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governance

parliament in the political system

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**The Role of the Ugandan Parliament in the Multi-party system -
Final report of the research done in Kampala, Uganda in May/June 2007**

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Preface

The Paris Declaration on Aid Effectiveness promotes a division of labor between donors and partner countries. Thus partner countries need to have functional institutions in order to fulfill these tasks. A functional system of checks and balances requires a strong parliament to control government actions. The balance of power is also a question of governance culture, which can be defined as the dominant way in which confidence, power and information are produced, organized and distributed in a society.

One year after the new multi-party system was created this paper examines the role of the parliament in the political system in Uganda. Accordingly, 18 interviews with parliamentarians, parliamentary staff as well as civil society and donor agency representatives were conducted, and the author would like to thank all those who cooperated. A list of all participants has been included as an appendage to this paper. The research period was May/June 2007. The author especially thanks the AWEPA office in Kampala for hosting and support.

Abbreviations

Art.	Article
APIR	Annual PEAP Implementation Review
AWEPA	Association of European Parliamentarians for Africa
CP	Conservative Party
DFID	Department for International Development
DP	Democratic Party
FDC	Forum for Democratic Change
FOWODE	Forum for Women in Democracy
JEEMA	Justice, economy, education, moral and African unity
MP	Member of Parliament
NGO	Non-governmental organization
NRM	National Resistance Movement
NRMO	National Resistance Movement Organization
PDCO	Planning and Development Coordination Office
PEAP	Poverty Eradication Action Plan
PFAA	Public Finance and Accountability Act
PPOA	Political Parties and Organizations Act
PSIDP	Parliamentary Strategic Investment Plan
UNDP	United Nations Development Program
UPC	Uganda People's Congress
UPPA	Uganda Parliamentary Press Association
USAID	United States Agency for International Development
UWOPA	Uganda Women Parliamentary Association

Executive Summary

In order to address the demands of the Paris Declaration on Aid Effectiveness of a division of labor between donors and partner countries, the latter need a functional system of checks and balances in the political arena. Therefore, a strong and efficient parliament is necessary. In Uganda however, the parliament is not yet strong enough to fulfill its function of an effective control of executive action. The ban on political parties during the 20 years of the Movement system has weakened the parties substantially. Ethnicity and religion are still playing a major role in the formation of parties rather than political ideologies. In order to strengthen political parties in their capabilities new legislation on party finances would be necessary as well as capacity building measures on how to work in a multi-party surrounding.

The politization of religion and ethnicity during the Movement system has also led to the creation of new districts with the result that today's parliament is the largest Uganda has ever had. As a consequence, the parliament suffers from a lack of resources for physical facilities as well as supporting measures for the parliamentarians, such as research. The high turnover rate of parliamentarians increases this problem, too.

The Movement system also favored the "commercialization of politics" with its widespread practice of the buying of voters. However, the multi-party system could bring an improvement on that issue. Especially women parliamentarians would benefit from a reduction of this commercialization of politics, since they usually dispose of less resources than their male colleagues. However, so far the multi-party system has weakened the female MPs rather than empowered them. The fear of acting against the party line and as a consequence facing disciplinary action has weakened MPs, especially those from the ruling NRM. Non-party politics such as, for example, a common women's agenda have become difficult to promote.

Besides all these problems concerning the transformation of the political system, the Multi-party system has empowered the control function of the parliament. With the agreement of all parties, all the accountability committees are chaired by a member of the opposition. Although the cooperation between the opposition parties is not trouble free, it is however classified positively. The role of parliament in the two main decision making processes, the budget cycle and the PEAP process, is quite ambivalent. Whereas the budget cycle offers lot of opportunities for parliament to interfere, the PEAP and its review processes marginalize the legislation.

The reputation of the parliament within the public is rather humble; however survey data show that a strong parliament is seen as an important democratic precondition by a majority of the population. Therefore a strengthening of the legislation should be on the agenda of donors with the support of civil society organizations, not only to address these democratic demands but to capacitate Uganda to fulfill the requests of the Paris Declaration.

1. Introduction

After gaining independence in 1962 Uganda's history was characterized by political instability and social and economic decay. These problems were largely blamed on bad governance and the lack of commitment to democratic practices and constitutional rule by leaders (USAID 2005, 2). The succession of undemocratic and cruel regimes from Obote I (1964-1971) through the Amin period (1971-1979) and the restoration of Obote II (1980-1985) were ended by a civil war between 1981 and 1986. This war brought Yoweri Museveni to power in 1986. One of his first acts was to ban political parties, which he held largely responsible for Uganda's past problems. He created a grassroots democracy (Slezak, Günther 2006, 2) – a 'no-party' system under which every Ugandan became at birth a member of the National Resistance Movement (NRM) – the so called „Movement system“.

Under the Movement political candidates ran for election as individuals, rather than as representatives of political parties, which was intended to prevent future ethnic conflicts and divisions. In fact, the Movement system brought relative stability and economic growth. The 1995 constitution, which was formulated by involving all ethnic groups, endorsed the Movement system as the only viable system of government, but to allow for future changes. With regard to Movement, the constitution provided that a referendum would decide the preferred political system. After the referendum in June 2000, which confirmed the Movement system, calls for multi-party politics from within the country as well as from outside never stopped. As a result of the donor pressure and the internal incoherence in the NRM, the National Executive Committee of the NRM decided in 2003 to re-introduce party competition (USAID 2005: 33). Following the constitution, the next referendum over the political system was held in June 2005, which brought change to the system. The first multi-party elections were held in February 2006.

2. The Parliament in the political system of Uganda

Prior to the referendum of 2005 the government prepared the 'White Paper', a proposal for amendments of the constitution. These amendments included the change of the political system as well as the removal of term limits for the presidential office. The Government distributed five million shillings to each pro-Movement member of parliament (MP) to enable them to consult their constituents on the White Paper. The decision of the government to force open voting in parliament was viewed as a move to intimidate and manipulate the voting process in favor of the third term of the president (USAID 2005, 8).

2.1. The legal framework

Constitution¹

As shown above, although the constitution of 1995 endowed the parliament significantly with power the presidential authority is still dominating. According to the constitution the parliament can pass laws without the assent of the president with the support of at least two-thirds of all MPs (Art. 91). The constitution also regulates the composition of the parliament: one women representative for every district has to be elected, as well as representatives from different groups such as youth, disabled, workers and army. The Vice-president and ministers, who, if not already elected members of parliament, are ex-official members of parliament without the right to vote (Art. 78). Under special circumstances the parliament can remove the president from his office with a core of at least two-third of its members (Art. 107). The parliament may also pass a vote of censure against a minister supported by more than half of all MPs (Art. 118).

The constitution also defines the majority voting system. Uganda is divided into as many constituencies for the purpose of the election of members of parliament as parliament may prescribe; and each constituency is to be represented by one member of parliament (Art. 63). The constitution recognizes the right to form political organizations (Art. 72), and for the multi-party system these political parties must have a national character; the membership may not be based on sex, religion, ethnicity or other sectional division. The internal organization of the political party should conform to the democratic principles enshrined in the constitution. Political parties are required by law to account for the sources of their funds and assets (Art. 71). The amendment of Art. 72 allows any person to

¹ http://www.ugandaonlinelawlibrary.com/files/constitution/constitution_1995.pdf [14.09.07] Amendments: http://www.ugandaonlinelawlibrary.com/files/constitution/Constitutional_Amendment_Act_2005.pdf [14.09.07]

stand for elections independent from any political organization or party. During the Movement system political parties were not allowed to hold delegates' conferences, to open and operating branch offices, to hold public rallies, to campaign or to designate candidates (Art. 270).

The constitution also regulates the oversight function of the parliament. Therefore, it provides for the Office of the Auditor General who has to submit annually a report of the accounts to the parliament (Art. 163). In order to give effect to this mandate, the parliament has created a number of committees, including the Public Accounts Committee and Local Government Accounts Committee. The parliament has to monitor all expenditure of public funds; therefore, the permanent secretary in every ministry/department is accountable to parliament for the use of funds (Art. 164) (Onoria 2005: 8).

Political Parties and Organizations Act 2002 (PPOA) and amendments of 2005

The Political Parties and Organizations Act was made to regulate the activities of political parties while the Movement system was in place and not to regulate parties under a multi-party system. It defines a 'political party' as meaning

'any political organization the objects of which include the sponsoring of, or offering a platform to candidates for election to political office and participation in the governance of Uganda at any level' (Onoria 2005: 6-7).

The PPOA created the provisions for regulating the financing and functioning of political parties and organizations. After the establishment of the multi-party system all existing political parties were obliged to register within the first six months. This registration has to be renewed once a year (Peters 2005, 8). The PPOA allows parties to operate as corporate entities which can own property and engage in business to raise funds for its operations. The act restricts the scope of their fundraising. It prohibits parties from receiving contributions, donations, or loans from non-Ugandan citizens, foreign governments, diplomatic missions, or non-Ugandan NGOs registered in Uganda (Johnston 2005, 135).

Leadership Code Bill 2001

The Leadership Code Bill requires elected officials to disclose their income, assets and liabilities once every two years (Johnston 2005, 135).

Budget Act 2001

In its Budget Act, the Ugandan legislature has given itself significantly greater rights. The

right of parliamentary institutions to review budgets and propose amendments is consolidated. To strengthen timely and competent participation by parliament, the Budget Act makes two key improvements: Firstly, it regulates the budget process in a timely manner and the involvement of parliament in it. Secondly, the act provides the creation of a Parliamentary Budget Office².

Public Finance and Accountability Act (PFAA) 2003³

Public Finance and Accountability Act makes the accounting officer personally accountable to the parliament for the regularity and propriety of the expenditure of money applied by an expenditure vote or any other provision to any ministry, department, fund, agency, local government or other entity funded wholly through the Consolidated Fund, and for all resources received, held or disposed of, by or on account of that ministry, department, fund, agency, local government or other entity.

2.2. Political parties and party system

Uganda has some of Africa's oldest political parties, notably the UPC (Uganda People's Congress), the DP (Democratic Party), and the CP (Conservative Party). These parties were essentially formed on narrow sectarian bases – religion and ethnicity. With the restrictions of political parties activities during the Movement system, these parties were effectively precluded from organizing or recruiting broadly on a national scale, and thus had little opportunity to expand beyond their historical bases of support or to develop democratic internal structures, a factor that continues to undermine their credibility (USAID 2005: 33-34). After the decision to re-introduce the multi-party system a mushrooming of parties started. By the end of July 2006, 33 parties were registered at the Registrar General.⁴ Ethnicity and religion are still playing a major role for the formation of new parties, e.g. the Justice Forum /JEEMA is a Muslim party (Peters 2005: 9-10). Most of the new parties were established because of party-internal power struggles rather than on political ideology. One of those new parties is the Forum for Democratic Change (FDC) – a coalition of former NRM members dissatisfied with what they claim is Museveni's growing “dictatorship” (USAID 2005: 34). FDC was one of those parties forming a coalition to uphold the two-term presidential limit, the so-called G6, comprising the UPC, the DP, the CP, the JEEMA, the Free Movement and the FDC. This coalition mobilized for a

² More on the Budget Process see under chapter 3.2.

³ www.worldbank.org/publicsector/pe/BudgetLaws/UgandaPubFinAccount.doc [13.09.07]

⁴ See at Electoral Commission: www.ec.or.ug/leagal/reg_parties.pdf [18.09.07]

boycott of the referendum, which led to one of the lowest voter turnouts recorded in the country (USAID 2005: 8). But due to the law the G6 was not allowed to nominate a candidate for the presidential election.

At the first multi-party elections in February 2006 six parties obtained at least one seat in the parliament⁵. The *National Resistance Movement Organization (NRMO)*, which is the party of the Movement system under the leadership of Yoweri Museveni, won the parliamentary election (212 from 332 seats). Using the term 'organization' instead of 'party' shows the 'identity problem' which the NRMO has, because the key point of the Movement-ideology is the neglecting of political parties. The only bracket for an ideologically heterogeneous Movement is its leader Yoweri Museveni (Peters 2005, 10).

The biggest opposition group in parliament is formed by the *Independent candidates* with 40 seats. 16 out of these 40 have signed a memorandum of understanding with the governing NRMO, which allows them to participate in the party caucus to debate but not to vote (Hon. Kabakumba Masiko 19.06.2007). The major opposition party in parliament is the *Forum for Democratic Change (FDC)* (39 seats), which is also the only party without any religious, ethnic or regional focus. Most of its members are former Movement people. Their experiences within the Movement helped them to establish in a rather short time a national structure, which is also supported by a network of friends abroad (Peters 2005, 12).

The *Uganda People's Congress (UPC)* (9 seats), the only party which was in a ruling position before (from 1962 to 1971 and from 1979 to 1986) lost its long-term leader, Milton Obote in October 2005. The former UPC-governments have not really shown much democratic quality. The main regional support for UPC is found in the northern part of Uganda, with a mostly conservative protestant population, but with a growing Muslim influence (Peters 2005: 11).

The oldest party in Uganda, the *Democratic Party (DP)* (8 seats) registered as a party rather late in mid July 2005, after internal power struggles. The DP, ideologically a conservative party with very good connections to the Catholic Church, recruits its voters mainly in the catholic central area of Uganda. The party keeps a wide range of international contacts, e.g. to the International Democrat Union, whereas its youth organization, The Young Democrats, is affiliated to the International Union of Socialist Youth, which shows these internal struggles (Peters 2005: 11).

The smallest parties in parliament, the *Conservative Party (CP)* and the *Justice*

⁵ The election result under: www.ipu.org/parline-e/reports/2329.htm [14.11.06]

Forum/JEEMA (Justice, economy, education, moral and African unity), each attaining one seat, show also other similarities: Both of them tried to increase their profile with the environment issue during the last election campaign. The CP was formerly known as a monarchist family party, whereas it seems that JEEMA is trying to lose its Islamist stigma (Peters 2006:8).

None of the party leaders is a member of parliament (MP), because the constitution forbids MPs to run for presidential elections, which makes the work of parliamentary parties very difficult.

2.3. Inside Parliament

With the adoption of the constitution in 1995, which endowed the legislative branch with significant powers, the following Sixth Parliament used this new political space in developing internal structures, procedures and capacity to facilitate executive oversight functions including parliamentary committees in key areas. But in the course of the referendum of 2000 and the following elections in 2001, where for the first time President Museveni was challenged by a second candidate, Colonel Kizza Besigye, the political divisions within the Movement became visible. The executive sought to increasingly control critical institutions that may potentially challenge its power, making parliament the immediate target. The Seventh Parliament degenerated into an ineffective institution and became a rubberstamp of executive decisions (USAID 2005, 32).

The Movement system has led to a politicization of religion and ethnicity, visible in the ongoing creation of new districts⁶. As a result the current Eight Parliament is the biggest since the first National Assembly in April 1962, with 332 Members of Parliament (including 13 ex-officios who are not allowed to vote). In addition to the 215 MPs directly elected by majority voting (one from every constituency) there are 79 women representatives (one from every district), ten MPs from the army and representatives from youth, disabled associations and unions – each of them with five seats. Their nomination is not made by a party but on the old system for personality voting. They should support the group rather than party interests. But looking at the list of MPs on the Parliament website it becomes very clear that all of them have a clear party affiliation. The question of to whom these representatives feel accountable seems not easy to answer:

⁶ By the time of the elections 2006 there were 69 districts, today (September 2007) there are 79 (http://www.parliament.go.ug/index.php?option=com_wrapper&Itemid=37)

'It is a difficult [question] because we are women MPs and each constituency has got its own person [MP], so we cut across. [...] It has created a lot of friction. Maybe [the best is] to identify the women as constituency. [...] We talk freely in our party meeting, but when it comes to the floor of parliament, it's not all that free' (Hon. Masiko, Women Representative 05.06.07)

Another characteristic of the Ugandan Parliament is, as mentioned above, the high number of independent MPs. Even though they represent the biggest opposition group, they have not formed a parliamentary party. Most of them failed in the primary elections within the NRMO; hence, they ran as independent candidates and were elected. As already mentioned, 16 out of the 40 independent MPs have signed a memorandum of understanding with the NRMO, which allows them to participate at the party caucus where they are able to debate but not to vote (Hon. Kabakumba Masiko 19.06.07). From a legal point of view this seems not to be lawful, because a change of party affiliation would cause a loss of the mandate (Peters 2006:7).

Role of Opposition

Following the British system, the opposition formed a shadow cabinet, comprised of a Leader of Oppositions, an Opposition Chief Whip, a Chief Deputy Opposition Whip and currently 21 Shadow Ministers.

A Shadow Minister is endowed with portfolios and functions corresponding to those of the Cabinet Ministers. After a ministerial policy statement is presented, it is discussed within the parliamentary committees where a report is formulated. All members of the committee have to sign the report. Consequently, they are not allowed to discuss it again on the floor of the parliament (Hon. Prof. Ogenga-Latigo 13.06.07). The appropriate Shadow Minister attends the committee meetings, but does not sign the report since he/she will be the one who gives the statement of the opposition on the floor (Hon. Hussein 06.06.07).

Besides the UPC, all other opposition parties are represented in this cabinet, including two independent MPs⁷. The forming of the Shadow Cabinet caused serious disagreements among the opposition parties. Especially within the 'old' parties, DP and UPC, the party delegates disagreed about the participation. Whereas the DP decided to be part of the Shadow Cabinet, the UPC rejected it. Universally, the opposition party with the biggest number of seats takes the lead within the opposition cabinet, UPC as a former government

⁷ By June 2007

party refused to be the 'junior partner' in this cabinet (Hon. Odit 13.06.07). There are views that UPC would be marginalized in parliament if was not part of the Shadow Cabinet; obviously, their MPs would lose opportunities to contribute to debate in the parliament and thus would have less media coverage. But on the other hand, the FDC as the major opposition party, holding 15 Shadow Ministers and all leadership positions, will probably push their views (Kankande 2006).

Despite all these pros and cons most of the MPs from the opposition confirmed that the collaboration within the opposition works well. Only Hon. Kikungwe (DP) claimed that the opposition parties refuse to realize that they have to work together, but even he judges the cooperation within the Shadow Cabinet positively (Hon. Kikungwe 08.06.07). In addition to the Shadow Cabinet, the Opposition Caucus is a second forum for all MPs from the opposition to meet and to debate, including the UPC MPs (Hon. Hussein 06.06.07).

As expected, all opposition MPs interviewed emphasized the oversight function as the most important role of the parliament, whereas the NRM MPs first mentioned the legislative role of parliament.

Oversight function

All parties agreed that all accountability committees have to be chaired by a member of the opposition. These accountability committees are: the Public Accounts Committee, the Local Government Accounts Committee, the Committee on Government Assurance and the Committee on Commissions, Statutory Authorities and State Enterprises. Even though these committees are chaired by the opposition the NRM represents the majority of the committee members. The performance of these accountability committees, especially those of the Public Accounts Committee and the Local Government Accounts Committee is considered as being 'very good and effective' (Cowley 13.06.2007), not just by members of the opposition but also by external observers (Ehmeier 24.05.07).

Committee on Government Assurance was established during the Seventh Parliament to scrutinize the assurances, promises and undertakings given by ministers and other agents of government in parliament. But according to the current chairperson, Honorable Kikungwe, this committee did not perform during the last two Parliaments. Since he took the chair during the current legislative period, the committee has been working on a private member bill 'to put the members of executive in line' (Hon. Kikungwe 08.06.07).

The establishment of the Committee on Local Government Accounts was postulated in the Local Governments Act with the purpose to examine the audited accounts in relation to the

report laid before parliament by the minister showing the appropriation of the sums granted by Parliament to Local Governments:

'We examine the Auditors General's report and analyze to ensure that the expenditure of public funds conforms to the financial standard of this country. [...] We are also monitoring whether procurement has conformed to the law and we are moving very fast to value it. We assess performance auditors, so we carry out performance audit, but because we saw the backlog ranging from 1998 and we start with 2000, 2001. We have been basically focusing on analyzing, reserving Auditor General report in relation to how the account officer of the district have utilized the money. So we have been doing what we call Financial Examination of Auditor Generals Report.' (Hon. Ekanya 12.06.07)

In order to cope with this backlog the committee has hired consultants with the support of development partners.

In addition to the accountability committees, the parliament acts in liaison with the offices of the Auditor General, the Inspectorate of Government, the Directorate of Ethics and Integrity to investigate misuse and abuse of authority and public office (Onoria 2005: 16).

Legislative Role

In the Ugandan political system bills can be introduced by the government, by committees and by private members. Regarding this first session of the Eighth Parliament (till June 2007) 13 Government Bills have been passed, twelve are pending, but there has been no Private Members' Bill introduced in the House so far (Semakula 13.06.07). Bills passed by parliament can become law with the president's approval, or despite his opposition with a two-thirds vote.

Cooperation between NRMO and Opposition

The cooperation between the ruling NRMO and the Opposition is seen ambivalently. There were attempts to establish a caucus of the whole House (parliament) to create a forum for free discussion with all MPs. However according to the Leader of the Opposition, Prof. Ogenga Latigo, the President *'doesn't like it at all'* and therefore tries to weaken it. Hence, it is not surprising that the Government Chief Whip opines that *'there hasn't been a very very close collaboration, what I know, one or two instances, when we have met in parliament.'* (Hon. Kabkumba 19.06.07)

One demand from the opposition to the government and the Electoral Commission is the

implementation of the Inter-Party Forum as provided by the law, but not yet fully operationalized (Hon. Prof. Ogenga-Latigo 01.08.07). This forum should open a platform for political parties inside and outside the parliament to cooperate.

Resources

'The greatest weakness [of the parliament] is the number of parliamentarians or parliament size compared to the size of the population of the country and compared to the resources that are available.' (Hon. Hussein 06.06.07)

Nearly all MPs interviewed emphasized the problem of lack of resources for physical facilitation such as computers, offices, and internet. Since there are not enough offices for every MP some have to share rooms with up to six persons. Some brought their own computers, others have to share around ten computers with internet connection in the parliamentary library (Hon. Prof. Ogenga-Latigo 13.06.07). The equipment for chairs or vice-chairs of committees seems to be a little bit better.

To support the MPs with background information the Parliament Service offers a Parliamentary Budget Office⁸ and a research department. All MPs interviewed complained about the insufficient number of researchers in the research department. Additionally, the Director of the Planning and Development Coordination Office observed that there is a mistrust from the opposition side vis-à-vis this department. They feel intimidated by the staff. Therefore, the opposition asked for its own researchers. This demand is addressed in the Parliamentary Strategic Investment and Development Plan 2007-2012⁹ (Okumu 30.05.07).

These seems to be important because none of the parties has either its own researchers nor cooperate with universities or research institutes outside the parliament. However, Hon. Kikungwe from the DP mentioned that his party has recently hired one person to carry out research for them (Hon. Kikungwe 08.06.07), whereas all the other MPs indicated that their lack of financial resources impedes them from looking for external help.

Party financing

The lack of financial resources is a common problem of all political parties in Uganda. The absence of parties in the political arena in the last decades has reduced the readiness of the people to support the parties financially. The 2006 elections have led to an indebtedness of all parties. Even though the NRMO has not clearly drawn the boundaries

⁸ See more on the Parliamentary Budget Office under Chapter 3.2.

⁹ See more on the Parliamentary Strategic Investment and Development Plan under chapter 4.

between government and party business, the party has accumulated the highest debts. Additionally, as ruling party NRMO obviously receives most of the donations. The FDC funds its business with a money - mostly with membership-fees as well as with donations from Ugandan from abroad, whereas UPC tried to earn money through the Milton Obote Foundation. Recent disputes between the foundation and the party has led to a shortage of money. The wealthiest supporter for the DP is the Catholic Church (Peters 2006: 8-9). Oppositions parties recognize the importance of providing accountability and transparency in the realm of party financing, and have created structures and policies in absence of legislation requiring them to do so (Johnston 2005:135, see also interviews). This legislation for transparency of party funds and for public party finance is necessary.

Ethical standards

The commercialization of elections has meant that candidates often have to bribe voters in the form of food, drink and hard cash. Although it is against the law, candidates give some gifts and cash to potential voters to help them change their mind in their favor. This results in a situation where parliamentarians are using office as a means of enriching themselves, leaving the country with a large number of politicians who are not focused on improving the country (Johnston 2005: 135). The problem of 'commercialization of politics' was also mentioned by a number of MPs interviewed (Hon. Kikungwe 08.06.2007).

The multi-party system can bring an improvement on this issue as the candidates are not elected on their individual merit any more but as representatives of a political party. However, neither the MPs nor the public are yet aware of this fact. All political parties are supposed to hold party primaries to select their candidates before nominations date. As the only parties to have held power, NRMO and UPC appeared to have roots in regional terms to warrant primary elections. Other parties had to either mobilize the undecided or new entrants into multi-party politics or the rejects from the central stage parties (Ahikire et al 2006:19).

Women in the Eighth Parliament

The 1995 Constitution was heralded as the most gender sensitive in the world (Edgell 2007: 4). The constitution, through affirmative action, allows for women to hold 1/3 of the seats in Local Councils and one seat per district in the National Parliament. President Museveni justified this affirmative action with women's support during the guerrilla war 1981-86. However, scholars argue that this top-down empowerment has spiraled

Uganda's women and the NRM into a relationship based on patronage (Edgell 2007: 16). According to both Tamale and Goetz, the majority of female MPs feel indebted to the NRM for this 'gift' of participation (Tamale and Goetz quoted in Edgell 2007: 17). Women see their position in politics as a favor rather than the right that it is. In these past years this 'voter bank' has brought significant benefits to the party. The loyalty of female MPs due to patronage became very obvious in 2005 when a group of women called „Yellow Girls“ (so named for the NRM color) began advocating for party policy to promote the multi-party system and the amendment to suspend presidential term limits (Edgell 2007: 18).

Women representation in the parliament has grown over the years – also as a fact of NRM politics to create additional district-wide seats for female MPs¹⁰, rather than extending an existing country seat within each district to women.

'This is the case in Uganda, where new seats for women have been added onto local councils to avoid the situation where women might unseat male councilors'
(Goetz 2003: 7)

According to Josephine Ahikire this 'add-on' nature of female representatives hinders empowerment (Ahikire quoted in Goetz 2003: 221).

The affirmative action was adopted by some of the political parties in their constitution: FDC provides for 40 percent women in the structures; CP's objective is to have at least 35 percent women in the executive structure, whereas NRM sees the affirmative action and equal opportunities as a General Principle (Ahikire et al 2006: 17-18).

This fact has also led to the result that Uganda has currently 30.12 percent women MPs (Austria: 31.69).

According to press reports on the elections 2006, it was believed that if women voted as a bloc, they would be the major determinant in NRM victory (The Daily Monitor, Feb.1, 2006 quoted in Ahikire et al 2006: 13). Women were seen to be concentrated in the NRM, both at the level of voters as well as the level of aspiring candidates. The 2006 elections did not seem to offer a significant break with the problem of patronage. The widespread view was that the majority of women did not actively engage in party politics and in a way preferred retention of the Movement system, as the no party system was shown to provide the best electoral support mechanism for women. This was also a consequence of a lack of information especially among the rural population, notably women. But as survey data from Ahikire et al show a majority of 57 percent of the respondents believed that women's

¹⁰ NRM also decided to add an additional 1/3 seats to Local Councils for women.

electoral fortunes were greater under multi-party system (Ahikire et al 2006: 15).

All political parties were supposed to hold party primaries to select their candidates. Parties other than the NRMO particularly expressed the inability to 'attract' women to their ranks (Ahikire et al 2006: 19). However, NRMO too, did not sufficiently field women candidates. Out of the total of 808 contestants for open parliamentary seats only 33 (4 percent) were women (Ahikire et al 2006: 23).

Major political actors were clearly not interested in going beyond the add-on seats for women. Hence, some of the most powerful women are not found anymore in the Eighth Parliament. Another reason for the absence of those women (like Cecilia Ogwal or Miria Matembe) was the gate keeper function of parties. *'There was an organized warfare to defeat them.'* (Mulyampiti 04.06.2007). Especially independent candidates reported that the primaries were unfair, that supporters were beaten and some imprisoned by the incumbent (Ahikire et al 2006: 27).

In addition to the most common constraints for women to run for elections like overload of work and less acceptance in the socio-cultural setting for women to take leading positions women suffer more than men from the lack of resources, which seems to be particularly serious in a surrounding where 'vote buying' is very common – like in Uganda. This 'commercialization' of politics was a problem frequently mentioned by the interview partners, both women and men. However, multi-party competition improved the situation, when candidates from the same party campaigned together. Joint campaign rallies reduce the individual cost from which women benefit (Ahikire 2006: 24).

After the first year of multi-party competition in Uganda it is common view of the interviewed persons that the new system weakened the female MPs. In fact, 68 percent of female MPs were elected on the NRMO ticket.

'Unfortunate but I must say the movement system [was better for the women], people were more open and more free than now' (Hon. Masiko 05.06.07)

Especially the NRMO MPs interviewed deplored the control of their party. They feel very insecure in what they are able to say fearing that it might be not in party line. There have already been cases where disciplinary action was taken against party 'rebels' (Hon. Kabakumba Labwoni 19.06.07).

One common forum for women MPs is the Uganda Women Parliamentary Association (UWOPA). Established during the Fifth Parliament (1989-1994) UWOPA serves as a common forum for female MPs to discuss and lobby for women and gender issues in the parliament and in the government (Hon. Masiko 05.06.07). In the past UWOPA had a very

close cooperation with the women's movement.

'In the past, the UWOPA was more or less the civil society for women activists group. Nothing was done in the women's movement without UWOPA.' (Mulyampiti 04.06.07)

But with the defeat of the politically strong women MPs mentioned above, UWOPA lost its potential. The new chairperson, Hon. Winifred Masiko, is the former spokesperson of the president and was part of his campaign team. This clear affiliation to the president does not really qualify her as a leader for non-party association, even though she might be a good mobilizer (Mulyampiti 04.06.07). UWOPA is still holding their round tables with civil society organizations but so far there have not been great successes. One of the issues on the women's agenda is the Domestic Relations Bill, which has been under discussion since the 1960s. The current draft would be very ambitious, but under these circumstances it does not seem realistic to bring it through the parliament, especially because the president is against it (Mulyampiti 04.06.07).

To sum up, the multi-party system could be, in theory, an empowerment for women in opening the political space, but in reality it led to a weakening of female MPs.

2.4. Parliament and the public

The political system in Uganda is a presidential one. The president is also head of government and thus the dominant figure in the political life in Uganda. As a consequence, during the election year 2006 the presidential election was in the focus of the media. Political parties did not really play an important role, even though it was the first multi-party election for decades. The election campaign was mainly fought between Yoweri Museveni and his opponent from the FDC candidate Besigye. The other three presidential candidates did not play a significant role during the elections. As presidential candidates are not allowed to run for parliamentary elections, the main debates were held and are still held outside the parliament, with rather marginal participation of the parties (Peters 2006: 7).

Hence it is not surprising that the reputation of the parliament in Uganda is rather bad (Cowley 13.6.07).

"So when they [the parliamentarians] reach parliament, their first issue is to get – to raise their money. In the first six months, they have to first discuss their remuneration, salaries, their pays, their allowances, the next thing will be cars, that

one will consume the first year of their work.” (Lukwago 14.06.07)

One main topic concerning the parliament being discussed in the public was the demand of the MPs for bigger cars. The MPs even threatened that they would not approve government loans if their demands for cars were not met (Rugyendo: 2007: 8). The request for more money and better cars is not new for the parliament – this was already a question within the Sixth and Seventh Parliament.

However, according to the survey of the Afrobarometer from 2005 an overwhelming majority are in favor of a strong parliament: 47 percent agreed very strongly to the statement that “the members of parliament represent the people; therefore they should make laws for this country, even if the president does not agree” (Afrobarometer 2005:19).

The unwillingness of several MPs to speak with the media seems to be another factor for critics from the public, especially the media. As the vice chairperson of the UPPA¹¹, Apollo Mubiru, puts it:

“We now know of MPs mostly those who subscribe to NRM who will never give a Journalist a comment even on issues that are directly affecting their electorate. Such MPs are tight lipped to give comments and some of them do not feel shy to refer a reporter to ministers. To make matter worse MPs in this caliber again complain that they are not given publicity.” (Mubiru 2007)

Complaining about the self-censure of several MPs in the debates on the floor, Mubiru announces that UPPA plans to start assessing the performance of parliamentary committees and individual MPs in a quarterly report.

Peter Mwesige from the Mass Communication Department at Makerere University describes the relationship between parliament and the media as “*one of a love-hate nature*”. While many MPs complain of being misquoted and misrepresented by journalists and accusing some of them of asking money in exchange for favorable coverage, journalists on the other hand accuse MPs of putting self and party above country and in some cases incompetence (Mwesige 2007). The capability of both MPs and journalists need to be improved in most cases.

It seems not to be surprising that a survey conducted by Actionaid International and Care International comes to the conclusion that neither NGOs, government nor donor representatives seem to rate the role or the performance of parliamentarians as particularly important to the existing architecture of domestic accountability. Due to this

¹¹ UPPA: Uganda Parliamentary Press Association

survey especially NGOs have a very skeptical view of parliament (Collinson 2006:23).

3. The Role of the Parliament in the political decision making process

This survey will focus on the two most important decision making processes in the political agenda: the budget cycle and the Poverty Eradication Action Plan (PEAP).

3.1. Budget cycle

As already mentioned above, the Budget Act 2001 has provided significant rights to the parliament during the budget cycle. Every year the first budget consultative conference for members of parliament, line ministries, local government officials, private sector and civil society members, donors and the media is held in October. The National Budget Framework Papers and the draft Medium Term Expenditure Framework is presented to parliament for scrutiny (Renzio de et al 2006: 8). This is where the parliament is able to influence the budgetary allocation by reallocating priorities. The recommendations of parliament have to be within the ceilings of each sector, so the influence of the parliament is limited. However during the preparation of the Budget 2005/06 the recommendations of the parliament were taken into account in the votes of the education sector.

A further improvement by the Budget Act was the establishment of the Parliamentary Budget Office, which today employs around 20 budget experts to support the MPs in their role in the budget cycle (Hannington 04.06.07). The Budget Office gives technical guidance to MPs and to the makers of the national budget. Their experts participate in the committees of parliament, prepare reports and hold workshops for MPs. The performance of the budget office is positively described by MPs as well as by external experts (e.g. Uganda Debt Network).

The Public Finance and Accountability Act (PFAA) stipulates that every supplementary estimate is to be laid before parliament, which has to approve it. A parliamentary approval is also necessary for the raising of loans by the Ministry of Finance. The parliament uses this veto on a regular basis.

In a report released by the International Budget Project in 2004, which was based on a survey conducted in 36 countries, Uganda scored above the cross-country averages in all the parameters used, yet its scores were not consistent across the parameters or even across sub-categories within each parameter. It scored somewhat higher in the “encouraging public and legislative involvement” category; however, the legislature plays

only a modest role in the budget formulation process; its public hearings on the budget are limited; and its powers to amend the budget are restricted (Renzi de et al 2006:9).

According to some of the persons interviewed, the multi-party system has weakened the parliament in its role in the budget cycle as a consequence of the overwhelming majority the NRMO has and the fact that the chairperson of the budget committee, although an independent MP, has signed the memorandum of understanding with the ruling party (Hon. Ekanya 12.06.07).

3.2. The Poverty Eradication Action Plan (PEAP)

On the initiative of the Ugandan Government, the Poverty Eradication Action Plan was implemented in 1997 and has been reviewed twice since then. The PEAP and its review process is considered to be a role model for PRSPs by donor agencies especially because of its involvement of civil society. However, the role of parliament within this process is rather marginal. So far there has been no official debate about the PEAP and its review in the House (Eberlei 2005: 1). The parliament does not approve of the PEAP nor the Annual PEAP Implementation Review (APIR). However, some MPs participate in APIR-workshops.

This marginal role of parliament within the PEAP process was also confirmed by all the MPs interviewed. Even the Leader of Opposition complained of never being invited to the review process (Hon. Prof. Ogenga-Latingo 13.06.2007). The enthusiasm of some MPs to participate more in this process seems rather low, on the one hand because their ability to change anything is very restricted and on the other hand because of the lack of time and knowledge on the issue of poverty eradication. This might be also a result of the high rate of turnover of members of parliament – *“more than half of the parliament is new”* (Hon. Kabakumba Labwoni 19.06.2007) and as a consequence of this there are a lot of inexperienced young MPs (Hon. Hussein 06.06.2007, Hon. Prof. Ogenga-Latingo 13.06.2007).

Another reason for the weakness of parliament might be the lack of discipline that a great range of MPs show. *“A majority of MPs don’t turn up [in the debates on the Floor]”* (Lukwago 14.06.2007). In many cases votes are not possible within committees because of the missing minimum of a third of all committee members. A reason for this lack of discipline might be the fact that MPs spend a lot of money to come into Parliament. *“So when reach parliament, their first issue is to raise their money.”* (Lukwago 14.06.2007)

4. Political actors, who might influence the role of the Parliament

An important step in the process of strengthening the parliament was the adoption of the Administration of Parliament Act in 1997. The act established the fiscal autonomy of the Ugandan Parliament, separated its staff from the civil service, and created a Parliamentary Commission with overall responsibility for its development as a legislative institution (Nakamura, Johnson 2003). Pursuant to that act, parliament successfully created a parliamentary service for its staff, and implemented the Planning and Development Coordination Office (PDCO). This office with a staff of six is in charge of the strategic planning for parliament. It organizes capacity building measures for MPs and is responsible for institutional capacity building. A Planning Committee, comprising the board management (all heads of departments) and the chairpersons of all parliamentary committees, together with the PDCO prepare a draft of the five-year Parliamentary Strategic Investment Plan (PSIDP), which is discussed with the Parliamentary Donor Group led by UNDP. After their agreement, the plan has to be approved by the Parliamentary Commission. Mobilizing the resources for these tasks, the office coordinates all donor funds of the parliament. Currently funds are coming from nine donors; each of them targets a certain particular field. The main donors are: AWEPA, DFID, European Union, USAID, the Dutch government and Ireland (Okumu 30.5.2007). There are three possible ways for funds coming in:

1. The Basket Fund: a few donors (e.g. DFID, Ireland, Norway) agreed to put their money in one basket, which the PDCO Office can use for capacity building measures.
2. Institutions like AWEPA or USAID provide money directly for certain activities on which they first agree.
3. The third way of funding is by external loan projects (e.g. DFID). These donors give money on a quarterly basis for activities agreed. After the accountability is accepted the next money is provided.

For the Eighth Parliament the revised PSIDP was approved by June 2007. So during the first year of the current parliament there had been no capacity building activities for preparing the MPs for the multi-party environment. This PSIDP remains committed to the DADI principles of **D**emocracy, **A**ccountability, **D**evelopment and **I**nstitutional Relations and focuses on the following strategic objective outcomes:

1. *Enhanced knowledge and expertise of MPs and staff to operate effectively in a Multi-party Parliament.*

2. *Improved parliamentary legislative, administrative and infrastructural support services to enable members to legislate and perform oversight function more effectively resulting in better utilization of public sector resources*
3. *Strengthened parliamentary representative capacity through external linkages and partnerships with various stakeholders to foster sustainable development*
4. *Increased parliamentary engagement in nation building, peace making, conflict management and resolution, and in deepening democratic governance (Parliamentary Strategic Investment and Development Plan 2007-2012: 2)*

The first strategic objective includes creating opportunities for improving the inter-party dialogues and debates, as well as supporting the Accountability Committees. For an improvement of the parliamentary work, the PSIDP comprehends support to the different parliamentary department mainly through additional staff, better equipment and trainings. Reacting to complaints from the opposition about intimidation by the parliamentary researchers, the staff need to be exposed to non-partisan research departments with long experiences in multi-party politics (Okumu 30.05.2007). The new PSIDP envisages the development of a civil society database in order to have access to the expertise of civil society organizations. There are already existing contacts to certain civil society organizations such as Forum for Women in Democracy (FOWODE) which trained the staff of the Parliamentary Budget Office as well as some MPs on the topic of gender budgeting, an issue that is strongly demanded by the Budget Office as well as by UWOPA (Hannington 04.06.2007; Hon. Masiko 05.06.2007). There is also close cooperation between the parliament and the Uganda Debt Network, as Hon. Ekanya is also a Board Member of the organization. However, collaboration between NGOs and parliament tends to happen when NGOs take the initiative, not the other way around (Collinson 2006: 24).

List of interviewed persons

Members of Parliament::

Hon. Geoffrey Ekanya, FDC, Chairperson of the Local Government Public Account Committee, Board Member of Uganda Debt Network

Hon. Issa Kikungwe, DP, Chairperson of the Committee on Government Assurances

Hon. Hussein Kyanjo, JEEMA, Shadow Minister for internal Affairs

Hon. Nathan Nandala Mafabi, FDC, Chairperson of the Public Accounts Committee, Shadow Minister for Finance, Planning and Economic Development

Hon. Princess Kabakumba Labwoni Masiko, NRM, Minister and Chief Whip of Government

Hon. Winifred K. Masiko, NRM, Chairperson of the Uganda Women Parliamentary Association (UWOPA)

Hon. Nansubuga Sarah Nyombi, NRM

Hon. John Odit, UPC, Chairperson of the Committee on Commission, Statutory Authorities and State Enterprises

Hon. Prof. Morris W. Ogenga-Latigo, FDC, Leader of the Opposition

Hon. William Okecho, Independent, Chairperson of the Budget Committee

Parliamentary staff::

Dison B. Okumu, Director Planning and Development Coordination Office

Ashaba Hannington, Senior Economist Parliamentary Budget Office

Civil Society actors:

Julius Mukunda Mughisha, Forum for Women in Democracy (FOWODE), Programme Director Gender Budget Programme

Daniel Lukwago, Uganda Debt Network, Senior Policy Officer

Dr. Tabitha Mulyampiti, Department of Women and Gender Studies Makerere University

Donor organizations:

Franz Breitwieser, ADA Co-operation office Kampala

Walter Ehmeir, ADA Co-operation office Kampala

Susan Cowley, USAID Deputy Team Leader for Democracy and Governance Programs

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