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# Money Matters: Financing Illiberal Democracy in Uganda

By Julius Kiiza, <https://www.cmi.no/file/?1375>

## Introduction

This paper discusses the financing of Uganda's illiberal democracy with reference to the 2011 multiparty elections. To describe Uganda as an 'illiberal democracy' is to suggest that it is a hybrid polity gravitating between semi-democracy and semi-authoritarianism 'along the spectrum of hybridity' (Trip, 2010: 3). Hybridity has persisted despite the fairly regular presidential and parliamentary elections since 1996. The duality of democratic and despotic characteristics questions the viability of elections as avenues for deepening constitutional liberalism. As Fareed Zakaria (1997; 2003) notes, the increase in elections in certain polities (in Latin America, Asia and Africa) has *not* translated into deepening constitutional liberalism. The problem in hybrid polities is that 'democracy is flourishing, constitutional liberalism is not' (Zakaria, 1997). This suggests that elections (which are central to the theory and practice of democracy), have not necessarily enhanced the rule of law, the separation of powers, and respect for basic liberties of speech, assembly, and property.

Nor has the consent of the governed been adopted and regularized as a principle of government. While the regularity of elections has increased, democratic consolidation has not. This begs the question: 'Why'? Why has the regularity of elections not been associated with rising levels of consent of the governed (as a measure of deepening democracy)? This paper highlights one aspect of the problem, namely, the corrosive effect of political cash on the principle of government by the 'consent of the governed' (Locke, 1690; Cassinelli, 1959). The theory of consent, as will be emphasized later, holds that government without people's consent is tyranny. To what degree did Uganda's 2011 elections serve to enlist people's consent as a basis of forming government?

I draw a distinction between 'voluntary' consent and 'induced' consent. The former is deliberate; the latter, a product of coercion. Voluntary consent is issue-based; induced consent is politically constructed. One is rooted in a participant political culture; the

other, in subjective (or parochial) political cultures (Almond and Verba, 1963). One variety of consent seeks a just (or lawful) government deriving its legitimacy from the consent of citizens; the other establishes a government whose *raison d'être* is to dispense political patronage (via, for example, voter-bribes or ethnicized political jobs). The financialization of elections, I contend, enhances induced consent, not voluntary consent. This makes political finance an obstacle to the deepening of democracy. Thus, while money matters in all polities – in America and Europe as well as Asia and Africa – political finance risks blocking people's struggles for increased democratic space.

In present-day Uganda, political finance has played an important role in inducing voter preferences, thanks to the obscenely high degree of financialization of elections. DEMGroup (2011), for example, decries the 'pervasive vote-buying' that characterized the 2011 elections. Vote-buying (in the broad sense of using money, material inducements or promises of politicized 'goods' such as new districts) took place in the presidential, parliamentary and local council elections. Both the ruling National Resistance Movement (NRM) party (1986 – to-date) and the leading opposition party, that is, Forum for Democratic Change (FDC) were involved. Both used more political cash in 2011 than in previous elections.<sup>1</sup> However, the incumbent president and his NRM politicians out-spent the opposition by a huge margin. According to Gatsiounis (2011), candidate Museveni and his NRM party purchased 'their way to re-election, outspending the opposition – 10-to-1, by some estimates – in what is widely considered the most expensive campaign in Uganda's history.'<sup>2</sup>

The central hypothesis of this paper is that elections in Uganda have become procedural rituals, not opportunities for establishing government by consent, defined as an elected,

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<sup>1</sup> In the 2011 elections, the incumbent NRM faced several opposition parties. The main opposition party, FDC, forged an alliance with four smaller opposition parties (such as Justice Forum and Conservative Party), and campaigned under the Interparty Cooperation (IPC). Other opposition parties included Uganda's oldest parties – Democratic Party led by Nobert Mao and Uganda People's Congress headed by former UN Under-Secretary General, Dr Obara Otunu; as well as three newer parties – Uganda Federal Alliance; People's Progress Party and People's Development Party.

<sup>2</sup> See Ioanis Gatsiounis, Vote-buying charges taint Uganda election, *The Washington Times*, <http://www.washingtontimes.com/news/2011/feb/17/vote-buying-charges-taint-uganda-election/>, accessed July 3, 2011.

capable, and accountable government. This hypothesis is discussed with reference to the financialization of the 2011 elections, and in particular, the role of money in inducing the consent of voters. The information presented herein was collected via critical reviews of secondary literature, ‘grey’ documents, and press reports. These were augmented with primary data which was collected prior to the elections (in December 2010) during elections (in February 2011), and after the elections. Interviews were conducted with key politicians, academics, and ordinary voters in Kampala and Hoima districts. A Focus Group Discussion was also held at Joker’s Club on 11 March 2011.

The evidence gathered suggests that political corruption (on both the demand side and the supply side) is associated with state failure to deliver durable developmental outcomes. The economy has undoubtedly grown at a rapid rate of 7.3 percent between 1992 and 2010. Over the same period, income poverty has declined ‘considerably’ from 56 percent of the population to 24.5 percent (Ssewanyana, 2010). Unfortunately, these rosy socio-economic figures are hardly reflected in ordinary people’s lives. For example, no fundamental socio-economic transformation has taken place. Over 80 percent of Uganda’s 31 million people are still rural-based peasants who are stuck in the Garden of Eden (Kiiza, 2007). Uganda’s ‘rosy’ economic growth has simply by-passed them. Moreover, 85 percent of the youths aged 15 – 35 years are unemployed. These depressing socio-demographics, are in large part, a product of state failure to deliver what Linda Weiss (1998) calls ‘transformative’ developmental outcomes.

State failure has resulted in the erosion of trust in the corruption-ridden political leadership. This has triggered voter apathy. Voters apparently use the election season to demand for deliverables ‘here and now.’ Theirs is a widely held view that ‘elected officials will not reverse the deep-rooted cancer of state failure to deliver’ (Interviews, Hoima District, February 2011).

Thus, the financialization of Uganda’s elections is saddening but not shocking. What is shocking is the metamorphosis of voter bribes and political corruption from shameful forms of *unaccountable* governance into distinctive ways of holding government officials

to account. The corrupt political elites who ‘decentralize’ their fruits of corruption to the electorate are rewarded with electoral victories. Politicians in the opposition and the ruling party who campaign for clean government lose out. Shockingly, Mr and Mrs Clean politicians who advance issues (such as clean government or quality roads, education and health services) are largely ignored by the poor (who constitute the largest voting bloc for the ruling NRM party). Those that refuse to give voter bribes lose precisely because they are perceived to be ‘mean,’ ‘stingy,’ ‘unaccountable’ or simply ‘hungry’ men and women who are ‘looking for their turn to eat,’ not to serve (Focus Group Participant, Jokers Hotel, Kampala, March 2011).<sup>3</sup>

The rest of the paper is organized as follows. Section two contextualizes and conceptualizes government by people’s consent. An attempt is made to conceptually unravel the effect of political finance (or voter bribes) on government by consent. It is argued that political finance displaces people’s sovereignty with the ‘divine right’ of financially endowed politicians to rule or misrule. This is simultaneously seen to be cause and effect of state failure to deliver. Section three presents the presidential and parliamentary election results. Section four presents rival explanations of the landslide victory of Candidate Yoweri Museveni as well as his NRM parliamentarians. Section five presents political cash as the mega-explanation of the electoral outcome. It is noted that the financialization of Uganda’s elections tilted voter preferences in favour of the ruling party and against the opposition parties. Finally, section six presents the emerging conclusions and lessons for reclaiming the consent of the governed.

### **Contextualizing and conceptualizing Government by consent of the governed**

Government by popular consent has historically been a product of political struggles to transform subjects into citizens (Mamdani, 1996). Subjects live under monarchies (or some other form of dictatorship); citizens ideally live in republics. Subjects are characterized by a parochial or subject political culture, citizens by a participant political culture. Subjects are submissive servants of the monarch (or lord); citizens are, by

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<sup>3</sup> The term *It’s Our Turn to Eat* was popularized by Wrong (2009) in her account of John Githongo’s anti-corruption struggles in Kenya.

contrast, assertive members of the political community. The former perceive monarchs to be rulers by 'divine right' or, the 'mandate of heaven' (as China's sages put it); the latter see elected leaders as trustees of delegated authority. For the subjects, the ruler is sovereign; for citizens, sovereignty lies with the people and can only be exercised with the consent of the governed.

In western political thought, the notion of government by consent was first developed systematically in the social contract theories. Two distinctive variants emerged – the Hobbesian social contract theory (named after Thomas Hobbes – 1588-1679); and the Lockean theory (which was popularized by John Locke (1632-1704) and others after him. Both Hobbes and Locke were British philosophers. Both were Oxford-trained. Both experienced the bloody English Civil War (1642 -51) and the short-lived Commonwealth under Oliver Cromwell and his son (1653-59). However, Hobbes and Locke disagreed fundamentally in their theorization of the state of nature (a condition in which people lived with no government), and the purpose of government. For Hobbes (1651), life in the state of nature was 'nasty, brutish, and short.' To obtain safety from the savageness of nature, Hobbes endorsed a *Leviathan*, defined as an absolute state or ruler. For him, the social contract between the sovereign and the subject was symbiotic. The sovereign received obedience and the subject, safely.

John Locke objected to the Hobbesian conception of the state of nature. For Locke, the state of nature is neither nasty nor brutish. Rather, it has a law of nature under which, 'no one ought to harm another in his life, health, liberty or possessions.' In the *Second Treatise of Government*, Locke, like Hobbes advances the notion of a social contract between the people and the rulers. However, unlike Hobbes whose people surrender their rights to the Leviathan 'for the sake of self-preservation,' Locke (1690) denounces the arbitrary rule of the monarch. Instead, he advocates for government by the consent of the governed. For him, the primary duty of government is to protect the rights of the governed.

More importantly, Locke rejects Hobbes' view that the state, in whatever form, is 'always right as long as it is capable of maintaining a state of peace.'<sup>4</sup> For Locke, a government that violates the trust of its citizens loses legitimacy. It is the right or even *obligation* of citizens to revolt against such tyrannical governments. In short, the Lockean theory of consent is an antithesis of the 'divine right' of monarchs to rule as they please.

Locke's political thought directly inspired the English Bill of Rights of 1689 and the American Declaration of Independence of 1776. Lockean political thought also indirectly inspired world-class philosophers (such as Jean-Jacques Rousseau), and the French Revolution of 1789. Locke is seen by many as the father of political liberalism, and therefore, a key figure in the furtherance of consent of the governed.

While the theory of consent developed in the 17<sup>th</sup> and 18<sup>th</sup> centuries, the practice was much older. The Greek city-state of Athens was, perhaps, the earliest example of rule by consent of the governed. Theirs was an experiment in direct democracy. In the fifth century BCE, all Athenian citizens (defined narrowly as adult males of Athenian descent) would assemble regularly to discuss the government and politics of their polis (or city-state).<sup>5</sup> Athenian democracy excluded a substantial number of stakeholders, particularly the women, immigrants, and slaves who were not permitted to vote. However, Athens bequeathed to modernity the principle of government by consent of the governed.

The ancient Roman Republic (from the fifth to the first centuries BCE) also contributed to the development of the theory of consent. Where Athens exercised direct democracy, Rome developed a hierarchy of representative institutions. Assemblies such as Senate and the Council of the Plebs (which are precursors to modern parliaments, plebiscites and referenda) were organized by class and wealth. Senators, for example, belonged to the elite landowning classes, that is, the patricians. The plebeians constituted the rest of the

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<sup>4</sup> Quoted in <http://cepa.newschoool.edu/het/profiles/hobbes.htm>, accessed July 10, 2011.

<sup>5</sup> The term BCE (or 'Before the Current Era') is the secular and more accommodating version of the religious and narrower term 'BC' (read Before Christ').

citizenry, that is, the small landowners, merchants and peasant farmers.<sup>6</sup> In the first century BCE, the Roman Republic degenerated into a dynasty ruled by a series of generals (such as Julius Caesar and Octavian/Augustus Caesar) who turned the state into an autocracy. However, the Roman notions of Senate (or upper house) and the Council of Plebs (or commoners) directly or indirectly inspired the institutional pillars of liberal representative democracies (such as USA).

In England, the Magna Carta (or Great Charter) of 1215 was an important milestone in limiting the powers of the monarch. A product of 'bourgeois' demands by landowners, noblemen and the clergy for representation, the Magna Carta established a system of consent by the 'people' who were, then, narrowly defined as the aristocrats. While the aristocrats qualitatively changed from subjects to citizens, the *wanjiku* (or ordinary people) remained subjects with no citizenship rights. The history of taming the absolute monarch took the form of building democratic institutions, and transforming subjects into citizens. In England, for example, parliament consisting of the House of Lords and the House of Commons was created to check the excesses of the monarch.

Thus, when King Charles I attempted to raise taxes without consent, parliament (which in the 17<sup>th</sup> century represented virtually all landowners (then, a large class), objected. It created a rival army, defeated the forces of King Charles, and eventually executed him (on 30 January 1649). In 1649, the House of Commons declared England a 'Commonwealth and Free State' and sought to govern without a monarch. The monarchy was restored in 1660 under King Charles II. However, it is the Glorious Revolution of 1688 that ushered in the modern history of parliamentary democracy in England. In this Revolution, King James II was replaced with his daughter, Mary, and her husband, William of Orange on the condition that they accepted the English Bill of Rights of 1689 (which upheld the principle of government by people's consent). The Bill, like John

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<sup>6</sup> Public office was initially an exclusive preserve of the patricians. With time, however, the plebeians asserted their right to serve in public office, both elective and non-elective.

Locke's political thoughts, directly or indirectly inspired struggles for consent of the governed in America, France and elsewhere in the world.<sup>7</sup>

In modern polities, a major obstacle to the rise of government by popular consent is political finance. The problem is simultaneously theoretical and practical. Theoretically, all political parties and candidates who participate in competitive elections need electoral finance. By 'electoral finance' I mean all the valued resources mobilized to enable parties or individuals contesting in elections to fight electoral battles. Contestants in competitive elections need resources 'not only for election campaigns, but also for supporting the party's operational, educational, and regular voter-relations functions' (ODG/USAID, 2003: 9). All need ample finances, time, logistics (such as trucks) and in-kind contributions (such as fuel) if they are to mount effective electoral struggles (Kiiza, 2008). All need to hire or purchase office space, purchase airtime on TV, and get press coverage. They also need to conduct political research, produce party symbols, perform voter-education, and, in a word, carry out all the activities needed for 'deepening democracy' (UNDP, 2002). In all these activities, political finance is essential.

The practical problem for the consent of the governed is that money talks – sometimes it shouts. Yet, as the Russian sages argue, when money talks the truth keeps silent. By implication, those that win elections are oftentimes the most financially endowed, not the best placed to govern. When this happens, government by popular consent is defeated. It is sacrificed on the altar of the 'divine' right of the rich to rule. To what degree does Uganda's experience approximate or deviate from this? This issue will be examined after an outline of the 2011 election results is given.

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<sup>7</sup> The English Bill of Rights and, subsequently, the American Declaration of Independence, were heavily inspired by John Locke. For example, the Bill upheld Locke's ideas in the Habeas Corpus Act, 1679. Habeas Corpus provides that those who have been incarcerated must have their case heard in court to determine the legality of the arrest or conviction. The Bill also established the right of citizens to petition government to seek redress for abuses of power. It also has other rule of law foundations for constitutional governance (such as the right to trial by jury). These were important milestones in the furtherance of government by people's consent. The net effect of the English Bill of Rights was to impose limitations on the powers of the monarchy and expand space for the consent of the governed.

## Presidential and parliamentary election results

Table 1 presents Uganda's presidential election results. Two key messages emerge – the politics of voter turnout, and the polarization of the electoral contest between incumbent Museveni and his former physician, Dr Kiiza Besigye. First, I comment on voter turnout. Only 59 percent of the 13,954,129 registered voters turned up to vote. Ideologues of the NRM regime argue that this was a 'high voter turnout' (Byaruhanga, 2011: 14). Moses

Summary of the 18 February 2011 Ugandan presidential election results

Candidates – Parties	Votes	Percentage
Yoweri Museveni, National Resistance Movement	5,428,368	68.38
Kizza Besigye – Forum for Democratic Change	2,064,963	26.01
Norbert Mao – Democratic Party	147,917	1.86
Olara Otunnu – Uganda People's Congress	125,059	1.58
Beti Kamywa – Uganda Federal Alliance	52,782	0.66
Abed Bwanika – People's Development Party	51,708	0.65
Jaberi Bidandi Ssali – People's Progress Party	34,688	0.44
Samuel Lubega – independent	32,726	0.41
Valid Votes	7,938,212	95.96
Invalid votes	334,548	4.04
Total votes (turnout: 59.29%)	8,272,760	100.00

Source: Uganda Electoral Commission

Byaruhanga, one of Museveni's over 120 presidential advisors and assistants, about three or so of whom 'ever get to see or advise [the president] in a year' (Onyango-Obbo, 2011), makes some interesting comments. According to him, the hullabaloo about Uganda's 59 percent voter turnout is unfounded. For him, Uganda's scenario favourably compares with voter turnout in USA between 1960 and 2011. Succinctly stated,

Voter turnout of the voting age population [in USA] has only been above 60% in 1960 (63.1%), in 1964 (61.9%) and in 1968 (60.9%). For the rest of the period including the last election in 2008 that brought President Barack Obama to office, turnout has been below 60%. In the Obama election ... voter turnout was 56.8%. In the case of congressional elections, in the same period, voter turnout was above 40% three times in 1962 (47.3%), 1966 (48.4%) and in 1970 (46.6%). For the rest of the period, voter turnout has been below 40%. So what is the hullabaloo about voter turnout in Uganda of [59%]? (Byaruhanga, 2011: 14).

Critics argue that a voter turnout of 59 percent or less than 40 percent (as in USA's congressional elections) is a failure, whether it takes place in USA or Uganda. An educationist who owns a private secondary school in Hoima likened voter turn out to student scores, which are assessed out of 100 percent. For him, 'Ugandan students who score 59 percent in an exam have marginally passed, and can hardly gloss over their 'victory'. Those that score below 40 percent are rated as absolute failures. The same standards should apply to voter turnout' (Interviews, Hoima, July 2011).

Regarding the protagonists, the presidential contest was really between incumbent Yoweri Museveni and his former personal physician, Dr Kiiza Besigye. The former won with 68 percent; while the latter 'won' with 26 percent of the votes. Besigye 'won' in inverted commas for a simple reason. While the Electoral Commission defended the election results as a credible and legitimate reflection of the consent of voters, the opposition rejected the election as a sham. For one thing, Electoral Commission (which managed the electoral process) was faulted in the *Besigye vs Museveni & the Electoral Commission* case of 2006, for violating electoral rules (Gloppen et al, 2008 for details).

Moreover, the EC was established as an arm of the NRM 'no party democracy' system – or what critics call a one-party dictatorship (Kjaer, 1999). This system operated before the 2005 re-adoption of a multiparty political dispensation. In the run-up to 2011, the opposition parties and donors demanded for a new EC consistent with the new multiparty political dispensation. These demands were flatly reject by candidate Museveni. Opposition parties allege that Museveni has metamorphosed from a patriotic leader of the 1980s into today's presidential monarch, and that the EC commissioners 'serve at the pleasure of the presidential monarch.' The EC officials allegedly 'do everything possible to ensure the presidential monarch wins the elections' (FGD participant, Jokers Hotel, Kampala). In short, the accusations of vote-rigging via a biased EC have left Museveni's 'landslide victory' in doubt.

A former employee of the EC (who now works at Makerere University) upholds the concerns of the opposition parties. According to him,

[T]he election results did not necessarily reflect the will of the people. It may have been a product of an excel sheet originating from one of the security agencies that securitized the 2011 elections. It was like decreeing, biblical-style: Let the winner [Museveni] get 68 percent, and the run up, 26 percent. The 26 percent makes sense in context. Besigye’s support rose from 26 percent of the election results in 2001 to 39 percent in 2006. If this trend continued, Besigye would win the 2011 elections by over 51 percent. Buoyed by his rising support, Besigye even told supporters that he would win the 2011 elections by over 51 percent. By contrast, Museveni’s support declined from 75 percent in 1996 to 69 percent in 2001 and 59 percent in 2006. If this trend continued, Museveni would get less than 50 percent in 2011. Museveni’s security czars knew this very well. The purpose of Besigye’s 26 percent was to annihilate him politically by ‘demonstrating’ that his support had declined, not risen (Interviews, Makerere University, March 2011).

We sought a comment from Sam Rwakoojo, Secretary of the Electoral Commission, on the above allegations, and in particular, the role, if any, of excel sheets in pre-determining electoral outcomes. At the time of completing this paper, Rwakoojo had not yet honoured our request.

Table 2 presents the parliamentary election results. The contest for parliamentary seats, as for presidential elections, was essentially between Museveni’s NRM and Besigye’s FDC. Of the 375 seats, NRM got a super-majority of 263 seats (or 70 percent). Additionally,

**Table 2: Summary of Parliamentary Election Results**

<b>Parties</b>	<b>Constituency</b>	<b>District woman Representatives</b>	<b>Indirect seats</b>	<b>Total</b>
NRM	164	86	13	263
FDC	23	11	--	34
DP	11	1	--	12
UPC	7	3	--	10
CP	1	--	--	1
J Forum	1	--	--	1
Independ’t	30	11	2	43
UPDF			10	10
Vacant	1			1
<b>Total</b>	<b>238</b>	<b>112</b>	<b>25</b>	<b>375</b>

the Independent MPs (43 seats) are predominantly NRM-leaning members. They contested because of their widely held view that they were unfairly rigged out of the flawed NRM party primary elections of 2011. Yet, in the context of Uganda's high commercialization of politics, MPs and cabinet ministers earn more than most professionals. The independents therefore had to contest for political office or, risk collapsing into poverty.

But that is not the point. The point is that most 'independents' are not really independent. They are umbilically tied to the NRM patronage system, and would most likely side with the NRM position in parliament. Like the independents, the Uganda People's Defense Forces (with 10 seats) invariably side with NRM in defiance of the Constitution. Article 208 of the Constitution (as amended) states that the UPDF shall be non-partisan, professional forces. This position is upheld in Section 3(1a) of the UPDF Act, 2005. Critics argue that the 10 UPDF representatives, like the 43 'independent' MPs, have solidified NRM's super-majority in parliament.<sup>8</sup> The point is that the NRM was announced winner of both the presidential and the parliamentary elections.<sup>9</sup>

### **Accounting for NRM's victory, FDC's loss**

Documenting the election results is easy. Accounting for the electoral outcome is not. Why would the electorate give a resounding victory to ruling political elites (such as those of NRM) whose 25-year old regime is associated with systemic official corruption? Why would voters punish, with electoral defeat, the opposition 'government-in-waiting' which campaigned on the platform of restoring trust in government via accountable governance?

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<sup>8</sup> For many, UPDF is a mere extension of the National Resistance Movement (NRM), which was the fighting arm of the NRM during the 1981-1986 guerilla war that brought Museveni to power (1981-1986).

<sup>9</sup> It is worth footnoting that voters apparently rejected the old political parties. Uganda's oldest political party, Democratic Party, got only 147,917 votes (or 1.86 percent) in the presidential elections, and only 12 seats in the parliamentary elections. Uganda People's Congress (UPC) got 125,059 votes (or 1.58 percent) in the presidential elections and 10 seats in the parliamentary elections. These results suggest that religion and ethnicity took a back seat as electoral issues. This contrasts with the scenario of the 1980 general elections in which Catholics and Baganda predominantly voted DP, while Protestants predominantly voted UPC. In Hoima District where we observed the elections, people who were DP in the 1980s predominantly voted NRM; those that were UPC supporters mainly split their vote between NRM and FDC.

Rival accounts have been offered. The mainstream accounts include NRM's restoration of peace, and the 'good' economic management credentials. The more nuanced accounts point to voter intimidation, thanks to the degeneration of Museveni into an African strong-man or *Leviathan*. Others point to the NRM-friendly electoral laws and Museveni 'superior' campaign strategy over his rivals. As will be noted shortly, none of these brings out the mega-explanation of the election results, that is, the role of money in politically inducing voter preferences.

### ***Restoration of peace***

Peace or political stability was mentioned as a major consideration that informed voters' electoral behaviour in 2011. This was mentioned as No. 1 consideration in Hoima district and in the focus group discussions we held in Kampala. Voters predominantly contrasted the 'peaceful regime of Museveni' (1986 – to-date) with the Hobbesian 'state of terror' that existed under Idi Amin's dictatorship (1971-79) and Milton Obote II's administration (1981-1985). A former employee of Posts and Telecommunications Corporation summarized the issue as follows:

Museveni and his team restored peace and sanity to our country. They are greedy, very greedy, for money. They have grabbed, without restraint, massive public monies such as Global Fund [for Aids, Tuberculosis and Malaria]. They have even personalized several public assets – such as public lands; things that never happened during Obote's administration. However, I will vote them because they restored peace. They have not put bread on my table; but they have permitted me to live my life in peace (Interviews, December 2010).

Restoration of peace was found to be an important electoral issue among middle class people (who had tertiary education, a job and property to protect – such as permanent houses). Peace was also important for voters aged 40 years plus, particularly those that suffered state-inspired terror in the 1970s or state collapse in early 1980s. However, restoration of peace did not appeal to the youths who (together with children) constitute over 51 percent of the population. To appeal to first-time youth-voters who constituted 4.5 million of the almost 14 million registered voters, Museveni designed innovative

campaign tactics – such as becoming a music rapper, hiring pop musicians to fire up his ‘boring’ campaign rallies, and offering voter-bribes such as the Shs 44 billion Youth Venture Capital Fund.

### ***Return of peace in northern Uganda***

While southern Uganda has enjoyed relative peace during Museveni’s rule, northern Uganda has, until recently, had no peace. This is because of the protracted rebellion that started in 1986 (when Museveni captured power) and lasted for over 20 years. The war was, initially, a popular revolt of the ousted army and their civilian supporters. Several structural causes of the war exist (Gersony, 1997; RLP, 2004). First, under the British colonial policy, southern Ugandans (such as Baganda) were mainly recruited into the civil service; northerners, into the army. This practice continued in the post-colonial era. The victory of Museveni’s fighters signified a total victory of the southerners who, for once, controlled both the army, and the civil service. In a sense, then, the defeated army of General Tito Okello and the northern communities fought for ‘survival.’ Theirs was a widespread view that the new government (dominated by southerwestern Ugandan elites) might push them into oblivion. Second, the defeated army feared reprisals for the human rights violations they allegedly committed when they were in government. Third, they protested Museveni’s violation of the 1985 Nairobi Peace Accord, which provided for power-sharing between government and the then rebel fighters. Fourth northern communities protested the conduct of the war in the north. Certain battalions of NRA troops committed atrocities in 1986-87 and/or raided cattle (RLP, 2004: 4).

The structural grievances of the north were effectively used as rallying points by Alice Lakwena of the Holy Spirit Movement. The grievances continued even after the defeat of Lakwena in 1987 and the rise to prominence of Joseph Kony’s ‘Lord’s Resistance Army.’ However, Kony became a poor articulator of ‘the northern question’. For one thing, Kony replenishes his ranks through abduction of children who are then indoctrinated into a culture of murder and terror. For another thing, civilians have become the main victims of the Kony war. About 1.8 million people have been displaced. Tens of thousands more have been abducted, killed or raped. These have made the LRA rebellion unpopular.

However, the persistence of structural grievances meant that Kony might continue to receive support from sections of the community – hence the prolonged war.

Interviewees in Pabbo and Apac reported that the return of peace (over the last three years) is one reason why people in the north voted Museveni. One FGD discussant in Pabbo emphatically stated: We hate the war, but dislike government elites for failing to address the structural causes of the war. According to him,

The LRA has been destructive. Peace has now returned. Virtually all the IDP (internally displaced peoples) camps have been de-gazetted. Camp-dwellers have returned to their homes. Because of the relative peace, more people voted Museveni and NRM in 2011 than in 2006. The problem that persists is twofold. First, the underlying grievances of the north have not been addressed. The current ‘peace’ is, therefore, fragile. Second, Kony is still alive and well. While Kony has not been in Uganda for three years or so, he continues to commit atrocities in DRC [Democratic Republic of Congo]. He could return anytime to terrorize the people (Interviews, Pabbo Sub-country, April 2011).

A recent study by Human Rights Watch (2010) seems to vindicate people’s continued concerns over Kony, and the fragility of peace in the north. Between December 14 and 17, 2009, Kony’s rebels ‘carried out a horrific attack in the Makombo area of Haut Uele district in northeastern Democratic Republic of Congo, near the border with Sudan... the LRA killed more than 321 civilians and abducted more than 250 others, including at least 80 children. The vast majority of those killed were adult men who were first tied up before LRA combatants hacked them to death with machetes or crushed their skulls with axes or heavy wooden sticks’ (HRW, 2010: 3). This confirms people’s worries that Kony’s capacity to terrorize is still intact and a potential threat to peace in the north.

Notwithstanding these worries, the official election results suggest that the northern communities have predominantly voted Museveni. The reason, it would seem, was ‘to thank the president and commander-in-chief for the return of peace, fragile as it might be’ (Interviews Pabbo Sub-country, April 2011).

### *Voter intimidation: Museveni–as–African–strongman*

While some Ugandans voted Museveni to thank him for the return of peace, others voted out of fear. This fear is associated with the widespread concern that Museveni, once a darling of donors, has ‘degenerated into a typical African strongman who is now comparable to Kamuzu Banda of Malawi; Idi Amin of Uganda; Mobutu of Zaire, or Robert Mugabe of Zimbabwe’ (Interviews, Makerere academic, April 2011). This upholds the concerns of Oliver Kobusingye (2010) and Tangri et al. (2010: 32-33). The notion of Museveni-as-African-strongman is associated with the continued role of the army, rather than the citizens, as Museveni’s strongest constituency.

In run-up to the 2001 elections, a top UPDF officer, Brigadier Henry Tumukunde asserted that Museveni (who had the guns) would rule irrespective of who the people voted for. This was echoed by the president on several occasions. For example, in his September 2007 tour of Kiboga district (central Uganda), the president declared: ‘If you had not elected us in 1996 ... we would have gone back to the bush to fight’ (The Monitor, 7 September 2007). In 2008 Museveni reportedly asserted ‘I am going nowhere!’ (Monitor, 14 February 2008: 1). The president’s logic was interesting: ‘It’s me who hunted [state power], and after killing the animal [ie capturing state power], they want me to go. Where should I go? (Museveni, 2008 quoted in Tripp, 2010: 1). On several other occasions, Museveni has described the army people as ‘my boys’ – although some are ‘girls’ – who ‘would never accept someone like Dr Besigye as president and commander-in-chief’ (Tangri et al, 2010: 44). In August 2008, General Aronda Nyakairima, the Chief of Defense Forces asserted that the army ‘liberated’ Uganda in 1986 and will not let ‘bad characters’ take power from the ruling NRM (Osere, 2008 in The Monitor, 1 September 2008).

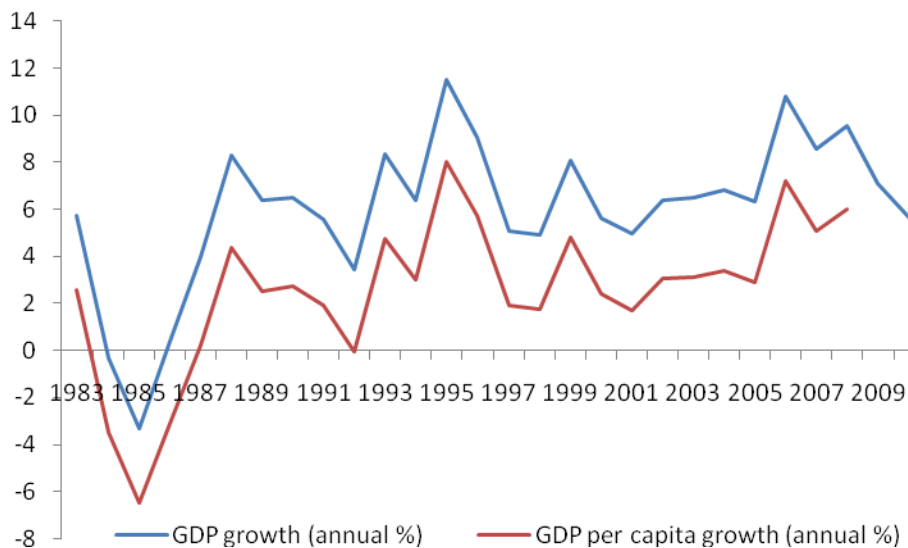
All these add up to one thing. A broad section of Ugandans either voted Museveni or abstained from voting the opposition out of fear. A senior researcher based at Makerere University reported thus:

I voted Museveni in 1996 and 2001. I have consistently voted NRM candidates. I disagree with the social policies and the economic policies of the NRM elites. But I still voted them – out of fear. In 2006, I changed my mind and voted Besigye; but he did not win. In view of the criminalization of opposition politics, it is risky for people like me [who own private businesses] to vote an opposition candidate who does not win. In 2011, I again voted Museveni and his NRM candidates. They had warned us that war would break out if Besigye won. This would be disastrous for my private school, which would collapse in case of war. I know many who voted Museveni following intimidation by state functionaries, that war would erupt if people voted Besigye. I also know some staunch supporters of Besigye who did not vote. They listened to the voices of the army generals and were convinced that Besigye would not be announced winner, even if he won the elections’ (Interviews, Makerere, April 2011).

*Good economic management credentials*

A number of Ugandans voted Museveni and his NRM candidates in appreciation of their economic management credentials. Since NRM came to power, Uganda has registered

**Figure 1: GDP annual rates of growth; per capita GDP growth, 1983 – 2008**



Source: World Bank, World Development Indicators.

positive growth rates. Between 1992 and 2009, gross domestic product (GDP) grew at an average rate of 7.3 percent. According to the Governor of the central Bank, ‘Real output is now three and a half times greater than it was at the start of the 1990s. Private investment, in real terms, rose six-fold in this period, while exports of goods and services,

in dollar terms are now 16 times larger' (Kuteesa, et al, 2010 for details). Uganda has also recorded drastic reduction in poverty. The proportion of poor people, measured by income-poverty, has declined from 56 percent in 1992/93 to 38 percent in 2002/03 and further down to 24.5 percent in 2009/10 (NPA, 2010).

Critics do not deny Uganda's improving socio-economic fortunes. They contend, however, that the devil is in the detail. According to Lawrence Bategeka (himself a senior economist at the Economic Policy Research Centre), 'the official statistics undoubtedly point to stellar economic performance. The problem is: Whose economic growth is it, and whose social welfare is improving?' (Interviews, 2010).

While there is general improvement (with 7.5 million Ugandans below poverty in 2009/2010 compared to 8.4 million in 2005/06, over 85 percent of Ugandans continue to live in the rural areas. Uganda's rural dwellers are primarily small-holder agriculturalists who use primitive technology – the hand-hoe. The rural poor, like the urban poor, have been near-spectators in Uganda's 'impressive' economic growth. Indeed, income inequality has worsened. The Gini Coefficient, which was 0.365 in 1992/93, worsened to 0.428 in 2002/03. It improved marginally to 0.408 in 2005/06 before deteriorating to 0.426 in 2009/2010 (Uganda, 2010).<sup>10</sup> The trend of the Gini Coefficient suggests that inequality widened between 1992 and 2010. This taints Museveni's 'good' economic management credentials.

Some interviewees suggest that Uganda's 'impressive' poverty trends are premised on minimalist indicators. Uganda's top poverty expert, Sarah Ssewanyana (2010), concedes that the official figures focus on the minimalist income poverty, not the multi-dimensional approach proposed in UNDP's (1990; 2010) influential work on *Human Development*. Unlike Uganda's poverty statisticians, UNDP uses a comprehensive list of indicators including things such as powerlessness, voicelessness (in what Tandika-

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<sup>10</sup> The Gini Index is a widely used estimate of inequality. A Gini Index of zero represents perfect equality, while an index of one implies perfect (very high) inequality

Mukandawire calls choice-less democracies), vulnerability, and rootless growth.<sup>11</sup> Thus, what Uganda's economic statistics gain in depth, they lose in breadth. [On the basis of mainstream economics, Uganda is a superb performer. From the human development perspective, it is a poor performer].

Finally, critics point to one structural problem, that is, limited domestic revenue. Tax revenue as a ratio of GDP rose from 7.8 percent in 1992 to 12.8 percent, and has stagnated at this low level for almost five years. This falls below Kenya's ratio of about 21 percent and the sub-Sahara African average of 18 percent. The key explanation for Uganda's dismal performance is simple but not obvious. The Ugandan economy remains an agrarian economy that is stuck in the Garden of Eden (Kiiza, 2007 for details). In the official figures, the share of agriculture declined from over 70 percent in 1980 to about 25 percent in 2008. Over the same period, the share of services increased from less than 25 percent to 50 percent. This creates the illusion of positive/qualitative change. However no structural socio-economic transformation has taken place – at least not yet. About 85 percent of the people still live in the rural areas and continue to use stone-age technology – particularly the hand hoe – in their wealth-creation process. An estimated 75 percent of Uganda's total labour-force (estimated at 10.9 million) works in rural areas, particularly in the stone-age agricultural sector. About 50 percent of the economically active youths are not in income-generating employment (NPA, 2010). Moreover, 70 percent of female youths (14-30 years) do unpaid family work. In short, Museveni's Uganda has experience rapid growth with no fundamental socio-economic transformation.<sup>12</sup>

### ***Electoral Laws***

While the legal provision on the Shs 20 million public funding of presidential candidates is clear (Section 22 (2), Presidential Elections Act, 2005), sections of the electoral law are vague. For instance, Section 22(3) of the Presidential Elections Act allows candidates to

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<sup>11</sup> These are not easy for mainstream quantitative economists to measure statistically – hence the focus on the easy-to-measure income poverty.

<sup>12</sup> The services sector has attracted high quality telecommunications companies (such as MTN of South Africa). But, it is still dominated by tourism (and trade). Tourism, I contend, is a commodity-service (Kiiza, 2007 for details) precisely because it involves inviting foreigners to see us in our state of nature, unaffected by the global knowledge economy.

raise electoral funds through ‘lawful means,’ but the law does not specify what exactly this means. In the same vagueness, Section 25(2) of the Parliamentary Elections Act allows a Minister or holder of a political office to use ‘the official facilities ordinarily attached to his or her office’ during partisan elections. Such ‘open-ended’ provisions (CEFIM, 2006: iii) reflect NRM’s upper hand in enacting NRM–friendly legislation in the run-up to 2006. This suggests that the ‘enabling’ laws ‘were enabling to NRM and disabling to opposition parties’ (Kiiza, 2008: 241).

Yoweri Museveni’s case was unique. The sitting president is *legally* entitled to continue using the facilities of president’s office in partisan politics. As CEFIM (2006) notes:

In real and practical terms, the import of the law is that the incumbent President continues to use all public resources that have been available to him as President, including the press unit [Presidential Press Unit], protection unit [the Presidential Guard Brigade], administrative personnel ... this is indeed what was to be observed during the course of the electoral campaigns, with the additional scenarios where the President was seen to use other forms of administrative and financial resources (p. 26; quoted in Kiiza, 2008: 242).

In short, the electoral laws were *politically* constructed to serve a *political* objective. The laws did not reflect simple technocratic incompetence on the part of the ruling elite. [Kiddhu Makubuya, who was Attorney General during the formulation of the electoral laws, is a former Professor of Law]. The weak laws were apparently designed to favour the incumbent NRM and disfavour the opposition parties.

### ***The Museveni versus Besigye campaign strategies***

The gurus of electoral campaigns identify the development of a campaign strategy as ‘probably the most difficult’ but ‘necessary’ part of competitive politics (Guzzetta, 2006: 1). Certain interviewees attributed Museveni’s victory to his superior campaign strategy in comparison with those of his opponents. Museveni arguably had:

... a superior plan of action for his re-election campaign. As a seasoned military general, Museveni developed a campaign strategy with a clear long-term goal, namely, winning the election. As a seasoned guerilla fighter, he developed effective short-run tactics or maneuvers such as the aggressive use of rap music, sms messaging and other electronic media. These effectively reached the IT [information technology] savvy youths who

constituted 4.5 million or almost 35 percent of the registered voters. To reach out to the older voters, candidate Museveni aggressively used campaign posters. His posters observably overshadowed those of all the opposition candidates combined. Museveni also flooded the state-owned *New Vision*, TV stations, and FM radios with his re-election messages. To crown it all, Museveni heavily used word-of-mouth local vigilantes or opinion leaders who were handsomely financed to make door-to-door operations with a view to reaching every household. No opposition candidate had comparable campaign strategy. None had a comparable set of vote-mobilization tactics (Interviews, April 2011).

Critics concede that Museveni has a sophisticated re-election campaign strategy. They nevertheless associate Museveni's effective campaign strategy to three factors. First is his monopoly control of state institutions. Second is Museveni's first-mover advantage over his rivals. Third is his unparalleled access to public resources.

### ***Monopoly control of state institutions***

Critics contend that neither tactics nor strategies can succeed without an institutional infrastructure for deepening, widening and consolidating grassroots support. In all the spheres of political strategy, political tactics and institutional infrastructure, the NRM had huge advantages over the opposition parties. Museveni's monopoly control of the local councils (LCs) is a case in point. The LCs are a dense network of grassroots institutions that run from the village level (LC1) through the parish (LCII), sub-county (LCIII) and country (LCIV) to the district (LCV) level.<sup>13</sup> The LCs started in the 1980s as 'popular' and 'volunteer' institutions for recruiting support for the National Resistance Movement/Army (NRM/A) guerrilla fighters. When the NRM captured power in 1986, the LCs became state structures and were subsequently expanded to cover all parts of the country. With the re-introduction of a multiparty political dispensation in the run-up to the 2006 elections, the LCs became partisan structures of the ruling NRM party and were 'hugely effective in dispensing NRM's political patronage before, during and after the 2011 elections' (Interviews, Makerere, March 2011).

Complementing the LC institutions is a dense intelligence infrastructure that runs from the Internal Security Organization (ISO), through the District ISO, Resident District

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<sup>13</sup> Thereafter, the LCs connect to Parliament and/or the partisan NRM secretariat, which coordinates the political business of the ruling party.

Commissioners (RDCs) and Gombolola or sub-country GISOs down to community-level spies. Politicized local civil servants and police complement the picture. Interviewees in Hoima district reported that the NRM institutional infrastructure serves to ‘reward loyalists, intimidate opposition politicians, or recruit new support for the ruling party’ (Interviews, Kitoba Sub-county, March 2011). None of the opposition parties had state-funded institutions serving partisan political agendas. None had comparable nation-wide infrastructures. The ability of opposition parties (such as FDC or UPC) to establish party offices was constrained by the criminalization of opposition politics (even though the law now permits opposition politics). In short, from an institutional perspective, NRM won even before the electoral contest began.

### ***Museveni’s first-mover advantages***

But that was not all. In 2011, as in the 2001 and 2006 electoral contests, candidate Museveni reportedly flagged off his campaign with poverty reduction tours of the country. His message was unmistakably populist: *Bonna Bagagawale* [Prosperity for All]. NRM insiders reported that the president was disturbed by the high degree of poverty wherever he went. None of the District NAADS Coordinators were able to produce *two* households that had benefitted from NAADS. While poverty had, on average, come down, 46 percent of northern Ugandans were still below poverty. Elsewhere in the country, the level of service delivery was disappointingly poor. Seven in every 10 health centres reported drug-stock outs (EPRC, 2009). Moreover, 20 percent of primary six students could not pass a standard primary two test (UWEZO, 2010). In his 25 years in office, roads were in poor shape; the railway network was still dysfunctional; and only 3 percent of households had access to electricity. These socio-economic realities were disturbing for president Museveni (who had been in office for 25 years) and for *candidate* Museveni (who was seeking people’s consent to govern).

Candidate Museveni shrewdly, if dishonestly, distanced himself from the failures of president Museveni. At the same time, he appropriated the successes of president Museveni (such as increasing primary school enrolments from 2.7 million in 1996 to 8.2

million 2009). This two-pronged political tactic was primarily designed to address the depressing empirical realities politically, not technically.

Thus, whenever people complained about poor service delivery, the president did not defend the indefensible. Rather, he presented figures of monies that 'he' had released to solve the problems, only to be let down by the corrupt local politicians and bureaucrats. Whenever Besigye charged that official corruption had resulted in poor quality services, the president presented himself as a victim, not perpetrator of government incompetency. Where Besigye presented a grand, macro-political of *One Nation, One People*, Museveni articulated local issues (such as ethnicized districts) in response to 'people's demands for more districts'. Besigye campaigned as a national statesman, Museveni as a local politician. Besigye articulated the politics of nation-building; Museveni perceived all politics to be local. Besigye came off as an idealist, Museveni as a pragmatist.

The Besigye/Museveni contrast extended to the area of government efficiency. Where Besigye decried waste of public resources through patronage, Museveni dispensed patronage. Besigye decried government inefficiency via the politically induced, inefficient districts; pragmatic Museveni promised 14 new districts to supposedly bring services closer to the people. Besigye sought to make government more efficient; Museveni to bring the state closer to the people. If the official election results are to go by, the people's verdict was clear: Museveni cares; Besigye is a wishful thinker.

### **Political cash as the mega-explanation of electoral outcomes**

The mainstream accounts are united by one common denominator. And that is inattention to political cash as the mega-explanation of why some won and others lost the 2011 elections. This section underscores the importance of cash in inducing voter preferences in favour of the incumbent president/NRM party, and against the opposition parties or candidates.

The financialization of 2011, I contend, was part of a larger agenda, namely, the commercialization of politics. This has involved transforming politics into one of the

most rewarding ‘careers’ in Uganda. The entitlements of Uganda’s MPs illustrate the point at issue. As the *New Vision* (10 January 2007) notes, MPs are entitled to a salary of sh1,461,000 a month, plus a gratuity of 30 percent of the annual salary. Additionally, MPs get a huge array of allowances. Each gets a monthly subsistence allowance of about Shs3.3m and a monthly ‘constituency mobilization’ allowance of Shs150,000 – Shs200,000. MPs get sitting allowances for committee meetings of Shs10,000 – Shs15,000 per meeting (depending on whether one is an ordinary member or a chairperson). The MPs also receive Shs10m annually as ‘constituency development fund’ and another Shs2.4m per year as medical allowance. MPs are also facilitated two time a month to travel to their constituencies. They receive mileage of Shs1,150 per km on dirt roads and sh958 per km on tarmac roads. To crown it all, 500km of travel is paid per month to tour the constituency. The net take home for MPs of the 8<sup>th</sup> Parliament ranged between Shs6.4m (Kampala) and Shs8.8m (Kotido).

This was in 2007. In 2011, the net take-home for each MP of the 9<sup>th</sup> Parliament ranges between Shs14.5 million (\$5,179) and Shs17 million (or \$6,071) depending on the distance of the MP’s constituency from Kampala. By contrast, a primary school teacher earns a monthly salary of less than Shs300,000 (\$107). A fresh medical doctor (who spent 5 years in medical school) earns Shs800,000 (\$285); While a Makerere University professor (holding a doctoral degree plus 15-30 years of service) gets a take home package of Shs2,800,000 (or \$1,000).<sup>14</sup> Clearly, then, politics is more rewarding than professionalism.

The commercialization of politics is, unfortunately, associated with official corruption. Several glaring corruption scandals (preceding the 2011 elections) exist:

Box 1: Examples of Corruption Scandals prior to 2011 elections

- A total of Shs 1.2 billion was given to the over 200 NRM MPs, with each getting a ‘bribe’ of Shs 5 million to amend Art 105(2) of the Constitution (Atoo et al, 2008). The aim was to abolish term limits and to allow President Museveni unlimited tenure in office.

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<sup>14</sup> The figures in this paragraph are based on the current exchange rate of 1US\$ = UShs2,800.

- On the 28 July 2005, Uganda had a referendum, which cost the tax-payer Shs 22 billion (or US\$11 million). This money was spent on an issue over which government and the opposition agreed – that is, changing the political system from the Movement to a multiparty political dispensation. In official rhetoric, the referendum sought to enlist the consent of the governed. In reality, the motive was to ‘decentralize’ big monies to voters with a view to inducing the consent of the governed.
- In a letter dated 10 February 2004, Ref. PO/10, President Museveni reportedly directed the Bank of Uganda Governor, Tumusiime Mutebile, to use the Apex Reflows Account to bail out M/S Basajjabalaba Hides and Skins Ltd from the company’s financial troubles (Muhumuza, 2006). This involved paying Standard Chartered Bank (U) Ltd the sum of Shs 21,091,491,670 (or US\$ 11,575,500) that Basajjabalaba owed the Bank. This huge bailout caused the Apex Reflows Account to be overdrawn by Shs 7,081,839,929 and no measures were put in place to recover the monies from Ms Basajjabala (Monitor 28 November 2006). By July 2004, senior BoU officials were reportedly considering writing off the debt arguably because the key beneficiary of the Apex Reflows, Hassan Basajjabalaba, is the Chair of the Entrepreneurs’ League of the NRM *political* party. Interviewees reported that Basajjabala ‘massively’ finances the NRM directly through his ‘private’ business contributions, and indirectly through his role as Chair of the Entrepreneurs’ League.<sup>15</sup>
- In the run-up to the November 2007 Commonwealth Heads of Governments Meeting (CHOGM), government gave Sudhir Shs 8.8 billion to construct 59 modern presidential suits at Speke Resort (New Vision 30 December 2006). State elites defended the deal as a public/private partnership in which Government would have a 25 percent equity. Yet this ‘partnership’ was not backed by any law. The Auditor General could not audit the project to protect the ‘public interest’. Interviewees suggest that Sudhir and other leading Asian investors (such as Sugar Corporation of Uganda Limited (SCOUL) were important sources of financing for both NRM and FDC in the 2006 general elections.<sup>16</sup>

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<sup>15</sup> Basajjabala and other politically connected businesspersons like Sudhir Ruperela reportedly get public funds from the Consolidated Fund and turn it into ‘private’ property. At an opportune moment, they make ‘private’ business contributions to NRM. Banking on their cozy relationship with high level political and technocratic elites, the likes of Basajjabalaba send a clear message to other businesses: if you handsomely finance the NRMO and leading opposition parties you will, at some opportune moment, be rewarded handsomely. These are the tricks Ugandan politicians use to get political finance from both Ugandan and Asian businesses (Reported in Kiiza, 2008).

<sup>16</sup> SCOUL was recently in the press for demanding 7,100 hectares (17,111 acres) of Mabira Forest Reserve supposedly to increase sugar production from 10,000 to 50,000 metric tons. Civil society and opposition parties staged demonstrations demanding protection of Mabira from encroachment. If SCOUL was to abandon its interest in Mabira, one Manager of SCOUL argued, the company demanded to be paid Shs 354 million. This led to speculation that this is the amount of political finance SCOUL spent in the 2006 elections. It remains unclear who exactly received the money or on behalf of which party. What is clear is that the leading opposition parties were united in opposing the Mabira donation to SCOUL. In August 2011, Museveni repeated his determination to give ‘degraded’ parts of Mabira Forest to sugar growers. A trip organized by State House to show journalists the degraded part of the forest to journalists yielded one conclusion: No evidence of degradation found! (Monitor, 16 August 2011).

The foregoing and several other scandals preceded the 2011 elections, but were crucial in the commercialization of politics agenda. They were tolerated or even encouraged by ruling elites in exchange for loyalty to the president and the NRM party.

In the run-up to 2011 and soon thereafter, the culture of dispensing patronage in exchange for loyalty continued unabated, as Box 2 indicates:

Box 2: Dispensing patronage in exchange for loyalty in 2011 and beyond

- Between July and October 2010, candidate Museveni reportedly gave out US\$2.17 million (Shs5 billion) in cash and pledges (Monitor lead story, 7 January 2011). This was during his countrywide *Bonna Bagagawale* (Prosperity for All) anti-poverty tour ahead of the 2011 elections. This figure includes \$318,000 (Shs741 million) that the president gave out in cash and \$1.85 million (Shs4.3 billion) in pledges, but excludes further promises of farming tools, cattle and goats, and vehicles. The money was reportedly spent from the component of State House's \$34.4 million budget known as 'presidential gifts'. By January 2011, candidate Museveni had exhausted the 'presidential gifts' budget and was demanding for supplementary funds (for the four institutions closely linked to the president – State House; Ministry of Defense; Uganda Police; and President's Office (Mwenda and Sserunjogi, 2010).
- In the heat of the campaign season, the president and his NRM elites demanded a supplementary budget of Shs602 billion (\$258 million). In January 2011, Parliament, which is dominated by NRM cadres, convened a special session and approved the budget. About \$7.7 million (or Shs 18 billion) of the supplementary budget was 'for presidential donations' (DEMGROUP, 2011: 25). This doubled State House's budget from \$34.4 million (2010/2011 budget) to \$69 million, and is widely believed to have been used to purchase – or rent – political loyalty.
- In late September 2010, government announced it would (in partnership with UNICEF) pay a monthly stipend of Shs22,000 to the chronically poor Ugandans beginning in April 2011, with 14 pilot districts. (Monitor, 27 September 2010). [By the completion of this paper, no such transfers had taken place]. The stipends are widely believed to be political tools for recruiting new support and rewarding old loyalists ahead of the 2011 elections.
- In January 2011 (less than a month to the 18 February 2011 elections) local government minister, Adolf Mwesige, announced the release of Shs5 billion to pay village and parish council chairpersons. Of this, each of Uganda's 57,364 LC 1 and 7,000 LCII chairpersons would get Shs120,000 as 'ex-gratia' remuneration, that is, as a favour, not a right (New Vision, 20 January 2011: 1).
- On 15 January 2011, government wired Shs6.5 billion into the accounts of 326 MPs (including those of the NRM and the opposition MPs). Each MP got Shs 20 million (roughly \$8,700) to supposedly 'monitor government programs'. The

- timing of the release – less than five weeks to the 2011 elections – suggests that the money was a ‘bribe’ whose objective was to consolidate the NRM support and purchase or rent new support in the elections. Of the 64 opposition MPs, only 15 had, by 25 July 2011 returned the bribe. One opposition MP, Hon Ekanya, claimed he never received the bribe and would not return it, if he received it. None of the NRM MPs returned the bribe (Monitor, 26 July 2011).
- The Monitor of 29 July 2011 reports that Basajjabala was, again, involved in a financial scandal of huge proportions. Basajjabalaba’s Haba Group of Companies was demanding Shs142.6 billion from government as ‘compensation’ for breach of contract (to run three markets and develop Constitution Square in Kampala). The Auditor General ordered the pay blocked on the basis of a forensic audit that was carried out by KPMG Kenya (an international auditing firm). This audit indicates that it is Habba which owes government a net of Shs994 million. But even before the verification exercise was complete, Bank of Uganda, acting on directives from the ministry for finance, issued guarantees to several commercial banks to enable Basajjabala access credit totaling \$65.35million (Shs160 billion). This was in anticipation of government settlement of the claims by Habba Group. Interviewees argue that Basajjabala is ‘probably a front of top politicians’ and will, almost always, get top politicians and technocrats do his will’ (Interviews, August 2011).

The above point to the unparalleled access of the ruling NRM elites, to state resources. In the financial year that preceded the 2011 elections (that is, the 2009/10 financial year), ‘State House received Shs88 billion and made supplementary budgets in February 2010 (Shs34 billion and another Shs3 billion in May 2010 to purchase vehicles for the President. The 2010/11 Budget allocated Shs80.6 billion for State House, and State House requested for an extra Shs95 billion to ‘take care of the Presidency’ DEMGroup (2011: 25 emphasis original).’

But this is a mere tip of the iceberg. The incumbent president innovatively appropriated funds for official government programs (such as the National Agricultural Advisory Services – NAADS) during elections, and reportedly used them to dispense patronage. Government programs are not supposed to stop in an election. However, the timing of resource allocation or financial releases matters. President Museveni ‘tolerated poor service delivery for 25 years [that is, between 1986 and 2011]. In the heat of the 2011 elections, he suddenly appeared to be serious with NAADS or road works’ (Interviews, Kampala, March 2011). The NAADS budget, which was Shs 36 billion in 2006/07; Shs51.74 billion in 2007/08 and Shs61.80 billion in 2008/09 dramatically increased by

almost 100 percent to Shs 122.29 billion in 2010/11 ‘largely due to the need to purchase the 2011 elections through voter bribes’ (Interviews, Kampala, March 2011).<sup>17</sup> The president reportedly ‘spent more than USD350 million on the campaign using largely the public purse supplemented by private contributions’ (EU, 2011: 25 quoting Mwenda, 2011). While the unparalleled access, by ruling state elites, to public finances was not necessarily illegal, it served as a tool for renting political loyalty, not deepening democracy. This had a two-pronged effect. The financialization of elections effectively tilted the balance of power against the opposition parties. Second, government by popular consent was sacrificed on the altar of financially induced voter preferences.

## **Conclusion**

This paper has outlined the corrosive effect of political cash on the principle of government by the ‘consent of the governed.’ An attempt has been made to explain why the electorate gave a resounding victory to the NRM political elites, whose 25-year old regime is associated with systemic official corruption. In the process, the paper has also explained why voters punished, with electoral defeat, the opposition ‘government-in-waiting’ which campaigned on the platform of restoring trust in government via accountable governance.

No mono-causal explanation has been found. Some voters renewed Museveni’s mandate because of his role in restoring peace. Museveni arguably reversed the Hobbesian state of terror that existed before he captured state power in 1986. Other voters rewarded Museveni and the NRM party for their good economic management credentials. Yet others voted out of fear. Certain interviewees described Museveni as a ‘once upon a time’ good leader who has degenerated into an African presidential monarch. Some invoke Hobbes’s language and contend that Museveni has metamorphosed into ‘an African

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<sup>17</sup> The NAADS budget sharply rose from Shs 13.75 billion in 2003/04 through Shs 16 billion in 2004/05 to Shs 29.8 billion in 2005/06. [Interviewees associated the 86 percent increase in the NAADS budget between 2004/05 and 2005/06 to the commercialization of politics during the 2006 elections]. Thereafter, the NAADS budget increased through Shs 36 billion in 2006/07 and Shs51.74 billion in 2007/08 to Shs61.80 billion (2008/09). From 2008/09 the NAADS budget increased by almost 100 percent to Shs 122.29 billion in 2010/11, thanks to the need ‘to purchase the 2011 elections through voter bribes’ (Interviews, Kampala, March 2011).

*Leviathan* (or despot) who would not peacefully surrender power even if an opposition leader won the elections' (Makerere Interviews, March 2011).

However, Museveni's African-strongman character is not the only reason why he won. Critics, like the NRM ideologues, predominantly agree that Museveni had a superior campaign strategy. I hasten to add, however, that Museveni's re-election strategy could hardly guarantee success without the dense LC institutional infrastructure that decentralized state patronage to the grassroots. The LC structure was solidified by the dense intelligence infrastructure that securitized the elections in favour of Museveni and the NRM party.

Important as it is, the institutional advantages of Museveni and his NRM party pale in the light of political cash. Political finance – broadly defined as the collectivity of moneys, material inducements, and politicized goods (such as the gifts of ethnicized districts) – is the mega-explanation of Museveni's victory and Besigye's loss. This is not to suggest that financialization of elections is the only explanation. It is nonetheless the main explanation of the electoral outcome. Admittedly, some of the financially endowed politicians lost to those that were less endowed. For example, only 15 of the 79 LCV chairpersons were returned. [Interviewees in Hoima perceived election losers to be 'non-performing assets' who were incapable of pushing for quality public services]. In the same vein, only 87 of the 215 elected MPs of the 8<sup>th</sup> Parliament were returned to the 9<sup>th</sup> Parliament (Interviews, Kampala, May 2011). This points to the rise of voters' consent as a basis for forming government. Thus, while money matters, electoral finance cannot perpetually purchase political loyalty – even though it can rent it for an extended period.

Two conclusions emerge – one on the presidential elections, and the other on the parliamentary elections results. The presidential elections confirm our hypothesis: *Elections in Uganda have become procedural rituals, not opportunities for establishing government by consent*, thanks to the obscenely high financialization of the elections. The emerging consensus, it would seem, is that 'the presidential monarch will not relinquish power even if voters deny him popular consent' (Interviews, Parliament, May 2011).

However, the defeat of non-performing MPs and LCV officials points to the enduring hope for the consent of the governed. The evidence shows that change is possible at the level of parliamentary and local council elections. These, it would seem, are areas where opposition parties need to invest politically if they are to improve their long-term chances of capturing state power.

Several implications emerge. The first is the need to step up voter education. Voters should be educated on the need to vote for issues, not for parties or candidates who ‘purchase’ votes at the highest price. However, the demand for corruption on the side of voters cannot be effectively tamed unless the supply of corruption by electoral candidates is addressed (Kiiza, 2008). This calls for a serious struggle against official corruption. Civil society, academics, donor networks (such as DEMGroup) and good governance institutions like the Auditor General have a crucial role to play here. They should, for instance, push for a law that bars individuals censured or convicted of abuse of public office from contesting in subsequent elections.

It is important for Uganda to tame ‘presidentialism, a perverted form of governance in which the president (office holder) is stronger than the presidency and other institutions of the state. Presidentialism is the single most important obstacle to the rise of government by popular consent in Uganda. As Kiiza (2008) notes, several African strongmen (such as Robert Mugabe of Zimbabwe and Gaddafi of Libya) directly or indirectly invoke the 17<sup>th</sup> century maxim of King Louis XIV: *L’etat C’est Moi!* [I Am the State!] This needs to change. African rulers need to learn that leaders come and go; the state *and* the nation (defined as the people) remain. To minimize the risk of a presidential monarchy, a law should be passed to cause a sitting president who wishes to contest in subsequent elections to relinquish office and hand over executive powers to a Council of Elders led by a citizen of high repute (such as the Principal of the Supreme Court). The aim, here, is to prevent the abuse of public resources by a sitting presidential candidate.

But that is not all. Financial limits beyond which neither parties nor candidates are allowed to spend must be factored into Uganda’s electoral laws. Unfettered expenditure

by political contestants is likely to entrench vote-buying. It is likely to entrench what Thandika Mkandawire (1999) calls ‘choiceless democracies,’ that is, the perverted political dispensation in which leaders choose their voters, rather than voters choosing their leaders. If this happens, our chances of deepening democracy will be postponed to an uncertain future. Government by popular consent will be sacrificed on the altar of the ‘divine right’ of the rich to rule.

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