THE IMPACT OF INDEPENDENT MEMBERS OF PARLIAMENT IN MULTI-PARTY DEMOCRACIES: THE CASE OF UGANDA

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INTRODUCTION

The prominence of political parties as the most appropriate organs for the aggregation of people's interests and the proper channel for attainment of parliamentary seats may diminish if the trend and interest in non-party candidature continues to grow in developing countries. The phenomenal rise of independent candidates is attributed to the decline in partisanship (Berglund, Holmberg, & Schmitt 2005), the rise of anti-party sentiments (Belanger 2004), internal party democracy flaws, dissatsfaction, personal and selfish reasons, and factionalism. In Uganda, it is widely believed it is as a result of resentment of parties arising from disputes in party primaries. It has continually been evidenced by the number of Independent Members of Parliament (IMPs) who make it to parliament that the independent candidates have been doing well in elections and performing actively in parliament. The number of IMPs in Uganda's parliament has steadily been rising, from 38 in the Eighth Parliament, to 43 in the Ninth Parliament and now, to 69 in the Tenth Parliament (Parliament of Uganda 2019). The 69 IMPs in the Ugandan parliament are greater in number than the official opposition, which stands at 38.

The aim of this paper is to give a perspective on the incidence of IMPs; their relevance and challenges in Uganda. After the introduction, the paper gives the background, followed by the methodology. The fourth section provides a conceptualisation of the incidence of IMPs; explaining why independents run for office. The fifth section deals with the relevance and power of IMPs, globally and in Uganda. Section six looks into the challenges of IMPs. Finally, the last section contains critical reflections for the future of the phenomenon of IMPs.

The method used to compile this paper is qualitative data collection and analysis. It include a review of a number of relevant official documents, available literature, content from various websites, and parliamentary records. Using purposive sampling, a total of forty (40) interviews were conducted. The participants in the interviews included thirty (30) Members of Parliament (MPs), two parliamentary workers and three media practitioners reporting on parliament, two researchers, and three opinion leaders who observe parliament. Valuable information was obtained through these interviews and discussions, which in essence supports and verifies the information obtained through a study of written and electronic sources.

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BACKGROUND

The available literature on this phenomenon indicates that independent candidates tend to perform better in new democracies than old democracies, and in the first democratic elections compared to subsequent ones (Ashenafi 2015, Bhattacharya 2010 and Bolarinwa 2015). It has also been discussed that regardless of the age of the electoral system, independent candidates perform better in contexts marked by party system instability, low levels of partisan attachment and high electoral volatility (Ehin et al. 2013), factionalism and populism. Further still, independent candidates (Independents) benefit from anti-party sentiments among the electorate.

From a historical and global standpoint, Independents have much in common with the members of the loose party groupings which characterised Australian politics from the granting of self-government in the 1850s until about 1910 (Queensland Parliament 2015). Such party groupings, or factions, were linked by shared values, commitment to similar policies, admiration of a particular leader, and the hope of holding office. They formed fluid coalitions in parliament, the largest of which would support the government of the day and for that reason were often referred to as 'ministerialists' (Sharman 2002). In Great Britain for example, with its level of development and political maturity, there are only four IMPs in a 650-member House of Commons, while the United States Congress has two elected independent senators. The United Kingdom House of Commons has five IMPs. In Kenya, the concept of independent legislators came with the 2010 Constitution that envisaged a new era where people would not be held captive by parties. From the 290 elected MPs in 2013, four of them are Independents (Menya 2016). It is plausible that some IMPs start their life in reaction to the pressures of being a member of a parliamentary party. In other instances, IMPs have had a disagreement with their party and decide to leave the caucus, sit as IMPs and vote in Parliament as they, rather than the party, choose.

In Uganda, the feeling of being let down by the major parties appears as a continuing theme in the increase of IMPs. According to available documents and workers within the ruling National Resistance Movement (NRM) party electoral commission, in 2006, the majority of NRM independent candidates were protesting the Electoral College system and all the attendant irregularities associated with it. That was one of the possible reasons why adult suffrage primaries were introduced in 2010. The occurrence of IMPs in Uganda is premised on an *expressis verbis* provision, in Article 72(4) of the 1995 Constitution; stating that any person is free to stand for an election, independently of a political organisation or political party (Uganda 1995). Therefore, Uganda's transition from the movement system to multiparty democracy in 2005 saw many disgruntled members, especially from the ruling NRM party, running for the parliamentary seats as independent candidates in the 2006 elections. The 'movement system' was introduced in Uganda in 1986 and terminated in 2005 in preference of multiparty democracy. Under the movement system, candidates for political office (e.g. councilors, MPs, district leaders, mayors, president) stand as individuals to

be elected on personal merit, and not as members of a political party. In order to provide for Independent candidates, political parties have worked with the Electoral Commission and came up with the Regulation of Independent Candidates Bill 2019 (Kaaya 2019). At the centre of the proposed law is a provision that a person is only eligible to stand as an independent candidate for election if they are not a member of a registered political party. Otherwise, they can only qualify for election if they have ceased political party membership for at least eight months before the date of the election. When the bill goes through, it will prevent politicians from becoming Independents after losing party primaries, whereby in some cases they even defeat party flag bearers. The proposal is intended to give political parties more control of the selection of parliamentary election candidates. In the next section, I conceptualise the term of Independent Member of Parliament.

INDEPENDENT MEMBER OF PARLIAMENT – CONCEPTUALISING THE TERM

What is an IMP?

IMPs have had several labels. They have been referred to as unaffiliated candidates, party dissidents, political oddities, remnants of former parties, and one-person crusades. Thus the notion of an IMP to some suggests self-governing, self-regulating, freedom, and open-mindedness.

Accordingly, descriptions have also been formulated. For example Sharman (2002) sees an IMP as someone who refuses to run with a party label and seeks the support of voters because of the candidate's personal political values rather than those of a party. The term "independent candidate" is used to denote electoral candidates whose nomination is not subject to appointment or endorsement by a political party. Thus, independence is often not a principled position but a temporary status resulting from circumstantial choices made by individuals competing for political office (Ehin et al. 2013). Finally, independence does not imply a particular ideological position, worldview or political style (Brancati 2008). The category of independent candidates includes politicians of all hues within the ideological spectrum, representing diverse views.

In the Ugandan context therefore, we could define an IMP as one whose candidature is not sponsored by a political party. It is common to have party members run as Independents; in effect, without ceasing their party membership. There are some who simply reject parties because they see themselves as belonging to none, and others who become independent after having been voted out in party primaries, especially when they attribute the failure to win primaries to a cheated endeavour.

In a number of countries, it is not allowed for a substantive MP to retain his or her seat in the event of leaving a party. These countries include: Guyana, India, Ghana, Cape Verde, Kenya, Malawi, Nigeria, Zimbabwe, Cameroon, Namibia, Seychelles, Sierra Leone, Zambia, Bhutan, Cambodia, Kazakhstan, Kyrgyzstan and Thailand (Weeks 2009;

Ehin 2013). In Uganda, an MP automatically loses the seat in such a scenario and a by-election is arranged. The individual who may have left their party is, however, allowed to contest the by-election as an independent. The Ugandan Constitutional Court, on 1 February 2011, issued a ruling that an MP who won a seat in Parliament as an independent could not continue to hold his/her seat after joining a party midstream. The court further ruled that it was unconstitutional for an IMP to be nominated as a flag bearer of a party while still and MP.

Why do Independents run for the office of MP in Uganda and why do they succeed?

According to some MPs who came to parliament for the second time or more as IMPs, the overt reason for being an IMP is because it is their constitutional right. Article 72(4) of the Uganda constitution (Uganda 1995) states that any person is free to stand for election, independently of a political organisation or political party. Therefore, they find it opportune to exercise their democratic right.

Second, Independents run for office because they have some values or ideology that they represent, which they think no existent political party in Uganda embraces. For instance, one of the IMPs indicated that he is so passionate about climate change and environmental issues that the current political parties just give lip service to. So, for him the reason for going to Parliament is because no political party represents his views and the same time, he has no capacity to register a political party. Therefore, the best option to have him legislate on environmental issues is by going to Parliament as an Independent (Interviews 2019).

The third element that came up during the study, was that Independents run for the office of MP in Uganda because they want to represent a particular category of Ugandans based on their constituency – representatives for example of women, workers or the youth, as the case may be, but not specific party affiliation. The idea here is that such representation for a specific interest group is of greater political value than party politics.

The fourth reason is rooted in the notion of individual merit whereby a candidate for parliamentary elections believes that his or her popularity is more than that of the political party and therefore prefers to run as an individual rather than as a political party flag bearer. This is because when one runs as an individual, they may be able to get voters from across party lines as well as from those who do not identify with other parties.

The fifth reason is financial. It has been argued by participants that one needs about 200 to 300 million Uganda Shillings (roughly between USD $54 000 and $82,000 in 2019 value) to run for primaries and double the amount when one becomes a flag bearer. In a study by the Alliance for Finance Monitoring, a local NGO in Uganda, the cost is lower, but still high. Their findings indicated that the mean expenditure for NRM

MPs interviewed is 233 million Shillings, 187 million Shillings for opposition MPs and 189 million Shillings for IMPs (Independent Magazine 2019). Therefore as a cost saving strategy, some of the candidates prefer to run as Independents so that they do not have to spend on the primaries, after all the monetary contribution from the party after winning the primaries may not cover all the electoral costs.

The other reason advanced is personal career ambitions. Parliamentary candidates have different ambitions regarding their future political careers. Some are just kicking off their political careers, while others are using it as a springboard to hold higher office and yet, to others, it is the peak of their political career and after they have served a term, they wish to leave politics altogether. Whatever the reason, it was observed that career ambition takes precedence and they will follow the independent path to satisfy the constituency as well as their personal ambition.

IMPs normally have leverage and advantage over party MPs. This leverage is manifested in the fact that Independents are the ones who determine which committee they want to join. They are independent of each other and thus cannot be dealt with as a group, though their chief whip is the Speaker of Parliament. IMPs will always speak their mind, as opposed to party MPs, who are at times constrained by the party position, even when they have a contrary view. As such, they may be assumed to effectively represent their people. One of the IMPs interviewed as part of this study stated, "I am not gagged by the party. I can get it out and say what I want without reservations" (Interviews 2019). Since IMPs do not have ties to a party, they are likely to be more flexible in the way they act for the benefit of their constituency. IMPs also sometimes find themselves in a better position for negotiations. The different political parties will court IMPs when there is a contentious issue. Occasionally, and allegedly, this may be accompanied by incentives for personal benefit; something decried by some voters as corruption. Overall, there is a possibility that IMPs are able to represent their constituency beyond the boundaries of the party and are unpredictable.

Observations as part of the study indicated that not being a party member in Uganda is favourable because one may spend less than a party member during elections. As argued by one former MP, some parties, such as the NRM, require an MP to pay an application fee of two million Uganda shillings to be considered a candidate for party primaries. Then you have to spend on voters to be elected a flag bearer. It has also become costly because it is rather difficult to determine the voting day for the primaries. For instance, in the 2016 parliamentary elections, the NRM extended party primaries severally (Kakaire 2015). This, in turn, may lead to increased campaign expenditure.

There are also claims that IMPs can give people a credible alternative to the parties. One can even advance an argument that a wider choice of candidates for the seat of MP presents opportunities to fight voter apathy. Political parties have been criticised for focussing their activities on office-seeking and holding. The vote for IMPs has

elements of a protest vote. Those who vote for independent candidates tend to be more critical of the government and less satisfied with the way democracy works in their country than party-voters (Ehin et al. 2013). The gradual disconnection of the citizen from political parties and party failures acts as a spur to IMPs (Copus et al. 2009).

THE RELEVANCE AND POWER OF INDEPENDENT MEMBERS OF PARLIAMENT IN PARLIAMENT

Although IMPs have the same rights and obligations as Party MPs, they do not enjoy all the privileges of their counterparts. These include chairing committees of parliament and having a designated sitting position on parliament. They are sometimes in a position to hold the balance of power when a critical vote is taken in parliament; especially at a time of a hung Parliament (which in a parliamentary system implies a situation where no single political party, or bloc of allied parties, has an absolute majority of seats in the parliament or legislature). In India, the Bharatiya Janata Party (BJPs) in May 2008 fell short of the halfway mark by two seats (winning 110 seats in the 224 - member House), requiring the support of independent legislators to muster a majority and form the government (Padmavathi and Shastri 2009). This situation does not pertain in Uganda because the country's parliamentary democracy is not such that it rests with Parliament to form government.

According to a study by Bolarinwa (2015), the arrival of a new, young, educated and professional class of parliamentarian all over Africa has not only advanced the power of legislatures, but has resulted in increased pressure on presidents to embrace democratisation. This may include the Independents. Uganda's Ninth Parliament saw the force and pressure for democratisation by the IMPs, who are always pushing for boundaries for democracy to be enlarged. For instance, 22 of the 30 IMPs interviewed noted that they worked closely with civil society to table Private Members Bills on electoral and constitutional reforms (Interviews 2019). Though their efforts were unsuccessful, it is a clear indication that IMPs have been able to create a partnership composed of the ruling party and opposition members to pursue their aspirations. Those fighting for democracy must realise that ruling parties and governments sometimes block democratic transitions. For instance, in Egypt the government is not only stifling group development, but also preventing high-profile IMPs from challenging the ruling National Democratic Party (NDP). The government has stopped popular independent MPs from reviving licensed, inactive opposition parties (Stacher 2004).

Relevance of Independents and parliamentary party-based groups

As both Weeks (2009) and Ehin (2013) have argued, the ability of IMPs to perform in Parliament largely depends on the degree to which a) organised groups dominate the main functions of parliament, and (b) non-partisan representatives are allowed to form parliamentary groups that enjoy rights similar to party-based groups (Weeks

2009; Ehin et al. 2013). In the case of Uganda, Article 81(h)(i) of the Constitution of the Republic of Uganda bars IMPs from participating in the activities of political parties (Walusimbi 2015).

Legislative work

Proposing draft laws and amendments

Parliamentary rules regulating sponsorship of legislation vary widely. Primary legislation is initiated predominantly by governments and bills submitted by parliamentary actors as IMPs have low chances of success in Western Europe (Marsh and Marsch 2002; Däubler 2011; Bräuninger, Brunner and Däubler 2012) as well as in Central and Eastern Europe (Zubek 2011; Olson and Ilonszki 2011). There are a number of restrictions such as the minimum number of sponsors, time limits as well as technical requirements to bills. The severest restriction is in Germany where only party groups or at least 5% of the deputies have the right to initiate draft bills. In Spain and Poland, the minimum number of sponsoring MPs is 15; in Austria and Latvia, the number is only five (Ehin et al. 2013).

This seems not to be the case in Africa, where there are various opportunities for IMPs to sponsor laws (Bolarinwa 2015). The prospects for Ugandan IMPs to initiate legislation are less restricted. Nonetheless, IMPs do not seem to use this opportunity maximally. A review of parliamentary business transacted by the Ninth Parliament reflects that out of the 15 private members bills, only one IMP, Jacob Oboth Oboth (West BudamaSouth), sought leave to table the Prevention of Genocide Commission.

Serving on parliamentary committees

Parliamentary committees are central to reshaping proposed legislation. Therefore, serving on parliamentary committees is pivotal for IMPs who want to influence law-making. In countries like France, Independents occupy seats in committees after the parties have been served. In Estonia and Lithuania, the express wishes of the individual members of parliament are included, while in Germany and Italy, the parliamentary leadership (Speaker) appoints Independents to the committees (Ehin et al. 2013). The situation in Uganda appears to be more inclusive of IMP participation. Parties have strong incentives to control committee appointments, although IMPs in Uganda even chair committees or hold other central positions in parliamentary committees. This is seen as increasing the space and influence of IMPs in this country.

Attaching minority opinions to committee decisions

The work of parliamentary committees in most legislatures is the most hidden of all parliamentary business. This is because committee meetings are usually closed to the public. As a consequence, the contributions of IMPs to the work of committees remain largely "invisible" (Mattson 1995). So, in those legislatures where the work of IMPs remain "invisible", an individual can gain visibility by attaching minority opinions to committee reports. Minority opinions are offered by members of a committee

when they dissent from the process or findings of the report. While a decision is being established, minority opinions are also weighed in. By doing so, MPs can communicate an alternative policy stance to the parliamentary floor. The Uganda experience shows that parliamentary committee work is not so hidden. It is covered by the press, rendering IMP efforts visible. Therefore, the Uganda IMP can explore visibility by participating in committees effectively and attaching minority opinions to committee decisions where necessary.

Executive oversight

An individual MP engages in executive oversight in a number of ways that are subject to specific rules regulating the oversight function of parliaments. Though there are some variations across countries, certain elements are common to most parliaments. One of these is the MPs' right to question ministers and other government officials. Three types of questioning instruments can be distinguished: a) simple oral questions usually put to ministers or to representatives of government agencies during question time; b) written questions that are answered orally on the parliament floor or in written communiqués to the questioner; c) interpellations, which deal with matters of national importance. These tend to be more thorough and can be followed by a formal vote in the plenary. All these provisions are catered for by the Ugandan rules of procedure and thus IMPs have sufficient occasion to excel in their role as legislators.

CHALLENGES FACING INDEPENDENT MEMBERS OF PARLIAMENT

Though twelve of the IMPs interviewed said that it is less costly to run for election as an individual, in many places independent candidates face tremendous obstacles in elections because they compete with political parties (Interviews 2019). Parties serve a number of functions in a political system: they lower the cost of voting, allow individual candidates to benefit from association and provide candidates with organisational and financial support (Brancati 2008: 650). A party like the National Resistance Movement in Uganda has structures up to the level of each village. It has experience and is designed to win elections. IMPs also face procedural and other constraints. They are restricted in participation during question time. For instance, in Uganda, when the president presents the budget, in the subsequent meetings, the leader of the opposition is given opportunity to respond; a privilege not bestowed on IMPs.

In some countries, Independents are barred from competing as candidates in general elections, unlike in Uganda. Candidate nomination is strictly list-based and single-candidate lists are not allowed. This is the case in Belgium, the Czech Republic, Italy, Latvia, Portugal, Slovakia, Slovenia, Spain and Sweden, where ballot access requirements deny independents participation (Ehin et al. 2013).

The caucusing of independent members of parliament is limited. They cannot caucus because they are independent of each other. Much as the IMPs can access leadership positions in cabinet, parliamentary commission and committees of parliament, IMPs

feel that their own leadership as a group in the House may be necessary. In fact one of the IMPs interviewed mulled; "*Is there a possibility of having a deputy chief whip who is not a speaker to manage the independents?"* (Interviews 2019).

Uganda is a parliamentary democracy but with heavy elements of presidentialism (Stacher 2004; Bratton and Van de Walle 1997). Presidentialism in Uganda is not only seen in the provisions of the constitution, but also in the conduct of public affairs. As such, the role and dominance of the presidency in decision-making processes and appointments is high. Sometimes Independents may wish to meet the president and confide in him or make some specific requests but have limited opportunities to do so as compared to members of the ruling party.

In Egypt, quite often the IMPs are considered as the opposition. For that matter, therefore, IMPs have been targeted by the government through interfering with their work, harassment, blackmail and conducting negative media campaigns. This makes becoming an IMP a risky business in emerging democracies.

For the voters, one can only find out about IMPs' real beliefs after they are elected, since they purposefully distance themselves from any core principle or ideology projected by the political parties represented in Parliament. So the question that confronts us is whether it is for the benefit of society or for the individual MP. One can arguably state that independent politicians are said to be all about personal ego. As observed by East Herts (2016), quite often IMPs are reported to have said that they will act in the interests of the community, but is this not simply promising everything to everyone and in a way immunising themselves against being held to account.

CRITICAL REFLECTIONS FOR THE FUTURE

The reasons for the presence and rise of independent politicians in Africa and other polities may differ. But what is clear is that they are becoming more and more recognised in parliamentary democracy. In Uganda, they are increasing in number and the speaker has considered giving them a particular sitting area. Being an IMP seems to be both a joy and a limitation. People are dissatisfied with how governments operate and in some countries citizens feel they can no longer influence governments (Huntington 2012), hence spurring the rise of IMPs.

What does the future hold for IMPs? There are good reasons to believe that the future of IMPs will be relatively bright in Uganda because they are even influencing constitutional reforms to be more reorganised as a special category of MPs. The Ugandan electoral process provides openings for independents to thrive, unlike in other countries, where they are barred from participating as political candidates.

One of the most significant elements is the personalisation of politics. Though in the west generally, the levels of partisanship continue to decline, in Uganda, the levels

of partisanship seem not to be growing fast enough. Under the no-party democracy, Ugandans got so used to the idea of individual merit whereby voting was candidate-based and not party-centred.

The phenomenon of Independents calls for further interrogation since there is evidence for an exponential rise in IMPs. Independents are thus not an idiosyncrasy but a manifestation of the need to focus on the individual as an embodiment of perceived aggregated interests. Therefore, a proposal emanating from this study is that Uganda may have to start thinking about redefining multi-party democracy by either (a) strengthening parties and diminishing independents, (b) strengthening independents and diminishing parties, (c) diminishing both parties and independents, (d) strengthening both parties and independents, or coming up with any other innovative democratic experiment to pursue good governance.

In the first proposition of strengthening parties and diminishing independents, it means that legislation will be made to suggest that Independents are barred from contesting under a multiparty dispensation. Here, the definition of multiparty democracy will be re-defined in a way that some may consider exclusive, but yet the proposal has the potential to nurture and mature party politics so that politicians can learn and be socialised to place their ambitions below party interests.

The second proposition is to strengthen Independents and diminish parties. This idea builds on the concept of individual which was practiced in the movement type of political dispensation, whereby merit pre-supposes that the candidate is not running on the ticket of a political organisation but on her ability, and it is candidate-centred. This further means that the financing is not from any political group but largely from the individual.

The third proposition postulates diminishing both parties and independents. This calls for another democratic experiment that is novel and has not been tested. It may be time to question whether democracy as it is known today is capable of leading humanity to the next level of development and confronting the challenges of politics and governance. Think tanks and research centres could be tasked to come up with innovative governance paradigms that do not necessarily conform to the known. This could be the time to start such a debate that will redefine our parliamentary democracy.

The fourth proposition is calling for clear and increased recognition of Independents. The speaker of Ugandan Parliament, Rt.Hon. Rebecca Kadaga has asked Commonwealth Parliaments to pay attention to IMPs, whom she claims are claiming for wider space in the multiparty arrangements. This indicates that the way we define, recruit, mentor, manage and treat IMPs needs a rethink.

Democratisation and the parliamentary system have driven modernity. Parliamentary

democracy has also manifested itself in many ways and it keeps changing. Now we are faced with the increase in number and influence of independent MPs in Uganda, and it is time that we examine the way in which this may shape parliamentary democracy in the future.

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