



**HARD CHOICES OR NO CHOICE AT ALL**

Questions for Uganda's Political Parties



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# 1 Introduction

In 2005, Ugandans voted in a national referendum to return the country to a multi-party system of government. Uganda had tried the multi-party system in the 1960s and the first half of the 1980s. In each of these two cases, the system was failed and culminated into military takeover of government. Since independence, Uganda has never had a peaceful change of government where a president or a political party hands over to another. Indeed, the agitation for a return to a multiparty system of Government after almost 20 years of the movement system was partly driven by the push to introduce a governance system that enabled political competition. The last two elections<sup>1</sup> were organized under a multi-party system.

With the next elections slated for 2016, one of the major concerns has been the failure of the campaign process to provide a platform where political parties articulate their alternative policy agendas for the country. This, it is argued, would enable citizens make electoral choices based on evidence rather than conjecture. The Situation Room Uganda Debates Series is an initiative designed to change the electoral debates landscape by providing a forum where political parties and policy experts help inform the public policy discourse in the run up to the 2016 elections and beyond.

This policy brief is divided into 4 sections. After this introduction, section 2 outlines the constitutional and legal framework for political parties in Uganda. Section 3 focuses on the importance of political parties in a democracy. Finally, section 4 discusses the essential attributes of political parties and the key issues that voters should know about their parties.

## 2 The Constitutional and Legal Framework for political Parties in Uganda

The primary foundation for political parties in Uganda is rooted in the National Objectives and Directive Principles of State Policy as set out in the 1995 Constitution.<sup>2</sup> Part dealing with the political objectives outlines the set of democratic principles (Box 1). Principles (i), (ii) and (iii) have a direct relationship with political parties. Political parties are envisaged as providing a vehicle for citizens' active participation in the governance. Political parties are one of the important vehicles that can enable citizens aspire and compete for political leadership positions at the various levels of government. Principles (v) is a command to all political and civic associations aspiring to manage and direct public affairs to conform to the democratic principles in their own internal organization and practice.

### Box 1: Political objectives as States in the Uganda Constitution, 1995

#### II. Democratic principles.

- (i) The State shall be based on democratic principles, which empower and encourage the active participation of all citizens at all levels in their own governance.
- (ii) All the people of Uganda shall have access to leadership positions at all levels, subject to the Constitution.

<sup>1</sup> Election for 2006 and 2011 were conducted under a multi-party system of government.

<sup>2</sup> Constitution of the Republic of Uganda 1995 (As amended)

- (iii) The State shall be guided by the principle of decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.
- (iv) The composition of Government shall be broadly representative of the national character and social diversity of the country.
- (v) All political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organizations and practice.
- (vi) Civic organizations shall retain their autonomy in pursuit of their declared objectives.

**Source:** *Constitution of Uganda 1995*

More importantly, the right to form or belong to a political party is enshrined in the Bill of Rights and in particular Article 29 of the Constitution which deals with, among other things, protection of freedom of assembly and association. Article 29(1)(d) provides for the right of “freedom to assemble and demonstrate together with others peacefully and unarmed and to petition.” Article 29(1)(e) provides thus: “Every person shall have the right to- freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organizations.”

The substantive constitutional provisions governing political parties are set out in Articles 69-73 (Box 2)

## **Box 2: Rules governing political parties and organizations under the Constitution**

### **71. Multiparty political system.**

A political party in the multiparty political system shall conform to the following principles—

- (a) every political party shall have a national character;
- (b) membership of a political party shall not be based on sex, ethnicity, religion or other sectional division;
- (c) the internal organisation of a political party shall conform to the democratic principles enshrined in this Constitution;
- (d) members of the national organs of a political party shall be regularly elected from citizens of Uganda in conformity with the provisions of paragraphs (a) and (b) of this article and with due consideration for gender;
- (e) political parties shall be required by law to account for the sources and use of their funds and assets;
- (f) no person shall be compelled to join a particular party by virtue of belonging to an organisation or interest group.

### **72. Right to form political organisations.**

- (1) Subject to the provisions of this Constitution, the right to form political parties and any other political organisations is guaranteed.
- (2) An organisation shall not operate as a political party or organisation unless it conforms to the principles laid down in this Constitution and it is registered.

(3) Parliament shall by law regulate the financing and functioning of political organisations.

### 73. Regulations of political organizations.

(1) Subject to the provisions of this Constitution, but notwithstanding the provisions of articles 29(1)(e) and 43 of this Constitution, during the period when any of the political systems provided for in this Constitution has been adopted, organizations subscribing to other political systems may exist subject to such regulations as Parliament shall by law prescribe.

(2) Regulations prescribed under this article shall not exceed what is necessary for enabling the political system adopted to operate.

The first major piece of legislation regulating the registration of political parties was enacted in 2002.<sup>3</sup> This law was repealed and replaced by the Political Parties and Organization Act enacted in 2005.<sup>4</sup> Besides the preliminaries, the Act is organized in 3 substantive parts. Part 2 deals with the registration of political parties. Part 3 deals with the of political parties while part 4 makes general provisions covering a range of issues including: code of conduct; the National Consultative Forum; winding up and none compliance, among others.

## 3

### Essential attributes of political parties: What voters should know

There are a number of attributes that generally describe political parties. These attributes are variously referred to in the theoretical literature as well as constitutional and legal instruments. Taken together with the literature, the Constitution and the Political Parties and Organizations Act 2005 prescribe a set of principles, which constitute a minimum set of attributes that a political party in Uganda should espouse. Voters and citizens should therefore ask of their political parties and party leaders the extent to which they conform to these principles or attributes. These attributes are further discussed below.

**Membership to a political party is voluntary** – belonging or not belonging to a political party or other organization is a lawful action and a manifestation of a citizens' right to association. This right is enshrined in Article 29 of the Constitution. Membership of a political party is evidenced by the possession of a membership card or other forms of evidence as may be prescribed by the constitution of the party. The fundamental question therefore is whether Ugandan political parties have a membership that is clearly known.

**Do political parties conform to the principle of internal democracy** – internal democracy is an essential tenet of strong and progressive political parties. Without espousing the virtues of internal democracy, political parties also become islands of dictatorship. Political parties that are internally democratic hold competitive elections in selecting their leaders at all levels. A political party that espouses internal democracy ensures that all its members have an opportunity to compete for leadership positions within the party, and establishes forums through which the party members participate in the activities of the

<sup>3</sup> Act No. 18 of 2002

<sup>4</sup> The Act was assented to on November 16, 2005 with a commencement date of November 21, 2005

party. This internal democracy should be clearly manifest in the governance instruments of the party as well as its actual practice.

***Do Ugandan political parties have a national character?*** – Political parties in Uganda are required by law to have a national character. This means that a party should have support from most parts of the country. By implication, no party should be established with the sole purpose of promoting the interests of just one region or part of the country.

***Where do parties derive their funding?***– The question of funding for political parties is still an issue in Uganda. Most of the parties do not collect membership fees or financial contributions from their members. Yet the source of funding could influence the agenda of political parties. For example, section 14 of the Political Parties and Organizations Act contains a wide range of restrictions on sources from which political parties can obtain funding. In an attempt to address this challenge, parliament in 2010 enacted the Political Parties and Organisation (amendment). The Act makes provision for the use of public funds to fund the activities of political parties. Although the Act came into force 5 years ago,<sup>5</sup> Government has until now failed to allocate funds for political party activities. This brings into question the authority of Parliament or its ability to follow through on legislation that it enacts.

***Do parties elect leaders of their national organs on a regular basis*** – the constitution requires that members of the national organs of a political party should be regularly elected from among the citizens of Uganda. Gender representation must also be taken into account when electing such leaders.<sup>6</sup>

***Do Ugandan political parties have basic operational documents*** – credible political parties have basic documents through which they communicate about themselves. For example, basic information about membership, rights and obligations of party members or internal party elections may be found in the party constitution.<sup>7</sup> On the other hand, the policy positions, mission or ideology of the party is mostly articulated in the main party policy document, also commonly referred to as the “party platform.”<sup>8</sup> For every election cycle, a party presents a campaign manifesto, which outlines the specific electoral promises to be pursued over the duration of five years when the party is in power.

***Do citizens have a stake in their political parties?*** – citizens acquire a stake in political parties by participating in party activities and contributing to the funding of the party through membership fees and other forms of contributions. A members register is therefore one of the essential tools for any political party. In the case of Uganda, there is no clear information on the membership of political parties. The membership information seems not to be readily available at the respective secretariats of the parties.

<sup>5</sup> Footnote: Act No. 4 of 2010. The Act came into force on April 9, 2014

<sup>6</sup> Also see Political Parties and Organizations Act, 2005 (s10)

<sup>7</sup> Most political parties have constitutions. However, these constitutions are not easily accessible as they are not even available on the party websites

<sup>8</sup> The NRM adopted the 10 Point Programme which was the agenda of the National Resistance Movement and the National Resistance Army. At the moment, it is only the FDC that has a party platform (FDC, 2005). On March 9, 2015, the Party launched its new party platform with the theme: Uganda’s Leap Forward. See FDC, 2015: FDC Policy Agenda for Uganda’s Leap Forward, March 2015.

## 4

### Why are political parties important in a democracy?

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A political party or political organization may be defined as a group of citizens organized to champion certain public policies and ideas. As an organization, a political party seeks to achieve the goals of its members through the acquisition and retention, exercise and retention of political power. In theory, political parties are driven by the desire to present public policies and positions they consider being superior in optimizing public benefits to society. Political parties therefore set out positions on a wide range of issues including the delivery of public services, taxation, and foreign policy. When people in a democracy disagree about what the government should do, voters express their opinions by voting for political parties and candidates that most closely reflect their views.

Political parties are important citizens organizations that can play a crucial role in the development of a country in two fundamental ways. First, strong political parties are important pillars in building a democratic country. Secondly, strong political parties are important vehicles through which citizens participate in the governance of their country.

In a functioning multi-party political system, political parties typically seek to influence, or entirely control, government policy, usually by nominating their own candidates and trying to win over electoral constituencies and political positions. For example, the National Democratic Institute observed that while there can be parties without democracy, there can be no democracy without political parties. Political parties in many countries may be flawed, but they are also indispensable in democratic governance.<sup>9</sup>

In a democracy, political parties play important roles. First, they are important vehicles by which citizens determine those who should lead them. For example, article 1 of the Constitution of Uganda provides that power belongs to the people who shall exercise that power in accordance with the constitution. Political parties provide one of the mechanisms through which citizens exercise their power in determining who should lead them or exercise executive, legislative or judicial power on their behalf.

Secondly, in a functional multiparty democracy, political parties help place citizens' local concerns in a national context. Citizens may be divided over interests, leaders, or policies; political parties can organize these differences, creating grounds for compromise and helping societies to unite. Through their efforts to control and influence public policy, political parties play an intermediary role, linking the institutions of government to economic, ethnic, cultural, religious and other societal groups. They can rally support behind important legislation, advocate positions that improve the public welfare, and advance citizens' interests. Further, their participation in elections allows citizens to hold them accountable for their policies and actions.

In multi-party systems, and based on the constituencies they represent, political parties often express alternative viewpoints on public policy. These principled differences of opinion are not only an important part of the democratic process, but the exchanges they generate can also help to create a better understanding of the issues and possible solutions, potentially leading to new insights or workable compromises. Further, when parties in opposition present themselves as the alternative government voters may wish to choose, they pressure incumbents to better address the public's interests.

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<sup>9</sup> NDI, 2005

## 5

### Conclusion

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In multiparty democracies, credible political parties offer alternative perspectives on how to govern the country. Most importantly, they present alternative policy priorities on how to expand the provision of public good and services. However, a country may find itself in a situation where the political parties are weak and generally internally undemocratic. In other cases, the voters or party members may not have control over how party leaders run the party. When there are several strong parties with strong policy and governance agendas, the voters may be faced with hard choices to make. But when the country has a collection of weak parties, then voters may be faced with a dilemma of making any choices at all.



## Annex: Flashback: Background to political parties in Uganda

The history of political parties in Uganda can be traced from independence in 1962. Unlike many other African countries where political parties championed the struggle for independence, such parties did not exist in Uganda. The first seeds of political associations emerged in the 1940. The most prominent of these were: the Bataka Party (1946), the Abaganda Abakopi (1947), the Uganda African Farmers's Union (1947) and Buganda African Motors Driver Union (BANU).

The majority of the pre-independence political parties were formed during the 1950s (See box 1). However, only the Uganda Peoples Congress and the Democratic Party participated in the first direct elections in 1961. It is this election that ushered in the first ever-internal self-government.<sup>10</sup> In 1962, the colonial Government organized a general election in which the Democratic Party got the majority in Parliament. However, the Uganda People's Congress merged with Kabaka Yeka to create an "artificial" majority, which enabled it to form Uganda's first post-independent Government headed by Apollo Milton Obote as executive Prime Minister.

### Box 3: Uganda's pre-independence political parties

- (i) Uganda National Congress (UNC) 1952.
- (ii) Democratic Party (DP) 1954
- (iii) The Progress Party (PP) 1955
- (iv) United Congress Party (UCP) 1957
- (v) Uganda National Movement (UNM) 1959
- (vi) Uganda People's Union (UPU) 1958
- (vii) Uganda People's Congress (UPC) 1960
- (viii) The Kabaka Yekka (KY) 1962.

The immediate post-independence multi-party political system ended with the overthrow of the Uganda Peoples Congress in 1971. Idi Amin Dada who took over Government banned political party activities and went on to institute one of the most vicious dictatorships of the time. Idi Amin ruled Uganda for 8 years until he was overthrown on April 11, 1978,

Following the overthrow of Idi Amin and the short-lived governments of Prof. Lule, Godfrey Binaisa and the Military Commission headed by Paul Muwanga, elections were held in December 1980. Four political parties: Uganda Peoples Congress; Democratic Party; Uganda Patriotic Movement (UPM) and the Conservative Party (CP) participated in the elections. The election results by the number of seats are shown in Table 1 below.

**Table 1: Results of the 1980 elections by No. of seats**

Political Party	No. of Seats
Uganda Peoples Congress	73
Democratic Party	52
Uganda Patriotic Movement	1
Conservative Party	0
Total Seats	126

*Source: Uganda, 1979-85: Leadership in Transition (1988), Jimmy K. Tindigarukayo*

<sup>10</sup> The Government was headed by Chief Minister H.E. Benedict Kiwanuka of the Democratic Party.

Two subsequent elections were held in 1996 and 2001. These elections were held under a movement system of Government when political parties were in abeyance. The results for both elections are shown in Table 1 & 2 respectively.

**Table 2: 1996 Presidential election results by percentage**

Presidential Candidate	Percentage of Votes
Yoweri Museveni	75.5%
Paul Kawanga Ssemwogerere	22.3%
Muhammad Kibirige Mayanja	2.2%
Total voter turn out	72.6%

*Source: Electoral Commission, 1996*

**Table 3: 2001 Presidential election results**

Presidential Candidate	Number of Votes	Percentage of Votes
Yoweri Museveni	5,123,360	69.4%
Kizza Besigye	2,055,795	27.7%
Aggrey Awori	103,915	1.4%
Muhammad Kibirige Mayanja	73,790	1.0%
Francis Bwengye	22,751	0.3%
Karuhanga Chapaa	10,080	0.1%
Total Voter Turnout	7,511,606	69.7%

*Source: Electoral Commission, 2001*

After almost two decades of inactivity, Ugandan political parties got a lease of life as Ugandans voted in a 2005 referendum to reintroduce a multi-party political system of Government.<sup>11</sup> The first multi-party elections under the 1995 Constitution were held in February 2006. The presidential elections results are shown in Table 4 and the parliamentary election results are shown on Table 5.

**Table 4: 2006 presidential elections by political parties and candidates**

Party	Candidate	No. of Votes	Percentage of Votes
National Resistance Movement	Yoweri Museveni	4,109,449	59.26%
Forum for Democratic Change	Kizza Besigye	2,592,954	37.39%
Democratic Party	Ssebana Kizito	109,583	1.58%
Independent	Abed Bwanika	65,874	0.95%
Uganda Peoples Congress	Miria Obote	57,071	0.82%
Total Votes Cast		6,934,931	100%
Total Voter Turnout			

*Source: Electoral Commission, 1996*

<sup>11</sup> The referendum question was: "Do you agree to open up the political space to allow those who wish to join different organizations/parties to do so to compete for political power?" Out of the 47.3 percent of the registered voters who turned to vote in the referendum, 92.4 percent voted "yes" while 7.6 percent voted "no".

**Table 5: 2006 election results by no. of parliamentary seats obtained by political parties**

Party	Constituency Seats	District Woman MP	Indirect Seats	Total Seats
NRM-O	142	49	14	205
FDC	27	10	-	37
DP	9	-	-	9
CP	1	-	-	1
Justice Forum	1	-	-	1
Independents	26	10	1	37
UPDF				10
Total (Turnout 72%)	215	69	15	319

**Note on the Distribution of seats:**

- **Constituency seats** refers to directly elected constituency representatives (215)
- **District Woman Reps.** refers to directly elected District Woman Representatives (69)
- **Indirect seats** include: Representatives of the Youth (5), Representatives of Persons with Disabilities (5), and Representatives of Workers (5)

In 2011, Uganda held its second multi-party election under the 1995 Constitution. A total of 8 political parties participated in the elections. The presidential election results are shown in Table 6.

**Table 6: 2011 Presidential election results by political parties and candidates**

Party	Candidate	No. of Votes	Percentage of Votes
National Resistance Movement	Yoweri Museveni	5,428,369	68.38%
Forum for Democratic Change	Kizza Besigye	2,064,963	26.01%
Democratic Party	Mao Nobert	147,917	1.86%
Independent	Abed Bwanika	51,708	0.65%
Uganda Peoples Congress	Olara Otunnu	125,059	1.58%
Uganda Federal Alliance	Beti Olive Kamywa Namisango	52,782	0.66%
Independent	Samuel Lubega Makaaku Walter	32,726	0.41%
Total Votes Cast		8,272,760	100%
Total Voter Turnout			

**Source:** Electoral Commission, 2011

