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THE POSSIBILITIES AND LIMITATIONS OF ASSISTING DEMOCRATIZATION

THE UGANDAN EXPERIENCE

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I SUMMARY

The paper identifies two of the dilemmas USAID faces in implementing a democratization program in Uganda, proposes a strategy for dealing with them and examines the resources that are needed to implement a successful program.

II BACKGROUND

Uganda became independent in 1962 under what seemed favorable conditions. Regrettably, the advantages Uganda inherited were largely squandered, and this led to a period of violence and chaos from 1970 to 1986. Ultimately the National Resistance Army (NRA) assumed power via a military take-over and imposed basic stability on the country. A prime tenet of the NRA's ideology is the "movement system" which is intended to be an all-inclusive non- partisan political system but which to many outside observers looks very much like a single-party state. The National Resistance Movement (NRM), the political arm of the NRA, has been quite good about being inclusive. Laws have been reasonably equitably applied and stability has returned. Both Ugandans and foreign observers would give the NRM high marks for substantially reducing human rights abuses, beginning the rebuilding process and stimulating economic growth. Economic liberalization has taken place and political liberalization is underway. Still, a core group of the NRM is very mistrustful of parties, which they view as being the basis of Uganda's problems. At this time it is likely the majority of Ugandans agree with them. Outside of the core NRM group, most of the Movement members tend to view the traditional parties with suspicion but are reconciled to multi party elections at some point, hopefully in the elections following those scheduled this year (i.e. five years from now).

A number of different viewpoints are represented in the current Ugandan political spectrum. First, and most visible is the hard core Movement viewpoint which is characterized by a Marxist intellectual orientation, a deep suspicion of pluralism and a commitment to the current status quo. Like another NRA, the US National Rifle Association, Movement hardliners are a minority which has succeeded in dominating discussions of a specific issue, in this case, political change. Second, is the moderate Movement viewpoint which views the Movement as a transitional stage to constitutional democracy. The moderates are probably a numerical majority within the Movement and have been successful in bringing about economic liberalization, but they have been intimidated in discussions concerning political change. Third, is the traditional party viewpoint which wants a rapid transition to multi-party elections. The traditional parties have been discredited nationally but have retained some regional influence.

The inability of the three traditional parties to cohesively organize themselves in the CA has limited their effectiveness. Fourth, is the human rights viewpoint, emanating from the emerging human rights NGO community. The community is composed of various types of activists with political interests but who wish to avoid being involved on a partisan level. Most of these people see the need for a multi-party system without necessarily supporting any of the traditional parties. Finally, there is the grass roots viewpoint coming from poor urban and rural voters, who, above all, want stability and development. They hold surprisingly sophisticated views on the need to limit Presidential power and to have a "level playing field" for political competition to take place on.

A key factor in the entire equation is that Uganda is a society in transition which exists at several levels - from the grass roots farmer who normally has neither the resources nor the energy to actively engage in political activity to an emerging professional class that fairly urgently wishes to practice full democracy. The spectrum is, of course, a continuous one in which apolitical business entrepreneurs exist concurrently with politically active and sophisticated peasants. One could argue that the traditional village society does not at the moment need a directly elected President and Parliament; in contrast, the modern elements of Ugandan society very clearly do. There is no clear formula that fits all needs, and developing one is, of necessity, an experimental process.

III STRATEGY

We view democratization as a long-term effort involving a number of activities; thus it requires a strategic approach. While the immediate goal is a democratic constitution and an elected government, the long-term objective is development of a constitutional culture in which the rule of law prevails and power changes hands at regularly scheduled times through democratic elections. Africa is filled with examples of nations that produced a single democratic election followed by a violent overthrow of the elected government. Accordingly an underlying theme of our program is the development of a constitutional culture that everyone respects. It takes time, and the measured pace of Ugandan democratization is not necessarily a handicap. While there are elements in Uganda that have a very different vision of democracy than we do, a vision very skeptical of multi-party democracy, there also seems to be a larger group that is willing to work to achieve a constitutional democracy in which open political competition is a basic part of the system.

We face two major dilemmas in implementing our strategy. First no D&G program is implemented in isolation, programs to stimulate economic and social development must also be implemented.

Most students of Africa believe that substantial progress in these areas is a precondition to the creation of stable and enduring democracies. Simultaneously, I believe, a plurality of opinion would agree that unless the basic system of governance allows for a minimally acceptable level of political expression, instability will occur which can make it impossible to successfully implement basic economic and social development programs. Thus one's freedom to maneuver in pushing for political reform is necessarily circumscribed by the need to simultaneously pursue the successful implementation of economic and social development programs.

The more immediate dilemma in Uganda is that a clearly democratic process is enacting legislation that is equally clearly undemocratic. The process is democratic in that a free and fair election created a constituent assembly composed of 1) directly elected members; 2) women, youth, labor, handicapped and military delegates elected through an electoral college arrangement; and 3) Presidential appointees, to consider a new constitution. The result is undemocratic because the assembly passed provisions which will indefinitely delay initiation of open political competition.

A question that needs to be asked is how much can one intervene in the democratization process without harming the ultimate development of that process. There is no quick or easy answer. Clearly the local situation will determine what the answer should be, and, as most of us are aware, local situations vary considerably.

This is an issue which USAID Officers in all sectors have struggled with since the beginning of the Agency. The subject matter varies, but the organizational questions one faces in developing the capacity of, for example, health clinics are not much different than in developing an electoral system. That is, how much independence should an ill-prepared and poorly motivated health care practitioner have to practice on an unprotected patient? From the point of view of the patient, probably as little as possible; from the point of view of the practitioner and the development of the system, perhaps, a great deal more.

Some observers argue about the need for intervention. From my point of view intervention, whether electronically from CNN. financially through trade and investment, or physically through a donor-assisted program is inevitable. The question is how to make those interventions effective.

IV PROGRAM

For its overall program strategy USAID agreed with the government on three conditions each of which has a democratization component.

All three conditions represent a previous public commitment of the government.

USAID was merely asking that the conditions be fulfilled. The **three conditions** and the D&G content of each are listed below.

1. **A market determined exchange rate is established.** (D&G component: liberalization of the economy leads to liberalization of the political system.)

2. **Substantial progress is made on settling the departed Asian property question.** (D&G component: re-establishing the rule of law is fundamental to economic, social and political progress.) (Note: this condition came about because when Idi Amin expelled the Asians in 1971 he also confiscated their property. Returning property that was confiscated in this manner and clarifying the legal situation was a promise of several regimes that followed Amin but little was ever done to resolve the issue.)

3. **A Constitution is formulated and implemented.** (D&G component: give a basic structure to the rule of law.)

We have utilized a structural approach to democratization in which emphasis is on building the organizations, institutions and individuals needed to create a sustainable and effective democratic system. We have build on existing strengths in the society, which in Uganda has meant concentrating on church and professionally-based NGOs. It also meant stressing training and seminars to take advantage of Ugandans great natural ability in oratory and debate.

Our **intermediate objectives** are:

1). **The Rule of Law prevails under a widely accepted constitution.**

2. **Effective institutions are developed in the following areas:**

A) **An independent Election Commission** is established;
B) **Ugandan NGOs** capable of implementing **civic education** and **election monitoring** programs are established;
C) A **competent legal profession** is created;
D) **Ugandan Human Rights NGOs** establish an independent presence that allows them to **implement grass roots programs**; and
E) **Political interest groups** are established and function **independent of the government.**

3. **Both Movement and Multi party politicians develop increased political effectiveness.**

If we achieve our intermediate objectives I am confident Uganda will begin to practice open political competition within a five- year period.

FINANCE

An essential factor in the success we have achieved was having adequate financing available. In the D&G area one is dealing with a transition process in which rapid tactical adjustments are required; thus, there is frequently a need to disburse funds quickly, certainly more rapidly than for the typical long term economic development project. A major trust of our program has been to ensure that we have that capacity. We have three main sources of financing: local currency, 116(E) and DFA.

Local currency through TITLE III has been by far our most important source of funding. TITLE III generates Ugandan shillings by the sale of agricultural commodities, in Uganda's case tallow for soap production; the shillings are then jointly programmed with the government. Local currency has been used for a wide range of activities and has the important ancillary benefit of counting against Uganda's host country contribution. Having been generated in Uganda the local currency is available almost immediately. The ready availability of suitable amounts of shillings was critical to success. Without USAID generated local currency, Uganda would not have been able to hold the CA elections when they did. They might not have been able to hold them at all.

The modest amount of funding available through 116(E) funding limits the effectiveness of this program. It also makes it imperative that one have a cohesive strategy so that the activities are mutually reinforcing. The practice we have followed is to use 116(E) activities to fund small pilot projects and then expand those that prove successful using the Policy Analysis and Capacity Building (PACB) project.

The Mission developed the Policy Analysis and Capacity Building (PACB) project to give us a quick reaction flexible response mechanism within specific sectors, of which D&G is one. Specific criteria were established under which sub-activities could be funded. PACB has been extremely valuable because it has given us the ability to disburse reasonable amounts of dollars quickly.

ACTIVITIES

Listed below are the activities USAID/UGANDA has been involved with to date.

Codification of the Laws of Uganda

This activity was initiated under a 116(E) grant and is now continuing under PACB. This project will, over a five-year period, update the Ugandan legal code so that the code is current. Updating has not taken place since 1964, so currently there is no unified source of the laws of Uganda.

Human Rights Training

We have been financing human rights activities with an emphasis on para legal training for a number of organizations. Among those who have received training are the Foundation for Human Rights Initiatives, the Human Rights Activists, FIDA, the Ministry of Justice and the Law Society of Uganda. Future activity in this area will concentrate on para legal training at the county level, on action against defilement and other sexual crimes, and on extension of the will writing campaign.

Electoral Support

Primarily through Title III funding USAID provided the Constituent Assembly Commission approximately $1.5 million in local currency equivalent funding. This money provided transport, civic education, and general administrative support. It was the earliest funding provided to the Commission, which substantially increased USAID's influence. Our influence was also increased by USAID's flexibility in the process of disbursement. By allowing USAID funds to be used for purposes other donors were committed to funding, but for which they had not yet disbursed funding, we kept the process flowing. When the other donor financing arrived, USAID was repaid; and then that money was used elsewhere. Flexibility in disbursement was coupled with a strict and proactive emphasis on accountability. One result of this tactic is that USAID came out of the election with approximately $500,000 in uncommitted funds. Those funds are now being used to finance computerization of the voter register. For the 1995 elections we see essentially the same process taking place.

Technical Review of the Constitution

Again using PACB funding USAID financed a technical review of the draft Uganda constitution. This review was done in conjunction with a local NGO, the Think Tank Foundation, and examined the technical issues, such as is conflicts between articles, ambiguous language, problems in legal interpretation, etc. The review has become the basic reference document for the Constituent Assembly Delegates (CADS).

Constitutional Seminars

Using funding from both 116(E) and PACB we have financed approximately 20 seminars on constitution making. The seminars have been held throughout Uganda, involve both Movement and Multi party advocates and have proved highly popular with both the local residents and the CADS. Initially we had anticipated the major benefit being an increase in constitutional knowledge at the grass roots level but perhaps an equal benefit has been in shaping the dialogue and getting the delegates talking to each other. We anticipate continuing this process for the next 18 to 20

months as part of a civic education campaign to construct a constitutional culture.

Surveys

Starting with work on the Country Program Strategic Plan (CPSP), USAID has conducted a series of informal surveys designed to determine the concerns of the Ugandan electorate. Economic, social and political interests have been explored in these surveys. The surveys are not "scientific" in the Gallup Poll sense, but, largely through focus groups, have covered most of Uganda and conscientiously sought out people from all sectors. We are confident that we have captured the broad dimensions of public opinion, although not the exact percentage of those who may or may not favor a particular view. The surveys were very helpful in drafting the CPSP, (they clearly showed that primary education was the major concern of most people) and in tracking issue development in the CA elections.

Political Effectiveness Training

The mission has used a variety of sources and techniques to address this need. The one constant in our approach is that any training is open to Movement and Multi-party politicians alike. The most successful event was a seminar for the women CADS in which US politicians served as trainers for the delegates in improving their political skills, with an emphasis on the legislative process. We have also given small grants to support development of a legislative reference service.

Seminars with the Constituent Assembly Commission

Following the CA election two seminars were held under the sponsorship of the CA Commission to examine the electoral process and determine what could be done to improve it. Participants included candidates, officials, journalists, NGOs and donors. All participants found the seminars very useful.

Civic Education

Financing and technical assistance is being provided to the Ugandan Joint Christian Council(UJCC) and the National Organization for Civic Education and Election Monitoring (NOCEM). The two organizations had a physical presence in most areas of Uganda. In combination with international observers UJCC and NOCEM did an excellent job of election monitoring. Most importantly they established the principle that Ugandans should monitor their own elections. The results in civic education were more mixed but still positive: 87% of eligible voters registered; 87.5% of those registered voted. Continued financing of civic education activities will continue. It is the hope of USAID that NOCEM ultimately can become an organization similar in scope and effectiveness to the League of Women Voters in the US. For 1995 concentration will continue on voter education. Following the elections the emphasis

will shift to constitutional education; training in the rights and duties of Ugandan citizens, the acceptance of differing opinions and an increased emphasis on accountability.

Donor Coordination

The UK, FRG, Italy, Denmark, the Netherlands, Austria, EU, UNDP, and USAID combined to form an election coordinating group that was effective in coordinating election activities and in sharing information. Coordination of election monitoring was particularly effective. The group is still in operation and preparing for the 1995 elections. USAID is playing a central, if informal, role in the coordination process.

The views expressed in this paper are those of the author and do not necessarily reflect those of the USAID/UGANDA or the US Embassy to Uganda.