

Chapter 2

POLITICAL BACKGROUND

Uganda attained self-government in 1958. In 1961 a general election returned the Democratic Party of Benedicto Kiwanuka, who became the first Prime Minister in 1962. The general election of April 1962 returned Milton Obote's Uganda People's Congress. Uganda became independent on 9 October 1962 under a Constitution that safeguarded the autonomy of Buganda and the other kingdoms, and joined the Commonwealth. An alliance between the Uganda People's Congress (UPC) and Kabaka Yekka (KY) parties won the majority of parliamentary seats and Milton Obote became the executive Prime Minister. Through the UPC-KY coalition, Kabaka Edward Mutesa II became the first ceremonial President in 1963, when Uganda became a republic.

Post-Independence Politics

In 1966, amid rising tensions between the Central and Buganda Governments, Milton Obote forced Kabaka Mutesa II into exile using the Uganda Army and abrogated the Constitution. Kabaka Mutesa fled to Britain. In 1967, a new Constitution stripped the kingdoms and monarchical institutions of their powers. A centralised parliamentary system of government was introduced, which abolished all federal elements and Milton Obote became both Head of State and Government. In 1969, political parties were banned after an assassination attempt on President Obote, and a state of emergency was declared.

In 1971 Milton Obote was ousted in a military coup by Major General Idi Amin. Initially popular in some circles, Amin moved quickly into brutal authoritarianism. He declared himself President-for-life and ruled by decree. His reign lasted until 1979, when he was removed by the Tanzanian army supported by the Uganda National Liberation Front (Ugandan exiles) and subsequently fled into exile.

Professor Yusufu Lule, Chairman of the UNLF, became President for two months, and was replaced by Godfrey Binaisa, who was himself replaced a year later by a Military Commission led by Paulo Muwanga, which organised elections in December 1980. Commonwealth and other observers were present. The 1980 elections were characterised by "gerrymandering, ballot-box stuffing, coercion, violence and fraud"¹ and resulted in Milton Obote's UPC being returned to power on a disputed mandate.

The second Obote administration relied heavily on the support of the army and soon became embroiled in a guerrilla war against Yoweri Museveni's National Resistance Army (NRA), which launched a protracted bush struggle in 1981 after accusing the government of rigging the 1980 elections. Milton Obote was overthrown in an army coup in 1985. General Tito Okello established a short-lived Military Council but in January 1986, the NRA occupied the capital Kampala, and Yoweri Museveni was installed as President. By then an estimated

¹ "Uganda: Management of Elections", a review by AfriMAP and Open Society Initiative for Eastern Africa, p. 12

1 million Ugandans had been killed by war or state-sponsored killings; 2 million had been uprooted as refugees; 500,000 seriously injured; and the economy was in ruins.

Re-emergence of Multiparty Politics

Though the Constitution (1995) provided for three different political systems², a controversial feature of Uganda's politics since 1986 was the 'no party' political system, or Movement System. The NRM initially governed the country through a broad-based cabinet of civilians and a National Resistance Council (NRC) which functioned as a Parliament. Political party activities were suspended, though party structures were not made illegal. Uganda's 1995 Constitution provided for political participation and voting but prohibited political parties from sponsoring candidates. A Referendum in 2000 found 91% in favour of continuing the Movement system, although turnout was low and the pro multiparty side had limited opportunity to present their case. President Museveni won 74% of the vote in the 1996 Presidential elections and 69% of the vote in 2001. The 2001 elections were marred in places by violence and intimidation and Museveni's main rival, Dr Kizza Besigye, subsequently left the country to spend the next four years in South Africa.

After 2001, domestic and international pressure for the restoration of multi-party democracy in Uganda became more persistent. In July 2005 another referendum was held to decide on the political system³. This time the Government supported the change and secured a 92% vote in favour of restoring multi-partyism. The opposition boycotted the referendum, while turn-out was low.

Prior to this development, in June 2005, Ugandan Members of Parliament voted overwhelmingly in favour of a constitutional amendment to abolish term limits, thus allowing President Museveni to seek further terms in office. The Constitution had previously provided for a maximum of two terms for the President.

Dr Besigye returned to Uganda on 26 October 2005 and immediately declared his intention to contest the February 2006 elections. He was arrested and charged with treason and rape three weeks after his return. The issue of the arrest of Dr Besigye raised concern among Commonwealth leaders at the Malta Commonwealth Heads of Government Meeting (CHOGM) in 2005. While in detention, Dr Besigye was nominated as the Presidential candidate for the Forum for Democratic Change (FDC).

2006 Presidential and Parliamentary Elections

Yoweri Museveni, was declared the winner of multi-party presidential elections in February 2006, the first multi-party poll in 25 years. He took 59% of the vote versus the 37% share of his main rival, Kizza Besigye. The Commonwealth observed these elections and concluded that while the results reflected the wishes of those able to vote, there were serious irregularities and shortfalls. In particular, the Commonwealth Observer Group (COG) noted the lack of a level playing field and the failure to ensure a distinction between the ruling party and state. The COG also noted harassment of Dr Besigye, lack of balance in media coverage and the use of financial and material inducements. On a positive note, when

² Constitution of the Republic of Uganda (1995) Articles 71 & 72

³ In accordance with Article 69 of the Constitution

compared to the 2001 elections, 2006 saw a slight improvement in the area of media freedom.

Dr Besigye rejected the outcome of the Presidential election and a 2006 Supreme Court ruling⁴ criticised the EC for non-compliance with a number of critical provisions of the electoral laws in the conduct of the elections. In the presidential election petition, the Supreme Court stated in part:

We find that there was non-compliance with the provisions of the Constitution, Presidential Elections Act and the Electoral Commission Act, in the conduct of the 2006 Presidential Elections, by the 1st Respondent [Electoral Commission] in the following instances:

- (a) In disenfranchisement of voters by deleting their names from the voters register or denying them the right to vote.*
- (b) In the counting and tallying of results*

We find that there was non-compliance with the principles laid down in the Constitution, the Presidential Elections Act, and the Electoral Commission Act in the following areas:

- (a) The principle of free and fair elections was compromised by bribery and intimidation or violence in some areas of the country.*
- (b) The principles of equal suffrage, transparency of the vote, and secrecy of the ballot were undermined by multiple voting, and vote stuffing in some areas.*

In its ruling, the Supreme Court commented on four issues of “grave concern”: the continued involvement of the security forces in the conduct of elections where they have committed acts of intimidation, violence and partisan harassment; the massive disenfranchisement of voters by deleting their names from the Voters’ Register without their knowledge or being heard; the apparent partisan and partial conduct by some electoral officials; and the apparent inadequacy of voter education. But the Court, nonetheless, upheld the 2006 election by a majority of four to three.

Dr Besigye was acquitted of rape charges by the High Court in March 2006. In March 2007 armed security agents stormed the High Court to re-arrest six of his co-accused who had just been granted bail. In response the Judiciary and lawyers went on a one week strike. The President apologized to the Judiciary and public at large, promising that such an incident would not recur. He also publicly reaffirmed his commitment to the safety and independence of the Judiciary and rule of law.

Dr Besigye’s treason trial resumed in June 2007, but was subsequently adjourned. In October 2010 Uganda's Constitutional Court quashed the treason charges against Dr Besigye, who had effectively challenged the legality of the charges he and 10 others had faced in both civilian and military courts. In a unanimous ruling, the panel of five judges said it was not possible to guarantee a fair trial.

⁴ Judgment passed on 6 April 2006.

Consolidation of Multi-Party Democracy

Several positive steps were taken to consolidate multi-party democracy in Uganda. In his 2006 inauguration speech, President Museveni had extended an olive branch to the opposition, and called for them to play an active and constructive role in the new multi-party dispensation. A multi-party Parliament had been in existence for some years, with the formal adoption of multi-Parliamentary Rules of Procedure. The Office of Leader of the Opposition had been institutionalised with the holder being accorded all privileges and facilities of a Cabinet Minister. The opposition had also formed a Shadow Cabinet, alongside the formation of several Parliamentary Committees, with Chairmanship of the four oversight committees (Public Accounts, Statutory Authorities and State Enterprises, Local Government Accounts, and Government Assurances) being reserved for the party of the Leader of the Opposition in Parliament (the FDC).

Recent Developments

Security concerns

- *The Lord's Resistance Army*

The Lord's Resistance Army (LRA) led by Joseph Kony had perpetrated massacres and mutilations in the northern part of Uganda for over two decades, from bases in Sudan. Joseph Kony had claimed he wanted to run the country based on the biblical Ten Commandments. The violence had displaced more than 1.6 million people and tens of thousands of civilians were killed or kidnapped. The UN had estimated that the group had abducted 20,000 children. In 2005, the International Criminal Court (ICC) issued a warrant for Kony's arrest for crimes against humanity.

An agreement for the cessation of hostilities was signed by the Ugandan government and the LRA in August 2006, beginning a process of peace talks. As security improved in Northern Uganda, many of the internally-displaced people began returning to their homes. Though the LRA lessened their attacks in Uganda, they began to attack other regions. They spread to the Democratic Republic of Congo (DRC), Sudan, and the Central African Republic (CAR). The LRA has continued to move between these 3 regions and evaded capture despite the efforts made by joint military operations of the countries, with their only goal being survival. They raided remote locations to gather food, money and people to help sustain their rebellion.

The Ugandan government launched a Peace, Recovery and Development Plan for Northern Uganda in 2007, but implementation was delayed and did not begin until 2008. Local sentiment has often been bitter towards Mr Museveni, with feelings that the President who hails from the south-west, was not treating the security situation in the north with enough urgency.

In December 2008, Uganda, the DRC, and Southern Sudan launched a joint military operation against the LRA in northeastern DRC. As security improved, local concerns began to focus on food, agriculture, education and health services.

- *Terrorist attacks*

On 11 July 2010 suicide bombings were carried out against crowds at two locations in Kampala watching a screening of the FIFA World Cup final match. The attacks left at least 76 dead and 70 injured. Al-Shabaab, an Islamist Somali militia believed to have ties to the Al-Qaida terrorist organization, claimed responsibility for the attacks as retaliation for Ugandan support for the African Union Mission to Somalia (AMISOM). Security was stepped up in Kampala following these attacks. Alluding to this incident, and more broadly Uganda's violent history in the 1970s and 1980s under the military rule of Idi Amin and subsequently Milton Obote, President Museveni made the issue of security central to his campaign message, warning that Uganda's security could only be assured under himself and the ruling NRM.

Inter-party dialogue mechanism

The Political Parties and Organisations Act (2005)⁵ provides for the establishment of a dialogue mechanism (the National Consultative Forum for Political Parties and Political Organisations) involving political parties, the Electoral Commission and the Attorney-General, to be established during elections. This forum was not established but an alternative dialogue mechanism known as the Inter-Party Organisation for Dialogue (IPOD) and sponsored by donors was formed and has been functioning to varying levels of satisfaction by political parties.

Increase in number of Independent Candidates

The return to multi-party democracy in Uganda ironically saw a significant increase in the number of independent candidates, most of whom were NRM members who lost their internal party primaries⁶. The NRM primaries conducted between July and September 2010 were alleged to have been marred by widespread vote-rigging, ballot-stuffing and violence.

Key Members of Parliament, including 17 members of President Museveni's cabinet, were voted out during the primaries. Some of them, and others dissatisfied with the primaries, entered as Independent candidates in the 2011 Presidential and Parliamentary elections. This caused speculation that the Independents could split the NRM vote and cost the party some seats to opposition candidates.

In 2010, candidates having complained that the electoral college system for selection was open to manipulation, the party moved to a system of universal suffrage. However, the new system threw up a new set of problems, with more than 600 candidates claiming that they had been cheated. The party was forced to concede that logistical preparation for the primaries was poor and that ballot-stuffing and voter intimidation was widespread. A committee was set up to hear complaints, followed by a second round of primaries in a number of constituencies, but most losers were not mollified. More than 50 of them were sitting Members of Parliament who were not prepared to sacrifice their political careers for the sake of party discipline and even ignored the threat of expulsion from the party in order to stand against official NRM candidates.

⁵ Political Parties and Organisations Act (2005), Section 20

⁶ A total of 37 MPs contested the 2006 elections as independent candidates.

On 1 February 2011, the Constitutional Court ruled that it was illegal for Independent MPs to compete in the current elections on any party ticket, and that it was illegal for incumbent MPs representing parties to compete as Independents and remain serving MPs⁷.

The five-judge panel ruled unanimously that independent MPs should have vacated their seats before being nominated to contest on party tickets, and MPs representing political parties should have vacated their seats before being nominated to compete as independents. An appeal was dismissed by the Supreme Court⁸, though it allowed the names of independent candidates to remain on the ballot paper for the 2011 elections.

Relationship between President Museveni and Buganda Kingdom

The relationship between President Museveni and the Buganda Kingdom soured following a number of events:

- *Riot in September 2009*

In September 2009 the government's decision to prevent the Buganda King, Kabaka Ronald Mutebi, from attending a youth ceremony in the Kingdom caused a riot, which left at least 28 people dead. This incident exposed the tension between the state and Kabaka Ronald Mutebi who had been increasingly forceful in calling for the reintroduction of *Federo*⁹ - a quasi-federal system of government that existed before the kingdoms were abolished in 1966.

- *Destruction of Kasubi Tombs*

In March 2010, the Kasubi Tombs in Kampala were destroyed by fire.¹⁰ During President Museveni's visit after the fire, security forces clashed with rioters and shot dead two civilians. This further deepened tensions between Mr Museveni and the Buganda Kingdom. In October 2010, in an attempt to build bridges with Buganda, President Museveni announced the reopening of CBS, a Kingdom of Buganda radio station shut down by the government for allegedly inciting the September 2009 riots in Kampala.

- *Enactment of the Institution of Traditional and Cultural Leaders Bill*

On 31 January 2011, the Institution of Traditional and Cultural Leaders Bill¹¹ was enacted by Parliament, which sought to ban traditional and cultural leaders from participating in

⁷ Constitutional Petition No 38 of 2010: a judgment of a case filed by George Owor against the Attorney General and William Okecho, the NRM flag-bearer for the West Budama North Constituency, arguing that Okecho's dual status as an independent MP and NRM flag-bearer was in contravention of the Constitutional provisions.

⁸ On 11 February 2011, the Supreme Court ruled that independent MPs had to vacate their seats in Parliament and repay emoluments received in the preceding six months.

⁹ Some of the 2011 presidential candidates, including Dr Besigye, promised to grant *Federo* to Buganda, which is also the region with the largest number of voters, and which holds about 17% of the population of Uganda.

¹⁰ The Kasubi Tombs is the site of the burial grounds for four Kabakas (kings of Buganda), and a UNESCO World Heritage Site.

¹¹ The Act bans traditional leaders from promoting or providing direct support to a political party or to its activities and bars traditional leaders from 1) recommending to the public support for individual politician; 2) promoting a party manifesto and 3) making statements against government

partisan politics. Many opposition parties, including several Baganda MPs, and other traditional leaders objected to the bill, on the grounds that it was unconstitutional¹². The Government was accused of eroding the reverence and respect accorded to traditional or cultural leaders in Uganda.

Engagement with the Commonwealth

Uganda continued to play an active role in the Commonwealth. The Commonwealth had been actively engaged in promoting restoration of a multi-party dispensation, as well as in promoting economic and social development. At the request of President Museveni, in September 2007 the Commonwealth Secretary-General constituted an Expert Team to examine parliamentary processes in Uganda, so as to provide recommendations to consolidate the transition to a more conventional multi-party system.

In November 2007, Commonwealth Secretary-General Sir Don McKinnon officially opened the "Project Hope" Northern Uganda Youth Development Centre (NUYDC) in Gulu, Uganda which has since continued to provide counselling and health advice to help young people re-integrate into the community. The project was designed to address the challenges resulting from the decades-long conflict in Gulu district and Northern Uganda as a whole. It aimed to empower young people in the region who had missed the opportunity of a formal education.

Uganda hosted the 2007 Commonwealth Heads of Government Meeting (CHOGM), when President Museveni assumed the role of Commonwealth Chairperson- in-Office till 2009.

programmes. It also provides that a traditional leader who wishes to take part or seeks elective office is required to abdicate his position not less than ninety days before nomination. According to the Act, government may withdraw its recognition to a traditional or cultural leader who is deemed to have contravened the constitution or abdicates the institution of traditional leadership.

¹² However, Article 246(3)(f) of the Constitution states that "a traditional leader or cultural leader shall not have or exercise any administrative, legislative or executive powers of Government or local government". The Political Parties and Organisations Act (2005), Section 16, also proscribes traditional or cultural leaders from political party or political organisation activities.