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CONCEPTS AND PRINCIPLES OF DEMOCRATIC GOVERNANCE AND ACCOUNTABILITY



A GUIDE FOR PEER EDUCATORS



Konrad
Adenauer
Stiftung

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Acronyms/Abbreviations

ACFODE:	Action for Development
B.C.:	Before Christ
CSO:	Civil Society Organisation
E.C.:	Electoral Commission
E.U.:	European Union
KAS:	Konrad-Adenauer-Stiftung
LC:	Local Council
NGO:	Non-Governmental Organisation
NRC:	National Resistance Council
NRM:	National Resistance Movement
NVR:	National Voters' Register
PWDs:	Persons with Disabilities
SACCO:	Savings and Credit Cooperative
T.V.:	Television
UPDF:	Uganda People's Defence Force
U.S.	United States of America

Foreword

Good Governance and Accountability are principles whose application is essential to a country achieving genuine democracy and development. Good Governance brings along respect of human rights, the rule of law, effective people's participation in development, as well as transparent and accountable processes and institutions. Thus, the Konrad-Adenauer-Stiftung (KAS) is committed to promoting democracy and good governance as the only sustainable way of addressing development challenges anywhere in the world.

In the same line, KAS not only recognises, but highly applauds the fact that democracy, good governance and accountability are priorities clearly stipulated in Uganda's National Development Plan. Nevertheless, for the fact that the multiparty system is generally new, several challenges can be expected. Realising true democracy, good governance and accountability will require higher levels of citizen participation, improved civic education, and promoting more awareness and appreciation of democratic principals by the leaders (and citizens) especially at the local level.

It is on this premise that the project: "Action for Strengthening Good Governance and Accountability" has been designed by KAS and our partner – Action for Development (ACFODE). The interventions proposed within this action are aimed at deepening the understanding and appreciation of the principals of democratic governance among leaders and local citizens as well as establishing mechanisms for increased citizen participation in the governance process. In this regard, a set of mechanisms will be employed including the production of a civic education toolkit which this guide is part of.

On the basis of conducting civic education in Uganda for over three decades, KAS realises the limitations in the availability of reference materials on the concepts of good governance and accountability, particularly those developed within the Ugandan (local government) context. This guide therefore is designed to serve as a simplified tool for use by civic educators and elected leaders in understanding the concepts of democracy, good governance and accountability. Within its content the concept of democracy is clearly defined and explained. It sets out the elements of a democratic state and society. And it also points out the course democracy has taken in Uganda, including a brief historical background and the Ugandan political system as it is today. Similarly, the concepts of good governance and accountability are presented in a much simplified way.

The author Dr. George Okiror is an accomplished Political Scientist. His knowledge on the Ugandan political system has been tapped to produce this guide. I am confident this tool will prove invaluable in enhancing the capacity of civil society and

other actors to promote democratic governance and accountability particularly at local level and to conduct grassroots civic education.

Dr. Angelika Klein
Country Representative
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Introduction

This guide attempts to define the core concepts and principles of democratic governance and accountability. In Part I – ‘Understanding Democracy’ -, a definition and brief history of democracy is provided. It also looks at the characteristics and features of democracy, types of democracy, and principles of contemporary democratic rule. Within this section, examples of democratic institutions and actors are offered. The presentation also attempts to explain that for democracy to succeed it has to be valued and thus be part of a given people’s culture. Part I ends with a discussion of the roles and responsibilities of citizens in a democracy.

In part II – ‘Elements of a Democratic State and Society’ -, the paper discusses the concepts of political pluralism, democratic participation, political representation, the role of elections in a democracy, and the significance of the rule of law. The paper also looks at the concept of human rights and individual freedoms in a democracy. This section ends with a discussion of the concepts of good governance and accountability as well as the role of civil society and civic action in a democracy.

In Part III – ‘Democracy in Uganda’ -, the paper attempts to offer a brief historical background of democratisation attempts in Uganda. As a result, a discussion of the various regimes to date is offered. This section ends with a discussion of the political system embraced by Uganda. In a bid to address the necessary improvement of service delivery to the citizens, the paper also discusses decentralisation programme and local government in Uganda.

PART I – UNDERSTANDING DEMOCRACY

1.1 Democracy: Definition and Origin

The concept of Democracy is traceable to the ancient Greeks and specifically the city-state of Athens in the fifth century B.C. The word democracy is derived from the Greek words '*demos*', meaning people, and '*Kratos*' meaning power or rule. Directly translated, democracy therefore means 'rule by the people', although originally the Greeks used it to mean the poor or the masses. Periclean Athens, named after its most celebrated leader, has inspired generations of later political theorists, statesmen, and common people alike. Yet many aspects of Athenian democracy appear strange and unfamiliar to modern eyes. The central political institution in Athens during the sixth and fifth centuries B.C. was the Assembly, usually composed of 5,000 to 6,000 members and open to all adult citizens with the exception of women, slaves and foreigners. By simple majority vote, the Assembly could decide on virtually any domestic issue without any legal restrictions. Most remarkable, perhaps, was the fact that the leaders of the Athenian Assembly were not elected, but chosen by lot, as the Athenians believed that any citizen was capable of holding public office.¹

The problem with democracy has been its very popularity, a popularity that has threatened the term's undoing as a meaningful political concept. In being almost universally regarded as a 'good thing', democracy has come to be used as a little more than a 'hurray! word', implying approval of a particular set of ideas or system or rule. In the words of Bernard Crick (1993), 'democracy is perhaps the most promiscuous word in the world of public affairs'². A term that can mean anything to anyone is in danger of meaning nothing at all.

Below are some of the meanings that have been associated with the concept of democracy:

- A system of rule by the poor and disadvantaged;
- A form of government in which the people rule themselves directly and continuously, without the need for professional politicians or public officials;
- A society based on equal opportunity and individual merit, rather than hierarchy or privilege;
- A system of welfare and redistribution aimed at narrowing social inequalities;

1 Cincotta, Howard, What is Democracy? (U.S.Department of State: Office of International Information Programs), 7.
2 Heywood, Andrew, Politics (Macmillan Press Limited, 1997), 65.

- A system of decision-making based on the principle of majority rule;
- A system of rule that protects the rights and interests of minorities by placing checks upon the power of the majority;
- A means of filling public offices through a competitive struggle for the popular vote;
- A system of government that serves the interests of the people regardless of their participation in political office.

A working definition for democracy in this paper will be 'a form of government in which power and civic responsibility are exercised by all adult citizens, directly or indirectly through their freely elected representatives'³.

1.2 Main Characteristics and Features of Democracy

Democracy is more than just a set of specific government institutions; it rests upon a well understood group of values, attitudes, and practices – all of which may take different forms and expressions among different cultures and societies around the world.⁴

Below are some core democratic characteristics:

- Democracy is government in which power and civic responsibility are exercised by all adult citizens directly or indirectly through their freely elected representatives.
- Democracy rests upon the principle of majority rule, which means that decisions are made by majority and have to be accepted by all, but minority viewpoints are respected and protected.
- Democracies guard against all-powerful central governments and decentralise government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people as possible.
- Democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech and religion; the right to equal protection under the law; and the opportunity to organise and participate fully in the political, economic, and cultural life of society.
- Democracies conduct regular free and fair elections open to all citizens of voting age.
- Citizens in a democracy have not only rights, but also the responsibility to participate in political systems that, in turn, protect their rights and freedoms.
- Democratic societies are committed to the values of tolerance, cooperation, and compromise.

³ U.S. Department of State, *Democracy in Brief* (Global Publishing Solutions), 4.

⁴ Ibid. 4.

1.3 Types of Democracy

Democracies fall into two basic categories, i.e. direct/participatory and representative democracy.

In **direct democracy**, citizens, without the intermediary of elected or appointed officials, can participate in making public decisions. Direct democracy thus reduces the distinction between government and the governed and between the state and civil society; it is a system of popular self-government. Its most common manifestation in the modern era is the use of referenda.⁵ In Uganda, the practice of direct democracy can be found at the local council 1 (village) level and during national referenda, as was the case in 2005 when a referendum was held to change over from the Movement system to a multiparty dispensation. Direct democracy is most clearly practicable with relatively small numbers of people – in a community organisation, tribal council, or the local unit of a labour union, for example – where members can meet in a single room to discuss issues and arrive at decisions by consensus or majority vote.

However, today, as in the past, the most common form of democracy, whether for a town of 50,000 or a nation of 50 million people, is **representative democracy**, in which the citizens elect officials to make political decisions, formulate laws, and administer programmes for the public good. This type of democracy is limited and indirect. It is limited in the sense that popular participation in government is infrequent and brief, being restricted to the act of voting every few years. It is indirect in that the public do not exercise power themselves; they merely select those who will rule on their behalf. This form of rule is democratic only insofar as representation establishes a reliable and effective link between the government and the governed.

In Uganda, for example, article 1(1) of the Ugandan Constitution provides that 'all power belongs to the people who shall exercise their sovereignty in accordance with the constitution'; Clause (4) provides that 'the people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda'.

1.4 Principles of Modern Democratic Rule

These are sometimes referred to as the pillars, tenets, or principles of democratic rule. They differentiate democratic rule from any other types of government. Any democracy around the world can be evaluated on the basis of these principles. They include:

- **Citizen participation:** This means that citizens are part and parcel of what happens in their society or country. The citizens are part of the

⁵ Ibid., 5 - 6.

decision-making process on matters that affect them. Communication is a two-way consultative process, i.e. bottom-up as well as top-bottom before any decision is reached.

- **Equality:** This means equality before the law, equality of opportunity in the realisation of individual capacities without regard to one's race, gender, ethnic background, religion or whatsoever.
- **Political tolerance:** This means the ruling masses are mindful and respectful of the interests of the minority. While there may be differences between the people by way of race, religion, descent and culture they rise above such differences and give room for discussion, debate and accommodation of different viewpoints.
- **Accountability:** This is when elected leaders or public officials have to answer to the common citizens regarding their actions, decisions or indecisions during the time they are or were occupants of the public offices. Those found to be performing to the required standards are rewarded by their continued stay in office while those found to be lacking in one way or another are punished.
- **Transparency:** To be transparent means that leaders allow for public scrutiny of what they do while in public office. The citizens are allowed to attend public meetings and are free to obtain information on what happens in public offices, who makes what decisions and why. Transparency is a step towards accountability.
- **Regular, free and fair elections:** Regular elections ensure that the citizens are not stuck with bad leadership but that they have the opportunity to throw out incompetent leaders through free and fair elections. Free and fair elections give the citizens a chance to elect a leader of their choice as opposed to rigging elections that return often unwanted leaders to power. Elections are the main avenue for all citizens to exercise power by choosing their leaders and giving their vote to the candidate whom they think will represent them best.
- **Economic freedom:** Economically handicapped citizens are the ones prone to all types of abuses as they lack the economic base to meet the basic necessities of life. As a result they are the ones often bribed with the smallest of gifts during elections, the consequences of which are often adverse, such as returning corrupt and morally bankrupt leaders to power. Economic independence creates the foundation on which the citizens become vibrant and thus able to call their leaders to account for their actions or inaction. In democracies, economic pluralism needs to go hand in hand with political and social pluralism, i.e. the freedom to choose/select one's political leaders and the freedom to belong to one's social/cultural associations, respectively.
- **Control of the abuse of power:** Any government without checks and balances on its powers is likely to abuse those powers. The most common

form of abuse of power is corruption by government officials. Control of abuse of power can be achieved through a number of ways, i.e. by way of **separation of powers** of the three arms of government – the legislature, executive and the Judiciary – and by ensuring the independence of the three. Another way is by creation of institutions such as the government ombudsman (Inspector of Government in the case of Uganda), which watches over the performance of government officials in relation to the agreed standards and ethics.

- **Bill of rights:** This imposes controls on government powers in a bid to protect the citizens from abuse by heavy-handed leaders. As such, the bill of rights seeks to protect the rights and freedoms of the citizens by way of ensuring that this protection is enshrined in the constitution of a given country.
- **A culture of accepting the results of elections:** Once free and fair elections are held and a winner clearly emerges, the loser of the elections should without resistance evacuate office and hand over the instruments of power to the winner. However, it is also important that once voted into power, the leaders should rule for the benefit of all citizens regardless of the fact that some did not vote for them.
- **Human rights:** Unlike dictatorships, democracies strive to protect the rights and freedoms of their citizens from abuse. These rights include the right to life, the right to own property, the freedom of expression, the freedom to associate, and the freedom to assemble, among others.
- **Multi-party system:** A multiparty system is a set-up where there are more than two political parties contesting for power. The reasons for having multiple parties in a democracy are: to widen the pool for choice of the best candidate for political office; to offer alternative views to the government of the day as a result of the existence of an opposition; and to enable the opposition to act as a check on those in political office. One-party systems lead to a lack of alternatives for the citizens and concentration of powers and have often led to dictatorships.
- **Neutrality of state institutions:** State institutions such as the police and the army should be neutral and not take sides or be politically partisan.
- **Rule of law:** This implies that no one is above the law and requires that all citizens observe the law and are held accountable if they break it. The due process of law requires that the law should be equally, fairly and consistently enforced. The rule of law ensures law and order and the protection of citizens as they enjoy their rights.

1.5 Democratic Institutions and Actors

The success of democracy in a country is dependent on having strong institutions. These institutions include the three arms of government: the Legislature (Assembly, Parliament), the Executive and the Judiciary.

Assemblies are respected because they are composed of lay politicians who represent the people rather than by trained public officials. Assemblies are invested with formal law-making power, thus the name **legislators**. Assemblies⁶ provide a link between government and the people, a channel of communication that can both support government and help to uphold the regime and force government to respond to public demands and anxieties.

The major functions of assemblies are:

- **Legislation:** As representatives of the people, the legislators are vested with the power to make laws on behalf of the citizens. This makes the laws binding because legislators execute this function on behalf of the people, meaning that the people themselves make their laws. It is in parliament that discussion and debate of proposed laws take place.
- **Representation:** As noted above, assemblies play a representative role providing a link between government and the people. Because we cannot all sit in parliament, the elected members of parliament thus serve a delegated function.
- **Scrutiny and oversight:** Greater emphasis has been placed on the ability of assemblies to constrain or check government power. This is what makes assemblies scrutinising bodies whose major function is to deliver responsible and accountable government. It is for the same reason that the concept of checks and balances is used when looking at the three arms of government, especially parliament that has to scrutinise and oversee the activities of the executive and the judiciary.
- **Recruiting and training:** Assemblies often act as the major channels of recruitment, providing a pool of talent from which leading decision-makers emerge. Parliament is a training ground because it is where the lay representatives of the people acquire oratorical skills and learn how to debate and make laws, functions that build their capacity to fill other political offices.
- **Legitimacy:** Assemblies promote this function by encouraging the public to believe that the system of rule above them is rightful. It is for the same reason that even authoritarian regimes tolerate assemblies.

6 Heywood, Andrew, *Politics* (Macmillan Press Limited, 1997), 297.

The **Executive** branch of government is charged with the function of implementing or executing the law. This is the core of government, as noted by Heywood, because political systems can operate without constitutions, assemblies, judiciaries and even parties, but they cannot survive without an executive branch to formulate policy and ensure that it is implemented. The executive is the source of political leadership.

In the broadest sense, the executive is the branch of government responsible for the implementation of laws and policies made by the legislature. The executive branch extends from the head of government to members of the enforcement agencies such as the police and the military and includes both ministers and civil servants.⁷ More commonly, the term is used in a narrow sense to describe the smaller body of decision-makers who take overall responsibility for the direction and coordination of government policy.

Besides the major function of providing leadership at the highest level of the state, the following are the other functions of the executive:

- Ceremonial duties: Heads of state, chief executives and, to a lesser extent, senior ministers or secretaries represent for the state. The role performed by these executive leaders is often formal and ceremonial as they may be tasked to represent their governments at state occasions, international conferences and ratification of treaties and in foreign visits.
- Control of policy-making: The key function of the political executive, as mentioned above, is to direct and control the policy process and policy implementation.
- Popular political leadership: The popularity of the political executive, more than any other part of the political system, is crucial to the character and stability of the regime. The political executive's role is to direct and control the policy process. The political executive is looked to, in particular, to develop coherent economic and social programmes that meet the needs of more complex and politically sophisticated societies, and to control the state's various external relationships in an increasingly interdependent world. At policy level, it is the ability of the executive to mobilise support that ensures the compliance and cooperation of the general public. Without support from the public, or from other key groups in society, policy implementation becomes difficult or impossible.
- Bureaucratic management: The task of overseeing the implementation of policy means that the political executive has a major bureaucratic and administrative responsibility. In this sense, the chief executive, ministers and secretaries make up the top management charged with running the machinery of government.
- Crisis response: The biggest advantage that the political executive has over the other two arms of government is its ability to take swift and decisive action. When crises break out in domestic or international politics, it is

7 Ibid., 316.

the political executive that swings into action by virtue of its hierarchical structure and the scope it provides for personal leadership. It is for this reason that the assemblies⁸ allow political executives near-dictatorial powers in times of war, and for executives to seize emergency powers when confronted with domestic crises such as natural disasters, terrorist threats, industrial unrest and civil disorder.

The third arm of government is the **Judiciary** that is empowered to decide legal disputes. The central function of judges is to adjudicate on the meaning of law, in the sense that they interpret or construct law. This function arises because the makers of law, i.e. the legislators are very often lay people as concerns matters of law. In countries with written/codified constitutions, the function of the judges also involves the interpretation of the constitution itself and this allows judges to arbitrate in disputes between major institutions of government or in disputes between the state and the individual.

One of the chief characteristics of the judiciary in liberal democratic systems is that judges are strictly independent and non-political actors. This, however, remains a very controversial and debatable issue in many countries where the involvement of judges in matters which are political is concerned. To ensure the impartiality of court rulings⁹ judges, whether appointed or elected, must have job security or tenure guaranteed by law, so that they can make decisions without concern over pressure or attack by those in positions of authority.

The other democratic institutions and actors include the media, civil society, political parties and, especially, a strong opposition in parliament.

A free and independent **media** is important in a democracy as it is the mouthpiece for reaching out to the masses. As modern societies grow in size and complexity, the arena for communication and public debate has become dominated by the media. The media includes radio, television, newspapers, magazines, books and, more recently, the internet and satellite television. The functions of the media are:¹⁰

- Information and education: The media has a central role to play in informing and educating the citizens and in providing accurate information to public consumers. It facilitates intelligent decisions about public policy by hosting debates and dialogues. This role is especially important during election campaigns when few voters will have the opportunity to see, much less talk, with candidates in person.
- Advocacy: Media audiences may benefit from various conflicting opinions, in order to obtain a wide range of viewpoints.
- Acting as watchdog over government and other powerful institutions in society: By holding to a standard of independence and objectivity,

8 Ibid., 319.

9 U.S.Department of State, *Democracy in Brief* (Global Publishing Solutions), 41.

10 Ibid., 43.

however imperfectly, news media can expose the truth behind the claims of governments and hold public officials accountable for their actions.

- Setting the agenda: Because the media cannot report on everything, they must choose issues to highlight and which to ignore. This way the media decides what is news and what is not. These decisions in turn influence the public's perception of what issues are most important.

A **political party** is a group of people that is organised for the purpose of winning government power, by electoral or other means. The major functions of political parties are to:

- recruit and socialise new membership;
- nominate and campaign to elect public officials;
- draw up policy programmes for the government if they are in the majority;
- offer criticisms and alternative policies if they are in opposition;
- mobilise support for common policies among different interest groups;
- provide structure and rules for society's political debate;
- enhance representation of the electorate;
- articulate interests as the citizens make demands to their governments;
- mobilise the citizens to participate in political and development processes.

Interest groups and civil society organisations (CSOs), including **non-governmental organisations (NGOs)**, are another key element in a vibrant democracy. A citizen¹¹ may be a member of a number of private or voluntary organisations, including interest groups that try to influence public policy and sway public officials' views. Democracy protects the rights of 'special interest' groups to organise and advocate their causes. NGOs attempt to serve the needs of a community, a nation or a cause, which may be defined globally. NGOs try to supplement or even challenge the work of government by advocating, educating, and mobilising attention around major public issues and monitoring the conduct of government and private enterprises. NGOs may provide expertise and personnel on the ground for the implementation of government-funded projects. NGOs may be politically unaffiliated or they may be based on partisan ideals and seek to advance a particular cause or set of causes in the public interest. Whatever their nature, NGOs operate under minimal political control of states.

1.6 Democracy as a Value

Values are things people cherish and will protect to ensure their survival. Culture, which by simple definition is the way of life of a given people, is a good example of an embodiment of values. Democracy as a value, then, means that people will do anything to protect it as it is a part of their culture, thus a way of life of a given people.

¹¹ Ibid., 49 -51.

Like any aspect of culture, members of society need to be socialised into embracing democracy and its ideals. Socialisation, which is the process of transmission of (democratic) values, can be achieved in two ways. The first is a formal process of learning or schooling which entails a structured learning programme through a school curriculum which members of a given society will be required to learn. Civic education, for example, can be achieved through a formal process of learning. The second is through an informal process of transfer of values of democracy. As democracy becomes a way of life among a given people, democratic values are passed down from one generation to another, sometimes through a non-deliberate process during the early stages of one's socialisation. Simply put, 'democracy is a day-to-day practice where:

- human beings are regarded as equals;
- every person is respected;
- everyone's role is understood and appreciated;
- everybody has the opportunity to be heard and understood;
- everybody has the right to participate in decision-making on matters that affect their lives;
- everybody has the right to vote on issues and elect their leaders.'¹²

For democratic values to be passed on to the members of a given society, formally or informally, the political culture within a given country should be conducive to democratic ideals. For example, it is difficult to expect democracy to take root in a dictatorship. Even where the climate is conducive to the success of democracy, it has to become part and parcel of the people's culture.

Understanding democracy as a value also means that it will be practised at all levels and in all spheres of life. It is not just limited to areas of formal political leadership but instead forms a guiding principle, even in everyday life. Thus, if democracy as a value is being understood, supported and internalised by the citizens it should be practised, for example, in families, communities, schools, at workplaces and within CSOs. That way, every citizen in a democratic society is socialised into the society's democratic norms and practices.

1.7 Citizens in a Democracy

Citizen participation is paramount for the success of democracy. If the decision-making process excludes the masses, one cannot talk of a democracy. For meaningful citizen participation in the politics of their country and, thus, the success of democracy, it is necessary that citizens know their roles and duties in a democracy. Besides this, the task of citizens is to nurture institutions and practices that are compatible with local conditions and conducive to democratic aspirations.

¹² U.S. Department of State, *Democracy is a Discussion: Civic Engagement in Old and New Democracies* (A Joint Publication of the U.S. Department and Connecticut College, 1997).

In nations still labouring under the burden of authoritarian regimes, the challenge is to expand the small arenas of liberty that exist within the interstices of oppression.¹³

As noted in the Human Rights Declaration and reiterated in Chapter Four of the Constitution of Uganda,¹⁴ the citizens' rights include:

- Equality and freedom from discrimination;
- Protection of right to life;
- Protection of personal liberty;
- Respect for human dignity and protection from inhuman treatment;
- Protection from slavery, servitude and forced labour;
- Protection from deprivation of property;
- Right to privacy of person and other property;
- Protection of freedom of conscience, expression, movement, religion, assembly and association;
- Right to education;
- Rights of women;
- Rights of children;
- Rights of persons with disabilities;
- Protection of minorities;
- Right to culture;
- Civic rights and activities;
- Right to a clean and healthy environment;
- Right of access to information;
- Right to just and fair treatment in administrative decisions.

Alongside the rights are citizen responsibilities¹⁵ listed below:

- Compliance with legitimate laws and institutions. This includes the protection of the constitution from unnecessary changes and abuse;
- Acceptance and respect of the rule of the majority;
- Payment of taxes by the citizen;
- Monitoring and protecting the use of public funds from abuse;
- Cooperation with local authorities such as local councils and the police;
- Exposing criminals and preventing criminal activities;
- Citizen participation in the development of their community;

13 U.S. Department of State, *Democracy is a Discussion: Civic Engagement in Old and New Democracies* (U.S. Department and Connecticut College, 1997), 7.

14 The Constitution of the Republic of Uganda, 1995.

15 MS Uganda's Democracy Project, *Democracy Your Handbook* (2005).

- Voting for responsible leadership;
- Holding leaders accountable for their plans and actions;
- Having the right information at the right time in order for one to be a meaningful participant in the decision-making process;
- Protecting, sharing and use of natural resources in a sustainable manner;
- Being tolerant to others who have different views and opinions;
- Practising democratic ideals in our homes, places of work and wherever we find ourselves.

PART II – ELEMENTS OF A DEMOCRATIC STATE AND SOCIETY

2.1 Political Pluralism

The broader definition of pluralism is a belief in or a commitment to diversity or multiplicity. As a descriptive term, pluralism may be used to mean the existence of party competition, a multiplicity of ethical values or a variety of cultural norms. In a democracy, government is only one thread in the social fabric of many varied public and private institutions, legal forums, political parties, organisations, and associations. This diversity is called pluralism, and it assumes that the many organised groups in a democratic society do not depend upon government for their existence, legitimacy, or authority. Most democratic societies have thousands of private organisations, some local and some national. Many of these organisations serve a mediating role between individuals and society's complex social and governmental institutions, filling roles not given to government and offering individuals opportunities to become part of their society without being in government.¹⁶

In the Ugandan context, political pluralism means, simply, that Ugandans are free to form and belong to different political parties and to hold different political ideologies. The different political parties or groups are free to compete for political positions (power) at all levels, national or local. In addition, the people are also free, whether as individuals or as political organisations (parties), pressure groups, or social, cultural and economic institutions, to express their opinion on different aspects of politics and governance. An individual's or group's opinion cannot be disregarded simply because it contradicts the view of the government or party in power; otherwise, all views have to be listened to and respected. State agencies should not interfere when citizens exercise their freedoms as long as the freedoms are being exercised within the law.

In **local governments**,¹⁷ political pluralism entails two basic aspects: first, political leaders, including local council chairpersons and councillors, may be elected on a political party ticket or as independent candidates, in which case different political parties can be represented in a local council. The second aspect is that the various stakeholders – councillors, civil servants and civil society – are all involved in the decision-making process. Pluralism at local level also implies considering the views

¹⁶ U.S. Department of State, *Democracy in Brief* (Global Publishing Solutions), 8 – 9.

¹⁷ *Political Pluralism, Democratic Participation and Representation at Local Government Level in Uganda*, A handbook on key concepts for civil society, media and Local Councils (Konrad Adenauer Stiftung, 2009), 18–19.

and attending to the interests of special groups such as women and children, youth, persons with disabilities, veterans, and business associations, among others.

2.2 Democratic Participation

Participation is a component of democracy which refers to the process whereby people act in political ways to connect themselves to government and thus become self-governing.¹⁸ Democratic participation can occur in two ways: First, people can participate through established structures of the adopted forms of democracy; and second, they can participate through civil associations. In democracies, the election of leaders must be free and fair. In some societies, a referendum is used to decide on major issues of the day. In this way citizens become part of decision-making and governance.

Experiences in Africa and elsewhere also show that leaders can neglect the interests of those who elected them and concentrate instead on their own interests and those of particular groups. It is, therefore, important for the people to constantly monitor the way their leaders manage their affairs. This is possible through civil associations, for example; farmers, youth, academics, women, persons with disabilities, veterans, entrepreneurs, environmentalists etc. Participation in such associations is important as they help to protect group interests and as they raise awareness about specific issues and, therefore, can be educative. Furthermore, participation through such associations and groups eliminates individual isolation and strengthens the people's position in engaging leaders for their own interests and those of the community in general.¹⁹ This becomes even more relevant when the government system expands and its organs become far removed from the people, and when a person as an individual cannot effectively question the government.

A lack of people's participation in free associations bears the risk that since it is difficult for an individual to pressurise the government into meeting people's needs, the failure of individual efforts leads to individual despair and frustration, which may in turn lead to withdrawal from the campaign for democracy.²⁰

Participation can occur in different forms and degrees, in all spheres of life and at all levels in the political system.

In the **social sphere** people are participating in community matters and issues of daily life, for example through involvement in community projects, self-help groups or charity initiatives. Other popular examples of social participation can be found in the diversity of social groups and activities such as religious groups and churches, sports clubs, traditional and cultural activities and events etc.

18 Grigsby, E., *Analyzing Politics: An Introduction to Political Science* (Belmont: Thomson Learning Inc. 2005) , 325.

19 See REDET, *The Foundations of Democracy* (Department of Political Science and Public Administration, University of Dar-es-Salaam (n.d.)), 14.

20 Ibid., 14.

Through their jobs and income-generating activities people also participate in the **economic sphere**. By producing, offering and purchasing goods people become participants in the market. Other examples of organised participation in the economic sphere are savings clubs and cooperatives, among others.

In the **political sphere** people in a democratic system have opportunities to participate through different mechanisms, from the local to the national level. The most common form of political participation in a democracy is voting in elections. Apart from voting for other candidates people can, of course, also become candidates themselves and run for public office. Forms of political participation beyond elections include referenda and consultations by leaders (for example through community meetings). Participation, however, can also occur in alternative forms of proactive initiative by the citizens who can, for example, engage their leaders in discussions and dialogues. Some of these alternative forms can be institutionalised to a certain extent; for instance people can join political parties or form certain interest and lobby groups. Other forms are of a more temporary or spontaneous nature, such as petitions, campaigns for certain projects or services and protest movements and demonstrations. Through such activities existing forms of participation in the social sphere frequently acquire a political dimension. The media can also provide opportunities for participation, particularly by providing platforms for publicly expressing opinions on political matters.

2.3 Representation

Owing to the main challenge presented by direct democracy, i.e. the difficulty of each one of us representing ourselves at various fora, indirect or representative democracy was introduced. Representation is defined as the process by which political power and influence which the entire citizenry or a part of it might have upon governmental action, with their express or implied approval, is exercised on its behalf by a small number among them, with a binding effect upon the whole community thus represented.²¹

Similarly, a representative government is understood to stand for 'the whole people', or some numerous portion of it. It exercises the ultimate controlling power through deputies periodically elected by the people themselves. Scholar J.S. Mill argued that 'the people must possess this ultimate power in all its completeness. They must be masters, whenever they please, of all the operations of government'.²²

From the above conceptualisation, five essential principles of representation in a liberal democracy stand out, namely:

21 Friedrich, C.J., *Constitutional Government and Democracy: Theory and Practice in Europe and America* (Massachusetts: Blasdell Publishing Company, 1968), 278.

22 Mill, J.S., 'Of the Proper Functions of Representative Bodies', in H. Eckstein and D. Apter, (eds.), *Comparative Politics: A Reader* (New York: The Free Press, 1963), 104.

- The ultimate power lies with the people (the popular sovereignty principle);
- This popular power is exercised by a selected few on behalf of the many (the deputation principle);
- The deputies (or representatives) are mandated by the people through periodical elections (the popular consent principle);
- Decisions made and actions carried out by these deputies have a binding effect on the community (the governance principle); and
- As ultimate masters, the people remain the final judge of performance of the government and their deputies (the accountability principle).

But how should a representative act so as to conform to all these principles? Edmund Burke, an English philosopher and politician, argued that a representative should be guided by four things, namely constituency opinions, rational judgement, consideration of the national interest and personal convictions or conscience.²³ In the modern world, most people tend to view a representative in Burkean terms: a person with discretion and inclined or expected to act in response to local, national and personal exigencies.

Constitutions and subsidiary legislations in various countries, both at local and national levels, spell out the **functions of representatives**. There are common known functions such as the making of laws/ordinances/by-laws, revenue-raising, and authorisation of budgets. However, representatives (for example members of parliament and councillors) do a lot of other things sanctioned by convention, the expectations of voters, personal convictions and the fact that they are 'leaders'. In a case study of the districts of Mbarara and Gulu political leaders, activists in CSOs and media practitioners identified a number of functions for a representative that can be located at three levels – national, constituency and personal.²⁴

National level functions include law-making; passing and amending the constitution; approving taxes, other revenues and budgets; making or shaping public policy; controlling government actions; informing the government about constituency situations; resource allocation nationally and providing leadership nationally.

Constituency-level functions include informing one's constituents about government actions, plans and policies; helping to settle conflicts and resolve the grievances of constituents; aggregating and articulating the interests of constituents to relevant authorities; resource allocation locally; mobilising efforts for the development of the constituency; providing leadership locally.

23 Edmund, Burke, , *Writings and Speeches*, Vol. II (Boston, 1901), 89-98.

24 The case study was conducted to tap the views of the media practitioners, CSO leaders and political leaders in local governments as part of the preparation of this handbook during the month of February 2009.

Personal-level functions include self-advertising, credit-claiming, and position-taking. Since these personal-level functions are rarely discussed in literature, let us briefly explain them.

Self-advertising has been defined as 'any effort to disseminate one's name among constituents in such a fashion as to create a favourable image but in message having little or no issue content'.²⁵ Experience, however, also indicates that self-advertising may include focus on the real issues of constituents and development. Getting oneself known in the constituency and nationally requires self-advertising using methods such as:

- frequent visits to the constituency in case one resides outside it;
- speeches to home audiences;
- attending constituents' functions and ceremonies, such as weddings and burials;
- sending condolence or congratulatory messages to constituents;
- writing newspaper columns (in newspapers published in local languages);
- participating in public debates (on radio and TV, in seminars, conferences etc.); and,
- being calculatingly vocal on selected issues of local importance.

Credit-claiming has been defined as 'acting so as to generate a belief in a relevant political actor (or actors) that one is personally responsible for causing the government, or some unit thereof, to do something that the actor (or actors) considers desirable. The emphasis here is on individual accomplishment (rather than, say, party or government accomplishment) and on the Congressman as doer (rather than as, say, expounder of constituency views)'.²⁶

Position-taking is defined as 'the public enunciation of a judgmental statement on anything likely to be of interest to political actors'. The position taken may tie in with constituency interests or the party position on the issue, or personal conscience. The position may be conservative (i.e. clinging to one's position of the past), or radical (i.e. breaking with the past or the mainstream view).²⁷ Position-taking in a local government council or national parliament includes fence-sitting (i.e. avoiding becoming involved in decision-making or being conscious of taking a side that may affect the rating of a representative negatively) on some sensitive issues if the representative is uncertain of the consequences of his pronouncement, i.e. how his/her constituents or his/her party would receive it.

25 Mayhew, D., 'Congress: the election connection', in P. Woll, *American Government: Readings and Cases* (1987), 469. Also for methods of getting known through self-advertising elsewhere in East Africa, see Mushi, S.S., 'Historical and Theoretical Analysis of Representation', in Mukandala, R.S et al., *People's Representatives: Theory and Practice of Parliamentary Democracy in Tanzania* (Kampala: REDET, 2004), 42-43.

26 Mayhew, 469.

27 Ibid., 469.

The above personal-level functions are important for the success of a representative because one cannot be known unless one advertises oneself, one may not get credit unless one claims it, and one cannot distinguish oneself unless one takes a position on issues which are considered important locally, for example on the grading of roads, construction of boreholes, access to gravity water, access to credit through Savings and Credit Cooperative Organisations (SACCOs), resettlement of IDPs, girl-child education, environmental protection etc.

2.4 Elections

Since in a democracy the ideal is seeking the consent and mandate of the citizens for any leader to be accepted as legitimate, citizen participation in the choice of their leaders is important. Elections as the 'means of filling public offices by competitive struggle for the people's vote'²⁸ has become synonymous with democracy as it empowers the common citizens with the right to choose their leaders. As a result, elections have become one of the yardsticks for measuring how democratic a country is. As such, participation in the decision-making process and the conduct of free and fair elections are some of the major principles of democracy, to the extent that one of the political responsibilities of every citizen is to vote for responsible leadership in their community or country.

The elements of democratic elections include:

- Elections must be **competitive**: Opposition parties and candidates must enjoy the freedom of speech, assembly and movement necessary to voice their criticism of the incumbent government openly and to bring alternative policies and candidates to the voters.
- Elections must be **periodical**: Democracies do not elect dictators or presidents-for-life. Elected officials are accountable to the citizens and they must return to the voters at prescribed intervals to seek their mandate to continue in office or face the risk of being voted out of office.
- Elections must be **inclusive**: Who is entitled to vote and how widely is the franchise drawn? The definition of the citizen and voter must be large enough to include the adult population, which in the Ugandan case is someone who is 18 years and above. A government chosen by a small, exclusive group is not a democracy no matter how democratic its internal workings may appear.
- Elections must be **definitive**, as they define who the public office bearers will be for a specified period of time.

Democracies thrive on **openness and accountability**, with one very important exception: the act of voting itself. To minimise the opportunity for intimidation, voters in a democracy must be permitted to cast their ballots in secret. At the same time, the protection of the ballot box and the tallying of the votes must be

28 Heywood, Andrew, Politics (Macmillan Press Limited, 1997), 211.

conducted as openly as possible, so that the citizens are confident that the results are accurate and that the government does, indeed, rest upon their consent.²⁹

One of the difficult concepts for some to accept, especially in countries like Uganda, where the transition of power has historically not taken place peacefully, is that of the '**loyal opposition**'. It means that all sides in a democracy share a common commitment to its basic values. Political competitors do not necessarily have to like one another, but they must tolerate one another and acknowledge that each has a legitimate and important role to play. The ground rules of the society must encourage tolerance and civility in public debate.

After the election, the losers accept the judgement of the voters. If the incumbent party loses, it must turn over power peacefully. No matter who wins, both sides must agree to cooperate in solving the common problems of the society.

There are different forms of **electoral systems**. The way elections of public officials are conducted varies from country to country. At national level, for example in Uganda, legislators are chosen by districts that each elect a single representative; this is also known as the 'winner-take-all' system. Alternatively, under a system of proportional representation, each political party is represented in the legislature according to its percentage of the total vote cast nationwide. Whatever the system used, election processes must be seen as fair and open so that the election results are recognised as legitimate.

2.5 Rule of Law

A central element of the rule of law in a democracy is **equality before the law**. 'Democracy without the rule of law is quite literally unthinkable. Being subjected to the rule of law may sometimes be a vexation but it is the only sure and certain protection we have against tyranny, demagogues, and mob rule.'³⁰ The rule of law is the principle that the law should rule in the sense that it establishes a framework to which all conduct and behaviour conform, applying equally to all the members of society, be they private citizens or government officials. It means that no individual, whether president or private citizen, stands above the law. The rule of law³¹ is thus a core democratic principle, embodying ideas like **constitutionalism**, which is the practice of the rule of law and limited government.

The rule of law protects fundamental political, social, and economic rights and defends the citizen from the threats of tyranny and lawlessness. Democratic governments exercise authority by way of the law and are themselves subject to the law's constraints.

29 U.S. Department of State, *Democracy in Brief* (Global Publishing Solutions), 19 – 22

30 U.S. Department of State, *Democracy is a Discussion: Civic Engagement in Old and New Democracies* (A joint publication of the U.S. Department and Connecticut College, 1997), 19.

31 Heywood Andrew, *Politics* (Macmillan Press Limited, 1997), 284.

Citizens living in democracies are willing to obey the laws of their society because they are submitting to their own rules and regulations. **Justice** is best achieved when the laws are established by the very people who must obey them. This again emphasises the necessity for people participation in their own governance (including the making of laws) through consultative processes in decision-making. Whether rich or poor, ethnic majority or religious minority, political ally of the state or peaceful opponent – all must obey the laws.

The citizens of a democracy submit to the law because they recognise that, however indirectly, they are submitting to themselves as makers of the law. When laws are established by the people who then have to obey them, both law and democracy are served. It is for this reason that leaders should ensure that when writing new constitutions for their countries, the citizens must be widely consulted for their views and the debate prior to the promulgation of the constitution should be as open and transparent as possible.

Due process protects the individual against arbitrary laws or unreasonable application of the law. The principle guarantees fair legal proceedings, which, for example, should ensure that every accused is notified about proceedings and gets a chance to be heard. When a government harms a person without following the exact course of the law, this constitutes a due-process violation, which offends against the rule of law.

In every society, throughout history, those who have administered the criminal justice system have held power with the potential for abuse and tyranny. In the name of the state, individuals have been imprisoned, had their property confiscated, have been tortured, exiled, and executed without legal justification and often without formal charges ever being brought. Democratic societies do not tolerate such abuses.

Every state must have the power to maintain order and punish criminal acts, but the rules and procedures by which the state enforces its laws must be public and explicit – not secret, arbitrary, or subject to political manipulation – and they must be the same for all.

In order to ensure the due process of law,³² the following rules have been established by constitutional democracies:

- No one's home can be searched by the police without a court order showing that there is cause for such a search.
- No person shall be held under arrest without explicit, written charges that specify the alleged violation. Moreover, under the doctrine of *habeas corpus*, every person who is arrested has a right to be brought before a court and must be released if a court finds that the arrest is invalid.

32 U.S. Department of State, *Democracy in Brief* (Global Publishing Solutions), 28 – 29.

- Persons charged with crimes should not be held in prison for protracted periods before being tried. They are entitled to a speedy and public trial and to confront and question their accusers.
- Authorities are required to grant bail, or conditional release, to the accused pending trial if there is little likelihood that the suspect will flee or commit other crimes.
- Persons cannot be compelled to be witnesses against themselves. This prohibition against involuntary self-incrimination must be absolute. The police may not use torture or physical or psychological abuse against suspects under any circumstances.
- Persons shall not be subject to double jeopardy, i.e. they cannot be charged with the same crime a second time if they have once been acquitted of it in a court of law.
- Because of their potential for abuse by the authorities, so-called *ex post facto* laws are also prescribed. These are laws made after the fact so that someone can be charged with a crime even though the act was not illegal at the time it occurred.
- Cruel or unusual punishments are prohibited.

2.6 Human Rights and Individual Freedoms in a Democracy

Human rights are universal legal guarantees that protect the fundamental freedoms and human dignity of every individual. These rights affirm that every human being is entitled to equal treatment and opportunities, regardless of gender, economic status, ethnicity etc. Human rights can be civil, cultural, social, economic or political. Human rights are universal, equal and interdependent. They protect individuals and groups, oblige the state and all its institutions and cannot be waived or taken away.

Human rights and fundamental freedoms are enumerated in the Universal Declaration of Human Rights and in various international and regional treaties as well as national constitutions. These instruments oblige the government to protect the citizens from violations of human rights and also limits the government's ability to interfere with the rights of the individual.

As noted in the Human Rights Declaration and reiterated in Chapter Four of the Constitution of Uganda,³³ the citizens' rights include:

- Equality and freedom from discrimination
- Protection of the right to life
- Protection of personal liberty
- Respect for human dignity and protection from inhuman treatment

³³ The Constitution of the Republic of Uganda, 1995.

- Protection from slavery, servitude and forced labour
- Protection from deprivation of property
- Right to privacy of person and other property
- Protection of freedom of conscience, expression, movement, religion, assembly and association
- Right to education
- Rights of women
- Rights of children
- Rights of persons with disabilities
- Protection of minorities
- Right to culture
- Civic rights and activities
- Right to a clean and healthy environment
- Right of access to information
- Right to just and fair treatment in administrative decisions

The Ugandan constitution, however, states that not all rights are absolute, meaning that the enjoyment of certain rights may be curtailed if it is believed that in the process of enjoyment of such rights there is a possibility of abuse of other people's enjoyment of their rights. It is for this reason that freedoms need to be exercised within the law.

Human rights combine the two sides of **positive** and **negative freedom**. The protection of *negative freedom* blocks certain actions which interfere with another person's rights. The protection of *positive freedom*, on the other hand, guarantees the right to undertake actions as long as those do not interfere with another person's rights.

The **fundamental freedoms**, such as freedom of conscience, freedom of expression or freedom of speech, freedom of information, freedom of the press, freedom of assembly and freedom of association, are crucial for any democracy. It is on the basis of these freedoms that people can be active citizens who get involved in political matters and are able to express their concerns and promote their interests.

2.7 Political Leadership

Leadership³⁴ can either be understood as a pattern of behaviour or a personal quality. As a pattern of behaviour, leadership is the influence exerted by an individual or group over a larger body to organise or direct its efforts towards the achievement of desired goals.

³⁴ Heywood Andrew, *Politics* (Macmillan Press Limited, 1997), 330.

As a personal attribute, leadership refers to the character traits which enable the leader to exert influence over others; leadership is thus equated with charisma, which is the personal charm or power to lead. The virtues of good leadership are:

- It mobilises and inspires people who would otherwise be inert and directionless;
- It promotes unity and encourages members of a group to pull their efforts in the same direction;
- It strengthens organisations by establishing a hierarchy of responsibilities and roles.

On the other hand, bad leadership may lead to undesired outcomes like:

- It concentrates power and can thus lead to corruption and tyranny, hence the democratic demand that leadership be checked by accountability;
- It creates a situation of subservience and deference, which may discourage people from participating in issues that concern them and thus lead to failure to take responsibility for their own destiny;
- Because of the nature of flow of information from the top to the bottom rather than from the bottom to the top, bad leadership will often stifle debate and argument.

Democratic political leaders therefore have to be mindful of the side effects of their leadership style on the people they lead, lest the undesirable effects derail the democratic process.

2.8 Good Governance and Accountability

Governance, simply put, is the process of decision-making and the process by which decisions are implemented or not implemented.³⁵ Since decisions made can be good or bad, the analysis of the process by which we arrive at decisions is important in governance. This also requires that we understand who the actors are in governance. These actors include government and, depending on the level of government under discussion, other actors such as: NGOs, political parties, the military, the police, farmers' organisations, religious leaders, the media, multinational corporations, lobbyists and many others. All the other actors, apart from government and the military, are called civil society.

Good governance is, therefore, that kind of governance that adheres to the following characteristics:

- It is participatory by allowing the masses to be part of the decision-making process;
- It is consensus-oriented as it seeks for broad consensus in society rather than permitting minority views to override all other views;

35 UNESCAP, What is Good Governance? <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>.

- It is accountable since leadership at national or local government level as well as in the private and public spheres will have to answer to the masses at some point in time;
- It is transparent in that decisions are taken and enforced in a manner that conforms to the rules and regulations of a given community;

It is responsive in that institutions and processes seek to serve all stakeholders within a reasonable timeframe;

- It is effective and efficient as processes and institutions produce results that meet the needs of society while making the best use of the resources at their disposal, i.e. sustainable use of resources and protection of the environment;
- It is equitable and inclusive as all members feel that they have a stake in what is being done and do not feel excluded from the mainstream of society; and
- It adheres to the rule of law for fairness and impartiality.

It is for these reasons that democracy and good governance are often used interchangeably as one seems to extol the virtues of the other.

Government **accountability**³⁶ requires that public officials, elected or unelected, have an obligation to explain their decisions and actions to the citizens. Government accountability can be achieved through a number of mechanisms. These can be political, legal or administrative mechanisms designed to fight corruption and to ensure that public officials remain answerable and accessible to the people they serve. Government accountability can be achieved through the following ways:

- Conducting free and fair elections. Fixed terms of office and elections for elected officials to account for their performance and provide opportunities for their political opponents to give the citizens alternative policy choices. If voters are not satisfied with the performance of a political leader, they may vote him/her out of office when their term expires.
- Political accountability of public officials is determined by whether the officials occupy an elected versus appointed position, how often they are subjected to re-election and the number of terms they can serve in a political office.
- The legal accountability mechanisms include instruments like the constitution, legal acts, decrees, rules and regulations that prescribe actions that such public officials can and cannot take and how citizens may take action against those officials whose conduct is considered unsatisfactory.

36 US Department of State Publication, Government Accountability. <http://www.america.gov/st/democracy-english/2008/May/20080609214957eaifas0.8294489.html#ixzz1b1Fy6oYX>

Legal accountability mechanisms include:

- Ethics statutes and codes of conduct for public officials, outlining unacceptable practices;
- Conflict of interest and financial disclosure laws, requiring public officials to divulge the source(s) of their income and assets so that citizens may judge whether the actions of those officials are likely to be influenced improperly by financial interests;
- 'Sunshine' laws, providing the press and the public with access to government records and meetings;
- Citizen participation requirements, dictating that certain government decisions must include input from the public; and
- Judicial review, providing courts with the power to review the decisions and actions of public officials and agencies.

An independent judiciary is a necessity for the success of the legal accountability mechanisms, serving as the only avenue through which aggrieved citizens can bring their claims against the government.

Administrative accountability mechanisms include offices within agencies or ministries and practices within administrative processes designed to ensure that the decisions and actions of public officials conform to the interests of the citizens.

Administrative accountability mechanisms include:

- An agency ombudsmen, responsible for hearing and addressing citizen complaints;
- Independent auditors who scrutinise the use of public funds for signs of misuse;
- Administrative courts that hear citizens' complaints about agency decisions;
- Ethics rules protecting so-called whistleblowers – those within government who speak out about corruption or abuse of official authority – from reprisals.

2.9 Civil Society and Civic Action in a Democracy

Civil society has been defined variously. Civil society or civic space occupies the middle ground between government and the private sector. It is not where we vote and it is not where we buy and sell; it is where we talk with neighbours about the things that concern our families and wellbeing, how to improve our community school, how our church or mosque can help widows and orphans in our community, or where we organise a football match for our youth. In this domain, civil society are 'public' beings and share with government a sense of publicity and a regard for the general good and commonwealth; but unlike government, civil society does not

lay claim to exercise of a monopoly of legitimate coercion. Rather, civil society works voluntarily and in this sense inhabits a 'private' space devoted to the cooperation (non-coercive) pursuit of public good. This neighbourly and cooperative domain of civil society shares with the private sector the gift of freedom: it is voluntary and is constituted by freely associated individuals and groups; but unlike the private sector, it aims at the common good and consensual, i.e. integrative and collaborative, modes of action. Civil society is thus public without being coercive, voluntary without being privatised.³⁷ Civil society, though, is a necessary arm that helps to ensure that the state is kept in check in its interactions with the citizens. On the whole, therefore, the concept of civil society is an overarching one that subsumes within it a variety of social formations, including social movements, NGOs, trade unions, professional associations, students' organisations, women organisations, youth organisations and religious and traditional institutions.³⁸

To promote political pluralism and democratic participation and representation at local government level, CSOs and their membership should be trained and be conversant with the issues involved. Civil CSOs are well placed to carry out civic education and empowerment of the people because:

- of their ability to easily mobilise and network with grass-roots communities across the country as well as their participatory approaches that lead to effective civic empowerment.
- they are known for appreciation of synergistic linkages which are necessary for a broad civic education programme.
- a wide variety of CSOs, including both local and international NGOs, faith-based organisations, human rights bodies, professional bodies, theatrical groups, network bodies and community groups have been involved in civic education in Uganda. Equipping them with more skills would be value addition in promoting democratic governance in local governments.

A number of CSOs with a good track record in delivering civic education can be identified. In a previous survey, for example, a number of CSOs were engaged in the delivery of the community-based civic empowerment component in 40 districts of the country.³⁹ Using a variety of approaches, including forum theatre, road shows, publications, workshops, church sermons, and community meetings, the CSOs partnered with local leaders to deliver messages to over 75,000 people, including women, men and youth. Furthermore, many CSOs are already implementing programmes with some measure of citizen empowerment. For example, CSOs

37 U.S. Department of State, *Democracy is a Discussion: Civic Engagement in Old and New Democracies* (A joint publication of the U.S. Department and Connecticut College, 1997), 27.

38 E.U. Instrument for Democracy and Human Rights Programme in Uganda, *Political Pluralism, Democratic Participation and Representation at Local Government Level in Uganda*, A handbook on key concepts for civil society, media and Local Councils (Konrad Adenauer Stiftung, 2009), 51 – 53.

39 See Fox, J., Mushemeza, E., Nkutu, A., *Deepening Democracy Programme in Uganda: National Civic Education Programme Component Document* (Kampala: DANIDA, 2006), 10.

involved in rights awareness, good governance, peace-building, gender issues and conflict transformation issues are already advancing the importance of citizens' participation in decision-making and monitoring of governance processes.

CSOs can contribute in several ways to the promotion and strengthening of democracy:

- Limit and control the power of the state by checking and monitoring political leaders, state officials and institutions;
- Lobby for access to information, raise public concerns about bad governance and abuse of power, and expose corruption;
- Promote political participation by educating people about their rights and obligations as citizens in a democracy (including voter education);
- Deepen the democratic culture in the population by promoting democratic values and providing opportunities for practising these values;
- Provide alternative networks for constructive dialogue on cooperation for citizens and provide new forms of solidarity across tribal, religious or other divisions;
- Express the interests of different stakeholders and societal groups and provide opportunities for dialogue and lobbying with political actors and government institutions;
- Provide training for civil society activists, multipliers, peer educators and even future politicians;
- Mediate and help to resolve conflicts;
- Monitor elections;
- Disseminate information and thereby complement the role of the media.

CSOs, however, do have their own weaknesses that need to be addressed in order to strengthen their performance and make their participation in delivering civic education at local government level more effective. Many CSOs are bedevilled by institutional weaknesses – specifically in the areas of training, communication skills, gender analysis, planning, co-ordination, monitoring and evaluation. Although CSOs often claim to represent grass-roots networks, their co-ordination mechanisms can sometimes be weak – even when they are known to appreciate synergistic linkages – ; apart from the delays this causes, this deficiency also affects quality assurance. CSOs are also perceived as 'traditional' in outlook and slow at adopting modern and faster methods of delivery.⁴⁰

40 Ibid.,11.

PART III – DEMOCRACY IN UGANDA

3.1 Brief Historical Background

Uganda's political history as concerns democracy from independence to-date has been a checkered one. On attaining independence from Britain on 9 October 1962, Uganda was quickly thrown into turmoil as a result of the in-fighting for power between Kabaka Mutesa II, who was the ceremonial President, and Dr Apollo Milton Obote, who was the Prime Minister and thus head of government business. After the 1964 referendum on the issue of the lost counties, Uganda went without any national election for eighteen years (1964 – 1980).⁴¹ By 1966, the in-fighting between the two leaders had culminated into a constitutional crisis which led to the overthrow of the Kabaka, the abolition of kingdoms and the Kabaka's going into exile. As Dr Obote assumed the presidency, his legitimacy in power was often questioned internally, especially by those who were supporters of the Kabaka.

As the country was making progress politically and economically, an army officer named Idi Amin Dada mobilised the army and overthrew Obote in 1971 while he was attending a Commonwealth meeting in Singapore. Idi Amin's close to one decade in power was characterised by political and economic mismanagement and inevitable decline. This was also the era in which Ugandans witnessed the worst human rights abuses ever known. Summary executions, detentions without trial and torture in detention were commonplace. Politically, any gains that had been made since independence were lost. Idi Amin had no regard for the rule of law and as such abolished the constitution altogether. He ruled by decree, as his word was law. In 1979, Amin's grip on power was ended by liberation forces from Tanzania assisted by exiled Ugandans.

After the overthrow of Idi Amin in 1979, the new government organised indirect elections in December 1980. The 1980 elections were, however, contested by opposition leaders such as Yoweri Museveni and others who alleged that the elections were rigged. For this very reason, Yoweri Museveni waged a guerilla war against the Obote II regime. As Dr Obote was beginning to organise his government, he was once again overthrown on the 29 July 1985 by army generals led by General Tito Okello. The general ruled the country until 26 January 1986, when Yoweri Museveni took the opportunity of a disorganised army to oust General Tito Okello from power. After the 1980 elections, it took Uganda 14 years to have direct elections. This came on the 21 December 1988, when the National Resistance Council (NRC) enacted Statute No. 5 of 1988, which established the Constitutional Commission to start the

41 <http://www.ec.or.ug/docs/History>.

process of developing a new constitution for Uganda.⁴² The subsequent elections in the country were held in 1994 when the Constituent Assembly elections were conducted and in 1996 when the general elections took place. After the confirmation of the existing system in the first referendum held in 2000 and the re-election of Museveni in 2001, a second referendum in 2005 brought forth the removal of the movement system. The majority (92.5%) of Ugandan voters opted for the implementation of a multiparty system. Presidential and parliamentary elections under the new multiparty dispensation were next held in 2006 and the most recent in 2011.

While it can be said that the promise of democracy in Uganda today is more optimistic than before, there are still several hurdles that need to be overcome to ensure this progress. Some of these challenges or hurdles include:

- Having free and fair elections in which all stakeholders have confidence;
- Levelling the playing field for political party activity;
- Toleration of views of those in the opposition and other critical voices;
- Restoration of presidential term limits;
- Elected leaders being accountable to the electorate;
- Eradication of all forms of corruption;
- Development of deliberate programmes to improve the political and economic quality of the civic population;
- Development of a political culture that is conducive to democratic ideals.

3.2 The Ugandan Political System

Executive power generally embraces the government and public administration. In the Ugandan **presidential system** of government the president functions as Head of State, Head of Government and at the same time as Supreme Commander of the Armed Forces. He is elected directly by the people every five years. The cabinet ministers are appointed by the president upon the approval of parliament. Furthermore the president can (also with the approval of parliament) appoint more ministers in order to support the cabinet ministers in their work. According to the constitution, the cabinet consists of the president, the vice president and a number of ministers depending on the discretion of the president. The prime minister supports the president in guiding the cabinet. Since his assumption of office in 1986 executive power has constantly remained in the hands of President Yoweri Museveni and his governing party, the National Resistance Movement (NRM).

Legislative power is implemented by parliament as the legitimate representation of the people. The National Assembly of Uganda is constituted as a unicameral system and is elected every five years. In the present legislative period (2011-2016) the 9th Ugandan parliament is composed of 375 members. Out of these

⁴² Ibid.

238 members are elected directly and the remaining seats are distributed among different interest groups, which are by law provided with seats in the Ugandan parliament. This includes one directly elected women representative per district (currently 112 women), 10 representatives of the army (the Uganda People's Defence Force (UPDF)), 5 representatives each for the youth, the workers and persons with disabilities as well as an unspecified number of ex-officio members appointed by the president and without franchise. The main task of parliament is the legislative function.

Judiciary power is designed pyramidally and distributed on four different levels of justice. The competency of court lies first with the Magistrates Courts and the High Courts, which are accessible to all people. In cases of reclamation or, for example, in constitutional matters the legal procedures can reach the Court of Appeal or even the Supreme Court. The judiciary is supposed to be independent. Judges of the three higher levels are appointed by the president upon the recommendation of the Judicial Service Commission and the approval of parliament. In this context it should be mentioned that the president (with the approval of parliament) composes the Judiciary Service Commission and, with its agreement, he holds the exclusive competence to appoint new judges in case current office-holders resign or retire. The judicial tenure is only limited by age and reasons of incompetence.

As the supreme law of Uganda, the present-day **constitution** became operative in 1995 after a lengthy constitutional discussion. Highly controversial was the implementation of the so-called 'no-party-system', which had been declared to be democratic, transparent and without parties. In the course of the 2001 presidential electoral campaign the government established a Constitutional Review Commission. Based on the commission's findings and recommendations, President Museveni and his party, the NRM, implemented the Constitutional (Amendment) Act 2005 and with it two constitutional amendments: first, the establishment of a multiparty system required by the majority of the voters in the 2005 referendum; and second, the removal of the presidential two-term limit.

The **Constitution of the Republic of Uganda**, with reference to article 69 states that '(1) the people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda. (2) The political system referred to in clause (1) of this article shall include:

- the movement political system;
- the multiparty political system; and
- any other democratic and representative political system.

Article 70. **Movement political system**

(1) The movement political system is a broad-based, inclusive and non-partisan and shall conform to the following principles:

- participatory democracy;

- democracy, accountability and transparency;
- accessibility to all positions of leadership by all citizens;
- individual merit as a basis for election to political offices.

(2) Parliament may

- create organs under the movement political system and define their roles; and
- prescribe from time to time any other democratic principles of the movement political system, as it may consider necessary.

Article 71. **Multiparty political system**

A political party in the multiparty political system shall conform to the following principles:

- Every political party shall have a national character;
- Membership of a political party shall not be based on sex, ethnicity, religion or other sectional division;
- The internal organisation of a political party shall conform to the democratic principles enshrined in the constitution;
- Members of the national organs of a political party shall be regularly elected from citizens of Uganda in conformity with the provisions of paragraph (a) and (b) of this article and with due consideration for gender;
- Political parties shall be required by law to account for the sources and use of funds and assets;
- No person shall be compelled to join a particular party by virtue of belonging to an organisation or interest group.

3.3 Decentralisation and Local Government in Uganda

Chapter 11 of the 1995 Constitution of Uganda under articles 176 – 178 provides for the local government system. Attempts at decentralisation and trials thereof date as far back as the colonial era. More recently though, decentralisation has become fashionable as the NRM, after it assumed power in 1986, thought it would serve as an effective means to bring services closer to the citizens and to ensure accountability at grass-roots level, among other reasons. After extensive consultations among stakeholders, the Local Governments (Resistance Councils) Statute, 1993 provided the law for decentralisation and empowerment of popularly elected local leaders to make own decisions, and to budget, plan and monitor own programmes. The 1995 Constitution and Local Governments Act, CAP 243, provides for a district to be a unit of decentralisation and spells out the functions devolved to local governments and the applicable funding mechanisms. The idea is to involve the people in their governance, i.e. to involve them in decision-making; in identifying their own problems, in setting priorities and in planning their implementation and monitoring; in ensuring better utilisation of resources, both financial and human; and in

ensuring value for money through participation, transparency and accountability and sensitisation.⁴³

The decentralisation policy is enshrined in the Ugandan constitution and is guided by the following **principles**:

- The system shall ensure that functions, powers and responsibilities are devolved and transferred from the central government to local governments in a coordinated manner;
- Decentralisation shall be a principle applying to all levels of local government units to ensure people's participation and democratic control in decision-making;
- The system shall ensure the full realisation of democratic governance at all local government levels;
- A sound financial base with reliable sources of revenue shall be established for each local government unit;
- Appropriate measures shall be taken to enable local government units to plan, initiate and execute policies in respect of all matters affecting the people within their areas of jurisdiction.

The policy is designed to achieve the following **objectives**:

- Transfer real power (devolution) to local governments, thus reducing the workload on central government officials;
- Establish decentralisation as the guiding principle applied to all levels of government to ensure citizens' participation and democratic control in decision-making;
- Achieve good governance, which is a prerequisite for better performance of public servants;
- Bring political and administrative control over services to the point where they are actually delivered, thereby improving accountability and effectiveness, and promoting people's feelings of ownership of programmes and projects executed in their areas;
- Free local managers from central constraints and, as a long-term goal, allow them to develop organisational structures tailored to local circumstances;
- Improve the capacities of councils to plan, finance and manage the delivery of services to their constituents.

Institutional framework for decentralisation: The central government structure in Uganda comprises the offices of the president and prime minister and 25 line ministries, one of which is the Ministry of Local Government, which oversees local government administration. There are currently 112 district councils (LC V) and one city council (Kampala City Council). The constitutional amendment of

43 Op. cit., 13.

2005 establishes Kampala as the capital city with a special status. Kampala City Council has five divisions that constitute lower local governments with the status of a municipal council. The rural districts' lower-level governments comprise 853 sub-county councils (LC III) and 83 urban councils with some autonomy from the district. The urban councils comprise 13 municipal councils (LC IV), with 37 municipal divisions and 83 town councils (LC III). In addition, there are administrative councils consisting of county councils (LC IV), parish councils (LC II) and village councils (LC I). There are currently 1,076 local governments.

3.4 Elections in Uganda

The Ugandan president is elected by absolute majority vote through a two-round system to serve a five-year term.

In the National Assembly, the majority of members are elected by plurality vote in single-member constituencies to serve five-year terms; additional seats are reserved for women, legally established special interest groups (youth, workers, people with disability, military) and ex-officio members.

Elections in Uganda are conducted under the oversight of the **Electoral Commission**, established by the 1997 Electoral Commission Act.

In accordance with the relevant constitutional provisions, the Electoral Commission undertakes to implement specific elections under specific laws which, among others, include the Presidential Elections Act, the Parliamentary Elections Act, the Local Governments Act, the Referendum and Other Provisions Act as well as Women, Youth and Persons with Disabilities (PWDs) Council Acts. Such elections are conducted every five years.

This implies that towards every electoral season, the Electoral Commission compiles and updates a **voters' register** that includes all eligible voters and is acceptable to all stakeholders. There are three types of voters' registers, namely: (i) a voters' register for residents in each village/cell governed by the Local Governments Act (1997) that includes non-citizens of Uganda who are resident in the village/cell; (ii) a voters' register for special interest groups, i.e. women, youth, workers, the Uganda People's Defence Force (UPDF) and persons with disabilities; and (iii) the national voters' register (NVR) which is used in elections by universal adult suffrage.

In the period preceding the electoral season, the Electoral Commission also undertakes to conduct voter education. The constitution empowers the Electoral Commission with the responsibility of formulating and implementing election-related voter education programmes. Non-partisan individuals, groups, institutions or associations are accredited by Electoral Commission to carry out voter education, subject to the commission's guidelines.

In the event of a dispute over election results, complaints can be filed with the Electoral Commission, which is authorised to hear complaints and render decisions. Anyone aggrieved by an Electoral Commission decision that arises before or during polling may appeal to the Supreme Court for a final decision.

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