

**NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS (NDI)
SURVEY MISSION REPORT
UGANDA
APRIL - MAY 1998**

I. OVERVIEW

An NDI team conducted an assessment mission to Uganda from April 22 to May 2, 1998. The mission was funded by the National Endowment for Democracy (NED). The team included Edward McMahon, Regional Director for East and Central Africa; Wanda Williams, NDI's Field Director of its Kenyan Women's Political Participation program; and Cathy Westley, Program Assistant for Strategy and Evaluation. NDI undertook this mission to acquire a broader understanding of the Ugandan political landscape and to explore what, if any, opportunities exist for NDI support to democratic development. Key questions in this regard included:

- Is the overall environment appropriate for democratic development activities?
- Do specific entry points exist for NDI programming?
- Is NDI likely to make a meaningful difference?
- Do potential sources of funding exist?

The team determined that the political environment of Uganda presents two very separate and contradictory faces; one of relative openness and participation; the other of a very sophisticated and "guided" process, which appears to be directed towards a pre-determined outcome – that of the institutionalization of the leading role of the ruling National Resistance Movement (NRM).

The day-to-day image of Ugandan politics is one of considerable individual freedom. The press appears to be quite open in comparison with many others on the continent. Newspapers of varying persuasions report critically and in many cases with a remarkable lack of bias on government actions. The press also refers frequently to opposition parties. Parliament makes a regular habit of exercising judgement independently of the executive. An overt supporter of a multiparty system was recently elected mayor of Kampala, and a number of sitting district chairmen lost their seats in these municipal elections. Private radio and television stations are active. An energetic public policy debate on a land reform bill, including direct criticism of President Yoweri Museveni, was underway during the team's visit.

At the same time, however, the current system can also be viewed more critically. President Museveni's vision is overtly anti-party. He plans a referendum on the issue in May 2000 that is widely expected to go in his favor. No one was able to satisfactorily explain why the NRM should not be considered a political party. The influence of the state is often used in favor of the NRM.

The arguments that Museveni puts forward for suppressing political party activity (i.e. that Uganda has suffered from multi-party politics in the past and that Uganda has to attain an unspecified level of economic development before it can enjoy multi-party politics) mask the fact that the NRM appears to be seeking to institutionalize itself in power. Ironically, Museveni posits himself as

representing the "new leadership" of Africa. One of the hallmarks of the "old" leadership was self-perpetuation in power. Museveni could quite conceivably remain in power at least until 2006 – at which time he would have been president for 20 years. It is not clear what institutions Museveni would leave behind if he were to suddenly depart the scene, or whether a weaker successor would continue to permit the types of freedoms that Ugandans enjoy today.

No one the team spoke with, including some NRM supporters, thought the NRM system would outlast Museveni. Thus, the contradictory image exists of parties withering while there is a general expectation that the party system will come back into play at some point in the future. Opposition parties or civic groups appeared either not focussed on or unable to implement activities likely to have an impact in promoting a return to full multiparty politics.

Coming in the wake of visits by Secretary Albright and the President, the team encountered serious anger and disappointment on the part of the opposition parties and some NGO groups who feel that the international community, and especially the US government, is exercising hypocrisy in its vocal support for democracy around the world and its clear embrace of Museveni.

The key question for NDI is whether its engagement could realistically foster greater institutional pluralism, or whether it would merely provide further legitimacy to a system which denies fundamental freedoms of association and assembly. NDI has never undertaken sustained programming in a country where its ability to interact effectively with political parties is as circumscribed, as it would be in Uganda. This is obviously a complicated issue, and arguments could be made that support for incremental changes could result in furthering opening up of the system over time. On balance, however, it appears that the political environment does not offer NDI a meaningful opportunity because no overall positive dynamic towards greater institutionalization of pluralist political structures exists.

II. BACKGROUND

A. Political Context

Yoweri Kaguta Museveni became President of Uganda in 1986, after leading a successful five-year guerilla struggle against the Obote and Okello regimes following Idi Amin's brutal reign. The country he took over was devastated after decades of widespread civil strife and economic decline. He formed a broad-based military government in which formerly adversarial factions were brought together under the NRM, which according to the government is not a party, but rather a national revolutionary movement. The constitution approved in 1995 states that all Ugandans are part of the Movement. The NRM theoretically penetrates Ugandan society from the national level to the grassroots level, although at the lower levels in many parts of the country, organization is reportedly lackluster. President Museveni believes in the unitary state as an economic and political "solution" for his country, which at independence was organized according to unusual federal principles.

Since taking office, President Museveni has banned political party activity, arguing that multipartyism in Uganda would simply be an imitation of an inappropriate western model and would split the country along ethnic, regional and/or religious lines. He claims that Uganda must achieve a certain level of economic development before multiparty democracy would be appropriate. As a result, Uganda has instituted a no-party democracy in which politicians stand for election as individuals, not as representatives of a party. Ugandans are scheduled to vote on whether to change the constitution to permit a multiparty system in 2000, but given the predominant role of the NRM, the legitimacy of the referendum is likely to be questionable.

Activities of the two main traditional parties, the Democratic Party (DP) and the Ugandan People's Congress (UPC) have been banned under Museveni. These parties continue to call for a return to multiparty politics, but their activities in support of this have been limited, in part because of the legal restrictions under which they are forced to operate. On September 4, 1998, the UPC filed a petition before the Constitutional Court charging that the 1996 elections, which led to President Museveni's government and parliament, were illegal as they took place under the Movement system that had not been in place at the time. The petition also seeks to nullify Constitutional Article 269 which bans political parties. On September 12, 1998, the government responded by presenting the Constitutional Court with a defense that asks the Court to dismiss the petition.

Consistent with the new constitution, the system which governs elections from the village to the national parliamentary level is being overhauled. For example, National Resistance Councils (NRCs), bodies by which appointed and elected officials govern on the village, parish, sub-county, county and district levels, are being replaced by Local Councils (LCs). Under the old system, elections were directly participatory only at the lowest level. Local Councils, comprised entirely of directly elected officials (with the exception of executive committee members elected by the council chairperson) will now exist only on the village, sub-county and district levels. Local Council elections are currently scheduled for early 1998.

B. Previous NDI Activity

NDI has not conducted programming in Uganda, although two senior political personalities, one from NRM, one from the DP, attended a 1992 NDI program in Burundi on democratic development. NDI's staff and board members have also met, on numerous occasions, with Paul Ssemogerere, leader of the Democratic Party, as the party is a member of the Christian Democratic International. In July 1997, NDI sponsored the travel of eight women parliamentarians from KwaZulu Natal, South Africa to Kampala, Uganda to participate in a program organized by the Uganda Women's Parliamentary Association (UWOPA) and the Forum for Women in Democracy (FOWODE), a Ugandan NGO.

III. THEMES

A. Political Parties

The team met with officials representing the NRM, the DP, the UPC, and the National Democrats Forum. No other parties have been allowed to form officially since the NRM came to power. The team met with both wings of the UPC, which has undergone an internal split – the Presidential Policy Committee (PPC) and the Interim Executive Committee (IEC). The three opposition parties expressed their dissatisfaction with US government policy towards Uganda, especially a perceived bias in favor of Museveni, despite the suppression of political party activity and limitations on the freedom of association. They all cited recent high-level visits, including that of Hillary Rodham Clinton in March 1997; Secretary of State Albright in December 1997; and President Clinton in March 1998.

The strategy undertaken by the NRM appears to include the following elements: the passage in 1997 of the Movement bill, codifying the role and functions of the Movement at different levels of government; the introduction into parliament of a bill regulating political parties; the May 2000 referendum on whether Uganda's political system should remain based on the Movement, or whether multiparty politics should be resumed; and the next presidential and parliamentary elections in 2001. Once the referendum is held, there is no provision for a subsequent referendum on this issue. The only way the ban could be reversed would be for three-fourths of the parliament and two-thirds of the local councils to support another referendum.

A former NRM Secretary-General sought to place the rationale for the NRM's existence in the context of Ugandan politics and history. He argued that as a result of the Movement system, unity has been maintained, the country is for the most part peaceful, individual participation is emphasized, elections are highly contested, and sitting officials are at times defeated. He also articulated some of the difficulties related to the Movement system: lack of diverse view points within the Movement, a lack of organization endorsement for political candidates; and residual tribal and religious cleavages.

According to this individual, the intent of a draft political party bill, which would codify the restrictions laid out in the constitution, is: to keep parties from forming along ethnic or religious grounds; to keep political parties accountable; to ensure a geographic distribution of the leadership; and to make sure that periodic elections are held. He expressed the belief that unfettered political party activity, especially in the rural areas, would create strife and discord.

Officials from the PPC faction of the UPC expressed the view that the Movement system had in fact contributed to the growing rebellions in the north and west of the country. They claimed that the present government is, in essence, a military dictatorship. They emphasized that they would not participate in the referendum. In their view, a boycott was the appropriate position to take.

The team also met with the Interim Executive Committee (IEC) of the UPC that split off from the PPC. This group, led by MP Cecilia Mongwal, participated in the parliamentary elections, but this does not reflect any softening of their position vis-à-vis the NRM. They explicitly and emphatically stated that they would not participate in the referendum. They will boycott it, and encourage others to do the same. They believe that involvement with the referendum will only serve

to legitimize the Movement system.

The Democratic Party leadership, including its 1996 presidential candidate, Paul Ssemogerere, view the NRM as inflexible and preparing to institutionalize itself in power. The DP is attempting to mount a legal challenge to the Constitution and the Movement system. They emphasized that traditional political patterns were changing. For example, both they and the UPC, which have been characterized as representing different religious faiths, have senior individuals from other faiths.

Parties are clearly suffering from the ban on activity. Museveni's approach to political parties can be seen as a self-fulfilling prophecy. The ban on party activities has the effect of depriving them of oxygen. The constitutional restriction on party activities has been imposed because the government sees parties as having little positive to offer; yet the ban means precisely that they cannot renovate or update their policies and approaches. The onus for parties to develop sound policies is taken away from them. They therefore tend to criticize the government in a largely sterile fashion. The status quo keeps new parties and new leadership from emerging. Both the parties and the Movement seem to be anchored, to a significant extent, in the past. The Movement system seems to skew the political debate more to the question of multiparty versus Movement systems, than to key policy issues facing the country.

B. Civil Society

Given the ban on political party activities, civil society has an important role to play in promoting diverse viewpoints and acting as a watchdog over governmental power. Generally, civic groups are underdeveloped and often formed primarily to compete for donor funding. Unemployment, illiteracy, a 90 percent rural population, religious affiliations, and low education standards all impact how civic groups conduct their activities. Domestic resource constraints foster an unhealthy reliance on foreign donor funding. The team heard few complaints from nongovernmental organizations of government interference.

The abilities and reputation of Ugandan civic groups vary widely. With church groups comprising the largest sector, more civic organizations concentrate on service-delivery rather than civil society and governance issues. Some organizations are extremely professional, particularly in urban areas. The Forum for Women in Democracy (FOWODE), for example, is a leading women's organization that works effectively in the areas of women's empowerment, advocacy, policy dialogues, skills training and research/publication development. Another well-respected NGO is the Foundation for Human Rights Initiatives, which concentrates on advocating for prison and police conduct reform and raising awareness of human rights abuses.

The Ugandan government has mandated the National Organization for Civic Education and Election Monitoring (NOCEM) to carry out civic education. NOCEM must work with the National Election Commission to develop materials and curricula; and the government must approve the contents. In the NOCEM programs, they have discussed the boundaries of political participation, the Constituent Assembly and the constitutional process, the electoral process, domestic monitoring of

elections and the responsibilities of a citizen. Though affiliated with the government, NOCEM appears to have created an independent profile through its activities.

Overall, civil society tends to focus on issues related to land, agriculture, economy, health, education, safety, local revenue, Local Council operations, corruption and poverty. Generally, people feel that there is a certain amount of independence and sense of autonomy among NGOs, although some NGOs are associated with particular parties or government entities. With political parties circumscribed, civil society could clearly serve as a more effective vehicle for change.

C. Parliament

Uganda has a unicameral parliament consisting of 279 members. Of these, 214 seats are directly elected, 39 are for indirectly elected women, 23 seats are set aside for indirectly elected representatives of the army, disabled, youth and trade unions. Three seats are reserved for ministers who are not elected MPs.

Constitutionally, all MPs are automatically part of the Movement system. By all accounts, however, approximately 30 to 40 MPs are outspoken multipartyists. An additional number, perhaps 50 according to some sources, are quiet multiparty supporters. When the multipartyists formed a caucus soon after their election, the Movementists formed a caucus of their own. Every MP automatically is a member, but in reality it acts as a vehicle for Movement perspectives. Caucuses are also formed along issue-based lines. One person with whom the team spoke suggested that some of these caucuses could eventually form new political parties.

The parliament often makes judgements independent of the executive branch. For example, several ministers have been censured by the parliament for corruption, including recently the Minister for Education. While the team was in Kampala, the parliament rejected the government's request for an increase in cabinet ministers. Despite operating independently for the most part, the parliament is set up to favor government in some ways. For example, government-sponsored bills always have priority over private member bills. The committee membership rotates by session, therefore precluding MPs from developing their expertise in particular areas. The parliament did, however, decide to maintain the committee looking at a very important land bill after the closure of the most recent session of parliament.

D. Elections

The team's interlocutors voiced relatively less criticism about the mechanics of the election administration process than about the ban on political party activity and the in-built advantages enjoyed by the ruling NRM. The National Election Commission (NEC) appears to have succeeded in establishing a certain level of credibility. In fact, representatives of the NEC, who met with NDI, openly critiqued the predominant role enjoyed by the NRM. They emphasized, for example, the NRM's access to state and private resources and the ways in which participants in the electoral process can be intimidated. They criticized their over-reliance on government officials for election

administration personnel. They also cited examples in which government officials had commandeered vehicles belonging to the NEC.

The NEC members listed three main problems, all of which are compounded by an insufficient level of resources. The NEC needs to establish a credible register of voters, especially eliminating double registration. More civic education should be conducted, both in terms of the mechanics of voting and, in broader terms, regarding the functioning of democratic institutions. Finally, they perceive a need to further establish their independence from the government.

E. The Press

The Ugandan press appears to be quite free, particularly in comparison with other countries on the continent. Several newspapers are published daily, and even the government-run newspaper reports critically. Political debate is particularly lively on the radio, although television remains bland and fairly uncritical of government. The government does interfere, on occasion, by taking the press to court on allegations of, for example, false information. This intimidation tactic has the unfortunate effect of fostering some self-censorship by the press. In addition, some journalists lack the proper investigative skills to be effective and accurate reporters.

F. Public Policy Issues

At the time of the team's visit, a number of issues were the subject of energetic public policy debates. Most prominent was a controversial land bill, which has raised concerns among some groups that government is seeking to dispossess some land and to use it to resettle favored groups. Some see it as a give-away to aliens. While the intricacies of this debate became very complex, the team noted that the way in which they are receiving considerable public discussion is very commendable. Civic organizations, the press and the parliament all have served as targets for various viewpoints.

G. Decentralization

Uganda appears to have a well-developed local government structure that receives a bulk of donor assistance. The government has devolved much power to the local level. Museveni created Local Councils (LCs) on the model of his Revolutionary Councils (RCs), which have five levels of operation. The Movement Bill of 1997 created Movement Committees (MCs) that parallel the LCs to foster the Movement system. The specific functions of the MCs are unclear, and it remains to be seen how the LCs and the MCs will work together

H. Rebel Movements

While this issue was not directly part of the team's mandate, the existence of armed rebellions in parts of the country obviously has the potential to affect the political climate. Both the north and the west of the country have rebel movements that are causing a significant level of instability. The

larger and longer-term insurgency is in the northern part of the country, which has been opposed to many of Uganda's governments over a period of time. This insurgency has been aided and abetted by groups in southern Sudan. The second rebel force is in the western part of the country along the mountainous border with the Democratic Republic of the Congo.

I. Donor Perspectives

The team met with several representatives of the donor community. The donor community coordinates its democracy and governance programming through monthly meetings. Most of the assistance appears to go towards assisting local government in the decentralization process.

The team met with the Irish Aid representative, who has directed the program since 1994. The program concentrates on assisting several sectors in single rural districts. The main sectors include primary education, health, water and sanitation, and institutional capacity building. Democracy and governance assistance is primarily done through building the abilities of local government to deliver services.

The team also met with representatives of USAID. The USAID mission designed its democracy and governance strategic objectives based on a 1996 evaluation report by the US government. Currently, USAID provides democracy and governance assistance by providing technical and financial parliamentary support, assisting the recodification of laws, and building capacity support for women elected officials. In a related area, USAID provides humanitarian aid to those involved in the conflict in the North. USAID is about six to eight months behind in implementing its plan to assist in the decentralization process, because of President Clinton's visit in March 1998. The USAID mission preferred to not emphasize providing assistance that could be construed as too political, i.e., the referendum and political parties. The representatives said that primarily USAID and the British provide assistance to the parliament and law codification, the Danes, Dutch, World Bank and the Belgians provide a bulk of assistance to decentralization. The Danes were also heavily involved with women's political participation.

The Friedrich Ebert Stiftung has a bilateral agreement with the Ugandan government and is not officially registered as an NGO. The Stiftung has limited its work with political parties and has been a supporter of the Movement system. Its recent work has concentrated primarily on conducting seminars for MPs regarding the Constitution.

The Danish ambassador was generally upbeat about his country's bilateral assistance program and the possibility that assistance can be effectively used in Uganda.

Most donor representatives have not developed firm positions regarding the May 2000 referendum, and the question of assistance. This issue is likely to gain prominence as the date for the referendum draws closer.

IV. IMPLICATIONS FOR NDI PROGRAMMING

The core question for NDI to decide is whether its engagement could realistically foster greater institutional pluralism, or whether it would merely provide further legitimacy to a system that denies fundamental freedoms of association and assembly. NDI has never undertaken sustained programming in a country where its ability to interact effectively with political parties is as circumscribed as in Uganda.

Arguments can clearly be made for a decision to undertake programming. At the working level, obviously some potentially fruitful areas of activity exist. These could include providing assistance to civil society groups on advocacy issues, parliamentary training, election monitoring and possibly even training of locally elected officials.

The rationale behind engagement is acceptance of the idea that incremental progress is positive and worthy of support, even though it could mean strengthening a system which is explicitly anti-party. It would require NDI to broaden its definition of democratic development activities. The Institute would have to waive adherence to the idea that freedom of association as a fundamental and universal core democratic value. The Institute would have to accept the idea that its activities would not be geared towards strengthening a multiparty system, at least in the short-to-medium term.

On balance, it appears at present that the political environment does not offer NDI a meaningful opportunity because there is no overall positive dynamic towards greater institutionalization of pluralist political structures. The ban on party activities is likely to remain for the foreseeable future. Political parties have had little success directly addressing this issue, and do not appear to have effective strategies designed to pressure the government to revisit its position. Neither are they aided by fervent public support. Civic organizations, including various interest groups, have not adopted the issue as a central rallying cry. This is due, at least in part, to concerns about a potentially repressive government response. This is in contrast to other societies, such as in Chile, where political freedoms were limited but where NDI's presence buttressed widespread calls and popular mobilization for a process of political and institutional opening.

In Uganda, the delegation was told directly, by the Minister for Political Affairs in the Office of the Presidency, that NDI was welcome to work in Uganda as long as it did not advocate changes in the existing political system. He also told the team that the NRM and the state are "fused". As a political development institute, NDI would not be comfortable operating in a system where it would be prohibited from substantive programming with its normal partners, political parties. In addition, on a more pragmatic level, the extent and level of access to funding for programming appears to be seriously limited.

The current political context may continue to change. Popular support may create a new dynamic regarding the referendum, for example, which could increase the chances that Ugandans would be presented with a real choice. If and when that should happen, NDI should be prepared to engage.