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DEMOCRACY AND GOVERNANCE ASSESSMENT

USAID Kampala

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EXECUTIVE SUMMARY

This assessment was undertaken in support of USAID Uganda's Country Strategic Plan formulation. The assessment team was composed of five persons: Nelson Kasfir, Professor of Political Science, Dartmouth College; Judith Geist, USAID Kampala, adviser on democratic governance; Melissa Brown, AID/W, G/DG; Chris Sabatini, AID/W, G/DG; and Tina West, USAID/REDSO Nairobi. A local consultant, Kate Varley, provided additional effort in assessing civil society.

The team developed a political economy approach to Uganda, emphasizing the patronage basis to politics, and then explored the critical sectors relevant to Uganda's effort to democratize: parliament, the justice sector, local government, the media, civil society, and the electoral process and political parties.

Political Economy Model. Our approach to Uganda posits the ubiquity of patronage-based politics, which originated from both colonial and post-colonial decisions to control economic resources largely through state mechanisms. Patronage will continue to be the operative principle for some time, even as the "economic liberalization" underway makes progress in removing some of the sources of patronage. **The quest for accountability of government in the face of continued restrictions on party politics, and the continued importance of patronage, with its regional, ethnic and sectarian implications, is the fundamental problem confronting a transition to democratic governance in Uganda.**

Objective. The critical issue for Uganda at this point in its democratic transition is the need to increase accountability of government generally, and particularly to devise methods to enforce accountability on a strong executive. **Implementing constitutional checks and balances and encouraging an active culture of civic pluralism** are the most effective strategy for establishing and enforcing accountability in the Ugandan context, given the recent effort and commitment that have gone into constitution-making and the provisions it contains.

Accountability of government is a multi-dimensional issue. Policy accountability is at least as important a component of it as financial accountability; policy accountability is pursued through citizen input and parliamentary oversight of government actions. Financial accountability is also central and raises the issue of corruption, a central concern for Uganda as for most African regimes. Corruption strongly influences the degree to which the credibility of government can be maintained or enhanced, the consequent likelihood of democratic participation by an involved citizenry, and the ability to attract foreign and domestic investment critical to continued economic growth.

Political and Historical Overview

Uganda's recovery from the abyss into which it fell from the early 1970s until mid-1986 is remarkable and encouraging. Three policy decisions and the political commitment to

pursue them have been central in Uganda's gradual re-establishment of stability and economic growth. These fundamental policies are the creation of a disciplined army subordinate to civilian direction, the systematic implementation of a macroeconomic strategy for economic stability, and the expansion of political participation by ordinary Ugandans in governance.

There remain several unfinished tasks. The government resists the return to full-scale multi-party politics, preferring an all-inclusive movement system. The latter is increasingly threadbare and bereft of vision, as well as of the institutions, procedures, and the checks and balances that can impose accountability on government. In the absence of a viable party system, these need to be established through implementation of the full panoply of constitutional mechanisms for accountability, and through the promotion of an active civic pluralism which is issue-focused and avoids some of the negative aspects of parties which underly the government's reluctance to permit their full functioning.

Sectoral Assessments and Recommendations

Parliament. Parliament is a critical player in the effort to establish greater accountability. Our review of parliament uncovered considerable potential for effective input into policy-making; the committee system is among Africa's most well-developed, and has taken independent action both in the NRC period and more recently, especially with respect to assessing the situation in the north and shaping the electoral environment for the forthcoming local government elections. There is some pause for concern. Several false steps in the first two months of operation indicated some incomprehension by new members of parliament of the independent role essential to serving as a real check on the executive. The importance of Parliament's role and the strong degree of internal demand for assistance to strengthen watchdog functions suggest this as a top priority investment.

Recommendations for assisting Parliament are two-fold. First is the need to assist in equipping it with an information capacity, including both documentation, especially holdings of all important government documents, presently unavailable in any systematic fashion, and -- equally important -- a documentalist with research skills that will make the information center effective. Second is the need to run a series of training courses for parliamentarians, focusing on those topics which will equip them to be effective both in policy input and monitoring the allocation and expenditure of resources.

Justice Sector. There are major failures and problems in all of the institutions and processes comprising the rule of law. Without improvement, the human rights situation will continue to be unfavorable. Key indexes of this are the size of the remand population of prisoners -- estimated to be upwards of 40% of the prison population over the past six years -- and the length of remands, which are frequently two years, and in some cases longer.

Several donor initiatives are underway in the sector, including a substantial ongoing USAID-funded law codification. The World Bank is funding a significant capacity building

project, although it is concentrating on the side of commercial justice rather than criminal justice. Other donors with lengthy experience in the sector have a comparative advantage. In addition the judiciary is reported to be quite conservative. Internal demand for reforms must be built, a time-consuming and uncertain exercise. Much of the problem causing delays and long remand periods derives from the inefficiency, lack of equipment, and lack of motivation of the ancillary services -- Attorney General's chambers, public prosecutor, police, prisons' authorities, and the narrow focuses and unsatisfactory training of the legal profession. A major sector review has been undertaken by ODA and the results should be available soon. When it is available USAID should review its justice sector strategy.

Recommendations. USAID should continue funding law codification. It should also fund efforts to increase access to justice through legal aid services, primarily through the NGO sector. A number of USAID's recent NGO recipients have developed legal aid programs, and some are now combining legal aid with paralegal training to create public awareness of the justice system and of people's rights, on the one hand, and national advocacy capacity on the other. This strategy would have the benefit of creating **demand** for improved justice, which can then make interventions in the judiciary itself more likely to succeed.

Electoral processes. Uganda's Interim Elections Commission, now a permanent commission under the constitution, has demonstrated considerable institutional capacity, part of it with USAID's assistance from the period of the Constituent Assembly elections. The Commission is entering a phase of consolidation, although it faces a test very soon as it must manage the local council elections that complete the transition to a full civilian government.

Recommendations. Monitoring both the local council elections and the provisions of the constitution relating to the referendum on whether to follow a party system, to be held in the year 2000, is important for the US in evaluating Uganda's progress on democratization.

Local Government. Uganda's local governments are expected to undertake significant service provision under the ambitious decentralization already implemented. Local arenas for participation in decision making offer the most tangible and immediate scope for democratic governance. Accountability is a major concern both for government and other interested donors, however. Further, many of USAID Kampala's other SOs are implemented at district and sub-district level. Their achievement will be heavily influenced by the degree to which democratic and accountable governance is established at local level.

Recommendations. The assessment team recommends a two-pronged strategy. One is provision of assistance with training staff in financial accountability, planning, and budgeting, with as much focus on the subcounty level as is feasible, assuming that other interested donors continue to provide similar assistance at the district level. The other is the pursuit of a civil society strategy, nurturing a handful of civil society organizations that have both national and local embodiment and which are committed to advocacy, or public input into local councils. These should span the sectors rather than being concentrated in the

human rights field. USAID should assist them in developing organizational capacity, the ability to contribute competently and publicly to local government policy making, and financial monitoring capacity for resources budgeted and spent in their areas of interest.

Civil Society. Civil society is a cross-cutting theme in the proposals the assessment team made. Strengthening civil society is viewed as a way of **creating demand for accountability**, which is to some degree "prior" to the provision of assistance to the institutions of government to nurture the checks and balances among them that mediates accountability. Civil society is relevant and should be assisted on national, regional and local levels. Promotion of regional civil society groups should be considered in the wider perspective of knitting together a strong social fabric that will reduce tensions producing conflict in the region, contributing to the Greater Horn of Africa strategy.

SUPPORTING DEMOCRATIC GOVERNANCE IN UGANDA

Introduction

Uganda's recovery from a prolonged period of internecine warfare and social dislocation has been one of Africa's few success stories over the past ten years. Bilateral and multilateral donor support has played a significant role in this recovery, supplying technical advice and economic support funds to carry Uganda through a major structural adjustment which is by no means complete.

More important than donor commitments to Uganda's resuscitation has been the commitment of the Government of Uganda to the many and difficult tasks it is confronting. One central achievement in this vein is the commitment to rationalize the factionalized armies that came out of the period of turmoil and their integration into a single national army with considerably enhanced discipline. Another is its demobilization to reduce the unsustainably large demands of this army on the government budget, although some remobilization has occurred recently in response to the troubled regional situation. The rationalization and liberalization of the foreign exchange regime and the implementation of civil service retrenchment and reform demonstrate less dramatic but equally strong commitments.

These actions bespeak the GOU'S dedication to restructuring and restoring the economy, even at the cost of some loss of support from groups whose interests are hurt in the process -- soldiers, civil servants, and those with the resources to capitalize on the former divergent exchange rate regime. Such interests frequently provide powerful support to an incumbent regime which it is reluctant to risk. More equivocal commitment has been demonstrated to the major privatisation on the drawing board. While the regime is apparently committed to risking support from some present stakeholders by divesting them of assets, it seems to be positioning or rewarding other, equally powerful supporters. Political realities will become clearer as the privatisation effort proceeds.

Since its return in the early 1980s, USAID's involvement in Uganda has been primarily in the areas of education, reproductive health, natural resource management and agricultural development. Only in the past five years has concerted attention been paid to democratic governance, mainly in support of the constitution-making and electoral processes to which the GOU committed itself. In the past few years, however, there have been an increasing number of opportunities to support the establishment of constitutional democracy and a democratic culture. These have occurred particularly in the areas of legal aid, paralegal training, civic education and election monitoring. However, these "targets of opportunity" have received support on an ad hoc basis.

A more systematic approach to support for democratic governance is needed now that Uganda has negotiated the fundamental processes of electing a Constituent Assembly, debated and promulgated a new constitution, and held presidential and parliamentary elections,

achieving full return to civilian rule. processes. Now it faces many decisions and dilemmas in pursuing further democratization and the establishment of transparent and accountable governance. USAID faces a similarly complex set of issues in determining whether the approach Uganda adopts is satisfactory, and whether and how to assist or influence it.

Key Issues and Challenges

The major challenges Uganda faces in advancing democratic and accountable governance should guide the emphases of USAID's DG portfolio over the period of the next country program. They include the development of parliament's capacity to be an independent branch of government, enforcing accountability on the executive in terms both of financial probity and policy choices. They include also an increase in access to the justice system and its effective ability to provide timely justice. The immediate challenges include also the construction of mechanisms to channel plural voices into government at all levels -- complicated by the partial ban on political parties -- to provide watchdog services and information and other inputs into policy decisions.

They also include the enormous task of educating the population in an impartial manner for the run up to the multi-party referendum in 2000, for which campaigning will begin in 1999. Finally, they include increasing both capacity and the demand for competence and accountability in the local councils, to which significant decisions and resources have been devolved. **The overall challenge is to help Ugandans to free themselves from the longstanding pattern of reliance on state patronage and patronage-based politics, so that they may more freely choose their government officials and hold them accountable.**

Strategic Objective. Coherence in US support for the pursuit of democratic governance will be enhanced by the formulation of a strategic objective that fits the actual state of democratisation and of the remaining constraints and obstacles in Uganda today. The Mission has focused on **accountability**, which has yet to be established satisfactorily, both in the sense of **financial transparency and responsibility**, which is central to the success of USAID's sectoral portfolio, and in the sense of **transparent and participatory policy formulation**. Particularly thorny issues revolve around the regime's present unwillingness to countenance the return of multi-party politics, which in the view of the donor community provides the competitive platform on which accountability ultimately rests. The presently unclear path to accountability in circumstances of circumscribed political competition is a central issue for US support for democratic governance.

The circumscribed political arena, while discouraging, is not the only lever on which support for democratisation can rest, however. Many mechanisms comprising institutional checks and balances have been built into the new constitution. These are encouraging both for their potential for increasing accountability and for the very fact that their incorporation into the constitution was considered important. The populace at large expressed itself volubly during the constitutional debates on the need to trim the excessive powers of the

executive and to remove its dominance over the other branches of government. Decentralized authority and progressive privatisation have put the tools for accountability into many hands and potentially many voices. The strategic objective that USAID can realistically pursue is the **implementation of the constitutionally mandated checks and balances and the creation of a favorable environment for pluralism.**

This assessment delineates the possible avenues for DG investment in support of this objective, laying out the criteria that USAID Kampala might use in setting priorities. These include prior investments in the sector, internal demand for activity and reform in specific institutions to make the strategy as demand-driven as possible, comparative US advantage vis-a-vis the portfolios of other donors, and realistic estimates of managerial and resource availability. **Above all, emphasis is placed on the degree to which investments assist Uganda to institutionalize checks and balances, and support plural avenues of participation in the polity.**

Assessment Methodology

This assessment is a product of both internal USAID Uganda thought about the most appropriate next steps in democratisation, as well as the activities most immediately relevant to the broader sectoral portfolio, and of external assistance from team members knowledgeable about Uganda and/or about USAID's overall strategic objectives in democratic governance.

In early 1996, USAID Uganda's DG team explored approximately 12 sectors and issues felt to be of greatest relevance. Team members evaluated the program to date, the most critical issues facing Uganda before the 1996 elections, and the need to protect current and recent USAID investments. In June, Joel Barkan, a former REDSO DG adviser, did a preliminary assessment, focussing on the DG team's inputs and on experience with democracy and governance programs in the region. An assessment team was then constituted by the then DG officer and adviser, including both members with Uganda expertise and AID/Washington personnel who would later help explain the strategy in Washington. The team arrived in mid-September and developed a simple but directly applicable theoretical "political economy" construct focusing on the patronage basis of politics to guide the assessment. This conceptualization does not preclude other political economy approaches, for example, the determination of a "core ruling coalition" or a more extensive exploration of the economic basis of the regime and of national and local political elites.

The assessment team divided the Ugandan polity into several broad sectors and cross-cutting themes, and spent three weeks exploring the substantive issues, institutional structure and functioning, investment potential and constraints in these governance domains. The team talked to the Embassy about the overall direction of US policy in Uganda over the near term to ascertain priorities for further exploration of potential assistance. Discussions were also held with the USAID project managers about potential linkages between their projects and

DG interventions. The team convened several focus groups to elicit a cross-section of views in the limited time available. These included research fellows at the Makerere Institute of Social Research, other social scientists from the University, and newspaper editor members of the Uganda Newspaper Editors and Owners Association.

In addition to the interviews done in Kampala among central institutional actors, civil society groups and other donors, field work was undertaken for one week in two districts, Mbale in the east and Bushenyi in the west to develop a detailed picture of the status and functioning of Uganda's decentralization policy. In the last week of the assessment, briefings within the Mission and the Embassy were held and discussions initiated on the possible Strategic Objective framework, drawing on the main issues and needs expressed by Ugandans, the strategically or sequentially "prior" areas of intervention suggested by these, the areas with the greatest degree of internal demand for reform, and the constraints suggested by the patronage model to successful intervention.

HISTORICAL OVERVIEW OF UGANDA'S POLITICAL ECONOMY

Uganda stands at a crossroads in its progress toward building democracy and good governance. The adoption of a new constitution in October 1995 and the Presidential and Parliamentary elections in May and June 1996 complete its return to civilian rule ten and a half years after the National Resistance Army [NRA] won power through military victory. The accomplishments of President Yoweri Museveni and his National Resistance Movement [NRM] during this decade have been remarkable and have restored much confidence in Uganda, both internally and externally. Nevertheless, democratization remains incomplete, many serious problems of governance have yet to be resolved, and the path forward remains uncertain.

The magnitude of the government's achievements is clear. Three stand out. Each has become a coherent policy to which the government has maintained a high degree of commitment. Together they have decisively reversed Uganda's sorry post-independence history up to 1986. These fundamental policies are the creation of a disciplined army subordinate to civilian direction, the systematic implementation of a macroeconomic strategy for economic stability, and the expansion of political participation by ordinary Ugandans in day-to-day governance and in the constitution-making process. Though there have been significant failures and ongoing difficulties in these policies, as well as serious challenges to their continuation, the government's sustained commitment to them has enabled it to restore peace and security in the southern part of the country and to revive economic growth there. The continued insecurity in the north, in part caused by lack of economic growth there during the whole of the NRM's ten year rule, poses a serious obstacle to the continuation of economic growth in the south, as resources are diverted away to fund the military effort in the north.

"Movement" Government: Critical Decisions, Uncertain Path

Nevertheless, the government's next steps cannot easily be predicted and could slow this progress. Despite some local and international opposition, the President and other members of the NRM convinced the Constituent Assembly [CA] to write the movement system into the new constitution and continue the government's ban on opposition party political activities. Museveni's overwhelming electoral victory, the only time the presidency has been contested since he took office in 1986, and the subsequent success of members of the movement with a comfortable majority of seats in the new parliament, provide an impressive popular endorsement for Museveni's leadership. This gives him strong justification to continue personal control over the government rather than build autonomous political institutions.

Paradoxically, perhaps because of Museveni's landslide victory, the status of the movement is ambiguous. For all his rhetorical emphasis on it, Museveni has paid less and less attention to the structures of the NRM since coming to power. The new constitution requires legislation that must restructure the movement before it can continue to operate. The constitutional compromise with supporters of multiparty competition calls for a referendum four years from the inauguration of the new parliament on whether Uganda should continue with a movement political system or return to multiparty competition. A year earlier the constitution allows freedom to campaign for either alternative, although the critical issue of the degree of freedom to do so for explicitly political organizations remains to be clarified. Museveni is under some pressure now to decide how to restructure the NRM and whether to use it to define the extent of democratic competition over the next several years. These questions merely highlight the current national political situation in a country which has always been exceptionally difficult to govern because of the intensely local nature of its politics.

A Political Economy Approach to Democratic Governance

A review of Uganda's history helps place in perspective the challenges and the range of opportunities available for assisting growth in democracy and better governance. We have chosen to present this review in the context of a political economy approach in order to give our explanation of Uganda's political possibilities greater coherence and to provide the means for evaluation of the chances of success for donor intervention in specific areas. No specific approach can fully capture Uganda's complex political and economic development, nor should any approach overlook events or institutions it may have difficulty explaining. But application of an explicit approach empowers users by providing a yardstick. By identifying the approach we are using, we bring our assumptions into the open and provide users of this assessment with tools that enable them to judge the impact and value of potential projects, as well as the significance of unanticipated events, when they occur, for the successful accomplishment of those projects.

The essence of any political economy approach is to identify the reciprocal relations between economic factors and political activity and structures. The application of that approach in nonindustrialized or poor states in general, and subsaharan African states in particular, has focused on the uses of political power to achieve private wealth through control of the state, or offices within the state structure. Unlike the process of economic accumulation in Western Europe and North America through private enterprise and investment in open markets, political struggle in poor states has usually been the central factor in determining who controls available wealth. While wealth has been the most important means to power in industrialized countries, the reverse has been the case in most poor countries. Since the presence of a tiny private sector has meant few alternative means of acquiring wealth in these countries, political competition has always involved proportionately greater personal risks, and consequently more unpredictable actions, than in industrialized states.

The Central Role of the State and its Origins. The large and central role of the state is the basic identifying feature of African political economies. The establishment of colonial regimes typically resulted in the production of new commodities exported in new patterns of trade by Africans induced to labor by the requirement that they pay their taxes in the new currency. The colonial state was the largest employer, even while it kept its establishment small. The wage bill became the largest single item in government budgets. With African rule after independence the state steadily expanded in size and scope of direct involvement in economic activities, usually unprofitably. The more the state expanded, the greater the opportunities to use official resources for private purposes.

The Logic of Patronage-Based Politics. However, in order to divert these resources, politicians must first gain control over them. Coercion, patronage or both are the main instruments. Patronage creates the social arrangements to mobilize a clientele that could support a bid for office. The mobilization of a clientele occurs in various ways, but typically kinship, language and culture provide a convenient basis for working together. Thus, ethnicity provides an organizing principle for the formation of many clienteles. Patronage rather than culture explains much ethnic bloc voting in African elections. The patron's investment might be made before achieving office, as in a political campaign, or afterwards to consolidate one's position or to reach higher office.

The use of patronage occurs at all levels, not just by a ruler. It can be highly centralized, or decentralized. Patrons usually profit more than their clients, but the important point is that rules of political influence require that they share the rewards with their clients. Thus, when confronted with corruption, it is always necessary to ask whether its purpose is patronage or simply private enrichment. If the answer is patronage, then the corruption involved reflects one of the organizing principles of the politics of the society and not something that can easily be eliminated by legislation or moral suasion. It is also worth remembering that some forms of patronage are considered legitimate political activities in our own society, e.g. senior political appointments.

The Implications of Economic Liberalization. The new reforms involving privatization and markets on the one hand and liberalization and democracy on the other, which have been introduced throughout the third world, are intended to reform this social pattern. The reason for their introduction has been the disastrous performance of state controls and organizations, particularly where funds have been diverted. But the social structures underlying a patronage-based political economy centered on the state are deeply embedded in poor societies and highly resistant to change.

Instead of creating radical changes, democratic elections, decentralization and structural adjustment programs may become new "outward forms," disguising continuing control through new patterns of patronage in nodes not yet displaced by the removal of state controls, or, paradoxically, those created in the process of introducing economic or political reforms. New funds lent by international financial institutions and new organizations encouraged to demand democratic reforms can become resources used by local forces seeking to control the state. For example, those who profit by privatization may be high officials who receive state assets at bargain basement prices. The introduction of novel forms of democracy may mask a bid for domination. Economic and political reforms may reduce patronage and initiate fundamental change, or they may only change its location. We do not know to what extent slippage will occur. It may not happen everywhere. There is nothing immutable about patronage, but there is also nothing irreversible about reform. It is certainly worth the while of donors offering assistance to poor countries to consider these different possibilities carefully.

Alternatives to Patronage-Based Behavior. At the same time, it would be an error to assume that in the absence of a donor-induced reform process the only principle in any poor country governing political action is patronage and the only motive is self-enrichment from the public treasury. To varying degrees, institutional rules also motivate those who work within them. At a minimum individuals have to know how to act within institutions in order to take advantage of them. Some will spurn illegal rewards or "connections" for reasons of institutional loyalty or professional ethics. Others will act on the basis of personal idealism. But whenever they do so, they will know that they are taking far greater risks and giving up more considerable rewards than their counterparts in industrialized countries.

Nevertheless, the model suggested here asserts that actors pursuing goals other than patronage will be the exception rather than the rule in poor countries. It presumes that neither inherited cultural factors nor foreign influence explain as much about how power is acquired and wealth accumulated as patronage relations, and that politics and the feasible arenas for reform must realistically be assessed in this light. The main lesson of the model, then, is always to examine the implications for patronage in political and bureaucratic action, as well as in the motives for proposed legislation or for accepting donor projects. Tight accountability can reduce leakage. But, paradoxically, tight accountability generally requires additional rules and procedures; and it is the presence of rules and procedures that create opportunities for their violation -- as a favor, at a price.

The Development of Uganda's Political Economy

Uganda is an artificial political economy, because its fundamental structures were imposed from the outside and fundamentally reorganized production and identity. In both respects, colonial officials used the state as the basic instrument, rather than the private sector, to make these changes. African politicians and administrators who followed them, accepted the state logic, but turned it into an instrument for maintaining themselves in power. Uganda's political economy is broadly similar to other equatorial African countries, though in some respects, particularly in its degree of localism, its dynamics are unique.

Colonial Political Economy. In order to cover the costs of administration and repayment for the railway from the coast, the colonial government reorganized local production by demanding that personal tax be paid in cash and introducing new export crops through which sufficient cash could be earned. Thus, the introduction of cotton in 1903, coffee in 1926 and tourism in the late 1950s set the pattern for foreign exchange earnings, until the Amin regime reduced Uganda essentially to a single crop economy by removing the incentives to grow cotton and wrecking the tourist industry. The important point is that all of Uganda's income from foreign exchange and all of its connections with world markets were initiated and controlled by its state.

Even when colonial officials temporarily put aspects of production and export into the private sector, they permitted only foreigners to participate. African participation in the economy only advanced beyond agricultural production in the last decade and a half before independence. The entire process of Africanizing the economy, as far as it went, was organized and conducted through state controlled cooperatives and parastatal corporations. The use of a government framework for controlling foreign exchange income remained essentially unchanged until the liberalization of agricultural commodities only five years ago. Similarly, except for the large Indian ventures, Uganda's tiny industrial sector was developed and largely owned by the state.

The Ugandan polity was just as artificial a creation as its economy. The establishment of the Protectorate produced new political forces and deep cleavages that are central to Ugandan politics today. For example, the NRM's attack on "sectarianism," that is on political loyalty based on ethnicity and religion, is a response to the consequences of inadvertent imperial decisions to make Uganda a state. In 1892, Captain Frederick Lugard decided to defend Kampala, starting the process that made Buganda the core issue in Ugandan politics ever since. He chose to ally with Buganda's Protestant faction, setting the stage for religious differences to become significant political cleavages.

As he marched west and north to find the soldiers abandoned by Emin Pasha to fight his battle, he propped up the Ankole and Toro kingdoms and made an enemy of the Bunyoro kingdom, ensuring that a highly localized form of ethnicity would continue to bedevil Ugandan politics. And the soldiers he brought back were Muslim Nubi, originally recruited in southern Sudan, one of whose descendants, two generations later -- Idi Amin -- became

deputy commander of the army at independence and took power in the 1971 coup d'état, eventually entrenching the military as a fundamental feature of Ugandan politics.

When indigenous Ugandans took power at independence, they did nothing to alter the all-embracing character of the state framework. But out of necessity, as well as personal interest, they turned it to new uses. To sustain themselves in power, they needed more support from within society than the colonial officials they supplanted. They acquired support by expending state resources to create personal followings that were organized hierarchically. Local notables put their clienteles at the disposal of influential figures in return for jobs, state contracts and development projects. The urge to expand the system by creating new parastatals and then diverting their funds to patronage as well as personal gain steadily grew.

Social Cleavages: Colonial Origins

Buganda's Elevation and its Implications. Pragmatic developmental decisions of the colonial government created cleavages that affect the calculations of significant decisions made by politicians today. The most important of these was the alliance with Buganda Kingdom which led to the 1900 Agreement in which the Kabaka [king], a child at the time, and his leading chiefs received vast tracts of land in return for accepting British authority. Using their coercive powers, the chiefs rapidly expanded cotton acreage, greatly increased tax revenue and became wealthy. As a result, Buganda, despite great internal income inequalities, rapidly developed schools and health clinics. The presence of the colonial government meant that more cash wage positions were available in the capital than anywhere else.

The consequence was that Buganda grew wealthier than any other region. Buganda had had a long precolonial history in which it expanded its kingdom by absorbing its most immediate neighbors, and presenting a monolithic ethnic unity outside without extinguishing its new members' older ethnic identities. As the 1994 Constituent Assembly debate between federalism and decentralization showed, ethnic cleavages within Buganda still matter.

Ethnic cleavages. Nevertheless, ethnic cleavages between Buganda and the rest of Uganda matter much more. Because Buganda is so much larger than any other area and the Baganda are far more numerous than any other ethnic group, Baganda ethnic coherence combined with the area's greater wealth as well as the presence of the national capital has always been politically threatening. It induces others to think of themselves in terms of their own ethnic group, rather than as farmers, traders, teachers or civil servants. The resulting stimulus toward ethnic organization has been considerable. The colonial government established district and county boundaries on the basis of its ideas of ethnic identity, usually expanding the size of the ethnic unit beyond any idea held by members of that unit during the precolonial period. Throughout both the colonial and independence periods, fears of ethnic dominance have predisposed leaders from all parts of the country to form anti-Baganda alliances, while promoting their own ethnic followers in more local disputes.

In the 1963 election of Uganda's first President, in which only heads of kingdoms or ethnically-defined districts could be candidates, the Kabaka of Buganda was chosen, through a compromise arranged by the Uganda Peoples Congress [UPC]. The advent of independence greatly intensified strategies for promoting ethnic unity as a political device both to counter Buganda's comparative advantage, and to ensure that local leaders could share in political power and thus provide positions and development projects to followers in their own areas. The result of the contradictions between these factors has been the formation of unstable and rapidly changing coalitions that have not changed the basic orientation of the Baganda against the rest. Museveni's masterful political stroke in 1993 of introducing cultural leaders and thus restoring the kings, but without giving them political power, was probably the main factor that gained him the electoral support of the Baganda when he ran for President earlier this year. It is a good indication that the problem of Buganda has not faded away despite a decade of NRM rule.

Regional cleavages. Regionalism is a salient political dimension, though it has never had much administrative significance. The north-south cleavage tends to crosscut the anti-Baganda alliances. Southern unity, based largely on greater development than in the north, opposition to northern rule, and more recently on Museveni's successful recruitment of Baganda and westerners into the NRA. The north is by far the least populated and poorest of Uganda's four regions, and for the whole period of NRM rule the most continually wracked by civil war. Prior to that, however, except for the transition period after the overthrow of Amin, all of Uganda's rulers came from the north.

British colonial policy had been to recruit the majority of Uganda's soldiers and police from the north, particularly Acholi and Langi from Gulu, Kitgum, Apac and Lira, though also from the Northeast, particularly Iteso from Soroti and Kumi districts. It was thus a major change that greatly deepened this regional cleavage when Museveni overthrew Tito Okello, the titular leader of a Northern, principally Acholi, government with a predominantly southern military, the National Resistance Army [NRA]. The "northern problem" will not go away, even if the civil war is somehow ended, until development in the north begins to approach southern levels.

Nevertheless, there has never been much unity among groups in the north. Desperately poor, they have fought for the few development projects sent north. Amin and his Nubi and other West Nile followers were enemies of the Acholi and Langi whom they suspected of harboring continued loyalty to Obote. When Obote took power again in 1980, he unleashed his predominantly Acholi and Langi soldiers in massacres to punish the people of West Nile, leading many to flee as refugees to Sudan. Five years later, Acholi army officers led a coup against Obote, claiming that the Langi were using them as cannon fodder against the NRA in the Luwero Triangle. Realizing their vulnerable position, when Museveni decided not to join their government, these Acholi officers invited the remnants of Amin's troops to return from southern Sudan and allowed them to wreak havoc on the Langi.

Religious cleavages. Religious competition has also had significant political consequences. Protestantism has informally been the state religion. With the exception of Idi Amin and Yusuf Lule, all of Uganda's presidents have been Protestants. According to the 1991 Census, there are a million more Catholics than Protestants in the country. Muslims, a little over 10% of the population, have generally been considered lower in status than either Protestants or Catholics. Since northerners are generally more lowly regarded than southerners, northern Muslims occupy a low position on the prestige ladder. In Buganda the military triumph of the Anglican faction meant that the Kabaka and most of his leading officials were Protestants.

The 1900 Agreement actually parcelled out positions, including kingdom officials and county chiefs, on the basis of the Protestant, Catholic and Muslim faiths, with the result that the majority of converts in the counties adopted the religion of their county chief. Intense factional disputes have occurred within the organizations representing each of the three main religions, as the longrunning battle over Bamwoze in the Church of Uganda illustrates. The Muslims are divided into three groups, Kibuli Mosque, reputed to be supported by Saudi funds; Old Kampala Mosque, thought to receive Libyan and more recently Iranian money (as well as Saudi funding); and the Tabliqs, who prefer to be referred to as Salafis and who include the small minority of Ugandan Muslims who take a fundamentalist line. The Tabliqs are split among a moderate group and one that is militant and which once briefly seized Old Kampala Mosque until the police entered and arrested them. More recently the militant faction invaded Nakasero Mosque and attacked the mainstream Tabliqs, injuring many people and resulting in the arrest of over sixty members of the militant faction.

Party Politics, Patronage and Social Cleavage

When allowed to compete openly, the political parties have reflected all these ethnic, regional and religious cleavages, leading to the curious paradox that they have been weakened by factionalism, yet buoyed by deeply felt loyalties that survived the decade of Amin's prohibition on party activity and may well be surviving the limitations placed on parties by the NRM. The two main parties, the UPC and the Democratic Party [DP], were formed in the 1950s shortly before independence by notables who brought along their followers.

Parties and Religious Cleavages. The parties have been classic patronage institutions, held together by the promise of rewards and divided by suspicions and factions fuelled by the main cleavages running through Ugandan political life. The UPC is widely considered to attract more Protestants than Catholics, the DP the opposite. In certain areas of the country, particularly the southwest, religious conviction has been the primary basis for party choice in multiparty elections. With the exception of the Presidential race, "movement" elections in this area have been marked by the same intense cleavage in those cases where the electorate could choose between a Protestant and a Catholic. In both parties, northerners, southerners and Baganda have always eyed each other suspiciously in both parties, with disappointed contestants for leadership positions sometimes leaving with their followers and forming breakaway parties to protest their exclusion.

Movement politics increases cleavages. The NRM's ban on party campaigning has frozen former and discredited leaders in place, further weakening the parties. On the other hand, the consequence of allowing everyone, at least in theory, to compete on an individual basis removes whatever organizational discipline the parties were able to impose on their followers. The consequence appears to have been to increase informal social groupings on the basis of Uganda's longstanding cleavages, both inside and outside the movement. In other words, it is possible that patronage is even more significant and more easily manipulated now that party organization cannot channel it.

Political consequences of social cleavage. The consequences of Uganda's cleavages for its political instability, until 1986 are well-known--three changes of government by coup, eight presidents [including Obote twice], two scheduled national elections postponed. This instability has taken its toll of the top politicians who temporarily established themselves in business through their state connections. The ethnic composition of the indigenous members of the private sector is not well known. Baganda elements, dominant during the first few years of independence, have maintained a presence throughout.

While politicians have used their status and resources among their followers to gain and keep state office in every Ugandan regime, the most spectacular example of the use of patronage to reward followers was Amin's 1972 decision to expel the Indians and allocate their property either to followers or to be run by state officials for their own benefit. This decision, more than any other, changed the character of Uganda's economy, removing at a stroke foreign control, large enterprise and the capacity to maintain machinery in the processing sector. At the same time, it deepened the patronage basis for political office.

But the new businessmen of each regime have been forced to abandon their investments in turn. Baganda elements, dominant during the first few years of independence, have maintained a presence throughout. The anti-Buganda coalition that had consolidated their hold on politics in the middle 1960s lost their investments when they fled from Amin. The Nubi acquired the Indian businesses seized in 1972, but lost those they hadn't run into the ground when Amin was overthrown. Many of the Nubi businesses were looted or burned. The group controlling the state in Obote's second regime suffered the same fate. Under Museveni a somewhat broader ethnic and religious coalition, widely thought to be dominated by westerners close to the NRM leadership, has acquired business assets. The main thread of continuity is the use of patronage politics to maintain influence and government position in order to acquire funds for investment and to punish rivals.

NRM Accession and Patronage Politics

A brief look at changes in the NRM and in its policies since it came to power in 1986 underlines the continuing importance of these cleavages and of the use of patronage as a means to overcome them in order to govern. In the turbulent 20 month transition period between the fall of Amin and the 1980 elections, the interim government, the Uganda National Liberation Front, favored a nonpartisan voting procedure almost identical to the

NRM's movement system. The purpose was to prevent the parties from regaining power, specifically to keep Obote out.

But the May 1980 coup d'état put the parties back in the driver's seat. Museveni and his associates formed a new party, the Uganda Patriotic Movement [UPM], but did poorly in the election. UPC control over the interim executive after its coup allowed it to claim victory despite its electoral defeat. Shortly afterwards, Museveni and his closest associates formed a guerrilla group which eventually took control of the west and then fought its way to Kampala. It is his military successes and his control over an army he built himself during five years in the bush that gave Museveni and the NRM control of government.

Diminishing broad base. When the NRM came to power, it promised a radical populist program, but one that everyone could participate in achieving. This contradiction between the formation of a broadbased government that included many of the old politicians in Museveni's first cabinet and the creation of resistance councils to allow popular participation for the first time in villages throughout Uganda was glossed over at first. Appointing a cabinet in which members of the NRM took the junior positions as deputies to DP senior ministers was a brilliant stroke on Museveni's part. But over time the broadbased character of government faded, as each successive cabinet had fewer party politicians and top NRM officials took more of the senior positions. The resistance councils also began to lose their popular character, as the NRM saw that full democracy meant they could be taken over by members of the old parties. In the first few years of NRM rule, the DP attempted to do exactly that.

Diminishing commitment to principle. When the original four year interim period ended, parliament [the National Resistance Council, NRC] simply voted an extension of its own life for five more years. One could argue that there were many serious unanticipated problems, particularly civil wars in the North and Northeast, that had delayed completion of the transitional period. Furthermore, progress on preparation of the constitutional draft had proceeded so slowly that elections on the basis of a new constitution could not possibly be held within the original time limit. Nevertheless, only one MP resigned over the issue of the extension. In fact, patronage has always been such a deeply embedded factor that he is the only MP since independence who has resigned as a matter of principle. The great interest in becoming a minister, and the pressure for high emoluments, including opportunities for MPs and ministers to acquire new vehicles, are some of the more blatant current examples of the attractions of patronage in a poor society and the high costs of acting on the basis of principle.

Diminishing organizational base. Through courses in political education, some attempts at mobilization and closer supervision by the Resident District Commissioners [RDCs, then called District Administrators], the NRM leadership asserted some control over the RCs. But it was never very successful, partly because the NRM leadership was more interested in running the government than in building the movement, and partly because the organizational task was simply beyond the resources available in Uganda to make the whole

RC system effective. Equally disturbing was the failure of the NRM to take any steps throughout its ten years in office to define the central structure of the movement and hold elections for its top officers. The NRM Secretariat is widely regarded as an irrelevant dumping ground for officials who lose their positions in cabinet reshuffles.

Transition to Civilian Rule and Electoral Politics

The NRM has not retreated from its pledge to reintroduce electoral democracy. Nevertheless, while it took increasingly greater risks up to the presidential election this year, it always engineered the electoral rules to ensure it would not lose control of the government. The original parliament was appointed. In the 1989 general elections the NRM reserved over 60 positions (out of around 215) either by appointment or by tiny electoral colleges. All the territorial MPs were elected by indirect colleges made up of subcounty council members. The 1994 Constituent Assembly [CA] elections were far more democratically conducted, but power was not at risk, since the NRC continued to function as parliament while the CA debated the constitutional draft.

One measure of the increasing democratization of Ugandan elections, paradoxically, may be the money that is spent to win them. The more real opportunities for power an election creates, and the more free and open the contestation, the more money politicians will invest in it. It appears by all accounts that more money was spent by candidates in the 1996 parliamentary elections than in the CA elections, perhaps over \$150,000 by some candidates in the most hotly contested races, such as Kabale Municipality.

The elections produced another significant change in the NRM. Even though in principle any individual can run, and campaigns are supposed to depend on personal merit, the leadership of the NRM has tried to select the movement candidates in certain constituencies and persuade other NRM candidates to stand down. Members of the inner circle both campaign and find the finance to help preferred candidates. The RDCs, the President's appointed officials in the districts, mobilized support for movement candidates during the 1996 elections, relying on cadre in their offices and on some officials from lower local councils. The President exulted in the victories of movement members after both the 1994 CA and 1996 parliamentary elections. In other words, the NRM has begun to act more and more like a party, while continuing to consider itself a movement. If its purpose is to try to control access to patronage, it seems to have hit on a winning formula.

Political economy of the "movement" core area. Even in its home area, however, cleavages remain important. Museveni won by huge margins throughout the west, while Paul Ssemogerere, his Catholic, multiparty opponent received no support there despite extremely high turnouts. That outcome gives the impression that the NRM triumphed over the religious and party cleavages that had marked all previous elections. But a month later in many constituencies the parliamentary elections told a different story. Where Protestant ran against Catholic, and multiparty candidate ran against movement candidate, the races were much more competitive, except in races involving an historical member of the NRM still in

the inner circle. Another explanation for the presidential outcome, therefore, is that sectarianism has not disappeared, but that it was not salient for the presidential race. Instead, the Presidential election was about patronage and Museveni was the region's man. In the parliamentary elections the patronage connection was harder to pin down, partly because the structure of the NRM is so amorphous.

Uganda's Next Steps in Search of a Democratic Transition

Several important events scheduled to occur over the next four years will provide significant signs of the NRM's intentions to pursue further democratization -- that is, whether it will agree to rules that permit greater risk of electoral defeat and more opportunity for the adoption of policies with which it disagrees. The patronage logic of the political economy model proposed here suggests that the leadership will be reluctant to open politics further. However, the political forces animated by the cleavages discussed above, the leaders' own democratic rhetoric and possibly their inner values may cause them to take these risks.

The first event will be the **local government elections**, which were supposed to have been held in 1995. At the time of writing, Cabinet has approved a draft bill which will shortly be debated by parliament. The election date will be set after parliament passes a law, but will probably be in February 1997 or later. It is uncertain whether any of the five tiers of the councils will be scrapped, either now or in the near future, and whether universal adult franchise and a secret ballot will be adopted. The draft sets out direct, universal adult suffrage as the modus operandi for the sub-county and district chairmen, but not for the grassroots at the lower three tiers of councils, which are elected indirectly, nor for the councillors at district level other than the chairperson. The draft also proposes the same electoral college system for the women, who are mandated to constitute 33% of all councils, that was used and discredited in the 1996 parliamentary contests for the district women's representative. The draft proposes queue voting for all but the sub-county and district chairmen, which is also likely to be a cause for objection among some parliamentarians and much of the public.

In the past local elections, only village level elections were based on adult universal franchise, and voting was based on queueing. Because it reduces the size of the electorate, the indirect electoral college system used up to now for all levels above the village provides more opportunity for control from above. Since members of higher councils are those elected to office in lower councils, they are part of the system, opening them to the attractions of patronage. The Vice Chair of the NRM has already been quoted in the newspapers in October 1996 as saying that the movement will "pass a signal to tell you who to vote for," which is not encouraging.

This would become far less manageable a task if universal direct elections were to be legislated. The greater the reliance on a universal franchise and a secret ballot, the greater the risk the government takes and the less it can use patronage to get its way. On the other hand, administering an election on the basis of a secret ballot in each Ugandan village, not to

mention the parishes, subcounties, counties and districts, would be extremely expensive and logistically complex. Some sort of compromise is likely to be adopted. Thus, one revealing early indicator of the NRM leadership's intentions with respect to democratization will be the extent to which the compromise in the local government statute in its final form permits manipulation from above.

The next important indicator will be the choice made by the NRM leadership for **internally restructuring the movement**. The movement has never elected any of its top officials, including its chair, nor formulated a procedure for adopting a position on issues. Its lack of formal rules has been admirably suited to personal control from the top and thus to the use of patronage to further that control. The new constitution gives Parliament the power to create the organs of the movement [Sec. 70(2)], which means the movement no longer has any legal status. The Attorney-General ruled in August 1996 that no budgetary allocation could be made to the movement, though salaries and activities of the NRM Secretariat were rescued through the presidential vote for "political mobilization." If the parliament were to jettison the tiered system of local councils and substitute elections at all levels by universal franchise, the NRM inner circle would have no organizational means aside from its control over the government -- a not inconsiderable resource -- for implementing its policies. In short, at present the movement is entirely hollow, relying on the personality of the President, threats it can issue through the government, and its patronage resources.

There is certain to be much dispute over the restructuring of the movement, as its offices are likely to be the stepping stones for becoming the next president of Uganda. All of the cleavages discussed above will come into play if an open battle over restructuring occurs, unless the current leadership can sidestep the whole issue. Since the constitution requires the movement to be a transparent, participatory democracy with full accessibility of all citizens to all leadership positions [Sec. 70], the NRM inner circle will either have to risk its popularity by designing an open system, or forego the creation of a separate institutional existence for the movement by simply including all, or all higher elected, officials as members of the movement. As one member of the inner circle stated, "As far as we are concerned the state and the movement are one." **The adoption of this second alternative for restructuring the NRM will be a good indicator that the inner circle has opted for maintaining its control on the basis of more tightly controlled patronage rather than widening its risk by designing more open, democratic institutions.**

Referendum campaign. The third event will be the decision on how widely to open the opportunities to campaign for continuation or change of the movement system. The constitution requires that "any person shall be free to canvass for public support for a political system" from July 1999 until a referendum is held, which must take place in June 2000 [Sec. 271(2,3)]. Since the constitution gives people the freedom to write and speak about the virtues of different political systems before July 1999, "any person shall be free to canvass" must mean something more. Whether it suggests that parties will be allowed to be

more active than they are presently permitted to be remains to be seen. A member of the inner circle of the NRM has said that the ban on parties will not be lifted.

There is much sentiment for allowing parties greater freedom inside as well as outside the movement. Parliament will determine the rules for canvassing for the referendum. While the NRM appears to have a majority in Parliament, it may be hard-pressed to win a debate on this issue -- that is, to continue to keep the lid on partisan campaign activity by preventing the parties from openly lobbying as parties. Thus, a further indicator of the intentions of the inner circle of the NRM to rely on tight personal control through patronage will be its willingness to allow associations (pressure groups, forums, NGOs, consortiums) and parties to influence public opinion on political systems in the year before the referendum.

The fourth event is the **referendum** itself. By putting off the decision on Uganda's political system, cloaking the delay in a spurious freedom of fundamental choice, the constitution in effect extends the interim period. This decision is entirely consistent with the lack of structure at high levels of the movement, and the disappearance of any possibility of organizational coherence at the local level due to decentralization and the removal of tiered local councils. But the less structural organization there is to the movement, the more difficult it becomes to argue that it is a viable institutional alternative to a multiparty political system.

However cynical it may seem, adopting a panoply of structures to define the movement provides the NRM inner circle with an insurance policy to help it win the referendum. Nevertheless, the presidential campaign this year raised the same issue over a movement or a party system. The results suggest the NRM can easily win the referendum, so long as it emphasizes its leadership rather than the creation of institutions that will outlast the current president. At the moment it is hard to see why the NRM inner circle would want to do anything else.

Conflict and Conflict Prevention

The potential for instability, and therefore conflict, remains high in Uganda both because of both internal and external factors. Nevertheless, the most important point to note is how successful the NRM government has been in dampening existing conflicts and taking prudent steps to reduce the likelihood for eruptions of violence. Most of the conflicts it has confronted grow out of Uganda's violent past. The NRM's own military victory has made many of its opponents distrustful of its proposals to resolve conflict. Over its decade in power, the NRM government has consistently searched for peaceful means to convince its opponents to give up rebellion and return to the country, often by using its patronage to bring rebel leaders into the government. Its greatest success has been the conclusion of civil war in the east in 1991. However, it has also suffered some spectacular failures, particularly the continuing war in the north. It appeared almost to have ended this war when the fighting was reignited with Sudanese assistance in February 1996.

Regional Context. Over the decade, the government has been involved in external conflicts that erupted into violence sufficiently serious to produce streams of refugees with four of its five neighbors. The Kenyan government has been distrustful of President Museveni and, particularly in the late 1980s, feared the impact on its citizens of the precedent of a guerrilla band that ultimately overthrew an unpopular government against which it had rebelled. To this day it has tolerated Ugandan rebel groups intent on causing civil war, particularly in eastern Uganda. That threat has subsided with the disappearance of the civil war in Kumi and Soroti, and with changes of policy and rhetoric by the NRM leadership.

Tensions were generated in the wider region by the Rwandan Patriotic Army [RPA] invasion of Rwanda in 1990 and the subsequent genocide in Rwanda in 1994, particularly after Hutu refugees fled in great numbers to Zaire, stimulating attacks on Tutsi residents in Zaire that caused thousands of them to flee into Kisoro and Bundibugyo in western Uganda. However, Uganda's most serious external conflict has been with Sudan.

Northern rebellion. The war in the north is Uganda's most serious current conflict and one which may have a national impact on protection of human rights and constitutional practice, as the Uganda Peoples Defence Force [UPDF] seeks a free hand to end the rebellion. The war originated in the NRA's defeat of the Uganda National Liberation Army [UNLA] commanded by Major-General Okello in the battle for Kampala in January 1986 and its subsequent retreat into Sudan. Most of its rank and file returned to their villages and the NRA peacefully patrolled the north until August 1986 when it called on former UNLA soldiers to report to police stations. Fearing they were to be executed, the soldiers fled over the border and the UNLA [soon becoming the Uganda Peoples Democratic Army, UPDA] was reconstituted and hostilities began again.

The new conflict gave rise to a millenarian movement led by a prophetess, known as Alice Lakwena [messenger], which incorporated some UNLA soldiers and managed to fight its way into Iganga District only some 70 miles from Kampala, before it was finally defeated by the NRA in 1987, and Alice fled to Kenya. The neighboring Karimojong took advantage of the turmoil to raid the Acholi for their cattle. In the guise of getting it back, NRA soldiers took even more cattle for themselves. The political ramifications of this blunder, fitting precisely into the pre-existing north-south regional cleavage, have not yet been confronted, and undoubtedly fuel the current flare-up of hostilities.

Nevertheless, persistent efforts to negotiate led to an agreement and to the reintegration of a large part of the UPDA in June 1988. The remainder of the force slowly disintegrated, despite support it received from Acholi refugees in Khartoum and London, and at least acquiescence if not support from Sudan, which has fought a much more violent civil war of its own against the Sudan Peoples Liberation Army [SPLA] during this entire period. By 1991 resistance from the UPDA had virtually ended and violent incidents were sporadically carried out by Joseph Kony who took control over what was left of the Lakwena movement and restyled it the Lord's Resistance Army [LRA].

Until the Sudanese government was able to dislodge the SPLA from control of Sudan's entire border with Uganda in the early 1990s, it had no access to rebels in Acholi. After that, it trained and equipped them in response to the help the Ugandan government reputedly gave the SPLA, unleashing them in February 1996, catching the UPDF by surprise. The wide area in which the LRA has operated, Gulu, Kitgum, Apac, Lira, and Moyo, the ease with which it forcibly marches new recruits it has seized into Sudan and fighters back into Uganda, as well as the ability of the LRA to stage attacks near the center of Gulu and on Lacor Hospital (located close to the town) demonstrates the UPDF's lack of control, even though it has now stationed troops in every subcounty along the border.

It seems quite likely that there is considerable support among the Acholi for continuation of the conflict. Otherwise Kony's forces could not operate so easily over so wide an area and gain access to such strategic points as the town of Gulu itself. Thus, if Uganda were to make viable the agreement it signed in September 1996 with Sudan to monitor the borders jointly, by withdrawing aid from the SPLA, it would greatly reduce its problem, but it would not solve it. For that it will have to find Acholi leaders who still exercise moral authority and persuade them to negotiate a peaceful solution. It is not so much a matter of talking to Kony as it is of talking to the Acholi who support him. The prospects for this decrease daily as the killing, informing, and carrying out of private vendettas across the Acholi area of Gulu and Kitgum accelerate.

Islamic Fundamentalism? The LRA is a Christian movement, but its new patron, Sudan, has strong interests in the spread of Islam. The LRA has recently adopted practices, such as threatening to kill Acholi who keep pigs, that suggest it wishes to please the Sudanese. This Muslim appearance seems consistent with persistent suggestions made by various RDCs that Muslim youth from southern Ugandan districts have disappeared from their villages and may have been recruited to fight with the LRA. Several round-ups of Tabliqs and Muslim youth suspected to be carrying on subversive activities have taken place during the past two years.

Their incarceration on remand tends to fuel the flames of anti-NRM sentiment among segments of the Muslim population. This sentiment will not be extinguished until there are visibly improved opportunities for education and employment for Muslims, who are concentrated heavily in seven of Uganda's districts, four in the heartland of Buganda. At the same time it should be recognized that there are staunch supporters of the NRM in the Baganda Muslim business community, as well as those who are somewhat less enthusiastic but pragmatically supportive of the stability and economic progress gradually being consolidated by the regime. The Muslim community in Uganda is overwhelmingly Sunni. Its problems have been internal, and fueled by historical rivalries as well as competitive support from external Muslim allies. Libya, the Palestinians and the Saudis have all played important roles at various points over the three decades since independence.

The western powers fear the destabilization in the north could provide a beachhead for the intrusion of Islamic fundamentalism from Khartoum, which is said to be assisting the

LRA. The NRM's establishment of cordial (and business) relations with Iran, and its invitation to the latter to participate in an effort at negotiating an end to the northern conflict, do nothing to reassure the US, the west generally, or Sudan's other neighbors in the region. Any real threat of Islamic fundamentalism seems quite far-fetched in the Ugandan context, however. The real threat is continued internal turmoil as Muslim recruitment in the southern part of the country carries the flames of the northern rebellion indirectly into the south.

West Nile Bank Front. Sudan has also trained another force, the West Nile Bank Front (WNBF) under Juma Oris, a high-ranking Nubi army officer and cabinet minister under Idi Amin. Oris fled to Juba in 1979. This force has attacked targets in Arua District from Zaire as well as Sudan, creating an entirely separate guerrilla theater. Though the UPDF repelled the original rebel incursion in May 1996, it has not prevented a series of incidents, including recent attacks on secondary schools and a hospital. The ease with which a second war could begin, and the danger of recruitment drawing on unrelated resentments over low status of Muslims in the south and other cleavages, must demonstrate to the NRM leadership the dangers they face in opening up the system to democratic control.

Land pressures. The government also has had to respond to the internal tensions created by population pressures on the land, particularly encroachments into forest reserves, national parks and cattle ranches; by widening income inequalities due to privatization and liberalization; by the failure of government to increase the quality of life for either the rural or urban poor, or even the middle classes, despite its successful economic growth rates; and by its reduced legitimacy caused by popular resentment over corruption and the use of patronage to solve political problems.

Social cleavages. The regional, ethnic and religious cleavages discussed above have the potential to greatly intensify social conflicts and constantly involve government officials in negotiations to mollify participants. Together these internal social factors produce a relatively constant reservoir of distrust and discontent that can easily turn a seemingly minor dispute into a major incident involving violence and loss of property. In addition, these internal social factors have fed into most of Uganda's external conflicts, making them harder to settle.

USAID'S DEMOCRACY AND GOVERNANCE STRATEGY TO DATE

USAID's strategy since returning to Uganda has integrated democracy and governance objectives into the overall program. An overall characterization of the objective pursued is the establishment of a constitutional culture. The method by which the program was initially formulated was unusually participatory, involving Ugandan input down to the grassroots level -- a function of the little on-the-ground information or prior USAID activity available to direct the country strategy. The consequence was to make Uganda an early example of the use of a "local partners" and local information in designing a portfolio.

The Mission is committed to continuing this approach, which has proved fruitful in assuring Ugandan commitment and cooperation. The Mission is also committed to the continued strong and explicit connection between economic growth and democratic governance goals, viewing them as symbiotic and mutually reinforcing. A review of the relevant experience over the past program cycle will establish the leading role that democracy and governance objectives have had, though never formalized in an "objectives tree". From the point at which the NRM committed itself to wide-ranging market-oriented reforms, the US identified the regime's own strategic objectives from its actions and used them to establish benchmarks for the initial phase of a democratic transition. An informal program in support of this democratic transition was pursued as targets of opportunity, as follows.

Constitution-making.

The NRM set itself the task of formulating, promulgating, and implementing a new constitution, a particularly important issue in the view of central political elites because of the arbitrary abrogations and neglect of past constitutions, and because of the perception that much of Uganda's travail over the past fifteen years was related to inappropriate constitutional formulations -- to the lack of an agreed social contract and the excessive powers given the executive. The NRM responded by stressing the formulation of a new constitution, putting emphasis on maximum grassroots input as well as on several substantive issues relevant to redressing executive power, such as presidential term limits and parliamentary confirmation of presidential appointments. There has been considerable skepticism from some regime critics over the degree to which grassroots opinion was fully incorporated, rather than serving as window dressing.

USAID thus set the formulation of a new constitution as a key benchmark and followed keenly the process of constitution-making, providing some modest support. USAID's contributions to the process included the provision of an informal leadership role in donor coordination throughout the period of the CA Commission and Assembly; a technical review of the draft constitution for areas that might profitably be reviewed, revised, or omitted in order to avoid future unanticipated legal snaggles; very modest but numerous grants for Constituent Assembly delegates to mount seminars in their home areas to carry the constitutional debates down to district and sub-county level; and substantial funding to the CA Commission in support of the logistics of the election of members of the CA, who debated and promulgated the final version. In addition to an indirect but significant contribution to the constitutional process itself, USAID contributed substantially to the development of a competent and responsive Electoral Commission -- one not without its faults, but significantly more competent than others in the region.

Return to Civilian Rule on the Basis of Free and Fair Elections

The NRM government in 1986 promised a reasonably rapid transition to civilian rule within four years, but then extended its power arbitrarily in 1989 for a further five years. At

the time the US Mission felt that, while this was unfortunate, it was probably realistic given the delays caused by the civil wars in the north and northeast, the slow progress of the Constitutional Commission, the extent of the deterioration of the public service and of physical infrastructure. Nonetheless, a completed transition to civilian rule through free and fair elections based on democratic principles remained the second key priority for the US.

The US role in pursuit of free and fair elections has been a modest one. Support for the Constituent Assembly elections was provided to enable the Electoral Commission and assisted in the development of its logistical competence. However, the continued ban on partisan political activity mandated in the resulting Constitution led to a US decision not to fund the GOU directly in support of the 1996 elections. Instead, the US put significant funding (\$1.1m) into the strengthening of two civil society organizations, the National Organization for Civic Education and Election Monitoring (NOCEM) and the Uganda Joint Christian Council (UJCC) to support civic education and election monitoring. These organizations emerged prior to the CA election with support from USAID and other donors, and have gradually developed both capacity and vision about their role in the electoral and public information processes.

In the just-concluded presidential and parliamentary elections NOCEM and UJCC mounted a voter education program which, despite significant delays and inadequate coverage of the electorate, nevertheless resulted in a reduction of spoilt ballots from around 3.8% nationally in the CA election, to 3.4% in the presidential election, and then to under 2% in the parliamentary polls. Further, they mounted a fully-fledged domestic monitoring effort with at least one observer in every polling station in the country (there were around 14,750 polling stations for the CA, presidential and parliamentary polls, though considerably fewer for the reserved women's and other special interest group seats), published carefully considered initial statements within 48 hours of the conclusion of the polls, and are in the process of compiling full and detailed reports on all aspects of the elections. USAID's substantive and financial assistance to these organizations has had a major positive impact.

In addition, USAID provided assistance through the UN to the Interim Elections Commission in the form of a Chief Technical Adviser who assisted the Commission in logistical planning, playing a particularly useful tutelary role in nurturing local capacity. The elections were considerably more competent logistically than those in many other recent regional examples, although not without their flaws. USAID's assistance since 1993 in support of the Commission is a major contributing factor to this competence.

Exchange rate rationalisation

Democratic government both contributes to and requires an economy that is functioning satisfactorily over the long term. Uganda's economy was shattered by fifteen years of strife and irresponsible fiscal policy. This situation was compounded in the early years of the NRM's rule by statist efforts to manage the economy, feints at barter trade, and skyrocketing inflation. All of this produced both a demarketisation of production and wide

discrepancies in the official and real foreign exchange rates, with all the usual consequences constraining the resumption of production, not to mention investment. USAID's initial analysis of the needs for re-establishing economic growth centered on the need to bring the exchange rates together and to "re-marketize" the economy, in order to expand production, without which the tax revenues to support a government of any sort, let alone a democratic one, would not exist.

Security of Economic Property: return of Asian Properties

USAID's initial analysis of Uganda's economic prospects also focused on the likely need for significant foreign private investment over the medium-term, a conclusion which President Museveni has given the force of his own words and actions as he has strenuously pursued foreign investment in recent years. A climate conducive to foreign investment required rehabilitation of major infrastructure, re-establishment of the rule of law, especially a new constitution conducive to economic security, and particularly the restoration to their rightful owners of properties owned by the Indians who were summarily expelled from Uganda in 1972.

The latter effort has now been more or less completed, with USAID assistance at the initial stages through an adviser attached to the Departed Asians' Properties Custodial Board (DAPCB). The Board identified properties, advertised for their owners to file claims for their return or for compensation, which allowed the Board to sell them if the owners were not interested in retrieving them. Many have been retrieved and some are being rehabilitated, although many of the smaller businesses and residential properties were sufficiently run down that owners have not been interested in filing claims. There have been some anomalies in the process, and some awkward cases of repossession that have negatively affected present owner/ occupiers who paid in good faith for the properties.

Corruption, prevalent in both the public and private sectors, also affects the investment climate. Corruption takes many forms in Uganda and is a central pillar of the patronage basis of politics. Government has several tools with which to address the problem, including the Inspector General of Government (IGG), the Auditor General, the Public Accounts Committee of Parliament, the Internal Auditors in the district councils, and one or two NGOs with a focus on combatting corruption, such as Transparency Uganda. Despite the bureaucratic infrastructure available, very little, if any progress has been made. Indeed, many would argue that the situation has grown worse in recent years, with the general increase in economic growth and thus the greater resources to be acquired through corrupt contracting processes and other forms of rent-seeking behavior. Addressing corruption seriously should be a top priority issue for the Government of Uganda, and the efforts made over the period of the next US assistance cycle will signal the degree to which the Government is sincere about pursuing transparent and accountable governance.

Other Initiatives Relevant to Democratic Governance

Demobilization. USAID has supported Uganda's effort at demobilization, an important achievement of the NRM government.

A base for civilian control of the military has been established. There are many remaining problems with soldiers who are being retrenched after integration of the former army forces into a new army dominated by the victorious NRA, particularly in finding productive economic activities and initial capital to permit their pursuit. USAID has assisted through the efforts of six US NGOs in this effort: CARE (Arua, Nebbi, and Moyo; training veterans on business skills), World Learning (Teso and Lira; agricultural skills and non-agricultural income generating activities), ATI (Lira and Apac; oil seed presses), Africare (Kabarole and Kasese, agricultural skills), VOCA (just in the planning stage; will cover 12 to 14 districts, imparting business skills), and Heifer Project International (Gulu and others; provides heifers).

Law Codification. USAID is funding the first codification of Uganda's statutes in 30 years, which will bring them up to date and permit the law revision necessary to bring them into conformity with the new constitution. There currently is no consolidated set of Ugandan law and three previous efforts at codification were abandoned. This is a top priority activity for the Government of Uganda.

Training of Ministry of Justice Staff on Women's Advocacy. Rape and defilement cases are regarded as significant problems and human rights violations in Uganda requiring a "high profile" strategy of prosecution. USAID has funded training in Washington for women advocates in the Ministry of Justice who will form the core of a team that to prosecute rape and defilement cases aggressively and effectively.

116e Human Rights Grants. Civic education, paralegal training, human rights sensitization, journalist training and sensitization, election monitoring, legal rights awareness workshops are among the principal foci of the 116e grants that US Embassy/USAID have administered. These have been primarily to local NGOs for specific projects. Public awareness activities have also been an important component of 116e funding. Frequently the grants have been used to test a local NGO's capacity to implement a small project, before relying on the organization for a larger effort. The identification and evaluation of NOCEM and UJCC, USAID's main NGO partners in the DG area during the CA and elections processes, were initiated in this way.

Summary. The democracy and governance activities USAID has pursued over the past five years have been in the areas of: 1) strengthening resolve and competence in the constitution-making effort; 2) supporting the development of an independent electoral capacity; 3) supporting moves toward economic liberalization necessary to provide the framework within which democratic governance can take root; and 4) working with civil society actors to develop an independent, critical capacity aimed at increasing accountability in a polity in which pluralism is fragile but in which room for nurturing it exists.

SECTORAL ASSESSMENTS

Rule of Law: the Justice Sector

More than most other African nations, Uganda has a clear need for major efforts to support a return to the rule of law. Two decades of anarchic governance based not on the rule of law but on military might and arbitrary action by those holding positions of power have deeply eroded respect for the niceties of a legal framework, the resolution of conflicts through the courts rather than "going to the bush", and the requirement that the exercise of political power be constrained by legislation assented to by representatives of the people and enforced by independent courts. The promulgation of the new Constitution one year ago is an encouraging step in restoring the rule of law. Its implementation and interpretation remain to be tested, and will be key indicators of the re-establishment of the rule of law.

The performance of the justice sector is critical to Uganda's continued transition to a fuller democracy in which individual and community rights are known and protected by a mobilized citizenry. At present neither these rights, defined in some detail in the Constitution, nor the procedures of access to the courts to enforce them are well understood by the common citizen. Translating Constitutional protections and guarantees into reality will be a major challenge over the coming years, involving constitutional interpretation and judicial review, as well as explaining the justice system to the public.

Performance of this sector is also critical for maintaining the momentum of the economic progress that has put Uganda into a leading position in Africa presently. The security of person and property assured by a properly functioning judicial and legal sector in a constitutional democracy are central to investor confidence, both domestic and foreign, without which Uganda cannot continue to reconstruct an economy and reduce poverty.

Further, the attainment of some of USAID's other strategic objectives -- in natural resources management, for example -- will depend on the sanctity of the agreements reached between individuals and communities over resource access, management and use, and the degree to which local jurisdictions maintain effective interpretive and enforcement machinery to guarantee such agreements. Furthermore, USAID's activities in support of other SOs may be facilitated or constrained by the legislation passed by local councils, which are considerably more autonomous under the ambitious decentralization being implemented in Uganda.

Structure and Functioning of the Sector

The sector includes the judiciary itself; the Attorney General, the police, prisons and probationary services the legal profession, and the growing number of civil society actors drawn from these groups, especially professional bodies such as magistrates associations and

law societies, as well as such organizations as the Prisoners Aid Foundation and those human rights groups beginning to offer paralegal services. In identifying the critical problems constraining the rule of law in Uganda, it is more productive to think in terms of the intersection of these components rather than any in isolation, but a brief description of each may be helpful.

The Courts. Annex One describes the structure and functioning of the court system in Uganda. The courts are non-specialized; they handle all matters that come before them, albeit at lowest level jurisdictional issues are limited. Lack of specialization contributes to major delays in processing of cases. The government is creating a commercial court to respond to the increasing need for timely decisions on commercial disputes in order to attract investment.

The courts are comprised basically of a three-tier system, with the high court, supreme court, court of appeal and constitutional court at the national level, **magistrates' courts** at three intermediate levels from regional to district level, and **local council courts** from village up through sub-county level. National courts handle issues on appeal or of national or constitutional importance; magistrates' courts are the system which decides disputes through the formal, western body of law bequeathed from the colonial regime. The jurisdiction of the tiers of the magistrates' courts depend on the severity of the civil or criminal loss or penalty at stake. Local council courts handle a variety of dispute settlements from domestic quarrels and land cases to theft and assault on the basis of customary law.

Access to the courts and thus to justice is constrained by the clan influence and male bias in rural Uganda, by the cost of taking cases to the magistrates' courts, and by lack of understanding that litigants may take most issues to the lowest level of the magistrates' court system, but that **if they start at the Local Council level and are dissatisfied, they can only appeal to the Chief Magistrates' courts**, which are remote, badly backlogged, and likely to be too expensive since they require securing legal representation. Confusion over the application of western as opposed to customary law adds to the lack of faith on the part of potential litigants that they can have any assurance of receiving an unbiased hearing and verdict, which further inhibits rural citizens and women in particular from using the legal system.

Application of the principle that "justice delayed is justice denied" would paint a grim picture indeed of the court system, with up to three quarters of defendants held in jail on remand awaiting trial. Long periods of remand are very common; two years has been cited to the assessment team as an average. The causes of delay include the backlog in the courts resulting from the obsolete court recording procedures, from the ill-equipped and ill-trained police force, especially those at local level and from the lack of preparation of litigants and their lawyers, resulting in frequent continuations.

There is a conspicuous absence of an activist tradition among the judiciary. Judges are not actively committed to the pursuit of individual rights and redress, nor to the critical judicial review and interpretive functions that serve as a check on potential excesses of the executive or legislature. By most accounts the justice system is generally independent of direct political influence but the spirit of activism has yet to emerge. Retribution visited on justices who spoke boldly in previous regimes may help account for their passivity now.

The Legal Profession. Uganda's legal profession contributes to some of the constraints on effective and activist justice. Lawyers are trained through a narrow approach that stresses the mastery of case law. The curriculum devotes minimal attention to the socio-economic elements of the law, or to the causes of the social problems that bring individuals into contact with the justice system. Students, we are told, prefer courses that will bring them high post-certification incomes, not those involving the difficulties confronting most Ugandans without resources (including women), who lack access to the legal system, nor those involving issues of constitutional interpretation and judicial review that may earn no rewards at all, despite their importance in protecting and enlarging the democratic checks and guarantees the constitution addresses.

This narrow training has important and negative repercussions on the performance of the judicial sector. First, the narrow approach to the teaching of law, ungrounded in the broader context of social justice or political consequences, shapes the pool of lawyers from whom the justices are inevitably appointed. One recent symptom has been the dismissal on technical rather than substantive grounds of nearly all the 1996 elections petitions -- also a sad commentary on the inadequacy of technical aspects of the legal training available. Judicial activism and vision are an unlikely outcome of a legal profession oriented in this direction.

Second, the bulk of the population cannot afford legal services. Those who can are limited to a small fraction of the urban population. Even if plaintiffs can afford to bring a civil suit, they may fail to attract legal assistance if it is clear that the defendant has no attachable property or salary. The result is that many legitimate civil claims cannot be pursued, which undermines the credibility of the rule of law.

An official review of the legal education, training and accreditation process in Uganda, which was completed and presented in September, 1995, makes recommendations for reform to provide more socio-economic context and commitment to active justice in the curriculum as a necessary implement for protection of constitutional rights. It proposes a practical component to the curriculum, including participation in legal aid clinics and legal education of the population. Our recommendations for a modest USAID approach to the sector, through support of legal aid projects and civil society organizations pursuing increased access, should be understood in the context of this complementary need and the importance of mobilizing resources among the rest of the donor community and the GOU to restructure legal education and accreditation.

Auxiliary Institutions: the Police, the Attorney General. The police and the Attorney General are critical to the achievement of increased access, speedier justice, and fairer and more consistent decisions. The police are reported to contribute substantially to the delays, as incomplete police investigations are responsible for numerous continuations and extended remand periods. The police are ill-equipped, ill-paid and housed, ill-trained, and thus are prone to making mistakes in investigations, although they receive fairly high praise for a far more professional approach devoid of the terrors of past regimes. The police are a traditional focus of ODA assistance.

The 1995 constitution expands the role of judicial review and therefore of the constitutional court. Under the previous Constitution a litigant had to demonstrate a stake in the case requesting judicial review, and this in practice put most power to bring cases that might result in judicial review in the hands of the Attorney General. The 1995 constitution does not limit requests for constitutional review to affected parties. Instead it permits any person to bring a case of constitutional review to the court. The change offers citizens great scope to question the constitutionality of official acts, statutes and legislation. The action of the Attorney General's office in facilitating this process will have major implications for establishing the new roles and procedures for judicial review, an important basis for bringing the new constitution to life.

Civil Society Organizations. A growing number of legal aid and education NGOs are helping increase public awareness of law, as well as access to the courts. These NGOs include the Law Society of Uganda and its Legal Aid Project, FIDA (the Uganda chapter of the federation of women lawyers), the Foundation for Human Rights Initiative (FHRI), the Makerere Law Students Society, Uganda Human Rights Education and Documentation Center, the Uganda Human Rights Activists, the Uganda Prisoners' Aid Foundation.

These serve as the "demand-pull" side. They run legal clinics for the indigent, provide paralegal training for community legal aides in villages, raise issues in the national arena when they feel individual rights or constitutional guarantees are being threatened, and run workshops to sensitize rural people about their rights, especially the rights of women. USAID has supported several of these NGOs through 116e grants and sees their activist orientation as a welcome antidote to the lack of activism in the protection of rights that characterises this sector.

Prospects for Reform: Key Issues and Constraints

Prospects and strategies for reform in this sector are complicated by the interdependence of the institutions that intersect in the provision of justice, the failings of any one of which constrain the ability of the others to perform adequately. Improvement in the provision of justice has a supply and a demand side. On the supply side, delays in processing cases effectively denies justice even to those managing to bring complaints into the formal justice system. These delays are further exacerbated by inadequate or non-existent law reporting and record keeping, which make consistency and timeliness in the

application of justice impossible. Revision of the laws, administrative instruments and judicial interpretations should occur on an annual basis. Uganda has not recodified its statutes (revised them to bring in subsequent amendments, administrative instruments, and judicial interpretation) since 1966. The absence of periodic codification hinders the development of standard and consistent judicial rulings and further diminishes the credibility of the formal justice system. USAID has been working with the Law Reform Commission to rectify this situation, without which other reforms will not be effective.

In addition, there is a lack of clarity over jurisdiction at the lowest tier of the system, the LC courts, and an increasing perception in the legal profession that they are a mixed blessing, since the substantial advances in human rights and protections afforded under the new constitution are unlikely to be upheld through this grassroots court system, which uses no lawyers or trained judges.

On the demand side of the provision of justice there are equally important issues. Three stand out. First, all the constraints on the supply side -- lack of access and legal assistance, lack of citizen knowledge of rights -- provide opportunities for patronage demands. Redress of the problems with access is not only or even largely an issue of technical or material resources. The patronage logic extends to the distribution of justice. Each of these constraints provide an appropriate area for donor intervention. Each success will eliminate an area in which patronage operates and make the justice system more credible and effective. At the same time, the effort to improve access MUST meet a more efficient justice system, in terms of the redress of some of the supply-side constraints, or it will simply be further overwhelmed and discredited.

However, weak internal pressure for reform permits patronage rewards, exacerbated by the low morale caused by the deplorable conditions and terms of service in rural areas. Patronage supplies compensation for lack of appropriate salaries and working conditions, and therefore works against a responsive judiciary. This suggests the judiciary is not a promising arena for generating demands for change in the system. Similarly, the narrow "legalistic" orientation of many members of the bench, and of the legal profession from which new judges are drawn, militates against a reformist spirit. This is not to suggest that there have been no statements or movement in the direction of increasing accountability in the justice system, nor to deny the existence of a reformist judge or two. But these are not the stuff of which a major reform of the justice system will be made.

Donor Role and Initiatives Underway

The World Bank is providing a loan to assist the Ugandan judiciary in number of ways:

◆ **Legal Training:** With support from the World Bank, the Law Development Centre undertook an evaluation of the existing status of legal education in Uganda. The study examined the current training and accreditation method and sought ways and means of making it more relevant and responsive to the changing conditions in the country. The study

may form the basis for the Government of Uganda's Policy on Legal Education and a plan of action. The Government of Uganda's definition of its Policy on Legal Education is a condition for the disbursement of the legal sector of the Bank's loan.

◆ **Law Revision:** Following USAID's work on the codification and ODA's funding for the printing of laws, the World Bank will provide assistance for the reform of the Domestic Relations laws. The laws primarily affect the rights and position of women within society, and their ability to engage independently in constructive commercial/economic activity.

◆ **Law Reports:** The World Bank is supporting the preparation and publication of the backlogged Law Reports to bring them up to date.

◆ **Institutional Strengthening of MJCA and the Judiciary:** World Bank support will be provided for substantial staff training and improving access to legal information.

◆ **Improving Service Delivery and Cost Recovery:** The government of Uganda is planning on devolving the Administrator-General's Department (AG) and the Registrar-General's Department (RG). The World Bank is assisting the process by supporting the development of Business Plans for each department and studying the appropriate cost recovery measures for both departments.

The **Danish government** is providing funds for the construction of Magistrates courts. The project is supporting infrastructure of the Magistrates courts in a limited number of districts. In addition, the program will support the hiring of new magistrate judges.

Recommendations for USAID Involvement in the Sector

This report recommends that USAID pursue two activities in support of improved justice in Uganda. The first is to provide support to complete the codification of the statutes and related instruments. This initiative is already underway and is projected to be completed at some point between October 1997 and April 1998. The second is to strengthen the local capacity of Ugandan NGOs to provide legal aid and education. This program, which has the most immediate potential for impact, could be included in a project to strengthen civil society at the local level, as is suggested in the section on decentralization. The goal is to improve the capacity of legal aid organizations to deliver services to their clients, raise outside funds, and extend their geographic reach beyond the capital city.

Improving the local capacity of legal aid NGOs will serve several purposes:

1) **Promote a More Activist Court:** Support for groups protecting the rights of citizens will quicken the process of the court considering constitutional issues and rectifying legal contradictions and discrepancies. Local NGOs have been successful in promoting

public awareness of human rights abuses and prompting government action. A more active legal aid community can serve as a link between citizens and the state and strengthen the application of the Constitution.

2) **Expand Civil Society:** Support for the organizational and financial development and eventual self-sustainability of local legal aid organizations will serve to broaden the space for civic action.

3) **Improve Access to Justice:** Lack of resources and distance have served as obstacles to the access of rural and the poor persons, particularly women, to the justice system. Expanding the scope of organizations that can provide aid to the indigent with court fees, and can serve to channel litigants to the often distant Magistrates courts, will begin to address some of the constraints in the legal sector.

4) **Decentralize Legal Service and the Judicial System:** As political authority and the delivery of services is further devolved to local level units, the demand for effective means to resolve legal disputes and hold local level political leaders accountable will increase. Improving the availability of legal recourse at the local level will serve as a greater check on government. The passage of the land tenure law is likely to dramatically swell land disputes and questions. Without assistance to poor and uninformed stakeholders, the reform risks faulty application, augmenting rather than decreasing inequalities. Legal aid organizations can be supported to explain the law to affected parties and provide assistance to litigants before the proposed land committees that adjudicating land claims.

5) **Improve Access for Women:** Women represent two thirds of the individuals who have used the Ugandan Law Society's legal aid system in Kampala. Groups like FIDA and the Uganda Law Society can serve as effective instruments for education and the protection of women's legal interests outside of the capital.

The Media

The situation of the media in Uganda appears to be quite similar to that in other African countries. There are potentially repressive laws on the books, government-owned media are dominant, particularly electronic media, and the coverage of local electoral and economic policy issues is inadequate. However, though there are exceptions, Uganda's government has been more tolerant of media criticism than many other African states.

Uganda's new private radio stations will be an interesting development to watch. Mobilization for the traders' strike opposing the imposition of a high rate for the new VAT tax was carried out partly through private FM radio stations. Radio could also serve as a channel for civic education and other information flows. A Saturday morning talk show on current issues on Capitol Radio is its most popular show.

Legal Framework. The actual operating environment is not particularly repressive, although the government has occasionally taken heavy-handed action and a private radio journalist was recently arrested for inciting the traders' strike over VAT. Government controls proposed in the media bill were reduced after a public outcry, involving objections from the journalists' and newspaper proprietors' associations. These culminated in substantial revisions in the bill by the parliamentary committee reviewing it. Some respected independent journalists sit on the new media board the act created, which mainly licenses journalists. The US Government and most journalists continue to object to the law and advocate significant amendment.

Uganda, like most ex-British colonies, has a number of repressive sedition and libel laws on the books. Ideally, the process of making existing legislation consistent with the constitution will take care of these problems, and this is an area where constitutional test cases are important. But so long as repressive laws are on the books, continued freedom of the press depends on the discretion of the executive rather than being a legally protected right. One journalists' organization is presently pursuing legal action against the government on this issue.

Some journalists report that there are continuous attempts at interference with their work by politicians, sometimes successfully resisted and sometimes not. There is probably a degree of self-censorship: there is not much reporting on senior politicians' personal lives. There is quite good reporting and analysis on parliamentary affairs and government bodies. Some of the best comes from the government-owned newspaper.

One observer of the media in Uganda expressed the view that the libel law should be applied more often and more vigorously, because journalists are occasionally publishing libelous articles and professional journalists' associations are not enforcing high standards. Individuals reportedly do not often pursue libel claims because court proceedings are too expensive and take too long. However, one notorious sensational paper editor has been successfully sued recently on several occasions for defamation. This seems more appropriate, and ultimately more effective, than earlier efforts to prosecute the same editor for sedition.

Financial Viability. Most media institutions, including the Ministry of Information, are reported to be operating on a hand-to-mouth basis. This is particularly true of the independent press. Journalists confirm that they have only small allowances to support investigative journalism. If the economy continues to grow, advertising revenue should increase, but the cost of a newspaper seems likely to continue to limit the pool of potential newspaper buyers. The government has not used harassment of the press through strict enforcement of petty rules, but does use its advertising to support or punish newspapers.

Media Associations. Only the Uganda Newspaper Editors and Proprietors Association (UNEPA) is a strong professional association. The Uganda Journalists' Association (UJA) is going through a restructuring exercise presently. During the elections process USAID and

the African American Intitute worked with a small media organization, the Uganda Journalists' Safety Committee, which supported stringers reporting from the rural constituencies that might otherwise have gone unreported. Another organization, the Uganda Media Women's Association, working primarily in video/television and radio broadcasting, contributed to the civic education efforts during the elections. As in other sectors of "civil society", there are strong elements of competition and factionalism in the associations associated with the media.

Journalists' Training. Although there are three formal training programs, the Ministry of Information's School of Media and Graphics was not holding classes at the time of the assessment. The Mass Communication Program at Makerere University has a day program for undergraduates and an evening program for mature students. The majority of its graduates go into the private sector in public relations; few become working journalists. A number of working journalists are enrolled in evening classes to meet the new certification requirements set out in the Media Statute. The School of Journalism at the Uganda Management Institute is the main source of new journalists. The USIS Director pointed out that journalists outside Kampala have benefited very little from donor training.

Access to Information. Along with MPs, the media bear the burden of oversight of government performance. Unlike MPs, journalists cannot subpoena information. Everyone to whom the team talked emphasized the difficulty of obtaining information from government. There were stories about government officials at lower levels who refused to release reports to reporters even at the request of their superiors. Many important series of public documents are badly in arrears. Some that are in theory public, like minutes from parliamentary committee meetings, are inaccessible because they exist only as handwritten notes.

The Government Printer in Entebbe has become a state-owned enterprise run on commercial principles; it no longer has a monopoly on printing government reports. Consequently, there is no longer a single source where journalists and the public can buy government documents, and the Ministries now have discretion over public distribution of their reports. They reportedly are not allowing any of the printers to sell directly to the public. Ministries have their own libraries but bar public access, though donors have no difficulty gaining access or information more generally. Lack of information and the absence of a central site for government reports are serious impediments to better quality reporting on government's performance and on economic issues.

Popular Support for the Role of a Free Press. Though the evidence is anecdotal, we perceived a lot of support for the independent press from ordinary Ugandans in Kanipala. There seems to be less disapproval for press criticism of government than in many other African countries. The excesses of the sensational press and the output of the party-owned papers are recognized as such by the public.

Recommendations for USAID Involvement with the Media

We recommend that USAID pursue two activities and speak in support of a third objective. Increasing and improving the quality of information available in the political arena so that Ugandans can assess their government's performance and respond when policy decisions or government actions affect their interests strengthens their capacity to hold government accountable and to limit patronage behavior.

1) **Establish a resource center:** A depository library associated with Parliament would eliminate headaches for both MPs and journalists, as well as helping interest groups and academics to perform their analysis and oversight functions. The Public Information Center is described in the section on parliament.

2) **Reward good journalism:** An incentive approach to improving the overall quality of reporting in Uganda would be to find a way to give moderate amounts of money to journalists and their organizations that are trying to contribute to serious public debate on important issues. Giving prizes for quality journalism would support investigative journalism, thus helping to hold government officials accountable for policy formulation and implementation. USAID has done this in other countries. To be productive, this intervention would have to be handled carefully so that the criteria and judging were clear and impartial, and not seen as pushing only the American democratic model. One mechanism might be to offer additional prizes at the current annual professional association prize-giving event. Categories could include investigative journalism, economic issues, and constitutional issues. There are enough journalists producing articles of reasonable quality that competition would be meaningful.

3) **Speak publicly to protect the media.** The legal enabling environment surrounding the media needs to be improved and clarified in light of the new constitution. Limits on government's ability to act against the media and on reporters' ability to report without regard to facts, should be established, understood and enforced. USAID may not fund an activity in this domain directly, but the US should speak in favor of a free but responsible press and support the institutionalization of constitutional guarantees for the media.

Electoral Process and Political Parties

In western democracies, political parties, despite their limitations, are considered the only effective means for organizing electoral competition, which is integral to a free and fair electoral process, and the most appropriate way for citizens to hold governments accountable and transfer power peacefully. In Africa, parties and electoral processes are more problematic. Some parties superficially resemble western parties, others have styled themselves on the eastern bloc mass mobilisation machines, and still others are manifestations of ethnic and religious identity. However they appear structurally, **most** African political

parties are organized on the basis of patronage controlled by the hierarchy of national and branch officials. In a polity based on patronage-based politics, the party platform and the rights of parties to speak out on issues are not significant; that is not how parties attract and retain support. African parties pursue political advantage through the extension of patronage, reaping its rewards and paying its costs at election time, rather than through the pursuit of issue-based coalitions.

Elections thus provide an occasion for cementing or restructuring patronage relations, substantially mortgaging government resources and access to them as the quid pro quo for votes without reference to ideological and policy positions. Elections and the parties that contest them are thus not likely to be promising avenues for diminishing the patronage basis to the operation of the polity, whatever their contributions to the spirit of free and fair democratic competition.

Uganda's Recent Electoral Experience. Uganda has had few elections since independence, and those held under prior governments were plagued by controversy and irregularity, in 1961 by the boycott of the electoral process by Buganda and in 1980 by what was alleged to be substantial rigging. The four national elections held by the NRM, two for parliamentary representatives in 1989 and 1996, one for the Constituent Assembly in 1994 and one for the presidency in 1996, have by comparison been a breath of fresh air, despite the many limitations that have been imposed by circumstance or by the electoral law. The Electoral Commission performed creditably and earned and earned praise from a wide spectrum of the population and the donor community. Within the limits set by the controversial rules, most Ugandans and international observers have judged these elections as relatively free and fair.

But, despite rhetoric to the contrary, the rules permitted NRM candidates to take advantage of the organization provided by the movement and resources available through the state while denying both to their opponents. For their part, voters made their choices knowing that the NRM would control resources no matter who received their votes. Not until the 1996 presidential elections was there even a formal electoral challenge to Museveni. To vote against the government when it could not be dislodged meant risking the loss of all patronage opportunities with no opportunity for gain. When the 1996 parliamentary elections were held, Museveni had already been re-elected President, making the probability for patronage dependent on voting for candidates supported by the inner circle of the NRM. Many voters, particularly in the north, cast ballots against NRM candidates anyway, probably anticipating they would not receive much patronage in any case. Several expected multiparty candidates boycotted the parliamentary elections, perhaps fearing they would lose, but in the event reducing voters' options to choose MPs more likely to hold the executive accountable during the next parliament.

While elections have become more democratic over the NRM period, and have never been tainted by the brazen manipulations that characterized the 1980 fiasco, the electoral rules have permitted the consolidation of its leadership in their control of the state and their

grip on patronage resources that can sustain that control. **The main consequences of the electoral ban on political parties have therefore been to freeze the situation with respect to political association and organization, and to influence the composition of the new Parliament in a direction that may handicap it in providing the credible checks and balances to other institutions of government essential to the establishment of accountability.**

Electoral Commission

The administration of elections is another area in which Uganda had to start over. The Interim Electoral Commission had to construct a new voters' register from scratch, hire and train its own staff and polling officers for the CA elections, and then organize the presidential and parliamentary elections two years later. Its greatest strength was its reputation for responsiveness to problems raised by the participants in the elections. Its greatest weakness was its problem in making the elections sufficiently transparent to dispel mistrust. It tread a delicate and not always successful line in responding to government without appearing to the opposition to be a puppet. Patronage-based governments make the independence of electoral commissions especially problematic.

A Permanent Elections Commission mandated in the constitution will be put in place before the next electoral event, the local council elections that will complete the transition to a civilian, elected government in Uganda. An electoral law has been tabled in Parliament and is being considered presently (November 1996). The Permanent Electoral Commission as the successor to the Interim Electoral Commission will inherit a skeletal staff with considerable experience, good will, knowledge and political capital on which to draw in facing the local council elections and the referendum.

It will need all of these, because the tasks will not be either small or easy. The Commission will have to deal with some of the serious evidence of election tampering that began to surface during the parliamentary election in June, which saw the flooding of many areas with duplicate voters' cards and the complicity of parish-level elections officials in permitting significant duplicate voting in some areas. Cynicism about the electoral process has begun to surface because of these malpractices. The Commission's major strengths and weaknesses are potentially areas for donor intervention.

- ◆ **Openness and logistical capacity.** The Commission's main asset is the degree of openness its predecessor displayed to the contesting political forces, to the NGO community, and to the bilateral donors. It has responded positively to criticism, has solicited suggestions for improvement, and has attempted to devise institutional mechanisms to bring political opponents into the decision-making process. Its chairman had a reputation for integrity and participated actively in the African Democracy Network that brings African elections commissioners together. Partly as

a result of technical assistance supplied over the two years of the CA and national elections, a logistical capacity has been created that make this one of the few truly capable elections commissions in Africa. The Permanent Commission is expected to inherit much of the same staff. The chairman, however, has been replaced by one of the other commissioners, and five commissioners have been replaced, reducing its expertise just before it must administer the next election.

- ◆ Voter's register. The computerized voter's register is both a strength and a weakness, containing somewhere between 5% and 10% duplicate registrations, varying by region. Sorting this out is essential but may not occur before the local council elections, although it will certainly be tackled before the referendum. The problems with the register may well cause further skepticism about the electoral process during the local councils elections. Computerization means that corrections can be done relatively efficiently and speedily, but it cannot completely eliminate deliberate manipulation, nor can it compensate for the inadequate time planning that has characterized Ugandan electoral processes. The Commission is also planning to decentralize voter registration, so that it can be carried out continuously at the district level. If it accomplishes this, it will remove one of the major causes of time constraints that threatened its creditable performance in the 1996 elections.
- ◆ Voter's cards. The voter's identity cards used in the 1996 elections caused serious transparency problems because they did not have printed numbers on them, only handwritten numbers issued at the time the registration official delivered them to the voter. They were either printed in excessive numbers, forged by the private sector, or both, Phony cards, or genuine cards acquired in various ways from nonvoters, flooded areas where NRM-sponsored candidates were facing stiff challenges from either multi-partyists or non-favored NRM-identified candidates. Many persons were arrested attempting to use them during the parliamentary polls, but the number caught probably represents only a fraction of the number who successfully used them to vote twice or more often. This problem needs to be confronted squarely because it could affect the outcome of many local council elections.
- ◆ Information Capacity. The Commission's worst flaw may be its inability to disseminate information in sufficient quantity, speed, and redundancy to make the electoral environment as transparent as it has to be to combat pervasive rumor, conspiracy theory, cynicism, misinformation and disinformation that surround the phenomenon of elections in Uganda. This unfavorable environment is an inevitable outcome of Uganda's past electoral experiences, sustained as well by the patronage basis to politics which flies in the face of the official rules in the electoral laws. The only effective tool the Commission has against patronage is the power of information. It has thus far not been able to produce an effective information capacity, although the chairman is fully aware of the nature of the electoral environment and the need to counter these negative elements of it. Donor assistance might help produce a credible information capacity, although the commission is keener on getting assistance with the

physical infrastructure associated with decentralization of the voters registry.

The Commission is capable of managing the logistics of local council elections and a referendum. Whether it is capable of the independence from government needed to run a referendum politically, dealing with the issues of representation, information, and a level playing field, is a different matter entirely. The United States Government believes the idea of holding a referendum that puts the fundamental right of association to a vote is wrong, and that the constitution should be amended to repeal this provision. The US will continue to make its position clear on this issue to the commission as well as to the GOU and the donor community.

Political Parties

For a variety of reasons, including restrictions on their activity, Uganda's political parties have not performed credibly. In the past they had substantial followings and memberships, and were competitive in many regions, but often on the basis of strong religious cleavage. The two main parties, the Uganda People's Congress (UPC; a successor to the Uganda National Congress of the nationalist period, in turn inspired by the Indian Congress parties that mushroomed throughout the continent) and the Democratic Party (DP) have followings numbering in the millions.

The minor parties, the Conservative Party (CP) and the Uganda Popular Movement (UPM; Museveni's attempt to form a party for the 1980 elections, which has now formally dissolved itself) boasted followings in the thousands. The DP's auxiliary wings, the Mobilizers and the Young Democrats, probably can lay claim to 10,000 - 20,000 of the DP's most activist-oriented followers. There are in addition a plethora of parties and fora and political NGOs in the diaspora, which remains substantial despite Uganda's efforts to retrieve its dissidents for a fresh start, and which is found primarily in Kenya, London and the US. None of these could be counted in more than the hundreds; few in more than a dozen or two.

Present Situation of Parties. The parties have been reduced to their lowest fortunes since the Amin period. After complaining for a decade that the NRM was leading the country to ruin, they were routed in the 1996 presidential election and generally repudiated in the parliamentary elections, except in the north. They contributed to their own defeat by running an inept presidential campaign and then looked foolish in imposing a halfhearted boycott of parliamentary races in which they could not keep many of their candidates from running. The DP has lost most of its few remaining patronage opportunities now that its members have been excluded from the cabinet. It was evicted from its modest national office two years ago for failure to pay the rent. Its president no longer has any legitimacy, but the government's ban prevents the party from removing him. If it were to meet, several factions would vie for control which might lead to its disintegration.

The UPC is hardly in better shape. Just before the parliamentary elections, Milton

Obote, for eleven years a refugee in Zambia but still the party president, sacked Cecilia Ogwal, the most prominent party official active in Ugandan politics, because she became a candidate. She won her race and then split the party by claiming to be its new leader. Most UPC loyalists would choose neither Obote nor Ogwal as their leader, but cannot legally meet to reorganize. The existence of the Conservative Party (CP), the only minor party still active, is shadowy since its two most prominent members have declared for the NRM, though the Finance Minister probably for patronage rewards and the newly elected MP for tactical reasons.

Nevertheless, though the ban on parties makes it impossible to measure, there is probably still a substantial following that both the UPC and the DP could activate, if either were perceived to have a realistic chance of gaining power. Even after its recent disastrous performance, the DP can fill a hall with supporters and even in the NRM's western strongholds parliamentary candidates from both parties received considerable vote totals. Several UPC activists believe that if its present leaders were removed and the party reorganized, it would achieve national stature once again.

The nonpartisan nature of elections under the NRM has helped the movement consolidate its position and deepen its use of patronage. It is not clear that anything more than lip-service will be paid to participatory democracy and transparency, since there are few clear pressure points and checks in the system at present to force the movement into taking these constitutional mandates seriously. From the perspective of the NRM, there is little to be gained by lifting the ban on parties until it is certain that it can dominate politics in multiparty competition. The 1996 elections provide considerable evidence that the NRM is approaching this position of dominance, but there is a vicious logic in patronage politics that will always leave room for doubt. Would the NRM prevail in an election where it could not give assurance that it would continue to control patronage afterwards? NRM leaders do not appear to be convinced yet that they would have national appeal, if electoral rules gave other parties a realistic chance to take office as a result of a victory at the polls.

Under present circumstances, there is little donors can do in the near future to make multiparty competition possible. Any change in the situation will have to come from Ugandans, probably from middle-level figures in the younger generation within the NRM itself. Current NRM proposals for restructuring the movement appear to be largely a holding action to protect the political monopoly of its leadership. In addition, there are numerous other constraints to effective assistance to parties. Even if the constitution permitted assistance to the existing parties for capacity-building, their organizational and financial machinery is so ineffective that it would be unlikely to help. Since patronage politics operates most effectively in the absence of transparency and accountability, it is not clear that they would even be interested in receiving such help.

Even-handed assistance would mean also helping the NRM to improve its organizational and fundraising skills. Without fully competitive elections, that might only make the NRM an even more efficient patronage machine than it already is and thereby

actually decrease the potential for autonomous pressure points that could leverage it in the direction of accountability. Nor can donors effectively press the NRM to meet its constitutional obligations to turn the movement into a "broad-based, inclusive . . . participatory democracy . . . [in which there is] accessibility to all positions of leadership by all citizens," [Art. 70(1)]. If the NRM reorganized in the spirit of this provision, it would not remove the problem of excluding parties, but it might reduce the current leadership's monopoly over patronage.

Donor Activities in Support of Parties. The Konrad Adenauer Foundation (KAS) supports the DP in modest ways, and has sponsored tours of the German parties for DP politicians. The Friedrich Ebert Foundation (FES) has supported the NRM in modest ways, although it is open to support for other political points of view as well. Neither foundation contributes directly to the parties, although many Ugandans think the contrary. During the CA election campaign period, USAID supported training for political candidates and senior party and movement leaders provided by IRI, as well as a workshop for women members of the CA. However, Ugandan participants felt that significant features of Ugandan politics, particularly an understanding of the specific issues, were ignored, dampening enthusiasm for a strategy of increasing emphasis on issue-focused politics. In particular, the trainers did not recognize that the nature of patronage-based politics means the electorate expects to receive funds from candidates, not contribute them.

Recommendations for USAID Involvement with the Electoral Process and Parties

We recommend that USAID pursue four activities, but, considering this unpromising environment, not to expect dramatic results in this sector. Its objective in all cases should be to build the capacity for independent political action that could result in greater responsiveness to voter choice and better accountability of government institutions. Support for civic education groups and assistance for specific objectives of the electoral commission will strengthen the electoral environment and maintain its close links to the commission built over the past three years. Support for civil society organizations will help some of them prepare for the time when they may become political parties. Monitoring the implementation of the constitution's transitional provisions concerning choice of political system and both party and movement organization will focus attention on the issue of freedom of association and opportunities to change it.

1) **Support for civic education:** Modest support should continue to be given to NOCEM and UJCC, the civic education groups that USAID has nurtured, to prepare for the forthcoming local council elections and the referendum. Civic education can serve as a counterbalance to efforts the government will make to promote the movement system. It can clarify issues with respect to fundamental freedoms, the right of political association, and the constitutional requirements the NRM is required to meet. Greater civic education will give the electorate better informed choices. Within this program USAID should also help NOCEM develop the "civic education clubs" it has launched in secondary schools in several districts. Such a program would build on USAID's effective assistance to these groups over

the past two years, continuing to protect their neutrality from government interference.

2) **Assistance for the electoral commission:** USAID should offer computer assistance to help the commission remove duplicate names from the voters' register. It should be receptive to government proposals for more secure voters' identity cards. It should work closely with the commission to develop information transmission systems during campaigns and on election day in order to increase electoral transparency. To bring control over the registration process closer to the public, it should also support the commission's efforts to design a continuous voter registration system at the district level. It should be alert to opportunities to strengthen the commission's ability to exercise its independence from government.

3) **Assist civil society organizations that might become political parties:** There are likely to eventually be direct political ramifications of our proposals to strengthen civil society. Nascent political parties calling themselves NGOs and "forums" will be coming out of the woodwork over the next three years, especially as the year approaches in which "persons" are permitted to canvass for their preferred political system. Assistance to these organizations helping them to define themselves in issue-based terms and to develop a counter-patronage strategy for recruitment, might be an innovative way to participate in the first stage of political party development.

4) **Support a long-term monitoring effort to implement the constitution's provisions on choice of political systems and both party and movement organization:** The new constitution contains many innovative provisions which could help both voters and organizations to hold the government accountable. It defines the obligations of democratic nonsectarian political bodies. It creates a variety of commissions to scrutinize government action. It gives unprecedented powers to parliament. The situation provides an opportunity to develop a monitoring system that could a) provide an objective data base to use in evaluating the government's implementation of its own constitution, and b) assist local groups to develop monitoring skills, such as deciding on useful benchmarks, collecting data, making interpretations, and presenting results both to the Government and to the public. An American political NGO or the International Foundation for Electoral Systems (IFES) should work with existing monitoring groups to devise benchmarks and a public information program concerning the local government elections, the treatment of political parties and other organizations that may be active in the run-up to the referendum, and the steps taken to manage the referendum itself.

Parliament

A patronage-based political economy tends to strengthen the executive at the expense of the legislature. The executive has far greater access to resources and much more ability to spend them where and in the amounts needed to acquire the support to achieve its objectives. In addition, MPs depend on the executive for projects in their constituencies and

benefits for themselves. Consequently, legislatures tend to be subservient rather than serve as the independent check holding the executive to account that is contemplated in constitutional theory. The challenge for donors is to locate the opportunities for intervention that will strengthen the capacity of either parliament or individual MPs to offer critical perspectives to help shift the balance from the executive.

Constitutional provisions alone, however well-intentioned, will not be sufficient. Nor will donor intervention alone be enough to overcome the lure of patronage. The most productive approach may be to enrich pluralism by facilitating more platforms from which MPs can offer intelligent alternative assessments of policy choices, and by increasing the amount and quality of information they have available in doing so. A parliament manifesting real pluralism may at times refuse to follow the lead of the executive and will force compromises that constrain the almost reflexive tendency to make policy on the basis of patronage needs.

Patronage has not been the only reason for executive dominance. The prominence of the governor in colonial administration, the education, experience and expertise found in the public service, and the direct involvement of the military in government have also helped give Uganda's chief executives the upper hand. But the importance of these factors have ebbed and flowed over the last four decades, while patronage has remained important throughout.

Since independence Uganda's parliaments have almost always been dominated by their prime minister or president. During the periods when parliament existed, each national leader was able to use patronage not only to maintain the support of his followers, but also to bring his opponents across the aisle to the government side. The only two important exceptions to executive dominance occurred when the Ugandan parliament took independent action in attempts to remove the national leader, the 1966 motion to establish a commission of inquiry which amounted to a vote of no confidence in Prime Minister Milton Obote, and the 1979 decision to remove President Yusuf Lule. In both cases the domination of the executive was restored through military force. Obote succeeded in holding onto power while Lule did not. The restoration of executive supremacy following Lule's dismissal was not confirmed until Major-General Oyite-Ojok's coup d'état in May 1980 removed his successor President Godfrey Binaisa. In each case patronage relations in both the civilian and military sectors prepared the way for military action.

Popular support for parliament to balance the executive. In the view of the majority of Ugandans, the lack of effective checks on the executive has been an important cause for Uganda's troubles. Certainly the ability of Uganda's presidents to remove or ignore all constitutional restraints has been an easily identifiable source of the miseries Ugandans endured before the NRM period. For example, in order to repulse the challenge to his authority in 1966, which parliamentarians raised constitutionally, Obote abrogated the 1962 constitution and unilaterally imposed another which made him president and gave his new office extraordinarily wide powers at the expense of parliament as well as the other

government departments. These powers were essentially unchanged when parliament was made a constituent assembly and adopted the 1967 constitution. Though partly suspended at different times this constitution remained in force until 1995.

The powers given parliament by the new constitution are intended to enable it to stand up to the executive. The most symbolic power is its unprecedented authority to refuse approval of the president's choices for his cabinet, or censure them later (Arts. 113 (1), 118 (1)). It can also pass legislation over a presidential veto (Art. 91), and demand explanations from the government of its policies and actions (Art. 90 (4)). Parliament must even approve the president's declaration of a state of war before it can become effective (Art. 124).

Parliament's new powers are a direct response to the vocally expressed grassroots opinion to limit executive action and hold both the president and the government accountable. The idea of checks and balances on a strong executive by an independent parliament has really taken root in Uganda. This augurs well for the sustained, organized public demand that is necessary in order to bring parliament to the fore as an effective instrument of accountable governance. Interestingly, parliament is the institution on which the majority of Ugandans appear to be pinning their hopes for preservation of the rule of law, rather than the justice system. Specifically, they express the view that parliament should be the watchdog on the public purse and should play a substantive role in formulating public policy, and not just be relegated to the role of a rubber stamp approving ministerial initiatives.

The NRC's Parliamentary Performance. Parliament was known as the National Resistance Council, or NRC, after the NRM took power and before the promulgation of the 1995 constitution. It was the apex of a hierarchy of local councils the NRM had established in the territory it liberated during the bush war. The NRM's original approach to a legislative body was to impose complete executive dominance: the NRM simply appointed its inner circle, known as the "historical members", to become the NRC. Later, ministers and deputy ministers were added, again by appointment. The first election for the NRC was held in 1989.

The present parliament has greater legitimacy than its immediate predecessor because it was elected directly, by secret ballot, unlike the indirect election through electoral colleges and queueing that occurred in 1989. And while the 1980 elections were fought on a basis that permitted party competition, unlike the 1996 elections, they were widely alleged to have been seriously manipulated to allow the UPC to take power. There has been no parliament constituted since independence that can be regarded as more legitimate than the present one.

The NRC gradually attained some stature as a credible legislative body in the mid-1990s. It developed an effective set of sectoral committees and a serious commitment to scrutinize legislation tabled by government, and to make substantive contributions and revisions where the committees felt it was necessary. During the two year period 1994-96 at least two major pieces of legislation were significantly altered in committee, the Media Bill of 1995, and the Police Bill originally tabled in 1994 and completely revised by the

Committee on Security and Defence. However, parliament has never been seen as a credible watchdog of the public purse. MPs have merely debated the Government's budgetary allocations, not altered them. The majority of the present Parliament think they do not have any power to amend bills that have financial implications, and thus cannot actually amend the Government's budget. Nor have they taken action on the basis of the reports of the Auditor General.

Present Situation. Annex Two describes in greater detail the structure and functioning of parliament and its strengths and weaknesses. Parliament is elected for a five year term of office from the date of its first sitting after a parliamentary election. It is comprised of: 214 members representing territorial constituencies, the same number and geographical divisions as were used for the Constituent Assembly, based on counties and portions of counties with an average population of 70,000; one woman representative for each district; ten representatives of the army; five representatives of youth, who have not yet been elected due to inconsistencies between the relevant pieces of legislation; five persons with disabilities; and three workers.

Territorial constituencies elect their representatives on the basis of direct universal adult suffrage. Other representatives are elected by their relevant constituencies on the basis of electoral colleges. The unsatisfactory nature of the election of the district women's representatives in 1996 led to a widespread rejection of this method; even staunch NRM supporters appear to have joined the critics. Nonetheless, the draft local government bill just tabled in parliament retains the system of indirect elections through tiered electoral colleges at all lower levels of government. How parliament deals with the bill will be of great interest in the next month.

To put the special seats in context, about one third of African countries have them -- for women, occasionally for labor and youth, or traditional authorities. Of the 12 countries that have them, nine are in east or southern Africa. Many members of the diplomatic corps feel they are a deliberate effort to create artificial majorities, but it is clear that this is also partly a historical residuum. While they may have progressive origins and motivations, patterned after the affirmative action policies of western social democracies, they have patronage consequences, given the vulnerability of the smaller electorates to pressure from the dominant political tendency.

The new parliament, which began its term in July 1996, is the first to function under the new constitution, which introduces significant separation of powers between the legislative and executive branches for the first time. It is too early to tell whether it will successfully assert its independence and provide an effective capacity to limit the executive. Its size may work against the development of this capability. The dynamics of patronage-based political economies tend to expand their legislatures and cabinets. Under the NRM, Uganda's parliament has become much larger than it was before, comprising 214 members representing territorial constituencies and 62 members representing social constituencies. By comparison, both houses in the American Congress contain not quite double the number of

members to represent more than twelve times as many people. The large number of MPs makes parliament unwieldy and expensive, particularly given the small size and poor condition of the dilapidated parliament building, which frustrates MPs, who find it difficult to be recognized to speak in debates and to do the rest of their work.

In its first few months, parliament fell behind schedule in completing committee reports and passing legislation. One important reason may be that so many MPs are new to parliament and have only rudimentary knowledge of its procedures, the procedures of creating legislation to authorize the budget, or the constraints of the Ugandan resource base. A more disturbing reason may be ambiguities in interpretation of parliament's authority, which shows up most seriously in the conviction of most MPs that they do not have the power to amend the government's budget but may only approve or disapprove it, a position held by the speaker and clerk to parliament but disputed by some experienced MPs.

If this turns out to be the correct interpretation of the constitution, it would gravely weaken parliament's independent standing. The constitution does not permit parliament to consider bills involving taxation or expenditures, unless the executive has introduced them (Art. 93). But it does not say parliament cannot amend them. Ministers have already invoked Article 93 several times during the budget debates to defend their estimates, suggesting that the executive is interpreting it strictly. The resolution of this question will be a good indicator of whether parliament has the power to force the executive to take notice of its views. At the moment, the stand that many MPs are taking is that the budget consideration procedures must be changed to allow them access and input at an earlier stage of budgetary formulation, before the budget is actually tabled in parliament.

The large number of representatives in parliament, the absence of parties and, for the time being, even of any institutional embodiment of the movement, reduce parliament's organizational discipline, making it more vulnerable to executive patronage. The more MPs there are competing for projects for their constituencies, and for immediate or future benefits for themselves, the harder it will be for them to combine efforts in opposition to executive policy decision or preference. The amount of time and energy the parliamentarians have spent in the early months of the current session on issues relating to their own pay packets, allowances and perks, is a good indicator of the attractions of patronage to them.

The constitutional disappearance of the NRM, which must be legislated back into existence by parliament, together with the ban on parties, means that the party structure and organization that could theoretically exercise discipline -- which the NRM was beginning to demonstrate -- is in abeyance, at least in theory. This leaves patronage as the remaining mechanism for exercising effective control. Museveni's cure for venal and destructive partisan politics is to rely on individual merit instead of party organization. But reliance on individual merit also promotes opportunism and the lack of coherent mechanisms for constructing temporary majorities and ruling coalitions. In other words, it promotes an **increase** rather than a **decrease** in the patronage basis and content of politics. When everyone must act as individuals without supporting organizations to strengthen constituency

ties, it is much harder to resist making individual connections directly to the sources of largesse and power, and these are with the Government generally -- especially cabinet ministries -- and ultimately with the president.

Currently parliament has a solid NRM majority, and a sense of great potential, but it has also manifested some disquieting early trends. On several issues they have been easily strong-armed by the executive. Its first action was to accede immediately to the president's request to increase the number of ministerial posts to 61 from the 42 the constitution permits. Most observers thought MPs were calculating their individual interests, hoping for appointment to the expanded Cabinet. To compound the issue, the president has left eight of these posts unfilled, perhaps to hold over their heads the possibility of appointment, an effective tool for keeping them in line on critical votes.

The practice of informal committee meetings with the president at State House or his private home in Rwakitura raises further concern over parliament's independence and transparency. It is reported that these informal committee meetings were at the behest of the parliamentarians, not the president, with the sole exception of one concerning degazetting Namanve Forest, where the presidential agenda collided with parliament's -- and the president won. These meetings have reportedly been held both for briefing the committee members and for working out a position which the committee can present to parliament knowing that it has executive approval. All official parliamentary business is supposed to be public unless the Speaker closes sittings on grounds of national security, but these meetings have been private. They create an unfortunate atmosphere in which parliamentarians' independent role and responsibility in balancing the initiatives of the executive are jeopardized, and in the view of many Ugandans facilitates patronage considerations that would not survive public scrutiny.

We have identified three significant strengths of the new parliament. The first is the strong belief by the electorate that parliament is the institution that needs to wield countervailing authority against the executive, a view that is receiving favorable press attention now. A second is the enthusiasm of the present Speaker and Clerk to increase parliament's capacity to play a strong independent role, even if MPs are not yet fully aware of the implications of some of their actions that are compromising separation at the moment. The Speaker's ability to control parliamentary debate while letting all views be heard is also encouraging. The third is the strong committee system, which benefitted from exposure by a few MPs to the American congressional committee system. Present evidence for parliament's independence comes primarily from the actions of committees in requiring more information from ministries, opposing some government proposals, and, most of all, opening the war in the north to public scrutiny. The use made of the parliamentary tradition of "question time," which begins after work on the budget has been completed, will provide a useful indicator of whether backbench MPs will act as independently as committee chairs.

Committees. The Ugandan parliament may well have the strongest committee system in Africa. Committees have already demonstrated that they can become access points for

civil society groups and can force ministries to produce better information to justify requests. However, there are reasons to wonder whether committees will succeed in sustained monitoring of ministries and government spending.

Sessional committees include all backbench MPs, who indicate their preferences to the Speaker and Clerk, who make the assignments. Sessional committees, however, last for only one year, that is, one budget cycle. Sessional committees therefore contain both "movement" and "multiparty" members, but their short life may not provide many incentives for MPs to build up expertise in monitoring ministry operations. MPs, however, report that they expect to continue to serve on the same committee and that some MPs are building their reputations by specializing. Whether MPs who are both knowledgeable and outspoken are re-assigned to their chosen committees will be an important signal of the intentions of the parliamentary leaders to strengthen or weaken parliament.

Standing committee appointments, by contrast, last for the entire 5-year life of the parliament. Since MPs have no formal party affiliation, they are nominated and elected to standing committees by secret ballot. Standing committees are limited to 15 members, and no MP may serve on more than one. The total number of committee slots allows fewer than half of backbench MPs to serve. Consequently, the Standing Committees are dominated by movement MPs; some well-qualified multiparty MPs did not even try for nomination. It is too soon to tell whether the standing committees will be a force for the independence of parliament or whether their leaders will let loyalty to the executive stand in the way of thorough oversight. One of them, the Public Accounts Committee, declared its intention at its first meeting to examine district accounts as soon as possible. But it has a huge backlog of work and works under the structural handicap of Auditor-General's reports that are chronically in arrears. As one MP noted, it is hard to get worked up about two or three year old accounts when you can't do much about them.

Recommendations for USAID Involvement with Parliament

We recommend that USAID initially pursue two activities to support parliament to take independent action and strengthen the capacity of MPs to speak out more authoritatively on current legislation, including the government's budget. The generation, analysis and use of better information, independently gathered, would provide two elements of the tool kit that parliament needs to effectively enforce accountability on the Executive. The first is a "supply side" intervention to create a public information and research capacity. The second is a "demand side" proposal to offer workshops to train MPs in parliamentary skills and policy issues. By themselves these initiatives will not be sufficient to overcome the structural advantage favoring the executive, nor to end executive efforts to use patronage to influence legislative action. But they would provide an essential beginning in implementing the promise of an independent legislature made in the 1995 constitution.

Relevant policy information is another important tool to reduce the ethnic and regional basis to politics and political coalitions, which can be replaced by issue coalitions as

parliamentarians develop issue foci and skills. Transcending patronage-based politics requires replacing the ethnic and sectarian basis for constituency appeal with more salient economic and social policy issue positions. The stimulus for this remains an important and unanswered question. Pres. Museveni argues it will come only from the emergence of economically grounded classes, while those familiar with class-based western democracies point out that persons with identical class memberships frequently hold diametrically opposed views on given issues, suggesting that something other than class is responsible for their beliefs. Nonetheless, a thorough grounding in economic realities is necessary, although not sufficient.

1. Create a parliamentary information and research center: An information center in which parliamentarians could find all important government publications, as well as unclassified unpublished documents presently not available to them should be created in a location near the parliament building. It should be a depository library along the lines of the American Library of Congress. It should include all of parliament's public reports, all legislation, judges' decisions, public donor research and project feasibility studies, university and civil society policy research and reports, and the myriad other reports that belong in a public information bank. Many of these are currently not widely available. It should also build collections of comparative material from other countries, particularly from Africa.

This information center should be staffed by a documentalist, not just a librarian; that is, someone with skills in finding all types of information an MP might want, even suggesting types of information in response to fairly vaguely-stated needs and demonstrating how to access and process it. Its primary clientele should be MPs, and its special research facilities should be limited to them, but it also ought to be open to a wider public audience -- the press, university staff and students, civil society organizations interested in specific issues and developing position papers to table in parliamentary committees. A phased approach to opening the center to others in addition to the MPs for whom it should be designed would have to be developed. But it could be particularly helpful for journalists, who bewail their present lack of access to official documents.

2. Parliamentary training, briefing, and issue workshops: USAID should not support an information center without also the providing training or briefing courses for parliamentarians on critical skills which they need in order to make use of such information. The absence of information central to developing policy positions was clear during the candidates' meetings during the parliamentary campaign. Candidates made wide-ranging calls for attention to improving the education system, road infrastructure, agricultural services and agro-processing facilities, water infrastructure, and other public services. However, none of these problem identifications were presented in a way that suggested solutions. That is, there were no clear policy prescriptions, no indication of awareness of the resources needed to tackle the problem or of the trade-offs involved in pursuing a goal in one sphere vs. another, given a limited resource base. There were few cases of problem and policy discussion that implied a national constituency, rather than the immediate concerns of

the specific constituency. Candidates merely intimated that they would be able to divert resources to the constituency to address the problem.

Parliamentarians themselves have expressed the need for training courses and workshops, expanded access to information, and research and analytic assistance, so real demand is clear. There will be a challenge, however, to find acceptable local institutions and individuals to mount well-focused workshops or courses. The types of training that are of greatest immediate need include:

a) **Parliamentary procedure.** Many freshman parliamentarians are unfamiliar with parliamentary procedure. DANIDA is undertaking such a training effort.

b) **Budgetary cycle and process.** Parliamentarians cannot be effective watchdogs or have substantive input into national policy formulation if they do not understand the budgetary process. It is almost impossible for an individual to find out how the budget process works, because those who formulate them keep the information to a small, tightly held group of persons. The intricacies of budgeting, the games that ministries play in an effort to increase their allocations, and the imperatives of budget deadlines are all topics that parliamentarians MUST understand to play an effective role of oversight.

c) **Expenditure cycle and process.** The expenditure process is just as complex and important as the budget. In theory, budgeting and expenditure are closely related; in practice, they are frequently widely divergent. Parliamentarians need to understand the expenditure process; how revenue inflow to the Treasury controls actual disbursement to ministries and districts, and what priorities are followed when revenue falls below projections. A great deal of public criticism of government is based on a failure to understand how and why this happens, i.e. how expenditure can diverge from the budget sanctioned by parliament. Parliamentarians should be the watchdogs to see that the public purse is being spent as they budgeted. But at the same time, to prevent misinformation from eroding public confidence, they need to be able to communicate effectively why amounts budgeted and amounts actually disbursed and spent differ when revenue shortfalls occur.

d) **Structure of the economy.** Public policy cannot be made effectively by people who are unaware of the structure of the economy, of public resources and revenue, of the costs of various types of expenditure -- both capital development and the equally important issues of operations and maintenance -- as well as of the trade-offs of differing sectoral approaches to development, such as social services as opposed to productive services or infrastructure, and, finally, of the appropriate and inappropriate costs of administration itself. These topics should be the core of a seminar series to give parliamentarians the tools to decide what specific issues they want to pursue, and what they need to do in order to develop reasonable mastery over a particular subject matter.

Local Government

Effective local government is a central pillar of democratic governance. Strong local governments provide a multiplicity of services as well as avenues for voice and input into decision-making. Decentralizing power to local governments brings decisions closer to the people who have to live with the effects of them, in the process increasing their commitment to abide by the decisions they make. It brings resources, or the authority to mobilize resources through taxation, closer to the taxpayers, and gives them a clearer idea of what is done (or not done) with the resources they generate. It brings local information, which may be critical to the success of specific projects and efforts, into the decision-making process. Decisions made in national capitols frequently fail because they lack such local information.

When government is in the hands of those more familiar with local conditions, it may produce more effective policies and better delivery of services. When government is less remote, it may also be made more accountable, since it is more difficult to hide responsibility for decisions or to cover up misappropriation and the lack of provision of services. Strong local governments increase the possibility of successful pluralism in two ways -- by creating small political arenas in which individuals and groups may have more influence, and by creating many independent political arenas in which different policies may be tried, and if successful, adopted elsewhere. Finally, decentralizing power tends to increase the actual outputs of government institutions; people with greater authority at local levels tend to be more active and undertake greater responsibilities.

Meaningful local government requires control over both adequate sources of revenue and a range of decisions on which policies are not subject to review by central authorities. But in Africa local government has been a fragile plant, as post-independence regimes progressively curtailed both revenues and the latitude for local decision-making. Local government has been neglected by African governments because of the complexities of framing any sort of systematic approach to the multiplicity of local communities and of taming "local politics". Further, national political elites frequently see local politicians correctly as their potential rivals. The local arena provides an opportunity for individuals with political ambitions to learn the skills of constituency identification and development, and this may be threatening to national leaders. Without an apprenticeship in the local political arenas, national politicians arrive on the scene without exposure to the issues and skills needed to do their jobs effectively, and they may in addition represent an elite divorced from the grassroots population they govern.

This is not to suggest that local political elites will necessarily be attuned to democratic methods of work, or be representative of their constituents. In many countries there are reactionary, authoritarian local elites in response to whom central governments have retracted local government powers in order to provide fairer and more enlightened government. American federalism reverberates strongly on this issue. The federal government is seen as the court of final appeal, both literally and figuratively; the federal

government compensates for failures in local governance. Strong local government is thus **necessary** to participatory democracy, but is by no means **sufficient**. Central checks and balances retain a critical role.

Decentralization of Authority to Empower Local Government

Many African governments have begun to decentralize some powers to local governments after two decades of fairly strong central control. In some cases the motivation has been domestic desire for reform, frequently complemented by strong donor pressure to increase the efficiency and responsiveness of government to obtain the benefits of effective local government suggested above. However, a decentralization scheme may or may not accomplish these objectives.

First, the national government may provide the illusion of decentralization while maintaining central control over raising revenue and making policy. Under one label or another, this amounts to administrative delegation or deconcentration. Frequently, it is an attempt to increase the reach and effective control of central government through delegation of authority to seconded representatives of central ministries to pass messages and directives down, rather than to mobilize real participation or local commitment. Local authority budgets that have to be approved by ministries of local government, as well as minimal or wholly tied central transfers of resources complete the litany of incomplete and unconvincing decentralizations that dot the African landscape.

Second, the center may devolve power at its own initiative, not because it is demanded by local citizens. Local responsibility may be formally in place but not vigorously practiced, especially where the decentralization of power has been decided and designed wholly by central authorities, who may well have a number of political objectives that differ from those benefits of effective local government suggested above. For example, decentralisation may be a way of practicing the ancient art of "divide and rule" -- delegating authority to a level sufficiently local, and buttressing that authority with small amounts of resources, to successfully prevent larger aggregates which might challenge central authorities from coalescing.

Decentralization has in practice served many central governments as a way of off-loading responsibility for the expensive service-provision portfolio that many of them would increasingly prefer not to have to finance. It may also be a way of deflecting political conflict to the local level, which becomes the salient battleground for many more political conflicts, taking pressure off central institutions and elites. This is no small gain in many fragile African states. These political objectives must be considered in assessing the value and potential for success of a decentralization effort, as must the relationship between decentralization and patronage-based politics.

Patronage-based politics and decentralization. Patronage characterizes both central and local government in societies where it is a primary organizing principle for politics.

Local government is no less likely to be shaped by the need of leaders to control and distribute resources than is central government. Indeed, local and central authorities are likely to struggle to control scarce resources, and to make competing claims on the loyalty of their citizens. Patronage is one of these resources, and powerful central leaderships are likely to monopolize it, sometimes by maintaining tight central control over all aspects of government resource allocation.

However, even in a patronage-based political economy, leaders occasionally introduce political decentralization. Because success of the scheme means national leaders will cede control over some patronage, they do so either for reasons of principle, because they believe it will increase their political support, or because they simply miscalculate their capacity to maintain control over patronage despite formal transfers of power. Decentralization may only mean the decentralization of patronage. Even so, when competition for resources remains regulated and limited, it can result in a balance between the interests of local and national governments, providing citizens with alternative channels of access to resource and decision-making arenas and ultimately contributing to pluralism. But since the center usually controls more resources than local governments, uncontrolled struggles are more likely to end experiments in decentralization. Despite its promise, there is no guarantee that decentralization will be democratic, accountable, or irreversible.

Local Government and Decentralization in Uganda

Uganda is implementing one of the most ambitious political decentralization programs on the continent. For Ugandans it provides one answer to the excessive and arbitrary centralization under which the country suffered for many years. With its passage of the Local Governments Statute in 1993 and the promulgation of the new constitution in 1995, Uganda decentralized significant resources, personnel and substantial decision-making authority not only to district governments, but below them to subcounty and even to village councils.

Whether this ambitious plan will result in more democratic and accountable governance at the local level, and whether the central government will abide by its new limitations, remains to be seen. It will depend on developing the tools and an ethic of political and financial accountability in the councils at different levels in the district and in the central government's relationships with the districts. It will depend also on the evolution of active civil society organizations at both central and local levels, an informed public, constructive relationships between district councils and parliament, and most significantly on the sustained political will of central government officials not to curtail local authority.

Historical background. Uganda had a lively tradition of semi-autonomous local government that evolved from 1947, when the British Colonial Secretary made the development of democratic and effective local government a goal for each of its colonies, through 1966, when the UPC government under Obote passed new legislation primarily to curb the exercise of federalism by Buganda. From 1966 through 1985 local government was

renamed local administration and was directly controlled by the Ministry of Local Government, which authorized all expenditures and appointed district councillors, except during the period when Amin dissolved all district and municipal councils. However, during both periods all local administrations depended heavily on block grants from the center for financial support. When this source of revenue dried up during the Amin period, local administration almost disappeared. In addition during both periods, administration below the district level was organized around a hierarchy of chiefs.

Even before it came to power in 1986, the NRM stated in the first point of its manifesto, the Ten Point Programme, that it would introduce a hierarchy of elected "resistance (now local) councils" throughout Uganda in five tiers of local government -- LC1 (village), LC2 (parish), LC3 (sub-county), LC4 (county) and LC5 (district), the highest local level governing unit, to consider local issues. Each village constituted a council (LC1) and elected a committee of nine officials to govern it and to represent it in meetings of the LC2 at the parish level, in which the committee members from all villages in the parish formed the council and elected a parish committee, and so on through the LC5, or district council. LC5 councils were constituted somewhat differently, consisting of one member elected from each sub-county (LC3), plus one woman elected from each county (LC4). The tiered construction means that all councils, except the LC1s, have been elected indirectly up to the present. Until the 1993 statute, none of these councils had independent sources of finance and none could act on the decisions they made if the Minister of Local Government disapproved them.

However, from 1986, government policy makers explored further transfers of power to the local councils, incorporated them in the 1993 statute and in 1995 entrenched these local powers in the constitution. Both the statute and the constitution apply decentralization "to all levels of local government," not just to the district (LC5), requiring each level to develop "a sound financial base with reliable sources of revenue . . . to plan, initiate and execute policies . . .," and employ their own officers (Art. 176(2)). The statute specifies the powers reserved exclusively for the central government and gives all others to local governments. Most decision-making authority, particularly personnel, revenue and expenditure, is vested at district and sub-county levels. The local government bill tabled in parliament in November 1996 spells out new relationships between the councils, relegating LC1, 2 and 4 councils to the status of "administrative units" and mandating direct election on the basis of universal adult suffrage for LC3 and LC5 Chairmen, but apparently not for the rest of the councilors. In effect the LC2 and LC4 levels appear to be headed for dormancy.

Popular Support Base. However, the decentralization statute was not driven by popular demand within the districts. Instead, it was primarily the initiative of the central government. The consultations leading to its adoption were concentrated in the center, without much dialogue with ordinary citizens. Its inauguration was premature, rushed by the government for political expediency. Groups like the Uganda Law Society publicly criticised the statute as an attempt to preempt pressures for a federal system.

It is conceivable that one of the motives for the rapid passage of a such a far-reaching decentralization statute was to secure a majority for the NRM in the Constituent Assembly and to blunt the federalism issue -- which frightened most voters living outside kingdom areas -- without losing support in Buganda. The first group of districts was decentralized in FY 93/94, six months before the scheduled CA election -- that is, before the body that was to decide on Uganda's fundamental rules was even elected. Included among the first 13 districts to be decentralized were the most powerful districts in Buganda, those which would have been most likely to pursue federalism in the CA. This was interpreted in many circles as a means of coopting Baganda district leaderships into the NRM's anti-federalist camp. Once local Baganda politicians had tasted power and gained control over resources in these districts, they did in fact turn out to be less enthusiastic about defending the constitutional position that Buganda become a single federal unit.

Central-Local Relations under Decentralization. Progress to date on decentralization of significant powers and resources to the local level is mixed. On the more encouraging side, the scope of decentralization is impressive, beginning with the recurrent budget and transferring the major services into local control, together with control over staffs. Some types of local level infrastructure have been rehabilitated on the basis of the 50% retention of graduated tax at the sub-county level, and some questions have begun to be raised at that level about the allocation and expenditure of these funds more generally.

Ministries that have decentralized resources, decision-making and personnel following implementation of the 1993 Statute include: Trade and Industry; Agriculture, Animal Husbandry and Fisheries; Lands, Housing and Urban Development; Education and Sports; Health; Information; Labor and Social Welfare; Gender and Community Development; Natural Resources; Local Government; and Tourism, Wildlife and Antiquities. Line ministries now are restricted to issuing regulations and policies, advising local officers, setting standards, inspecting and providing technical support. District and urban councils exercise authority in primary education, medical and health services, water maintenance, road rehabilitation, police, prisons and extension services. Districts have final authority in respect of all personnel matters in the district, as well as for budgets, district plans, and tendering.

Problems and Potential for Implementing Decentralization Successfully.

The transfer of responsibilities to district and subdistrict governments will not by itself produce democratic or accountable local government, for reasons alluded to above, including the strong patronage component to governance at all levels in Uganda. Competent personnel in the district civil services are essential, as are adequate resource bases, financial accountability, and political commitment by local councilors to accountable policy decisions. All of these can be gauged presently. The assessment team explored them in two districts to gather detailed information to permit us to decide what to recommend about whether and how USAID should assist Uganda's decentralization. However, equally as important as all these "supply side" issues is the "demand side" factor of an informed and active citizenry,

which ultimately is the only guarantee for accountability, either locally or nationally. To improve the chances for success of Uganda's decentralization, civil society must contribute to making this a demand-driven reform, which is not presently the case.

Civil society's role. Civil society is the organized voice of citizens. They may express little interest in involving themselves personally in the workings of local government structures, but they frequently have common ground with others around social and economic interests. Organization around these interests in Uganda presently takes the form of ad hoc delegations to individual politicians; most rural Ugandans do not know their rights with respect to organization and association, nor the points of access to local government other than their own political representative. This is related to low expectations of what elected representatives can deliver beyond the expenditures they make to secure votes during electoral campaigns. It is the embodiment of patrimonial politics. Citizens who do attend local council business usually go to listen, not to participate, and complain of the dearth of information on council decision-making. They are permitted to attend full council meetings but are barred from committee sessions.

Even though civil society outside of Kampala does not play an active role in the political arena, some institutions do represent citizen interests. FIDA, for example, is an active women's NGO in Mbale, providing legal advice to women in the district and working closely with Ugandan Women's Finance and Credit Trust on providing women with savings and credit opportunities. FIDA's only lawyer in Mbale averages 20 clients per day, and its legal aid clinic averages 70. Almost 90% of FIDA's clients are women. Ironically, FIDA plans to encourage the district council to take over funding of this project instead of institutionalizing this initial effort to develop autonomous citizen organizations to monitor and supplement government activity. Unfortunately, FIDA's intentions are all too symptomatic of the orientation of most NGOs in rural Uganda.

Business associations are also active. In Mbale, the Market Vendors Association and the Uganda Taxi Drivers and Owners Association interact with Mbale District and Municipal Councils. The Market Vendors cooperative, for example, won the re-tendering of the municipal market and interacts with the municipal council two or three times per month, mostly to lobby for physical infrastructure improvements for the market. Their interaction is sometimes public and sometimes private, although described as not confrontational. Similarly, the taxi drivers association claims to build coalitions with other transportation organizations over regulations of interest, but disavows any interest in public participation in council affairs. They have met with the municipal council three times in the last nine months, in an effort to persuade it to privatize the taxi park, but to no avail. The taxi park is the "disaster relief fund", providing the council with a ready source of instant cash when crisis looms. The taxi drivers' association are extremely cautious about public activity or comment, claiming it will produce hostility which will prevent the municipal authorities from ever agreeing to return control of the collection of revenues to them. The same concerns were expressed in Bushenyi.

Local elections offer civil society organizations a practical opportunity to organize voters to hold elected officials accountable. Article 176(3) of the new Constitution reads, "The system of local government shall be based on democratically elected councils on the basis of universal adult suffrage..." While the new local government bill appears to restrict direct election to only a few officials, it provides an obvious invitation for political activity.

Nevertheless, incentives for citizens to invest effort in oversight must exist as well. Decentralization may otherwise fall victim to financial anemia. There does not appear to be enough money in the system at present to motivate citizens to track expenditures vigilantly. Some type of small-scale project fund, capital development fund, or some other creative thinking about the generation of investment funds may be necessary. Otherwise, tracking recurrent expenditure will not provide sufficient incentive to motivate citizen interest.

In light of the evidence from the field, which was duplicated almost exactly in Bushenyi, it is clear that establishing the domain, credibility, modus operandi and legitimacy of organized citizen oversight will be a challenge. It will no doubt involve as a first phase the identification of organizations which are already accepted as partners of local government at the local level -- the women's groups, some business associations, PTAs, churches, and perhaps CBOs generated by international NGO projects (which are numerous). It will have to be distinctly collaborative, not confrontational, and will need to move methodically into the areas of correct procedure for making proposals and recommendations and for communicating with the councils and the public. Nonetheless, the goal should be to **move toward a more accepted public role and stance for local organizations** -- accountability, after all, must be a matter of **public record**, not of private communication.

Problems with Civil Servants. The public service in those ministries transferred to the districts has been entirely decentralized. This means that all civil servants previously serving in a district under the control of a central ministry are now retained by the district itself, under the control of the District Service Commission. This is a major change which underlines the fact that Uganda's decentralization is real, unlike several others in the region. At the same time, the total decentralization of personnel could significantly reduce the quality of administrative performance. District service commissions show signs of yielding to pressure in most districts to hire local citizens, irrespective of their qualifications for the jobs being filled. As district employees they may run afoul of local politicians, who are now their bosses, and many will bend to demands for favors or for improper policies or financial disbursements, fearing that the district civil service rules will not protect them. Civil servants were frozen in place when the statute became law three years ago. This means they no longer have any clear national career path or promotional incentives. Previously, as employees of a national public service, they had broader promotional ladders, appeal processes, and disciplinary procedures.

The assessment team found two different experiences in this respect. In Bushenyi, the District Service Committee was proud that six of the seven senior appointments were persons from outside the district. They expressed the intention of continuing in this

impartial, merit-oriented vein. In Mbale, there were complaints by several departments that morale had deteriorated and that persons with unsatisfactory qualifications were finding their way into employment. This issue has also featured in the newspapers. In one notable case the position of a senior position in another municipal council drew two irate letters from a credible candidate who realized during the interview process that the entire thing was fixed and was going to be awarded to an "inside" candidate whatever the quality of those candidates who turned up at the interviews.

Problems with the District Resource Base. A critical issue in determining the sincerity or otherwise of a decentralization effort is the resource base available to the decentralized units. Here too, Uganda's decentralization appears genuine, although the amounts of money available are still inadequate to the tasks devolved. Most unusually, this decentralization has led with the **recurrent** budget, a sign of real commitment to decentralization. Decentralization in other countries in the region basically starts from a small package of development funding, and then proceeds to tie the sectoral allocation of this capital funding along the lines of the operations and maintenance implications it will have for the still-centralized national recurrent budget. For the FY 1996/97 budget just passed in parliament the districts are to receive 29.5% of total recurrent expenditure, some of it delegated and tied to specific expenditures (e.g. teachers' salaries) and some in bloc grants they can allocate at their discretion.

Additional sources of income are available to the districts. The 1993 Statute defines the revenues of District and Urban Resistance Councils as bloc and equalisation grants from the Central Government, graduated tax assessed and collected by the sub-counties which retain 50% of their collections, rates (property taxes) and "revenue from other sources", which includes markets and license fees. In practice, most districts collect far less graduated tax than they are owed since the pressure to excuse payment for hardship cases -- and in election years for political reasons -- is very strong. The interpretation of district authority to levy new revenues under the Statute is not completely agreed. In 1994 Gulu district imposed a levy on lorries taking cotton out of the district, which was countermanded by the Ministry of Local Government. The district firmly refused to be dissuaded and indicates it believes it has the authority to levy this fee. In 1995 Mbale attempted to levy a graduated tax rate on putative income of councillors, rather than providing for individual assessments. This also was countermanded by the Minister for Local Government, who made a personal trip to the district to explain why this was not acceptable. Local authority to levy taxes and set rates will be a major issue for the districts to pursue in consolidating decentralization; these examples suggest it may well be resisted by the center on both political and equity grounds.

Resource constraints can cripple the best intentioned of reforms, preventing communities from realizing the benefits of decentralization. The present level of resources flowing to the districts, while substantial -- equal to the sum of the national budgeted expenditure on defence and police services -- permits very little real discretion, particularly for capital development as opposed to service provision. A constitutional algorithm meant to

"stabilize" revenue to the districts is highly questionable since it presumes increasing revenue and/or priority for district claims on revenue. Predictability in resources is probably more important than the actual amount in developing a serious commitment among district officials to plan and budget effectively. Local level resources, which should provide an increasing proportion of the total revenue, are under strong pressure during these election years. Mbale district, for example, collected only 45% of the graduated tax due it last year. Privatisation is making a positive contribution to the amount and stability of local revenues in many places; markets have been tendered and the resulting collections are higher and cost the councils less.

District Allocation and Expenditure Process. District and lower level councils are required to prepare annual budgets laying out their proposed expenditures against expected revenue, and to exercise effective control over expenditure in line with their budgets. They have a committee system comprising seven committees, the voting members of which are the councilors (i.e. politicians) while the implementing civil servants are ex-officio members. The finance committee oversees the production of the budget, soliciting estimates from the sectoral committees and producing a consolidated budget for full council debate, amendment and approval. Financial control over expenditure vis-a-vis budgets and revenue is provided by the office of the Chief Finance Officer, supplemented by the review processes of the district's Internal Auditor.

Allocations are made on the basis of what the district council feels is the appropriate set of priorities, although national priorities are also communicated to them via the Ministry of Local Government. They are constrained by the categorization of the funds transferred from the center into "conditional" and "unconditional" portions. Further, even local funds adequate to support salaries for personnel in addition to those transferred from central ministries are inadequate to cover more than salaries. The funds from the center that actually support discretionary spending by the district, which is to say, central government financial support for decentralization, is only a small portion of the revenue transferred in the central government block grant. For example, of Bushenyi District's block grant for 1996/97 of 5.5 billion shillings, only 682.5 million shillings, or one-eighth, will be available for the district to spend as it chooses -- and that only if the full amount is actually paid to the district.

The committees are still dominated by civil servants, who had no political oversight under centralized ministerial control. Civil servants often have experience, knowledge, and an authoritative manner. Politicians are still unsure of their actual roles, let alone the technical operation of their sectors. Consequently, they tend to let the civil servants make the decisions, questioning only at the margin. As they gain experience, the situation is changing, with some politicians ordering their civil servants to spend money outside the budget.

Problems of accountability. There is growing concern over the accountability of local government. Major scandals have arisen in several districts while more minor reports of

embezzlement, unethical tendering procedures, unlawful diversion of funds from one expenditure to another, and inappropriate use of money at the subdistrict levels on allowances and other non-productive items are becoming more frequent. The credibility of democratic local governance may be completely negated if it is engulfed in a tide of misappropriation. While skills are in short supply, and accounting procedures, could be improved, patronage and patronage politics are also a central element in the persistent eruptions of financial scandal and nepotism in local government. The politics of patronage will be given another boost by the forthcoming local council elections, as contenders promise valuable benefits to the electorate -- in this case, probably jobs or influence on tenders.

Our two field cases indicate that accountability is as much a matter of political will as of effective procedures, although the almost universal lack of trained staff and of attention to monitoring expenditures in the districts means that watchdogs do not perform adequately. But it will be difficult to make financial accountability meaningful until subcounties and districts produce tangible benefits that permit citizens to see that local government can deliver the goods.

Stripping the districts of much of their newly-acquired autonomy -- in essence, recentralization -- might be the response to the mounting problems with accountability. This is not likely to mean complete abandonment of decentralization, since that would amount to a government admission of failure, but rather a re-tooling of the degree of final power over budgetary allocation by the districts, and of the oversight function by the Ministry of Local Government. The draft local government bill now before parliament already gives the Ministry the authority to intervene when local council budgets veer too far from "national priorities." A recent example is the suspension by the Minister for Local Government of the decision by the Iganga District Councilors to award themselves USh.1,000,000/= (\$1,000) bonuses to the tune of USh. 81,000,000/= as their final activity before the elections that will replace many of them. Though the regulations are not clear, the ministry nullified this decision, which was nevertheless clearly an exercise of central authority. This type of response is likely to recur to prevent decentralization from being steered off course by "autonomous" local councils.

Skill Provision Necessary to Effective Local Governance. An argument was made above for the centrality of organized citizen pressure to impose accountability on local government, the "demand side" factor without which decentralization cannot succeed. Strengthened civil society is critical to effective local government. "Supply side" skills must simultaneously be increased, or the demands for accountability will meet a lack of capability that is bound to result in frustration and failure. Acquisition of better managerial skills is desperately needed to make the local council system function, particularly at subcounty and lower levels. At district level, many positions related to accountability are unfilled. The personnel who are in place need refresher courses or further training. Planning, budgeting, bookkeeping, filing, and general office and personnel management skills are in short supply, especially among financial officers.

Nevertheless, the senior officers decentralized from their national ministries have frequently been running substantial establishments for many years. Therefore, many of the necessary skills do exist at district level and could be transferred to lower levels of local councils through training programs organized by district staff. This critical activity, which has been initiated through administrative efforts at the district level in both Bushenyi and Mbale and presumably by some other district governments, should be supported. The Decentralization Secretariat has been involved in training district officials but resources have been inadequate for the full-scale effort that is needed.

Donor Interests. The renewed efforts at decentralization of functions and resources from over-centralized national governments to appropriate local governments is receiving substantial interest and support in the donor community as an important component of democratisation. At the same time, decentralization frequently poses significant problems for bilateral donors whose project portfolios are affected. Agreements with central governments may not necessarily be implemented in practice by local governments that control the necessary complementary resource allocations. Financial accountability, which donors may have carefully programmed into their projects through familiarity with central accounting practices, may disintegrate as local governments manifest less experience and less skill, and as the temptations of rent-seeking opportunities proliferate in the wake of new resources. Decentralized personnel policies may produce a deterioration in the quality or qualifications of staff, while nonetheless serving the "patronage" needs of senior local officials very well.

USAID Uganda is no exception. AID's sectoral SOs propose activity at local level that is within the jurisdiction of local governments. Resources required to bring to fruition a primary education program, primary-based health care, or the effective local management of natural resources depend on the allocational, legislative and enforcement decisions of local governments.

Most of Uganda's bilateral donors have begun to identify activities they feel will assist decentralization. They have tended to put heavy emphasis on training for financial accountability and on related systems design. The World Bank views the needs of decentralization as primarily a matter of lack of appropriate personnel and financial management systems required to manage the substantially higher level of finances and personnel under the direct control of the districts after decentralization. It points out also the shortage of staff and need for extensive training of available staff in planning, finance, accounting, and other skills. The Bank is, accordingly, providing funding under its umbrella Institutional Capacity Building Project for assistance in defining and implementing an appropriate system of inter-government finance; strengthening local government financial and personnel management structures, systems and procedures; improving service delivery through the introduction of results oriented management; and supporting minor civil works and equipment."

From the beginning, DANIDA has been Uganda's premier "partner" in the development of its program to decentralize power and strengthen local government. Over the

next four years, Denmark is continuing to assist the Decentralization Secretariat, as well as its extensive development efforts in Rakai district, where it disburses matching funds as an incentive to local revenue collection. The UN Capital Development Fund (UNCDF) is beginning a pilot effort involving four districts in different regions which will focus on citizen participation in the design of local planning procedures and personnel management to be applied system-wide.

The German foundation, Friedrich Ebert Stiftung (FES), is planning to train local councilors, although the size and complexity of the task is daunting. FES would be a likely partner for USAID in the effort to train and mobilize the large number of women who, by constitutional mandate, will be elected to the local councils next year. This task will be a major challenge and might productively involve three or four major donors. Ireland is involved in integrated rural development efforts in Kibaale and Austria is similarly involved in Kisoro. Both are likely to extend their assistance to strengthening local government in those districts.

Recommendations for USAID Involvement with Local Government

We recommend that USAID pursue four activities to sustain decentralization by supporting local government. Its objectives should be to help civil society organizations in the districts play a more vigorous role in participating in local governance, thus promoting pluralism, and to support the acquisition of critical skills by officials, thus improving accountability. These objectives intersect, since citizen oversight is also a significant dimension of accountability. In addition, the significance of decentralization to the rest of USAID's portfolio argues for investments to strengthen the capacity and the responsiveness of local administrators. Nevertheless, questions over whether the central government has the political will to continue to support decentralization and the capacity to reduce patronage politics in the foreseeable future argue for a cautious and carefully phased approach to support for Uganda's local government system.

1) Strengthen performance of civil society organizations at the local level: Establishing the domain, credibility, modus operandi and legitimacy of organized citizen oversight will be a challenge. At the moment, the local level remains fairly uncharted territory. In the first phase of its civil society strategy USAID should identify organizations already active as local level partners of local governments -- women's groups, business associations, PTAs, churches, and perhaps the community-based organizations generated by international NGO projects. Since one third of all positions on local councils must be filled by women, organizations that target women candidates and women in local politics ought to be given particular attention. USAID has worked with two women's organizations in the past -- NAWOU and FOWODE -- and has recently begun to explore activities being undertaken by one or two others. A district-level census of civil society organizations, in typical districts would provide a baseline for a second phase of its strategy. Deniva, the NGO network in Kampala, which has a functioning database of over 2,000 NGOs, is a good

source for locating promising national organizations with district branches and implementing a district-level census.

In the second phase of its civil society strategy, assistance should be given to four or five national civil society organizations in two or more sectors. These should be organizations that already have branches in some districts and are willing to develop their capacity to provide input into the deliberations of local councils. Public action to influence government or to hold it to account is a new activity for Ugandans that is not well understood. The development of dialogue, public fora, channels of access, or identification of appropriate targets of citizen demand would be a more effective approach for these organizations than a confrontational "advocacy" style. USAID should emphasize that these organization learn the rules and procedures for making proposals and recommendations, and an effective style for communicating with the councils and the public.

One of USAID's goals ought to be that through their behavior, these organizations teach the public that demanding accountability is not being confrontational or adversarial for its own sake. The goal should be to create a new public role for civil society organizations that Ugandans find acceptable -- accountability, after all, must be a matter of public record, not private communication.

2) Assist training in budgeting and accounting at subcounty level: One of the most significant features of Uganda's decentralization is its effort to devolve power to political units below the district, by distributing authority and control over resources to even lower levels. The subcounty plays an especially significant role in the national government's approach, making it an appropriate level for donor intervention. The subcounty has been made the basic planning unit in rural Uganda. In addition, since the statute authorizes retention by the subcounty of half the graduated tax it collects, unprecedented sums of money have suddenly become available for expenditure by subcounty councils (LC3s). Consequently, there is an urgent need for assistance with training in planning, budgeting, and accounting at this level. In addition, the forthcoming local council elections will result in large numbers of women representatives who have never participated in public affairs before. These women will need training, especially on financial matters, in order to overcome their lack of confidence and competence so as to make an impact on policymaking and budget drafting. Many women's organizations are committed to training women to stand in the elections, but there is an even greater need to equip them to play credible and useful roles in their councils. A program to assist women LC3 councillors would both improve local governance and empower women. Since district council staff have already begun to conduct training at subcounty level in Bushenyi, and reportedly in Mbale, USAID could reinforce and improve an existing practice by supplying additional training resources. No other donor appears to have become involved in this area.

Patronage will be just as ubiquitous in subcounty government as it is at higher levels. USAID should expect subtle and often hidden opposition to its efforts to strengthen accountability. It would do well to consider carefully which elements of accountability need

to be introduced and emphasized first, and the mechanisms to do so. One strategy may be to rank types of financial irregularity so that, for example, "supplying air" is a much "worse" sin than supplying overinvoiced items, which in turn might be worse than awarding legitimate tenders (i.e., properly vetted, low-bid tenders) to one's relatives. Another strategy might be to provide incentives for officials responsible for planning, budgeting and financial control -- bonuses, training fellowships, increased authority for local decisions, or increased district revenue authority. As it introduces standard internal audit mechanisms for combatting financial misappropriation USAID should keep in mind that increasing paperwork for a transaction also increases opportunities for rent-seeking and methods for manipulating it. Assisting citizens' groups and interest-based NGOs who want to play a watchdog role is another strategy for pursuing accountability, but on the demand side rather than the supply side. An incentive approach to improving performance might also be worth trying to provide motivators to sustain the impact of the training supplied, much of it under other donors' auspices. Prizes and recognition, preferably with some monetary or career-related value, could be awarded on an annual basis for the best district plans, budgets, or accounts. Small amounts of additional revenue could be awarded to the councils that keep the best books and audits, make the greatest reduction in administrative expenditure ratio, and achieve the highest retention rate among their personnel.

3) Improve the Decentralization Secretariat's service capacity: Our field experience demonstrates that some districts are faring better than others and may have lessons to teach, which could be funneled through the Decentralization Secretariat. We urge that assistance be given to the secretariat to facilitate its role as a service organization that could draw lessons from innovative district practices and urge other districts to adopt them, perhaps through a newsletter. This activity might contribute effectively to the on-going system design activities that the Bank intends to fund directly. USAID should pay particular attention to helping the secretariat develop a hortatory or promotional and preventive approach to help head off pressures toward recentralization. Nevertheless, USAID should be careful not to suggest the idea that there are "easy fixes" or technical solutions to political problems.

Secondly, the "clearinghouse role" we suggest for the Decentralization Secretariat could serve equally well for giving assistance to individual councils to update their by-laws, which are frequently studded with authoritarian regulations and proscriptions deriving from colonial and later periods. These regulations frequently serve as disincentives to economic development, to citizen input in policy formulation, or to free association. This project would nicely complement the law codification initiative USAID is funding on the national level.

Thirdly, we suggest that the Decentralization Secretariat could provide valuable assistance in devising guidelines at district level for the application of the new land tenure legislation. A pilot project along these lines has been developed by the Land Tenure Center (University of Wisconsin) in conjunction with MISR. The new land legislation, which is about to be tabled in parliament, could have significant implications for the exacerbation of

local conflict in Uganda if it is not productively dealt with by the districts. Land conflicts are serious in Buganda and increasing rapidly in the rest of the country. Assistance with an orderly application of the new land legislation might have significant conflict prevention value.

4) **Help develop a district financial strategy for capital development:** USAID should support the development of a financial strategy for capital development by giving assistance to the Ministry of Local Government, the Decentralization Secretariat, or selected councils. Most capital development around the world is implemented on the basis of loan funds, yet there appears to be little, if any, use of commercial loans in Uganda -- in large part because the councils have such shaky financial reputations. Since this decentralization started with services and recurrent funding of operations and maintenance, capital development needs have not been addressed. Considering that the district councils are pursuing privatization aggressively, and with considerable success, it may be an opportune time to formulate plans and assist with funding for capital development.

Civil Society

Civil society comprises the network of associations that link citizens to the state and in theory provide organized channels for citizen input into governmental decision-making. While civil society is sometimes conceived to include political parties, frequently these are excluded, functioning as they do in western polities as the broad tertiary organizations that construct temporary ruling coalitions out of the universe of more single-issue oriented civil society organizations. Whether or not parties are considered components of civil society, both are important elements of pluralism, which provides the platforms for competitive or alternative views and channels of access to resources essential to accountability. Pluralism is a broader notion than civil society, also including the voices of state institutions and actors.

Civil society in many African countries and USAID strategies for promoting democratic governance is conceived as playing the role that political parties would at a later stage in a democratic transition -- providing citizens with channels of access and voice focused on issues, which the parties at present so conspicuously fail to do. The functions of civil society in theory are multiple and include:

- ◆ providing channels of communication to local and central governments that effectively transmit the concerns of the politically mobilized segments of the populace.
- ◆ providing avenues of participation in implementation of some government-directed or aided activities undertaken in partnership with civil society (e.g., the voter education program in Uganda), which increases the commitment of the civil society partners to the outputs.

- ◆ buffering state institutions and elites by providing alternative voices, arenas of action, and career paths, reducing the degree to which the state is the sole focus of attention and criticism.
- ◆ providing institutional avenues for "watchdog" activities

Civil society and patronage-based politics. Civil society in African countries, including Uganda, cannot be so neatly assimilated to western theories. In reality, civil society mirrors society more generally. The flaws and dilemmas of the public sector, as well as the strong sectarian, ethnic, regional, and above all patronage-based elements of citizen identification pervade African civil society. The recent efflorescence of civil society organizations in most African countries, including Uganda, provides a misleading impression of the strength of its civil society and the vibrancy of its pluralism. Realistically, civil society in African states is at least as accurately characterized as:

- ◆ providing additional or alternative patronage opportunities
- ◆ riven by the same particularistic or patronage-based identifications -- ethnic, regional, sectarian recruitment of staff and memberships being one outcome
- ◆ a product of the authoritarian command-and-control model of governance inherited from the colonial order and reinforced by statist regimes since at least 1966, in Uganda; thus not activist in orientation or experience (some few human rights NGOs apart) but essentially accommodationist, informative, collaborative, service-oriented
- ◆ financially not self-sustaining; dramatically dependent on donor funding and thus donor-driven in terms of objectives, activities, and organizational structures, few of which are therefore internalized
- ◆ competitive for memberships and resources; characterized by personalism, factionalism, and in-fighting (these of course are characteristics of associational life in any society but are tendencies that successful civil society organizations rise above in western democracies, though not without substantial effort)
- ◆ not grounded in large or economically viable constituencies, and therefore easily coopted or bought

In a patronage-based political economy, dominant state actors make strong efforts to maintain control over civil society, which thus becomes less an autonomous network of associations linking citizens to the state and more a complement to or extension of the state. A highly controlled and regulated civil society supports only a weak form of pluralism -- one that provides few organized channels for citizen input into the government's decision-

making machinery. Where civil society organizations are either controlled by the state or highly dependent on donor patronage, they are by definition not autonomous, and therefore not able to contribute substantially to enforcing accountability on government. Their contribution to a transition to democratic governance will be weaker than many champions of civil society might expect.

Civil Society and Democratization. Nevertheless, carefully planned donor support for civil society organizations that promote important issues and alternative viewpoints will deepen civil society, contributing to its autonomy and its effective determination to hold government accountable. Civil society also affords opportunities for participation that enhance the commitment of citizens to implementation of the decisions involving them, no matter how unpalatable economic constraint can make some of them. Civil society also provides some "breathing space" to state institutions and elites, providing other channels for action, advocacy, and career, which can as well take pressure off government as put pressure on it.

Most importantly, civil society in societies undergoing early democratic openings or transitions can be the critical element in organizing plural voices and channeling them constructively to a wide variety of state institutions, judicial, legislative, and executive, both at national and local level. Civil society is perhaps "prior" to political party development -- it is the raw material out of which effective parties are built -- but these are not ultimately different enterprises. The ban on explicit political party activity, at least temporarily, makes the construction of pluralism in Uganda especially problematic and suggests that promoting a vibrant, democratic civil society is all the more important.

Civil society is not a simple issue or a quick fix. It requires significant organizational capacity, including domestic resource mobilization, (not just external resource flows), which is essential to the sustainability of advocacy efforts. Organizational capacity cannot be created cheaply or quickly. But an active, advocacy-oriented civil society is, in turn, essential to sustained internal demand for constitutionalism, rule of law, and democratic governance.

A realistic -- and we emphasize realistic -- role for civil society must be an important component of a democratic governance strategy. Three factors seem particularly critical to understanding what investments can productively be considered. One is the degree to which civil society currently plays primarily a service-provision role, supplementing public sector activity, as opposed to an advocacy role, in which it attempts to **influence** rather than **supplement** government efforts. Another is the overwhelming degree to which civil society organizations concentrate their membership and activities in urban rather than rural areas. A third is the degree of organizational capacity that a given group combines with the substantive effort or issue it pursues. Our assessment does not consider the large PVO sector active in Uganda -- CARE, OXFAM, World Vision, Amref, among others. It will be necessary to explore this area if USAID decides to pursue the community-based NGO assistance strategy we suggest below to strengthen local government.

Civil Society in Uganda

Historical Overview. Uganda's civil society organizations suffered severe damage in the anarchic conditions of the Amin and Obote II periods. Under Amin, some prominent individuals who were outspoken against arbitrary abuses of the system were summarily executed or disappeared, driving the small and uncertain voice of civil society underground. Associational life is the first victim of arbitrary arrest and abuse of power, even when the number of individuals actually affected is small. Later, as competing armies visited atrocities upon each other and upon the civilian population, the social basis for the operation of civil society organizations further evaporated. The civil society organizations that re-emerged after the NRM demonstrated effective control were small, urban-based, and generally limited to professions -- for example, the Law Society and the Uganda Journalists Association. Mistrust among regional, ethnic and sectarian communities is still high, which reduces recruitment and operations of civil society organizations.

Size and density of the sector. There has nonetheless been an explosion of civil society organizations in the past five years. Annex Four contains information on a number of the groups AID might explore as partners for the activities suggested in other parts of this assessment. Some of them are reincarnations of long-established institutions such as the Law Society and the Uganda Manufacturers Association, others are fledgling efforts deriving from current human rights problems and economic needs --for example the Kampala Women's Small-scale Business Association. Many are frankly driven by donor funding and little else. USAID has interacted with a number of human rights organizations, with business groups, lately with some women's organizations, and with a few health and human services organizations. Experience with these organizations has been mixed.

There are reportedly about 2,000 NGOs in Uganda, although this includes many which are actually either social clubs or individual businesses registered as NGOs for tax advantages. There are a few networks, some of which are being sponsored by Deniva, the Development Network of Indigenous Voluntary Associations, as a management tool for dealing with the very different needs in widely divergent sectors, such as human rights, health, and natural resources. Four hundred NGOs are registered members of Deniva. HURINET, the Human Rights Network, is developing plans for an advocacy capacity. UWONET, the network of women's organizations, is similarly interested in advocacy. The network on HIV, Ethics and the Law, being comprised as it is of the Law Society and other natural advocacy groups, is similarly advocacy oriented. A network of environmental organizations, in the planning stages, will also be issue and advocacy focused.

Capacity. Organizational capacity for almost all civil society organizations in Uganda is low. The main forms of inadequacy are easy to predict. Resources are scarce. Financial accountability is difficult. Office staffs function at a low level of competence. Ability to plan effective follow-through to the resolutions or workplans coming out of the ubiquitous donor funded workshops is slim. Running an office efficiently is difficult, let alone keeping a resource center up to date and aggressively acquiring new material and new

clients for it. Personnel management is a problem, because ethnic criteria for employment intrude. Time planning is especially difficult. Most civil society organizations believe that they can float proposals to donors three weeks before they intend to undertake the activity. They have little skill in writing proposals, emphasizing their overall goals and objectives rather than concrete activities which would permit careful consideration of their budget proposals.

Financial and personnel management are especially difficult hurdles to surmount in the human rights sector, where members tend to be lawyers, journalists, university students and professors, without a background in financial management. These organizations lead a precarious daily existence, and are easily bent to donor priorities when the donors provide funding for rent, secretariats, workshops and field travel -- and attach conditions of specific activities that as part of the package. They are constantly at the whim of their major funders. As a result, their organizations have even greater difficulty in developing organizational strategies or strategic plans.

For a recent and important example, consider the insistence of the donor community that the NGOs involved in voter education before the recent Ugandan elections collaborate under one overarching umbrella, nominally to ensure wide coordination and coverage, but also to simplify the donor funding process. Several donors have insisted that organizations increase the role of women in public life and economically productive activity in return for their support for mundane organizational necessities. This objective may in fact be an important and constructive one in strengthening democratization, pluralism and civil society, but commitment to it when it is imposed by donors is equivocal. In setting out a strategy for supporting civil society, USAID needs to constantly bear in mind that organizational strategy and institution-building can easily be retarded rather than furthered as civil society organizations are swamped under donor funding and conditions.

Lack of culture of voluntarism. Another major stumbling block is the lack of a culture of voluntarism on which civil society organizations can draw. USAID's experience to date with civil society organizations indicates how deeply entrenched is the notion that individuals participate in these activities because they expected payment of some sort, not as volunteers -- another aspect of a patronage-based political economy. So when funding flows, many self-interested individuals materialize, while in times of drought organizations shrink to skeletal staffs that hardly amount to an organization. Institution-building assistance under such conditions is of questionable value. USAID should take firmly into account in its efforts to develop a civil society strategy the limits of personal commitment and motivation in contemporary civil society in Uganda.

Advocacy. Limited as the institutional capacity may be, the **advocacy** orientation among civil society organizations in Uganda today seems even more negligible. There is, of course, an exception in the sub-sector that is oriented toward basic human rights -- as examples, the Law Society, the Foundation for Human Rights Initiative, the Uganda Prisoners Aid Foundations. These organizations take as their very subject matter and

objective public commentary on social gaps resulting in the abuse of human rights. Even some of these organizations, however, tread warily in making direct criticism or input into government decision-making, preferring to point out ills and leave it to the policy-makers to proffer solutions.

Beyond the inner core of human rights groups, advocacy appears to be marginal or non-existent. The business-oriented civil society actors -- UMA, the farmers' associations, -- do attempt to provide their views and recommendations on specific issues germane to their memberships, especially in response to invitations from the GOU (Ministry of Finance, budget steering committees) to do so. They generally do not take public positions on other issues, particularly political ones. They claim their views are taken seriously and do have an impact, but they have no specific method for verifying or publicizing their influence on government. The rest hardly lobby or make recommendations, let alone engage in advocacy. Their vision of their appropriate interaction with government appears to be one of supplying information -- briefing appropriate authorities on what they will do, including providing "work plans", (required by the district council vetting process for NGOs), as well as communicating government views and directives to their members.

For some organizations, the development of a strong rapport with resources-strapped state institutions has allowed them to be invited into the policy-making arena. Numerous NGOs to whom we spoke, even including human rights organizations, said that their non-confrontational tactics had paid off, allowing them to present frankly and early in the decision-making process their views on important matters, whether legislative or administrative. The Foundation for Human Rights Initiative, for example, has in the past two years spent a considerable amount of its advocacy resources on the issue of prison conditions and reform. It has successfully gained access to the state organs concerned with the administration of prisons, and claims it is invited to all important meetings on the issues. It is seen as a "civil society partner" of the state, rather than an adversary. It has lobbied effectively for the decision to introduce non-custodial sentences for petty offences, surely a major improvement in protecting individual rights given the sorry state of the prisons.

On the other hand, when civil society organizations supplement services otherwise provided through the public sector. they tend to develop cosy relationships with state actors, inclining them to become less and less willing to speak out to suggest alternative policy directions. They thus become less able to enforce policy accountability on state institutions.

USAID's Experience with Civil Society and Democratic Governance

Since 1991, the US has funded several civil society organizations, some of them in support roles in the sectoral portfolio and some of them specifically in support of DG objectives. Our main civil society partners in support of DG have included:

- ⊗ The Uganda Law Society/Legal Aid Project
- ⊗ FIDA (Uganda chapter; international women law group)

- ⊗ UHRA (Uganda Human Rights Advocates)
- ⊗ FHRI (Foundation for Human Rights Initiatives)
- ⊗ NOCEM (National Organization for Civic Education and Election Monitoring)
- ⊗ UJCC (Uganda Joint Christian Council)
- ⊗ FOWODE (Foundation for Women in Democracy)
- ⊗ UJA (Uganda Journalists Association)
- ⊗ UJSC (Uganda Journalists Safety Committee)

The main activities funded have been assistance in setting up legal clinics and paralegal training (Uganda Law Society and FIDA; also FHRI and UHRA); assistance in providing services to women in will writing (FIDA); workshops for journalists on human rights coverage, election coverage, and investigative reporting (UJA, UJSC); civic education and election monitoring (NOCEM and UJCC); and workshops for subdistrict level local councils, particularly women, on the constitutional process and issues (FOWODE). Some of these activities have been supported with small grants under the 116e human rights funding. By disbursing money relatively quickly though in small amounts this funding source has been particularly useful in testing the capacity of a new organizations, both substantively and in terms of their ability to account and report adequately.

Other grants, funding NOCEM and UJCC's civic education and election monitoring activities, have been larger, financed primarily out of the local currency account. The capacity of civil society organizations to provide accountability is extremely precarious. In the future, the development of accountability systems should be written into project agreements and funding, preferably without affecting the organizations' goals. However, these systems should be developed so as to impart the skills that make its accountability effective to the beneficiary organization. New organizations should acquire the capacity to remain accountable to their members after donor funding ceases.

USAID's Experience with Civil society and the Broader Portfolio. USAID has relied on a few civil society partners in the sectoral portfolio. TASO, the AIDS support organization, has been central in the design and implementation of AIDS prevention activities with a grassroots spread, for example. The Uganda Manufacturers Association and the Uganda National Farmers Association have been involved in program design in support of private enterprise development and non-traditional agricultural export promotion. Local parent-teachers' associations and occasionally headmasters' associations have been useful in informing the primary education support which forms a major component of the overall program.

Experience with these partners has also been mixed. Some have performed very well and have been strengthened in the process of assisting USAID project implementation -- for example TASO. Others have primarily provided information. Generally, the pursuit of sectoral objectives requires greater use of these organizations, and requires them to develop stronger organizational skills and clearer strategic visions than they have manifested up to

now. A significant component in the USAID program over the next five years should be the articulation of the optimal synergy between its traditional sectors and DG in strengthening civil society vehicles for service provision and citizen voice.

Recommendations for USAID Involvement with Civil Society

We recommend that USAID pursue three activities to strengthen civil society. It should support civil society actors committed to achieving the overall objective of a more responsive government; civil society partners working for goals that will achieve USAID's other strategic objectives; and emerging civil society organizations acting at the larger East African regional level. The specific purposes of several of these activities have already been discussed in our earlier sectoral assessments.

To accomplish these activities, USAID will need a civil society strategy carefully and realistically tailored to existing conditions in Uganda. The basic problem is the gap between an ideal conception of activist citizen input through organized public lobbying and public discussion and the contemporary residual passivity of the citizenry. The solution is the development of strong civil society organizations to reduce that gap and provide the first line of engagement between citizen and state in a practical way, with input into the policy formulation process as one of its objectives. From this growing matrix of civil society organizations, political parties that provide a specialized coalition formation and brokerage role will eventually emerge.

The greater activism implied in this model of democratic governance carries some dangers. Activism as confrontation is seen as unacceptable in Uganda. The culture is uncomfortable with competition and conflict, preferring to repress these to preserve harmony and unity. Public opposition to a position or policy quickly becomes perceived as personal opposition, based on the dominant paradigm of personalistic, patronage-based politics. However, numerous civil society groups on the national scene are beginning to engage in advocacy, calling it lobbying and stressing collaborative efforts that involve all the major stakeholders, particularly the government. Presently their conception of lobbying is long on dialogue, and therefore fairly slow and time-consuming, and short on formal presentation of position papers or votes. It is also pursued very far out of the public eye, with individuals approaching the relevant politicians and civil servants behind closed doors, so to speak. There is nothing wrong with this, as a way of initiating dialogue. However, accountability for policy decisions ultimately has to be public, and thus to move out of the corridors of power and into the public domain.

This collaborative, dialogue-focused approach is exemplified by the National Forum and a few civil society organizations -- the Law Society, the Foundation for Human Rights Initiative, the Prisoners' Aid Foundation, the national women's organizations. **USAID's civil society strategy on both the national and local fronts should develop organizational skills and the ability to frame issues and workplans, establish the principle that active citizen input through organized channels into policy making is legitimate, and work to move**

the dialogues through which lobbying is pursued out of the private, informal channels into the public arena.

This civil society strategy, which should be a major element of the DG program, should invest resources at all three levels -- local, national, and regional -- and operate to create demand for policy dialogue and accountability. Conditions in Uganda are relatively positive, since there is a strong constitutional commitment to the incorporation of citizen input into the political process, and NGO regulations on the books are not used in a particularly repressive fashion. This strategy should focus on organizations that have some demonstrated interest in and capacity for advocacy. It should identify organizations that have established rural ties either at district or regional level. It should assist organizations across the sectoral portfolio in education, health, agriculture, business and the core human rights and civic education functions of the DG SO.

It should make realistic choices in the number of initiatives and organizations undertaken. It should pay as much attention to capacity building and sustainability for these organizations as it does to their substantive advocacy issues. Finally, it should be realistic about the degree to which civil society will manifest elements of patronage, similarly to the rest of society. The goal of this strategy should include providing numerous voices in the public domain in addition to constructing watchdog or advocacy organizations in the western mold.

1) Strengthen selected civil society organizations committed to responsive government: Proposed activity in the area of the justice system includes assistance to those civil society actors who put informed pressure on the state judicial and legal institutions to perform better. In addition, some limited support should be given to civic education organizations. Ugandans almost universally propose support for civic education as a panacea for all problems of democratic participation, and mean by it something more than voter education. There is considerable agreement that civic education is not political education, and should be disseminated in a non-partisan manner. The NRM's *chaka mchaka* courses, whatever their merit, are not civic education but political education. We also feel that civic education ought to be incorporated into the school curriculum.

2) Strengthen civil society organizations in the domains of USAID's broader strategic objectives: The other strategic objectives that USAID is pursuing can be significantly advanced through the development of civil society partners, both nationally and at district and subdistrict levels. They need to participate both as watchdogs, guarding the public purse, and as lobbyists, providing input into the policy process. Civil society organizations make it possible for citizens to follow the expenditure performance and lobby local governments effectively. Citizen input into government has to be more than simply voting in elections, although there will never be more than a small minority of citizens who play this more active role. Citizens should be attending council meetings, receiving copies of budgets showing allocations for the activities in which the organizations have a vital interest, and monitoring expenditure and the accomplishment of objectives. These are not activities

which are antithetical to local governments and they can in fact can be a valuable and cost-free monitoring and evaluation device. The mere supply of skills is not sufficient. Demand for accountability has to be there. It is amazing how much faster and better people learn skills, and employ them, when they are being publicly monitored.

This principle applies to the national scene as well as the local councils. Parliament has a Public Accounts Committee which cannot effectively monitor all the important developments taking place in every sector. Parliament needs assistance from the informed and organized public, dealing with the issues it knows best. This is best provided by the welter of organizations focused on specific issues and clienteles. These organizations may have branches at the local level which can provide the same issue-orientation and focus on expenditure monitoring. This is a more activist conception of state-society relations than has hitherto prevailed in Uganda, which will help promote the full range of strategic objectives USAID hopes to accomplish.

3) Regional organization and coalition: East African regional civil society organizations are beginning to emerge and show considerable promise for applying inter-country pressures on national states in the region. In the context of the Greater Horn of Africa Initiative, support for these organizations could provide several benefits not just for Uganda, but for the region, which may have the additional advantage of reducing regional conflict. The development of a regional identity and perception of common interest requires the development of regional ties among professionals. Regional professional civil society organizations can counter attempts by national leaders to manufacture external threats for short-term domestic political reasons, or to support each others' dissidents. Negative behavior such as this will be rendered politically counterproductive only when there is a significant mass of elites from the states in the region who have ties with their counterparts and vested interests in pursuing common agendas.

Constructing Consistent Regional Legal Frameworks. The obverse side of countering negative political agendas is the construction of greater consistency in legal systems in the region. Since many of the issues needing reform are similar -- the sedition laws, the over-control of NGOs, harassment of the press, enforcement of commercial contracts -- reforms have relevance beyond the individual states. The talent, resources, and commitment that civil society actors can bring to the task can be multiplied if it is extended through a regional focus. Regional integration and cooperation will be easier to pursue if existing rules and practice have been better rationalized through lobbying individual governments on the basis of a regional consensus of private interests.

Deflecting State Hostility to Civil Society. Some states in the region are more receptive to civil society input than others. Where a state, such as Kenya, is hostile, the pursuit of objectives in the regional arena rather than the national one may serve several purposes. If initiatives are perceived to be coming from a broader and less politically-motivated regional body, they may reduce the direct hostility of the state against the national organization. Regional civil society organization may empower national civil society actors,

receiving support from the wider their regional professional and social constituency. It may facilitate the development of working alliances and coalitions across sectors as well as across boundaries. For example, the law societies and the journalists associations have the potential to link their efforts to fight sedition laws and lobby for the amendment of press control laws.

SUMMARY: STRATEGY AND OBJECTIVES

To summarize the conclusions of this review of the sectors relevant to democratic governance in Uganda, the team recommends the following as the most promising areas for activity.

1. Monitoring the implementation of the constitution with respect to the transitional provisions, including the right of political organization, for the local council elections and the subsequent referendum on political parties.

USAID's focus over the past few years has been the promotion of a constitutional culture in Uganda, through assistance to the constitution-making and electoral processes. A constitutional culture is not established merely by the promulgation of a constitution. The importance of this goal is not lessened, and the need for such monitoring to be passed from international observers and diplomats to active domestic citizens groups is in fact heightened. USAID has already assisted in establishing this function and supporting networks of such groups, and should build on this.

2. Assisting in the development of a Parliamentary information and research service and in equipping parliamentarians with the analytic tools to use it. A major issue raised by citizens during the constitution-making process was the need to have a strong and effective parliament which could balance the executive, whose excesses in previous regimes have convinced most Ugandans that such controls are essential. A major issue in the discussions the assessment team had with parliamentarians and others was the difficulty in obtaining information on which to base sound input into public decision-making.

Information is critical to timely, accurate and constructive parliamentary input. The US has a comparative advantage in the area of information systems. A parliamentary information center should be pursued in a way that it comprises not just documents and documentation but also research assistance, since many parliamentarians are not experienced seekers-after or users of statistical or economic information. Parallel to the establishment of an information center, USAID should mount a continuous set of topical workshops on subjects on which parliamentarians need basic background information, which will also increase the demand for and utility of the information center. Such topics include the budgetary process, the structure and functioning of the Ugandan economy, the nature of and harmful effects of corruption on investor confidence and the economy generally, the operations and maintenance implications of social service provision.

3. Assisting to improve the quality of and access to justice through completion of the on-going law codification effort and continuation of support to civil society organizations to provide legal aid, paralegal services, and advocacy. Provision of the updated legal codes will allow speedier and more consistent decisions in the formal, western justice system. Assistance to a range of civil society organizations that focus on various elements of the justice system -- ranging from legal aid to the indigent, to advocacy in support of substantial prison reform, to support for reform of the legal curriculum at the University -- will help build the **demand side** of the equation in respect of justice system reform.

Many other donors, including the World Bank, are focusing on the "supply side"; i.e., on provision of technical assistance to update procedures, on provision of equipment for case reporting, on training of judges and magistrates in newer procedures and concepts. These will all be valuable inputs into this complex and expensive sector. They will be provided far more cost-effectively if there is significant internal demand, among lawyers, judges, prosecutors and prison officials, as well as among the mobilized segments of the public, to insist on such reform. Since other donors are pursuing strategies of assistance to the judiciary directly, and since the internal pressures for reform in the judiciary are only moderate, USAID has a clear comparative advantage if it pursues the creation of demand, through civil society pressures.

Over the next year or two USAID should assess progress in the justice sector carefully and explore the potential for other areas of possible investment. ODA has just completed a broad sectoral assessment of the entire justice sector which will provide useful guideposts in considering other or additional US assistance in this vital sector.

4. Assisting in the development of local government capacity in line with the ambitious decentralization Uganda is implementing. USAID should focus on both the district councils and the sub-county level to the extent possible; on the training of the mandated 33% of women who will be elected to the local councils at all levels; and on the creation of demand for accountable local government through local civil society organization and empowerment.

Local government is a new activity for USAID Uganda but not for USAID more broadly. The strong local governments central to our own political system make this an American comparative advantage. Uganda's local governments now control 30% of the nation's recurrent budget, and their accountability is shaky. They control allocation of the major resources available locally for education, primary health care, and road maintenance. USAID's other SOs could be negatively affected if local financial and policy accountability is not established. USAID should provide assistance both in training of officials on policy and financial accountability/management, and through the creation of **demand** for local accountability, exercised by district and sub-district civil society organizations. To the extent possible it should do so in a way that is replicable nationally and not limited just to USAID's geographical program areas.

Strategic Objective

The development of accountability in line with the constitution is a clear and overriding concern of most Ugandans interviewed, who want to see effective checks and balances against excessive executive power. We propose as a Strategic Objective the **implementation of constitutional checks and balances among branches of government, and the promotion of civic pluralism to supply necessary competition and citizen demand for accountability.**

Pluralism is a concept only dimly understood in Uganda. Far from being seen as an essential component of democratic governance, it is frequently seen as provoking unproductive competition, confusion, and destructive political machination. Changing that view and providing assistance in the construction of plural channels of participation and access, which alone can produce accountability, will be a major challenge. It is one that USAID Uganda should shoulder and one that will require close coordination with other bilateral and multilateral donors.

Intermediate Results

Intermediate results expected from this strategy include:

- ◆ **parliamentary effectiveness and independence** will be increased, resulting in better monitoring of the executive and of other branches of government, and in more informed substantive participation in policy formulation
- ◆ **consistency and timeliness of judicial decisions** will be increased through the provision of the consolidated legal code, thereby increasing credibility, efficiency and effectiveness of the judiciary
- ◆ **access to the justice system** will be increased through civil society provision of legal aid, paralegal services, and civic education on the justice system
- ◆ **accountability of local governments for financial resources** will be increased, through both "supply side" training and "demand side" development of civil society watchdog capacity
- ◆ **allocational decisions, planning and policy accountability of local governments** will be increased for services relevant to USAID's sectoral SOs, through both supply side and demand side strategies
- ◆ **civil society organizational and advocacy skills** will be enhanced, which will be manifested in better domestic monitoring of the forthcoming electoral events as well as civil society demand generation for accountability

USAID MANAGEMENT IMPLICATIONS

Management implications for the menu of proposals the assessment team has made should be factored into decisions about program emphases. There are several ways to implement the activities being suggested and the most effective in terms of a cost-effective management strategy is likely to involve some combination of the following: the IQC's awarded by G/DG to implement democracy and governance activities, involving a wide variety of US-based consulting firms and NGOs; local Ugandan consulting firms; combined PVO/local Ugandan NGOs specializing in particular sectors, particularly training.

Overall Management Requirements

The activities proposed have different management requirements.

Continued Support for Law Codification. This activity is presently underway and requires minimal management input, other than effective monitoring of the output via participation in the proceedings of the Steering Committee, chaired by the Minister for Justice/Attorney General. This is not time-consuming but will require attention as decisions begin to be taken about the integration of basic statutes with amendments and statutory instruments. At that point the activity should be monitored closely for consensus among the Ugandan legal community. The construction and briefing of a wider professional advisory group might be a wise management investment at this point.

Support for Parliamentary Effectiveness. While the development of a **parliamentary information center** is likely to involve a substantial commitment of resources and to be phased in over a period of time, it is not likely to pose large management problems. The Library of Congress has an office in Nairobi and a representative in Kampala, both of whom would be interested in assisting. The main management implication would be in the procurement of materials, the search for a suitable documentalist to make the document center accessible, and supervision.

Training for parliamentarians will pose a substantial management task. Considerable local expertise in running short courses, acquiring resource personnel, and management exists locally. This component might even be appropriately managed by an institution such as the Uganda Management Institute. The main and critical management implication for USAID would be the development of a strong and relevant **substantive** curriculum, the balancing of local with external resource persons, ensuring that course coverage was even-handed and cost-effective, and management of evaluation.

Support for Effective Monitoring of Constitutional/Electoral Provisions. USAID Uganda has worked closely with IFES and AAI in the provision of assistance to the full range of activities in the electoral area. An effort to monitor the implementation of constitutional guarantees in the political arena could involve the same partners. The

management task would primarily relate to close liaison between these contractors and the Embassy, and the ongoing analytic evaluation of the information being produced and its significance for the enhancement of democracy in Uganda or otherwise. Providing the latter in an accessible form to those in AID/W and the wider DG community would also be key in making this a cost-effective investment.

Support for Local Government Capacity. Training at the local government level, particularly at sub-county level, would entail a substantial commitment of resources and management time. The Decentralization Secretariat could play a role as the focal point for organizing such training, as it has done so in the past and is currently doing. The use of local contractors for this activity would be appropriate, although there would still be considerable need for monitoring and evaluation of impact. In addition, assistance to improved analytic and policy capacity at district level -- assistance with development of guidelines for the districts in implementing the new land legislation likely to be forthcoming from Parliament, and similar substantive and technical skills -- would require a US-based contractor(s) to be involved along with the substantive activity they implement.

Support for Citizen Participation, Advocacy. This is a cross-cutting theme throughout the assessment. This portion of the strategy presents another significant management resource requirement. A combination of US-based expertise on civil society strengthening and local management expertise might be the best alternative. Managing assistance to several individual civil society organizations would not be feasible for USAID direct hire personnel who have other responsibilities; it would be a full-time job. Mission FSN staff could perform the vital management and monitoring functions for this component if they could be dedicated almost wholly to this activity. Even with substantial outside assistance, USAID should limit its portfolio to five or six such organizations with both national and local activities, and should explicitly build both capacity building and substantive/advocacy components into the assistance package.

In addition, the relevant sector project managers for USAID Uganda will need to be involved in the design of a "management output" plan, i.e. a determination of what benchmarks are going to be monitored to establish the degree to which the DG elements supported through the civil society organizations are having a positive impact on overall development performance. This will be a complex undertaking. USAID Uganda should move slowly and methodically into this domain and begin by designing a management strategy that meets cross-sectoral needs, that does not leave unfilled gaps in monitoring and evaluation, and that is comprehensible to the numerous audiences to whom the DG sector will have to explain it -- USAID/W, the Embassy, other donors, and the Ugandan partners and implementers who will have to make it operational.