup>83</sup> Ibid,pp.84-87

and different stimuli.<sup>84</sup> The scales are therefore suitable for measuring such a continuous variable like democracy.

The other type of questionnaires used in this study is the structured-open type. Structured questionnaires are those questionnaires in which there are definite, concrete and pre-determined questions. The questions are presented with exactly the same wording and in the same order to all respondents.<sup>85</sup> In structured open questionnaires, the respondents are free to give their responses in their own words. (See sections C and D of appendix 1)

Advantages associated with the use of questionnaires in research include the ability of the interviewer to reach respondents who would not easily be approachable, lack of bias from the interviewer since the respondents give answers in their own words and the ease of use when a large sample is required.<sup>86</sup> Consequently, the questionnaire is found suitable for the kind of study proposed.

#### **1.7.7 Ethical considerations**

The researcher is aware of the ethical sensitivities surrounding the study because the unit of analysis is a foreign country. Consequently, the anonymity as was requested by the respondents was granted accordingly.

#### **1.7.8 Validity and Reliability**

Validity refers to the ability of the research findings to reflect accurately the presence or absence of the concept that is being investigated in the study. On the other hand, reliability refers to the consistence of the research findings over time and place. The measure of

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<sup>84</sup>Kothari C.R. (2004). *Research Methodology: Methods and Techniques*, (p.86, 2nd edition), New Delhi: New Age International Publishers.

<sup>85</sup> Ibid,p.101.

<sup>86</sup> Ibid, p.101.

reliability indicates whether if the study were to be replicated by an independent researcher applying similar methodology would obtain similar results.<sup>87</sup>

To enhance both the reliability and the validity of the instruments used to conduct this research, the respondents for both the questionnaires and the interviews were chosen from a wide cross section of the Ugandan community.

### **1.8 Scope and limitations of the study.**

The proposed study covered the time span between 1962 and 2012. The republic of Uganda was focused on as the unit of analysis. First, the study sought to determine the perception of a selected sample of Ugandan voters towards some elements of democracy. Then the study sought to identify local and international factors that contribute to slow democratic transition in Uganda.

### **1.9 Chapter Outline**

Chapter 1 is the introduction to the study. This chapter constitutes the research proposal. It provides the skeleton of the entire study.

Chapter 2 contextualizes democracy in Uganda. This chapter focuses on the independence or the lack thereof of key institutions necessary for the practice of democracy in Uganda. An attempt is also made to analyse the contribution of the personalities of key players in the governance of Uganda since independence.

Chapter 3 is entitled 'An Assessment of Democratic Transition in Uganda'. In this chapter, the data collected is presented and discussed. Some of the data is presented in tables and graphs. A discussion based on the findings is also presented.

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<sup>87</sup> Mugenda O. and Mugenda G, (1999). *Research Methods: Quantitative and Qualitative Approaches*, (pp. 74-76) Nairobi: Acts Press.

A discussion is conducted in chapter 4 accounting for the various local and international factors that have contributed to the current state of democracy in Uganda.

Chapter 5 demonstrates whether the research hypotheses were supported or not. The chapter then provides valuable general recommendations, and policy recommendations with regard to the issues under consideration.

#### **1.10 Definitions.**

**Authoritarian rule** – Principle, or practice in which individual freedom is held as completely subordinate to the power or authority of the state, centered either in one person or a small group that is not constitutionally accountable to the people.

**Civil Society** – The aggregate of non-governmental organizations and institutions that manifest interests and will of the citizens; most often against the state government.

**Constitution** – An institutional framework which in a functioning democracy provides the basic rules and incentive systems concerning government formation, the conditions under which governments can continue to rule and the conditions under which they can be terminated.

**Democracy** – The essential idea that the people have the right to determine who governs them. In most cases they elect the principal governing officials and hold them accountable for their actions. Democracies also impose legal limits on the government's authority by guaranteeing certain rights and freedoms to their citizens.

**Democratic Index** – An annual ranking of all democracies (country-based democracies) in the world by focusing on the quality of democracy in an international perspective.

**Democratic transition** – Also referred to as Democratisation is the transition to a more democratic political regime. It may be the transition from an authoritarian regime to a full

democracy, a transition from an authoritarian political system to a semi-democracy or transition from a semi-authoritarian political system to a democratic political system. The outcome may be consolidated or democratization may face frequent reversals.

**Ethnic Group** – Historically formed aggregate of people having a real or imaginary association, a specified territory, shared cluster of beliefs and values connoting its distinctiveness in relation to similar groups and recognized as such by others.

**Ethnicity** – A sense of ethnic identity consisting of the subjective, symbolic or emblematic use by a group of people of any aspect of culture in order to create internal cohesion and differentiate themselves from other groups. Ethnicity is not a permanent phenomenon, but a construction. As such, it can be deconstructed.

**Universal suffrage** – Extension of the right to vote to all adults, without distinction as to race, sex, belief, intelligence, economic/social status.

## CHAPTER 2: CONTEXTUALIZING DEMOCRACY IN UGANDA.

### 2.1 Introduction

The practice of democracy rests on the interaction of various institutions whose independence guarantees the fulfillment of the quest for the government of the people.<sup>88</sup> The lack of independence of the institutions results in the collapse of the vision of democracy and hence a slow democratic transition.<sup>89</sup>

In this chapter we examine the independence of some institutions that are crucial for the exercise of democracy in Uganda since 1962. The discussion focuses on the following institutions: The constitution, the legislature, the judiciary, the media, the civil society, and Political parties.

Towards the end of the chapter, a discussion on the likely future trends in the democratization of Uganda will be presented.

### 2.2 Theory of independence of Essential Institutions in the conduct of democracy.

The doctrine of separation of power is based on the writing of John Locke in his *Second Treatise of Civil Government* (1689) who described the powers and functions of government as being threefold: Legislation, Judiciary and Executive. He was responding to Thomas Hobbes' writing in the *Leviathan* (1651) who argued that absolute power should be surrendered to the government in order to avoid an anarchic 'war of all against all'.<sup>90</sup>

In this discussion, it is shown that the doctrine of separation of power in Uganda is non-existent. Instead, we find that the president easily manipulates the parliament to enact laws favourable to him, manipulates the judiciary through a number of carrot and stick tricks,

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<sup>88</sup> Okuku, J.A. (2005). *Beyond 'Third Limit' Politics: Constitutional amendments and Museveni's quest for life presidency in Uganda*, (p.7) Johannesburg: Institute for Global dialogue.

<sup>89</sup> Tripp M.A. (2001). The politics of Autonomy and Cooptation in Africa: The case of the Ugandan Women's Movement in *The Journal of Modern African Studies*, 39 (1), 108-109

<sup>90</sup> Olum Y. (2010). The Political System and Environment in Uganda. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.61) Kampala: Konrad Adenaur Stiftung.



intimidates the electorate of his indispensability and is closely supported by the army to perpetuate hegemony in Uganda.

### **2.2.1 The constitution.**

Since independence, Uganda has had three constitutional dispensations. The first was the Constitution of Uganda, 1962. The second was the constitution of Uganda 1967 and the third was the constitution of Uganda 1995.

The 1962 constitution was negotiated in London between parties with very divergent interests and amidst intense rivalry between different ethnic groups.<sup>91</sup> One should note that at the time when Uganda became independent, there were three clearly distinct categories of ethnic interests: Those who wanted the perpetuation of the traditional kingdoms like the Baganda and therefore agitated for a federal system of government, the traditional kingdoms which feared the domination by other kingdoms and therefore supported a semi-federal system, and the non-kingdom people groups who supported a unitary central government. The British colonial government supported a unitary central government.<sup>92</sup>

At the end of the Lancaster negotiations, the 1962 constitution came out as a composite document which provided for three systems of government namely federalism, semi-federalism and unitarism.<sup>93</sup> Full federal status was granted to the Baganda and a semi-federal status was granted to Bunyoro, Ankole and Toro. The other people groups were to be governed from the centre in a unitary system of governance.<sup>94</sup> This arrangement only emphasized the superior position of the Baganda and hence reinforced the colonial mindset that had placed the Baganda at a higher position in the running of the Ugandan protectorate affairs.

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<sup>91</sup> Mutibwa, P. (1992). *Uganda Since Independence: A story of unfulfilled Hopes*, (p.24). Kampala: Fountain.

<sup>92</sup> Mutibwa, P. (1992). *Uganda Since Independence: A story of unfulfilled Hopes*, (p.25). Kampala: Fountain.

<sup>93</sup> Ibid. .p.25.

<sup>94</sup> Ibid p.24.

This arrangement would not stand the test of the shake-up that resulted when the marriage of convenience between the Uganda People's Congress, UPC and the Kabaka Yekka, KY party broke down. In 1966, Prime Minister Obote conducted an auto coup in which he suspended the Independence constitution, and aided by the army, forced Mutesa to go to exile in London.<sup>95</sup>

In 1967 Uganda got its second constitution, popularly referred to as the republican constitution. The main features of this constitution were the abolition of the federal system of government, the abolition of kingship in Uganda and the introduction of republicanism in Uganda. Of significance to a study of democracy is the introduction of the Preventive Detention law. In essence, the 1967 constitution placed Uganda on a downward spiral on the path to democracy.<sup>96</sup> By 1970, Obote had declared Uganda a single party state.

Constitutionalism suffered a blow when General Idi Amin violently seized power in 1971, introducing Uganda into a murderous era of eight years. After Amin was deposed with the assistance of the Tanzanian army, the elections held in 1980 were declared badly rigged and Uganda consequently slid into near- state-failure as different rebel groups fought the Obote government. In 1986, the NRM led by Yoweri Museveni captured power.

On assuming power in 1986, the NRM government went on to institute a recovery programme through "the ten points". The first of the ten points was the restoration of democracy. In effect, the NRM government created the constitutional commission to collect views from the public as the country considered enacting a new document. The process of

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<sup>95</sup> Ibid, p.53.

<sup>96</sup> Mutibwa, P. (1992) .*Uganda Since Independence: A story of unfulfilled Hopes*, (p.61). Kampala: Fountain.

creating the new constitution, however, got fundamentally compromised such that the veracity of the upcoming document looked suspect.<sup>97</sup>

First, the chairman of the commission and the members were appointed by the president without any democratic process of consultation. Secondly, the commission collected the views of the public at a time when there was intense military activity in the northern and north-eastern parts of the country where a state of emergency had been declared.<sup>98</sup> One must also observe that the excuse of completing the process of writing of the constitution was forwarded by the National Resistance Council (NRC) on the eve of the termination of the self declared interim period of governance to proclaim a five-year unilateral extension of that period.<sup>99</sup>

When the new constitution was promulgated in 1995, it heralded an era of mixed fortunes for Uganda. First, it restored the traditional rulers although they were required to avoid getting engaged in partisan politics. The new constitution also provided for affirmative action towards women.<sup>100</sup>

However, the new constitution is noted to have preserved some non-democratic practices of the state, some new, and others carried over from the 1967 constitution. The document was noted to carry phrases that may allow emergence of repressive laws. Such phrases include: “in the public interest”, “in a just and democratic society”, “reasonably justifiable” and “subject to the laws made by parliament”.<sup>101</sup>

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<sup>97</sup> Oloka-Onyango, J. (1995). Constitutional Transition in Museveni's Uganda: New Horizons or Another False Start? In *Journal of African Law*, 39, (2), 162.

<sup>98</sup> Ibid, p.162.

<sup>99</sup> Oloka-Onyango, J. (1995). Constitutional Transition in Museveni's Uganda: New Horizons or Another False Start? In *Journal of African Law*, 39, (2), 161.

<sup>100</sup> Ibid,p.165.

<sup>101</sup> Ibid, p.135.

Probably one of the most undemocratic features of the 1995 constitution was the provision that proscribed the existence of political parties introducing a “movement” of “no-party” democracy. It required that every Ugandan may take part in public affairs but only through “the movement”. This amounted to the restoration of the single party state and amounted to the erosion of democracy in Uganda, considering the central role of political parties in the exercise of democracy.<sup>102</sup>

If the 1995 constitution was an affront to democracy in Uganda, subsequent amendments were farcical. While the NRM government claimed that the reason for conducting the 2005 referendum was to introduce multi party politics into the country, there was no justifiable reason to conduct the referendum at all. After all, the opposition and the country at large wanted political parties legitimized.<sup>103</sup> One of the reasons why President Museveni insisted on the referendum could be to popularize the party ahead of the 2006 general election.

The referendum was done amid allegations of bribery to the NRM MPs by the government. At the end of it all, multi-party democracy was reintroduced in Uganda. One main agenda though of the referendum was to have the people get involved in removing the term limits that a sitting president can serve. The 2005 referendum therefore degraded democratic ideals in Uganda further.<sup>104</sup>

In conclusion, though Uganda under Museveni has embraced tenets of constitutionalism, this does not necessarily translate to growth of democracy in the country, considering that the influence of the president over the document is clearly overwhelming.

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<sup>102</sup> Ibid,p.136.

<sup>103</sup> Okuku, J.A. (2005). *Beyond 'Third Limit' Politics: Constitutional amendments and Museveni's quest for life presidency in Uganda*, (pp.15-20) Johannesburg: Institute for Global dialogue.

<sup>104</sup> Mutumba-Lule, A. and Kamuze, G. (February 9, 2004). Uganda Parties See No Need For 2005 Referendum, Retrieved September 10, 2013 from <http://www.allafrica.com/stories/200402110013.html>.

### **2.2.2 Independence of the Judiciary in Uganda.**

In 2007, the International Bar Association observed that the independence of the judiciary in Uganda had been compromised in the following ways: The defiance of court orders; Direct interferences with the discharge of the Judiciaries duties; Repeated criticism of Judges and court decisions; Allegations that some members of the Judiciary have been pressured to collude with the police where opposition politicians have been arrested; A lack of funding and shortage of judges has led to a backlog of cases undermining the administration of justice; Failure to appoint senior judges, the power for which lies largely within the remit of the Executive, has meant there is no quorum to handle constitutional appeals; and the politicisation of the appointment of Judges.<sup>105</sup>

The association was particularly concerned with two incidences of direct aggression against the judiciary through the police and the military. The first occurred on 16<sup>th</sup> Novemebr 2005. Between 2003 and the beginning of 2005, a number of alleged rebels had been caught in the Democratic Republic of Congo and Uganda, and were subsequently detained. The government alleged that they had links to a rebel group called the Peoples' Redemption Army (PRA), which purportedly had associations with the presidential candidate of the opposition coalition, Dr Kizza Besigye.

On 14<sup>th</sup> November, Dr. Besigye had been arrested, having returned from South Africa where he had been in exile since October of that year. On 16 November 2005, Dr. Besigye and the PRA accused appeared before the High Court to make an application for bail. When the sitting Judge Edmond Ssempe Lugayizi declared that the accused had a constitutional right to be released on bail, the Court premises were surrounded by armed members of the Joint Anti-Terrorist Team (JATT) also known as the 'Black Mamba Urban Hit Squad'. The JATT tried

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<sup>105</sup> International Bar Institute (2007). *Judicial Independence Undermined: A Report on Uganda*, (p.8) London: Human Rights Institute.

to rearrest the suspects on the grounds of new charges before the General Court Martial. Following this incident, Judge Lugayizi withdrew from the case, citing military interference.<sup>106</sup>

In a related development, the Constitutional Court in a judgment of 31st January 2006, ruled that it was unconstitutional to subject Dr. Besigye and the PRA co-accused to criminal proceedings in two courts on charges based on the same facts. This decision drew criticism from President Museveni. In a televised address, President Museveni said: *"A closer look at the implications of this judgment shows that what those judges are saying is absurd, doesn't make sense, (and) reveals an absurdity so gross as to shock the general moral of commonsense. In effect, what this means is that this court has usurped the power of parliament to amend the constitution in any way."*

A few days later, the president is quoted to have said: *"The major work for the judges is to settle chicken and goat theft cases but not determining the country's destiny."*<sup>107</sup> The words of the president should suffice to indicate the serious deficiency of the independence of the judiciary in Museveni's Uganda.

The high court was again stormed by a contingent of about 60 armed police when Justice Eldad Mwangusya granted bail to the PRA-accused on 1<sup>st</sup> March 2007.<sup>108</sup>

This report only mentions the extreme cases that illustrate the weakness of the provision of the independence of the judiciary in Uganda. A detailed study would reveal numerous cases as the justice system struggles to assert its independence.

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<sup>106</sup>International Bar Institute (2007). *Judicial Independence Undermined: A Report on Uganda*, (p.18) London: Human Rights Institute.

<sup>107</sup> International Bar Institute (2007). *Judicial Independence Undermined: A Report on Uganda*, (p.20) London: Human Rights Institute.

<sup>108</sup> Ibid, p.28.

### **2.2.3 Independence of the legislature in Uganda.**

The legislature in the Republic of Uganda is established under the 1995 constitution. The composition of the legislature as listed in article 78 of the constitution is as follows:

- a. Members directly elected to represent constituencies;*
- b. One woman representative for every district;*
- c. Such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine; and*
- d. The Vice President and Ministers, who, if not already elected members of Parliament, shall be ex officio members of Parliament without the right to vote on any issue requiring a vote in Parliament.<sup>109</sup>*

Since independence in 1962, it can be shown that the legislature in Uganda has never acted its constitutional role of checking the excesses of the executive as it ought to. The incidences listed here are just a sampling to illustrate how much the Ugandan legislature has been compromised by the executive and the president in particular.

One of the most severe lapses of the independence of the legislature in Uganda occurred slightly before the 2005 referendum. While the referendum was ostensibly meant to change the system of governance from the “movement” system to the multiparty system, the president also wanted parliament to amend the constitution so that the provision of presidential term limits would be repealed from the constitution. Among the supporters of

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<sup>109</sup> Republic of Uganda, (1995). *Article 78 of the 1995 constitution of the Republic of Uganda*,( p.61) Kampala: Author.

this amendment, there was fear that the two thirds majority of the MPs required to effect the amendment would not be forthcoming. 198 out of the 302 voting members were required.<sup>110</sup>

The legislators opposed to the amendment were confident that NRM would not marshal sufficient numbers to get the amendment done. Certain events that took place around June 2005 changed this situation. First, President Museveni announced that he supported the creation of the Constituency Development Fund (CDF) where each of the constituencies would be funded Ush. 10 million per constituency per year. This was meant to hoodwink the MPs because they would be central to the management of the fund and hence would have personal interests in it.<sup>111</sup>

Secondly, MPs supporting the repeal as well as the waverers were each paid five million Ugandan Shillings, and promised more. Those who still remained opposed were threatened with denial of the NRM nomination and that the campaigns of their opponents in the forthcoming elections would be boosted so that the MPs would not get re-elected. Strong armed tactics, including disruption of meetings, were employed to harass the FDC MPs who opposed the amendment. When the time for voting came, the NRM secured the repeal with relative ease, opening the way for a lifetime presidency for Museveni.<sup>112</sup>

In separate but related incidences, parliament has censured some of Museveni's cabinet members for alleged misuse of office, just to have the President ignore the demands of parliament contemptuously. Samuel Kutesa was censured by the 6<sup>th</sup> parliament for alleged conflict of interest. The president did not only maintain him in the cabinet but Kutesa also got

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<sup>110</sup> Barkan, J.D. (2005). An African "success" past its prime? In *Challenges and Change in Uganda: An African Success past its Prime?* ( p.15.) Washington, D.C.: Woodrow Wilson International Center for Scholars.

<sup>111</sup> Barkan, J.D. (2005). An African "success" past its prime? In *Challenges and Change in Uganda: An African Success past its Prime?* ( p.15.) Washington, D.C.: Woodrow Wilson International Center for Scholars.

<sup>112</sup> Ibid,p.15.



promoted to the ministry of foreign affairs. Kutesa's daughter is married to the son of President Museveni, Muhoozi.<sup>113</sup>

James Muhwezi was minister for health when the global fund to fight AIDS, TB and Malaria suspended further disbursement to Uganda as a result of "serious mismanagement" of its funds. He was censured by parliament over his role in the scam. Museveni maintained him in the cabinet. Muhwezi's wife is Museveni's special advisor on AGOA.<sup>114</sup>

Uganda's legislature will remain at the bidding of President Museveni, as long as the NRM continues to control close to three quarters of the MPs. According to the African Elections Database, the NRM has over 250 elected members in parliament, 13 nominated members and enjoys the support of 10 UPDF nominated representatives. A big number of the 41 independent candidates also vote with the NRM.

In view of the above selected cases of domination of parliament by NRM, and by extension the executive, the Ugandan legislature appears unable to exercise the mandate of ensuring the growth of democracy in the country.

#### **2.2.4 Political parties in Uganda.**

Political parties have been described as organized political groups whose aim is to place and retain representatives in legislative and executive positions.<sup>115</sup> A study of Ugandan political parties since independence reveals that the parties have been both a cause and a victim of deteriorating democratic practices in the country. In addition, the history of political parties in Uganda is rather brief. This is because, for the largest part of the 50 years of independence,

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<sup>113</sup> Ibid, p.21.

<sup>114</sup> Ibid, p.21.

<sup>115</sup> Carbone, M.G. (2003). Political Parties in a 'no-party' democracy: Hegemony and opposition under movement democracy in Uganda, *Journal of Party Politics*, 9 (4), 485.

opposition parties had either been banned or were so weakened by the ruling government to such an extent that they had not even minute chances of taking over government.

At independence in 1962, three main political parties jostled opportunistically for the imminent political glory upon the exit of the colonial master. These parties are the Uganda People's Congress (UPC), the Democratic Party (DP) and the Buganda nationalistic party, Kabaka Yekka, (KY). Museveni notes that the political parties at that time were sectarian and devoid of any agenda or ideology. He for example says that if one was a Buganda protestant, he was expected to belong to the KY party. The DP was thought to be a party opposed to the Baganda chauvinistic interests, and a champion of the interests of the Catholics in Buganda.<sup>116</sup> The UPC though predominantly led by northerners attempted to create a national outlook and appeal. At independence, the only agenda that the parties had was to take over government at all costs, to the exclusion of all the rest.

This zero-sum mentality is what saw the UPC embrace KY to form a coalition when the partners were diametrically opposed to each other in terms of the outlook of a post-independence Uganda. This marriage of convenience collapsed within the first five years with Obote suspending the independence constitution and expelling KY's Mutesa to London where he died. Obote then progressively went on co-opting the opposition into government and detained the diehards who wouldn't submit to his bidding. By 1970, the opposition had only 8 members and in the same year, Obote declared Uganda a single party state.<sup>117</sup>

In 1971, Uganda fell into the grip of the dictator Idi Amin in which political party activity was banned. The election of 1980 was contested by three political parties namely the UPC, DP and a new party led by Yoweri Museveni, Uganda Patriotic Movement, UPM. The UPC

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<sup>116</sup> Museveni, Y. K. (2007). *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.16) Nairobi: Moran Publishers.

<sup>117</sup> Ibid, p.37.

took power in what has been described as a stolen election.<sup>118</sup> Political party activity in Uganda never got consolidated even after this election as Museveni and others waged guerrilla war against Obote's administration sliding Uganda to a state of anarchy.

To make it worse for political parties, the NRM government placed strict restrictions to political party activity after taking over power in 1986. At this juncture, it is imperative to analyse the "no-party" democracy as played out in the early years of NRM rule. Did this arrangement advance or hinder the growth of democracy in Uganda? Or was it a façade for single party dictatorship?

On attaining power in 1986, the NRM declared a restriction on all political party activity in the country. The system of government, according to the NRM changed from "multi-party" to "movement". NRM claimed that political parties had played sectarian politics hence contributing to the violent political history of Uganda.<sup>119</sup> Accordingly, NRM restricted parties from competing for political office with the government advocating for competition on 'individual merit' rather than on the sponsorship of political parties.<sup>120</sup>

In the early days of the NRM rule, international observers watched patiently hoping that the Ugandan experiment would prove a novel experiment that would work for the volatile continent. In 1998, the British labour government decided not to press for multi party reforms in Uganda.<sup>121</sup> Shortly, however, it became clear that the restriction on the opposition was an attempt to entrench a single party state in Uganda. Donors and civil society actors started pushing for the opening up of the democratic space. In 2002, a constitutional court ruled in favour of a petition filed by Ssemwogerere and others arguing that NRM had increasingly

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<sup>118</sup> Mutibwa, P. (1992). *Uganda Since Independence: A story of unfulfilled Hopes*, (p.138). Kampala: Fountain.

<sup>119</sup> Museveni, Y. K. (2007). *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.15) Nairobi: Moran Publishers.

<sup>120</sup> Kabagambe, J. (2006). *The Democratization Process in Uganda: Obstacles and Possibilities*, (p.7)

Magisteruppsats: Sodertons University College.

<sup>121</sup> Kasfir, N. (1998). No-party democracy in Uganda. *Journal of Democracy*, 9 (2), 49.

acted as a political party and therefore did not have the mandate to restrict the participation of other political parties.<sup>122</sup> During the era of the no-party democracy, parties were restricted from holding delegates' conferences, public rallies and opening local branches and even sponsoring candidates for elections. Parties would only maintain a central office.<sup>123</sup> Carbone notes that the growth of political parties was seriously hampered by the period of restriction of party activity. He says that Uganda became a hegemonic party state where opposition political parties are allowed to 'exist' but have no chance of taking over executive authority in a country.<sup>124</sup> The restriction on political parties became even more institutionalized when it was sanctioned by the 1995 constitution in article 269.

After the constitutional amendment of 2005 in which the restriction on political parties was lifted, two features are observed as regards the political party activity in Uganda. First, opposition parties are making a better showing at the general elections. For instance, in the 1996 election, the leading opposition candidate, Paul Ssemogerere of DP polled 23.7% of the vote compared to Museveni's 74.3%. In the 2006 general election, the first multi-party election in Uganda since 1980, the leading opposition candidate Kizza Besigye got 37% of the vote. It is instructive to note the decline of Museveni's popularity to 59% in 2006.<sup>125</sup>

Another feature of political parties that has emerged after the re-introduction of multi party system in Uganda is the emergence of satellite opposition political parties sponsored by the NRM so that they may sabotage the 'genuine' opposition. Some of the ways in which the sponsored parties disrupt the success of multi-party politics is by exacerbating the appearance

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<sup>122</sup> Ssemwogerere and Others vs. Attorney General, Constitutional Appeal 4/2002, quoted by Makara, S. (2010). *The Challenge and Prospect of Multiparty Democracy in Uganda*. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.36) Kampala: Konrad Adenaur Stiftung.

<sup>123</sup> Carbone, M.G. (2003). Political Parties in a 'no-party' democracy: Hegemony and opposition under movement democracy in Uganda, *Journal of Party Politics*, 9 (4), 486.

<sup>124</sup> Carbone, M.G. (2003). Political Parties in a 'no-party' democracy: Hegemony and opposition under movement democracy in Uganda, *Journal of Party Politics*, 9 (4), 486.

<sup>125</sup> Kamp, M. (2010). *Introduction*. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.21) Kampala: Konrad Adenaur Stiftung.

of disunity among the opposition and by scuttling any bid to unite the opposition against the establishment. The Action Party and Peasants' Party have been mentioned as examples of such parties.<sup>126</sup>

In conclusion, we agree with Carbone that the opening of the democratic space in Uganda has changed Uganda's political party system from hegemony to a dominant-party system.<sup>127</sup>

While there are elements of competition in the body-politic in Uganda, it will be difficult for the opposition to overturn the structural gains that the NRM has already built into the Ugandan political psyche.

#### **2.2.5. Freedom of the press in Uganda**

Article 19 of the Universal declaration of Human Rights declares that 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'<sup>128</sup> However, the freedom of the media in a democracy goes beyond a human right. It is an important pre-condition for the growth of democracy.<sup>129</sup>

We here analyze the legal environment under which the media in Uganda operates before we cite some cases illustrating the rampant interference of the freedom of press in Uganda.

Some of the harshest laws against freedom of the press in Uganda are found in the penal code which is found in chapter 106 of the laws of Uganda. Section 37 accords the Minister of Information with unlimited discretion to prohibit the importation of a publication whenever

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<sup>126</sup>Kiiza J. (August 25 – 27, 2005). The Role of Opposition Parties in a Democracy. *A paper presented at the regional conference on political parties and democratisation in East Africa*, (p.3): Impala Hotel, Arusha, Unpublished.

<sup>127</sup> Carbone, M.G. (2003). Political Parties in a 'no-party' democracy: Hegemony and opposition under movement democracy in Uganda, *Journal of Party Politics*, 9 (4), 487.

<sup>128</sup> Article 19 of the Universal declaration of Human Rights (1948)

<sup>129</sup> Yew, K. L. (2000). *From Third World to First: Singapore and the Asian economic boom*, (p.664). New York: Harper Collins.

she/he considers it in the public interest. Section 38 prohibits the possession of such a publication and imposes stiff punishments to offenders.<sup>130</sup>

Section 39 A, an addition of the NRM government, prohibits publishing information that regarding military operations, troop movements or location and military supply. Such information according to the law may assist the enemy or may disrupt public order and security. The problem with this provision is that the government may use it to impose an information black out on the citizens on pertinent issues facing the country. This law has been applied to hinder the flow of information regarding the involvement of Uganda in the Congo crisis.<sup>131</sup>

Sections 41-43 deal with the offence of sedition, where it is intended to protect the President against “hatred, contempt and disaffection; among other things”. Journalist Haruna Kanaabi of *The Shariat* was in 1995 convicted to jail for sedition. He had written a story about the involvement of Ugandan soldiers of Rwandese descent in the overthrow of the government of Juvenal Habyarimana in Kigali.<sup>132</sup>

Section 51 of the penal code prohibits the defamation of foreign dignitaries. It is this law that was invoked in the arrest of journalists Alfred Okware, Festo Ebongu and Hussein Abdi for asking what the state called “embarrassing questions” to the then president of Zambia, Mr. Kenneth Kaunda.<sup>133</sup>

Other laws that govern the practice of the media in Uganda include The Press and Journalist Statute of 1995 and the Electronic Media Statute of 1996.

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<sup>130</sup>Kemigisha, R. (Ed.) (1998). *A Handbook on the state of the media in Uganda*, (p.7). Kampala: Eastern Africa Media Institute.

<sup>131</sup> Kemigisha, R. (Ed.) (1998). *A Handbook on the state of the media in Uganda*, (p.8). Kampala: Eastern Africa Media Institute.

<sup>132</sup> Kanaabi H. (February 2009). Four Months in Jail for Sedition. *Expression Today*, No.9 p.62.

<sup>133</sup> Kemigisha, R. (Ed.) (1998). *A Handbook on the state of the media in Uganda*, (p.9). Kampala: Eastern Africa Media Institute.

While creating a Media Council charged with the regulation of conduct and promotion of good ethical standards and discipline of journalists, The Press and Journalist Statute of 1995 ensures that the appointees to the council are beholden to the Minister for Information. This is through section 3 of the Statute that provides that eight of the ten members of the council shall be appointed by the Minister. This makes the independence of the Council to appear really suspect.<sup>134</sup> Similarly, the Electronic Media Statute of 1996 also provides that the Broadcasting Council, established in section 10, shall have 12 members of which 10 are appointed by the Minister of Information. This council may be used by the government to hinder the freedom of the media because in section 27 (1), the statute provides the Council with power to confiscate broadcasting apparatus.<sup>135</sup>

Hereunder we list some of the incidences in which the independence of the press in Uganda has been compromised in the recent past.

The most recent affront to the freedom of press in Uganda is the attack on the premises of *The Monitor* newspaper in Kampala in July 2013. The newspaper had carried a story alleging that President Museveni had been grooming his son, Major Muhoozi to succeed him in the presidency. The paper also alleged that as a result of the succession plan, there had been a rift in the country's armed forces with some of the staff opposing the plan. The paper was searched by armed troops and closed for about a week without publication.

Uganda is a case study of a country where proliferation of media apparatus does not always guarantee greater freedom of press. According to the media council of Uganda, there are 244 licensed radio stations in Uganda and 41 TV stations. Uganda is also served by at least 41 Newspapers and other publications. The freedom of press however has been severely

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<sup>134</sup> Ibid, p.2.

<sup>135</sup> Kemigisha, R. (Ed.) (1998). *A Handbook on the state of the media in Uganda*, (p.6). Kampala: Eastern Africa Media Institute.

criticized following government crackdowns on independent media houses that broadcasted content that was considered offensive to the government.<sup>136</sup> However, an analysis of the ownership structures of some of the media outlets indicates a deficiency of independence in their editorial outlook. Consider the case of Spice FM owned by Edgar Agaba. Agaba was the head of Uganda's Public Procurement and Disposal of Assets Authority (UPPDA) in 2010. The opposition party Forum for Democratic Change (FDC) paid \$150 to appear in a talk show on June 25. This was in the run-up to the 2011 election. When the three FDC panelists went to the station, the manager, Abubaker Kitembo informed them that he could only host one of them. The show flopped. It then occurred that Agaba had requested for the renewal of his contract at UPPDA and hosting the opposition would not go well for his bid.<sup>137</sup>

The case of *Spice FM* is not isolated. There is a systematic effort by the NRM government to lock out opposition politicians from reaching their audiences through the FM radio stations. Over 90% of the radio stations in the country are owned by ministers and MPs allied to the ruling NRM. The application by the opposition FDC party for a license to operate a radio station was rejected by the Broadcasting Council.<sup>138</sup>

In addition, the NRM government owns more than 80% of the shares in the Vision Group. The group controls the largest English Daily in Uganda, *The New Vision* as well as four other regional newspapers. The other four include *Bukedde* – targeting the central Buganda region, *Orumuri* – targeting the Rukitara speaking communities of western Uganda, *Etop* and *Rupiny* targeting the Luo speaking communities of Northern and Eastern Uganda. The Vision group

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<sup>136</sup>Ugandan Media Council, (n.d.). *Publications* Retrieved June 2, 2013 from <http://www.mediacouncil.ug/publications.php>.

<sup>137</sup>Ssemuju, I. (August-September 2010). 2011 Battles on Air: Museveni pushes radios to mute opponents *Expression Today*, No.18, pp20-21.

<sup>138</sup> *Ibid*, p.21.



has also ventured into Radio and TV broadcast, thereby granting the government a strong grip on the media business.<sup>139</sup>

There has also been rampant harassment of journalists in Uganda including imprisonment. Rogers Matovu, a journalist with Kingdom FM was locked in in 2010 for suggesting that President Museveni should make peace with Kabaka Ronald Mutebi of the Baganda.<sup>140</sup> Journalist Andrew Mwenda was arrested five times between April and May 2008 and his five-month old publication, *The Independent*, searched twice. Mwenda is famous for having published investigative pieces critical of Museveni government, including one that alleged that Ugandan army was involved in looting in the Congo.<sup>141</sup>

Foreign journalists who took a stance critical to the NRM government have also been punished for their views. In March 2006, Blake Lambert, a Canadian journalist was deported over what the government termed as 'anti-government bias'. The license of the BBC correspondent in Kampala, William Ross, was also shortened.<sup>142</sup>

In 2009, the government shut down the following four radio stations, citing security issues: Central broadcasting station (CBS), Radio Subi, Radio Sapientia and Akaboozi ku Bbiri. The government had earlier closed Radio Kyoga Veritas in 2003 and KFM Radio in 2005.<sup>143</sup>

Occasionally, the government has been known to compromise the freedom of the media by awarding some outlets advertisement revenues as well as appointing the staff and

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<sup>139</sup>Ssemujju, I (August 2008). Growing and Growing of New Vision's rapid expansion and political overtones *Expression Today*, No.18,p. 22.

<sup>140</sup> Makori, H. (August-September 2010). There're serious media freedom issues in East Africa, *Expression Today*, No.18, p.3.

<sup>141</sup> Ssemujju, I (August 2008). Growing and Growing of New Vision's rapid expansion and political overtones *Expression Today*, No.18,p. 57.

<sup>142</sup> Radio Katwe (March 5, 2006). Row over Kampala-based Journalist, Retrieved April 27, 2013 from <http://www.Radiokatwenews.blogspot.com>.

<sup>143</sup> Kakooza, M. (2012). Reality Check: Revisiting the media freedom debate at Uganda's independence golden jubilee. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.167) Kampala: Konrad Adenaur Stiftung.

management to positions in the government. The proprietors of *The Weekly Topic* were appointed to government posts and the paper gradually lost its veracity in its editorial content. A group of journalists from *The Weekly Topic* formed *The Monitor* protesting the interference of the editorial independence of *The Weekly Topic*. As a punishment, the government refused to advertise in the paper.<sup>144</sup>

The incidences described above should suffice to indicate that despite remarkable progress in providing an open environment for the operations of the media in the NRM era, a lot more needs to be done to enable the media to play its rightful role of watchdog over the Ugandan community.

#### **2.2.6 Civil society in Uganda.**

A universally acceptable definition of the term ‘civil society’ has been elusive due to difference in its conceptualization in different countries.<sup>145</sup> However, civil society may be thought of as one of the basic elements of the society alongside the state and the market. It encompasses “modern” interest groups such as trade unions as well as “traditional” ascriptive organizations based on kinship, ethnicity, culture or religion.<sup>146</sup> A wide definition of the term civil society would incorporate political parties and the press. For purposes of this discussion, the latter two groups are excluded.

One of the justifications of the existence of the civil society in a democracy is that it acts as a ‘school of democracy’ where citizens learn democratic thinking and acting, tolerance of diversity, mutual acceptance and willingness to compromise.<sup>147</sup> Advocacy groups also seek to

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<sup>144</sup> Ibid, p.68

<sup>145</sup> Thue, N., et.al (2002). *Report of a study on civil society in Uganda*,(p.21), Kampala: Royal Norwegian Embassy in Uganda.

<sup>146</sup> Ibid, p.22.

<sup>147</sup> Ibid, p.25.

influence government policy and decisions so as to benefit their members and also hold the government to account.<sup>148</sup>

Thue, N., et al. (2002) say that civil society organizations (CSOs) do not always lead to greater democratization. They say that if multiple divisions drive the socio-economic structure of a society, and a substantial portion of its component groups are either indifferent or hostile to democracy, civil society may impede or even subvert democracy.<sup>149</sup> This could hold true in the case of Ugandan religious organizations in contributing to the undemocratic past of Uganda under Obote and Amin.

In the context of Uganda, CSOs supplemented the role of political parties in stimulating and promoting openings for political participation during the era of the 'no-party' system. Such organizations in this category include The Free Movement (TFM) and Reform Agenda.<sup>150</sup>

In addition, CSOs representing special interest groups such as women, persons with disability and youth have provided these traditionally marginalized groups with channels for articulation, aggregation and representation and representation of their interests.<sup>151</sup>

Civil society in Uganda has played only marginal roles in influencing legal and policy agenda in the country. This is because most often the NRM government invites the CSOs to participate in policy formulation when the policy has already been drafted, CSOs therefore act only to rubber stamp the policies. However notable contribution by CSOs has been made in the drafting of the 1995 constitution as well as in the implementation of the poverty

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<sup>148</sup> Ibid, p.26.

<sup>149</sup> Ibid, p.26.

<sup>150</sup> Ibid, p.28.

<sup>151</sup> Ibid, p.28.

eradication action plan. (PEAP) <sup>152</sup> The Ugandan Joint Christian Council (UJCC) is also said to have advocated against the removal of the presidential term limits in the constitution. <sup>153</sup>

The suppression of political parties has had the effect of driving the NGOs and CSOs from the areas of democratization and human rights, with most opting for service delivery. Service delivery by CSOs is very much notable in the Northern parts of the country where conflict between rebel groups has raged on for more than two decades. There has also been significant contribution by CSOs in election monitoring and civic education. Where elections have been conducted in less than fair circumstances, the CSOs have not shied from criticizing the government accordingly. <sup>154</sup> The most prominent CSOs in the field of human rights and democratization include the Uganda Law Society, Foundation for Human Rights Initiative (FHRI), Uganda Debt Network (UDN), and Human Rights Network (HURINET). <sup>155</sup>

The Human Rights Watch has noted that Ugandan CSOs involved in advocacy in the areas of oil revenue transparency, land grabbing and protection of human rights have been subjected to harassment and intimidation of late once they are perceived to be infringing on the officials' political and financial interests. Threats for deregistration have been made to the Ugandan Land Alliance and Oxfam. CSOs promoting gay and lesbian rights have been forced as officials frequently storm their meetings and arrest participants in such meetings. More than 38 organizations promoting gay rights have been closed. <sup>156</sup>

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<sup>152</sup> Ibid, p.29.

<sup>153</sup> Okuku, J.A. (2005). *Beyond 'Third Limit' Politics: Constitutional amendments and Museveni's quest for life presidency in Uganda*, (p.32) Johannesburg: Institute for Global dialogue.

<sup>154</sup> Thue, N., et.al (2002). *Report of a study on civil society in Uganda*,(p.34), Kampala: Royal Norwegian Embassy in Uganda.

<sup>155</sup> Ibid, p.131.

<sup>156</sup> Michael, W. (2013). *Report Warns of Shrinking Civil Society Space in Uganda*. Retrieved May 23, 2013 from <http://ugandaradionetwork.com/a/story.php?s=44765>.

### **2.3 Future trends of democracy in Uganda.**

From our earlier discussion, we note that the prospects of Uganda's opposition occupying the state house in Kampala in the near future are rather grim. As the situation is today, the NRM monopolizes almost all the apparatus of state-power to the severe disadvantage of the opposition and competitive politics. The removal of presidential term limits from the constitution grants President Museveni an opportunity for a lifetime presidency. The use of the army and police to curtail the growth of opposition politics in the country foments possibilities of violent transitions in Uganda in the future.

Makara, S. (2010) brings us to another trend that may have ramifications for the future democratic practices in Uganda. He notes that although Uganda is largely a rural country, the rate of urbanization has been growing at 6% per year. He says that urban populations in Uganda tripled between 1980 and 2002. The import of this is that the NRM enjoys greatest support from the rural peasants while urban populations are more receptive of the opposition parties. By this, Makara suggests that the support of the NRM will continue to decline while the opposition parties will continue to increase in popularity.<sup>157</sup>

Thirdly, the penetration of internet in Uganda may also have an impact on the democratic trends of the country. This may happen in two significant ways: First, through the internet and related media, the population gets enlightened of the happenings in other countries regarding democracy and they may start agitating for greater freedom. Secondly, through internet related devices and platforms, the population is empowered to plan more successfully agitative actions without being hampered by security forces. This kind of activism has been associated with the success of 'the Arab spring' in North Africa.

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<sup>157</sup> Makara, S. (2010). *The Challenge and Prospect of Multiparty Democracy in Uganda*. In Kiranda, Y. and Kamp, M. (Eds.), *Reality Check: The state of Multiparty Democracy in Uganda*, (p.54) Kampala: Konrad Adenaur Stiftung.

## **CHAPTER 3: AN ASSESSMENT OF DEMOCRATIC TRANSITION IN UGANDA.**

### **3.1 Introduction.**

This chapter consists of the results of a study conducted to determine how Ugandans perceive certain elements of democracy in their country. The survey was conducted between 15<sup>th</sup> and 20<sup>th</sup> July 2013 in the city of Kampala. Respondents included university students, lecturers, lawyers, media practitioners, Christian and Catholic clergy people, Muslim clergy, local authority leaders, business people and civil society activists. Questionnaires and unstructured interviews were used to collect the data. The information presented in this chapter is based on the Likert scale questionnaire in section B of the main questionnaire attached in Appendix 1.

### **3.2 Perception of selected elements of democracy in Uganda according to a sample of citizens in the country.**

#### **3.2.1 Characteristics of the sampled population.**

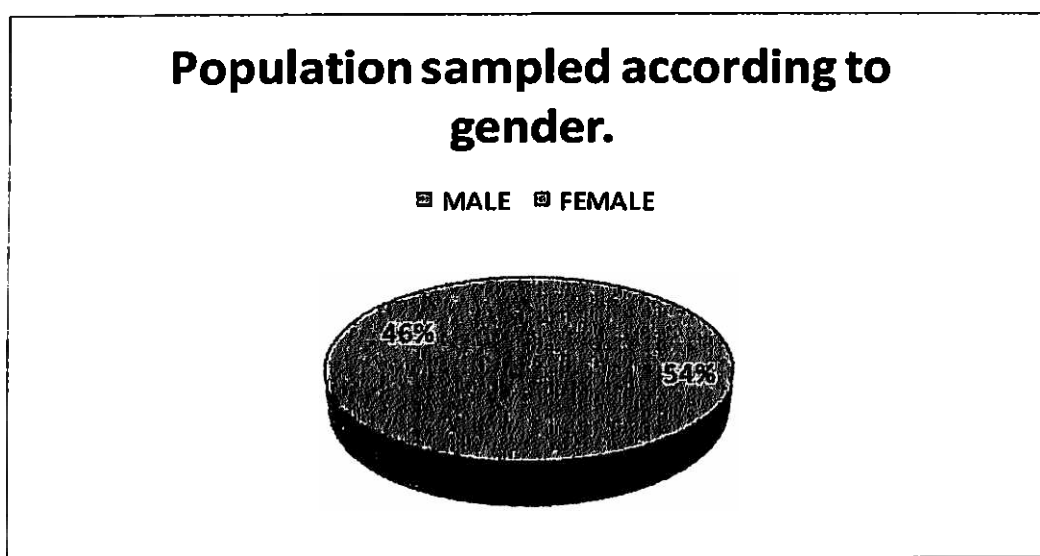
305 questionnaires were sent. Only 257 questionnaires were returned, giving a response rate of 84.44%. 138 respondents, equivalent to 54% of the sample were male. 119 respondents were female, equivalent to 46% of the sample. All the respondents were Ugandans of voting age. The characteristics of the population sampled according to occupation are shown in table1.

*Table 1: Characteristics of the population sampled in the study according to occupation.*

| OCCUPATION              | QUESTIONNAIRES SERVED | RESPONSES RECEIVED | % RESPONSE   |
|-------------------------|-----------------------|--------------------|--------------|
| University students     | 50                    | 50                 | 100          |
| Lecturers               | 20                    | 20                 | 100          |
| High school teachers    | 40                    | 33                 | 82.5         |
| NGO practitioners       | 30                    | 24                 | 80           |
| Media practitioners     | 30                    | 30                 | 30           |
| Catholic clergy         | 20                    | 17                 | 85           |
| Protestant clergy       | 20                    | 16                 | 80           |
| Muslim clergy           | 10                    | 10                 | 100          |
| Business people         | 40                    | 32                 | 80           |
| Lawyers                 | 20                    | 15                 | 75           |
| Political party leaders | 10                    | 6                  | 60           |
| Local authority leaders | 5                     | 4                  | 80           |
| <b>TOTAL</b>            | <b>305</b>            | <b>257</b>         | <b>84.44</b> |

The population sampled according to gender is as shown in the pie chart below.

*Fig. 1: Population sampled according to gender.*

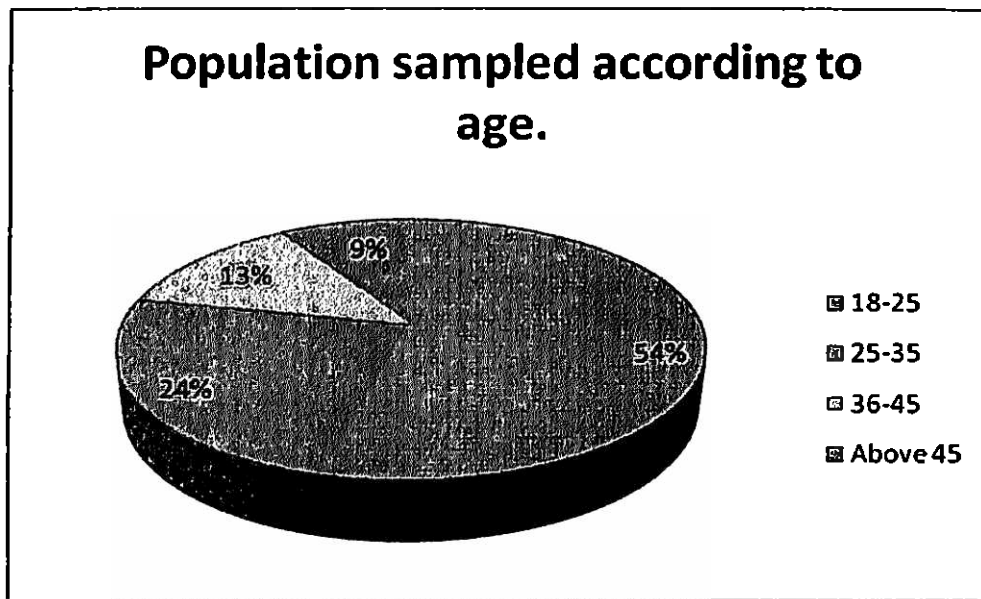


The population sampled according to age is as shown in table 2 and the pie chart below.

*Table 2: Population sampled according to age*

| Age in years | Number sampled |
|--------------|----------------|
| 18-25        | 165            |
| 25-35        | 74             |
| 36-45        | 39             |
| Above 45     | 27             |

*Fig 2: Population sampled according to age*



### **3.2.2 Elements of democracy under study.**

Data was collected regarding the perception of Ugandans towards four elements of democracy namely: Independence of the Ugandan judiciary, Credibility of elections in Uganda, Freedom of the Press and Participation of women in governance.

### **3.2.3 The Likert Scale.**

Respondents were provided with a list of 20 statements. The respondents were required to score alongside each of the statements using a scale of 1-5 provided where 1 represented “strongly disagree”, 2 represented “disagree”, 3 represented “neutral”, 4 represented “Agree” and 5 represented “Strongly agree”.



The statements were framed in such a way that a high score, say 5 indicated a good democratic practice in the country. A low score, say 1, indicated the absence of the element of democracy being measured.

Tables 4, 5, 6 and 7 below indicate the responses received for each of the elements of democracy studied. The scores were then added together for purposes of analyses. For each of the elements of democracy, a respondent would score a minimum of 5 and a maximum of 25, 5 (representing “strongly agree”) multiplied by 5 statements on the element being studied. Scores of 1-5 were weighed with a factor of 1, scores of 6-10 were weighed with a factor of 2, scores of 11-15 were weighed with a factor of 3, scores of 16-20 were weighed with a factor of 4 and scores of 21-25 were weighed with a factor of 5. Weighted means of the scores were calculated to give an index whose range is 1 to 5. A score of 1 would indicate low democratic tendency on the element being studied. A score of 5 would indicate a good democratic practice in the element being measured.

The scores from each of the elements of democracy were averaged to give a final country index of democracy. This gave a maximalist scale of measurement of democracy in Uganda based on 5 units. The interpretation of the findings may be done using the scale below (Table 3):

*Table 3: Guide to interpret the findings of the study.*

| <b>SCALE</b> | <b>INTERPRETATION</b>           |
|--------------|---------------------------------|
| 1.0 – 2.0    | Autocracy                       |
| 2.0 – 3.0    | Partial democracy, with minimal |
| 3.0 – 4.0    | Partial democracy with visible  |
| 4.0 – 5.0    | Consolidated democracy.         |

### 3.2.4 Data Presentation

The total weighted score for an element of democracy was divided with the number of respondents to give an indication of presence or absence of the element of democracy being determined in the country. The weighted means for each of the elements of democracy were plotted in the bar graph shown in Figure 2 below.

*Table 4: The Respondents' perception of the independence of the judiciary in Uganda.*

| OCCUPATION                     | 1-5<br>(strongly-<br>disagree) | 6-10<br>(Disagree) | 11-15<br>(neutral) | 16-20<br>(agree) | 21-25<br>(strongly<br>agree) | Total<br>weighted<br>score | Total<br>Responses. |
|--------------------------------|--------------------------------|--------------------|--------------------|------------------|------------------------------|----------------------------|---------------------|
| <b>Weighing factor</b>         | <b>1</b>                       | <b>2</b>           | <b>3</b>           | <b>4</b>         | <b>5</b>                     |                            |                     |
| <b>University students</b>     | 4                              | 10                 | 28                 | 6                | 2                            | 142                        | 50                  |
| <b>Lecturers</b>               | 1                              | 2                  | 6                  | 9                | 2                            | 73                         | 20                  |
| <b>High school teachers</b>    | 2                              | 3                  | 14                 | 11               | 3                            | 109                        | 33                  |
| <b>NGO practitioners</b>       | 2                              | 3                  | 13                 | 4                | 2                            | 73                         | 24                  |
| <b>Media practitioners</b>     | 3                              | 12                 | 13                 | 2                | 0                            | 74                         | 30                  |
| <b>Catholic clergy</b>         | 3                              | 2                  | 7                  | 5                | 0                            | 48                         | 17                  |
| <b>Protestant clergy</b>       | 0                              | 2                  | 8                  | 4                | 2                            | 54                         | 16                  |
| <b>Muslim clergy</b>           | 2                              | 3                  | 3                  | 2                | 0                            | 25                         | 10                  |
| <b>Business people</b>         | 4                              | 4                  | 9                  | 13               | 2                            | 101                        | 32                  |
| <b>Lawyers</b>                 | 3                              | 3                  | 6                  | 2                | 1                            | 40                         | 15                  |
| <b>Political party leaders</b> | 0                              | 2                  | 1                  | 3                | 0                            | 19                         | 6                   |
| <b>Local authority leaders</b> | 0                              | 1                  | 1                  | 2                | 0                            | 13                         | 4                   |
| <b>TOTAL</b>                   |                                |                    |                    |                  |                              | <b>773</b>                 | <b>257</b>          |

Weighted Mean:  $773 \div 257 = 3.0007$ .

From table 3 above, we notice that the independence of the judiciary is rated at 3.00. This reading is quite favorable and points to a significantly independent judiciary. This may be attributed to some judgments by the courts that have not favored the executive as would have been expected in the case of a compromised judiciary.

*Table 5: The Respondents' perception of the credibility of elections in Uganda.*

| OCCUPATION                     | 1-5<br>(strongly-disagree) | 6-10<br>(Disagree) | 11-15<br>(neutral) | 16-20<br>(agree) | 21-25<br>(strongly agree) | Total weighted score | Total Responses. |
|--------------------------------|----------------------------|--------------------|--------------------|------------------|---------------------------|----------------------|------------------|
| <b>Weighing factor</b>         | <b>1</b>                   | <b>2</b>           | <b>3</b>           | <b>4</b>         | <b>5</b>                  |                      |                  |
| <b>University students</b>     | 7                          | 4                  | 22                 | 13               | 4                         | 153                  | 50               |
| <b>Lecturers</b>               | 1                          | 12                 | 6                  | 2                | 0                         | 51                   | 20               |
| <b>High school teachers</b>    | 7                          | 4                  | 13                 | 7                | 2                         | 92                   | 33               |
| <b>NGO practitioners</b>       | 6                          | 4                  | 9                  | 5                | 0                         | 61                   | 24               |
| <b>Media practitioners</b>     | 8                          | 13                 | 7                  | 2                | 0                         | 63                   | 30               |
| <b>Catholic clergy</b>         | 5                          | 2                  | 8                  | 2                | 0                         | 41                   | 17               |
| <b>Protestant clergy</b>       | 2                          | 3                  | 7                  | 4                | 0                         | 45                   | 16               |
| <b>Muslim clergy</b>           | 2                          | 3                  | 4                  | 1                | 0                         | 24                   | 10               |
| <b>Business people</b>         | 11                         | 1                  | 9                  | 7                | 2                         | 78                   | 32               |
| <b>Lawyers</b>                 | 2                          | 4                  | 7                  | 2                | 1                         | 44                   | 15               |
| <b>Political party leaders</b> | 0                          | 1                  | 2                  | 2                | 1                         | 21                   | 6                |
| <b>Local authority leaders</b> | 0                          | 0                  | 2                  | 1                | 1                         | 15                   | 4                |
| <b>TOTAL</b>                   |                            |                    |                    |                  |                           | 688                  | 257              |

Weighted Mean:  $688 \div 257 = 2.67$

Credibility of the elections was rated poorly (2.67). As for the credibility of elections, the low result may be as a result of the violence that has been attendant to most Ugandan elections, especially against the opposition parties and candidates.

*Table 6: The Respondents' perception of the freedom of press in Uganda.*

| OCCUPATION                     | 1-5<br>(strongly-disagree) | 6-10<br>(Disagree) | 11-15<br>(neutral) | 16-20<br>(agree) | 21-25<br>(strongly agree) | Total weighted score | Total Responses. |
|--------------------------------|----------------------------|--------------------|--------------------|------------------|---------------------------|----------------------|------------------|
| <b>Weighing Factor</b>         | 1                          | 2                  | 3                  | 4                | 5                         |                      |                  |
| <b>University students</b>     | 7                          | 6                  | 24                 | 13               | 0                         | 143                  | 50               |
| <b>Lecturers</b>               | 2                          | 8                  | 7                  | 3                | 0                         | 51                   | 20               |
| <b>High school teachers</b>    | 2                          | 4                  | 14                 | 11               | 2                         | 106                  | 33               |
| <b>NGO practitioners</b>       | 6                          | 8                  | 6                  | 4                | 0                         | 56                   | 24               |
| <b>Media practitioners</b>     | 9                          | 15                 | 5                  | 1                | 0                         | 58                   | 30               |
| <b>Catholic clergy</b>         | 3                          | 5                  | 7                  | 2                | 0                         | 42                   | 17               |
| <b>Protestant clergy</b>       | 2                          | 3                  | 6                  | 4                | 1                         | 47                   | 16               |
| <b>Muslim clergy</b>           | 2                          | 4                  | 3                  | 1                | 0                         | 23                   | 10               |
| <b>Business people</b>         | 4                          | 9                  | 11                 | 5                | 3                         | 90                   | 32               |
| <b>Lawyers</b>                 | 2                          | 4                  | 7                  | 2                | 0                         | 39                   | 15               |
| <b>Political party leaders</b> | 0                          | 1                  | 2                  | 2                | 1                         | 21                   | 6                |
| <b>Local authority leaders</b> | 0                          | 1                  | 2                  | 1                | 0                         | 12                   | 4                |
| <b>TOTAL</b>                   |                            |                    |                    |                  |                           | 688                  | 257              |

Weighted mean:  $688 \div 257 = 2.68$

We notice that the freedom of the press in Uganda was rated poorly (2.68). While there has been general hostility between independent media and the NRM government, one particular incidence may have influenced the rating. The study was conducted shortly after a raid on the premises of *The Monitor* in Kampala by government forces following the publication of a 'controversial' story. The low score regarding the freedom of the press may be indicative of the 'disgust' that the action may have provoked.

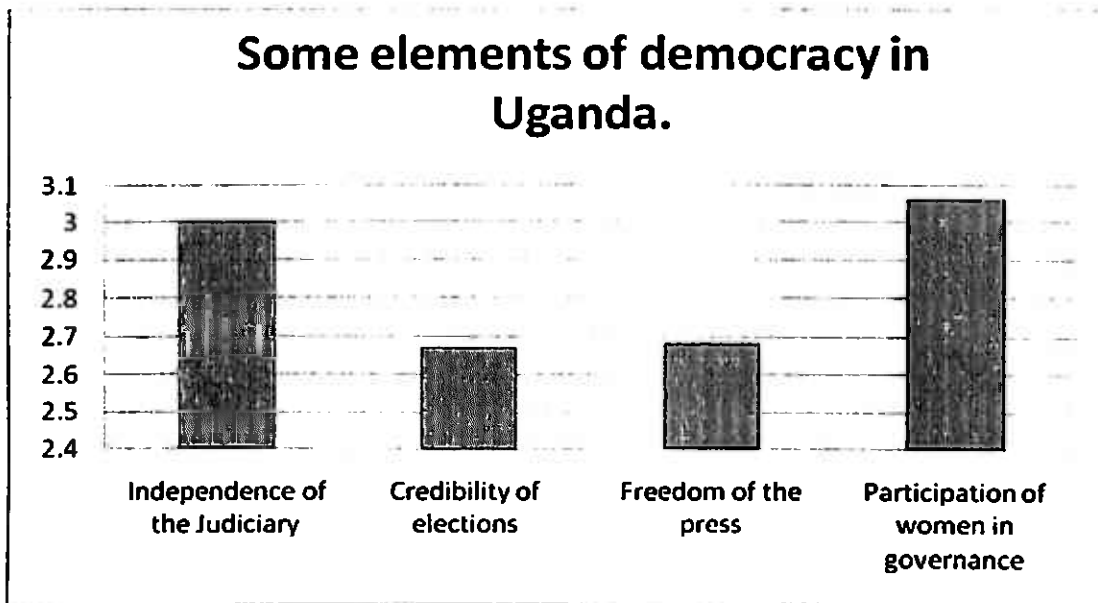
*Table 7: The Respondents' perception on participation of women in governance in Uganda.*

| OCCUPATION                     | 1-5<br>(strongly-disagree) | 6-10<br>(Disagree) | 11-15<br>(neutral) | 16-20<br>(agree) | 21-25<br>(strongly agree) | Total weighted score | Total Responses. |
|--------------------------------|----------------------------|--------------------|--------------------|------------------|---------------------------|----------------------|------------------|
| <b>Weighing Factor</b>         | 1                          | 2                  | 3                  | 4                | 5                         |                      |                  |
| <b>University students</b>     | 2                          | 9                  | 18                 | 17               | 4                         | 145                  | 50               |
| <b>Lecturers</b>               | 2                          | 5                  | 6                  | 7                | 0                         | 58                   | 20               |
| <b>High school teachers</b>    | 3                          | 5                  | 14                 | 11               | 0                         | 99                   | 33               |
| <b>NGO practitioners</b>       | 3                          | 7                  | 8                  | 6                | 0                         | 65                   | 24               |
| <b>Media practitioners</b>     | 3                          | 5                  | 9                  | 13               | 0                         | 92                   | 30               |
| <b>Catholic clergy</b>         | 1                          | 4                  | 7                  | 4                | 1                         | 51                   | 17               |
| <b>Protestant clergy</b>       | 0                          | 2                  | 8                  | 8                | 1                         | 65                   | 16               |
| <b>Muslim clergy</b>           | 1                          | 3                  | 4                  | 2                | 0                         | 27                   | 10               |
| <b>Business people</b>         | 1                          | 5                  | 12                 | 11               | 3                         | 106                  | 32               |
| <b>Lawyers</b>                 | 0                          | 3                  | 7                  | 5                | 0                         | 47                   | 15               |
| <b>Political party leaders</b> | 0                          | 1                  | 3                  | 2                | 0                         | 19                   | 6                |
| <b>Local authority leaders</b> | 0                          | 1                  | 2                  | 1                | 0                         | 12                   | 4                |
| <b>TOTAL</b>                   |                            |                    |                    |                  |                           | 786                  | 257              |

Weighted mean:  $786 \div 257 = 3.06$

Most respondents rate the participation of women in governance quite highly (3.06). This may reflect the inclusion of women particularly in parliament where each of the 74 districts is represented in the unitary parliament.

Fig 3: Bar graph illustrating the perception of some elements of democracy in Uganda



### 3.24 Average country democratic index

The country average may be calculated by adding the measures of individual elements of democracy and dividing by 4.

$$(3.0007 + 2.67 + 2.68 + 3.06) \div 4 = 2.853.$$

This score according to table 2 above classifies Uganda as a *'Partial democracy, with minimal transition towards consolidation.'* This result is in agreement with other recognized indices of democracy like that of the Freedom House that has rated Uganda as a partial democracy.

This score points to two facts: The democracy in Uganda has grown from the days of state failure prior to 1986, where a study of democracy would have pointed to autocracy, shown by scale readings of 1 – 2 in Table 3 above. The study also confirms that Uganda is a partial democracy, although the momentum of the implementation of the reforms towards democracy has stalled of late. This could point to such undemocratic tendencies that have been associated with the NRM government in the recent past. These tendencies include the

removal of the presidential term limits from the constitution, the crack down on civil society having dissenting views on governance and the harassment of the opposition party leaders.

### **3.2.6 Other Findings**

The study also sought to find out the factors that have contributed to the slow democratic transition in Uganda. Respondents were asked to write their views in open unstructured questionnaires. (See Appendix 1 sections C and D).

As regards the local factors that influence democratization in Uganda, 271 respondents (89%) said that ethnicity hinders democratization to a great extent. 28 respondents (9%) said that ethnicity hindered democratization minimally. 6 respondents (2%) said that ethnicity did not influence democratization.

When asked about the efficacy of political parties as custodians of democracy, 198 respondents (65%) rated political parties as being 'moderately effective'. Only 92 respondents (31%) rated political parties as 'very effective'. 12 respondents, 4% of the sample, said that political parties were 'not effective at all'.

The bulk of the population sampled supported the participation of the civil society towards the growth of a democratic culture in Uganda. 287 respondents (94%) said that the civil society makes a positive contribution to the democratization process. 18 respondents (6%) disputed the importance of the civil society in a democracy.

The effectiveness of the civil society in contributing to the culture of democracy in Uganda did not receive such a high rating, though. It was only 73 respondents (24%) that rated the civil society as 'very effective' while 222 respondents (73%) said that the effectiveness of the civil society was 'moderately effective'. 10 respondents (3%) said that the civil society was not effective at all. Most of the respondents added to say that the civil society was important to represent interest groups that were not represented effectively by political parties. Others

said that civil society groups were important in bringing the government to account, considering the failure of the opposition political parties in playing this role.

293 respondents (96%) said that the army was 'visibly active' in the governance of the country. 12 respondents (4%) said that the participation of the army in governance was minimal. Majority of the respondents said that the army and the police had participated in the harassment of opposition political leaders and the civil society and were therefore looked at as impediments to the democratic culture in Uganda. 53 respondents (17.4%) mentioned the army representation in parliament as undemocratic.

On international factors that contribute to the slow democratization of Uganda, most of the respondents said that the colonial policy that favoured the Baganda at the expense of other people groups in Uganda had contributed to the undemocratic culture of the country. The lopsided policy of recruitment of police and army during the colonial era was also blamed prominently for the failure of democracy in Uganda.

International Financial Institutions (IFIs) like the World Bank and the International Monetary Fund (IMF) were said to have contributed to the undemocratic nature of the NRM government. The respondents said that by condoning the 'movement' system of governance against the multi party system, the IFIs had contributed to the weakening of the opposition political parties in the country.

One other issue that came up from the research findings is the use of the army to quell the conflict in Northern Uganda. Some of the respondents suggested that the army had tortured innocent residents of that part of the country. While this study has not done an in-depth study on this issue, such allegations have been made in the past even at UN level. As for this study, we can only recommend that further research be carried out on this issue.



### **3.2.7 Findings from interviews.**

Five respondents among them a lawyer, a journalist, a lecturer and two civil society practitioners were interviewed.

In general, the discussants said that democracy as a culture had not taken root in the Ugandan society. The personality cult, mentioned with regard to the domineering role of president Museveni in NRM, the government and the army was raised as a major hindrance to the growth of democracy in Uganda. The role of the army in stifling debate opposing the views of the ruling NRM was also mentioned and was said to be counter-productive to the growth of democracy in Uganda.

The issue of ethnicity was also raised as a hindrance to the growth of democracy in Uganda. It was said that political mobilization in political competition was still happening at the tribe level, an issue that seriously hindered the growth of issue-based politics in the country. Discussants also took issue with the colonial policy of recruitment of police and army saying that it had rendered the army vulnerable to political manipulation.

International Financial Institutions and donors were also criticized for having supported the domination of the movement at the expense of the other political parties in the early days of the NRM government. It was said that when pressure to democratize was applied on other countries in Africa, Uganda was left out until too late. This contributed to the growth of the NRM as hegemony.

A further discussion on the factors that contribute to the slow democratization in Uganda is presented in chapter 4 below.

## **CHAPTER 4: FACTORS THAT CONTRIBUTE TO THE SLOW RATE OF DEMOCRATISATION IN UGANDA.**

### **4.1 Introduction.**

The information discussed in this chapter is based on the findings obtained from analysing sections B and C of the returned questionnaires (appendix I) as well as the interviews conducted with key resource persons. 5 respondents identified from various fields including academia, law, a journalist, and civil society activists were interviewed for the study. The findings have also been complemented using information obtained from books, journals, and newspaper articles.

The factors to be discussed in this chapter include: Influence of the colonial legacy on democracy in Uganda, Ethnicity, participation by the military in governance and The contribution of external actors.

### **4.2 Influence of the colonial legacy on democracy in Uganda.**

On exploring the influence of the colonial legacy on democracy in Uganda, two distinct contributions are noted, namely the colonial boundaries and the structural construction of the colonial state.

#### **4.2.1 Colonial Boundaries.**

The British colonialist intentions over Uganda were first expressed in 1888 through the Imperial British East African Company (IBEAC).<sup>158</sup> In 1893, a British Consul-General based in Zanzibar whose name was Portal was asked to declare Uganda a provisional protectorate on behalf of the British government.<sup>159</sup>

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<sup>158</sup> Kanyeihamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.3) Kampala: East African Literature Bureau.

<sup>159</sup> Ibid, p.5.

Before then, the African inhabitants of the territory were either kingdoms or tribes without a central authority mainly governed through chiefs.<sup>160</sup> The kingdoms in the territory include the Buganda, the Toro, the Bunyoro and the Ankole.<sup>161</sup>

In determining the boundaries of the territory, the British paid no attention to the interests of the people but acted purely out of economic logic.<sup>162</sup> In doing this, the British had to take into consideration the interests of other European powers who were also scrambling for a piece of Africa and respect their claims. In addition, the boundaries were drawn with a keen eye placed on raw materials, strategic military positions, trade, gold and other economic considerations.<sup>163</sup>

As a matter of convenience, the boundaries were drawn along mountain ranges, rivers, latitudes and longitudes as well as lakes.<sup>164</sup> These physical features did not coincide with ethnic and tribal boundaries. In consequence, some societies that were antagonistic towards each other or were not part of a similar culture found themselves in one state.<sup>165</sup> Examples of such communities include the Teso who found themselves subjects of two colonial administrations, British Kenyan and British Ugandan, the Alur whose one section was included in the Belgian Congo while the other was in British Uganda and the Bamba, who were divided by a boundary consisting of a fordable stream into the influence of Belgian

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<sup>160</sup> Ibid, pp.1-2. Kanyeihamba has described in details how the territory came to be called Uganda, a derivation from the name of the dominating ethnic group of the Buganda.

<sup>161</sup> Kanyeihamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.1) Kampala: East African Literature Bureau.

<sup>162</sup> Okuku, J. (2002). *Ethnicity, State Power and the Democratisation Process in Uganda*, *Discussion Paper 17* (p.11) Uppsala: Nordiska Afrikainstitutet.

<sup>163</sup> Kanyeihamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.2) Kampala: East African Literature Bureau. and Okuku, J. (2002). *Ethnicity, State Power and the Democratisation Process in Uganda*, *Discussion Paper 17* (p.11) Uppsala: Nordiska Afrikainstitutet.

<sup>164</sup> Kanyeihamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.3) Kampala: East African Literature Bureau.

<sup>165</sup> Okuku, J. (2002). *Ethnicity, State Power and the Democratisation Process in Uganda*, *Discussion Paper 17* (p.11) Uppsala: Nordiska Afrikainstitutet.

Congo and British Uganda.<sup>166</sup> In these communities, separate identities developed due to two colonial policies applied to a common people.

Many complications that have had great significance in the democratisation of Uganda resulted from this haphazard way of creating state boundaries. Only one will be discussed in this paper: the issue of the 'lost counties'.<sup>167</sup>

The case of the 'lost counties' goes back to the dawn of British imperialism in Uganda. The Bunyoro kingdom was arguably the most powerful kingdom in Uganda at the advent of colonisation. There existed rivalry between Bunyoro and Buganda kingdoms. This rivalry was exploited by the colonialists to propagate political competition between the two kingdoms that has continued to haunt Uganda to date.

According to the agreement between European colonial powers reached at during the Berlin conference of 1884 to 1885, any claim of sovereignty over a territory would only be maintained if the territory had been acquired "through a treaty, grant, usage, sufferance and other lawful means."<sup>168</sup> The British concluded agreements with the Buganda, the Ankole and the Toro. Agreements were also signed with the chiefs of the Busoga and other Northern peoples.<sup>169</sup>

The king of the Bunyoro, Kabarega, however resisted the influence of the British in his territory. Britain decided to acquire the Bunyoro kingdom through conquest. In the fighting that resulted, the Buganda assisted the British in conquering their arch enemies, the Bunyoro.

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<sup>166</sup> Kabwegyere, T.B. (1974). *The Politics of State Formation: The Nature and Effects of Colonialism in Uganda*, (p.162) Kampala: East African Literature Bureau.

<sup>167</sup> This term refer to the counties of Buyaga, Bugangaizi, Buwekula, Bugerere, Buruli and portions of Singo and Bulemeezi which were annexed from the Bunyoro kingdom and granted to the Buganda by the British.

<sup>168</sup> The Berlin West Africa Conference 1884-5, attended by European Imperial Powers, Quoted by Kanyehamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.7) Kampala: East African Literature Bureau.

<sup>169</sup> Kanyehamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.6) Kampala: East African Literature Bureau.

The British demarcated a large part of the Bunyoro kingdom and used it to reward the Buganda. Throughout the period of colonialism, the Bunyoro agitated for the return of their territory, the 'lost counties'.<sup>170</sup> The British refused to address the issue during the colonial era, leaving it to be resolved by the post colonial government through a referendum.<sup>171</sup> The referendum was conducted in 1964 in the two counties<sup>172</sup> and the population favoured their return to the Bunyoro kingdom.<sup>173</sup>

The result of this referendum marks the first signs of strain between the two coalition partners of the independence government, UPC and KY. Kabaka Yekka, a party based in Buganda, and a champion of Buganda chauvinistic rights was not happy with the result. In 1966, the ruling coalition broke up. In addition, UPC experienced internal strife with some ministers asking for the resignation of Obote due to alleged complicity in the Congo ivory and gold scandal.<sup>174</sup>

Sensing increasing threats to his power, President Obote suspended the independence constitution. He then imprisoned the rebelling ministers in UPC as well as some members of the opposition without trial. The Baganda region was placed on a state of emergencies which was to last until 1971. In 1969, Obote declared Uganda a single party state.

From the discussion above, it becomes clear that the increased dictatorial tendency of the first independence government, to a great extent came from the issue of 'the lost counties' which is clearly a product of the British colonial legacy in Uganda.

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<sup>170</sup> Kanyeihamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.2) Kampala: East African Literature Bureau.

<sup>171</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.15) Uppsala: Nordiska Afrikainstitutet.

<sup>172</sup> The Bunyoro got less than they had claimed for. The referendum was held only in two of the six counties claimed, Buyaga and Bugangazizi counties only. See Kabwegyere, T.B. (1974). *The Politics of State Formation: The Nature and Effects of Colonialism in Uganda*, (p.237) Kampala: East African Literature Bureau.

<sup>173</sup> Ibid, p.237.

<sup>174</sup> Ibid, p.16.

#### 4.2.2. The structural construction of the colonial state.

One of the strategies employed by the British colonists to ease their military and political conquest of the Ugandan territory was to divide the native communities into 'collaborators' and 'resistance'<sup>175</sup>. In addition, as Mamdani notes, the British put mechanisms into place to divide Ugandans further based on 'division of labour'.<sup>176</sup>

In this arrangement, the Northerners, who were largely Nilotes, were designated as being suitable for the role of the army and the police. Civil servants would be sourced from the South among the Bantu communities while Indians and Asians were thought of as merchants.<sup>177</sup>

The policy of discriminative recruitment of police and army from the northern communities of Langi, Acholi and West Nilers was based on the argument that the people were more 'martial' and 'warlike' compared to the southerners. The staple diet of millet taken by the northerners was thought to be more suitable for the formation of athletic bodies needed for persons in the armed forces compared to the diet of *matoke* (green bananas) taken by the southerners. As a result of this policy, there were 4300 Acholis in Ugandan army in 1971 out of 8500 troops. There were 1300 Langi and most of the rest were West Nilers.<sup>178</sup>

The implication of the domination of the armed forces by one ethnic group has been that the executive could use the military brawn to suppress the democratic culture of the country. As an example in 1966, President Obote ordered the army, led by General Amin to attack the

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<sup>175</sup> Ibid, p. i i.

<sup>176</sup> Mamdani, M. (1983). *Imperialism and Fascism in Uganda*, (p.10). London: Heinemann.

<sup>177</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.12) Uppsala: Nordiska Afrikainstitutet and Kanyeihamba, G.W. (1975). *Constitutional Law and Government in Uganda*, (p.14) Kampala: East African Literature Bureau.

<sup>178</sup> Museveni, Y. K. (2007) *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.39) Nairobi: Moran Publishers.

palace of the Buganda king, the *Kabaka* leading to his exile as a result of differences resulting in their political disagreements.<sup>179</sup>

In the reign of president Museveni, this 'north-south' divide that came from the 'division of labour' could be identified in the long ranging conflict in the North, led by the Lord's Resistance Army, (LRA). While on one hand the Northerners led by Joseph Kony looks down at the Museveni presidency, the government has on the other hand been accused of being unwilling to seek for a peaceful resolution of the conflict. To Museveni's inner circle, any discussion with the rebel group would be interpreted as the weakness of the southerners, and hence the hard-line stance adopted by the government all through the years.<sup>180</sup>

Another instance of this manipulative 'division of labour' policy is the requirement by the colonial government that the northerners be discouraged from growing cash crops. Considering that very few schools were constructed in the region,<sup>181</sup> there appears a deliberate policy of targeting the north as a source of peasant labour for British industry.<sup>182</sup> It was therefore inevitable for hatred to develop between the communities, creating an environment that would be far from being conducive for the growth of democracy.

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<sup>179</sup>Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.20) Uppsala: Nordiska Afrikainstitutet.

<sup>180</sup> Ibid, p.35.

<sup>181</sup> Ibid p.13.

<sup>182</sup> Ibid,p.13

### 4.3 Ethnicity.

An ethnic group has been defined as a historically formed aggregate of people having a real or imaginary association, a specified territory, shared cluster of beliefs and values connoting its distinctiveness in relation to similar groups and recognized as such by others.<sup>183</sup>

Ethnicity on the other hand is a sense of ethnic identity consisting of the subjective, symbolic or emblematic use by a group of people of any aspect of culture in order to create internal cohesion and differentiate themselves from other groups. Ethnicity is not a permanent phenomenon, but a construction. As such, it can be deconstructed.<sup>184</sup> However, ethnicity may excite emotive feelings among a group of people which may hinder the sense of tolerance with other ethnic groups. Such intolerance may not be compatible with democratic ideals.

In Africa, ethnic groupings struggle to acquire political power as an avenue to control national assets against other tribes. In Kenya, this has been described as “our-turn-to-eat” culture. This intense competition for political power has sometimes turned tragic for the host nations.

In the case of Uganda, one of the most significant events related to ethnicity was the signing of the 1900 agreement between the British imperial colonialist and the Buganda kingdom.<sup>185</sup> This agreement granted the Buganda kingdom the protectorate status and as such created a feeling of superiority among the Buganda over all the other tribes and kingdoms in the protectorate.<sup>186</sup>

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<sup>183</sup>Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.8) Uppsala: Nordiska Afrikainstitutet.

<sup>184</sup> Ibid, p.8.

<sup>185</sup>Republic of Uganda (n.d.) The Uganda Agreement of 1900. Retrieved July 23, 2013 from <http://www.buganda.com/buga1900.htm>.

<sup>186</sup> Decalo, S. (1976). *Coups and Army Rule in Africa: Studies in Military Style*, (p.176). New York: Yale University Press.



The Buganda kings mistakenly thought that the agreement granted the kingdom equal status with the colonial power. They also presumed that the agreement accorded the kingdom the right to abrogate the protectorate relationship whenever they felt that their interests were threatened.<sup>187</sup> This superiority complex on the part of the Buganda has made all the post-independence governments to keep a keen eye on the kingdom, and at times turning to undemocratic measures to quell the federal ambitions of the kingdom.<sup>188</sup>

Hatred against the Baganda by other Ugandan communities was also fuelled by the favoritism that the British showed towards the Buganda kingdom. Most of the social infrastructure such as schools and hospitals were concentrated in the Buganda kingdom. In the 1920s there were 368 schools in Buganda, 44 in Western Province, 42 in the Eastern Province and none at all in Northern Uganda.<sup>189</sup> Such a policy could only foment resentment for the group that appeared to be the recipient of these favors. As a result of this unequal distribution of opportunities in the population, it was reported that in 1959, the population of Makerere University comprised of 46.6% of the Baganda, who were only 16.3% of the total population.<sup>190</sup>

The 'indirect rule' adopted by the British in Uganda also had the effect of turning other communities against the Baganda. Buganda officials were used by the colonialists to colonise the Bunyoro kingdom, the north and the eastern parts of the country. In these areas, the

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<sup>187</sup> Decalo, S. (1976). *Coups and Army Rule in Africa: Studies in Military Style*, (p.177). New York: Yale University Press.

<sup>188</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.12) Uppsala: Nordiska Afrikainstitutet.

<sup>189</sup> Ibid, p.12

<sup>190</sup> Decalo, S. (1976). *Coups and Army Rule in Africa: Studies in Military Style*, (p.180). New York: Yale University Press.

Baganda were appointed as chiefs. The other colonised communities therefore came to express hatred for the Baganda, not the colonial power reigning over them.<sup>191</sup>

The colonial policies and methods used to rule the Buganda were such that the Baganda were left at a crossroad; whether to belong to the independent Ugandan state or to develop as a separate protectorate by themselves. A potential crisis for the independent nation was created in the process. The Baganda feeling the resentment from the other communities and with their special status to protect started to develop secessionist tendencies.<sup>192</sup>

By 1944, the colonial government had already started to experience difficulties containing the Kabaka and the Buganda in the Ugandan protectorate. In 1953, Kabaka Mutesa II was deported to England when he exceeded the limits of his authority.<sup>193</sup> The 1962 constitution reinforced this separationist identity among the Baganda by providing that the representatives in Buganda, unlike in the rest of the country will not be elected directly by the people.

The use of ethnicity to wrestle political power in Uganda is not limited only to the colonial state or even the Obote governments. For instance, it has been revealed that President Museveni's home county of Nyabushoshi has contributed 6,000 officers and men to UPDF, about 10% of the whole Ugandan army<sup>194</sup>. The county, it should be noted is smaller than a district as an administrative unit.

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<sup>191</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.12) Uppsala: Nordiska Afrikainstitutet.

<sup>192</sup> Kabwegyere, T.B. (1974). *The Politics of State Formation: The Nature and Effects of Colonialism in Uganda*, (p.161) Kampala: East African Literature Bureau..

<sup>193</sup> Ibid, p.161.

<sup>194</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.36) Uppsala: Nordiska Afrikainstitutet.

#### **4.4 Participation of the military in the administration of Uganda.**

The Ugandan military has twice interfered with the democratic order of the country since independence in successful coups; first in 1971 under General Amin and second in 1985 under the current president Yoweri Museveni. In addition, the military has severally been used to check dissenting opinion against the government of the day. While these activities of the military are of interest in the study of democratic transition in Uganda, the current study is going to focus on the participation of members of the UPDF as special interest members in the Ugandan parliament.

The active participation of the Ugandan army in parliamentary politics of the country is provided for in the 1995 constitution in article 78 (1) (c).

*“Parliament shall consist of such numbers of representatives of the army, youth workers, persons with disabilities and other groups as Parliament may determine...”<sup>195</sup>*

In February 2006, the 7<sup>th</sup> Parliament voted to maintain the provision for ten nominated members of the army in parliament. The justification for the provision is embedded in Uganda’s turbulent history. It has been argued that the reason why the army disrupted civilian rule in the past was because the army was not sufficiently politically educated to understand their role in a democracy.<sup>196</sup>

Questions have however arisen as to the legitimacy of such a representation of the army in parliament in a democracy. Baligidde, S, writing in *The Monitor* says that it is a contradiction

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<sup>195</sup> Republic of Uganda, (1995). *Article 78 of the 1995 constitution of the Republic of Uganda*, (p.61) Kampala: Author.

<sup>196</sup> N’Nyago O.D.K. (2006). *Uganda’s Soldier Politicians*, Retrieved July 25, 2013 from <http://www.opendemocracy.net/democracy-africa-democracy/Uganda-military-347>.

to talk of democracy in the army because military establishments and command structures are hierarchical and authoritarian in nature.<sup>197</sup>

Such representation of the army in parliament appears like a contradiction of the Constitution of Uganda Article 208 (2) which states that “*The Uganda Peoples’ Defence Forces shall be nonpartisan, national in character, patriotic, professional, disciplined, productive and subordinate to the civilian authority as established under this Constitution.*”<sup>198</sup> Of interest is whether the army representation in its current state can remain “non-partisan” yet “subordinate to (a) civilian authority”.

The contradiction this representative role of the army in the parliament of Uganda comes to the fore in the case of Brigadier Henry Tumukunde vs. The Attorney General and the Electoral Commission (Constitutional Appeal no.2 of 2006)<sup>199</sup> Brigadier Tumukunde was a senior officer in UPDF and a representative of the army in the parliament.

On or about 5<sup>th</sup> May 2005, he appeared in a talk show at Radio One 90.0 FM and made statements that were regarded as contrary to the Army Code of Conduct and as disparaging to the name and reputation of the UPDF. He was summoned at short notice to a meeting attended by UPDF High command and directed to resign from Parliament. That meeting was held on the 27<sup>th</sup> of May, 2005. On the following day, the 28<sup>th</sup> May, 2005, the appellant wrote to the Speaker of Parliament purportedly resigning his Parliamentary seat. The Brigadier was later arrested and placed under military detention.

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<sup>197</sup> Baligidde, S. (2013). *Can Military Professionalism and Democracy co-exist in Uganda?*, Retrieved July 24, 2013 from <http://www.monitor.co.ug/oped/commentary/Can-Military-Professionalism-and-Democracy>.

<sup>198</sup> Republic of Uganda, (1995). *Article 78 of the 1995 constitution of the Republic of Uganda*, (p.136) Kampala: Author.

<sup>199</sup> Siri G, Kasimbazi, E. and Kibandama (2008). *Elections in Court: The Judiciary and Uganda’s 2006 Election Process*. In Kiiza, Makara and Rakaer (Eds.) *Electoral Democracy in Uganda*, (p.61), Kampala: Fountain.

The case was later heard in the Ugandan courts in a constitutional petition where the brigadier argued that his human rights had been violated. The court ruled in favour of the defendants saying that *“even where there is a justifiable claim and constitutional rights are at stake, some questions are too political for the courts.”*<sup>200</sup> One must however note the decision of Justice Kanyeihamba sitting in the same bench. He said that it is impossible for the military representative to be an MP equal with others as required in article 79 of the 1995 constitution. At the same time, he observed that membership to the security forces severely restricts one’s ability to perform the duties of an MP. *“In my view, this unattainable dual role of the UPDF members of Parliament ought to be revisited again by this nation”*, he said.<sup>201</sup>

On close analysis, one notes a deliberate attempt by President Museveni to create a military dictatorship in Uganda through this representation of the army in the parliament. One must recognise the domination of the executive by retired service men and women. This includes the president himself. At the time of writing, President Museveni has appointed General Arunda Nyakairima as the Internal Affairs Minister against the provisions of the UPDF act that requires that one must resign from the military post before taking up partisan appointments.<sup>202</sup>

One must also recognize the use of the military intelligence unit to intimidate the judiciary from making unfavorable judicial decision. A case in point is the surrounding of the high

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<sup>200</sup> Quoted by Siri G, Kasimbazi, E. and Kibandama (2008). Elections in Court: The Judiciary and Uganda’s 2006 Election Process. In Kiiza, Makara and Rakaer (Eds.) *Electoral Democracy in Uganda*, (p.61), Kampala: Fountain.

<sup>201</sup> Quoted by Karaire, S. (2013). Uganda: Aronda Revives Debate on Army Role in Politics, Retrieved July 24, 2013 from <http://www.m.allafrica.com/stories/20130708009>.

<sup>202</sup> Karaire, S. (2013). Uganda: Aronda Revives Debate on Army Role in Politics, Retrieved July 24, 2013 from <http://www.m.allafrica.com/stories/20130708009>.

court building in 2006 as the court decided on the case involving the then presidential contender Kizza Besigye.<sup>203</sup>

#### **4.5 The contribution of external actors towards the slow democratic transition of Uganda.**

When Uganda became independent in October 1962, the country may not have known that it had entered into “a Darwinian country-eat-country world in which power is the key to national survival for the fittest.”<sup>204</sup> On the contrary, there is evidence that there were events that hindered democracy in Uganda that were initiated either by global occurrences or by global players. These factors will be discussed in this section.

##### **4.5.1 Events in the Congo in 1960's**

In July 1960, the anti-communism leader of Katanga province in Congo, Moise Tshombe, declared the secession of Katanga from Congo. Tshombe had the support of Belgian interests and over 6,000 troops.<sup>205</sup> Prime Minister Obote got sucked into the Congo crisis and ordered the Ugandan army to support the anti-Tshombe rebel group led by Gbenye.<sup>206</sup>

In 1966, Daudi Ochieng, a KY MP made allegations that Prime Minister Obote and the then Deputy Commander of the army Idi Amin had improperly obtained gold, ivory and money from Congolese rebels.<sup>207</sup> This motion was intended to push for the resignation of Obote and Amin and usher Uganda into a new political order.

This issue, combined with other local factors (like the increased push for secession by the Baganda) initiated the Prime Minister's response which led to the 1966 crisis. Sensing a threat to his hold on power, the Prime Minister suspended the 1962 constitution and declared

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<sup>203</sup> Kabagambe, J. (2006). *The Democratization Process in Uganda: Obstacles and Possibilities*, (p.54) Magisteruppsats: Sodertons University College.

<sup>204</sup> Rourke J.T. (1993) *International Politics on the world stage*, (4<sup>th</sup> ed., p.208) Connecticut: The Dushkin Publishing Group.

<sup>205</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.16) Uppsala: Nordiska Afrikainstitutet.

<sup>206</sup> Mujaju, A.B. (1987). The Gold Allegations in Uganda. In *The African Affairs Journal*, 87,484.

<sup>207</sup> Mutibwa, P. (1992) *Uganda since Independence: A story of unfulfilled Hopes*, (p.54). Kampala: Fountain.

himself president.<sup>208</sup> He also imprisoned five ministers in his cabinet including the Secretary General of UPC, Mr. Grace Ibingira. He proceeded to woo opposition politicians to cross the floor and this led to Uganda being declared a single party state in 1970. In this manner, the democratic process in Uganda was greatly hampered.<sup>209</sup>

#### 4.5.2 International Politics during the Cold-war period.

An enquiry at the ideological orientation of Prime Minister Obote's ideological orientation during his reign as Prime Minister (1962-1966) and as President (1966-1971) reveals that he developed strong anti-western tendencies quite early into his rule. In 1965 during the Commonwealth Meeting in London, Obote's anti-British stance regarding Rhodesia and South Africa gained the attention of international observers.<sup>210</sup>

In 1968, the Prime Minister through the committee on Africanization of Commerce and Industry introduced work permits that would restrict the role of Indians in economic and professional activities. The issue must have irritated the British government because most of the Indians held British passports.<sup>211</sup>

Another thing that upset British interests in Uganda is the publication of *The Common Man's Charter* and the *National Service Proposals*. *The Common Man's Charter* was a policy document that aimed at directing Uganda towards socialist ideals. The *National Service Proposals* and the May Day 1970 *Nakivumbo Pronouncements* were meant to implement the 'move to the left' strategy. Following these proposals, more than 60 private companies were nationalised. Most of the companies were British.<sup>212</sup>

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<sup>208</sup> Mutibwa, P. (1992) *Uganda since Independence: A story of unfulfilled Hopes*, (p.68). Kampala: Fountain.

<sup>209</sup> Museveni, Y. K. (2007) *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.38) Nairobi: Moran Publishers.

<sup>210</sup> Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.20) Uppsala: Nordiska Afrikainstitutet.

<sup>211</sup> Mutibwa, P. (1992) *Uganda since Independence: A story of unfulfilled Hopes*, (p.68). Kampala: Fountain.

<sup>212</sup> Mutibwa, P. (1992) *Uganda since Independence: A story of unfulfilled Hopes*, (pp.68-71). Kampala: Fountain.

Obote's government also got entangled in the conflict between Sudan and the then Anya-nya rebels who were fighting for the secession of South Sudan. The rebels were enjoying the support of Israel as they fought against an Arab dominated Sudanese government. Obote withdrew his support from the rebels as the rebels were said to be supportive of his chief of staff, Idi Amin. By then serious differences had developed between the two. By withdrawing the support of the Ugandan government from the Anya-nya rebels, Obote in turn irked the Israeli and by extension the Americans.<sup>213</sup>

Further discord with the west ensued in 1970 when Obote arrested a German mercenary called Steiner who was assisting the Anya-nya rebels and handed him over to the regime in Khartoum for trial.<sup>214</sup>

These events led to the overthrow of Obote's government by General Idi Amin on January 25<sup>th</sup> 1971. This event was a major setback to the democratisation process in Uganda. By 1979 when Amin was toppled by Ugandan rebels aided by Tanzanian troops, more than 300,000 to 500,000 Ugandans had been killed in Amin's reign of terror.<sup>215</sup>

#### **4.5.3 Structural Adjustment Programs (SAPs)**

After the end of the cold war in 1989, western donors and international financial institutions (IFIs) including the World Bank and International Monetary Fund (IMF) started to peg aid given to developing nations on the condition that the recipient nation reduces its public wage bill through retrenchments. The World Bank lauded Uganda for having retired more than 50,000 soldiers between 1992 and 1995.

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<sup>213</sup> Ibid pp.74-76

<sup>214</sup> Ibid pp.73-74

<sup>215</sup> Museveni, Y. K. (2007) *Sowing the mustard seed: The struggle for freedom and democracy in Uganda*, (p.43) Nairobi: Moran Publishers.



However, as Ugandan army got engaged in the conflict in the eastern DRC, President Museveni asked the retired soldiers from the west of the country to rejoin the force. This was taken as a policy to favour the military personnel from Museveni's locality. This action could have hampered democracy by entrenching ethnicity further in the army and by creating resent from other ethnic groups in Uganda.<sup>216</sup>

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<sup>216</sup>Okuku, J. (2002). Ethnicity, State Power and the Democratisation Process in Uganda, *Discussion Paper 17* (p.20) Uppsala: Nordiska Afrikainstitutet.

## **CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS.**

### **5.1 Summary of the study.**

This study has focused on the democratic process in Uganda since independence. The study has taken the research design of a case study. This research design was chosen because it lends itself well to a study in which careful and complete observation of an individual or situation or an institution is needed. It allows for a study of each and every aspect of the concerned unit in minute details and then from case data, generalizations and conclusions are drawn.

The unit of study was the republic of Uganda. An in-depth inquiry was done into the current status of democracy in Uganda. To do this, a study involving 305 Ugandan respondent of voting age was conducted. Their views on various issues of relevance to democracy were determined.

After determining the current state of democracy in Uganda, an inquiry into the factors that contribute to the democratization of Uganda was conducted. In this study, respondents' views on various issues of relevance to democracy were captured using a detailed questionnaire. The findings of this study are also informed by the input of a panel of interviewees who were purposively sampled to capture a wide explanation of the democratic process in Uganda since independence.

The study is presented in five chapters. In Chapter 1, basic concepts regarding democracy and democratic transitions, including definitions were discussed. Other concepts discussed in the chapter include the objectives of the study, the hypotheses, literature review, theoretical framework, research methodology and the scope of the study.

In chapter 2, the independence of various institutions necessary for the consolidation of democracy in Uganda was examined. The institutions studied in this chapter include the

constitution, the legislature, the judiciary, political parties, the media and the civil society. The chapter also looked at the future trends of democracy in Uganda.

In chapter 3, the findings of a survey of the perceptions of Ugandans regarding various elements of democracy were presented. The issues under inquiry include freedom of the press, independence of the judiciary, credibility of elections and the participation of women in governance. Majority of the respondents said that democracy in Uganda is far from being described as 'consolidated'. In a scale of 0-5 where 5 would represent full democratic consolidation, the issues under study were rated from 2.67 to 3.06. The best rated issue is the participation of women in governance in Uganda. The average score for the four elements of democracy studied was found to be 2.85, a score which in the context of this study places Uganda in the category of Partial Democracies that are making slow transition towards consolidation. This information is presented in a bar graph elsewhere in this study.

Chapter 4 discusses both the societal and international factors that have contributed to the slow democratization of Uganda. This chapter is based on the findings of the data collected through questionnaires, interviews and from Secondary sources including books, journals and databases. Local factors that were identified as having contributed to the slow democratization of Uganda include ethnicity, the legacy of colonialism, the structural construction of the colonial state, and the participation of the military in the day-to-day running of the state. External factors that were identified include the events of the Congo in the 1960s, international politics during the cold war, and the structural adjustment programs (SAPs).

Chapter 5 provides a summary of the study, a summary of the research findings, a conclusion and suitable recommendations.

## **5.2 Summary of the research findings**

The study sought to determine the nature and state of democracy in Uganda, to investigate the societal factors that render democratic transition in Uganda slow and to examine the contribution of international actors towards the slow democratic transition of Uganda.

All the three specific objectives have been achieved. To determine the nature and state of democracy in Uganda, an inquiry was conducted regarding the views of Ugandans towards four elements of democracy in Uganda. The four elements of democracy studied include: Independence of the judiciary, credibility of the elections in Uganda, participation of women in governance and the freedom of press in Uganda.

The main instrument used to obtain this information is a Likert type questionnaire. Likert type scales are said to be suitable for measuring the respondents' attitudes towards a given topic. The scale therefore allows the interviewer to recognize how responses differ between different people and different stimuli. The method of analysis entailed the weighted mean of the various respondents on an issue such that the study would come up with a score of the respondents in an issue, based on a 5-point scale.

On the independence of the judiciary, the respondents judged the judiciary in Uganda as being quite independent. In a 5-point scale where 5 would represent "full independence" and 1 would represent "total compromise", the judiciary was rated at 3, indicating a commendable level of independence. Our inquiries showed that such a judgment would be attributable to the various decisions that the courts in Uganda have made contrary to the wishes of the executive.

The credibility of elections in Uganda was found to be wanting, scoring 2.67 in a 5-point scale where 5 would represent "very credible" and 1 would represent "not credible at all". Various issues may be thought to raise doubts regarding the credibility of elections in Uganda. The interview panel raised questions about the independence of the Electoral Commission of

Uganda. They also pointed to the existence of state-sponsored violence against opposition parties and candidates every time Uganda goes to elections.

The freedom of the press in Uganda was also rated poorly, scoring 2.68 in a scale of 1-5 where 5 would represent “very independent” and 1 would represent “not independent at all”. This score may have been informed by several factors as discussed elsewhere in the study.

First, an analysis of the ownership of the various media houses in Uganda shows that multiplicity of content does not always guarantee independence of the press. Our study indicates that the owners of numerous media outlets in Uganda are also senior government officials and may not be expected to criticize the government without losing their licenses.

Secondly, independent journalists in Uganda have been targeted for intimidation, seizure, compromise and harassment. In the view of the researcher, the low score on the independence of the press in Uganda may be informed by an attack on the premises of *The Monitor* Publications in Uganda, just a few days before the study was conducted.

Participation of women in governance was rated quite highly at 3.06 in a 1-5 scale where 5 represented “very good participation” and 1 represented “no participation at all”. The representation of women in Uganda’s parliament has been quite impressive compared to the rest of East Africa. A further study may need to be conducted to find out whether the women representatives in various levels of government do exercise sufficient independence to guarantee the practice of democracy.

An average score of the four ratings was found to be 2.853. Interpreted alongside a 5-point scale of democracy where 1 would represent “autocracy” and 5 would represent “consolidated democracy”, Uganda was found to be a “partial democracy with minimum transition towards consolidation”.

The societal factors that were found to have contributed towards slow democratization in Uganda were identified as: The colonial legacy of divide-and-rule, ethnicity and participation of the military in governance.

Ethnicity in this study is conceptualized as a sense of ethnic identity consisting of the subjective, symbolic or emblematic use by a group of people of any aspect of culture in order to create internal cohesion and differentiate themselves from other groups. Ethnicity is not a permanent phenomenon, but a construction. As such, it can be deconstructed. Ethnicity may excite emotive feelings among a group of people which may hinder the sense of tolerance with other ethnic groups. Such intolerance may not be compatible with democratic ideals.

This study traces such negative ethnicity in Uganda to the early days of colonial rule when the British favoured the Baganda over the other ethnic groups. Baganda chiefs and administrators were placed over other ethnic groups to effect the indirect rule of the British in Uganda. The lopsided policy of recruitment of personnel to the army and the police heavily favoured the ethnicities of the North, creating what is commonly known in Uganda as the “North-South divide.”

The study also identifies ethnic mobilization for political dominance in post-independence governments in Uganda, and identifies ethnicity as the key factor that contributed to tragic state collapse in Uganda between 1979 and 1986. The current NRM government has also been accused of using state positions to reward certain ethnic groups, to the perceived exclusion of others.

The structural construction of the colonial state was also identified as one of the factors hindering democratization in Uganda. This construction was found to have penetrated the social fabric of Uganda in a much deeper way than ethnic mobilization alone. The construction refers to the policy of recruiting the largest portion of the army and police from

the Northerners who were largely Nilotes. The policy was justified by the fact that their physical build was athletic and their staple diet of millet was thought good to create a masculine frame, suitable for roles in the military. The southerners who were largely Bantus were considered suitable for roles in the civil service.

The policy may have served the colonialist well but it became lethal for Uganda a few years after independence as the political class sought to use the military and the civil service to wrestle power from competitors.

This study has also inquired into the representation of the military in parliament as it is currently the case in Uganda. When the practice was placed in the 1995 constitution, it was argued that such representation would contribute to the “political education” of the military, so that military personnel would not be easily excitable into ousting civilian governments. On the contrary, it was found out that such representation has not added value to the advancement of democracy in Uganda. The study finds that relationships in militaries are necessarily dictatorial in nature. When the commander in chief appoints a representative of the army in parliament, such a representative cannot be expected to play a non-partisan role. Consequently the participation of the army is a contravention of the 1995 constitution and is against the best interests of democracy.

The finding of this study is that such representation may be a ‘gift’ by the executive to the military so that the military will protect the current government from the genuine competition from opposition parties. This view is supported by the frequent use of military personnel to torture the opposition and to intimidate the civil society groups that may hold dissenting views to the ruling party.

In a different section of the study, external factors that have contributed to the slow democratization of Uganda since independence were considered. The factors identified were:

Events in the Congo in the 1960s, international politics during the cold-war period, and structural adjustment programs (SAPs).

Owing to the instability in the Congo in the 1960s, the then Prime Minister, Obote, sent troops into Congo. Later, the Prime Minister and his army General Idi Amin were accused of involvement in mining gold illegally from Congo. Before the allegations could be investigated, the Prime Minister suspended the independence constitution and detained his detractors. This event was to have serious implications to the democratic prospects of Uganda in later years.

This study has also looked into the effect of cold war politics over Uganda. It was found that by failing to support the Anya-nya movement in the Sudan, President Obote may have got himself into a collision course with western powers. The down fall of the President to the hands of dictator Amin should be seen in that perspective. The military coup of 1971 led by Idi Amin was to have serious retarding consequences to the growth of democracy in Uganda.

The study has also looked at the implications of the Structural Adjustment Programs (SAPs) that were implemented in various African states in late 1990s on the insistence of development partners and International Finance Institutions (IFIs). While we found that Uganda was lauded for having demobilized some of its military forces in this program, it was also found that the exercise was also used to reduce the influence of certain ethnic groups in the military. It was later found that personnel from favored ethnicities were later recalled into practice, thus contributing to the dissent of some ethnic groups. This leads to a degeneration of the democratic culture that the SAPs should have contributed to.



### **5.3 Conclusion.**

The democratization process of Uganda since the NRM took over power in 1986 is quite admirable for an African state. However, recent developments have pointed to a state that is steadily ignoring democratic ideals. Such developments include the removal of presidential term limits from the constitution as well as the harassment of the opposition and the civil society. Such practices should be of interest to international observers considering that the stability of Uganda is important for the stability of the great lakes region.

The findings of the study do support some of the hypotheses of the study. For example, it was found that the participation of the military in active governance of Uganda has contributed to the slow democratization of the country. Equally, it was found that the actions and influences of certain international actors have contributed to the slow democratization of Uganda.

However, the study did not get sufficient information to support the hypothesis that the history of civil strife in Uganda contributes to the slow growth of democracy in Uganda.

### **5.4 Recommendations.**

To enhance the full democratization of Uganda, three recommendations are made:

First, it is important that the military stops being involved in the day to day running of the state. In the view of this study, the military representatives in parliament cannot be independent at all. Relationships in militaries are necessarily dictatorial in nature. When the commander in chief appoints a representative of the army in parliament, such a representative cannot be expected to play a non-partisan role. Consequently the participation of the army is a contravention of the 1995 constitution and is against the best interests of democracy. In addition, civilians ought not to be tried in military court martial and the military should desist from being used to harass critical civil society, media and the opposition.

Secondly, there is need to inculcate a culture of tolerance both within the NRM and the Ugandan society in general. Related to this, there is need to enhance ethnic inclusiveness in the provision of opportunities in the government and in public service at large. It is particularly important to ensure that the conflict in Northern Uganda is amicably resolved so that the region will not be construed as being neglected by the government.

The NRM government has been accused of favoring some ethnic groups in the recruitment into the police and the army. Such practices will only hinder the proper transition of democracy in Uganda. The government should avoid the mistakes of past regimes in this regard.

Lastly, noting that foreign influences have in the past contributed to the deterioration of democratic ideals in Uganda, Uganda needs to develop a proactive and robust foreign policy so that the country will withstand the unpredictable nature of international politics while still preserving its democratic institutions and cultures.

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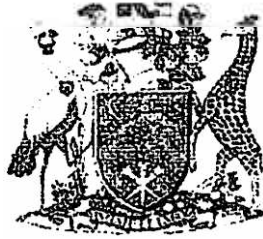
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**APPENDICES**

**APPENDIX 1: Introduction Letter**



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09/09/2013

**TO WHOM IT MAY CONCERN**

**RE: SAMUEL KAGECAH NDUNGU – R50/69022/2011**

This is to confirm that the above named person is a bona fide student of this Institute pursuing the **Master of Arts in International Studies**. He is carrying out his research project as part of the requirements for the aforementioned degree programme prior to graduating in December 2013.

His research topic is **Democratic Transitions in East Africa: Case Study of Uganda**.

Any assistance given to him will be highly appreciated.

Yours Sincerely,

  
**K. K. MBALI**  
**FOR: DIRECTOR**  
**IDIS**





**APPENDIX 2: QUESTIONNAIRE.**

**Introduction**

The following questionnaire is intended to assist me, Samuel Kagecah, of the Institute of Diplomacy and International Studies, University of Nairobi, Kenya in my graduate studies project. The topic of my research is *“Democratic transitions in East Africa: A Case study of Uganda.”*

You are kindly requested to provide answers to these questions as honestly as possible. Responses will be treated with full confidentiality. The information given is purely for academic purposes.

**Section A: Background Information**

1. Gender: (a) Male  (b) Female

2. Your age in years.

18 – 25.

25 – 35

35 – 45

Above 45.

3. Home district: .....

**Section B: Determining the level of democratization in Uganda**

Indicate how you rate the following aspects of democracy in Uganda using the scale given.

1 = strongly disagree 2 = Disagree 3 = Neutral 4 = Agree 5 = strongly agree

|    | <b>Statement- The independence of the Ugandan judiciary.</b>   | 1 | 2 | 3 | 4 | 5 |
|----|--|---|---|---|---|---|
| 1  | The judiciary in Uganda is an independent institution whose decisions are clearly never influenced by the executive  |   |   |   |   |   |
| 2  | The determination of the presidential and the parliamentary petitions in Uganda over the last 20 years has always been done within acceptable time limits.       |   |   |   |   |   |
| 3. | The choice of judges and magistrates to serve in Ugandan courts is always based on merit.  |   |   |   |   |   |
| 4. | The contribution of the judiciary in the growth of democracy in Uganda has been very effective.  |   |   |   |   |   |
| 5  | The supreme court of Uganda has twice decided in favour of President Museveni in past presidential elections. The two decisions were competent and based on law. |   |   |   |   |   |

|   | <b>Statement - Credibility of parliamentary and presidential elections carried out in Uganda</b>               | 1 | 2 | 3 | 4 | 5 |
|---|--|---|---|---|---|---|
| 1 | The Electoral Commission of Uganda has been transparent and responsible in the conduct of elections in Uganda. |   |   |   |   |   |
| 2 | Elections in Uganda are always free of voter bribery.  |   |   |   |   |   |
| 3 | The electoral Commission always ensures that all people of   |   |   |   |   |   |

|   |   |  |  |  |  |  |
|---|---|--|--|--|--|--|
|   | voting age are free to participate in the electoral process without any hindrance.  |  |  |  |  |  |
| 4 | There is adequate security in all parts of the country as the elections are being conducted. Voters do not fail to vote as a result of violence and insecurity. |  |  |  |  |  |
| 5 | Both presidential and parliamentary elections are always free of rigging.   |  |  |  |  |  |

| <b>Statement- Freedom of press in Uganda.</b> |   | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| 1   | The media in Uganda is free to question and comment on all aspects of governance in the country.  |   |   |   |   |   |
| 2   | There has not occurred a politically instigated raid on any of the media outlets in Uganda in the last ten years.   |   |   |   |   |   |
| 3   | I am not aware of any journalist or media practitioner who has been imprisoned, tortured/killed while conducting professional duty in Uganda in the last ten years. |   |   |   |   |   |
| 4   | Media ownership in Uganda is free from any influence by any of the political parties or political actors.   |   |   |   |   |   |
| 5   | There have not been administrative obstacles to media operations, including excessive legislation, licensing and accreditation requirements in Uganda.              |   |   |   |   |   |

| <b>Statement- Participation of women in the governance of Uganda.</b> |  | 1 | 2 | 3 | 4 | 5 |
|---|--|---|---|---|---|---|
| 1   | Women representation in the parliament and other positions of influence in the government in Uganda is adequate. |   |   |   |   |   |

|   |   |  |  |  |  |  |
|---|---|--|--|--|--|--|
| 2 | The electoral system has been accommodating and has facilitated the participation of women in the democratic process in Uganda.                         |  |  |  |  |  |
| 3 | There exists a conducive political, legal, economic and cultural environment to facilitate the participation of women in the democratic process.        |  |  |  |  |  |
| 4 | Women are well incorporated in the ownership of resources and are therefore capable of participating competitively in the democratic process in Uganda. |  |  |  |  |  |
| 5 | The law has granted women with sufficient affirmative action so that they can participate fully in the democratic process.                              |  |  |  |  |  |

**Section C: Local Factors that influence the democratic transition in Uganda.**

To what extent does ethnicity hinder the growth of a democratic culture in Uganda?

(Tick appropriately)

a) To a great extent.

b) Minimal hindrance.

c) Does not hinder at all.

i) What is the importance of political parties in the democratization process?

.....

.....

.....

.....

.....

|   |   |  |  |  |  |  |
|---|---|--|--|--|--|--|
| 2 | The electoral system has been accommodating and has facilitated the participation of women in the democratic process in Uganda.                         |  |  |  |  |  |
| 3 | There exists a conducive political, legal, economic and cultural environment to facilitate the participation of women in the democratic process.        |  |  |  |  |  |
| 4 | Women are well incorporated in the ownership of resources and are therefore capable of participating competitively in the democratic process in Uganda. |  |  |  |  |  |
| 5 | The law has granted women with sufficient affirmative action so that they can participate fully in the democratic process.                              |  |  |  |  |  |

**Section C: Local Factors that influence the democratic transition in Uganda.**

To what extent does ethnicity hinder the growth of a democratic culture in Uganda?

(Tick appropriately)

a) To a great extent.

b) Minimal hindrance.

c) Does not hinder at all.

i) What is the importance of political parties in the democratization process?

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ii) How do you rate political parties in Uganda as custodians of democracy? (Tick one appropriately)

a) Very effective.

b) Moderately effective.

c) Not effective at all.

i) Does the civil society contribute to the democratization process in Uganda? (Tick one appropriately)

a) Yes

b) No

ii) If your answer is Yes in 3.i) above, explain the contribution of civil society towards the democratic process in Uganda.

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iii) How would you rate the effectiveness of the civil society in Uganda in its contribution towards the democratization process?

a) Very effective.

b) Moderately effective.

c) Not effective at all.

i) How much does the army participate in governance in Uganda?

a) Visibly active.

b) Minimal participation.

c.) Participation is not visible in the day-to-day running of government.

ii) Does such participation have any impact on the state of democracy in Uganda?

Explain.

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**Section D: International Factors that influence democratic transition in Uganda.**

How does the legacy of colonialism affect the democratization process of Uganda?

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Do you think that international financial institutions like the World Bank and IMF, together with donor countries have any influence on the democratic process in Uganda? Give details.

Are there other international factors that have impact in the democratization process in Uganda? Give details.

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*Thank you for your participation.*

### **APPENDIX 3: INTERVIEW QUESTIONS**

The following questionnaire is intended to assist me, Samuel Kagecah, of the Institute of Diplomacy and International Studies, University of Nairobi, Kenya in my graduate studies project. The topic of my research is "*Democratic transitions in East Africa: A Case study of Uganda.*" Responses will be treated with full confidentiality. The information given is purely for academic purposes.

1. A study of democratic transitions classifies countries into autocracies, partly free but may slide to authoritarianism, partly free but steadily improving or consolidated democracies. Based on this classification, how would you rate democracy in Uganda? What reasons do you forward to support your judgment in (1) above?
2. What local factors have contributed to the current state of democracy in Uganda? For instance how has the history of civil strife contributed to democracy (or lack of it) in Uganda?
3. Are there some external factors that have contributed to the democratization process in Uganda? Name some of them.
4. How have the factors raised in (3) above contributed to the democratic process in Uganda?