

Time to Polish the Pearl of Africa

Institutional Design and Conflict Management in Uganda

Abstract

Democratization of plural societies is an oft-cited source of identity-based conflict. It has come to a point where concepts such as transition and stability sometimes are polarized by scholars and politicians and this is the case in Uganda. This study challenges the notion that elections must underpin identity-based conflicts and presents a more optimistic view on the role of democratic institutions. Through the prism of theories on polyarchy, identity-based conflicts and institutional design, the Ugandan case is analyzed in terms of democratic status, arguments for the country's no-party system and, above all, the possibilities of institutional re-design. A more general summary of research in the field of institutional design in plural societies is also given. The result of this case study shows how a change in Uganda's electoral system can facilitate, though not guarantee, a relatively peaceful transition to democracy. Concurrently, the discussion emphasizes the contextual dependence of the outcome of systems design.

Keywords: electoral systems, ethnicity, institutional design, conflict, Uganda.

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Abbreviations

AV	Alternative Vote
BV	Block Vote
CBO	Community Based Organisation
DP	Democratic Party
DRC	Democratic Republic of Congo
FPTP	First Past the Post
IDP	Internally Displaced People
KY	Kabaka Yekka
LC	Local Council
LRA	Lord's Resistance Army
MMP	Mixed Member Proportional
MP	Member of Parliament
NGO	Non Governmental Organisation
NRA	National Resistance Army
NRM	National Resistance Movement
PR	Proportional Representation
RC	Resistance Council
SNTV	Single Non-Transferable Vote
STV	Single Transferable Vote
TRS	Two-Round System
UNC	Uganda National Congress
UPC	Uganda People's Congress

1 Introduction

Multiparty democracy and freedom from ethnic conflict is an impossible combination in present day Uganda. This argument has been used by the country's president Yoweri Museveni for almost two decades as an explanation to why no political activity by parties is allowed in Uganda. He finds much support for this standpoint in research, and donors have accepted the "no-party democracy" for the same reasons. There is however a growing field of research on the matter of elections as a way of managing identity-based conflicts rather than generating them, and president Museveni no longer stands uncontradicted. Opposition and donors are now demanding that the transition to multiparty democracy be completed and even the ruling NRM are acknowledging the possibility of another system than the present. The million dollar question is how the transition should be carried out and what consequences it will have, the following thesis is my contribution to the debate.

1.1 Purpose of Study and Research Problem

Democracy is a normative good and a state where competition between political parties is allowed is desirable to fulfil the requirements of that democracy. Multiparty democracy however, is often said to underpin identity-based conflict and this fact has sometimes been stated as the reason for stalling the transition to full democracy. Uganda¹ is one of the countries where stability between identity-based groups and full competition between political parties has become polarized issues. The discussion about introducing a multi-party system is currently very intense since the Ugandan parliament recently decided that a referendum on the matter will be held in June 2005.

The question of constitutional engineering in relation to conflict management is occupying quite a few scholars at the moment which makes the principal discussion as well as the specific case of Uganda's political future interesting to study. Thus, the purpose of this paper is to explore ways of avoiding identity-based conflict in transitional democracies. On a less abstract note, I wish to look into the following research problem:

How can Uganda's current political system develop into multi-party democracy, without an increase in identity based conflict?

¹ For a general description of Uganda, please refer to Appendix 1

1.2 Theoretical Framework

Useful theory for this study concerns the roots of identity-based conflict in formerly colonized states and the problems of democratization of ethnically diverse countries, both issues much examined by Horowitz. Institutional design and in particular design of electoral systems is much theorized upon by Reynolds and a great part of the theoretical discussion will concern these matters. Lijphart's consociational theory is also reviewed. As a framework for analyzing the current state of democracy in Uganda, Dahl's polyarchy will be used.

1.3 Methodological Considerations

The study is a qualitative case study but since focus is so much on theory and the theoretical discussion, I hope to be able to at least summarize some general observations regarding systems design in ethnically diverse societies. It is important to note however, that the functions and outcomes of electoral systems are highly contextual which limits the possibility of generalization.

1.3.1 Positioning

My epistemological starting point is hermeneutic in the sense that I do not believe in objectivity. This can be seen as contradictory since much of my analysis will be institutional and this was long seen as a more or less neutral research field. Within 'new institutionalism' however, there is a branch that sees political institutions as influencing actors' "values, norms, interests, *identities* [my emphasis] and beliefs" (Lowndes 2002:95). I think this agrees well with my starting point in this study; that even if ethnicity is a major issue it is not something static and nature-given, instead it is treated as more of a construction comparable to gender. The discussion on ethnicity will be further elaborated below.

This study is not neutral in any meaning of the word. My objective when choosing the research problem was to find an alternative to the no-party system of Uganda since I do not find it democratic enough. Thus, I have taken a normative stand. Further, the fact that I am accustomed to a certain type of democracy and political system from having lived most of my life in Sweden naturally colours my values and opinions.

1.3.2 Limitations

A thorough study of Uganda's chances of democratization is impossible to do. The number of factors which interact make it an unattainable task for anyone and

especially for someone writing her bachelor's thesis. I have therefore chosen to focus on the aspect of competition since this appears to be the greatest obstacle to a successful transition in Uganda. The reason for choosing institutional design as the main theoretical tool is the lack of previous attempts to look at the situation from this angle. Still, it is impossible to cover all areas which contribute to the process of democratization even within the field of systems design, and I wish to point out my awareness of this and the fact that I have only touched upon a few of the institutions needed.

1.3.3 Central Concepts

Democracy. In this study, the term democracy refers to Robert Dahl's polyarchy². I have chosen this definition since it enables us to see if, and in that case in what parts of polyarchy, Uganda lags behind. Focus will mainly be on the plural aspect of polyarchy, Dahl's seventh criteria which deals with the right for everyone to form political associations that can compete in elections. It is important however to know that when analyzing a country, one can get completely different results depending on whether it is the constitution or the reality that is studied.

The need for a multiparty system can of course be questioned, some people argue that democracy can be attained without this component and Uganda's president Museveni is one of those people. It is important to be sensitive to the fact that the ideal of democracy is a western construction and the context we are looking at is African, the problems connected to this will be brought up in the theoretical chapter. This leaves us with the normative question if it is right to impose western ideals on Africa and since this is not the forum to have a detailed discussion, I will settle by saying that until another form of political rule is found, which is fair and inclusive of all citizens and respectful of human rights, polyarchy will be my starting point. Many attempts have been made since the 1960's to introduce different forms of "African democracy" with a more socialist emphasis than the liberal democracy of the west but most of these attempts have degenerated into authoritarianism or failed in human rights or economic aspects. Mamdani captures the essence of the problem when saying that for multi-party democracy to have a successful outcome anywhere in the world, it needs to be preceded by a political community built on consensus between all parts of that community. (Luckham et al 2003:42)

² Dahl's polyarchy builds on seven criteria or institutions, and these are:

Governmental decisions are controlled by elected officials

Elections are free, fair and frequent.

The right to vote is universal among adults.

The right to be a candidate in elections is also universal among adults.

Freedom of expression is extended to all citizens and includes criticism of the government, other officials, the system and the prevailing ideology.

Access to information which is not monopolized by one single group, including the government.

The right to form and join autonomous associations such as political parties allowed to compete in elections. (Dahl 1989:233)

Ethnicity. Ethnicity and the grouping of different identity-based communities is a fact and an issue in contemporary politics, it is a reality which has caused several conflicts through history and it is something people all over the world live with everyday. Having said this, I still see ethnicity as a construction and something that is not static but has changed over time and will continue to do so. Horowitz (1985:41ff) argues that what marks ethnicity can be anything which differs one group of people from another such as language, colour or religion. No trait is more important or determining than the other, signs of ethnicity can even be man-made and one example of this is scarring.

The picture of Africa brought to us in the media as a continent full of different tribes who cannot live together and hence always have and always will fight each other needs to be contested. Several scholars agree that ethnicity in contemporary Africa has its roots in colonization, the introduction of capitalism and the building of the nation-state (Berman et al. 2004:3f). Davidson (2001:76) claims that Africa used to consist of many small societies, perceived by the colonialists as “tribes”. To control these tribes and make administration cheap, colonizers appointed “chiefs” who were more or less made up, anyone who was found suitable could be appointed. The chiefs usually controlled more than one society, joint in tribes for increased efficiency.

All this does not suggest however, that ethnicity should not be taken seriously, only that it is not innate. A very valid point in the matter of ethnicity and its construction is brought up by Doornbos (1998:20). He states that ethnicity as such is a meaningless concept until it is put in its proper context; it needs to be considered in relation to other social factors such as class, power and state. Gender is another of those factors, left out by Doornbos but equally important in my opinion when it comes to discussions of power. Ethnic politics also interact with other factors, uneven development and competition between elites and for limited resources are just a few examples (Luckham et al 2003:38f) Consequently, ethnicity has become institutionalized.

Since ethnicity is a complex concept which can be used and interpreted in several different ways, I have tried to make use of the word as little as possible and instead use “identity-groups” and “identity-based” as an ‘umbrella term’ for groups united by language, culture, colour, religion or geographical descent. When “ethnicity” is used however, this refers to the features just mentioned and with consideration to the discussion above.

Identity-based conflict. Any conflict, whether it is about power, resources or land, where two or more identity-based groups are fighting each other as groups will here be referred to as identity-based.

1.4 Material

Theory and empiri both build on secondary sources, however a small part of the empiric material builds on my own highly personal observations from travelling in Uganda. On the few occasions that these observations are used, this will be

clearly stated and even though the facts were not collected in connection to this study or in a systematic way, I find them valuable to the credible applicability of theory.

I have tried to present contrasting views in relation to the theory, but this is sometimes difficult since lack of space only allows the most important and useful contributions for this particular study. In electoral systems design, Andrew Reynolds is an authority and shows up many times as a reference. This has been inevitable and is made somewhat better by the fact that he has only edited most of the books, not written them on his own, and that they consist of contrasting views. I will not deny though, that Reynolds' preference for PR systems probably has influenced me.

When it comes to the material on Uganda and the most recent developments in the political field, it needs to be said that new things connected to the referendum on multiparty politics happen everyday since the referendum is coming up soon. This means that I have to rely much on articles and editorials in Ugandan newspapers. It is difficult to determine what is fact and what is not, but I have tried to confirm facts by looking at more than one news source. Much of what is written on the movement system is also heavily biased for or against it which is probably inevitable when the authors are living with and in the system. Here, I have tried to use material representing all views but since I am critical of the current system there is a bias towards critical works.

1.5 Outline

Two theoretical chapters will now follow, chapter 2 concerns theory on democracy and identity-based conflict and chapter 3 is focused on institutional design. The analysis of Uganda will follow thereafter and in order to see whether the current political system is democratic and legitimate, chapter 4 explores the historical and present situation which is the base of the argument for a no-party system. The possibilities of institutional design in Uganda are analyzed in chapter 5 and a summarizing conclusion is offered in chapter 6. The empirical facts used for the analysis have been confined to a near-minimum, and are sometimes more elaborated in footnotes. More general facts on Uganda and overviews of some important issues discussed in the analysis can be found in the appendices, these will be referred to when applicable.

2 Democracy and Identity-Based Conflict

The first person to express concern about the introduction of democracy in ethnically divided societies was John Stuart Mill, and since then it has been a widely accepted opinion that a heterogeneous nation will face more and bigger problems during democratization than a homogenous nation will. Scholars of today also agree that countries with a low degree of democratization, or none at all for that matter, generally face worse identity-based conflicts than those where democracy is more established. (Lijphart 2002:38) The matter of identity-based differences in third-world countries was first problemized during the process of decolonization, until then the mutual goal of independence had overshadowed the question of who should rule (Horowitz 1985:3f). Lijphart (2002:37) claims that ethnic divisions have been the greatest source of violent conflicts since the end of the cold war, and that this has actually hindered if not stopped, the third wave of democratization.

2.1 Colonial Heritage and the Roots of Identity-Based Divisions

An important issue to bring up is the root of these identity-based divisions leading to conflict. It is naturally impossible to find a “one-size fits all” answer but when it comes to Africa, Stedman and Lyons (2004) have attempted to point out some features shared by many countries. In their analysis of the conflicts, Stedman and Lyons include both civil and interstate wars since they are of the opinion that it is sometimes difficult to make a distinction between the two (2004:144). The factors identified all have to do with state building and the one I find most relevant for this study is what the authors call “general aspects of state formation in Africa”. Included here are, among others, “artificial borders, quasi-states, [...]” which refer to the borders drawn up by the colonial powers not adhering to previous cultural and political customs. The second factor is the quick and unorganized decolonization of many African states, most marked in the Portuguese and Belgian colonies. (Stedman - Lyons 2004:145)

Colonial heritage has been brought up by other scholars as a determining factor in identity-based conflict not only due to the arbitrary borders created which split and spread ethnic groups to different countries. Horowitz addresses the important issue of work and resource distribution as a factor which has contributed to the deepening of cleavages between groups within the colonized

countries (1985:156f). The colonial powers normally rewarded a certain group certain jobs, e.g. within state administration, this was most often based on economic considerations (Horowitz 1985:108). This type of division of labour occurs in other ethnically diverse societies as well, but I find that Horowitz' observation of the higher frequency in ex-colonies (1985:109) speaks for itself. Colonial interest in economic efficiency thus led to strengthening of prejudice and stereotypes of what type of work a certain group does best (Horowitz 1985:113). Basil Davidson (2001:79) argues that the colonial powers also tried to deepen cleavages between identity-based groups so that these groups would not go together and turn against the colonial power. He exemplifies with the Belgian state and its way of employing Tutsi people to work *with* the colonizers *against* the Hutus in Rwanda and Burundi.

Naturally, colonization cannot alone be blamed for all the problems connected to identity in Africa, but it is what most scholars bring up as the main factor. Not many bother to go further back in history, perhaps out of convenience, but this also indicates that colonization was a very important and perhaps determining factor in the development of identity-based conflicts.

2.2 Identity-based Conflict and Multiparty Politics

As have already been touched upon, democracy in ethnically diverse countries faces issues which often complicates and sometimes stalls the process of transition. The problems can be said to stem from the introduction of western liberal democracy in a context where your identity group is more important than your nation. Davidson (2001:217) show how the western European multi-party systems developed at a time when class became increasingly important in Europe. Parties therefore generally organised along class lines. However, when a multi-party system was meant to work in Africa without the colonizers as a mutual enemy, class lines were not the obvious differences to organize around. Differences between classes were just not that severe in Africa at the time and parties rather organized around regional interests or the like.

Western style democracy and its institutions are, as Horowitz (1985:83ff) puts it "biased against birth". This means that citizens are viewed as individuals and an institution like the election is based on individual choice. Research show though that people in many African and Asian countries tend to value their own identity group higher than their nation, examples of this is the common assumption and expectation that 'your own' people will be loyal to the group rather than the country and the manifestation of "hostility to outgroups" (Horowitz 1985:6f). From his studies, Horowitz (1985:3,8) concludes that in a multiethnic society almost anything can easily turn ethnic; taxes, education and court cases are a few examples, and labour and trade unions are often organised along identity lines. The focus here however, is the ethnic organization of political parties. Horowitz (1985:5) identifies one of the main goals of an ethnic conflict as gaining control of a state and since this is also the main ingredient of politics in general and elections

in particular, it is easy to see why ethnicity and politics tend to interact. Nnoli (1994:10f) explains the identity-based organisation of parties by comparing ethnicity to socioeconomic programmes in the fight over votes. Identity is an easy way of winning constituencies since these are geographical and thus often have one ethnic majority. Fear, he continues, is one of the reasons why the electorate stick to identity-based parties and are reluctant to share power with other groups, fear of being badly treated if another group comes to power. Again, the identity group is valued higher than the nation and naturally, people expect other groups to reason the same way.

In a divided society where parties are allowed to exist, a political party might start out as multiethnic, but Horowitz (1985:9f) argues that it is close to inevitable that it will attract one specific identity-based group and thus repel other groups. Some parties might start out as just mirroring the ethnic situation in the country but often end up deepening identity-based conflict (Horowitz 1985:291). In a country where parties are ethnically organised, elections serve as a divisive factor and identity-based conflict is constantly one of the main issues of politics (Horowitz 1985:12). Where one group dominates in number over the other(s), elections rather serves the purpose of a census than becomes the intended expression of will since each group just votes for 'its' party. When there is a situation like this, seemingly static in the distribution of power, riots or other attempts to seize power are likely since that is the only chance of, the sometimes big, minority to influence politics (Horowitz 1985:83ff). The problem of identity-based parties is that many of them place their group interests above those of the nation and are exclusive and partial. This is the opposite of what Sartori says is essential for a political party: it must be "capable of governing for the whole" (Horowitz 1985:297).

3 Institutional design

During the 1990's, Africa experienced what is generally seen as a third wave of democratization, eagerly supported by donor countries in the west. Sisk and Reynolds (1998:11ff) establish that the process of democratization exasperated ethnic conflicts and that this led many western donors to quiet their demands of democratization and instead encourage stability. This polarization of democracy and stability might be the easiest way of looking at things, but it is not the only possible outlook. Democratization and democracy can also be seen as the way to resolve conflicts, providing "a system for the peaceful management of conflicts" (Luckham et al. 2003:38) where inclusion is one of the key words. Horowitz (1985:682) concludes his work on ethnic groups in conflict by saying that redrawing the world map is not the solution, instead "the case for policy intervention is strong [...] bifurcation can often be averted by prudent planning of electoral and territorial arrangements". Sisk and Reynolds (1998:13) are on the same track, arguing that democratic elections can promote social stability instead of jeopardising it. One of the most important determinants for how the democratization process will develop is the electoral system used, the consequences of different systems can determine whether a country will move forward to inclusiveness and democracy or degenerate into non-democratic rule and sometimes conflict (ibid.).

Belmont et al (2002:2f) list three reasons for focusing on political institutions as a way of conflict management: First, changing the institutions gives quicker results than economic development (which is not a guarantee of democratization) or international incentives. Many of the processes of change that a country goes through on its way to democracy take years, decades and sometimes generations whilst institutional re-design is relatively rapid. Secondly, the changes needed for an institutional design which will enhance the possibility of democracy to grow, are possible to carry out even in a country where other prerequisites such as culture and economy are unfavourable. Third, institutional design is mostly needed in ethnically split societies since it has the ability to influence the power balance between different groups, something not needed in a homogenous country.

3.1 Electoral Systems

Electoral systems comes in all shapes and colours, there are actually over 100 different solutions to the problem of how to elect representatives and executives. I will not go through all or even the majority of them but instead follow IDEA:s³ guide which categorizes electoral systems into three main groups; plurality-majority, semi-proportional and proportional. (Reynolds – Reilly 1997:5) Focus is on the systems' effect in heterogeneous societies.

3.1.1 Plurality-Majority

What distinct plurality-majority systems from the proportional ones, is the principle of “winner takes all”, that only one candidate or party emerge as the representative from each constituency (Hague – Harrop 2001:134f). Another feature is that the majoritarian systems sacrifice a representative parliament for a strong government (Sartori 1997:54). This kind of electoral system can in turn be split in four different subgroups, First Past the Post (FPTP), Alternative Vote (AV), Block Vote (BV) and Two-Round Systems (TRS) (Reynolds – Reilly 1997:18).

FPTP is the classic majority system, used in Britain and many of its former colonies, it is one of the simplest methods of transferring votes into parliamentary seats but is on retreat today (Hague – Harrop 2001:135). The FPTP system has been praised for its simplicity, which is very much needed in countries where the electorate is poorly educated or illiterate, this also makes administration of the election relatively easy. Strong, single party governments and an often united opposition usually come out of the FPTP system since it usually only leaves room for two big parties. Due to this, the parties tend to become broad-based and this is especially welcomed in ethnically diverse societies. FPTP also promotes vertical accountability since the candidate from one constituency is well known by the electorate and dependent on their support in the next election. However, strong government and opposition leaves no room for the representation of minorities, even if a minority party wins a certain percent of the votes it is not guaranteed that percentage of seats in the parliament. Experience show that women have difficulties being elected in this system. FPTP is also said to encourage parties to play the ethnic card when trying to attract voters in their home region, and many voters risk feeling that they have wasted their vote when the party or candidate

³ Institute for Democracy and Electoral Assistance.

they voted for never has a realistic chance of being elected. This can contribute to a feeling of marginalization and alienation. (Reynolds – Reilly 1997:27ff)

The Alternative Vote differs from FPTP in that the voters rank the different candidates instead of just choosing one. If no candidate wins an absolute majority, the candidate with the least number of first votes is removed and the candidate ranked second counted instead. This is repeated until one candidate gets absolute majority. Considering the discussion on wasted votes, this seems like a fairer system. It is also an incentive for the candidates to seek support from a broad electorate, which makes it suitable for divided societies according to supporters of the system. The question is if this is useful when different identity-based groups constitutes the majority in different parts of the country, since the system most often is used in single-member districts. Further, the process of voting is more complicated than the FPTP which poses a problem in countries with a low degree of literacy. (Reynolds – Reilly 1997:37ff)

The Block Vote shares most features with FPTP except that this is used in multi-member districts. Each voter can cast as many votes as there are seats and vote for candidates from different parties. In practice, it is said, it amplifies the disproportionality of FPTP. (Reynolds – Reilly 1997:36)

The Two-Round System is also closely related to FPTP, but if there is no candidate with an absolute majority after the first round, another round is arranged soon thereafter. TRS, like AV, allows voters to rank candidates and also enables them to change their minds. It is also common in the second round for losing candidates to support one of the remaining candidates and thus encourage bargaining and more broadly based policies. It is however a costly system in terms of money and time and requires endurance from the electorate. It can also cause very disproportional results. (Reynolds – Reilly 1997:43f)

3.1.2 Semi-Proportional

The semi-proportional systems are not fully proportional, but not majoritarian either. The two systems that are considered Semi-PR are the Single Non-Transferable Vote (SNTV) and Parallel systems. (Reynolds – Reilly 1997:19)

The SNTV means that the voters cast one vote for their candidate in a multimember constituency; the candidates with the highest number of votes fill the seats. This means that candidates from the same party compete for seats and this might lead to party fragmentation and clientilism. The system is easy to understand and use and there is a bigger chance for small parties to win a seat, proportionality is still not guaranteed however and this system works in favour of big parties. SNTV creates few incentives for broad-basedness. (Reynolds – Reilly 1997:51f)

The Parallel System is a mixed one where ‘winner takes all’ is combined with PR, what different systems are combined differs between the countries that use this system. It usually means that some candidates are elected from districts and some from party lists. Even though this is a combination, proportionality is still not reached, small parties have a greater chance of being elected however.

Considering matters like literacy, this system is quite difficult to understand. The Parallel System became popular in the 1990's and is used in some African countries. (Reynolds – Reilly 1997:55f)

3.1.3 Proportional

In proportional representation (PR) systems, the allocation of seats is done through a formula which translates votes into seats in a more proportional way than majority systems. This, however, is often done at the expense of a less efficient government since this often turns out to be a coalition. (Sartori 197:58f) Many countries, especially new democracies, use a PR system and there are many variations of PR, the ones brought up here are List PR and the less common Mixed Member Proportional (MMP) and Single Transferable Vote (STV). (Reynolds – Reilly 1997:60ff)

In List PR systems, each party presents a list of candidates and the more votes the party gets, the more candidates get a seat in the parliament. It is the party's share of the national vote that determines its number of seats in parliament. The problem of wasted votes is reduced with this system as even parties with a low share of votes will be represented. The fact that many parties are represented thus increase the chance of most groups in society to feel as if they are represented and included. This is, as Reynolds (1997:62) expresses it, “a near-essential condition for democratic consolidation” in new democracies which are diverse. List PR is also an incentive for parties to attract voters from all over the country, which means it is less rewarding to play the ethnic card. It is also more likely for women to be elected within the PR List system.

As have already been mentioned, this system often leads to coalition governments and in transitional democracies it might cause problems when quick and coherent decisions are needed. Another drawback of the system is the risk of very small parties gaining much power in coalition building situations, extremist parties can play this role and have a greater chance in general of parliamentary representation. The contact and connection between the MP and her/his constituency is not present in proportional representation and this is a problem in rural countries where many people identify with their region rather than with a political party. The system can be seen as difficult, especially in former colonies where majority-plurality systems have been inherited and in countries unused to party systems. (Reynolds – Reilly 1997:61ff)

The MMP system is similar to the Parallel Systems but here the proportional votes are used to even out any disproportionality in the FPTP elections of a local MP. This system gives geographical representation but remains proportional, which is a major advantage. The problems are foremost that the different votes have different importance and thus might create MPs of different importance as well. (Reynolds – Reilly 1997:74f)

The STV has a lot in common with the AV since the electorate ranks the candidates in this system as well, but this is done in multi-member districts. Through a formula which gives a quota, the required number of votes to obtain a

seat in parliament is calculated and any candidate who reaches the quota gets his or her seat. Thereafter, any surplus votes are distributed among candidates ranked second and this continues until all seats are filled. This is a simplified description of quite a complicated system but it manages to be both proportional and geographically representative. Again, the required literacy might cause a problem in countries with low literacy and the system requires a lot from the administration. Further, STV shares both the advantages and disadvantages of the List PR system. STV is not used in many countries and in no recently democratized countries but has worked well with few problems.

3.1.4 Discussion

When looking at the overview of electoral systems, it is easy to favour the PR alternatives when trying to find a system suitable for ethnically divided societies. The plurality-majority systems all share the problem of not being very representative. Since main focus here is identity-based conflict, this is a major issue. The broad-basedness of the few parties that survives a majority system can of course be seen on a positive note since it gathers a great variety of people under the same party umbrella. It does however exclude all the people who voted for the second party, and where there is a third party it will surely be wronged in the allocation of parliamentary seats. Since PR guarantees minority groups representation as well, and encourage candidates to appeal to voters nation-wide rather than within a sole region this seems like the most suitable way of overcoming problems related to identity politics and conflict. We must remember however that many of the countries who suffer from ethnic cleavages today are former colonies with no experience of PR systems. This makes implementation difficult and costly.

It is obvious that Reynolds favours the PR way of handling ethnic politics, and it seems to have been the universal paradigm for quite some time now that plurality systems foster conflict and that PR is the way to go. There is no consensus on this today however, Barkan (1998:58ff) points to the problems of introducing PR in agrarian societies. Africa in general has a very large part of the population involved in agriculture, and many of the African societies thus fall under the category agrarian. Barkan reasons that the priorities of the peasants are very much connected to their community, important issues concern water, housing, schools and healthcare and this is the reason why there is always a geographic concentration of votes. People in the same area want the same things. Therefore, it is extra problematic in agrarian societies with PR that MPs are more dependent on party leadership than on the satisfaction of a constituency. Barkan contends that there is a risk of the state being disconnected from the people and thereby “lose[s] its authority and ability to govern”. PR might be good in the process of democratization, he argues, but it is not good for consolidation since that requires both vertical and horizontal accountability. Reynolds (1998:79f) has answered to Barkan’s arguments by pointing out the fact that PR need not be used in its most extreme form. He agrees with Barkan on the problems of the non-

existing linkage between MP and constituency, but claims that experiments with the use of PR on, for example, regional lists can solve those problems.

Norris (2002:214ff) questions the accuracy in the general claim that a PR system increase minority groups' confidence in democracy and satisfaction with the electoral system as a result of the more inclusionary style of PR. She shows how this matter has been poorly examined, especially in non-western countries, and that the few studies carried out in this area have come to different conclusions. The connection between inclusion of minorities and support for the political system is thus questionable and should probably not be used as an argument for PR until more research has been conducted on the matter.

3.2 Federalism and Decentralization

In their discussion of different ways of handling identity-based conflict in Africa, Berman et al (2004:14ff) bring up and refute a number of suggestions and attempts regarding nation-building, including the "difference-blind state" and nation-building from below through a vibrant civil society. They linger, however, on the matter of federalism not so much as a method of building a united nation, but rather as a way of creating a multinational state. This would let minority groups constitute the majority in their own federal unit and "each group is able to feel a sense of security, and can use the levers of sub-state power to protect and promote its identity and culture."

Ethnic diversity is one of the most common reasons for creating a federation today, it is said that it opens an opportunity of "permit[ting] diversity within unity" (Hague – Harrop 2001:206). Federalism is simply described as a principle of power sharing between central government, which deals with matters such as foreign policy and currency, and state government which handles e.g. law enforcement, education and health care. The federal state not only has its own government but is also represented in the national assembly. Normally, all states are equal in influence and independence but there are cases of asymmetric federalism where more autonomy is given to some states than to the rest of the federation. This situation can, of course, lead to difficulties and instability if the situation is not considered legitimate by all federal units. (Hague – Harrop 2001:202f) There are concerns that federalism will worsen ethnic conflict instead of dampen it by enhancing the ethnic identity and thus challenge the national ditto (Simeon – Murray 2004:279f).

An option to federalism which permits the delegation of power within a unitary system is decentralization. The big difference from federalism is that local governments or authorities carry out policies decided on by the central government. (Hague – Harrop 2001:210) The system of decentralization is mostly used in homogenous societies such as the Scandinavian ones, and I have had a hard time finding material on decentralization in ethnically diverse societies. My conclusion is that this is usually not considered in theory on the subject of democracy in multiethnic societies. The reason for bringing up decentralization as

an alternative is the fact that this has been done in Uganda, which I will come back to in the analysis.

3.3 Consociational Theory

Consociational theory was developed by Arend Lijphart and is founded upon the conviction that a stable democracy is possible even in societies with identity-based cleavages. Lijphart's theory builds on four recommendations; the grand coalition, the mutual veto, proportionality and segmental autonomy or federalism.

A grand coalition, the power-sharing characteristic, means that leaders from all important fractions of society join together and govern a plural society. Focus is very much on elites and their will to cooperate to reach this coalition. (Lijphart 1977:31) The thought of the grand coalition has been criticized for the fact that it does not allow a strong opposition which is an essential constituent of democracy according to many. With a coalition where all or nearly all segments of society join in government, there is also a risk of indecisiveness, inefficiency and deadlock. (Lijphart 2002:41ff, 1977:47) The grand coalition is the most important characteristic of consociational democracy but must be complemented by the other traits. The mutual veto means that there is a negative minority rule and Lijphart (1977:36ff) argues that this will guarantee all represented groups protection. Bargaining can be kept informal and on a very high level so as to make consensus possible. Proportionality is also important within consociationalism and should be applied not only in the grand coalition and parliament but amongst civil servants and in the allocation of financial resources as well. Lijphart sees a problem in parliamentary or governmental issues requiring a simple yes or no and therefore, again, recommends package solutions, thus bargaining amongst elites. (Lijphart 1977:38ff) Segmental autonomy and federalism is, as have already been mentioned, the self-rule of minorities in their own area. Lijphart (2002:44) has refuted the argument that federalism might underpin ethnic conflict and even lead to civil war by pointing to empirical facts. Autonomy has not led to civil war nor collapsed states, and there is no inbuilt connection between the two.

Lijphart's theory on consociational democracy was based on European experience in countries such as the Netherlands and this has been a reason for much of the criticism expressed through the years. Horowitz (1985:572), for example, argues that Europeans, even in ethnically diverse countries, have more in common than do Africans or Asians. He also says that the conflicts in Europe have been milder and less severe than those in Africa. Consociationalism is said to be a European model but this is also refuted by Lijphart (2002:45) who points to consociational examples like Lebanon and Malaysia. Power-sharing and other traits of consociationalism was attempted but failed in Rwanda and Burundi and are discussed in Liberia and Angola among others (Berman et al 2004:20).

One important issue to bring up is Lijphart's focus on elites which I find disturbing. I can see why this method is the most convenient, and how consensus will be reached on critical matters this way, but I must question its sustainability.

Creating a legitimate and sustainable democracy might be difficult when so much is decided upon by so few, and in countries where authoritarianism and corruption might have led to diminished faith in the state, democratization behind closed doors does not agree well with other democratic ideals.

4 Democracy, Movementocracy⁴ and Identity-Based Problems in Uganda

4.1 Polyarchy in Uganda

The Ugandan parliament is constituted by 214 representatives from the country's constituencies and 91 appointed members, among them one elected woman from each district and representatives of disabled people, the youth and workers. The president, who has executive power, appoints the cabinet which is under the scrutiny of the parliament. (Constitution, chapter 6, clause 78, 79) Consequently, Uganda's elected officials control governmental decisions and thereby fulfil the first criteria of polyarchy. It is, however, questionable how independent from the president they are. Recently for example, Ugandan newspapers reported how MPs who are in support of the ruling National Resistance Movement (NRM) were granted quite a big sum of money just before an important parliamentary decision on whether to hold a referendum or not. The money were said to be meant as a contribution for the MPs campaign work in connection with the referendum, which they had not yet voted on! The link between a vote in favour of the referendum and some extra money is quite clear even though this was not spelt out in the article⁵.

Elections for parliament and the presidential post have been held every 5 years since 1996 and new elections will be held in 2006. Considering that the constitution has only been in effect since 1995, I think it is safe to say that the elections are frequent. Human Rights Watch (2004:13) reported of abuse against campaign workers who worked for the opposition in the presidential election 2001. The main opponent of president Museveni, who objected to the outcome of the election, was harassed in the months after the election and eventually left the country. The Supreme Court of Uganda concluded that illegalities took place during the elections even though it did not affect the result significantly. Fairness and freeness can thus be questioned.

The constitution allows for universal suffrage and thereby fulfils polyarchy's demand on universal suffrage.

⁴ I have borrowed this term from Aaron Mukwaya.

⁵ This article was published 2005-05-12 on www.monitor.co.ug but I have not been able to find it since then.

Running as a candidate for the parliament or the presidential post is allowed for almost all adults. According to the “Transitional Provisions” of the constitution, introduced in 1986 but still in effect, political organisations (read parties) are not allowed to sponsor or campaign for candidates in general elections. This can only be understood as a gross restriction of the fourth criteria of polyarchy, the right to be a candidate in elections.

Freedom of expression, Dahl’s fifth criteria, is guaranteed in the constitution (Chapter 4, clause 29).

Free press and freedom of other media is constitutionalized (Chapter 4, clause 29), thus there is access to alternative information, but the applicability can be questioned. There are two big daily newspapers whereof one, New Vision, is government friendly. The other one, The Monitor, was temporarily closed in 2002 by army and police (Tripp 2004:10). Media was recently severely criticized by the government for not being patriotic and spreading politically motivated lies about Uganda’s relation to donor countries (Bogere - Mpagi 2005-05-19).

Freedom of association is guaranteed and political organisations are especially mentioned. This falls, however, just as the right to be a candidate for elections, under the Transitional Provisions of the constitution⁶. Thus, no one who is affiliated to a political party can run for elections and there is no real competition between political parties. I interpret this as seriously conflicting with Dahl’s seventh institution where autonomous associations can compete in elections. Multi-party democracy is impossible as long as the transitional provisions are in power and the rest of this study will be dedicated to finding a way of fulfilling this last criterion of polyarchy.

4.2 Roots of Identity-Based Division in Uganda

Uganda as we know it today was colonized in 1894 by the British. At the time, what Byarugaba (1998:182) terms “ethnic rivalries” were already existing between the two dominant kingdoms in the area, Buganda and Bunyoro. As in many other African countries, the colonization of Uganda led to the division of ethnic groups into different countries⁷ and sub national districts. As mentioned in the theoretical chapter, this division was usually done with the purpose of administrative and thus economical efficiency and so was the case in Uganda as

⁶ In clause 269 it is stated that from 1995, when the constitution came into force, and until the parliament makes a law regulating political organizations: “political activities may continue except- (a) opening and operating branch offices: (b) holding delegates’ conference: (c) holding public rallies: (d) sponsoring or offering a platform to or in any way campaigning for or against a candidate for any public elections; (e) carrying on any activities that may interfere with the movement political system for the time being in force.” (Chapter 19, clause 269)

⁷ Groups were split between Uganda and Kenya, Uganda and Rwanda and Uganda and Zaire (today’s DRC).

well. The cleavage between the two kingdoms was deepened by colonization when Buganda helped the British conquer Bunyoro and was rewarded land belonging to Bunyoro. (Byarugaba 1998:180ff) Buganda and its Kabaka (king) has since then enjoyed privileges unheard of in the rest of the country⁸.

The British followed the usual pattern of work allocation observed by Horowitz. Members of the army were recruited from the northern parts of the country where people were considered by the British to belong to the “martial races”⁹ (Griffiths – Katalikawe 2003:95). Civil servants were recruited from the southern parts of the country¹⁰ and cash crops were also concentrated to the south. This led to a much more developed infrastructure and economy in southern Uganda and Okuku (2002:13) goes as far as to say that the British purposely kept northern Uganda underdeveloped so that cheap and uneducated labour could be recruited there. We can conclude, then, that the division of labour and economic resources clearly followed ethnic lines. It seems however, that even if certain groups were singled out for a specific type of task, the biggest and most important cleavage during colonialism was the one between north and south.

The British started a process of democratization in 1948 with a bottom-up strategy which would teach the Ugandans about democracy. This process was planned to take about 30 years but there were no plans for introducing multiparty politics since this was feared to foster regionalism and instability. Parties grew, however, in the 1950’s and the British then found themselves having to support multiparty politics. (Mugaju 2000:15) Uganda gained independence in 1962, much earlier than planned and this is yet an example of the hasty and unplanned departure of the colonizers which was so common in Africa in the 1960’s and which has been mentioned as one of the reasons for the failed state-building attempts after independence. The parties that arose in the 1950’s were, according to Mugaju (2000:16), not interested in building a sustainable environment for democracy but all had other agendas¹¹. Even if not all four parties can be said to be clearly identity-based, at least two of them doubtlessly were and this can be seen as one example of the problems of identity-based parties when it comes to governing for the whole.

⁸ Buganda had the power to obstruct reforms in the 1940’s and 50’s which were suggested to increase the African representation in the Legislative Council, this was done out of fear of losing its privileges. On independence, Buganda received federal status and three other kingdoms obtained semi-federal status. The Kabaka was also the first post independent president, non-executive however. (Griffiths – Katalikawe 2003:95). Due to the special position of Buganda, its people the Baganda were sometimes perceived as the enemy by other Ugandans (Okuku 2002:13).

⁹ Soldiers were mainly of Acholi and Langi origin, but also Mahdi and Kakwa, all from northern Uganda (Byarugaba 1998:181)

¹⁰ Dominant groups in this area were Baganda, Banyankole, Batoro, Basoga and Banyoro (Byarugaba 1998:181).

¹¹ UNC wanted self governance, DPs first goal was to stop the spread of Protestantism and communism, KY were traditionalists and against multipartyism and UPCs first interest was power even if this included hindering multiparty politics from thriving. (Mugaju 2000:16)

4.3 Multiparty Democracy and Identity-Based Politics in Post-Independence Uganda.

The first multiparty elections were held in 1961 and resulted in a coalition between UPC and KY, which was a Buganda based party lead by and supporting the Kabaka (king). The coalition was lead by Milton Obote of UPC but broke down in 1966 and this was the start of 20 years of violence. Obote was of northern origin and so was the majority of the army and Byarugaba (1998:186) argues that even though Obote had the army on his side, “[e]thnopolitical considerations prevented him from disciplining the army” and that this enabled Army Commander Idi Amin to overthrow him in a coup 1971. This coup was supported by Buganda who had been mistreated since the breakdown of the coalition government¹² and it was justified by claims from Amin of a commitment to multiparty democracy. After gaining power, Amin ordered the killing of thousands of soldiers¹³ from the north who were thought to support Obote. Soon thereafter, killing was extended to cover all identity groups who were considered likely to oppose the regime. Amin employed new soldiers, mostly from his own West Nile region, and all party activity was prohibited. Between 100 000 and 500 000 people were killed during Amin’s 8 years in power. (Okuku 2002:20f)

It is easy to dismiss Idi Amin as a paranoid madman and Milton Obote as someone who was too concerned with his own power. No matter what the reasons for policies and atrocities were however, we cannot dismiss the fact that it all was aimed at groups and not individuals. Power conflicts became conflicts between identity groups and the theories of how group loyalty is prioritized over loyalty to the nation are once again confirmed. Since all democratic institutions such as elections were withdrawn during this time of insurgency, it is impossible to say what would have happened in multi-party elections. Therefore it is also difficult to test the theories of ethnic voting and census-like elections. What we can conclude however, is that it was the actions of the leaders, not the public, which institutionalized identity and enhanced its importance during this time.

After the fall of Amin in 1979 leaders and governments changed at a fast rate up until the general elections of 1980. The election and the multiparty politics thereafter have been described as a farce (Mugaju 2000:22) and this period was also said to see an increase in ethnic mobilization, violence and militarism (Okuku 2002:22). The election was controlled by a military commission and most observers agree that the results were rigged and that DP should have won instead of Obote lead UPC. An opposition took form, but some members were killed or forced into exile and marked by fear and violence, the country cannot be said to be a multiparty democracy at this stage. (Mugaju 2000:22f) After the election in

¹² Buganda was kept in a state of emergency since the Baganda were considered to be “hostile and unreliable” and politicians from the south were imprisoned without trial on what appears to be ethnic grounds. (Okuku 2002:16)

¹³ Mostly Langi and Acholi.

1980, different guerrillas fought a civil war in the bush until Yoweri Museveni and his National Resistance Army finally captured Kampala in January 1986 (Griffiths – Katalikawe 2003:99).

Mugaju (2000:23) questions whether multiparty politics ever existed in Uganda and considering that it was introduced during colonial rule and only lasted 5 years after independence and hardly can be considered to have been in effect in the early 1980's, I would say the answer is no. Thus, it is even harder to predict how the electorate and parties would react to a multiparty system under today's somewhat 'normal' conditions.

4.4 Movementocracy in Uganda

4.4.1 The Movement Idea

The National Resistance Movement (NRM) declared that democracy was its first priority and started out with a broad-based cabinet representing all political parties and religious and other identity-based groups from around the country¹⁴ (Griffiths – Katalikawe 2003:99f). Whilst one can claim that this was a proof of the good intentions of the NRM, it has also been said that it was a way of legitimizing a movement with no real broad-based support across the country (Okuku 2002:27). The NRM was launched as something completely new, a no-party system which would unite Ugandans and bring peace and stability to the country. Party activities were banned for what was first said to be an interim period of four years but this has since then been prolonged several times and is now on its nineteenth year (Okuku 2002:25f). Many observers agree that the first years of NRM rule were successful in terms of stabilizing the situation in Uganda and giving the economy a push in the right direction. Museveni was flirting with democracy, as Tripp (2004:8) puts it, and allowed for (somewhat) free press and associational autonomy. In 1995 however, a new constitution¹⁵ was introduced which is said to institutionalize the movement system and thus turned the NRM constitution into Uganda's constitution (ibid.). It was also seen as the final proof that the movement system was no longer an interim solution but actually permanent (Griffiths – Katalikawe 2003:106)

¹⁴ A few months afterwards, the members of cabinet who were not NRM members were moved down to less important posts.

¹⁵ Work on the new constitution commenced in 1989 and involved travelling the country to consult the Ugandans in public meetings and debates. The actual influence of others than the commission has been questioned however, and the draft agreed to a large extent with the NRM programme. (Griffiths – Katalikawe 2003:104)

The reasons stated by president Museveni for introducing and maintaining a no-party or movement system are close to carbon copies of Davidson's and Horowitz' theories on multiparty politics in diverse societies. Museveni (1997:188f) argues that since Uganda is made up of 92 per cent peasants and is still underdeveloped, the people have not yet reached the stage where trade between communities becomes more important than ethnicity and sectarianism. Thus, when modernisation has hit Uganda identity politics will no longer be a problem. Further, since Uganda is merely made up of only one class, farmers, parties would not form along class lines but along identity lines and elections would thus have the character of a census (Museveni 1997:195).

4.4.2 Criticism of the Movement

As we have seen, the movementocracy is to a large extent justified because of its asserted ability to reduce identity-based conflict, but many scholars claim that Museveni and the NRM are playing the ethnic card whenever it suits the organisation. One example is the common south-western descent of most of the NRM elite and another is the claim that policies are interpreted differently depending on geographical context (Okuku 2002:32ff). Tripp (2004:8) also claims that after 1995, “[p]olitical appointments increasingly took on a more pronounced regional and ethnic character”. Resource distribution is also considered unequal (Okuku 2002:33) and considering the prosperous economy Uganda has seen for about a decade, it is no wonder if people who have not benefited from this development feel marginalized. Poverty is most present in the northern and eastern parts of the country which also are the areas where violence and insurgency is most persistent (Sida 2004:6). This material cleavage between the northern and eastern parts of Uganda and the south, west and central, becomes obvious when travelling in the country¹⁶. The differences in poverty and development between city and country-side are striking, and when observing problems in the IDP camps of north-eastern Uganda it becomes obvious that this part of the country is marginalized. The feeling that there is no real interest from the government to improve the situation for the people in these parts of the country is always present. The problems of starvation seem easily amendable if priority was given to people instead of strengthening the army. Thus, the NRM do not seem too engaged in evening out the differences which, at least in theory, could fuel conflicts between different identity groups.

The legitimacy of the movement system can be questioned from another angle as well, in a system of no-party politics the NRM is often accused of behaving exactly as a party and hence turn Uganda into a one-party state¹⁷. This makes the

¹⁶ These are highly personal impressions from visiting Uganda between February and April 2003. The feeling of marginalization was confirmed however by people in camps, other citizens, NGO and CBO staff, civil servants on district level and researchers associated with Makerere University, Kampala.

¹⁷ The NRM now calls itself “Movement” and acts within a “movement system”.

ban on political activity by parties seem as nothing less than a precaution to protect the NRM power. Oloka-Onyango (2000:55) argues that the 1995 constitution proves that the Movement is “simply a state-supported political organisation – a single party in all but name.” Also, the inclusive principle of the Movement which means that all Ugandans are members can be questioned by Museveni’s support of some candidates and campaign against others in parliamentary elections and the already mentioned concentration of services, development and institutions in and around the capital. (Griffiths – Katalikawe 2003:112f)

Presidential and parliamentary elections are scheduled for 2006 and these will be preceded by a referendum on whether to lift the political parties ban or not. The referendum, which will take place in June 2005, is heavily debated and so is the suggestion of amending the constitution and abolish the presidential two-term limit so that Museveni can run for a third term. Donors have recently criticized the Ugandan regime for not taking the transition to the next step, and pressure has increased to allow a multi-party system (BBC News 2005-04-29). An overview of the debate can be found in Appendix 2.

4.5 Conflicts Today

One important question to ask in this context is what conflicts Uganda is dealing with today and whether they are identity-based or not, how real are the threats of identity-based conflict? An overview of the conflicts is given in Appendix 3. Here, I will settle with concluding that the greatest rift in Uganda today seems to me to be the one caused by the government’s constant priority of development in south-western Uganda which leads to a feeling of marginalization amongst northerners and easterners. The division appears to be more related to exclusion and poverty than to identity-based hostility towards other groups. This could underpin the traditional division of parties with either a common northern or southern origin.

5 Institutional design in Uganda

5.1 Federalism vs. Decentralization

Even before the NRM came to power, they had started a project of building local political bodies called Resistance Councils (RC) to teach the people in the villages about the NRA and their mission. This later developed into five-level local councils (LC1 to LC5) and undermined the colonial heritage of chiefs and the importance of descent, instead residence determined what council you belonged to. (Griffiths – Katalikawe 2003:102f) This acclaimed process of decentralization has of course got its critics and the LCs can be seen as serving the purpose of the NRM, but it is still a reform which has given the Ugandans local self-governance. Examples of when self-governance is applied are the building of schools and clinics and also include some judicial matters (Museveni 1997:189f).

Calls for federalism have been heard from Buganda for several years, the kingdom wants to reinstall its king as executive, have fiscal powers and include the capital Kampala in their state (The Economist 2003). “Federo” is an issue in the rest of Uganda as well, mostly in the other former kingdoms but there is support for a reform around the country. Introducing federalism has been heavily opposed by Museveni and the NRM however since they fear that this might disrupt their nation-building project and give new life to old feelings of ethnic identity. (Griffiths – Katalikawe 2003:114ff) The Baganda constitutes 25 per cent of the population (The Economist 2003), and is a group too big to ignore and the NRM have approved of the re-installment of the king, even though his functions are merely ceremonial (Griffiths – Katalikawe 2003:114ff).

It is easy to understand Museveni’s and NRMs concern about revitalizing the identity discourse, a devastating result after 20 years of supposed attempts to suppress it. Federalism is, however, a recognized way of managing identity-based conflict and one of the pillars of consociational democracy. The question is what federalism would do to Uganda. Granting Buganda federal status and thus leaving that state with the capital city, the educated elite, the best infrastructure, the fertile and cultivated land and all the other results of a very long period of uneven resource distribution seems to me to be a great risk of increased conflict between other, less well off, parts of the country and this obvious centre over resources, natural as well as intellectual. I therefore think that the introduction of federalism would have to be preceded by careful considerations on how to solve issues of this type and help the other states-to be so they do not suffer from Buganda’s head start.

5.2 Changing the Electoral System in Uganda

Uganda's parliament is unicameral, and MPs are elected through the plurality-majority method of FPTP. One MP is elected from each of the 214 constituencies and elections are held every 5 years. The president is elected at the same interval where TRS is applied if needed, a simple majority is then enough to be elected president. (EPIC) Thus, the system allows the electorate to hold "their" MP accountable which is good for the legitimacy of the political system. There is no incentive in the present system however for MPs to attract minority voters and since they run as independent candidates in a no-party system, the advantage of broad based parties is lost. Naturally, one can argue that a system cannot get more broad based than a no-party system, but for geographically based minority groups this is a poor consolation.

When it comes to the presidential elections, TRS seems reasonable considering the functions of the president today. If he or she is to fill the purpose of being a uniting force and a national symbol, absolute majority should be required so that as many people as possible can feel that they influenced the choice of president. I do not think that the lengthy election process of TRS poses a problem. Today the president is extremely present in everyday life, his portrait is on the wall of every shop and in most homes and not a day passes when he is not mentioned in the media. Even though this surely is connected to the strongly personalized rule of present day Uganda, I do not think that a change in system will change people's commitment to presidential matters.

In the research for this paper, I have not come across any discussions on how the introduction of multiparty politics in Uganda can be simplified through other constitutional changes. It is my opinion however, that what starts to seem as an inevitable move towards multiparty democracy can be handled through systems design so that the risk of the feared identity-based conflicts will be reduced.

It seems to me as if buying the whole concept of Lijphart's consociational theory is a bit outdated and probably not the right thing for Uganda. The grand coalition is in some parts reminding of the Movement idea and it seems like a move away from that system would be difficult if a grand coalition was formed. The elite focus also seems wrong if democratization is what we are after. Bits and pieces of consociational theory can still be used though, federalism has already been considered and the matter of proportionality will soon be brought up.

When considering electoral systems it is important to remember that the perfect system does not exist, but Reynolds and Reilly (1997:9ff) have listed the features of such a system and say that depending on context, these features need to be prioritized differently¹⁸. Bearing in mind that stability and a multiparty

¹⁸ The perfect system is: "Ensuring a Representative Parliament", "Making Elections Accessible and Meaningful", "Providing Incentives for Conciliation", "Facilitating Stable and Efficient Government", "Holding the Government and Representatives Accountable", "Encouraging 'Cross-

system are the two polarized issues in the research presented and in Museveni's rhetoric, priority should be given to features of electoral systems which ensure those issues. Accordingly, a representative parliament, incentives for conciliation, encouragement of cross-cutting parties and the promotion of a parliamentary opposition must be prioritized in the design of an electoral system. The current FPTP system is dismissed and since the identity groups of Uganda are geographically concentrated, so is the Alternative Vote which is only used if absolute majority is not reached at first. Out of the plurality-majority systems, TRS is the one that comes closest to providing incentives for conciliation and cross-cutting parties but since it can be very disproportional it is not suitable for parliamentary elections in Uganda. The SNTV in districts with a strong majority of the same identity group seem to me to increase the problem of disproportionality since a big party based on identity probably could win all or most of the votes in one constituency. The parallel system has its advantages, but loses when compared to the similar but more proportional MMP system.

Not surprisingly considering the priorities made, a PR system seems to be the most suitable but the question is which one. The List PR system can seem very attractive since it will provide incentives for parties to be broad based and also ensure proportionality in the parliament. The importance of accountability towards the constituency, especially in agrarian societies as Barkan points out, poses the biggest problem. Therefore, what seems to be most likely to work in Uganda is the MMP system. This would allow for the election of an MP accountable to the constituency and the feeling of wasted votes or marginalization would be decreased since the vote cast on the national list would guarantee proportionality. I think this would work better than the STV since it is simpler and also encourage the emergence of parties which appeal to voters across the nation. Further, this system has similarities to the one already in use which might make it easier to understand.

If Uganda were to adopt a new electoral system, no matter which one it is, the implementation would have to be preceded by long discussions among parties and civilians on all levels so that there is consensus and a broad acceptance of the system. A change like this would also require massive education of the public and especially the illiterate part of the population. Considering the successful decentralization and the village level Local Councils, paired with efforts from parts of civil society such as community radio, the process of implementation and education is likely to succeed. The fact that other democratic institutions such as free press and some strong independent control organs¹⁹ already are at work in Uganda will probably make a transition to multiparty democracy easier than in more authoritarian countries. The most important factor for a successful change though is, of course, the political will.

Cutting' Political Parties", "Promoting a Parliamentary Opposition" and "Cost and Administrative Capacity"

¹⁹ Examples are the Uganda Human Rights Commission and a Constitutional Court which is not afraid to go against the Movement system (Tripp 2004:9, 18)

6 Summarizing Conclusions

An analysis of Uganda through the prism of polyarchy shows that the major issue which renders the country its nonpolyarchal status is the ban on political parties. When examining the official reasons for this ban, it becomes obvious that they agree well with the theory on democracy in plural societies and that the noble goal of movementocracy is to reduce identity-based tensions. How well, then, do the movementocracy with NRM and Museveni on the frontline live up to these goals? Not very well it seems. First, the tensions and conflicts in Uganda have ever since the colonial days been characterized by a deep cleavage between two regions, the south-west and the north-east, or centre and periphery if you like. This rift has been deepened by both colonial and national leaders and government and has not been improved by the NRM policies. This brings us to the second counter argument against movementocracy; it enhances the problems of marginalization of the north-eastern parts. Whether this is an innate problem of the movementocracy or due to the NRM elite is impossible to say since the two are so intertwined but the point is that playing the ethnic card is still a viable and often used option. Third, the actions of the NRM are very much like those of a party and this makes a ban on parties totally meaningless. Consequently, movementocracy as an option to democracy is not working very well and a transition is bound to happen soon.

By considering institutional re-design as a way of enabling a transition to democracy, I have attempted to answer the problem posed in this thesis, namely *how can Uganda's current political system develop into multi-party democracy, without an increase in identity based conflict?* I found that federalism is an option for solving the one issue which has a clear identity-based feature, Buganda's independence. It is however a risky option compared to continued decentralization and would demand careful considerations to be successful. When it comes to finding a suitable electoral system it is clear that a representative parliament and government is much needed and a PR system such as the Mixed Member Proportional would offer this. Electoral systems are merely a cog in a huge wheel however, and will be quite meaningless if there is a lack of political will to change, or if tradition and political culture is hindering the process.

Uganda is now less than a year away from the elections which probably will be open for all political parties and any change in the political system, whether it concerns federalism or electoral system, is much too late to start meddling with now if it is to be done in a democratic way. Thus, the first multiparty election to be held for 26 years will be under the FPTP system and any possible change is way down the road from here. Hopefully, the fears of president Museveni and the general concerns of scholars are exaggerated and the country will handle the

transition fine. Even if it will though, I still think a review of the electoral system is necessary to reduce the risks of identity politics in the future.

On a more general note, electoral systems design can be a fruitful way of managing identity-based conflicts in a transitional society. There is no system which is universal and works in all divided societies though, which means that general recommendations such as consociationalism are difficult to make use of. A check-list system like the one put forward by Reynolds and Reilly seems more appropriate since it presents us with some universal criteria which can be prioritized differently depending on context.

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Appendix 1: Uganda, an Overview

Uganda is situated in eastern Africa, bordering Kenya in the east, Tanzania, Lake Victoria and Rwanda in the south, The Democratic Republic of Congo in the west and Sudan in the north. Thus, Uganda sits like a wedge in an area with many internal and regional conflicts. The country has about 21 million inhabitants spread over 240 000 km² (Sida 2000).

Since the crisis in the 1970's and 80's, the formerly so well off country was ruined and has been in deep need of foreign aid. As Aaron Mukweya (2003:2) puts it: "The Pearl of Africa has become the Pauper of Africa". After willingly agreeing to all the actions in the structural adjustment programme and therefore granted help through the HIPC initiative, Uganda saw an economic boom in the 1990's which has now slowed down (Sida 2000:10ff). The appliance with donor demands has been said to be one of the reasons to why more democratic reform has not been demanded. Poverty is still a big problem though and mostly so in the northern parts of the country, 44 % of the population was below the line of absolute poverty in 2000 (Sida 2000:17f).

When it comes to human rights, the situation has improved noticeably during the NRM regime (Sida 2000:6), but the situation is far from perfect. Uganda is however better than the other East African countries and freedom of assembly and freedom of expression are rights relatively easy to exercise (Ddumba-Ssentamu 1999:71ff). Gender issues come across as important for the regime, several members of government are women, and Uganda's female representation in parliament is one of the largest in Africa (Sida 2000:7). Women have been the strongest supporters of the NRM historically, and this is argued to be the reason for president Museveni's interest in keeping women's organisations happy (Tripp 2004:13).

A lot of effort has been put into fighting the spread of HIV and this has given positive results, the number of newly infected people has been decreased. In year 2000, 8,3 % of all Ugandans were infected. (Sida 2000:17)

Appendix 2: The Referendum Debate

A referendum on whether or not to keep the movement system was held in 2000 and a large majority voted in favour of keeping things as they were, the turnout was about 50 per cent (Griffiths – Katalikawe 2003:108). The opposition boycotted that referendum and that is what is happening this time as well.

In February 2005, it was reported that Ugandan MPs were to vote on the party ban (Ross 2005-02-25). The decision to hold a referendum was finally made by the parliament in May 2005, at this time the parliament had already voted against the referendum once. The government found a loophole in the constitution however and demanded a new vote and the second time, enough Movement supporters were mobilized and parliament voted in favour of a referendum. The referendum is boycotted by the opposition since it claims that a parliamentary decision is enough according to the constitution. The high cost of administering the referendum is one argument against it. (Mutaizibwa - Mutumba 2005-05-05) Also, there have been concerns that the government will campaign for a continuation of the movement system, even though this has been denied (Mulumba 2005-05-06). Thus, officially, the government and opposition agree that the election taking place 2006 should be open for parties but the decision is now handed over to the people.

Appendix 3: Conflicts in Uganda

Uganda still suffers from conflicts in parts of the country, conflicts which causes death and trauma and leaves people without homes, land and livestock. A conflict analysis by Sida (2004) concludes that there are three main conflict areas in Uganda, all of them in the north and east. The most notorious conflict is the one between Lord's Resistance Army (LRA) and the government. LRA started out as a kind of mixture of resistance against the NRM, fundamental Christianity and traditional beliefs. It is based in the Acholi region in the north where many of the previous presidents and prime ministers have come from. As time has passed, the objectives of the LRA, lead by the mythical Joseph Kony, have become very unclear. Looting is combined with the abduction of children which are trained and used as child soldiers and killings or mutilations of whole villages occur. The attacks are aimed at the people in Acholi and the surrounding areas and the LRA have had bases in southern Sudan with the Sudanese government's blessing. The cruelty of LRAs actions is unimaginable, but still support for LRA is not ruled out in the northern parts where the NRM enjoys very little support. Negotiations are attempted from some religious and international actors, and amnesty offers have been made, but the government seems to favour a military solution to the conflict. (Sida 2004:194f)

A conflict which is not given as much attention but has placed hundreds of thousands people in IDP camps is the one in the Karamoja region of eastern Uganda. This is the result of conflicts between small groups of people in this region where cattle raiding has been a common feature. The raiding has become more violent since there is a constant inflow of fire arms from Kenya and Sudan and since there is now a commercial market where stolen cattle can be sold. The attackers do not settle with cattle any more, everything of value such as tools, crops and food is stolen and the people are left to starve. The IDPs usually work on their land during the days but return to camps at night for protection, which is everything but guaranteed. The same area is hit by attacks from the LRA from time to time.²⁰

The conflict in the West Nile area has recently been settled through a peace agreement but the parties were mostly ex-Amin soldiers who fought the government through periodic attacks (Sida 2004:196).

²⁰ This part builds on facts I learnt when doing interviews with refugees and officials in the area in 2003, most of it is confirmed by the Sida report which partly builds on results from that same study.

The Sida analysis see colonial policies and a constant neglect of the people in the conflict stricken areas as the foremost reason for conflict even though the conflicts in Karamoja have traditional roots as well. (Sida 2004:200ff)

Uganda is also involved in several external conflicts which might also affect some of the internal problems, the country is involved in conflicts with or in Sudan, Kenya, DRC and Rwanda.