UGANDA: NO RESOLUTION TO GROWING TENSIONS

Africa Report N°187 – 5 April 2012

International Crisis Group
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CONFLICT WORLDWIDE

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EXECUTIVE SUMMARY

Most Ugandans are better off than they were a quarter-century ago, when Yoweri Museveni became president. But frequent demonstrations and violent crackdowns indicate many are deeply dissatisfied with his administration. This is largely the consequence of a slow shift from a broad-based constitutional government to patronage-based, personal rule. In this respect, Museveni has followed a governance trajectory similar to that of his predecessors, although without their brutal repression. Like them, he has failed to overcome regional and religious cleavages that make Uganda difficult to govern and has relied increasingly on centralisation, patronage and coercion to maintain control. Unless this trend is corrected, Uganda will become increasingly difficult to govern and political conflict may become more deadly.

The British Protectorate of Uganda amalgamated a highly diverse region of competing kingdoms and more loosely organised pastoral societies into a single entity. Colonial policies created further divisions. The British ruled through appointed chiefs rather than customary clan heads and allied with Protestants at the expense of Catholics and Muslims. The authorities also began economic development in the various regions at different times, and the consequences can still be measured today in numbers of clinics, schools and average wealth.

Milton Obote, independent Uganda's first president, and Idi Amin made old divisions worse. Both northerners, they were frequently accused of favouring their region and ethnic groups. They entered office with broad coalitions that soon foundered over colonial cleavages, and turned instead to patronage and coercion to remain in power. After the National Resistance Movement (NRM) seized power in 1986, Museveni also seemed at first to put the country on a more inclusive path, to restore civilian control, rule of law and economic growth. He created a non-partisan "democratic" system that many enthusiastically embraced. An elaborate consultative process led to a new constitution in 1995 with checks and balances.

Museveni also recognised the kingdoms Obote abolished, but as cultural, not political bodies. Restoration of Buganda's Kabaka as a cultural king without executive powers in 1993 proved an expedient compromise rather than a stable solution. Monarchists wanted their kingdom, not just their king. Their goal was federalism, with control over land and the power to tax, while Museveni wanted decentralisation based on districts dependent on funds from the central government and insisted on keeping final authority. His manoeuvres to limit the Kabaka's influence backfired.

Democratic initiatives lost momentum after the first decade of Museveni's rule. Instead of supporting the no-party system as the framework for unfettered participation, the president began using it to further his own objectives. Over time, he replaced old politicians and longstanding NRM members who criticised his policies with trusted members of his inner circle, often from his home area. He also created a patronage network loyal to him.

In the 2001 elections, the president faced a credible opponent in Kizza Besigye, who had been a senior National Resistance Army (NRA) commander, Museveni's personal physician and occupant of important government and NRM positions. He burst into national politics in 1999, when he publicly criticised the government for losing interest in democracy while tolerating corruption among top officials. The election campaign involved considerable violence and intimidation. When the electoral commission reported that Museveni won, Besigye asked the Supreme Court to nullify the result. All five justices who heard the case agreed there had been serious violations of the electoral law, but by a three-to-two vote they sustained Museveni's victory, arguing the irregularities had not affected the result.

Museveni then developed a new, although paradoxical, strategy to consolidate his position by restoring multiparty democracy and removing constitutional restraints. At a 2003 NRM meeting, he called for "opening political space" to permit competing parties, reducing the powers of parliament, the judiciary and watchdog agencies – and dropping the two-term presidential limit. The latter proposal conveniently opened the way for him to retain power. The 2006 elections were the first contested by multiple parties. Museveni, however, exploited a loophole that extended the NRM's official status until the vote, thus enabling it to use its organisation as well as official resources, while all other parties were limited to seven months

to organise from scratch after the constitutional referendum. Moreover, Besigye was arrested and imprisoned on charges of rape and treason and forced to appear in court during most of the campaign. A High Court judge dismissed the rape charge only a week before the elections, suggesting the prosecution had badly abused the court process (the treason charge was dismissed in 2010).

Museveni's fourth-term victory, in February 2011, followed the pattern of earlier elections but was less violent. The president injected huge amounts of official funds into his campaign, and the government and NRM harassed the opposition. While Museveni received majorities throughout the country, including in the north for the first time, it is uncertain whether this reflected more his popularity or the power of his purse and other resources.

The discovery of significant oil reserves (estimated at 2.5 billion barrels) is unlikely to reduce social and political tensions. The oil may ensure Museveni's control by enabling him to consolidate his system of patronage but also will increase corruption and disrupt the steady growth produced by economic diversification. Five years after learning that the country will become a major oil producer, the government is just beginning to put a regulatory framework in place.

Meanwhile, popular protests are increasing. "Walk to Work" demonstrations – ostensibly over high fuel prices but clearly also directed at Museveni's rule – continue in Kampala and other urban centres despite a violent crackdown. The October 2011 parliamentary revolt over the lack of transparency in oil contracts and alleged resulting large payments to ministers also suggests the president's control is far from absolute. Increasingly, Museveni fails to anticipate opposition, some of it from NRM politicians and his inner circle. His re-election, access to material resources, tactical skill, ability to deflect international criticism and ambition to control its transition to an oil exporter suggest that he will try to continue to consolidate his personal power and direct Uganda's future for some time to come, despite the consequences this may have for long-term stability. Unless Museveni changes course, however, events may eventually spiral out of his control. Considering Uganda's violent past, conflict might then become more deadly.

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I. INTRODUCTION

Uganda has been difficult to govern since the British began to construct their protectorate out of its many disparate cultures in 1894.[1] The problems they created continue to plague the country. Post-independence rulers tried to overcome its deep divisions by centralising power and relying on military force but made matters much worse. Even though it would be hard to find rulers more different than Milton Obote, Idi Amin and Yoweri Museveni, there are surprising similarities in their attempts to deal with the country's ethnic, regional and religious divisions and, more pertinently, keep power.

Although he seized control in 1986 following a five-year guerrilla struggle, Museveni seemed at first to follow a more inclusive democratic path by supporting a new political formula to restore civilian control, rule of law and economic growth. His government created a non-partisan "democratic" system that many enthusiastically embraced. His army was more disciplined and responsive to civilian control than its predecessors. The kingdoms abolished by Obote, the first president, in 1967 were recognised, but as cultural, not political bodies. An elaborate consultative process led to a 1995 constitution with checks and balances intended to prevent inordinate centralisation. The government showed considerable dedication to liberalising the economy and disciplining expenditures. The economy grew steadily, becoming more diversified and with a lower percentage of poverty.[2] Extensive recently discovered oil reserves will generate additional revenue that could stimulate additional development, if used appropriately.

Nevertheless, political reform has stalled, although the economy continues to expand. Scepticism over the government's ability to resolve longstanding antagonisms peacefully has steadily increased. The once promising democratic transition has faltered following removal of constitutional limits so as to widen the president's authority and allow his unlimited re-election. State policies have created a more personal, patronage-based, executive-centred and military-reliant regime. Many of these policies enrich the president's inner circle, intensifying resentment. Increasingly, responses to problems are ad hoc.

The nation's future depends on one man, through whose hands all large and many small issues pass. He is more powerful, yet less trusted than before. Policy formulation depends more on how it affects his rule than on whether it resolves problems. Military, police and intelligence agencies, many of them secret, have grown in number and personnel and often play important political roles. The 2011 elections intensified these trends and added new problems. Museveni won easily but quickly lost momentum, as the government ineptly clamped down on opposition protests. A parliamentary revolt in October 2011 may have wide ramifications for the president's ability to rule effectively.

This background report provides the context for growing tensions and analyses the unresolved issues of national integration that plagued Ugandan governments long before independence. It examines the effect of the decision to reestablish the traditional kingdoms as well as the Buganda Kingdom's calls for greater federalism. In addition, it assesses Museveni's reliance on patronage, his increasing authoritarianism and the discovery of large oil reserves. Lastly, it evaluates the results of the 2011 elections, the wave of recent demonstrations and the parliamentary revolt and considers the long-term destabilising impact of these issues.

[1] It was a protectorate rather than a colony because the British originally agreed to protect the Buganda Kingdom.
[2] Uganda remains heavily dependent, however, on donor assistance.

II. UNRESOLVED ISSUES OF NATIONAL INTEGRATION

The failure of national integration has greatly complicated governance. Ethnic, regional and religious divisions dating from the colonial period have been exacerbated by post-independence leaders. As their efforts to resolve these divisions have foundered, they have relied on increasingly narrow sections of the population to rule.

A. THE PERSISTENCE OF ETHNIC, REGIONAL AND RELIGIOUS DIVISIONS

Conflicts created in the formation of the protectorate continue more than a century later.[3] Failures of national integration have converted many local disputes into national issues. In turn, the central government has become ever more deeply involved in local politics, frequently taking sides on the basis of ethnicity, regionalism or religion. These disputes have become ever more complex as politicians pursue increasingly reckless policies to retain office. Leaders have constantly failed to mobilise adequate public support to rule effectively. One after another entered office intending to govern inclusively but then turned to coercion.

The economic failure of the Imperial British East Africa Company resulted in the reluctant assumption of rule by the British government.[4] To create the British Protectorate of Uganda in 1894, a combined British and Baganda[5] military force defeated the Bunyoro Kingdom, the Buganda Kingdom's pre-colonial rival.[6] As spoils, the British awarded Buganda a large swathe of Bunyoro territory.[7] An enlarged Buganda thus became the core of the protectorate, while Bunyoro stagnated. The British ruled Buganda through appointed chiefs rather than the customary clan heads and allied with Protestants at the expense of Catholics and Muslims. To secure the chiefs' loyalty, they signed a 1900 agreement that gave Protestant, Catholic and Muslim chiefs, as well as the Kabaka (Buganda's king), more than 8,000 square miles of land in freehold within the enlarged kingdom, with the largest share going to Protestants.[8] Unlike land held in customary tenure, these plots could be bought and sold, so farmers could also use them as collateral to borrow funds for their improvement. Only a token amount of freehold land existed in other regions.

To make the protectorate self-supporting, the authorities introduced first cotton then coffee as export crops in Buganda, before initiating their production in other regions. With access to freehold land and loans to develop it, some Baganda became far wealthier than other African Ugandans, an advantage they maintained until well after independence.[9] Because the British progressively expanded the area that became Uganda, new regions began economic development at different times, producing still relevant distinctions. The authorities also sent Baganda chiefs to govern nearby territories whose alien cultural practices and rapacious behaviour stimulated anti-Baganda sentiments and a deeper sense of ethnic identification among those they ruled. Their subjects resented Buganda's economic advantages and created informal political coalitions to restrain its dominance that continue today.

The north, the last region to be incorporated, remained the least developed. Cotton and tobacco provided some income, though far less than elsewhere. Instead, the north and parts of the east became important for police and military recruitment. Northerners also supplied agricultural labour to other regions, in particular to the farms of wealthy Baganda. Karamoja, in the arid north east, has been the greatest development failure for the British and all succeeding governments, becoming a "Special District", more closely ruled by the central government. Ironically, that resulted in its under-administration, with far fewer officials, schools or clinics than elsewhere.[10]

Rivalries between Protestant and Catholic missionaries left a deep political and social imprint on converts. Since the protectorate began, Protestants have had the greatest status, with Muslims widely regarded as third-class citizens.[11] One reason is that the British at first left financial support for education to religious communities. Christians received better education than Muslims because they had far better foreign funding.[12] Religious rivalries translated

[3] Samwiri Rubaraza Karugire, *A Political History of Uganda* (Nairobi, 1980), gives an overview through Obote's first period.
[4] D.A. Low, *Buganda in Modern History* (Berkeley, 1971), pp. 56-57, 80-81.
[5] The Baganda are the people of the Buganda Kingdom, as the Banyaro are the people of the Bunyoro Kingdom.
[6] Edward I. Steinhart, *Conflict and Collaboration: The Kingdoms of Western Uganda, 1890-1907* (Princeton, 1977), pp. 59-69; Karugire, *A Political History*, op. cit., pp. 88-90.
[7] Low, *Buganda*, op. cit., pp. 34-36; John Beattie, *The Nyoro State* (London, 1971), p. 74; Karugire, *A Political History*, op. cit., pp. 107-108. Banyoro have never given up their efforts to regain these "Lost Counties".
[8] Low, *Buganda*, op. cit., pp. 36-37, 44-45.
[9] Nelson Kasfir, *The Shrinking Political Arena: Participation and Ethnicity in African Politics, with a Case Study of Uganda* (Los Angeles, 1976), pp. 104-113.
[10] Karamoja is a pastoral area with a low population density.
[11] F.B. Welbourn, *Religion and Politics in Uganda, 1952-1962* (Nairobi, 1965), p. 8.
[12] George W. Kanyeihamba, *Reflections on the Muslim Leadership Question in Uganda* (Kampala, 1998), p. 19. He adds that Muslims often refused to send their children to Christian schools, fearing they would be converted.

into political competition. The national parties that formed just before independence took on religious overtones; the Uganda People's Congress (UPC) and the Democratic Party (DP) became known for Protestant and Catholic orientation respectively.[13] Although Catholics slightly outnumber Protestants, Uganda has never had a Catholic president.[14]

B. POST-INDEPENDENCE POLICIES

Obote and Amin each made the political divisions inherited from British rule worse and created new problems. Both northerners but from rival districts, they were frequently accused of favouring not only their region but also their own ethnic group, the Langi and Kakwa respectively. They gained office with broad coalitions that soon foundered over colonial cleavages, then narrowed their regimes, relying increasingly on centralisation, patronage and coercion. The prospects for inclusion in each succeeding regime shrunk progressively.

1. Obote and the UPC

At independence, Obote became prime minister of a complex federal state. The units, mostly organised on an ethnic basis, had different degrees of constitutional autonomy. He gained power by broadening his coalition through an unexpected and unstable agreement between his UPC and the Kabaka Yekka (KY).[15] The UPC stood for central government control over Buganda, while the KY wanted to preserve the kingdom's autonomy. As part of the price for the alliance, Obote pushed through legislation that permitted only kings or heads of ethnic groups to compete for the presidency, setting a precedent that strengthened the role of ethnicity in politics.[16] This enabled the Kabaka to become Uganda's first president (then a less powerful position than prime minister). The alliance disintegrated when Obote held a constitutionally-mandated referendum in two (of eight) "Lost Counties" that resulted in their return to Bunyoro.

Obote's control over the army also became uncertain. He responded to a 1964 mutiny by increasing salaries and rapidly promoting poorly-trained indigenous officers and non-commissioned officers.[17] Shortly after, he also permitted reintegration of the mutineers. The military budget expanded rapidly, but his patronage, intended to gain support of the armed forces, reduced discipline and eroded civilian control.

In 1966, Obote almost lost control to southern UPC ministers who cooperated with the president (the Kabaka) in a plan to remove him constitutionally.[18] Obote arrested them on spurious treason charges, declared a state of emergency in Buganda, abrogated the federal independence constitution and imposed one that created a more powerful president, a position he then took. When Buganda's Lukiiko (council) tried to secede, Obote sent in the army under Colonel Idi Amin, and after a short and intense struggle, the Kabaka fled to the UK.[19] National elections, scheduled for 1966, were postponed. A new constitution, passed in 1967, abolished kingdoms, removed all traces of federalism and vastly increased the powers of the president.[20] Obote turned increasingly to undemocratic measures, relying on patronage to ensure loyalty and the army to guarantee control.[21] Nevertheless, he maintained a façade of "democratic formalism" that has marked all succeeding civilian regimes.[22]

The three main political parties ceased to function effectively. KY legislators and many members had already joined the UPC in 1964. With the abolition of kingdoms, any further KY activity was considered tantamount to treason.[23] The DP was also reduced to impotence after its leaders joined the UPC to obtain ministerial positions. The UPC itself became indistinguishable from the government. The same pattern was repeated in later regimes, most notably Museveni's.

[13] Welbourn, *Religion and Politics*, op. cit., 16-20; Low, *Buganda*, op. cit., pp. 182-184, 210.
[14] Muslims, 12 per cent of the population, have produced two presidents: Idi Amin by military coup in 1971 and Yusuf Lule, installed by the Tanzanian army, acting with Ugandan exiled fighters, to replace Amin in 1979.
[15] G.S.K. Ibingira, *The Forging of an African Nation: The Political and Constitutional Evolution of Uganda from Colonial Rule to Independence, 1894-1962* (New York, 1973), pp. 201-205. The Protestant elite in Buganda founded the KY, just before independence, to oppose the DP. Kasfir, *The Shrinking Political Arena*, op. cit., p. 144.
[16] Kasfir, *The Shrinking Political Arena*, op. cit., pp. 102-104.
[17] Amii Omara-Otunnu, *Politics and the Military in Uganda, 1890-1985* (New York, 1987), pp. 59-62.
[18] A.B.K. Kasozi, *The Social Origins of Violence in Uganda, 1964-1985* (Montreal, 1994), pp. 80-87.
[19] Amin was promoted to major general in 1968. The government seized the kingdom's official land and made the king's palace and its council chambers the army headquarters.
[20] A.G.G. Gingyera-Pinycwa, *Apolo Milton Obote and His Times* (New York, 1978), pp. 109-113.
[21] Kasozi, *Social Origins*, op. cit., pp. 97-103; Joshua B. Rubongoya, *Regime Hegemony in Museveni's Uganda: Pax Musevenica* (New York, 2007), p. 40.
[22] Gingyera-Pinycwa discusses Obote's devotion to democratic formalism during his first regime, op. cit., p. 70.
[23] Phares Mukasa Mutibwa, *The Buganda Factor in Uganda Politics* (Kampala, 2008), p. 75.

The UPC government expanded its economic role, first adding new parastatal corporations, then decreeing 60 per cent state ownership in 80 large private companies.[24] While nationalisation was characterised as "A Move to the Left", its effect, had Obote not been overthrown, would have been to vastly increase the resources available for patronage. In a further effort to tighten its control over political life, the government discriminated in favour of Protestants, for example in state schools.[25] It also subsidised a new Muslim organisation, organised by an Obote ally and relative, to undercut one dominated by Baganda Muslims that did not support the UPC.[26]

An assassination attempt in 1969 caused Obote to extend the state of emergency to the entire country. Amin's mysterious absence immediately after the failed assassination led Obote to manoeuvre him out of a command position. Primarily for self-preservation, Amin then overthrew Obote in 1971 to the immense, although short-lived, satisfaction of most Baganda, as well as many others in southern Uganda.[27]

2. Amin and military rule

Like Obote, Amin tried at first to broaden his legitimacy. He rescinded the state of emergency and released many political prisoners. He promised free and fair elections, appointed a highly regarded, mostly civilian and technocratic cabinet, arranged the return of the Kabaka's body from the UK (where he had died two years earlier) and allowed his son, the present Kabaka, to pass through some of that office's rites, but he did not restore the kingdoms.[28] But the attempt to garner popular support did not last long. The coup had only narrowly outflanked Acholi and Langi officers on whom Obote had relied. Amin depended on low-ranking, little-educated ethnic and religious kin he had personally recruited into the army. He secured his regime by murdering Langi and Acholi officers and soldiers who had not fled, suspending most of the constitution, giving himself absolute authority and ruling by decree. Officers were given powers of arrest without authorisation. Prominent civilians were murdered. His regime was probably responsible for well over 100,000 deaths by the time it was overthrown,[29] and its unpredictable brutality accelerated the erosion of rule of law.[30]

Amin also expelled both citizen and non-citizen Indians in 1972. This action wrecked the economy by removing some 90 per cent of the trading network but gave him unprecedented patronage resources and the opportunity to build support by giving Indian businesses to allies.[31] State officials became far more significant to the economy, because they controlled most imported commodities and sold or bartered them privately.[32] Patronage and corruption thus became firmly entrenched at all levels of public service. No government since has been able to eradicate either. Amin also alienated donors by his idiosyncratic foreign policy. The country became isolated and further impoverished.

Amin tried to improve the status of Muslims in general and those from the north in particular. He rapidly promoted Muslims despite their lack of academic qualifications. The resulting Catholic and Protestant resentment further politicised religious fault lines.[33] As opposition widened, ethnic, regional and religious cleavages determined whom he trusted. The composition of the military leadership changed radically; by 1977 more than three quarters of those serving owed their appointments to Amin.[34] The percentage of officers who spoke Sudanic languages – indicating they came from ethnic groups predominantly in West Nile, Amin's home area, rose from 37 per cent to 54 per cent. West Nile cabinet ministers increased from one sixth in 1971 to over half in 1978.[35] Military officers and others from his home area also increasingly held senior public service and business posts.

[24] Jan Jelmert Jørgensen, *Uganda: A Modern History* (London, 1981), pp. 232-237.
[25] Rubongoya, *Regime Hegemony*, op. cit., p. 42.
[26] Karugire, *A Political History*, op. cit., p. 191. Creation of a "UPC" Muslim organisation later provided Amin with an opportunity to appeal for Baganda support as his split with Obote deepened. Mutibwa, *The Buganda Factor*, op. cit., pp. 134-135.
[27] Omara-Otunnu, *Politics and the Military*, op. cit., p. 93.
[28] Ibid, pp. 102-103; Kasozi, *Social Origins*, op. cit., pp. 105-106.
[29] Omara-Otunnu, *Politics and the Military*, op. cit., pp. 86-87, 104-106, 120-121, 137. The actual number may never be known. Prior to the end of Amin's regime, the International Commission of Jurists reported that many sources believed it was well over 100,000. "Uganda and Human Rights", Geneva, 1977, p. 167. Jørgensen suggests a lower figure, 50,000, op. cit., pp. 314-315.
[30] Kasozi, *Social Origins*, op. cit., pp. 114-115.
[31] Jørgensen, op. cit., p. 289. Jørgensen states that individuals with military connections received "over half the businesses". Mutibwa says that Baganda Muslims "benefited most", op. cit., p. 165. High inflation also became constant, crippling the economy for the next two decades, lasting long after Amin had been driven out.
[32] Nelson Kasfir, "State, *Magendo*, and Class Formation in Uganda", in Kasfir (ed.), *State and Class in Africa* (London, 1984), pp. 94-95.
[33] Jørgensen, *Uganda*, op. cit., pp. 306-307.
[34] Omara-Otunnu, *Politics and the Military*, op. cit., pp. 133-135. The West Nile districts have approximately 8 per cent of the population. Omara-Otunnu compared the language groups of recruits in one month in 1978 and found that 64 per cent spoke Sudanic languages.
[35] Jørgensen, *Uganda*, op. cit., p. 282.

3. The interim period

The Tanzanian army, accompanied by the Uganda National Liberation Army (UNLA), overthrew Amin in April 1979. It permitted widespread looting that destroyed most of the remaining economy.[36] The new president, Yusuf Lule, was selected at a conference in Tanzania in March attended only by Ugandan diaspora figures. He was intended to serve for a nineteen-month interim period to prepare the first national election since independence, reestablish rule of law and begin economic reconstruction, but his imposed regime gained little acceptance and was undermined by infighting. The interim legislature removed Lule after two months, claiming he had tried to centralise power.[37] Two brief, unstable governments followed. A coup organised by Brigadier David Oyite Ojok installed the second in May 1980, as the Tanzanian army chose not to intervene. Paulo Muwanga, an Obote supporter, gained control and a major role in shaping the election.[38]

4. Obote and the UPC again

Leading a much weaker, less respected UPC, Obote regained power following December 1980 elections.[39] Most believed he and Muwanga brazenly manipulated the count.[40] Museveni had warned he would rebel if the elections were rigged and soon began attacks on police stations with a few poorly-armed fighters. He rapidly built a formidable guerrilla force, the National Resistance Army (NRA), that established a liberated zone in Buganda.[41] Rural Baganda in particular supported this force, supplying food, intelligence and recruits. Obote's counter-insurgency strategy probably resulted in more civilian deaths there than occurred nationwide during the Amin regime.

Since the civil war was fought for the first four years in Buganda, everyone understood it as based on ethnicity. The UPC had always been an anti-Buganda coalition, despite support from a few Baganda politicians. Government soldiers, who massacred villagers, viewed the war in ethnic terms, as did their victims.[42] It was also universally regarded as a southern rebellion against almost unbroken northern rule. Obote held on by force and patronage for four and a half years, while his government committed extensive human rights violations. Suspicious that all opposition politicians were linked to the rebels, security agents carried out blanket arrests. As the war went badly, suspicions spread to public servants. The contempt for rule of law, torture of civilians and suppression of journalists resembled the Amin regime's practices.[43] Educated elites, originally sceptical of Museveni, became his fervent supporters. University students in particular joined the NRA.

Promising economic reforms enacted under one of the first World Bank Structural Adjustment Programs (SAP) introduced free market measures and eliminated coffee smuggling and arbitrage profits.[44] But the government did not have the discipline to close other loopholes and stop inefficient investments. It permitted illegal diversion of hard currency to Kenya and did not use large loans productively, resulting in rapid growth of foreign debt.[45] The Bank suspended the SAP in 1984, after the government authorised a budget-breaking pay increase for civil servants in anticipation of elections that were scheduled in 1985 but cancelled by another coup.[46]

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[36] Nelson Kasfir, '"No-Party Democracy' in Uganda", *Journal of Democracy*, vol. 9, no. 2 (1998), p. 53. The UNLA, which provided legitimacy for the Tanzanian invasion, was an awkward compromise that papered over disagreements between the two small and competing contingents of Ugandan exiles, one loyal to Obote, the other to Museveni, that led to civil war two years later.

[37] The successor government of Godfrey Binaisa was even weaker than Lule's. Omara-Otunnu, *Politics and the Military*, op. cit., pp. 146-148.

[38] Muwanga ruled as head of the military commission with Museveni as his deputy, Kasozi, *Social Origins*, op. cit., pp. 134-136. Museveni was a member of each of the interim governments but lost influence throughout the period.

[39] Samwiri Karugire, *The Roots of Instability* (Kampala, 1988), p. 75. The president was chosen by UPC legislators.

[40] Public announcement of the early results indicated that DP candidates had won a majority of parliament seats. The most detailed analysis of specific rigging from registration through the vote count is A Local Observer, "A Story of the Rigged Uganda Elections of 1980", Appendix I in Karugire, *Roots of Instability*, op. cit., pp. 84-100.

[41] Nelson Kasfir, "Guerrillas and Civilian Participation: the National Resistance Army in Uganda, 1981-86", *Journal of Modern African Studies*, vol. 43, no. 3 (2005), pp. 279-280; Godfrey Ondoga Ori Amaza, *Museveni's Long March from Guerrilla to Statesman* (Kampala, 1998), pp. 69-82.

[42] Kasfir, "Guerrillas and Civilian Participation", op. cit., p. 282.

[43] Kasozi, *Social Origins*, op. cit., pp. 145-163.

[44] Kasfir, "State, Magendo and Class Formation", op. cit., p. 97. The arbitrage profits resulted from the divergence between the low official price for foreign exchange and its value on the black market.

[45] Joshua B. Mugyenyi, "IMF Conditionality and Structural Adjustment under the National Resistance Movement", in Holger Bernt Hansen and Michael Twaddle (eds.), *Changing Uganda* (London, 1991), pp. 63-65.

[46] Northern, Acholi officers removed Obote and installed as head of state the elderly General Tito Okello. The coup was triggered by Obote's appointment of Lt. Colonel Smith Opon Acak, a relatively junior Langi officer, as army chief of staff, passing over more senior Acholi. In addition, Acholi soldiers believed that they had been sent to the frontlines of the civil war in greater numbers because Obote regarded them (apparently correctly) as disloyal. Omara-Otunnu, *Politics and the Military*, op. cit., pp. 160-163.

The new Acholi military rulers invited ex-Amin soldiers marauding in neighbouring countries and militias competing with Museveni's forces to join them. But the mutually suspicious militia leaders and the coup leaders did not work well together. Their distrust, desire for plunder and revenge led them to massacre villagers and split Kampala into rival military sectors.[47] Increased fighting drove what was left of the economy into the ground. By then the NRA controlled all the west, except for two military bases. Negotiations that neither side believed in led to an abortive peace settlement in December 1985.[48] When the NRA seized Kampala the next month, Museveni was sworn in as president of a failed state.[49]

III. LEGACIES OF THE NRA INSURGENCY

Like previous rulers, Museveni at first broadened his government, then progressively narrowed it. He faced more problems than his predecessors, confronting rebellions in every region while leading a government with few resources and little capacity. No matter how his critics regard his leadership now, he and those he inspired reversed political and economic decline, making life in Uganda more agreeable and safer today. It is no small feat that he has held office as long as all predecessors combined. That is due in large part to pragmatism and tactical adroitness. During his first decade, most considered him spectacularly successful. By the end of his second decade, many felt he was repeating disruptive patterns of past presidents. Today, few not beholden to him would claim he has overcome the old divisions, promoted democracy or fundamentally strengthened rule of law. He has more influence but resorts to increasingly authoritarian measures.

A. NO-PARTY RULE

When Museveni seized power the National Resistance Movement (NRM) was a less representative body than any other had been upon taking office, except for Okello's and Amin's military regimes.[50] Its political capabilities were both a mystery and a source of suspicion.[51] Its army contained mostly Banyankole senior and Baganda junior officers, commanding mostly Baganda veterans and westerners, the latter recruited in the war's last months.[52] In other words, Museveni's power base was a largely southern army replacing the northern political and military rule known since independence. Southern political supporters outside the NRA were sceptical of his fitness to rule, particularly because they mistook him for a committed Marxist and partly because he had not held a senior position in

[47] Mahmood Mamdani, "Uganda in Transition: Two Years of the NRA/NRM", *Third World Quarterly*, vol. 10, no. 3 (1988), p. 1159.

[48] Neither side trusted the other to carry out its provisions. Compare Omara-Otunnu, *Politics and the Military*, op. cit., p. 168 with Yoweri Museveni, *Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda* (London, 1997), p. 169.

[49] Kasozi, *Social Origins*, op. cit., p. 193.

[50] The Binaisa and Muwonga successor governments during the interim period may also have been weaker than Museveni upon accession. Nelson Kasfir, '"Movement' Democracy, Legitimacy and Power in Uganda", in Justus Mugaju and J. Oloka-Onyango (eds.), *No-Party Democracy in Uganda: Myths and Realities* (Kampala, 2000), p. 63.

[51] During the civil war, the NRA made all the important political and military decisions. Located in Nairobi, it engaged in fundraising and publicity. After the war, the NRM became the name for the political group around Museveni that proposed, and frequently decided, most significant policies for the government and the army.

[52] Ondoga, *Museveni's Long March*, op. cit., pp. 30-31, 99; Kasfir, "Guerrillas and Civilian Participation", op. cit., p. 281. There were at least a few representatives from most other Ugandan ethnic groups.

a major national party.[53] Northerners acquiesced in his takeover, while waiting to see whether his regime would exact revenge. Public servants were enthusiastic, but undependable because they spent little time on official duties and were often corrupt.

Furthermore, while the NRA saved lives at the end of the war by allowing the UNLA to flee, its retreating soldiers looted the few remaining economic assets outside Kampala. Flight also meant the UNLA retained sufficient strength in exile in Sudan and Zaire (now Democratic Republic of Congo) to pose a future threat that soon became the "Northern problem".[54] Ambitious politicians in exile, including Obote in Zambia, began plotting to bring down the new regime.

In response, Museveni and the NRM embarked on an ambitious program of popular inclusion. When sworn in as president, he promised a "fundamental change in the politics of this country". In reiterating the promises of the NRA's wartime manifesto, he offered a formula to overcome divisions by transcending them.[55] In a remarkable feat of persuasion, he convinced many that measures the NRM introduced to legitimise a regime that had taken power by force were also democratic reforms for the nation. Three important initiatives were quickly launched, intended both to solve longstanding problems and broaden NRM support: the national no-party structure; "broad-based" government; and a process to adopt a constitution through extensive popular consultations. The intent was to overcome the social cleavages that had bedevilled previous governments. The measures produced popular enthusiasm that lasted far longer than usual. In a 1993 surprise, the government also permitted restoration of the kingships.

In its enthusiasm, the public paid little attention to how NRM leaders used these initiatives to keep control. The NRM set a four-year interim period in which its regime could not be challenged, then lengthened it to seven years and finally eight. The first national legislative election, in 1989, was carefully managed.[56] The regime also showed its hand at various points during the constitutional drafting process, including the Constituent Assembly discussions.[57] Nevertheless, its democratic initiatives seemed a bold step toward transcending the cleavages that had tripped up previous governments.

First, the NRM instituted a novel form of democracy, mandating that every village should adopt the non-partisan open-voting scheme it had started in its war-time liberated zone. For the first time, villagers could elect their own officials. This was strongly embraced in most of the country and accepted in the north.[58] A brilliant move, it mobilised support while reducing the grip of the old parties. New laws allowed these parties to exist, but prohibited them from running candidates. At first, the government did not interfere with local elections – a novel experience for Ugandans. But the intricate scheme of indirect elections to four higher governing councils, from village to district, severely diluted its democratic content.[59]

Secondly, the NRM adopted the principle of broad-based government, appointing members of the parties and military factions it had fought to prominent posts.[60] The principle was incorporated into the 1995 constitution as a characteristic of the "movement political system".[61] Multi-party advocates sat beside "movementists" in a large cabinet, while attacking each other outside it. The initiative may have been intended to increase national unity, but it also removed much of the NRA's ideological coherence.[62]

Thirdly, a commission was appointed in 1988 to draft a constitution with checks and balances between government branches.[63] It paid close attention to citizens, holding public meetings throughout the country and relying on more

[53] He had, however, been a minister and member of the Military Commission in the interim period governments, chosen principally because he had organised the Front for the Salvation of Uganda (FRONASA), which became one of the two military forces that accompanied the Tanzanian army when it overthrew Amin.

[54] The Lord's Resistance Army soon became an additional factor. For more, see Crisis Group Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004.

[55] Museveni, "Ours Is a Fundamental Change", in Museveni (ed.), *What is Africa's Problem? Speeches and Writings on Africa* (Kampala, 1992), p. 21; Museveni, *Selected Articles on the Uganda Resistance War* (Kampala, 1985), p. 46.

[56] Kasfir, "The Ugandan Elections of 1989: Power, Populism and Democratization", in *Changing Uganda*, op. cit., pp. 257-263.

[57] J. Oloka-Onyango, "New Wine or New Bottles? Movement Politics and One-partyism in Uganda", in *No-Party Democracy*, op. cit., pp. 45-53.

[58] Kasfir, "'No-Party Democracy'", op. cit., p. 57.

[59] The elected committee in each council formed the electorate in the next larger geographic unit, progressively winnowing eligible voters in higher stages. In its first years, some argued that those elected to the district councils should elect members of parliament.

[60] Rubongoya, *Regime Hegemony*, op. cit., p. 71. The NRM's policy of special elections for disadvantaged groups also could be seen as part of its effort to be inclusive. Ibid, p. 72.

[61] Article 70. The NRM was called the "movement" in the 1995 constitution.

[62] Mamdani, "Uganda in Transition", op. cit., p. 1168.

[63] John M. Waliggo, "Constitution-making and the Politics of Democratisation in Uganda", in Holger Bernt Hansen and Michael Twaddle (eds.), *From Chaos to Order: The Politics of Constitution-making in Uganda* (Kampala, 1995), pp. 23-28.

than 25,000 submissions, sometimes making provisions according to which proposal had more supporting petitions.[64] Constituent Assembly delegates to consider the commission's draft were chosen by universal franchise and secret ballot in March 1994, the first such election under NRM rule.[65] Over strenuous opposition from multi-party advocates, NRM supporters wrote the no-party system into the constitution subject to a referendum in four years.[66] The constitution, ratified in October 1995, strengthened parliament and the judiciary at the expense of the executive, entrenched human rights and anti-corruption agencies and established a formal foundation for government based on countervailing institutions, not personal rule.

On the other hand, shortly before the Constituent Assembly was established, in 1993, Museveni pre-empted one of its issues by persuading parliament to amend the 1967 constitution to restore kingships, though only as cultural figures.[67] Members of any ethnic group could propose a "traditional or cultural leader", but no one chosen could participate in politics or exercise governmental authority. The act led to the coronation of Ronald Mutebi as Kabaka that year, reinstating the throne after an interruption of 26 years,[68] and produced Baganda support for the NRM that gave Museveni a larger voting bloc in the Constituent Assembly and decisive help in subsequent presidential elections.

Simultaneously, the NRM government contended with numerous local insurrections inspired by politicians and military leaders who sought to take advantage of disorder.[69] It sent its army, renamed the Uganda Peoples Defence Force (UPDF), to put these down, but Museveni also negotiated an end to several. Nevertheless, these rural rebellions embittered many of their victims, who regarded them as proof westerners wanted ethnic revenge as well as dominance.

In its first decade the regime made impressive economic gains. The critical decision was to switch from a state-run approach to neoliberalism by accepting a new World Bank SAP. Museveni became an enthusiastic convert. The government privatised many businesses, allowed farmers to sell export crops on the market, brought inflation nearly to zero and floated the currency.[70] It received large loans in return, resulting in increased productivity. GDP rose by a 6.4 per cent average for ten years. By the end of the first decade of neoliberal economic policy, the Bank characterised the country "as the most consistent good performer in Africa".[71] By 1997 it qualified for foreign debt reduction, but loans also resulted in foreign ownership of commercial assets and greater corruption among senior government officials.

Radical decentralisation down to the villages was another major reform. 1993 legislation began to move many government functions to district councils.[72] Since most money still came from the centre, political autonomy remained limited.[73] Over the years, 40 to 60 per cent of citizens polled felt that the system responded to the needs of ordinary villagers, though they approved the performance of village councils more than that of those at higher levels.[74]

B. The Shift to Patronage and Personal Rule

After the first decade, democratic initiatives lost momentum. Instead of supporting the no-party system as the framework for unfettered participation, Museveni began using it as a means for furthering his objectives and defeating opponents. The principle of broad-based appointments soon disappeared, as he replaced politicians from old parties or NRM members who publicly criticised his policies with trusted members of his inner circle, often from his home area.

Efforts to change the constitution began in the late 1990s, after Museveni met unexpected opposition in parliament. Differences with the Kabaka's officials became public, as

[64] "The primary and most important source has been people's views presented either orally or in the form of memoranda, totalling to 25,547 submissions". "The Report of the Uganda Constitutional Commission: Analysis and Recommendations", Entebbe, 1993, p. 7.
[65] James Katorobo, "Electoral Choices in the Constituent Assembly Elections of March 1994", in *From Chaos to Order*, op. cit., pp. 114-147.
[66] John-Jean Barya, "Political Parties, the Movement and the Referendum on Political Systems in Uganda: One Step Forward, Two Steps Back?", in *No-Party Democracy*, op. cit., p. 24.
[67] Originally passed as the Constitution Amendment Act of 1993, it was incorporated in Article 246 of the 1995 constitution.
[68] Mutibwa, *The Buganda Factor*, op. cit., p. 230.
[69] Sallie Simba Kayunga, "The Impact of Armed Opposition on the Movement System in Uganda", in *No-Party Democracy*, op. cit., pp. 111-115.
[70] Paul Collier and Ritva Reinikka, "Reconstruction and Liberalization: An Overview", in Reinikka and Collier (eds.), *Uganda's Recovery: The Role of Farms, Firms, and Government* (Washington, D.C., 2001), pp. 24-38.
[71] "Uganda Strategy", World Bank Country Department, Microeconomics II, Africa Region, Washington DC, 1997, pp. 6, 3.
[72] Fumihiko Saito, *Decentralization and Development Partnerships: Lessons from Uganda* (Tokyo, 2003), pp. 54-55.
[73] The 1995 constitution and the Local Governments Act (1997) gave district councils legislative autonomy and district officers executive powers, while requiring half of locally collected taxes to be spent at sub-district levels. Rubongoya, *Regime Hegemony*, op. cit., p. 109.
[74] Saito, *Decentralization*, op. cit., p. 84.

old questions about the kingdom's relationship to the government resurfaced. Despite the commitment to attack corruption, accusations involving high officials frequently appeared in the press and testimony before parliamentary committees. Museveni used his appointment powers to build a patronage network loyal to him and also intervened in many political and administrative issues previously left to other officials.

Supporters at times undermined his objectives to achieve their own. Despite executive and police interference, parties and media held demonstrations and criticised him openly. Opponents sometimes won elections despite his opposition.[75] The higher courts overturned several projects and only narrowly confirmed his 2001 and 2006 elections. A small minority of determined legislators defeated some of his plans and forced changes to others. Unlike some authoritarians, Museveni accepted the setbacks, but over time he steadily became more powerful and less accountable.[76]

Museveni's growing reliance on patronage responds to the ethnic, regional and religious divisions every prior regime has faced but is compounded by the decline in rule of law and rise in official corruption. Transparency International has rated Uganda as extremely corrupt for years.[77] A 2005 report for the World Bank found that "corruption permeates the political economy … and is a critical aspect of regime maintenance".[78] Six years later, the U.S. embassy in Kampala stated, "corruption and government interference in the private sector are endemic. In commercial disputes, government agencies and politically-connected insiders may ignore court rulings against them, leaving foreign investors with no official means of recourse".[79] Although a problem from the beginning, cases involving the president's inner circle and relatives became more noticeable from the mid-1990s.[80] A once close associate said, "from 1986 to 1990, Museveni had universal support. About 1992, we began to notice corruption. It became more obvious about 1995".[81] Commissions of inquiry, media and the parliament's Public Accounts Committee regularly reveal cases.[82]

Privatisation, part of the SAP, has proved a fertile source of revenue for high officials.[83] Donor aid has also been stolen. Two international health funds suspended grants due to misappropriation blamed on three government ministers, two government officials and the niece of the president's wife.[84] No officials close to the president or any of his relatives have been convicted, though several were indicted.[85]

Even greater sums were stolen by the UPDF when it was sent into the Democratic Republic of the Congo in the 1990s. Corruption also included irregular military procurement and payment of salaries to "ghost soldiers".[86] Only one top official, a former army head, was convicted in these cases, and he died in mysterious circumstances before serving his sentence.[87] Corruption on such a scale and at such levels as has occurred in the last two decades has led to accusations that the president is responsible for it.[88]

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[75] Patrick Mwondha, a UPC official, said, "Museveni has not allowed the opposition, he has put up with it – there is a big difference", quoted in Peter Bouckaert, "Hostile to Democracy: The Movement System and Political Repression in Uganda", Human Rights Watch, August 1998, p. 98.

[76] See Aili Mari Tripp, *Museveni's Uganda: Paradoxes of Power in a Hybrid Regime* (Boulder, 2010), pp. 21-23.

[77] Transparency International ranked Uganda 127th of 178 countries in 2010, "Corruption Perceptions Index 2010".

[78] Stephen N. Ndegwa and Nyaguthii Chege, "The Political Economy of Uganda: The Art of Managing a Donor-Financed Neo-Patrimonial State", World Bank, 20 November 2005, p. 17.

[79] "2011 Investment Climate Statement – Uganda Overview of Foreign Investment Climate", at http://kampala.usembassy.gov.

[80] "Democracy and Governance Assessment: Republic of Uganda, 2005", U.S. Agency for International Development, p. 37.

[81] Crisis Group interview, Kampala, 25 May 2010.

[82] For example, the president's brother was accused by a judicial commission of inquiry in 2003 of receiving payments for arranging the purchase of unusable helicopters and the privatisation sale of the Uganda Commercial Bank. He denied the charges and was never prosecuted. "Roger Tangri and Andrew Mwenda, "Military Corruption and Ugandan Politics since the Late 1990s", *Review of African Political Economy*, no. 98 (2003), pp. 540-541. See also Peter Clottey, "Ugandan Government Probes Corruption Allegations", Voice of America (VOA), 15 November 2010; and Nicolas Bariyo, "Uganda Minister to Resign Ahead of Graft Probe", *Wall Street Journal*, 14 October 2011.

[83] Roger Tangri and Andrew Mwenda, "Corruption and Cronyism in Uganda's Privatization in the 1990s", *African Affairs*, no. 100 (2001), pp. 117-133.

[84] Frank Nyakairu, "Global Fund suspends Shs 280b Uganda aid", *Monitor*, 25 August 2005; "Donors Hold Grant over Gavi Funds", *Monitor*, 18 May 2007. See also "Uganda: Corruption Scandal's Political Ramification", cable from U.S. embassy Kampala, 25 September 2007, as made public by WikiLeaks.

[85] "Uganda: Justice slowly meted out in Global Fund corruption trials", Integrated Regional Information Networks (IRIN), 19 August 2009.

[86] Tangri and Mwenda, "Military Corruption", op. cit., pp. 541-546.

[87] Andrew Mwenda, "He was trying to avoid one death when he fell into another", *Independent*, 24 November 2009.

[88] Tangri and Mwenda, "Military Corruption", op. cit., pp. 546, 551; "DP says Museveni is promoting Uganda's corruption", *The Independent*, 7 February 2012. "Uganda is considered by international experts to be among the most corrupt nations in the world, and even before oil production has begun, several senior government officials, including the prime minister, have been accused of pocketing millions of dollars in bribes from oil companies". Josh Kron, "Uganda's Oil Could Be Gift That Becomes a Curse", *The New York Times*, 25 November 2011.

More important than the wealth corruption yields is the reliable political power it provides the NRM. The system Museveni has set up depends on having officials in place who can deliver benefits to their ethnic, regional and religious supporters.[89] He has multiplied the number of relevant positions and appointed a broad cross-section of notables on the basis of their connections, not merits. The budget of the president's office and the number of government commissions, presidential advisers and new districts with complements of local appointments all have risen steadily.[90]

To control this structure, Museveni turns to people from his own region, his ethnic and sub-ethnic groups (the Banyankole and Bahima) and family. He has reappointed censured ministers who are trusted relatives or who fought the war with him. He has structured the military and civilian chains of command so that trusted ethnic compatriots head both. Politicians and newspaper columnists frequently list the critical positions held by Banyankole, often adding that the ethnic imbalance is greater than ever.[91] The five most senior UPDF generals, with one partial exception, are Bahima. 26 of the top 62 officers (through brigadier) come from Ankole, his home area.[92] He has dismissed even his closest comrades-in-arms when they insisted on institutional accountability and uncontrolled democracy.

1. The 1996 and 2001 elections and return to "multi-party" politics

As Museveni constructed this patronage system, it became obvious that it would require an explicit political organisation, but none could function within a no-party framework – the contradiction would be too blatant. The need for a party accepted as legitimate but that he could control to cloak his patronage network led to the decision to adopt a multi-party system. To accomplish this, he had to overcome determined opposition from within and outside the NRM. He began after his first presidential election, in 1996, a victory that involved few incidents of serious violence, was widely regarded as substantially free and fair and marked the high point in his legitimacy as national leader.[93]

Museveni won nearly three quarters of the vote against his main competitor, Paul Ssemogerere, the joint candidate of the old parties.[94] He used advantages denied his foes, appointing many local council members as his agents,[95] applying government resources and campaigning before the official period. Ministers also stumped for him. The presidential vote and the parliamentary elections the following month showed the NRM and its no-party system remained popular.[96] Candidates favouring them won a majority of seats, defeating many who sought a return to multi-party politics.[97] But despite Museveni's claim that the NRM had overcome sectarianism, contests of Protestants against Catholics and multi-party candidates against NRM candidates were often competitive, showing that religious and party cleavages remained. Most northern seats went to multi-party proponents. The presidential vote also showed a north-south division: Museveni won over 90 per cent in much of the south, less than 15 per cent in several northern constituencies.[98]

The parliament surprised everyone by standing up to the president, using new constitutional powers to become the most independent in Ugandan history.[99] It not only modi-

[89] Andrew Mwenda, "Corruption in Museveni's Uganda is a system of govt", *Monitor*, 25 June 2006.
[90] Andrew Mwenda, "The opposition: likely reasons why Gen. Museveni invited them for talks", *Monitor*, 30 July 2006; Tangri and Mwenda, "President Museveni and the Politics of Presidential Tenure in Uganda", *Journal of Contemporary African Studies*, vol. 28, no. 1 (2010), p. 36.
[91] See Omar Kalinge Nnyago, "Marginalisation might cause a revolution in Uganda", *Monitor*, 15 May 2009 and Muniini K. Mulera, "War against sectarianism gets lost along the way", *Monitor*, 9 January 2006.
[92] See Nasser Ssemuwemba, "Clarification on army ranks story", *The Observer*, 26 August 2009; Mulera, "War against sectarianism", op. cit.

[93] Rubongoya, *Regime Hegemony*, op. cit., pp. 124-125. 248 electoral offenses nationwide, mostly "hooliganism and intimidation", were reported to the police during the presidential campaign. "Report of the Presidential and Parliamentary Elections 1996", Interim Electoral Commission (Kampala, n.d.), p. 18. Election day was "peaceful and fairly transparent". Sabiti Makara, "Voting for Democracy in Uganda: Issues in Recent Elections, 1996-2001", in Makara, Geoffrey B. Tukahebwa and Foster E. Byarugaba (eds.), *Voting for Democracy in Uganda: Issues in Recent Elections* (Kampala, 2003), p. 22.
[94] "Appendix 9(A): Election Results for Presidential Candidates", "Report of the Presidential and Parliamentary Elections 1996", op. cit., p. 67. Ssemogerere probably would have become President in 1980 had the DP victory not been thwarted.
[95] Makara, "Voting for Democracy", op. cit., pp. 21-22.
[96] This was no small achievement, considering that the NRM had been in power slightly longer than any previous regime.
[97] Not all NRM successes showed the system's popularity. The government manipulated small constituencies to gain beholden candidates in many special interest seats created by the 1995 constitution for women, youth, workers, the disabled and the army.
[98] This regional cleavage in voting was exacerbated by the consequences for civilians of continuing wars with the Lord's Resistance Army (LRA) in Acholi areas and militias in West Nile. For more on northern Uganda, see Crisis Group Africa Briefing N°27, *Building a Comprehensive Peace Strategy for Northern Uganda*, 23 June 2005; and Crisis Group Africa Report N°146, *Northern Uganda: The Road to Peace, with or without Kony*, 10 December 2008.
[99] Nelson Kasfir and Stephen Hippo Twebaze, "The Rise and Ebb of Uganda's No-Party Parliament", in Joel D. Barkan (ed.),

fied bills proposed by the president but also censured several of his ministers for corruption, eventually forcing their dismissal.[100] To overcome its opposition, Museveni took several steps toward creating his own political organisation, despite the contradiction with the premises of the no-party system. He exploited the ambiguity between building "the Movement" (the NRM's constitutional name) and the restrictions on parties. He strengthened the movement caucus in parliament by offering patronage to its members, including cabinet positions and funds to support their constituency work and re-elections.[101] He campaigned actively to defeat those who had worked against his objectives, including "movementist" legislators who strayed on issues important to him.

Challenges to his rule during the 2001 national elections helped persuade Museveni that the no-party system was no longer useful. His interests, however, were different from the multi-partyists, who by then included some senior NRM members. He also faced a more credible opponent in Kizza Besigye, formerly a senior NRA commander, his personal physician and an official who burst into national politics by publicly criticising the government for losing interest in democracy while tolerating senior-level corruption.[102]

These elections produced considerably more violence and intimidation than in 1996 or the 2000 referendum on restoring multi-party democracy, much of it attributed to "illegal involvement of some agents of the state".[103] The police reported 1,216 arrests for violent election offenses, including seventeen deaths.[104] The parliamentary committee reviewing the elections found many examples of corruption and poor electoral commission planning.[105] Nevertheless, that body reported that Museveni defeated Besigye by 69 per cent to 28 per cent.[106] Besigye appealed to a five-judge Supreme Court panel that agreed there had been serious violations but voted three to two to sustain Museveni's victory on the grounds that the irregularities were not decisive. Besigye was harassed for several months after the election until he fled into exile, not to return until 2005, in time to be nominated to stand for the presidency the following year.

Despite his reputation as the architect of the no-party system, Museveni, intent on staying in power, became the driving force for restoration of multi-party democracy. At an NRM meeting in March 2003, he called for "opening political space", not only to permit competing parties, but also to reduce the powers of parliament, courts and watchdog agencies, and for dropping the two-term presidential limit.[107] His proposals – most of which he achieved over three years – meant removal of important constraints on executive power in the 1995 constitution.

Instead of justifying party competition for its contribution to democracy, he insisted it would purify the NRM by removing internal opposition. He indicated that the NRM would continue to rule, cleansed of those who disagreed: "… let us rid ourselves of the uncommitted. Then we shall be able to consolidate ourselves".[108] In May 2003 he reshuffled his cabinet, dropping "untouchable" NRM insiders who had publicly supported restoration of parties and opposed legalising his third-term candidacy. One of those, Eriya Kategaya, who had been Museveni's closest political associate, conceded that "in my naïve thinking, I believed that President Museveni will live up to the stature of a statesman and be the first President of Uganda to retire as per the Constitution and thereby set a constitutional precedent".[109]

With Museveni's support for transforming the political system, the full import of a commission he had appointed in 2001 to review fundamental features of the constitution, including the political system, parliament, courts and federalism, became obvious.[110] Its report had recommended

Legislative Power in Emerging African Democracies (Boulder, 2009), pp. 75-76.

[100] Museveni reappointed them after the next election, ibid, p. 80.

[101] Kasfir and Twebaze, "Rise and Ebb", op. cit., pp. 164, 165-169.

[102] "An insider's view of how NRM lost the 'broad-base'", *Monitor*, 7 November 1999.

[103] "Report of the Select Committee on Election Violence", Parliament (September 2002), p. 141. The report circulated, but parliament was not given a chance to discuss or vote on it.

[104] Ibid, pp. 145-146. Olive Kobusingye, Besigye's sister, gives an eyewitness account alleging unprovoked gunfire by the Presidential Protection Unit (PPU) following a Besigye rally in Rukungiri resulting in one death. *The Correct Line? Uganda under Museveni* (Central Milton Keynes, 2010), pp. 11-16. She says no one was arrested, and the commander of the unit was promoted.

[105] "Report of the Select Committee", p. 114. The Committee concluded that "anything that could be done to mismanage an organisation has been done in the EC".

[106] Giovanni Carbone, *No-Party Democracy? Ugandan Politics in Comparative Perspective* (Boulder, 2008), p. 195.

[107] The meeting occurred at Kwankwanzi in March 2003. For an analysis of his speech, see J. Oloka-Onyango, "Dictatorship and Presidential Power in Post Kyankwanzi Uganda: Out of the Pot and into the Fire", Rights and Democratic Governance Working Paper Series, no. 3 (2006). www.huripec.ac.ug/Publication_series_3.pdf. For a more party-oriented explanation of the NRM's decision to restore multi-party competition, see Tripp, *Museveni's Uganda*, op. cit., pp. 69-70.

[108] "President Museveni Addresses the Nation on Forthcoming Referendum", State House News Release, 13 July 2005.

[109] "The Future of Constitutionalism and Democracy in Uganda", paper presented by Kategaya at a PAFO (Parliamentary Advocacy Forum) meeting, Mbarara, 8 May 2003 and reprinted in Kategaya, *Impassioned for Freedom* (Kampala, 2006), p. 121.

[110] "The Report of the Commission of Inquiry (Constitutional Review)", findings and recommendations, Uganda Govern-

a multi-party system and submission of the term limit question to a referendum.[111] The cabinet exploited the report to introduce a bill with over 100 constitutional amendments, including term limit repeal, which it justified as removing a restriction on democratic choice. Reportedly, five million shillings ($2,775) were paid to legislators who publicly committed to lifting the term limit.[112] A July 2005 referendum overwhelmingly voted for a multi-party system, but term limits were not on the ballot. Museveni's followers supported his clear preference; the opposition boycotted.[113] When parliament voted on the omnibus constitutional bill, including term limits, in August, most government proposals passed. Parliament's Standing Orders were changed so the vote could be open, allowing Museveni to keep track of his clients.

The country's most insightful journalist argued that Ugandans gave up protections they had fought for in the 1995 constitution "because foreign aid … channelled through the state … has strengthened the political hand of those through whom it is distributed".[114] Whether or not aid was the NRM's main source of patronage, each successful use reinforced the temptation of many ambitious politicians to join Museveni.

2. The first multi-party election

In the 2006 election campaign Museveni exploited a loophole. The referendum determined that parties could compete, but the constitutional amendment adopted the following month extended the NRM's official status until elections. It was thus able to use its nationwide organisation, official facilities and funds, while other parties could only begin to organise after the referendum, just seven months before the vote.[115] Museveni used appointees in every district and many elected local government councillors to build a campaign structure.[116] No other party had time or resources to create anything remotely equivalent.

The government also arrested and imprisoned Besigye on charges of rape and treason and simultaneously tried him in civilian and military courts.[117] As a result, he had to appear in court during most of the campaign; he was freed on bail only at the beginning of January, three weeks after other candidates had officially begun to campaign. A week before the elections, a High Court judge dismissed the rape charge and suggested the prosecution had badly abused the court process.[118] The treason charge was also dismissed – but not until a few months before the 2011 elections – on the ground that the government had so violated his rights and those of his co-defendants that a fair trial was impossible.[119]

Despite several deaths and serious injuries at opposition rallies during the campaigns, there was less violence and fewer ballot violations than in 2001. Nevertheless, domestic and international observers did not declare the elections free and fair, blaming both the "ruling party" and the electoral commission. Still, a key international observer stated that "the will of the people [was] expressed".[120] The electoral commission declared that Museveni won re-election with 59 per cent of the vote to Besigye's 37 per cent.[121]

ment, 10 December 2003. For its terms of reference see pp. xxi-xxii. Observers were initially puzzled why the constitution needed such appraisal after only six years.

[111] There was speculation that the commission had planned to support the limit but yielded to pressure. Two commissioners, including its chair, wrote minority reports opposing consideration of changing the provision. Ibid, pp. 262-266.

[112] Ibid, pp. 37-39; Oloka Onyango, "Constitution bill is disaster in substance", *New Vision*, 11 March 2005; Mwanguhya Charles Mpagi, Hussein Bogere, Mercy Nalugo and Agness Nandutu, "I got Shs5m for Kisanja – Buturo", *Monitor*, 31 October 2004.

[113] As in the 2000 referendum, the boycott dramatically lowered turnout, to 47 per cent of registered voters. Over 92 per cent of those who voted supported permitting party competition. "92.5% Yes, 7.5% No", *Sunday Vision*, 31 July 2005.

[114] Andrew M. Mwenda, "Who will uphold our constitution?" *Sunday Monitor*, 26 September 2004.

[115] Article 295, constitution; "In Hope and Fear: Uganda's Presidential and Parliamentary Polls", Human Rights Watch, February 2006, pp. 7-8. The government gave funds to each party, but not enough to run a campaign according to the opposition. Ibid, p. 19.

[116] Sabiti Makara, Lise Rakner and Julius Kiiza, "Conclusion: Reflections on the 2006 Elections in Uganda", in Kiiza, Makara and Rakner (eds.), *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multi-party Elections* (Kampala, 2008), p. 293.

[117] The attorney general had attempted to block his nomination because he could not appear personally, but the electoral commission accepted his papers.

[118] Solomon Muyita, Hussein Bogere and Siraje K. Lubwama, "Besigye acquitted", *Monitor*, 8 March 2006. There were indications that witnesses had been bribed and documents fabricated. The "victim" and a police official testified to presidential involvement.

[119] Anne Mugisa and Hillary Nsambu, "Col. Besigye treason case dismissed", *New Vision*, 12 October 2010. Besigye was released from jail before the campaign began, but the entire time he was charged with treason, his passport was withheld, preventing him from leaving the country. Communication from Besigye to Crisis Group analyst acting in a different capacity, 6 February 2009.

[120] Quotations from the "Commonwealth Observer Statement", *Monitor*, 5 March 2006. For domestic observers, see Grace Kaiso, "DEMGroup preliminary report on recent presidential, parliamentary polls 2006", *Monitor*, 1 March 2006; and "3rd FHRI election observation report", *Monitor*, 2 March 2006.

[121] The old political parties practically disappeared; their presidential candidates received less than 1 per cent each, and they

Regional cleavages remained as prominent: Museveni received two thirds of the votes in the south but less than one third in the North. The NRM won more than three quarters of southern parliamentary seats, less than one third of those in the North and overall a two-thirds majority.

Besigye again filed a challenge in the Supreme Court, but a seven-judge panel upheld Museveni's victory. All agreed that the NRM had committed, and the electoral commission had condoned, electoral offenses, including stuffed ballot boxes and multiple voting, but they decided by a vote of four to three that these malpractices had not been sufficient to change the result. Courts did sustain six of 41 challenges in parliamentary contests, overturning the results on the basis of electoral malpractice itself, without requiring that this be sufficient to change the result.[122] Losers who can demonstrate egregious violations of the electoral law are likely to invoke this precedent in future challenges.

Nevertheless, the massive NRM victory weakened parliament's capacity to check the executive branch. Winning only 56 of 333 seats, the five opposition parties could hardly participate adequately in most committees, much less have a significant impact on government bills. However, opposition legislators chaired two public accounts committees and used them effectively to expose corruption.[123] Unfortunately, both the NRM and opposition parties insisted that their members vote straight party lines on most bills in committee and plenary, thus preventing the constructive modification of bills that had become common practice in the previous no-party parliaments.[124]

elected less than ten parliamentarians each. Kiiza, Makara and Rakner, "Introduction", in op. cit., pp. 13-14.

[122] Siri Gloppen, Emmanuel Kasimbazi and Alexander Kibandama, "Elections in Court: The Judiciary and Uganda's 2006 Election Process", in *Electoral Democracy*, op. cit., pp. 78-80, 85. The court rejected claims Museveni personally committed illegal campaign practices.

[123] Felix Osiko, "New chairmen, new life in the parliamentary committees", *New Vision*, 25 January 2007. Their efforts were often blocked in parliament or by executive action.

[124] Crisis Group analyst interview in another capacity, opposition parliamentarian, Kampala, 9 February 2009.

IV. BUGANDA KINGDOM AND FEDERALISM

Museveni's alliance with the Baganda and kingdom officials resulted from his ouster of Obote, but his efforts to create a new relationship between the centre and Buganda did not succeed. Restoration of the Kabaka as a cultural king without executive powers was an expedient compromise, not a stable solution. Monarchists saw it as a way station, Museveni as the end of the road. The monarchists wanted their kingdom, not just their king, and federalism based on the kingdom's boundaries, with taxing power and control over land. Museveni wanted decentralisation based on small districts dependent on central government money and insisted on keeping final authority in the national government. His stance was fortified by most Ugandans' enduring suspicion that Baganda expected their kingdom to have a privileged position. Above all, Museveni wanted to avoid the encumbrance of new institutional commitments. His manoeuvres to reduce the Kabaka's influence among Baganda backfired, leading to 2009 riots, but he carried the region convincingly in 2011, slightly increasing his 2006 percentage of votes.

A. Separating Kings from Politics

Museveni thought he could stipulate which aspects of culture were not political, asserting "those traditional leaders had to only be cultural – to deal with our languages and customs that are not well addressed by the modern institutions".[125] However, distinguishing culture from participation in partisan politics turned out to be difficult. The constitution prohibited compulsory allegiance to a traditional leader, an obvious departure from custom.[126] But, as a legislator loyal to the Bunyoro Kingdom said, "cultural institutions still have power: If the king says plant a tree, everyone will plant one; but if the president asks, everyone will say 'where's the seed money?'"[127] A king could not be simply symbolic. A cultural role imposed responsibilities that required expenditures. Cultural norms obligated a monarch to assist his subjects.[128] Mutebi could not meet those expectations, having neither the resources nor the authority to act like his predecessors, even his father Mutesa II. Other kings were worse off.

[125] Yoweri Museveni, "Statement to the Members of Parliament on the City Riots", parliament, Kampala, 15 September 2009, p. 5.

[126] Article 246(3)(d). Museveni used this section to advantage, arguing that those he promoted owed no authority to the Kabaka.

[127] Crisis Group interview, Kampala, 20 May 2010.

[128] "The Kabaka is the instrument of culture and social welfare to his people. It's what they expect of their king". Crisis Group interview, senior Buganda Kingdom official, 8 June 2010.

As kings became traditional heads throughout Uganda, the government permitted them to form cabinets, hire officials and carry out development projects.[129] That allowed their cabinets to act like local governments in territories with specific borders. Traditional heads were supposed to exercise cultural authority within territories that had official administrative boundaries, but no one had anticipated what this authority would mean if relations with the central government deteriorated. Would the custom of a king visiting subjects within the kingdom become a political act? The restoration of kings created explosive political issues for many who had not thought about kingdoms for almost 30 years. Outside Buganda only a minority living in kingdoms had wanted the monarchs back,[130] but once they were, disagreements over their cultural role immediately became ethnic issues that focused attention on old and unresolved questions. Museveni's tactic had seemed brilliant, if opportunistic, but it exacerbated failures of national integration.

B. Central Government Opposition to Buganda Kingdom

The NRM's alliance with Baganda was immediately strained by the central government's unwillingness to return all the land Obote had seized in 1966. It gave back the kingdom's parliament building and palace and the Kabaka's official estate,[131] but Museveni starved the kingdom of income by keeping the rest, including 9,000 square miles of public land. "If the Asians could get their property back, why can't we get ours?", complained a prominent Buganda officer. A senior kingdom official noted the central government was slow to pay rent for buildings on the Kabaka's land.[132] The Kabaka thus generated far less income than needed to meet followers' expectations. Looking for other funds, the kingdom started the Central Broadcasting Service (CBS) radio station and rented buildings and sold certificates to supporters. As distrust mounted, Museveni said "no sooner had we promulgated the constitution of 1995, than I started hearing that Mengo [the Baganda Kingdom capital] was undermining the NRM".[133] By 2001, the Kabaka was showing interest in the opposition.[134] Museveni took further initiatives to weaken the Kabaka's position, but each met resistance that forced him to retreat. He tried to reduce the territory over which Mutebi could exercise his "cultural authority" by promoting competing traditional heads within the kingdom and, in the guise of regulating duties and benefits for cultural heads, introduced legislation to penalise traditional leaders who engaged in partisan politics. He sought to diminish the political influence of wealthy landholders organised around the king by strengthening Baganda peasants' rights in land and attempted to head off federalism by proposing regional tiers with an elected council and prime ministers between districts and national governments. Each effort met strong resistance, including one of the most serious riots during his quarter century in power. His subsequent policy retreats showed that his ability to resolve Uganda's fundamental problems was surprisingly limited.

C. Encouraging New Kings within Buganda

The initiative to elevate competing traditional heads was the most important because it led to the riots that forced Baganda to choose between king and president. To diminish the political authority of the Kabaka, Museveni had for several years promoted cultural figures from ethnic groups that had been incorporated into the Buganda Kingdom in past centuries. Most members of these groups had assimilated, adopting the language, customs and family names of the Baganda, although they had also retained many aspects of their older identities, including memories of their local rulers.

Museveni singled out the Baruli and Banyala, who lived in two of the "Lost Counties" that had not been returned to Bunyoro, as well as the Kooki, whose kingdom had been incorporated into Buganda in 1896.[135] Where they had not already, he urged their leaders to create cultural trusts and demand independent status for their traditional heads. In return he provided benefits and informal recognition of them as cultural leaders no longer subordinate to the Kabaka. They responded by urging their followers to emphasise their former identity. "The Baruli were Baganda in 1994 [during the dispute over federalism in the constitutional debate], but now they have become Baruli".[136] In other words, Museveni began to turn the new leaders into clients and incorporate them into his patronage network at the Kabaka's expense.

[129] For example, the Kabaka appointed an attorney general for the kingdom, an office unknown before colonialism.
[130] "Report of the Commission of Inquiry", analysis and recommendations, op. cit., pp. 543-545.
[131] 350 square miles of land.
[132] Crisis Group interviews, 8 June 2010.
[133] "Statement during the Meeting with the Buganda Parliamentary Caucus", Entebbe, 10 September 2009, p. 5.
[134] Crisis Group interview, senior Buganda Kingdom official, 21 May 2010.
[135] The Kooki Kingdom had been incorporated into Buganda as a distinct entity; descendants of its former Kamuswaga [king] were entitled to serve as its county chiefs.
[136] Crisis Group interview, senior Buganda Kingdom official, 21 May 2010.

After the coronation of the Ssabaruli, so-called king of Buruli, in Nakasongola District in 2004, Museveni warned that "the Kabaka or Mengo Lukiiko has no powers over [the] Ssabaruli; the Baruli and the central government are responsible for maintaining and recognising the Ssabaruli and other cultural leaders".[137] When he attended the investiture of the son of the first Ssabanyala in Kayunga District in 2008, he addressed him as "His Royal Highness" and announced that the installation "would revive the culture of the Banyala that had been jeopardised by the oppression put on them by the Baganda".[138] In Rakai District, Kooki promoters reinforced their demand that the county be given separate district status by creating its flag and anthem.[139]

The traditional heads received central government largesse. An imposing new brick wall with an ornate gold-coloured gate and a small contingent of armed UPDF soldiers protected the Ssabanyala's home.[140] In 2008, the central government "returned" valuable plots in Kampala to the Kamuswaga of Kooki, who apparently sold them back in 2009.[141] From Buganda Kingdom's perspective, Museveni's intention was "to break off part of Buganda to weaken it".[142] Despite the recognition and rewards, all three leaders' positions remained informal, as legal recognition would require an act of parliament. To complicate matters, Bunyoro Kingdom leaders, ever vigilant to regain more of their "Lost Counties", enthusiastically supported Museveni's scheme, raising ethnic tensions for everyone involved.[143]

Buganda Kingdom officials vigorously protested both installation ceremonies and planned to have the Kabaka reassert his authority by visiting the districts during regular tours. The central government stopped his visit to Nakasongola in 2008, claiming it could not protect him. Kingdom ministers then announced he would visit Kayunga in September 2009. The Ssabanyala insisted the Kabaka inform him officially first: "short of that it's bloodshed".[144] This was largely bluster; the Banyala are a tiny proportion of Kayunga's population.[145] But Museveni insisted on two conditions for the visit: that both cultural groups meet with government to negotiate the trip, and CBS stop criticising the NRM.[146] Since these terms were tantamount to capitulation, Buganda officials refused. Two days before the Kabaka's trip, they probed the government's commitment by sending the kingdom's prime minister to Kayunga to check arrangements. The police stopped him at the district border, claiming that they could not protect him. "It was a set-up", said a kingdom official.[147]

The CBS radio broadcast that police had stopped the prime minister triggered riots in Kampala that spread quickly throughout the city and to other towns in Buganda, though not to Kayunga and not outside the kingdom. Wearing traditional barkcloth hats and displaying pictures of the Kabaka, rioters at roadblocks attacked western Ugandans, particularly Banyankole, blaming them for NRM favouritism, and demanded people sing the Buganda anthem and give their names and lineages to establish their ethnicity.[148] With the police overwhelmed, the army was ordered in on the first day. "The order to control at any cost came from the top".[149]

Government officials declared the riots had been "planned by Mengo", while kingdom officials and civil society activists called them spontaneous.[150] The police and the president insisted CBS broadcasts incited violence; Buganda officials said the news presenters were trained journalists who reported information as they received it.[151] Museveni

[137] "President Convinces Bunyoro and Buruli," statement, State House, 5 May 2005.
[138] Charles Jjuko, "President Museveni backs Banyala chief", *New Vision*, 14 December 2008.
[139] Musasi Waffe, "Olukwe Olukutula Kkooki ku Buganda Luuluno [Here is the plot for Kkooki to secede from Buganda]", *Ggwanga*, Kampala, 23 May 2010.
[140] Observed by Crisis Group analyst, 26 May 2010. An elaborate tombstone marked the grave of his father, the first Ssabanyala, behind the latter's unpretentious former home, now the conference hall and office of the present Ssabanyala.
[141] Waffe, "Olukwe", op. cit., reproduces letters on State House stationery signed by Museveni and dated 15 July 2008 and 12 November 2009 authorising return of these properties and their repurchase a year later. It says the properties were part of the "public land" that the Buganda government had demanded back from the central government.
[142] Crisis Group interview, senior kingdom officials, Kampala, 8 June 2010.
[143] Francis Mugerwa, "Bunyoro rejects Buganda boundaries", *Monitor*, 3 November 2008.
[144] Crisis Group interview, senior member of the Ssabanyala's staff, Kayunga, 26 May 2010.
[145] 2002 census data at www.ubos.org. The data uses the older official spelling "Banyara", while this report uses the preferred "Banyala".
[146] Crisis Group interview, senior police official, Kampala, 5 June 2010. Museveni confirmed these conditions in his "Statement with the Buganda Parliamentary Caucus", op. cit., p. 8.
[147] Crisis Group interview, senior kingdom official, Kampala, 21 May 2010.
[148] Crisis Group interviews, senior NRM official, Kampala, 21 May 2010; university lecturer, Kampala, 17 May 2010.
[149] Crisis Group interview, 2010.
[150] Crisis Group interviews, senior NRM party official, Kampala, 21 May 2010 and senior police official, Kampala, 5 June 2010; senior Buganda Kingdom officials, Kampala, 8 June 2010; "Counting the Human Rights Costs of the September 2009 Riots in Uganda", Human Rights Network-Uganda (HURINET), February 2010, p. 24.
[151] Crisis Group interviews, senior police official, Kampala, 5 June 2010; senior Buganda Kingdom officials, 21 May, 8 June 2010. For civil society, see "Uganda: Investigate Use of Lethal Force", Human Rights Watch, 1 October 2009, p. 2; "Counting the Human Rights Costs", op. cit., p. 24.

closed four radio stations, but three were soon allowed back on the air. CBS remained closed for over a year, only reopening after the election campaigns began. The police reported they arrested 900, and 27 had been killed during the riots.[152] Many taken into custody claimed they were tortured.[153] Human Rights Watch estimated at least 40 were killed and noted no one was prosecuted, and the parliamentary investigation committee called no witnesses.[154]

The riots turned many urban Baganda against Museveni.[155] However, the absence of rural demonstrations, particularly in areas where the NRA had fought the guerrilla war, suggested that the alliance was tattered but still intact for many Baganda. As a Kampala resident who had lived through the war in Luwero insisted: "People in the villages remember that the rebels brought peace and will still vote for the president".[156] In view of the enormous changes Baganda had experienced since 1966, a senior government minister, himself Muganda, noted, "the Kabaka cannot evoke the same loyalty as his father could".[157]

Museveni was shaken by the riots and took steps to reestablish his authority, first by augmenting security in Kampala. He also demanded parliament pass laws to curb traditional heads, create regional government and amend the Land Act,[158] so as to make the Kabaka and his kingdom government more manageable, but he was obliged to soften each proposal. He chaired the cabinet meeting that unanimously approved a bill to require any traditional head engaging in partisan politics to renounce the throne and lose all privileges.[159] Parliament adjourned before the bill reached the floor, but he insisted the speaker recall it to act before the 2011 elections. The bill then received such a hostile response that he was forced to delete almost half its clauses, including a provision for rotation of traditional heads in a kingdom with more than one.[160]

The Buganda parliamentary caucus (including NRM and opposition members) unanimously rejected the bill, as did Acholi legislators.[161] Lawyers, judges and religious figures also opposed it, pointing out that most of it was unconstitutional.[162] When the minister finally introduced the amended bill in parliament, fifteen of 21 sections had been removed or changed "after consulting the President for the purpose of moving together".[163] With elections approaching, committee hearings were squeezed into two days. In a highly emotional session, the Buganda legislators split along party lines, with the NRM majority passing the heavily modified bill over the combined opposition.[164]

D. Weakening Landowners in Buganda

The amended Land Act was a pale version of what Museveni wanted but even so alienated many Baganda. The legislative fight created new northern anxieties. Ugandans remain overwhelmingly rural – only 12 per cent live in towns – and no issue is more sensitive than land. Ownership changes hands rapidly, but the regulatory system is antiquated and riddled with fraud. Problems are most severe in Buganda, with 85 per cent of all freehold land, much owned not by Baganda but by those with official connections whose wealth comes from questionable sources. Meanwhile, "peasants are running out of patience … they are being pushed to the wall. These lowly people are beginning to resist eviction. They do not care about the niceties of the law; they only know the law of survival. They are, therefore, becoming violent".[165] Religion is a

[152] The police said most deaths were accidental. Crisis Group interview, senior police official, Kampala, 5 June 2010. Human Rights Watch claimed that the security forces had killed at least thirteen people "where lethal force was unnecessary", including shooting into people's homes. "Investigate Use of Lethal Force", op. cit., p. 1.

[153] "Counting the Human Rights Costs", op. cit., p. 22.

[154] "Uganda: Investigate 2009 Kampala Riot Killings – One Year Later, No Prosecutions and Failed Parliamentary Inquiry", Human Rights Watch, 10 September 2010.

[155] Daniel Kalinaki, "Riots give Museveni the biggest test of his career", *Monitor*, 11 September 2009.

[156] Crisis Group interview, service provider, Kampala, 22 May 2010. Some would vote for Museveni, he said, for fear of what he would do if he lost.

[157] Crisis Group interview, Kampala, 20 May 2010.

[158] "Statement to MPs on the City Riots", op. cit., pp. 8-9, 12.

[159] Emmanuel Gyezaho, "Cabinet moves to silence Kabaka", *Monitor*, 18 October 2010. The October cabinet meeting was the first the president had chaired since the previous July. According to an analyst, "this bill is meant to catch one person, the Kabaka". Emmanuel Gyezaho, "The politics behind the bill targeting the Kabaka", *Monitor*, 17 January 2011.

[160] Cyprian Musoke and Joyce Namutebi, "Buganda legislators back kings bill", *New Vision*, 11 January 2011. The rotation provision would have devalued the Kabaka by giving the Ssabaruli and Ssabanyala equivalent status.

[161] Mary Karugaba, "Buganda caucus rejects kings' bill", *New Vision*, 15 January 2011. Many Buganda NRM legislators did not attend the second caucus. Yasiin Mugerwa, "We join Mengo in opposing kings bill, say Acholi MPs", *Monitor*, 15 January 2011.

[162] J. Oloka-Onyango, "Traditional cultural leaders' bill is unconstitutional", *Monitor*, 14 January 2011.

[163] Yasiin Mugerwa, "Government tables changes to cultural leaders' bill", *Monitor*, 20 January 2011.

[164] Yasiin Mugerwa, "Drama as MPs pass kings bill", *Monitor*, 2 February 2011.

[165] Samwiri Lwanga-Lunyiigo, *The Struggle for Land in Buganda: 1888-2005* (Kampala, 2007), p. 127.

further complication: Protestant and Catholic churches are the largest landowners in Buganda.[166]

The government's rationale for the amendments was to prevent eviction of tenants, mostly poor subsistence peasants with nowhere else to live. But giving security to tenants would weaken landowners, including the Kabaka, many of his most prominent supporters and the kingdom itself. The draft amendments introduced in 2007 would have given the central government rather than district land boards unprecedented control over customary tenure (land held by use, not title). The deputy attorney general pointed to corruption in boards that had "allocated massive pieces of land to individuals without regard to the customary owners of that land".[167] But sceptics considered the bill "an idea to split peasant and king".[168] Furthermore, legislators from the north and east, where most land is held communally, vehemently denounced the move, fearing many of their constituents would sell to land grabbers and have nowhere to live. Ordinary northerners are also concerned over the government's intentions. As a well-known Acholi religious figure put it, "there is concern all over Acholi [sub-region]. People left the IDP camps to go back to their land to protect it".[169]

Elias Lukwago, then a DP legislator exclaimed: "This is an open battle with Buganda".[170] In a public letter, Jaberi Bidandi Ssali, a highly respected former minister, warned Museveni "of harbouring 'anger bordering on hatred' against Buganda" making "the present showdown with Mengo … a replica of the build-up to the 1966 crisis". Later that year, the government arrested three Buganda officials who had been mobilising public opinion against the bill on charges of "inciting violence, promoting war, sectarianism and terrorism".[171] Museveni warned cultural leaders to stay out of '"politicking over land …. Traditional leaders should know where they begin and end'".[172] Kingdom officials took up the gauntlet, starting with the Kabaka, who proclaimed "let it be well-known that the foundation of this kingdom is land and that the Kabaka is the Ssabataka (chief landlord)".[173] With some justification, Buganda officials argued that the bill was based on the mistaken notion that evictions were usually the consequence of the failure to pay the nominal annual ground rent, rather than what happened when wealthy purchasers tried to remove peasants to commercialise land.

By the time the bill passed in November 2009, the government had been forced to remove its most radical objectives.[174] It did increase the security of lawful tenants, making eviction almost impossible. To evict now requires a court order rather than a decision by the lands minister, as first intended, and the only basis for eviction is non-payment of a trivial ground rent. Any other eviction has become a criminal offense punishable by fine or imprisonment. The debate also posed a fundamental question about agricultural development. Providing virtual legal title to tenants whose small plots were scattered through large freehold properties in Buganda meant land could not be consolidated, so it would be hard to develop highly productive mechanised farms. Some argued that, with proper support for peasants, small-scale agriculture might be as productive and avoid the human costs of forcing families off plots they had occupied for generations.[175] But this issue was drowned out by the perennial battle between Buganda and the central government.

E. The Attempt to Introduce Regional Government to Supplant the Kingdom

Museveni proposed a new tier of regional government between districts and the centre as a "logical" addition to the decentralised local system that had begun with resistance councils in villages during the war. The top unit in the existing hierarchy was the district council headed by a chairperson. Museveni had created a stream of new districts, usually just before elections, turning the 33 he had inherited into 112 by 2010. Catering to ethnic rivalries, he gained support by dividing districts, always with the rationale of bringing government closer to the people. Of course, he was also creating positions whose occupants could be drawn into his patronage network. The regional tier would bring the districts into larger, more manageable units while adding more officials he could influence. Acholi officials

[166] Crisis Group interview, prominent media official, Kampala, 18 May 2010.
[167] Emmanuel Gyezaho, "AG proposes new amendments to land bill", *Monitor*, 26 March 2008.
[168] Crisis Group interview, senior kingdom official, Kampala, 21 May 2010.
[169] Crisis Group interview, senior church administrator, Gulu, 3 June 2010.
[170] Yasiin Mugerwa, "Cabinet endorses controversial land amendments", *Monitor*, 30 November 2007; "Bidandi cautions Museveni on tribalism", *Monitor*, 31 January 2008.
[171] Alex Atuhaire, "Defiant Tinyefuza defends arrests", *Monitor*, 23 July 2008.
[172] Henry Mukasa, "I won't be silenced on land – Kabaka", *New Vision*, 11 February 2008. Museveni also warned religious leaders against "politicking over land". Cyprian Musoke, "Museveni blasts bishops on land", *New Vision*, 6 February 2008.
[173] "I won't be silenced on land – Kabaka", op. cit.
[174] The Land (Amendment) Act, 2010; "Land bill passed in 90 minutes", *Monitor*, 27 November 2009.
[175] Paul Busharizi, "Mengo vs. gov't: the economics", *New Vision*, 8 August 2008; Lwanga-Lunyiigo, *The Struggle for Land*, op. cit., pp. 129-133.

welcomed it "to keep the Acholi together".[176] But its main purpose was to deflect Buganda's federalism demand.

The design of the proposed regional government showed how difficult changing the relationship with Buganda had become. The constitutional amendment created a convoluted formula, enabling formation of a regional assembly that included representatives of "indigenous cultural interests" appointed by the cultural leader, if one existed; other members to be directly elected; and a group representing women, youth and disabled whose selection method was not indicated. Members in the first category were given exclusive responsibility for cultural matters, but "shall not vote on any partisan matter". In effect they would be an assembly within the assembly. The chair in areas with a traditional head was required to be able to establish indigeneity by parents or grandparents; gain office by universal adult suffrage election; and "adhere to and perform the cultural and traditional functions and rites required by his or her office".[177]

Since a regional tier would leave more control and funding in the central government, Museveni could diminish threats of independent opposition from any federal region. Insisting that "Uganda is too small to be divided into federal states", he declared that "Uganda has already decentralised power, the leaders are elected …."[178] Kingdom officials also objected to the regional tier on cultural grounds. An elected chairperson who ran the regional government would replace the traditional official (the Katikkiro), thus taking away the Kabaka's customary right of appointment.[179] Museveni's real purpose was to make it more difficult for the Kabaka to oppose him, but he recognised the depth of feeling created by this historic cleavage, and despite promises by ministers, the bill was not introduced before the 2011 elections.

F. THE IMPACT OF THE KASUBI TOMBS FIRE

The consequences of the March 2010 fire that destroyed the Kasubi Tombs, the spectacular reed structure enclosing the graves of the last four Kabakas, demonstrated the deep emotional attachment still linking many Baganda to Kabaka and kingdom. The blaze probably was accidental, but following the confrontations between Museveni and the Kabaka, many blamed the government. An observer said it "turned a cold war into a blood feud".[180] Crowds trying to put out the fire stoned arriving fire engines.[181] Museveni toured the next morning, despite the kingdom prime minister's request to delay. Many had come spontaneously to clean the site or pay respects, and hundreds of youths chanting pro-Buganda slogans tried to stop him. His guards fired, killing three and injuring several. No one has been held accountable.[182]

The Kabaka toured the site shortly afterwards. The responses to the incident vividly recalled the 1966 collision between the Buganda Kingdom and the central government. Mourning ceremonies at Kasubi Tombs the following week were halted soon after the arrival of the Kabaka, as crowds surged into the grounds, leaving two dead and hundreds injured. The opposition scented an opportunity; the Kabaka realised he had entered a delicate situation that "could tip one way or the other. He does not want to be the king who sold his people down the river".[183]

[176] Florence Nakayi, "Uganda's districts since independence", *New Vision*, 27 August 2010; Crisis Group interview, senior elected district council official, Gulu, 2 June 2010.
[177] See Sections 2, 3, 4, 7 and 8, Fifth Schedule of the constitution, and Article 178.
[178] Quoted in Milton Olupot, "Federalism not good", *New Vision*, Kampala, 4 March 2009.
[179] Richard Mutumba and Robert Mwanje, "Kabaka angry with govt, summons Lukiiko", *Monitor*, Kampala, 14 September 2005.
[180] Crisis Group interview, senior Buganda Kingdom official, 21 May 2010.
[181] Yoweri Museveni, "Museveni speaks out on Kasubi tombs fire", *Sunday Vision*, 21 March 2010.
[182] Tabu Butagira and Katherine Haywood, "Three killed as President Museveni forcefully enters Kasubi tombs", *Monitor*, 18 March 2010; Emmanuel Gyezaho, "Two years later, victims of illegal killings still wait to hear the voice of justice", *Sunday Monitor*, 21 August 2011.
[183] Crisis Group interview, senior Buganda Kingdom official, 21 May 2010.

V. OIL AND PATRONAGE

By late 2011, oil companies estimated Uganda's deposits to be 2.5 billion barrels and were optimistic more would be identified. It is likely that rapid expansion of government revenue will reinforce the existing pattern of governance, however, without reducing tensions. Opening moves over control of the resource were hidden, possibly deliberately, so it was only a side issue in the elections. A senior police officer said, "In general, we expect that oil will make us better off. But we don't know much about it yet, because we haven't produced any".[184]

Initial production will be for the local power market. No provisions have been made yet for refining or exporting, and substantial production is not expected until 2016.[185] Nevertheless, the anticipated expansion of revenue is likely to allow Museveni to extend and consolidate his patronage system and so ensure his control of government. He may even have made a long-term bet on oil in his first years, when he sent about 100 students abroad for geology training.[186] That contracts and a regulatory framework have gone slowly, however, aroused civil society suspicions and led to a revolt in parliament in October 2011. Their concern is that oil wealth will increase corruption and disrupt the economic diversification that has produced steady growth in new sectors.

Confirmed finds have been in two districts (Hoima and Buliisa) in the Bunyoro sub-region, including Lake Albert.[187] This makes it more urgent to address the Bunyoro Kingdom's insistence on redress for affronts its citizens have long suffered, as well as its demands for a share of the new wealth. Fears of land grabs have greatly increased tensions in the districts where oil has been found. Further worries for locals, activists and donors alike include environmental issues, particularly oil spills in Lake Albert that could pollute the Nile and drilling in the Murchison Falls game park.

A. DISCOVERIES AND CONTRACTS

Considering the importance of oil for a poor country, it is surprising how long it took to capitalise on early indicators. Local residents had known about oil seeps near Lake Albert for centuries.[188] The government began in 1997 to license nine exploration blocks from south of Lake Edward to the Sudanese border 500km north. In 2002, the Turaco-1 exploration well showed significant oil and gas deposits. According to the president, by February 2012 a remarkable 58 of 64 wells were productive.[189] About 800 million barrels can be recovered from the 2.5 billion estimated under land near Lake Albert. A senior oil company executive estimated that another 1.2 billion barrels are under the lake. The quality, he added, is excellent, though waxy, meaning it must be heated to flow through a pipeline.[190] A pipeline or refinery must still be built to enable significant export or domestic use, which in turn requires building reinforced roads on which to bring in heavy equipment and additional generation of electricity.[191]

The high discovery-to-drilling ratio first attracted several small foreign companies and more recently some majors. Heritage Oil and Gas received the first exploration license in January 1997; Hardman Resources and Energy Africa, both later bought by Tullow Oil, obtained the next two in October 2001. Heritage worked with Tullow in several areas until Tullow bought it out in a 2010 transaction that the government disputed because Heritage contested the capital gains tax the Uganda Revenue Authority (URA) assessed on its tenfold profit. Accusing Tullow of completing the sale without permission, the government refused to renew one of its licenses that had expired until Heritage paid the $404 million tax. Heritage has begun arbitration proceedings in London against the Ugandan government. It claims $121 million had been deposited with the Ugandan tax authorities and $283 million was in an escrow account. Both sums, it insisted, were recoverable.[192]

[184] Crisis Group interview, Hoima, 29 May 2010.
[185] Eduard Gismatullin and Fred Ojambo, "Tullow closes $2.9 billion Uganda sale to pump first oil in 2016", Bloomberg, 21 February 2012; "$2.9bn farm-down of Uganda licences completed", press release, 21 February 2012, at www.tullowoil.com.
[186] "Donor Engagement in Uganda's Oil and Gas Sector: An agenda for action", Global Witness, October 2010, p. 9.
[187] Prospecting to the north and south of these districts is underway.
[188] After a geologist documented the area's hydrocarbon potential in the 1920s, sporadic exploration, including drilling, continued until 1956 and then stopped until the 1980s. "Petroleum Potential of the Albertine Graben: Uganda", Petroleum Exploration and Production Department, Ministry of Energy and Mineral Development, Entebbe, August 2009, pp. 2, 3, 5, 14. Amin had created an oil department, but it had done nothing.
[189] "Live updates: Museveni addresses parliament on oil agreements", *Monitor*, 10 February 2012. According to the president's office, "some analysts estimate that Uganda's Albertine Graben may hold more than 6 billion barrels of oil". The estimate is well above the discovered deposits with a potential of 2.5 billion barrels. Fred Ojambo, "Uganda oil deposits may be double estimates, presidency says", Bloomberg, 23 July 2011.
[190] Crisis Group interview, oil executive, Kampala, 6 June 2010.
[191] Crisis Group interview, journalist, Kampala, 9 June 2010.
[192] Christopher Thompson, "Heritage launches case against Uganda", *Financial Times*, 17 May 2011; and "Heritage Announces Commencement of Arbitration Proceedings Against Ugandan Government", press release, 16 May 2011, at www.heritageoilplc.com. See also, "Heritage Oil Provides an Update on Ugandan Tax Dispute", press release, 24 November 2011, at www.heritageoilplc.com.

The deal was further complicated by Heritage's reported attempt to sell its share to ENI, the Italian firm, instead of Tullow, which had a contractual right of first refusal. Both sides allegedly had champions in the cabinet.[193] A U.S. embassy cable disclosed by WikiLeaks discussed allegations that two ministers had been bribed.[194] Tullow eventually settled with the government, and its license was renewed. By November 2011, 80 companies had applied for exploration and production licenses, even though the government suspended issuance in 2008 while preparing the regulatory framework.[195] But Tullow, with new capital-rich partners, the China National Offshore Oil Corporation (CNOOC) and Total, the French giant, controls the only wells that have as yet proved capable of production.[196] In February 2012, Tullow renegotiated two government production agreements, allowing it to complete its $2.9 billion asset sale to CNOOC and Total.[197]

The government's refusal to publish its production sharing agreements (PSA) with oil companies has given rise to fears that officials may see new possibilities for corruption and patronage. Its defenders insisted it is simply protecting its bargaining advantage and that oil companies wrote confidentiality provisions into the contracts to safeguard their competitive edge over rivals.[198] The law, dating to well before the discoveries, prohibits disclosure of information without the consent of the licensee that supplied it.[199] The energy and mineral development ministry's (MEMD) policy statement, published after the first discoveries, emphatically supported transparency:

> The policy shall promote high standards of transparency and accountability in licensing, procurement, exploration and development operations as well as management of revenues from oil and gas. The policy will also support disclosure of payments and revenues from oil and gas ….[200]

But the government refused to release PSAs, even to parliament, until the latter refused to pass the budget if it did not receive them.[201] Still, that was hardly a victory for transparency. Legislators were bound by confidentiality clauses.[202] In October 2011, parliament demanded the agreements be made public, but the president refused, though he said he did not oppose making future contracts public.[203] In a government where patronage is important, transparency takes on greater significance. While a company may reasonably restrict proprietary data for a limited time, "transparency prevents government officials from agreeing to terms that the citizenry cannot politically accept …."[204]

The persistence of these issues fits the pattern of growing patronage and personal rule in the government. Those few contracts that have become known reportedly appear to favour companies. A close analysis of three draft PSAs obtained by PLATFORM, a London-based NGO, argued that they provided greater opportunities for profit and fewer risks for the companies than the government.[205] In particular, the analysis said the drafts gave the companies, not the government, more benefit from rising prices. Officials retorted that the contracts give Uganda an average of 70 per cent of oil revenue.[206] But as the government-leaning *Sunday Vision* pointed out, "it would be in government's interest to release such information to dispel the misconceptions that the country got a bad deal".[207] In addition, according to news reports, income from signature bonuses stipulated in the contracts "has not appeared in

[193] Crisis Group interview, civil society activist, Kampala, 5 June 2010.
[194] "Uganda: Tullow Sees Corruption in Oil Sale", cable from U.S. embassy Kampala, 17 December 2009, as released by WikiLeaks. A leaked report from a Ugandan security agency reportedly described arrangements between ENI and a minister. Richard Wanambwa, "Secret report on oil firm leaks", *Sunday Monitor*, 3 January 2010.
[195] Josephine Maseruka and Henry Sekanjako, "80 companies applied for oil contracts, parliament hears", *New Vision*, 9 November 2011.
[196] Tullow Oil plc was founded in Ireland; its head office is in London, UK.
[197] Francis Mugerwa, "Tullow Oil, Uganda government sign asset sale deal", *Monitor*, 3 February 2012. Eduard Gismatullin and Fred Ojambo, "Tullow closes $2.9 billion Uganda sale", op. cit.; "$2.9bn farm-down", op. cit.
[198] Crisis Group interview, government official, Kampala, 17 May 2010; and "Government should open up", *New Vision*, 7 February 2010.
[199] Section 59, The Petroleum (Exploration and Production) Act of 1985.
[200] "National Oil and Gas Policy for Uganda, 2008", energy and mineral development ministry, Kampala, 30 January 2008, p. 17, at www.petroleum.go.ug.
[201] Angelo Izama, "Parliament receives oil agreement", *Monitor*, 28 February 2009. It appears that only members of the Committee on Natural Resources had access to the PSAs; and it is unclear whether they actually saw them. Yasiin Mugerwa, "Legislators to block oil deals", *Monitor*, 2 February 2010.
[202] Joyce Namutebi and Catherine Bekunda, "Government to take 80% oil profits", *New Vision*, 29 June 2010.
[203] "Museveni addresses parliament on oil agreements", op. cit.
[204] Jenik Radon, "How to Negotiate an Oil Agreement", in Macartan Humphreys, Jeffrey D. Sachs, and Joseph E. Stiglitz (eds.), *Escaping the Resource Curse* (New York, 2007), p. 97.
[205] Taimour Lay and Mika Minio-Paluello, "Contracts Curse: Uganda's Oil Agreements Place Profit before People", PLATFORM, February 2010, especially pp. 16-17. A senior oil executive said its analysis was not based on a real contract and was mistaken in some respects. Crisis Group interview, Kampala, 6 June 2010.
[206] Namutebi and Bekunda, "Government to take 80% oil profits", op. cit.
[207] "Government Should Open Up", editorial, *Sunday Vision*, 7 February 2010.

any published budget, and experts within the ministry of finance deny any knowledge of the money's location and/or use".[208]

As late as March 2012, parliament had not participated in setting policy for the contracts. In early 2011, members marvelled that Tullow had reportedly sold shares to CNOOC and Total for $2.9 billion, "yet we are not in the know … when shall we be availed with copies of the sale agreement?"[209] Calling it "a classic parody of an oil kleptocracy", a civil society activist asked "why is the government defying all expert advice and is in such a hurry to continue sealing deals in an unregulated industry?"[210] Despite parliamentary protest, the president ordered the energy and mineral development minister on 3 February 2012 to sign two new PSAs that had not been shared with the parliament.[211]

B. WEAK LAWS?

A new oil management framework is a priority, because in a few years the government can expect to receive some $2 billion annually in fresh revenue, but it introduced the first two of three draft oil laws more than five years after commercial deposits were established. It did so only after the parliament revolted in October 2011 over allegations that several top ministers had taken bribes from oil companies and demanded the bills (see Section VII.B below). It submitted the Petroleum (Exploration, Development and Production) Bill 2012 on 8 February, and the Petroleum (Refining, Gas Processing and Conversion Transportation and Storage) Bill 2012 six days later.[212] A third bill, on revenue management of the oil sector, is expected but has not yet been formally presented to parliament.

As far back as 2008, a report to the Norwegian Agency for Development Cooperation (NORAD) criticised "the long incubation time" for a regulatory framework.[213] A senior MEMD official conceded, "all of us are learning on the job".[214] But many suspect delay was intended to avoid creating institutions that would obstruct personal control by government leaders. A leading journalist noted "that the absence of strong institutions and predictable government positions has allowed personal interests to interfere with government policies and positions".[215] Another said lack of a regulatory framework permitted "dispersed transactions where predatory forces at work in the political system can feast without effective oversight".[216]

The legal basis for regulation when commercial deposits were confirmed was the Petroleum (Exploration and Production) Act, passed in 1985 but in force only since 2000. In 2008, the cabinet approved the National Oil and Gas Policy (NOGP), which set out broad principles for the new framework "to use the country's oil and gas resources to contribute to early achievement of poverty eradication and to create lasting value to society".[217]

The draft Petroleum (Exploration, Development and Production) Bill 2012 submitted in February epitomises the contradiction between patronage- and institution-based governance, providing that the Petroleum Authority of Uganda (PAU) is independent – except to the extent the minister in charge of petroleum activities gives it policy directions.[218] Through control over appointments of both PAU (indirect) and minister (direct), the president would have personal authority over the policies of both.[219] A better approach, suggested by the 1995 constitution, would be to create independent agencies, particularly the PAU, with

[208] "Contracts Curse", op. cit., p. 7. Asked to comment, Hilary Onek, the energy and mineral development minister, replied: "The Production Sharing Agreements are before parliament, and I would not want to pre-empt these proceedings". Bamuturaki Musinguzi, "Leaked secret oil contracts show Uganda did not get a 'great deal'", *The East African*, 1 March 2010.
[209] Mercy Nalugo, "MPs want details from government on sale of oil wells", *Monitor*, 2 April 2011.
[210] Don Binyina Bwesigye, "Secrecy, lack of regulation undermining oil industry", *Monitor*, 8 April 2011.
[211] Edris Kiggundu, "Oil agreements – how Museveni tricked MPs", *Observer* (Kampala), 10 February 2012. Signing the agreements allowed Tullow to complete its $2.9 billion sale to CNOOC and Total.
[212] Isaac Imaka, "Govt tables another oil bill", *Monitor*, 15 February 2012.
[213] "Report: Mid Term Review of Project 0329 regarding The Capacity Building Programme for Strengthening the State Petroleum Administration of the Upstream Petroleum Sector in Uganda", NORAD, August 2008, p. 31.
[214] Crisis Group interview, Kampala, 24 May 2010.
[215] Daniel K. Kalinaki, "Rival groups fuelling death of infant oil industry", *Monitor*, 8 September 2010.
[216] Angelo Izama, "Slippery politics of Uganda's oil", *Monitor*, 22 November 2010.
[217] "National Oil and Gas Policy for Uganda 2008", op. cit., title page.
[218] "The Minister may give directions in writing to the Authority with respect to the policy to be observed and implemented by the Authority, and the Authority shall comply with those directions". Clause 14, "Directions of the Minister" (1). It is not clear whether the minister in charge of petroleum activities will be an existing or new minister. See Clause 3, "Interpretation" (1) and Clause 9, "Functions of the Minister", The Petroleum (Exploration, Development and Production) Bill 2012, at www.petroleum.go.ug.
[219] The board of directors of the PAU "shall consist of seven members of high moral character and proven integrity and competence appointed by the Minister with the approval of the Cabinet". Ibid, Clause 18, "Board of Directors" (2). There is no provision for parliamentary oversight.

appointment powers in an independent service commission such as is used to select judges.[220]

The draft bill also envisages creation of a National Oil Company (NOC) but does not make clear whether it would operate as an independent entity or under government control.[221] There are likewise no details on where its funds and profits would be held, whether it would disclose the receipt of payments or details of its financial management or if parliament and the public would be able to access information about its operation and management.[222] The NGO Global Witness makes the criticism that:

> The creation of a NOC is potentially a hugely costly venture that risks diverting revenue from government budgets and public services, not just in the early years but potentially well into the future, if there is not transparency and strict parliamentary oversight … a whole host of measures to ensure that the NOC does not become a locus of corruption or inefficiency are needed. These are not laid out in the current law.[223]

A criticism common to both draft laws is that they lack adequate financial transparency mechanisms, whether for the public to monitor the PAU or directly audit petroleum revenues or for the parliament to exercise oversight.[224] Lastly they make no reference to a petroleum fund to preserve some benefits for future generations, particularly by investing in economic development after oil and gas are exhausted. By contrast, the NOGP envisaged "the creation of a sustainable asset in form of a petroleum fund … as a provision for inter-generational equity", which would be overseen by the finance, planning and economic development ministry (MFPED).[225]

C. Local Reactions

Although no oil had been produced by 2011, the country's economic centre had already begun to move west.[226] As land acquisitions quickened in districts with exploration blocks, so did suspicions about the purchasers. Since almost all land in Bunyoro sub-region and parts of the north is owned communally, residents fear being chased from their farms. Companies wish to drill where most likely to find oil. With them come troops to guard the wells, who also need land. In addition, entrepreneurs, local and otherwise, seek to acquire communal land and convert it to freehold.

Rumours swirl about acquisitions by powerful officials operating through local agents.[227] Tullow Oil dealt directly with the central government for its land, reportedly displacing villagers and creating anxieties among those who feared they would be next. "Communities living in the oil-rich areas complained that they are threatened with eviction when compensation arrangements are not clear".[228] The NOGP had set a lofty goal:

> Mutual understanding shall be promoted by adequate two-way communication and constructive dialogue. This system of cooperation will be extended to communities in the oil and gas producing regions and any pipeline corridors. In this regard, all efforts shall be

[220] Many similar agencies have had their autonomy rescinded since 1995.

[221] "The Minister may issue instructions in respect of the National Oil Company's execution of its management task under this Act, including the stipulation of rules", Clause 47, "Instructions to the National Oil Company". It is also unclear who would appoint the board of the NOC, Clause 45, "Duties of the Board of Directors of the National Oil Company". The Petroleum (Exploration, Development and Production) Bill 2012.

[222] "Uganda's petroleum legislation: Safeguarding the sector", Global Witness, 28 February 2012, p. 6.

[223] Ibid, pp. 6-7. Academic research suggests that an NOC is likely to favor excessive employment and be forced to sell oil products to domestic consumers at subsidised prices. In addition, as a result of aiming to meet non-commercial objectives, an NOC is likely to under-invest in reserves and shift resource extraction from the future toward the present. Stacy L. Eller, Peter Hartley and Kenneth B. Medlock III, "Empirical evidence on the operational efficiency of National Oil Companies", *Empirical Economics*, vol. 40, no. 3, May 2011, pp. 623-643. See also Robert Pirog, "The Role of National Oil Companies in the International Oil Market", Congressional Research Service, 21 August 2007.

[224] "Uganda's petroleum legislation: Safeguarding the sector", op. cit., p. 7. The Inter-religious Council of Uganda (IRCU) complained of inadequate parliamentary oversight, tight ministerial control and a lack of guarantees for human rights and transparency. It also "noted that the bills reduce the parliament's role as a watchdog, and limits it to only passing the legislation, budget for the authority and receiving the annual report". Edward Ssekika, "Religious leaders punch holes in petroleum bills", *Observer*, 27 March 2012.

[225] "National Oil and Gas Policy for Uganda 2008", op. cit., pp. 23, 43. Norway provides the most positive example, but such funds usually do not lead to better regulation of natural resources. Macartan Humphreys and Martin E. Sandbu, "The Political Economy of Natural Resource Funds", in *Escaping the Resource Curse*, op. cit. The ease with which Chad's fund has been undone suggests the difficulty in constraining rulers. Crisis Group Africa Briefing N°65, *Chad: Escaping from the Oil Trap*, 26 August 2009.

[226] Geological investigation of sedimentary basins elsewhere indicated little likelihood for oil. "Oil and Gas Policy", p. 8.

[227] Yasiin Mugerwa, "Mafias grabbing oil-rich land in Buliisa, says MP", *Monitor*, 12 January 2010.

[228] Fred Kandole, "Local Communities Form a Network to Promote Participation in Oil Industry", in "Oil Production in Africa: Livelihoods and Environment at State – Should Oil Rather Remain in the Ground?", Oilwatch Africa Network, Kampala, p. 10.

made to avoid the development of conflicts and emphasise peaceful resolution of disputes.[229]

But in the absence of firm and careful regulation, events have not proceeded that way.

Businessmen have begun a "rush for land … both with and without oil" in the only two districts where productive wells have been drilled.[230] "Fencing is a recent development connected to oil discoveries. People didn't buy land in this area before that. Now some of them have taken title to land" that used to be either communal or in protected game reserves.[231] A former senior NRM official now in the opposition noted: "There are no stable institutions to check that."[232] One attraction is the 3 per cent royalty landowners are entitled to under existing law – a provision the draft oil bill would drop.[233] Whether such a royalty is restored when the bill is enacted will be a good indicator of the interests oil policy will serve. Other attractions are the expectation of new business opportunities serving oil companies and the refinery anticipated to be built nearby, as well as the prospects for quick profits from land speculation.

Residents suspect that "land grabbers" include top officials operating through agents. They did not offer solid evidence but repeatedly accused "Bahima government officials" of obtaining land. Some spoke more euphemistically of "tribalism" in land acquisitions.[234] As prominent persons, including the president and senior military, already have acquired extensive land holdings elsewhere, the rumours are plausible. A senior oil executive pointed out that while companies do not release the location of their discoveries publicly, they must inform the government.[235] Thus, certain officials have access to inside information.

A decade of controversy since exploration was licensed in Buliisa District in 2001 illustrates the tangled conflicts over land, ethnicity and politics. The Bagungu, primarily engaged in fishing in Lake Albert, are the indigenous inhabitants. The land is also part of a cattle corridor used intermittently by nomadic herders, often identified as Bahima or Rwandan, but universally called Balaalo. However, the herders began to stay and buy communal land over Bagungu objections, leading to violence in 2006 in which Balaalo homes were destroyed and cows killed. Residents, who wondered why and how poor herders wanted land and had money to buy it, decided they were acting for powerful NRM politicians.[236]

Bagungu leaders took the Balaalo to court in 2007 and won an eviction order in 2008. The herders' appeal was denied. When they did not leave, Museveni issued a decree ordering them, but still they did not go. Locals and civil society activists concluded that "powerful people have bought land and put the Balaalo there".[237] But during the 2011 election campaign, they were expelled in a combined police/army operation led by a senior NRM (and Muhima) general.[238]

For elders in Buliisa district where oil wells are being drilled, communal tenure means "it is … illegal for one to buy and sell any piece of land without the knowledge, consent and approval of the people living in it".[239] Blasio Mugasa, the Bunyoro Kingdom's county chief for Buliisa, recounted an exchange with Tullow in which the company asked Kakindo villagers for 3.5 sq km. of the village's 6.25 sq km. for a survey. They agreed on condition they retained some land for farming, pasture, firewood and "above all where the displaced ones would finally relocate". The next day, Tullow allegedly began demarcating the field, presumably to claim ownership, and ignored villagers' protests. "The act was so disgracing to the community. Imagine if this plan is effected – which is likely …. Seven families would be displaced and would have no land left in Kakindo to settle on".[240] While he was unaware of this particular incident, a senior Tullow official agreed that the company needed to reach local communities better.[241]

Another type of land dispute in oil areas occurs when the government, almost always the president, intervenes on behalf of a commercial investor. For example, residents in Nwoya District, Acholi sub-region, were suspicious of Museveni's advocacy of compulsory acquisition of thousands of hectares in support of the Madhvani Group's proposal to establish a sugar plantation in 2006. The timing seemed especially inappropriate because the LRA peace talks had just encouraged displaced persons to return home. "Why", a local civil society activist asked, "give land to Madhvani rather than the landless?"[242] His answer, echoed by local politicians, was that Museveni wanted to control

[229] Oil and Gas Policy, p. 18.
[230] Crisis Group interview, local journalist, Hoima, 30 May 2010.
[231] Crisis Group interview, Bunyoro Kingdom official, Hoima, 31 May 2010.
[232] Crisis Group interview, Kampala, 7 June 2010.
[233] Schedule 4, The Petroleum Bill, 2010.
[234] Crisis Group interview, senior Bunyoro Kingdom official, Hoima, 30 May 2010.
[235] Crisis Group interview, Kampala, 6 June 2010.
[236] This connection apparently rested on the claim of shared ethnic identity, since no one could identify the politicians by name.
[237] Crisis Group interview, civil society activist, Kampala, 5 June 2010.
[238] Richard Wanambwa and Francis Mugerwa, "Buliisa eviction: justice or injustice?", *Sunday Monitor*, 19 December 2010.
[239] Mukondo Angalia, "A Memorandum to the Resident District Commissioner, Buliisa by Elders of Buliisa Sub–County", 27 January 2010, p. 2.
[240] "Paper on Current and Potential Future Challenges from Petroleum Development", typescript, Hoima, 29 April 2010, p. 2.
[241] Crisis Group interview, Kampala, 6 June 2010.
[242] Crisis Group interview, Gulu, 4 June 2010.

any oil found.[243] They lacked evidence, but their answers suggested how much they mistrusted him.

Locals and parliamentarians sued the Madhvani Group in 2010 to stop the sale. The court issued an injunction, but a legislator said surveyors proceeded with army protection. "Some people and organisations seem to be above the law", he added.[244] The High Court in Gulu lifted the temporary injunction and dismissed the case, finding that the land was public so the Amuru district land board could dispose of it.[245]

An unanticipated consequence of oil discoveries has been to reinforce the Bunyoro Kingdom's grievances and complicate its relations with the central government. Sidelined and impoverished by the government since Protectorate days, struggles over oil could result in its people losing even more control over their own affairs. The king insists that they are entitled to a share of the profits because the oil is in his kingdom. Unlike his response to the Kabaka's statements that he interpreted as "political", Museveni did not attack the Omukama for exceeding his constitutional role as a cultural figurehead. However, royal officials consider the kingdom's cultural role important in the oil argument. They say the "kingdom should be a partner. It has a stake. The politicians come and go, but the kingdom stays".[246] They also insist that rights to ownership of underground assets attach to their cultural sites.

The kingdom's case that it should receive a share of the oil is also based on historic injustices. Since its 1894 defeat, the Bunyoro sub-region has developed more slowly than much of Uganda. "The King says the kingdom must get its share from oil to correct the low standards of its few educational and health facilities [and] poor roads and to reduce its poverty".[247] The government's suggested new regional tier might offer a plausible alternative. Unlike the Kabaka, the Omukama might be willing to serve as the symbolic head of the Bunyoro regional tier, although he might use the prospect as a bargaining chip for a special share of revenues on the basis of derivation. But no regional tier has yet been created. The provisional character of the regional tier is obvious in Schedule 4 of the draft oil bill, which would simply lump "Regional Governments and Local Governments" together and provide them with 15 per cent of the royalties.[248]

The early oil finds produced several warning signs that opportunities for wealth will frequently trump responsibilities for protection. A senior oil ministry official conceded that "oil has risk potential" and that while most current wells are not in heavily populated areas, new ones will affect fishing and animals in parks and reserves.[249] An oil executive said that slant drilling into Lake Albert from the shore has a big reach but a small footprint.[250] Activists argued that the companies conduct environmental assessments before drilling a new well, but not strategic assessments of multiple drilling.[251] When Tullow drilled in Murchison National Park, an executive insisted, it made every effort to be attentive to the environment.[252] Nevertheless, an outside legal consultant commented: "Money will win over animals every time".[253]

[243] Crisis Group interviews, activist, 4 June 2010; two elected local officials, separately, Gulu, 2 June 2010.
[244] Mercy Nalugo, "MPs 'intercept' plot to grab Amuru land", *Monitor*, 24 March 2011.
[245] Cornes Lubangakene, "Madhvani wins Amuru land case", *New Vision*, 6 February 2012.
[246] Crisis Group interview, two members of Bunyoro Kingdom cabinet, Hoima, 31 May 2010.
[247] Crisis Group interview, local journalist, Hoima, 30 May 2010. Officially, the king cannot make political demands, since he is legally a cultural figurehead. However, he and his officials also made their case on cultural grounds, protesting the destruction of cultural sites by oil drilling. The two Waraga wells were on the burial site of an ancient king, previously used for religious rituals, particularly prayers for dying children. Crisis Group interview, senior palace official, Hoima, 31 May 2010.
[248] The other 85 per cent goes to the central government. The Petroleum Bill, 2010.
[249] Crisis Group interview, Kampala, 24 May 2010.
[250] Crisis Group interview, Kampala, 6 June 2010.
[251] Crisis Group interview, civil society activist, Kampala, 5 June 2010.
[252] Crisis Group interview, Kampala, 6 June 2010.
[253] Quoted in *Wall Street Journal* article, no date, reproduced as "Money threatens to win over wildlife", in *Oil Production in Africa*, op. cit., p. 21.

VI. THE 2011 ELECTIONS

As the 2011 elections approached, the alliances Museveni had constructed began to wear thin. Sporadic urban riots and rural violence demonstrated that solutions he had imposed or just proposed for longstanding political issues had failed to resolve old ethnic tensions and often awakened dormant ethnic sentiment. The war in the north seemed over, but the return home of almost two million displaced persons produced new tensions over land and social services that also reinforced ethnic and regional perceptions of marginalisation. No leader, colonial or independent, has been able to act without suspicion of favouring his own people, and Museveni is no exception. Ethnic suspicions infuse politics, because Uganda's building blocks were originally cultural units, starting with Buganda and Bunyoro. Nevertheless, Museveni fashioned an impressive electoral victory.

A. MUSEVENI'S APPROACH

Even though re-election was a foregone conclusion, the elections played an important role in the president's governance strategy. To maintain his legitimacy as well as donor support, he wanted to win decisively while maintaining a public commitment to democracy. His immediate problems stemmed from his choice to govern through the patronage system he had constructed over two decades. To make it work, he had to remain its indispensable core and blunt challenges that could upset delicate personal and financial (and not always legal) arrangements.[254] He had to protect his most important ministers, many of them ambitious or greedy on their own account. An Mbale (town in eastern Uganda) resident said, "those ministers do not respect or listen to anyone here … they only listen to the President because he is the one who gives them jobs".[255]

His electoral strategy consequently differed considerably from that of presidential candidates in institutionalised, more issue-based party systems. The NRM is a party in name and a patronage network in fact. Its officials always presented it as the only game in town. Its 2006 electoral success underlined its message that opposition is futile. Enticing important opposition figures to join the NRM, often in return for ministerial positions, contributed to its dominance. For the strategy to work, the opposition had to have some opportunity to campaign, including limited state financial aid and media access,[256] though it was continually harassed by NRM party and state operatives. The electoral commission played a critical role. It had to appear independent, while operating within well-understood limits. Some liberalisation in electoral rules was tolerated, but not reforms that would produce open competition.[257]

Much of the public viewed the election as only an opportunity for a material reward, however tiny, but the cost of campaigning burdened all candidates, particularly those of opposition parties, who could not take advantage of state resources. Almost all victors incurred heavy debts that made them vulnerable to patronage offers after entering office.

B. NRM USE OF STATE OFFICIALS AND STATE RESOURCES

Both the NRM and the opposition misrepresented the former's capacity to mobilise followers or use its control of the state for election purposes. Opposition members insisted it was simply a projection of the state: "NRM party organisation is based on the government; all local government officers are involved".[258] NRM officials denied any state role, claiming it "is a mass party" recruited without "using any government officials, including Resident District Commissioners (RDC), because they are barred by law".[259]

The NRM party apparatus, however, was not capable of domination without state help. It announced in July 2010 that it had registered nine million members and "our target is to have between ten million and thirteen million members before the end of this year".[260] In 2010, the NRM held primaries in 60,000 villages to choose 40 delegates

[254] Crisis Group interview, opposition party official, 25 May 2010.

[255] "Towards the 2011 Ugandan Elections, An Assessment of Conflict Risks and Mitigating Mechanisms", Akijul Enabling Change, Kampala, April 2010, p. 58.

[256] The competition, within the party and the elections, allowed the president to identify and then incorporate local leaders who could deliver their followers. The NRM parliamentary primaries were useful in this regard, as to a lesser extent were opposition party primaries. For patronage networks to be efficient, it is essential to learn which clients can mobilise the most support.

[257] These tactics built on earlier NRM electoral practices during both the no-party period and the 2006 multi-party election. See Tripp, *Museveni's Uganda*, op. cit., pp. 75-109, especially 101-103.

[258] Crisis Group interview, opposition party official, Kampala, 25 May 2010.

[259] Crisis Group interview, NRM party official, Kampala, 20 May 2010.

[260] Ofwono Opondo, deputy NRM spokesperson, quoted in Moses Mulondo, "NRM has 9 million members", *Sunday Vision*, 4 July 2010. However, Opondo noted that one million were underage, thus ineligible to vote. By comparison, the spokesperson for the FDC, the largest opposition party, estimated it had registered half a million by the previous year, ibid. The Electoral Commission registered a total of fourteen million eligible voters nationally. Moses Mulondo, "EC deletes a million ghost voters", *New Vision*, 23 October 2010.

in each, followed by indirect elections at four higher levels, culminating in a 10,000-strong national delegates conference.[261] Because party staff was insufficient, it used RDCs and central government officers to recruit and coordinate local council members, but as these officials could not act openly, their capacity to organise was limited.

Paradoxically, both the NRM's strengths and weaknesses are a consequence of practices carried over from the no-party period, when it ran the state and exercised considerable political influence through local councils.[262] In principle, the transmission was bottom up, in practice it was top down. It retained its links to every village, and since its leaders had introduced local councils (LC) and ran the government that paid them, many officials accepted their direction, though not in opposition strongholds. RDCs continued to reinforce these connections after the political system changed. All other parties have almost no organisation, partly because the no-party system made it illegal to organise until 2006.

Nevertheless, NRM party organisation remains weak. While party officials always thought creating branches at every level would be a good idea, they felt no compulsion to do so during the no-party period. If they wanted to show popular support, it was easier to use state channels. The habit carried over. To complicate matters, the 1995 constitution gave independent political authority to each LC.[263] The NRM could not openly turn locally-elected officials into party workers, so patronage became an important attraction.

As in every national campaign since taking power, the NRM used some state officials to support Museveni's re-election. An orchestrated campaign calling on him to seek a fourth term started in 2007. In July 2008, he announced he would accept the nomination if offered.[264] For its 2011 primaries, the party used RDCs, security officers and police to register members.[265] In the early stages of the presidential campaign, a civil society coalition reported:

> The RDCs of Kitgum and Tororo districts have been openly supporting NRM candidates. The RDCs have been threatening members of the opposition. The GISO [General Intelligence Security Operative] of Bamunanika is the other government official who has been actively supporting the NRM and harassing the members of the opposition.[266]

In a comment bespeaking his plight, Besigye, the main opposition candidate, told supporters:

> I notice that some of you first look around before you wave to me. Don't fear the RDCs and GISOs. Overcome fear. Don't flinch when you see a GISO. They don't know you are their masters. This is your country, and through your vote you will determine their destiny.[267]

The NRM registered party members nationwide and funded massive campaigns. Much NRM campaign money appears to have been raised by diverting government funds, foreign grants and loans. In a spectacular example of such diversion, parliament's Public Accounts Committee reported on corruption in arrangements for the October 2007 Commonwealth Heads of Government Meeting in Kampala, discovering extra allocations of more than Shs. 247 billion ($125 million). It named ten ministers and many other top officials as responsible, including Amama Mbabazi, the security minister and NRM secretary general; Vice President Gilbert Bukenya; and Attorney General Khiddu Makubuya.[268]

Having taken a strong anti-corruption stance at the beginning of the campaign, the president insisted implicated ministers had to present defences in the NRM caucus, cabinet and parliament, but Odonga Otto, an opposition legislator rightly predicted, "at the end of the day, nothing will happen to them".[269] Parliament exonerated Mbabazi and Bukenya and expunged information about them from the report.[270] Museveni suspended no one, despite his "campaign pledge to fight corruption if re-elected in February [2011]".[271]

Parliament also passed a motion over vehement opposition protest that authorised Museveni to draw on the "usual" facilities available to him as head of state during his cam-

[261] Crisis Group interview, NRM party official, Kampala, 20 May 2010.
[262] Carbone, op. cit., pp. 107-108.
[263] Article 180(1).
[264] David Mafabi, "Museveni's 4th term bid launched in Mbale", *Monitor*, 5 August 2008.
[265] Crisis Group interview, journalist, 19 May 2010.
[266] John Mary Odoy, "DEMGroup Statement on the Nominations and Ongoing Presidential Campaigns", DEMGroup Secretariat, 18 November 2010.
[267] Henry Mukasa and Hope Mafaranga, "Gen. Muntu warns security agencies", *Monitor*, 24 November 2010.
[268] "Report of the Public Accounts Committee on the Special Audit Report of the Auditor General on the Commonwealth Heads of Government Meeting (CHOGM) 2007", parliament, Kampala, 11 May 2010, p. 11.
[269] Yasiin Mugerwa, "Chogm: Museveni abandons ministers", *Monitor*, 29 October 2010.
[270] Catherine Bekunda and Joyce Nautebi, "Parliament clears Mbabazi on CHOGM", *New Vision*, 18 November 2010.
[271] Tabu Butagira, "The untouchables: can President Museveni fight corruption when many of his top cabinet ministers remain under suspicion?", *Monitor*, 15 November 2010.

paign.[272] The Electoral Commission Act prohibits all officials from using state resources when campaigning. During the debate, Speaker Edward Ssekandi conceded, "definitely there will be no level playing field"; Felix Okot Ogongo, member for Dokolo, said it was not worth worrying about, since "it is clear President Museveni is going to win".[273] A civil society monitoring group observed that "passing of the motion amounts to rigging for the incumbent … and contravenes all the Local, Regional and International Electoral standards".[274] The NRM also muscled through a supplementary budget late in the campaign to cover increased presidential and ministerial expenditures, which the opposition said was obviously intended for campaigning.[275]

C. The Credibility of the Electoral Commission

A persistent question was whether the electoral commission could act independently, particularly in the contests for president and the seats of the most important ministers. A highly regarded activist, now UN Special Rapporteur on the Situation of Human Rights Defenders, said, "the main concerns around the lack of credibility of the electoral process focus on the capacity and integrity of the commission, both in public perception and in reality".[276] Another civil society organiser was blunter: "If the Supreme Court twice ruled that the E[lectoral]C[ommission] did a poor job and then Museveni reappoints them, it shows why he's doing it".[277] An NRM spokesperson conceded "the mistake that was made in this current EC and the previous one is that nearly half of them are people who were active politicians, even MPs".[278] The government defended the commission, noting that members were legally appointed and approved by parliament.

Pointing to other African electoral commissions, the Inter-Party Cooperation (IPC), an opposition alliance, proposed that the Judicial Service Commission nominate all members for approval by parliament from a list submitted by the parties that were democratically organised, ran candidates at all levels and had elected members of parliament.[279] Opposition legislators were able to pass some electoral reforms in April 2010, but NRM members rebuffed their proposal to modify the Electoral Commission Act to allow party representatives to serve on the commission.[280]

In 2010 the opposition mounted several peaceful demonstrations against the commission. The police responded aggressively, including pepper spraying women and removing their T-shirts,[281] showing how sensitive the government had become to the challenges. Still, a government supporter acknowledged, opposition and donor criticism of the commission "undermine its credibility".[282] Opposition parties considered a boycott, but eventually all participated in the elections.

The commission was hampered by its lack of authority and available funding. A staff member pointed out that it depended on local officials to organise elections and serve as returning officers, but they often supported the ruling party.[283] He added that financial support was usually late and insufficient, so it could not respond adequately to voter intimidation. Nor did the electoral commission have the authority to suspend candidates who instigated electoral violence or to compel media to give balanced airtime.[284]

D. Parties in Disarray

The degree of party incompetence was surprising, whether the NRM, secure knowing it would win, or the opposition, equally secure knowing it would lose. As an opposition leader said, " … no party is properly organised".[285] The illusion that the NRM was disciplined dissolved in the chaos of its primaries. The efforts of the opposition to form an alliance revealed ineptitude. Good intentions and high principles of a few were swamped by self-interest of the many.

[272] Emmanuel Gyezaho, "Museveni cleared to use state resources for campaigns", *Monitor*, 11 November 2010.
[273] Ibid.
[274] Odoy, "DEMGroup Statement, op. cit., p. 3.
[275] Yasiin Mugerwa, "State House budget shoots to Shs 160b", *Monitor*, 5 January 2011.
[276] Margaret Sekaggya, "Uganda: Management of Elections: A study by AfriMAP and The Open Society Initiative for Eastern Africa", Open Society Foundation, Nairobi, 2010, p. 62.
[277] Crisis Group interview, Hoima, 31 May 2010.
[278] Ofwono Opondo, quoted in "Electoral Reforms in Uganda 2008", Report for the period of July-December 2008, Foundation for Human Rights Initiative, Kampala, p. 25.
[279] "Proposed Electoral Reforms", Change Initiative Limited, Kampala, 2009, pp. 9-10.
[280] Emmanuel Gyezaho, "House passes third electoral law reform bill", *Monitor*, 1 May 2010.
[281] For accounts of two such demonstrations, see "80 arrested in anti-electoral commission demos", *Monitor*, 28 July 2010; Gerald Bareebe and Anthony Wekesa, "Women protestors Storm State House", *Monitor*, 30 July 2010.
[282] Crisis Group interview, prominent media official, Kampala, 18 May 2010.
[283] "Preventing a 'Kenya' Happening in Uganda: addressing the potential for election violence in 2011, report of a workshop held at Metropole Hotel Kololo, Kampala, 18-19 February 2010", Makerere University Human Rights and Peace Centre, 2010, p. 17.
[284] Sekaggya, "Uganda: Management of Elections", op. cit., p. 39.
[285] Crisis Group interview, opposition party leader, 7 June 2010.

1. The NRM primaries

Before they tried it, primary elections based on massive registration and universal adult suffrage must have struck NRM leaders as a good idea that would reveal a disciplined party with national support and establish which leaders could deliver. Not least, it would give members at every level a chance to compete. But the contradictions in trying simultaneously to appear democratic and maintain a patronage network turned into a nightmare.[286] In some constituencies, violence was greater than in any previous election.[287] For Museveni, it was an embarrassing fiasco.

His own nomination was carefully managed, but the primary contests for almost every other national and party office ended in confusion and recrimination. Malpractices echoed familiar complaints: stuffed ballot boxes, missing ballots, violence and intimidation of voters, all putatively NRM members. Accusations included vote-buying, ghost voters and manipulation of voter lists.[288] There were charges that ballots were stolen, results switched and academic qualifications forged. Ministers drew guns, candidates beat up journalists and mobs attacked organisers. Some violations were blamed on ministers, at least fifteen of whom were defeated.[289] Senior party members accused rivals for party office of incompetence. And no one could blame the opposition, though Alhaji Moses Kigongo, a member of the inner circle, tried: "People in the opposition realised that they cannot defeat the NRM and have decided to join us in order to confuse us".[290]

Over 500 petitions were filed, and the party commission suspended or repeated primaries in one third of the districts, producing yet more complaints.[291] Museveni appointed a "special tasks" committee to sort out the results, but it was unable to do so before the official nomination dates. Many candidates who thought they had won tried to stand as independents. The president and top party officials warned that anyone who did so would be expelled. They also tried, largely without success, to dissuade them, pointing out that if they ran against the "official" NRM candidate they would split the vote and perhaps allow the opposition to win.[292] In the end, the 886 independents, including some ministers, outnumbered the 459 on the NRM ticket.[293] The primaries were "do or die" contests, because, as a highly-respected columnist wrote, "the NRM has become a meal ticket".[294] Top officials deeply involved in patronage transactions were "too powerful to lose",[295] so were allowed to act with impunity because of their closeness to the president.

In constituencies where ethnicity defined rival groups, competition for the NRM ticket energised local communities. Failure to win nomination could mean loss of job and patronage benefits. Violence often erupted between supporters of candidates mobilised on ethnic lines, for example in the eastern and central [Buganda] regions.[296] In the west, where a former minister ran as an indigene against a "settler" with a different ethnicity, supporters stormed the NRM office and severely beat campaign agents.[297] The settler won the first primary, the indigene the second, which was then nullified by the acting chair of the NRM electoral commission, after which the ex-minister said he would run as an independent.

2. The opposition parties

With return of the multi-party era, the question was whether the opposition could function in it. Senior figures knew they had two big problems. First, they needed stronger organisation, particularly good leadership. Secondly, they needed to cooperate even to hold their own. The opposition had lost significant ground in 2006, particularly in parliament, though the FDC had established its dominance, winning almost three quarters of non-NRM seats, while Besigye, its presidential candidate, had improved significantly on his 2001 vote. The other opposition parties claiming a national base, the UPC and DP, had done so poorly it was unclear whether they had a future.

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[286] As an editorial in the government leaning *New Vision* observed: "It was certainly wrong for the NRM to think that since all the aspirants belonged to one party, there would be no violence". "Stop joint campaigns for political candidates", *New Vision*, 22 August 2010.
[287] "NRM vs. NRM election violence", *Independent* (Kampala), 1 September 2010.
[288] Benon Herbert Oluka, "Vote of no confidence", *Monitor*, 31 August 2010; Yasiin Mugerwa, "NRM in the eye of the storm", *Monitor*, 6 September 2010.
[289] It is difficult to be sure of the number, because some defeated ministers won rerun primaries, while others lost the second time.
[290] Fred Turyakira, "NRM poll probe team starts work", *New Vision*, 28 September 2010.
[291] Mugerwa, "NRM in the eye of the storm", op. cit.
[292] But "since … it is the people who count the votes, rather than those who cast them, who decide who the winner is, there is little or no risk of a divided NRM losing [the] election". Charles Obbo-Onyango, "NRM is a meal ticket, that's why it's at war with itself", *Monitor*, 11 August 2010.
[293] Sheila Naturinda, "EC releases names of nominated legislators", *Monitor*, Kampala, 17 December 2010. 40 independents, mostly NRM candidates who lost primaries, won seats in parliament in 2006. Kasfir and Twebaze, "Rise and Ebb", op. cit., p. 104.
[294] Obbo-Onyango, "NRM is a meal ticket", op. cit.
[295] "NRM vs NRM election violence", *Independent* (Kampala), 1 September 2010.
[296] Ibid.
[297] For the ethnic issue, see "Batooro want ring-fencing of top posts", *Monitor*, 8 December 2010. For the violence, see "Tom Butime Nominated as Independent", *New Vision*, 24 November 2010.

The FDC trained leaders in the constituencies, particularly to prevent tampering with voter registers and to prepare for poll monitoring.[298] It reconstituted structures, basing them on polling stations rather than local councils, but, a senior official conceded it "was not big enough to do it everywhere". It also advertised internal democracy. Mugisha Muntu opposed Besigye for the party presidency in a campaign that reached most districts and helped sell the FDC. But Besigye won overwhelmingly, so observers felt it was "not a real contest". To differentiate itself from the NRM, it supported "some sort of federal system for all parts of the country, not just Buganda".[299] But its main asset – and greatest liability – remained Besigye. His campaigns against Museveni gave him celebrity but also closely identified the FDC with him. His allure was diminished by his third term as FDC president, time as minister in the government and western origin. Likewise, resentment emerged as some FDC officials perceived that "all positions are managed by those from western Uganda".[300] Also, several disputed primary elections were stopped due to irregularities.

Both UPC and DP appeared to take steps toward restoring health by choosing highly qualified new leaders. The UPC elected Olara Otunnu, UN ambassador in Obote's second government (until forced into exile) and later a successful UN official.[301] The DP chose Norbert Mao, an articulate politician who had left parliament to win the Gulu district council chairmanship. Otunnu was the first UPC head not from the Obote family, Mao the first non-Baganda DP head and first born after independence. But neither was able to keep his party unified. The UPC, weakened by defections,[302] could not reconcile the pro-Obote wing, many of whom had never forgiven Otunnu for serving Okello as foreign minister after Obote's second overthrow. In addition, few Baganda are likely to vote for a UPC candidate after their suffering under two UPC regimes. Mao's DP faction faced a court suit from some Baganda politicians who claimed his election was invalid and eventually split the miniscule party vote by putting up its own candidate, Samuel Lubega. Furthermore, since both Mao and Otunnu are Acholi, neither could expect undivided support from the Acholi sub-region.

The parties made a half-hearted attempt at unity by founding the IPC in 2008,[303] but it was an agreement among leaders who acted without grassroots consultation. The rationale was not to split the opposition vote, but the IPC was unstable because the FDC dominated it, which meant Besigye would become its presidential candidate.[304] For that reason, the DP and later the UPC defected. The opposition also failed to nominate candidates for many district council positions.[305]

E. Harassing the Opposition

Since the 2001 elections, NRM members had engaged in punitive, often illegal tactics to wear down their opponents and force them out.[306] Some attacks were directed from the top, others were apparently initiatives taken at lower levels. Reported, "interviews with the upper echelon of civil command and military leadership show that there is little regard, even contempt, for the opposition".[307] As the NRM consolidated its hold on government, its tactics became more refined, and violence declined, though never ceased. In public, it often used the police and army to break up peaceful demonstrations and prevent opposition campaigning. In private, party officials threatened or arrested competitors, or tried to ruin their businesses. Such activity was more prevalent in the countryside, away from the gaze of journalists and diplomats, and much of it was covert.

"Intimidation is open and constant", an upcountry opposition politician complained, its purpose to "create an atmosphere of fear and despondency" within the opposition, while allowing it to survive.[308] A tame opposition serves the NRM by maintaining a democratic appearance without threatening its power. These conflicting imperatives meant harassment was patchy, frequently threatened or begun but

[298] Crisis Group interview, senior FDC official, Kampala, 7 June 2010.
[299] Crisis Group interview, senior FDC official, Kampala, 25 May 2010.
[300] On one occasion, this resulted in a fistfight at a press conference at party headquarters. Jeff Lule, "FDC officials fight at party office", *New Vision*, 18 October 2010.
[301] He might have been a strong candidate for UN Secretary-General had Museveni supported him.
[302] Three of four UPC legislators who defected in 2006, including a presidential candidate, received ministerial jobs. Rubongoya, *Regime Hegemony*, op. cit., p. 175. Three non-elected UPC members joined the NRM in 2010, and four UPC parliamentarians and a district chair (Lango sub-region) defected to the FDC in 2010. Barbara Among and Bill Oketch, "UPC's Cecilia Ogwal Crosses to FDC", *New Vision*, 30 September 2010.
[303] "Protocol of Inter-Party Cooperation", Kampala, 5 August 2008.
[304] Gerald Bareebe and Emmanuel Mulondo, "IPC endorses Besigye for third battle with Museveni", *Monitor*, 1 September 2010.
[305] John Semakula, "Opposition fail to get LC5 candidates", *Sunday Vision*, 14 November 2010.
[306] During the 2006 elections, the government had selectively applied laws of sedition, libel, and incitement to violence to harass opposition candidates and disrupt their campaigning. "Preparing for the Polls: Improving Accountability for Electoral Violence in Uganda", Human Rights Watch, 4 December 2009, p. 19.
[307] "Electoral Reforms in Uganda 2008", op. cit., p. 84.
[308] Crisis Group interviews, opposition candidate, Hoima, 30 May; senior FDC official, 7 June 2010.

often not carried through. The opposition had some political space, but capacity to communicate with the public was hobbled and members faced considerable risk.

Harassment took many forms, including bribes to abandon races and threats to close private radio stations; at least twice a candidate was forced to leave a talk show after the State House called the station.[309] Earlier this candidate had been forced out of his job. In another case, the son of an opposition party member was fired. A landlord broke his contract to rent a building to the IPC, saying "security operatives had threatened him".[310] Companies suddenly cancelled business deals with opposition candidates. Opposition party officials reported that the Uganda Revenue Authority (URA) suddenly presented huge tax bills to candidates' businesses without good reason or a hearing.[311] Banks suddenly cancelled or called loans without offering the usual leniency for first default.

According to an opposition candidate, "methods have changed since the 2001 and 2006 elections. Now more leaders are arrested on trumped-up charges. We spend all our time engaged in cases and can't campaign".[312] In the middle of his campaign for parliament, the Registrar of Cooperative Societies suspended Nandala Mafabi, who had organised the parliamentary investigation into the CHOGM corruption, as board chairman of the Bugisu Cooperative Union that he had led back to profit.[313] NRM officials fabricated cases to compromise opposition figures on such charges as murder in Kumi, theft of public land in Hoima and failure to pay bar bills in Bugiri.[314] "We are always followed. If we go to a burial, they are there. When we drive in Kampala, we are trailed. Even minor elected opposition figures get threatening calls from the President …. And we get death threats or our relatives do".[315] The possibility of incarceration in a "safe house" where security agencies detain and often torture suspects without a court's knowledge was also a worry.[316] "The President knows all this".[317]

The NRM was apprehensive about allowing opposition rallies. In 2008 the Constitutional Court had unequivocally ruled that the police could not regulate public assemblies or demonstrations by licensing them in advance.[318] The government tried to circumvent this by proposed legislation, police regulation and attacks on demonstrators by police or shadowy groups suspected of state links. In 2009 it submitted the Public Order Management Bill, to require police authorisation for any public meeting at which more than 25 people were expected and to permit the police to disperse an assembly if an officer decided that it created problems for crowd control or traffic, as well as to prohibit participants from discussing politics "without express clearance".[319] The police introduced (but quickly withdrew due to public outrage) regulations requiring all gatherings in Kampala involving more than five people, including wedding receptions, funerals and football matches, to receive clearance from the inspector general.[320]

A "strategy of preventive deployment" by the security forces – massing before demonstrations and by-elections – was another indicator of official anxiety and itself could trigger violence.[321] Where used, it dampened freedom of assembly and expression. The police arrested and beat non-violent demonstrators, even after they submitted to arrest.[322] When the IPC, led by Besigye, held a rally against the electoral commission in Kampala, members of a street militia called the "Kiboko Squad" assaulted them while the police stood by.[323] Police often denied lawyers access to their clients in violation of the law, "something they would

[309] Crisis Group interviews, senior FDC official, Kampala, 7 June 2010; opposition candidate, Hoima, 30 May 2010.
[310] Gerald Bareebe, "Besigye thrown out of building after paying Shs70m", *Monitor*, 30 September 2010.
[311] Crisis Group interviews, senior FDC official, Kampala, 8 June 2010; opposition candidate, Hoima, 30 May 2010.
[312] Crisis Group interview, Hoima, 30 May 2010.
[313] Joseph Wanzusi and John Odyek, "Nandala Mafabi fired over fraud", *New Vision*, 20 December 2010.
[314] Crisis Group interviews, two senior FDC officials, Kampala, 7, 8 June 2010.
[315] Crisis Group interview, opposition candidate, Hoima, 30 May 2010.
[316] "Open Secret: Illegal Detention and Torture by the Joint Anti-Terrorism Task Force in Uganda", Human Rights Watch, 2009, pp. 13-14, 22-50. Most such detainees were accused of insurgent or terrorist activities, but at least a few were opposition activists or candidates. Crisis Group interview, senior FDC official, Kampala, 8 June 2010. A Crisis Group analyst has reviewed sworn statements over a decade of opposition supporters who gave credible accounts of detention and torture in safe houses during and after the 2001 and 2006 elections.
[317] Crisis Group interview, senior FDC official, Kampala, 8 June 2010.
[318] *Muwanga Kivumbi vs. Attorney General*, constitutional petition no. 9, 27 August 2008.
[319] Tabu Butagira, "How new public order law will bite", *Monitor*, 22 September 2010. The bill had proceeded only as far as the cabinet when campaigning began. It was introduced in April 2011, but not acted on by parliament by March 2012.
[320] Patrick Jaramogi, "Security teams to vet parties, weddings", *New Vision*, 20 September 2010.
[321] *Towards the 2011 Ugandan Elections*, op. cit., p. 54.
[322] Mubatsi Asinja Habati, "Police: the New Face of Violence", *Independent* (Kampala), 10 August 2010. "It has become a pattern", an observer commented.
[323] Rodney Muhumuza and Andrew Bagala, "Kiboko squad Resurfaces as police break anti-EC demo", *Monitor*, 10 June 2010. Noting their presence, Livingstone Sewanyana, a highly respected civil society activist, remarked, "it is one of those panicky features of the state whenever elections are around the corner".

not do without authority from high levels".[324] In addition, UPDF officers were accused of intimidating opposition candidates. When the UPDF arrived in Buliisa, to guard the new oil wells, soldiers promptly became involved in local politics by "disorganising" opponents of NRM candidates.[325]

NRM officials enjoyed impunity. Court cases that nullified some elections gave grounds for indictment for electoral offenses, but members of Museveni's inner circle were never touched and often returned to the cabinet despite having their elections nullified. The attorney general and public prosecutions director ignored evidence in judgments that Internal Affairs Minister Kirunda Kivejinja and Mbabazi probably committed or were accessories to violence in the 2006 election.[326] A civil society activist shrugged: "The government acts outside the law. It's political impunity".[327]

F. THE ELECTORAL RESULTS

Museveni received over 68 per cent of the votes for president on a turnout of 59 per cent, a higher percentage of votes (on a lower turnout) than in 2006 and a slightly lower percentage than in 2001, but for the first time a majority in each of the four regions.[328] Besigye was second again, but fell to 26 per cent, his poorest showing. He won only five districts, including Kampala, where, unlike his previous decisive margins, he barely beat Museveni. The NRM won 264 of 375 seats in the expanded parliament and receives automatic support from a further ten army legislators.[329] It also expects support from many of the 43 elected independents. Opposition members declined as a total percentage of seats, though their number rose slightly from 56 to 58.

But did the victory demonstrate Museveni's popularity or the success of his tactics? At a post-election rally, he insisted "there is no genuine opposition", only "political careerists and purveyors of falsehoods".[330] Besigye insisted "it was now clear that the will of Ugandans cannot be expressed through the electoral process in such a corrupt and repressive environment".[331] The opposition dismissed the election as a charade, due to intimidation, ballot stuffing, multiple voting, changes in the registers at polling stations to disenfranchise voters and arrests of its agents.[332] But the evidence it presented that Besigye lost because of such tactics was not sufficient to explain the margin. Unlike previous elections, it did not challenge in court, regarding that as futile. The local Democracy Monitoring Group "condemned" electoral commission mismanagement, noting that 7 per cent of polling stations (at least 1,677) reported more votes than voters.[333]

Museveni had taken no chances on his popularity. The Commonwealth Observers' preliminary report decried "the lack of a level playing field", in particular, "the use of money and the abuse of incumbency".[334] The European Union Election Observation Mission stated, "the power of incumbency was exercised to such an extent as to compromise severely the level playing field between the competing candidates and political parties".[335] Journalists generally agreed the NRM used far less violence than in the past but criticised restrictions on the opposition, the enormous display of force by police and army and the NRM's unprecedented use of state resources in the months preceding the election.[336]

[324] Crisis Group interview, senior FDC party official, Kampala, 8 June 2010.
[325] Crisis Group interview, opposition elected official, Buliisa, 1 June 2010.
[326] "Preparing for the Polls", op. cit., p. 17.
[327] Crisis Group interview, Gulu, 4 June 2010.
[328] "Presidential Elections, February 2011", Electoral Commission, 20 February 2011, p. 9. He received 5.4 million of 7.9 million valid votes. The two districts in which he performed the worst were in the north.
[329] "Members-elect of the ninth parliament", *Monitor*, 17 May 2011. The ninth parliament increased by 42 seats. As by-elections occurred due to court decisions nullifying fraudulent contests, the numbers will change slightly.
[330] "Is NRM's huge majority in parliament good for democracy?", *Sunday Vision*, 12 March 2011.
[331] Gerald Bareebe, "Besigye rejects "sham" elections", *Monitor*, 19 February 2011.
[332] Tabu Butagira, "Besigye: EC connived with Museveni to rob me of win", *Monitor*, 28 February 2011; "Mao Speaks Out on February 18 Polls", *Monitor*, 22 February 2011.
[333] Ismail Musa Ladu, "Ghost voters found on register", *Monitor*, 22 February 2011. Nevertheless, the group's spokesperson said "that the final vote count reflects the ballots cast on Election Day".
[334] "Commonwealth observers dismiss Ugandan polls", *Nation* (Kenya), 20 February 2011; Baroness Catherine Ashton, "Uganda's elections marred by avoidable failures", *Monitor*, 22 February 2011.
[335] "Uganda: Final Report, General Elections 18 February 2011", European Union Election Observation Mission, 10 March 2011, p. 5.
[336] For example, Emmanuel Gyezaho, "From the press gallery: why Museveni will win the 4th term", *Monitor*, 14 February 2011. "In January [2011], the government asked for and got an additional $260 million supplementary budget, a staggering sum of money that commentators say found its way into the elections". David Kaiza, "Museveni, NRM secured the vote by going back to the Basics", *East African*, 28 February 2011.

VII. POPULAR PROTESTS AND PARLIAMENTARY REVOLT

The upsurge of protests two months after the elections took the president by surprise. The opposition was able to take advantage of discontent caused by increasing inflation, the shilling's decline and continuing corruption as well as unprecedented presidential expenditures. The early examples of the Arab Spring also played a role. But brutal attacks on demonstrators by security forces were mainly responsible for creating frustration with the government.[337] As a result, opposition leaders, particularly Besigye, rebounded from election defeats to regain influence. Museveni responded by blaming the opposition and insisting on tougher measures: "We are going to defeat these opportunistic and criminally minded individuals. You can be sure of this".[338] He was also surprised, however, by the independence of parliament, where NRM and opposition members combined to oppose him on a number of issues, including oil policy.

A. THE "WALK TO WORK" DEMONSTRATIONS

Some of the first "walking to work" protests organised by Activists for Change in April were directed particularly at rising transport prices. The government broke them up, arresting and charging Besigye and more than ten other politicians with inciting violence.[339] Three days later it broke up "walks to work" in seven towns. In Gulu, a riot developed when Mao was arrested, resulting in soldiers shooting three persons dead.[340] The army, led by Museveni's son, took over the next protest from police, in which at least 47 were injured (Besigye was shot in the hand) and 220 arrested.[341] Internal Affairs Minister Kivejinja told parliament demonstrations were not price-related but "part of a hate government campaign. It was for this reason therefore that police were instructed to disallow these activities".[342] The next week soldiers, deployed in ten districts, including Kampala, responded to new protests with bullets and teargas, killing one person.[343]

By then Besigye attracted crowds wherever he went. A riot broke out in Kampala after police blocked Besigye's car in Kampala, shattered its window and temporarily blinded him with teargas before arresting him for the fifth time that month.[344] The resulting violence there and in five other towns added five more gunshot deaths and 700 arrests.[345] Museveni said of the opposition, "now these liars are desperate …. Some of them were encouraging [LRA rebel leader] Kony in the past. In fact, some of them even tried to join Kony …. Some were linked to the PRA [People's Redemption Army] group which was in Congo".[346] Besigye was blocked for a time at the airport from flying to Nairobi for treatment. He returned the day Museveni was sworn in for his fourth term, attracting a large crowd on the drive from the airport that security forces controlled with difficulty.[347]

The government refused to consider tax relief in response to inflation that had risen to more than 14 per cent in April, blaming it on external factors it did not control.[348] Instead, it asked parliament for a large budget supplement "to meet unexpected spending pressures" and further requested some $740 million to cover purchases in 2010 of fighter jets from Russia that it only now revealed.[349] The unbudgeted spending drew an unprecedented rebuke from

[337] Crisis Group interviews, Kampala, 11 October 2011.
[338] Museveni, "Statement", in "Riots will not be tolerated-Museveni", *Sunday Vision*, 30 April 2011.
[339] Steven Candia, P. Kwesiga, Eddie Ssejjoba and Jeff Lule, "Besigye, Mao arrested, charged", *New Vision*, 11 April 2011. The government did not want a repeat of Cairo's Tahrir Square in Kampala. Crisis Group interview, opposition member, Kampala, 12 October 2011. An earlier, unrelated demonstration in March protesting conduct of the elections turned violent after a police officer ripped down a poster of Besigye. Gerald Bareebe and Risdel Kasasira, "10 held in city demo", *Monitor*, 10 March 2011.
[340] James Eriku and Gerald Bareebe, "3 killed in Gulu as protests continue", *Monitor*, 16 April 2011. One person was also reported lynched for wearing a shirt with Museveni's picture.
[341] "45 injured in battle with police as pregnant woman shot in stomach", *Monitor*, 15 April 2011.
[342] "Ugandan opposition leader shot as army crushes protest", *Nation*, 14 April 2011.
[343] "Death toll rises to 4 as army steps in", *Monitor*, 19 April 2011.
[344] Herbert Ssempogo, "Besigye to appear in court on Monday", *New Vision*, 28 April 2011; "Chaotic 'walk-to-work' protests put Kampala in spotlight", IRIN, 29 April 2011.
[345] "Uganda protests: five dead, 700 people arrested", *Sunday Monitor*, 31 April 2011.
[346] Museveni, "Statement", in "Riots will not be tolerated-Museveni", *Sunday Vision*, 30 April 2011. The existence of the PRA is disputed.
[347] Alex Kiprotich, "Museveni takes oath, declares war on dissent", *Standard*, 13 May 2011. The drive, normally 45 minutes, took nine hours. Museveni said in his speech, reportedly to "Besigye, Besigye" shouts, that "the disruptive schemes in Kampala will be defeated. The landslide win I got should inform the elements that Ugandan people have matured and do not heed lies propagated by other people", ibid. A correspondent asked with respect to Besigye, "why does a man who was given such a bad beating at the polls attract so many crowds, some ready to die for him?", Julius Barigaba, "'Peaceful' Uganda is now a police besieged state", *The East African*, 29 May 2011.
[348] "Government 'won't budge on food prices", IRIN, 3 May 2011.
[349] Sheila Naturinda, "Museveni swear-in to cost Shs. 30b", *Monitor*, 31 March 2011; Yasiin Mugerwa, "Uganda government takes Shs. 1.7 trillion for jet fighters", *Monitor*, 28 March 2011.

Emmanuel Tumusiime-Mutebile, the central bank governor and a long-time presidential associate.[350]

A second round of demonstrations began in August and continued through October, including "a huge crowd" to hear Besigye that police tear gas and live ammunition failed to disperse.[351] Claiming fifteen members of Activists for Change were trying to overthrow the government, the police charged them in October with treason, a death-penalty offence.[352] At the same time, the police prevented Besigye from leaving his home and controlled entrance to it. On the same day, similar demonstrations occurred in at least four districts in the western region, Museveni's stronghold.[353]

By then annual inflation was 28 per cent, the highest since 1993.[354] A 50 per cent increase in food costs over the year disproportionately affected the poor. The government aroused more opposition when it proposed giving part of the Mabira Forest Reserve, an important watershed, to a sugar producer to cut the price of the commodity. This offer had been stymied in 2007 by environmental protests.[355] The cabinet went along, but civil society activists and politicians warned of new demonstrations, and some close allies broke with the president on the issue.[356] Meanwhile judges dismissed charges against 200 demonstrators, including Besigye and Otunnu, saying the state presented insufficient evidence.[357]

B. Parliamentary Revolt

Signs the new parliament would not be submissive despite the NRM majority appeared quickly. Members condemned the large increase in State House funding, though they soon passed a record Shs. 10.3 trillion ($3.66 billion) budget.[358] In August the NRM parliamentary caucus rejected the Mabira Forest Reserve proposal.[359] The defence minister's and attorney general's testimony to parliamentary committees was rejected, the former for not explaining how the new fighter jets would be paid for, the latter for refusing to submit oil contracts. More than half the legislators signed a petition that forced the speaker to schedule a session to discuss the government's failure to introduce oil legislation, make the contracts easily accessible and respond to reports of oil company payments to ministers.[360]

A bipartisan majority adopted the subsequent resolution on oil policy by voice vote.[361] Its ten points demanded that the government impose a moratorium on executing contracts, including the virtually completed deal to replace Tullow's former partner Heritage with CNOOC and Total, until new regulatory laws were passed; introduce the bills within 30 days; make all oil contracts public; and revise them to require that disputes be settled in Ugandan, not foreign courts. In its most direct challenge to the president, the resolution called for an ad hoc committee to investigate allegations involving oil payments to now Prime Minister Mbabazi, Foreign Minister Sam Kutesa, Internal Affairs Minister Hilary Onek and other officials. Since it is a resolution, its provisions are not binding, but ignoring them could cause Museveni problems. The issue on which parliament has most leverage is corruption: it can investigate the ministers, demand they stand down during its inquiry and censure them if they refuse.

[350] "He gave me some promises he has not kept", quoted in Katrina Manson, "Uganda Bank Chief Accuses Museveni of Waning Discipline", *Financial Times*, 13 June 2011.
[351] Michael Ssali and Emmanuel Mulondo, "Clashes mar walk-to-work plans as Besigye rules out taking up arms", *Monitor*, 11 August 2011. In September, when Activists for Change was prevented from celebrating the overthrow of Libya's Qadhafi in downtown Kampala, Inspector General of Police Kale Kayihura called its leaders "terrorists". Abdu Kiyaga, "A4C relaunch walk to work campaign", *Monitor*, 13 October 2011.
[352] Joseph Kizza and Jeff Lule, "Three A4C members charged with treason", *New Vision*, 19 October 2011.
[353] John Njoroge, "Police put Besigye under house arrest", *Monitor*, 20 October 2011. This tactic was also used to control Besigye during the first round of demonstrations. "Protesters unleash bees on anti-riot police officers", *Monitor*, 18 October 2011.
[354] "Uganda inflation rate surges to 28.3%", Reuters, 30 September 2011. The central bank was raising the interest rate monthly.
[355] "Simmering tension over forest give-away", IRIN, 7 September 2011.
[356] Richard Wanambwa, "Museveni does not listen anymore – Nagenda", *Sunday Monitor*, 4 September 2011.
[357] Anthony Wesaka, "Besigye set free in walk-to-work case", *Monitor*, 10 August 2011; Pascal Kwesiga, "Court dismisses case against Otunnu", *New Vision*, 11 August 2011; Juliet Kigongo, "Mafabi, three others, walk to work charges dropped", *Monitor*, 24 August 2011.
[358] Yasiin Mugerwa, "Presidency budget shoots to Shs 150b", and "Parliament approves record Shs 10 trillion national budget", *Monitor*, 20 July, 16 September 2011. The former budget committee chair said almost 10 per cent of the budget had not been funded.
[359] Mercy Nalugo, "MPs defy president on forest give-away", *Monitor*, 17 August 2011.
[360] Yasiin Mugerwa, Sheila Naturinda and Isaac Imaka, "Kadaga sets tough conditions for MPs to access oil deals", *Sunday Monitor*, 9 October 2011; there were reports that the president and other officials urged the speaker not to recall the parliament. Isaac Imaka, "MPs accuse Kadaga of violating constitution", *Monitor*, 29 September 2011.
[361] Yasiin Mugerwa, "What next with the oil saga?", *Monitor*, 14 October 2011.

The president replied sharply that "we must overcome the sabotage by some NRM elements in parliament", then used a previously scheduled retreat the following week at Kyankwanzi, the national ideological institute, to "persuade" the NRM caucus to reverse its position.[362] NRM parliamentarians wore military uniforms during the sessions, and Museveni threatened "to go back to the bush" and fight if he did not get his way.[363] Some deputies amended their views when parliament resumed, and Mbabazi insisted "a parliamentary resolution cannot make me vacate office". The speaker appointed a seven-member ad hoc committee at the end of October to investigate the oil issues and report in 90 days.[364] The President replied to the resolution by accepting some points but rejecting a freeze on ongoing negotiations and opposing the necessity for the three ministers to step aside while being investigated.[365] Despite the resolution, he ordered his energy minister to sign the oil deal with Tullow in February 2012.[366]

C. Muted International Criticism

International criticism of the 2011 elections, the crackdown on the popular protests and Museveni's creeping authoritarianism has been muted in large part because of his pivotal role in the region. The president is a dependable Western ally in an unstable area, the major African partner tackling the brutal LRA insurgency and the leading contributor to the African Union Mission in Somalia (AMISOM). Uganda lies at the centre of a huge region, much of which is only recently emerging from chronic conflict and that includes large un- or weakly-governed territories, particularly in the Democratic Republic of Congo (DRC), Central African Republic (CAR) and South Sudan. Its support is crucial to international efforts to suppress vicious insurgencies and stabilise the affected states.

Of great concern, at least to the West, is the campaign to eradicate the LRA, which formed in northern Uganda but has become a regional problem.[367] After a ceasefire and negotiations for peaceful settlement of the insurgency broke down in 2008, the UPDF launched, with extensive U.S. support, Operation Lightning Thunder to crush the group, but its initial operations were botched, and the political will to support the mission dwindled. Four years on, the UPDF's operations have failed to stop the LRA from killing more than 2,400 civilians, abducting more than 3,400 and causing the displacement of 440,000.[368] Under renewed regional and wider international pressure, and supported by 100 U.S. Special Forces troops, Uganda recently relaunched its efforts and will lead an AU force of 5,000 to find and destroy the brutal band.[369]

In addition to promoting peace and stability in the region, participation in important peacemaking and peacekeeping operations is increasingly viewed as an easy way to deflect Western criticism of domestic practices.[370] Its role in AMISOM also enables Uganda to receive more military aid from Washington, while UPDF troops earn significantly more money than they would at home thanks to Western donors, and the president gains political influence in the region. The West is keen to support the mission against the al-Qaeda-linked Al-Shabaab militia in order to protect Somalia's fragile Transitional Federal Government (TFG) and counter the threat of terrorism and Islamist extremism in the Horn of Africa.

Museveni is consciously competing with Kenya and Ethiopia in the Somalia endeavour. In June 2011, he hosted the TFG and its international supporters for two weeks of negotiations that produced the Kampala Accord, resolving a dispute on the TFG's mandate and resulting in a change of prime ministers. He has now in effect become the kingmaker in Mogadishu. In addition, with the Kenyan and Tanzania presidents leaving office in the next two years, he will further his goal to be recognised as the regional leader and indispensible partner by becoming the senior head of state in terms of age in the East African Community.

[362] Emmanuel Gyezaho and Mercy Nalugo, "Museveni vows to purge NRM of dissenting voices", *Monitor*, 18 October 2011; Yasiin Mugerwa, "Oil: NRM moves to save ministers", *Monitor*, 24 October 2011.

[363] Dani Wadada Nabudere, "Arm twisting MPs is no stranger in NRM", *Sunday Monitor*, 30 October 2011.

[364] Catherine Bekunda and Alfred Wandera, "Oil debate hangs in balance", *New Vision*, 25 October 2011. Onek continued to sit on the front bench. Kutesa had stepped down earlier when he was indicted in a case involving CHOGM. Sheila Naturinda, "Ad hoc committee on oil named", *Monitor*, 28 October 2011. The committee's work and report has been delayed by a court order.

[365] Mercy Nalugo, "Museveni vows to defy MPs over oil", *Monitor*, 15 November 2011.

[366] Isaac Imaka and Sheila Naturinda, "MPs vow to go to court over oil deals", *Monitor*, 11 February 2012.

[367] The UPDF forced the LRA to flee northern Uganda into the bordering CAR, DRC and South Sudan. It no longer operates in Uganda.

[368] For more, see Crisis Group Africa Report N°182, *The Lord's Resistance Army: End Game?*, 17 November 2011.

[369] "U.S. Military Advisers to Support African Fight Against LRA", U.S. Department of State, 12 December 2011. The AU force will have a Ugandan commander and comprise troops from Uganda, South Sudan, Central African Republic and Congo (DRC) – all countries in which the LRA has operated. "African Union force steps up hunt for Joseph Kony", BBC, 24 March 2012.

[370] Crisis Group Report, *The Lord's Resistance Army*, op. cit.; Nicholas Young, "Uganda: a pawn in the US's proxy African war on terror", *The Guardian* (London), 25 September 2010.

VIII. CONCLUSION

Museveni's governance trajectory resembles those of Obote and Amin – without the blatant brutality – beginning with policies of tolerance and inclusion that gradually change to exclusion and repression. All three have relied on personal rule, rather than constitutional and institutional restraints, and turned increasingly to patronage and coercion to govern. Museveni is more skilful than his predecessors and had greater political opportunity to overcome the cleavage between Buganda and the central government, but he has not found a workable solution. Nor has he been willing to tolerate any opposition that might threaten his rule. To work with either Buganda kingdom officials or political parties, he needs to accept restraints, but the prospect of large oil revenues makes this less likely, since they offer potential to sustain, even extend, his patronage system. Furthermore, Museveni has adroitly deflected Western criticism of his growing authoritarianism and of government corruption, while preserving substantial development aid and security assistance. However, tensions are building, and patronage and repression may be insufficient to keep Uganda stable much longer.

Nairobi/Brussels, 5 April 2012

APPENDIX A

MAP OF UGANDA

APPENDIX B

GLOSSARY

AMISOM	African Union Mission in Somalia
CBS	Central Broadcasting Service, Buganda-based radio station
CHOGM	Commonwealth Heads of Government Meeting
CNOOC	China National Offshore Oil Corporation
DP	Democratic Party, Catholic-oriented political party
EC	Electoral Commission
FDC	The Forum for Democratic Change
GISO	General Intelligence Security Operative
IPC	Inter-Party Cooperation, opposition party alliance
Kabaka	Buganda's traditional ruler
Kamuswaga	Kooki's traditional ruler
Katikkiro	Traditional official
KY	Kabaka Yekka, pro-Kabaka political party
LC	Local councils
LRA	Lord's Resistance Army
Lukiiko	Council
MEMD	Energy and mineral development ministry
MFPED	Finance, planning and economic development ministry
NOC	National Oil Company
NOGP	National Oil and Gas Policy
NORAD	Norwegian Agency for Development Cooperation
NRA	National Resistance Army, the armed wing of Museveni's rebellion
NRM	National Resistance Movement, the political wing of Museveni's rebellion
PAFO	Parliamentary Advocacy Forum
PAU	Petroleum Authority of Uganda
PNU	Presidential Protection Unit
PSA	Production sharing agreements
RDC	Resident District Commissioners
SAP	Structural Adjustment Programs
Ssabataka	Chief landlord
The Movement	NRM's constitutional name
UNLA	Uganda National Liberation Army, the armed group that with the Tanzanian army overthrew Idi Amin in 1979.
UPC	Uganda People's Congress, Protestant-oriented political party
UPDF	Uganda Peoples Defence Force, the Ugandan military
URA	Uganda Revenue Authority

APPENDIX C

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April 2012

APPENDIX D

CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2009

Central Africa

Chad: Powder Keg in the East, Africa Report N°149, 15 April 2009 (also available in French).

Congo: Five Priorities for a Peacebuilding Strategy, Africa Report N°150, 11 May 2009 (also available in French).

Congo: A Comprehensive Strategy to Disarm the FDLR, Africa Report N°151, 9 July 2009 (also available in French).

Burundi: réussir l'intégration des FNL, Africa Briefing N°63, 30 July 2009.

Chad: Escaping from the Oil Trap, Africa Briefing N°65, 26 August 2009 (also available in French).

CAR: Keeping the Dialogue Alive, Africa Briefing N°69, 12 January 2010 (also available in French).

Burundi: Ensuring Credible Elections, Africa Report N°155, 12 February 2010 (also available in French).

Libye/Tchad : au-delà d'une politique d'influence, Africa Briefing N°71, 23 March 2010 (also available in Arabic).

Congo: A Stalled Democratic Agenda, Africa Briefing N°73, 8 April 2010 (also available in French).

Chad: Beyond Superficial Stability, Africa Report N°162, 17 August 2010 (only available in French).

Congo: No Stability in Kivu Despite a Rapprochement with Rwanda, Africa Report N°165, 16 November 2010 (also available in French).

Dangerous Little Stones: Diamonds in the Central African Republic, Africa Report N°167, 16 December 2010 (also available in French).

Burundi: From Electoral Boycott to Political Impasse, Africa Report N°169, 7 February 2011 (also available in French).

Le Nord-ouest du Tchad : la prochaine zone à haut risque ?, Africa Briefing N°78, 17 February 2011.

Congo: The Electoral Dilemma, Africa Report N°175, 5 May 2011 (also available in French).

Congo : The Electoral Process Seen from the East, Africa Briefing N°80, 5 September 2011 (also available in French).

Africa without Qaddafi: The Case of Chad, Africa Report N°180, 21 October 2011 (also available in French).

Implementing Peace and Security Architecture (I): Central Africa, Africa Report N°181, 7 November 2011 (also available in French).

The Lord's Resistance Army: End Game?, Africa Report N°182, 17 November 2011.

Burundi: A Deepening Corruption Crisis, Africa Report N°185, 21 March 2012 (also available in French).

Horn of Africa

Sudan: Justice, Peace and the ICC, Africa Report N°152, 17 July 2009.

Somalia: The Trouble with Puntland, Africa Briefing N°64, 12 August 2009.

Ethiopia: Ethnic Federalism and Its Discontents, Africa Report N°153, 4 September 2009.

Somaliland: A Way out of the Electoral Crisis, Africa Briefing N°67, 7 December 2009.

Sudan: Preventing Implosion, Africa Briefing N°68, 17 December 2009.

Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan, Africa Report N°154, 23 December 2009.

Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan, Africa Briefing N°72, 30 March 2010.

LRA: A Regional Strategy Beyond Killing Kony, Africa Report N°157, 28 April 2010 (also available in French).

Sudan: Regional Perspectives on the Prospect of Southern Independence, Africa Report N°159, 6 May 2010.

Somalia's Divided Islamists, Africa Briefing N°74, 18 May 2010 (also available in Somali).

Sudan: Defining the North-South Border, Africa Briefing N°75, 2 September 2010.

Eritrea: The Siege State, Africa Report N°163, 21 September 2010.

Negotiating Sudan's North-South Future, Africa Briefing N°76, 23 November 2010.

Somalia: The Transitional Government on Life Support, Africa Report N°170, 21 February 2011.

Politics and Transition in the New South Sudan, Africa Briefing N°172, 4 April 2011.

Divisions in Sudan's Ruling Party and the Threat to the Country's Stability, Africa Report N°174, 4 May 2011.

South Sudan: Compounding Instability in Unity State, Africa Report N°179, 17 October 2011 (also available in Chinese).

Kenya: Impact of the ICC Proceedings, Africa Briefing N°84, 9 January 2012.

Kenyan Somali Islamist Radicalisation, Africa Briefing N°85, 25 January 2012.

The Kenyan Military Intervention in Somalia, Africa Report N°184, 15 February 2012.

Somalia: An Opportunity that Should Not Be Missed, Africa Briefing N°87, 22 February 2012.

China's New Courtship in South Sudan, Africa Report N°186, 4 April 2012

Southern Africa

Zimbabwe: Engaging the Inclusive Government, Africa Briefing N°59, 20 April 2009.

Zimbabwe: Political and Security Challenges to the Transition, Africa Briefing N°70, 3 March 2010.

Madagascar : sortir du cycle de crises, Africa Report N°156, 18 March 2010.

Madagascar : la crise à un tournant critique ?, Africa Report N°166, 18 November 2010.

Zimbabwe: The Road to Reform or Another Dead End, Africa Report N°173, 27 April 2011.

Resistance and Denial: Zimbabwe's Stalled Reform Agenda, Africa Briefing N°82, 16 November 2011.

Zimbabwe's Sanctions Standoff, Africa Briefing N°86, 6 February 2012.

West Africa

Liberia: Uneven Progress in Security Sector Reform, Africa Report N°148, 13 January 2009.

Guinea-Bissau: Building a Real Stability Pact, Africa Briefing N°57, 29 January 2009 (also available in French).

Guinea: The Transition Has Only Just Begun, Africa Briefing N°58, 5 March 2009 (also available in French).

Nigeria: Seizing the Moment in the Niger Delta, Africa Briefing N°60, 30 April 2009.

Guinea-Bissau: Beyond Rule of the Gun, Africa Briefing N°61, 25 June 2009 (also available in Portuguese).

Côte d'Ivoire: What's Needed to End the Crisis, Africa Briefing N°62, 2 July 2009 (also available in French).

Guinea: Military Rule Must End, Africa Briefing N°66, 16 October 2009 (also available in French).

Côte d'Ivoire : sécuriser le processus électoral, Africa Report N°158, 5 May 2010.

Cameroon: Fragile State?, Africa Report N°160, 25 May 2010 (also available in French).

Cameroon: The Dangers of a Fracturing Regime, Africa Report N°161, 24 June 2010 (also available in French).

Guinea: Reforming the Army, Africa Report N°164, 23 September 2010 (also available in French).

Côte d'Ivoire : Sortir enfin de l'ornière ?, Africa Briefing N°77, 25 November 2010.

Northern Nigeria: Background to Conflict, Africa Report N°168, 20 December 2010.

Nigeria's Elections: Reversing the Degeneration?, Africa Briefing N°79, 24 February 2011.

Côte d'Ivoire: Is War the Only Option?, Africa Report N°171, 3 March 2011 (also available in French).

A Critical Period for Ensuring Stability in Côte d'Ivoire, Africa Report N°176, 1 August 2011 (also available in French).

Liberia: How Sustainable Is the Recovery?, Africa Report N°177, 19 August 2011.

Guinea: Putting the Transition Back on Track, Africa Report N°178, 23 September 2011.

Côte d'Ivoire: Continuing the Recovery, Africa Briefing N°83, 16 December 2011 (also available in French).

Beyond Compromises: Reform Prospects in Guinea-Bissau, Africa Report N°183, 23 January 2012.

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