

Uganda on the Eve of 50: The Legitimacy Challenge

Aid, autocrats, plunder and an independence-era jinx

Badru Dean Mulumba

On the eve of turning 50 after independence, Uganda still faces the legitimacy challenge that dogged many African countries at independence, as ruling parties used state institutions to buy elections and the opposition, or to outlaw or jail competitors. Voter apathy in Uganda is growing, as elections become a façade which hides rural poverty. The country's international aid partners were complicit in planting autocracy. Neither existing civil society nor the opposition will by themselves initiate change; but they might help to pull the country from the brink if they act in concert with external actors and progressives within the ruling party. The path to credible democratic reform runs through massive aid cuts pending reform of electoral and public finance laws that, through classified budgets, allow a president to personalise the country's finances. However, that window is fast closing as the country starts to pump oil, making donors irrelevant.

Introduction: The big swindle – how Uganda conned democracy

At independence, the central challenge for Africa was sustaining state legitimacy amidst autocratic rule. Elections, when they occurred, rarely conferred legitimacy. Africa's leaders, enthralled by power, made their primary objective the manipulation of state institutions to silence opponents. The leaders treated country's armies as their own private militia; they personalised

state media – often the only media available – and thus owned the national narrative; they expropriated the treasury, which is why their faces were imprinted on national currencies. They bought what they could; they stole what they could not. Pandemonium, a direct consequence of the ensuing absolute power, gatecrashed the party, forcing countries to reluctantly implement some form of liberal democracy – because absolute power, though sweet, had proved a threat to long-term political careers, as it ushered in

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violent coups. Later, the democratic wave across Eastern Europe and the demise of communism robbed Africa's autocrats of the crucial advantage of playing off one super-power against another.

Uganda, independent from Britain on 9 October, 1962, learnt this lesson. Fifty years on, state legitimacy remains a central problem for the country. The country's rulers, just like the independence rulers before them, are enamoured of power. Uganda spent two decades justifying a 1986 ban on political parties, using the spurious argument that parties, not the politicians manipulating them, were the bane of Africa. Uganda's leaders said parties were for industrial societies. The international aid partners played along and pretended that what Uganda christened a 'no-party' political system differed from a single-party system.

That phase under a 'no-party' system, the biggest confidence trick in Uganda's post-independence history, gave politicians cover as they laid the foundation that is circumventing democracy years later. For example, the government dismantled farmer cooperative societies, selling off to cronies assets built over decades. Consequently, influential grass-roots farmer organisations are now absent from this agricultural country. The government called cooperative societies an unnecessary intermediary which denied farmers higher earnings. However, cooperative societies offered market security, transport and farm implements and owned a national bank that offered agricultural loans. In fact, the failure of earnings to keep pace with the rising cost of living targeted the rural populace. An impoverished population is too willing to sell its ballot. A government not bound by effective checks has no qualms about dipping its hand in the state treasury to buy that vote. The Ugandan state today exists to serve the rulers. The legitimacy challenge has come full circle.

At the turn of the 1980s, Uganda's leaders gave competitive politics preference over peace and stability.¹ Tanzanian troops in April 1979 overthrew the bloodthirsty dictatorship of Idi Amin, who had ruled from January 1971 and later died in exile in Saudi Arabia in 2003. Yet the competitive politics that followed Amin's ousting did not bring peace and stability. Apolo Milton Obote, Uganda's charismatic independence leader,² ruling a second time from 1981 to 1985, failed to control the military. The army consequently maimed and murdered at will.³ The country spent from 1981 to 1986 trying to recover from Amin's economic mess,⁴ while fighting rebellions.

The use of state structures by the Uganda People's Congress of Obote to rig the 1980 election gave rebels the excuse to resort to violence. Only one rebel group, led by Yoweri Kaguta Museveni, had a coherent ideology: to dismantle a lopsided socio-economic and political structure bequeathed to the country by colonial leaders.⁵ (That structure had stratified ethnic groups into labourers, white-collar staff or the military. For instance, the Bantu-speaking Buganda were elevated above other tribes: the independence government was subservient to Buganda's local government. The colonial masters had also made military power a preserve of the Luo.⁶)

According to Colin Legum, a pre-eminent journalist of that era, between 1983 and 1984 government forces had beaten Museveni's rebels to the periphery. In-fighting within the army led to the ousting of Obote (a Luo of Langi origin) by Acholi military officers and his subsequent exile to Zambia. The military junta invited rebels to talks in Nairobi, while also allowing them into the country's capital.⁷ Instead, the rebels used the ruse of peace talks to rearm and recruit for the final assault. In addition, the new Bantu-dominated army subjected the Acholi to terror, at one point locking people up in railway wagons and torching them.⁸

The Bantu-speaking rebels took power in January 1986, putting peace and stability ahead of competitive politics. They suspended political parties.⁹ They gave a sprinkling of hand-picked opposition figures government posts. Uganda called this a 'no-party democracy'. Donors, disingenuously praising this as a novel system of democracy, ignored the widespread yearning of the populace for freedom.

Yet this approach did not confer legitimacy to government. For, despite peace returning to the south, as opposition parties with bases in the centre and south-based rebel factions joined government, successive civil wars broke out in the hitherto peaceful north. During the first 10 years of Museveni's reign, the north was as chaotic as the centre had been in the early 1980s, if not more so. Just as in the early 1980s, when the Bantu-speakers were angry the Luo were disenfranchised. The north had been the power base for Milton Obote. Besides, the overthrown military forces felt cheated.

In addition, the ban on political parties for two decades from 1986 had far-reaching effects. One was that the country missed the planting of democratic seeds at a critical stage. The 1986 government (just like that of 1962, headed by a prime minister in his thirties) had effervescent

leaders, many in their twenties and thirties, brimming with ideas.¹⁰ Yet the new leaders invested that intelligence in machinations to keep parties out of power, rather than to lay the foundation for a functioning liberal democracy. By 2005, when political parties were freed and rules for liberal politics laid down, power had corrupted the now ex-idealists; they were now less inclined to enact rules for posterity than plan to retain power themselves.¹¹

Driving democracy from outside

In contrast to Kenya in 1992, for instance, internal pressures played little part in Uganda's return to multiparty politics. That foreign, rather than internal, pressure drove these democratic reforms was a consequence of both the shackling of parties for two decades and the mutilation of grass-roots independent economic empowerment grouping. The bloody 2001 election exposed Uganda's duplicitous regime. Donors, to save face, asked Museveni to retire. US Secretary of State Colin Powell, making that call during a visit to Uganda in May 2001, was the most forceful and among the first to do so.¹² However, donor calls were half-hearted, if effective. Unlike the donors who pulled the plug on foreign assistance in Kenya in 1991,¹³ these donors hesitated to walk that talk. They threatened to cut aid every year; every year the threat did not materialise.

This was not surprising, because the donors, who had incessantly sung the praises of Museveni, lacked the moral high ground from which to thrust for change. They had been, for various reasons, complicit in the institutionalisation of the autocratic tendency. Firstly, in the early years, most donors had an economic stake in giving a positive spin on Uganda. After he took power, Museveni's administration attempted to implement socialist policies. For instance, Uganda adopted barter trade as a major economic policy with countries such as Cuba and Tanzania (one attempt to exchange maize for electricity transformers from Tanzania failed after Tanzania was swamped with food aid from the US). The economic crisis deepened, forcing Uganda to fully embrace the neo-liberal agenda of the International Monetary Fund (IMF). Aid started flowing, and Uganda was soon held up as the poster country for neo-liberalism. Under IMF tutelage, Uganda for instance sold off state enterprises, floated the exchange rate, and lifted constraints on business, leading to impressive growth. Museveni's praise singers ignored the fact that, first, growth had started in 1982, before Museveni; second, coming from a low economic

base it was always going to be easy for Uganda to register impressive growth.¹⁴

Secondly, the Museveni administration was aid driven. Donors financed more than half the country's budget.¹⁵ By the time of the Highly Indebted Poor Countries Initiative (HIPC), 80 per cent of Uganda's US\$4, 4 billion debt had been accumulated by this administration alone. The HIPC for Uganda was hurried, apparently to prevent bankruptcy and exposure of the spin upon which Uganda's stellar growth narrative hinged.

Thirdly, the Ugandan leader had long mastered the geopolitical game, often making himself indispensable to donors. Once asked, soon after he ascended power, whether he was pro-West or pro-East, the astute Museveni, perhaps for fear of making enemies with either political bloc, had replied he was pro-himself. That realism has at once defined and undergirded Museveni's longevity in power. A keen sense of shifting global fortunes has allowed Museveni to manipulate major powers and donor naivety, with eventual success. As soon as his communist puppet masters in the Eastern Bloc started to fester and crumble at the turn of the 1990s, a hitherto communist-leaning Museveni overnight transformed himself into a puppet for the liberal economic agenda. Uganda also played the pawn in the Anglo-French proxy struggle for strategic influence in Central Africa, from Rwanda to the Democratic Republic of Congo. Uganda backed the globally popular Sudan People's Liberation Army/Movement (SPLA/M) rebellion against the extremist regime in Khartoum, propelling Uganda to strategic frontline status in the Afro-Arab borderlands conflict.

In fact, some regarded Museveni as the US agent in the region.¹⁶ When the Bush administration moved to break with the Clinton administration's warped politics of appeasement towards Africa's autocracies, especially Uganda, the 9/11 terrorist attacks again handed Museveni the manipulative edge. Uganda was probably the first on the continent to back the US invasion of Iraq, forcing the Bush administration to back down on demands that Museveni retire. Yet, with George Bush in his lame-duck session and the Iraq war so unpopular that it was clear Republicans were losing the White House, a wily Museveni pushed Bush under the bus, denouncing the US president for reportedly misleading him into supporting the Iraq war. Gradually, lack of inside pressure coupled with half-hearted external pressure gave Uganda the opening to enact rules of the game that have ensured this administration has continued to stay in power.

The fact that, for instance, donors funded Uganda's electoral commission without pushing for liberal electoral law reforms enabled Uganda to enact electoral laws that furthered autocracy. In the 2011 election, the campaign period was limited to less than three months, leaving opponents less time to traverse the country. Under this circus of a democracy, the electoral commission determines not only the timetable but also the locality where a presidential candidate campaigns on any given date. Museveni appoints the electoral commissioners. Ruling party officials remind critics that judges are independent – yet the president appoints them.¹⁷ True, the judiciary has shown sparks of independence, despite its glossing over of Museveni's 2001 massive electoral theft. However, unlike the electoral commission, would-be judges go through a Judicial Service Commission investigation before the president appoints them; they also have job tenure.

Under such a limited playing field and refereeing, Uganda's 2011 elections took place.

The 2011 election

Uganda has held five post-independence national elections, in 1980, 1996, 2001, 2006, and 2011. In 1996, facing political uncertainty after he organised a presidential election, Museveni chilled the country when, draped in full military attire on national television on the eve of voting, he said that if he lost he was not going to hand over 'my army' to criminals, as he referred to the opposition. Despite that, 72,6 per cent of registered voters cast ballots in a poll that a deputy electoral boss, years later, confessed was rigged for Museveni at tallying centres.

In 2001, government unleashed a reign of terror unprecedented during a Uganda election.¹⁸ The military drove trucks through political rallies of presidential opponents, killing people. Stick-wielding goons broke up opposition rallies. Opposition candidates were abducted and brutalised to induce them to support Museveni. In spite of the violence, some 70,31 per cent of registered voters turned out. The election was so chaotic and openly rigged that even the Supreme Court – led by Justice Benjamin Odoki, head of a Constitutional Review Commission in the early 1990s and a Museveni lackey who massaged the constitutional ban on political parties – judged the victory substantially rigged. The court, of course, turned its judgment on its head when it added that the extent of the rigging was insufficient

to overturn the result, despite a constitutional requirement that says the elections must be free and fair.

Uganda's 2006 election, held months after lifting a ban on parties, saw opposition leader Kizza Besigye incarcerated on trumped-up charges and marked the lowest moment for the judiciary in the country's independence history. The military laid siege on the court to re-arrest Besigye, defying a court bail order. Still, some 69 per cent of registered voters turned out to cast ballots.

A decade later, this year's presidential polls on 18 February were easily the most peaceful post-independence polls. Yet, in 2011, despite a return of peace to former Lord's Resistance Army infested regions, the turnout fell drastically to 59 per cent. The people voted with their feet and walked away from the polling centres.¹⁹ It was with good reason, too. The election, held under rules meant to further autocracy, was always going to be anything but free and fair. While, unlike in the past, harassment of opposition presidential candidates was limited, opposition figures contesting lower political positions were often harassed.²⁰ Government ignored calls to name an independent National Electoral Commission. Uganda also failed to put in place an electronic voter register²¹ to dramatically eliminate rigging and reduce ballot box stuffing.²² Most importantly, Uganda's effete administration took the level of vote buying and bribery to an unprecedented high.²³

- First, the President, his staff and some family members, used state facilities, such as planes, choppers and vehicles on campaign trails. In effect, the state bankrolled Museveni's campaign.²⁴
- Secondly, people were bribed. Sometimes the bribery was direct, such as with cash inducements.²⁵ At other times the bribery was institutionalised. In addition, prior to the elections, Uganda increased the number of sub-national units, effectively expanding the already bloated patronage system at whose helm Museveni has sat for a quarter century. Since Museveni came into power, Uganda's sub-national units or districts have grown from 33 to 112.²⁶ Decentralisation has bloated the budget for public administration while seldom engendering services to the grass roots, and endangering democracy. Districts are stuffed with ruling-party hacks, led by appointed presidential representatives (resident district commissioners), and each adds a new representative to parliament.

Whereas in Nigeria, for instance, a member of parliament represents about 430 000 people, the same MP in Uganda represents about 89 600 people.

- Third, for fear of economic ruin, candidates avoid standing on opposition tickets, preferring the ruling party ticket because it puts the state machinery and finances at their disposal.²⁷

Yet, surprisingly, some international election monitors gave Uganda's 2011 election a clean bill of health. The EAC-Comesa-IGAD Mission said the election was 'conducted in conformity with minimum international benchmarks for fair elections'. Other observers, such as the Commonwealth, avoided tagging the polls free and fair or not. Some called out the election for what it was – anything but credible:

The Presidential and Parliamentary Elections of February 2011 were by all standards not free and fair. There were numerous cases of illegal detention of opposition supporters on trumped up charges, the Electoral Commission was not independent but appointed and controlled by

President Museveni and there was blatant use of state institutions and resources by the ruling Party.²⁸

If one sees democracy as historically relative, this election was more peaceful than that of 2006. Yet the failure by some observers to call out this election for what it was is less about the relativity of democracy and more about the often encountered patronising attitude about Africa, that it is primitive, and freedom is a luxury for its savage people.

Post election issues

In the short term, Uganda is stuck with a rubber-stamp parliament. The 2011 campaign is the first in which government has trounced opponents without resorting to massive violence and massive rigging. President Yoweri Museveni convincingly trounced his main opponent, Dr Kizza Besigye, and six other presidential candidates with more than 68 per cent of the vote (see Table 1). In addition, the ruling party won a convincing number of seats in parliament, 295 out of 365, to set up a fail-proof majority.

Table 1 Summary of 18 February, 2011 Ugandan Presidential Election results

CANDIDATE	PARTY	VOTES	PERCENTAGE
Yoweri Kaguta Museveni	National Resistance Movement	5 428 368	63,38
Kizza Besigye	Forum for Democratic Change	2 064 963	26,01
Norbert Mao	Democratic Party	147 917	1,86
Olara Ofunnu	Uganda People's Congress	125 059	1,58
Beti Kamyu	Uganda Federal Alliance	52 782	0,66
Abed Bwanika	People's Development Party	51 708	0,65
Jaberi Bidandi Ssali	People's Progress Party	34 688	00,44
Samuel Lubega	Independent	32 726	00,41
	Valid Votes	7 938 212	95,96
	Invalid Votes	334 548	4,04
	TOTAL	8 272 760	100

Source: National Electoral Commission of Uganda²⁹

Nevertheless, they will run a bankrupt country. Unfettered use of national resources for campaigns points to economic hardships ahead for the country. Besides, it is one thing to have the numbers; it is another to have legitimacy to govern. Uganda, from 1966 when government violated the constitution by missing a mandated post-independence election, has faced a cyclical crisis of legitimacy, the root of the country's instability.

In addition, an unresolved conflict between government and the cultural institutions simmers. With official opposition existing only in name, religious and cultural leaders will increasingly fill the void. The ruling party not only won one such fight against Suubi, a political pressure group fronted by cultural groups; it also enacted a law that criminalises traditional leaders' involvement in politics. Government has the upper hand, but this contest portends more instability.

Simmering also will be the succession battles. Museveni, born in 1944, will be 72 during the next election. The age limit to stand for president is 75. Even if he stands in 2016, Museveni will be ineligible to stand in 2021. Yet, 25 years on, because he has used patronage politics to destroy all potential successors, what exists are incongruent power camps within the same ruling party.

Uganda will probably scale back its geopolitical adventurism. A profit motive partly drove some of Uganda's adventures, such as allowing private security firms to recruit for Iraq and Somalia. Some private security firms that have exported Ugandans there are linked to the president's family. In addition, Uganda was motivated by a desire to placate the US. Two things will diminish the lure of this adventurism. First, Uganda's oil will deliver the next windfall that will fuel Museveni's patronage system. Second, Museveni's unabashed game is nearly over for Uganda's donors; rather than Museveni kneeling before them, they must now kneel before Museveni, thanks to the oil. Uganda's efforts are likely, instead, to shift to fast-tracking East Africa's economic merger, a genuine aspiration of Museveni for decades.⁵⁰

Options to unlocking the country's democratic potential

It is early to predict the death of democracy in Uganda, but it is naïve to assume that use of state coffers to buy political power will diminish.

- The rubber-stamp parliament is unlikely to enact laws to protect state funds from political campaigns.
- With cooperatives dismantled, the rural population is at the beck and call of money-wielding politicians and lacks organisations through which to push for change. In fact, the only district where the opposition swept all competitive posts retains a cooperative system. A key actor of the cooperative era, the Bugisu Cooperative Union has reinvented itself and it has empowered the people to make free choices.⁵¹
- With their agenda driven by, and their work pegged on continued interest from external donors, the same bankrolling government, the new breed of civil society groups lacks sustainability. The media are too peripheral to be a vehicle for change. In a country of about 40 million, the largest circulation dailies sell below 40 000 copies.
- In the absence of accountability in the energy sector and ground rules for a liberal democracy, the flow of oil (projected at an estimated 2,5 billion barrels for 2015) will bring prosperity but hurt democracy. Oil will spike growth in the state-financed patronage politics.
- As oil flows, Uganda's international partners will lose their grip on the country and thus any remaining leverage over the regime. Commemorating victory, Museveni said the country had surpassed donor dependency.⁵² In fact, donor influence had already waned by the time of the elections, as witness the failure of donors, including US Assistant Secretary of State Johnnie Carson in 2010, to force Uganda to reform the electoral commission. As ambassador in Uganda in the early 1990s, Carson had been a consistent fighter for multi-party politics.
- Voter apathy will grow, rather than dwindle, as the population feels ever more powerless to change its leaders. The population, seeing through the façade already, is voting with its feet and away from the polls.⁵³

Yet, as it bribes its way into power, the ruling party is becoming inchoate. The patronage system that feeds on state funds has stampeded the people to the ruling party for short-term material gain. However, this stampede will dilute the ruling party's ideological and policy cohesion. This, added to voter apathy, will set the country up for rupture.

While a sustainable fight against autocracy ought to be home grown, Uganda's donors have

a responsibility for getting the country out of the hole they helped dig. Moderate pressure will not work on Uganda any more. Before they completely lose leverage, donors must push for electoral reforms by collective withdrawal of aid. Since it will not do so by itself, Uganda must be forced to form an independent electoral authority. An independent authority should appoint electoral officials, and the officials must have tenure. Furthermore, Uganda's aid partners must return to project aid instead of subsidising the patronage. The shift from project funding to budget support at the start of the 2000s was under the guise of empowering the country. Instead, donors empowered the political leaders with extra cash to purchase power.

If Uganda's patronage politics tells us anything, it is that it is insufficient to ask people not to sell their vote; rather, people must be economically empowered to allow them to apply their freedom to make their choice. Economic empowerment, as in Egypt's case, galvanises people to demand greater freedom. The major challenge for Uganda's democracy is to encourage grass-roots organising around economic activities that will empower the people to make choices, such as those in the one region the opposition won.³⁴ Thus, external actors, civil society, the opposition and progressives in government must help build grass-roots economic organisations.

In addition, change is more likely to come from a rupture within the party than from the weak opposition. This calls for external pro-democracy actors to engage consistently with progressives within the party in order to convert them to the idea that a democratic foundation is imperative for the future.

Conclusion

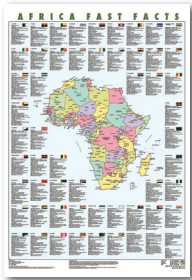
Uganda's aid partners are unlikely to act in tandem to dig the country out of this mess; variance in each one's short-term national interests precludes such a course. In addition, the ruling party, progressive or not, and holding an unfair electoral advantage, will not by itself simply throw power away. Therefore, the major responsibility for democratic progress in Uganda will fall on the shoulders of the country's opposition. Unfortunately, the opposition groups rarely go to the grass roots for sustained organisation of the communities. Many, elevated to opposition leadership by the media, are paper tigers, lacking grass-roots support. The only path to genuine

democratic reforms lies through sustained and sustainable engagement with the grass roots, and that includes economic empowerment.

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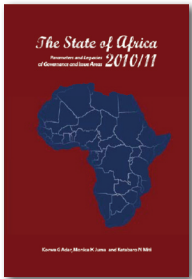
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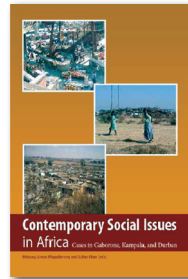


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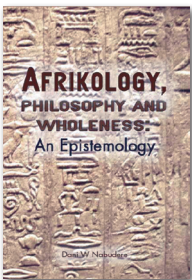


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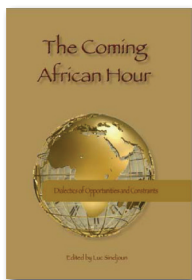
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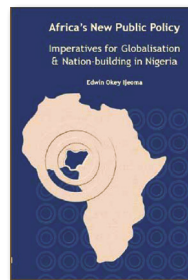


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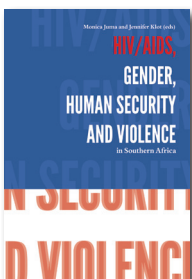


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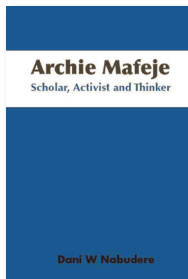
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