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Turnaround: The National Resistance Movement and the Re-introduction of a Multiparty System in Uganda

Sabiti Makara, Lise Rakner, Lars Svåsand

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Introduction

This article¹ addresses the process behind the National Resistance Movement's (NRM) decision to open for a reintroduction of multiparty politics. The restrictions on party activity that was introduced when the NRM assumed power in 1986 were upheld in a referendum in 2000, but soon after the 2001 elections, a process was initiated that led to a u-turn on the issue. On 28 February 2003, to the astonishment of most observers, President Museveni announced that the Movement National Executive Committee (NEC) and the National Conference would meet to discuss the return of multiparty politics. The NEC meeting held in March 2003 and the following National Conference agreed in principle that the country should open up for multiparty politics.

Why would a political movement that had been in power for two decades expose itself to competition, and at least theoretically, risk losing the 2006 elections? Is this turnaround of the NRM leadership explained by external pressure from the international environment or should it be attributed to debates within the NRM? In this article we seek to explain why the NRM opened for a transition to multiparty politics and how the NRM leadership sought to remain in control of the transition process. We do so by relating the case of Uganda to theoretical perspectives that explain under what circumstances political movements, organisations or parties decide to implement fundamental changes. We argue that the impetus for change is explained by decline of support for the NRM in the 2001 elections, where Museveni's former ally, Col. K. Besigye, opposed him in the presidential election and received 29 per cent of the votes. How the NRM proceeded to implement the transition process is better explained by office seeking strategies: Through its control of the government, parliament, and the public sector, the NRM-O² was able to tilt the playing field and minimise the possibility for the opposition to win in the 2006 elections.

The article is organised as follows: Section two provides a brief historical background to the Uganda case and presents the NRM Executive Committee report that opened for a referendum on the multiparty question in 2005. Section three presents two hypotheses explaining organisational change related to pressure from the international environment and internal organisational conflicts. These perspectives are then applied to our discussion of political developments within the Movement system from 1986 to 2005. Section four presents a theoretical perspective on how an incumbent may maximise its chance of re-election and applies this perspective to an analysis of the pre-election and election phases of the 2006 elections. A fifth section concludes the paper.

The Movement political system in Uganda

Uganda has had a volatile and violent history as an independent state. Initially it was a multi-party system, but became a one-party state in 1966, led by Milton Obote. In 1971 Obote was deposed by the army, which under the leadership of General Idi Amin, established one of Africa's most brutal dictatorships. The economy collapsed as a result of corruption and the forced emigration of the Indian business community. Eight years later (in 1979) Amin was overthrown by a rebel army,

¹ This paper is part of the research project "The Institutional and Legal Context of the 2006 Presidential and Parliamentary Elections in Uganda" (<http://www.cmi.no/uganda>), sponsored by a grant from the Royal Norwegian Embassy, Kampala. The authors wish to thank participants in the project for valuable comments, and in particular Peter Burnell, Gero Erdman, Siri Gløppen, Mette Kjær, Ragnhild Muriaas and Arne Tostensen.

² With the introduction of a multi-party system and the passing of the Political Parties and Organisations Act in 2005 NRM changed its name to NRM-Organisation (NRM-O). In popular parlance, the terms NRM (referring to the former Movement system) and NRM-O (referring to the party NRM in a multiparty context) is often mixed

supported by Tanzania. Elections in the following year returned Obote to power, but his rule triggered more armed resistance and he was deposed in a military coup in 1985, which subsequently was defeated in 1986 when the National Resistance Army (NRA), led by Yoweri Museveni captured the capital. Following the civil war Uganda has remained politically stable, but armed conflicts has persisted in the Northern parts of the country³. The elections held on February 23, 2006 - the first multiparty election since 1980 – represented a new stage in the development of Uganda's polity.

In a comparative perspective Uganda is an example of what Hyden (2006: 39) calls 'a renewal of the movement idea'. While many African parties derive from movements, they have usually done so from fighting the colonial power. Rwanda, Ethiopia and Eritrea are, together with Uganda, a unique group of countries in which the governing movement ousted an incumbent African regime – not a colonial power. The movement system that was introduced in Uganda when the NRM came to power in 1986 was based on the principles of participatory democracy and a major feature of the system was the establishment of Resistance Councils (RCs) in every village. Renamed Local Councils in 1997, the local councils are part of a five-tier structure that starts at the village level (LC I) and progress from parish, sub-county, county and finally the district level (LC V). All Ugandans were declared members of NRM and party activities were subject to strict limitations that prohibited delegates' conferences and the sponsoring of candidates for elections (Barya 2000, Carbone 2003). Until the February 2006 elections, all elected representatives in the LCs and the national legislature – a total of 945.351 seats - were elected on individual merit.

The decision to re-introduce the multi party system

On 18 December 2001 the National Executive Committee (NEC) of NRM appointed an ad-hoc committee with the mandate to: '...examine the performance of the Movement system in light of current political trends/developments, including the calls to open up to political party pluralism, with a view to guide the political future of this country' (NEC 2002: Executive summary: iii). The committee submitted its report in April 2002. After reviewing the Movement's strength and weaknesses, the arguments in favour of, and in opposition to, changing the current system, the committee summed up its deliberations in three possible scenarios for the Movement (NEC 2002: Executive Summary: xiii):

- a) The continuation of the Movement in governance, but with improvements as pointed out by the committee, and continuation of restrictions on political parties.
- b) The continuation of the Movement in governance, continuation of restrictions on political parties, but the NRM organisation should become the organ of the Movement political system (thus, establishing a one party system).
- c) Political pluralism, in which those who believe in the Movement should organise themselves into a political organisation.

The report concluded that opening for political pluralism was the best option. Although the committee praised the achievements of the Movement since its capture of power in 1986, they addressed some key weaknesses. According to the committee, the role of ideology had declined and there were examples of corrupt behaviour. The all-inclusive nature of the Movement provided space for opponents bent on destroying the Movement system from within. Legal developments had not

³ While the civil war that brought Museveni to power in 1986 has brought peace and stability in many parts of Uganda, in Northern Uganda, close to 90 per cent of the population lives in refugee camps, ostensibly to protect the population for terror attacks from the Lords Resistance Army (LRA). More than 20 years later, the security of the people's of Northern Uganda is still not guaranteed and both the population in Northern Uganda and the international community lament the NRM government for ignoring the plight of the people in Northern Uganda (Bøås and Hatløy 2005).

taken into consideration the need to strengthen NRM as an organisation separate from the state. NEC presented four reasons for its recommendation to prefer political pluralism. First, the transformation of NRM into a party would provide ‘the opportunity to purify itself of those people that are in the system because of the concept of broadbasedness’. Second, by opening up for multiparty politics, opponents would be deprived of ‘the weapon they have been using to malign the Movement accusing it of being undemocratic’. Third, the change would ‘enhance Uganda’s relationship with our development partners and facilitate our access to world markets and international aid’. Finally it was argued that ‘political pluralism is the current world trend and Uganda can ill afford to detach herself from the rest of the world’ (NEC 2002: 114-115).

Based on the official justifications presented in the report, it is evident that the decision to u-turn on the issue of multiparty politics was linked both to concerns internal to the Movement and pressure from the international community. But, were internal organisational differences and international pressures equally important and expressed at the same time? Who were the main agents for the change witnessed? Below, we first analyse the processes leading to the decision to open up for multiparty politics from an international perspective, emphasising the role of the international donor community. Second, we discuss the change from an institutional perspective, emphasising the power struggles between various fractions within the Movement. The analysis suggests that internal disagreements and power struggles preceded international criticism of the movement political system.

Why did the NRM abandon its monopoly position and expose itself to competition?

The Movement system, also characterised as a ‘no-party system’, has been praised as well as criticised, by domestic and international actors and observers (Salih (2003, Mugaju and Oloka-Onyango 2000, Ssenkumba (2000, Tangri 2006, Dicklitch 2000, Carbone 2003). If not initially, than at least at some point, according to these critics, the NRM appeared to have assumed most of the characteristics of a political party, and by implication that Uganda had become more like a one-party, or at least a dominant party system. Whether the NRM was still a movement or had become a party is of limited significance to our discussion. What is essential is that an institution holding monopoly on political power would make a decision – which at least theoretically – could lead to it being ousted from power. The recommendation to re-introduce a multiparty system meant that NRM had to make a complete turn-around from a position it had advocated for almost two decades and which as recently as in 2000 had received overwhelming support in a – admittedly disputed – referendum (Bratton and Lambright 2001). Museveni (1992) had argued that parties were suitable for developed countries because there, the divisions in society are based on division of labour and are therefore principled. However, divisions in backward societies like Uganda were unprincipled and based on parochial considerations such as ethnicity, religion, and region. Lacking a sizeable middle class, it was not possible to practise meaningful multiparty democracy.. However, a central question that increasingly manifested itself in the debates around the 1995 Constitution, the 1996 elections and the 2000 referendum was whether the Movement system was to be regarded as a permanent or transitional system pending the day when Uganda could become a ‘real multiparty democracy’ .

Internal and external explanations for organisational change

In the literature on regime change several explanations are offered to explain why an incumbent monopolist would decide to make changes risking its monopoly power. Analyses of third world regimes have underlined the dependence of such regimes on external factors (Remmer 1997,

Bratton and van de Walle 1997, van de Walle 2001). In particular with reference to indebted and aid dependent regimes in sub-Saharan Africa, scholars have argued that the international donor community has influenced processes of democratisation in Africa by making democratic reforms a condition for maintaining donor support (Abrahamsen 2000, Mkandawire 1999). From this perspective, the re-introduction of a multi party system should be interpreted as a response to demands from the international donor community. As witnessed in the ad-hoc committee's report, Uganda's relationship with the international donor community was listed as a reason why the NRM initiated the processes of multiparty politics. This is not surprising in the context of Uganda's (and sub-Saharan Africa's) dependence on the international environment for financial assistance. The extent to which the u-turn is the result of international pressure should therefore be witnessed by a documented and consistent demand for the re-introduction of multiparty system from the international donor community.

The literature on party institutions offers additional perspectives. The important point here is that political leaders will prefer to remain in office and will consequently make decisions that maximise this outcome. This decision must balance between several constraints, or multiple games in Tsebelis' conception (Tsebelis 1990). One political concern is the internal power struggles within NRM. According to Panebianco (1988), political parties are heavily influenced by circumstances internal to the organisation. All organisations are to some extent 'coalitions'. This is even more the case for broad based social movements which are loosely organised and less focused ideologically. As a consequence, when a broad movement is transformed into a political party, the different streams in the party will battle for control of the organisation. As the party becomes stabilised and the circumstances for its origin fade as a *raison d'être* for its existence, various groups will have different ideas of which way to move forward. From an institutionalist perspective, the NRM u-turn on the multiparty question could therefore be interpreted as the result of conflict between different factions within the movement. As conservative organisations, parties are only likely to change when they are exposed to dramatic events with an impact on their organisation (Harmel and Janda 1994). Within this perspective, Besigye's decision to challenge Museveni in the 2001 election and the significant support he received may be interpreted as a 'shock' to the ruling elites, forcing them to reconsider the position of the movement.

The international dimension and the explanatory weight of international pressure

In Uganda, as elsewhere, the international donor community has, as a matter of principle, favoured a multiparty system that would allow for meaningful political contestation between different political alternatives. The economic importance of the donors to Uganda can hardly be overstated. Uganda is heavily dependent on foreign economic assistance; more than is the case in Sub-Saharan Africa in general.⁴ Aid as a percentage of Gross National Income increased from 9.9 in 1999 to 17.3 in 2004. By 1999 the amount of foreign aid accounted for 70.6% of government expenditure. Approximately 40 bilateral and multilateral donors provide this aid⁵. Yet, while the donor community has always argued for a multi-party system, they have not made it a *condition* for continued economic support (Hauser 1999: 632). For example, the Norwegian government aid to Uganda was originally not explicitly concerned with the no-party system (NORAD 2001). Uganda was praised for its economic policies and particularly for its program to eradicate poverty. The guidelines for Norwegian aid to Uganda merely noted that Uganda had a no-party system, and the support for governance issues was to be concentrated on anti-corruption efforts and support to the

⁴ <http://siteresources.worldbank.org/DATASTATISTICS/Resources/table6-11.pdf> (accessed 16.11.06)

⁵ In 2003 86% of the aid came from the 10 largest donors with the World Bank contributing 25%, the US 18%, UK 10% and the EC 8% (Lister et al. 2006). The Netherlands, Ireland, Denmark and Norway are also contributing significantly with aid ranging from US\$ 64 to 40 million. <http://oecd.org/dataoecd/12/32/1883200.gif> (accessed 16.11.06)

human rights commission. Norwegian bi-lateral aid to Uganda increased consistently from app. US\$10 million in 1992 to US\$ 60 million 1999. After some years of decreasing support, the aid level increased consistently until 2005 when it reached approximately US\$ 65 million.⁶ Norwegian aid policies are consistent with most other bilateral donors in Uganda (DFID 1999, USAID 2005).

Several reasons may explain why the donors refrained from explicitly emphasising the lack of multiparty politics in Uganda. Haynes (2001) argues that donors “were prepared to put up with Museveni’s no-party system if for no other reason than because they valued immensely his ability to build stability in the country; in addition they came to realise that there was, in fact, very little they could practically do if the regime steadfastly set its face against Western demands for political reforms” (Haynes 2001: 202).⁷ In addition, Uganda was considered to perform well on other significant aspects of the good governance agenda, particularly in relation to economic governance and in combating HIV/Aids. Thus, showing considerable progress on other aspects of the donor community’s governance agenda, it was difficult to attack NRM for not allowing a multiparty system. The largest bilateral donor country, Britain, argued that those favouring a multiparty system should be given a fair chance to advocate for their preference (DFID 1999, p.3), but also pointed out that “...its (Uganda’s) people must be free to decide what form of democracy they prefer.” Similarly, the United States accepted the no-party system although it officially called for a multiparty system: “Of course, countries like the United States are always encouraging nations around the world to move as fast as they possibly can toward a more open society, more open forms of democracy. But at the end of the day, it is not something the United States can impose on a country. We certainly can encourage that”.⁸

There were also different priorities among the donors and conflicting objectives between different aid programmes carried out by the same donor government. American policy towards Uganda illustrates very well the conflicting objectives: “U.S. interests in Uganda are twofold. Uganda is a critical player in the region in leading efforts to address regional conflicts peacefully; development and political stability in Uganda is key to East Africa’s integration into the global marketplace” (USAID 2005). And the U.S. Department of State noted that ‘Uganda is a strong supporter of the global war against terrorism. The United States is helping Uganda achieve export-led economic growth through the African Growth and Opportunity Act and provides a significant amount of development assistance. At the same time, the United States is concerned about continuing human rights problems and the pace of progress toward the establishment of genuine political pluralism’⁹. Compared to earlier regimes the NRM government’s human-rights record and democratic credentials were considered a great improvement. In addition, the NRM scored well on other objectives linked to basic human needs. In this perspective it seemed odd to insist on a multiparty system.

Seeking to understand why the NRM decided to abandon its monopoly on power it is significant to note that it was only *after* the multi-party system had been re-introduced by the NRM leadership in 2003 that donors decided to use their leverage. In 2004 Britain, Norway, Sweden, the Netherlands, Germany together with the African Development Bank and the World Bank launched their joint aid strategy UJAS- Uganda Joint Assistance Strategy in order to better coordinate their aid programmes¹⁰. This coordination was, in part, considered an attempt to force the regime to allow the opposition parties a fair chance in the election. In December 2005 Britain announced a £ 27 million cut in their budget support and stated that they would withhold a further £5 million until after the February 2006 elections. This decision was a direct consequence of the arrest of Kizza Besigye

⁶ <http://odin.dep.no/ud/norsk/tema/utvikling/samarbeid/statistikk/032131-990019/dok-bn.html> (accessed 17.11.06)

⁷ See also Tangri and Mwenda 2006 for a similar point regarding corruption.

⁸ Secretary of State Colin Powell in a press conference in Kampala 2001

⁹ <http://www.state.gov/r/pa/ei/bgn/2963.htm> (accessed 25.11.06).

¹⁰ <http://www.dfid.gov.uk/pubs/files/joint-assistance-strat-uganda.pdf> (Austria joined in 2006).

(November 2005). Norway, Sweden, Ireland and the Netherlands also cut their budget support¹¹. Denmark also withheld funds meant to support the election process itself.¹² Thus, when the major donors eventually reacted to the issue of multiparty system, it was a reaction to the problems associated with the implementation of the transition to multiparty system. Their involvement can hardly be said to have caused the transition in the first place (see also Barya 2006: 43).¹³ The aftermath of the 2006 election supports this perspective. In spite of a much criticised election process, donor support continues. We therefore conclude that the explanations of NRM's turnaround on the multiparty issue must be sought within the NRM and the various streams or factions that can be identified within the organisation.

Internal factionalism: Developments within the movement system 1986-2005

During the guerrilla war against the second Obote government, the National Resistance Army (NRA) established resistance councils (RC) in the villages under its control. When NRA took power in 1986 and established itself as NRM it aimed to spread the institution nation wide as a basis of its administration. However, there was no formal, legal basis for the RCs as the NRM relied on the legitimacy it had earned as the ouster of the hated Obote regime. It was only after the RC structures had been established that a legal basis for the NRM rule was created with the adoption of the constitution in 1995 and the Movement Act of 1997. However, these acts did not differentiate between the State of Uganda and the Movement as an organisation separate from the state. The Movement structure was until February 2006 directly funded by the Ugandan state. It was only after the repeal of the Political Parties and Organisations act and the registration of NRM-O as a party that a party constitution for NRM-O was adopted. Thus, there were no rules for how the Movement should be governed as opposed to how Uganda should be governed (Goetz 2002).

Critical observers have argued that the period preceding the 1995 Constitution saw a different kind of a movement. NRM was fairly tolerant of divergent views and accommodated members of various political parties and allowed multi-media political debate on almost every issue (Kasfir and Twebaze 2005). Despite the all-inclusive ambitions, it proved difficult to accept dissent from people who disagreed with the principle of the Movement system, from those that disagreed with the Movement on political grounds, and from people who did not approve of Museveni's leadership. As a result, identifiable fractions emerged within the movement. One group comprised the armed forces and police forces of the state. A second is identified as the so called 'movement historicals', within this latter group there were politicians that expressed openness to pluralist reforms and criticism of the dominance of Museveni and his close associates. As a third group, we identify the new generation of politicians that emerged over time with different experiences and political views than the veteran NRM group drawing their experiences from the guerrilla warfare. As we will show, the 'broad based' government, NRM term for its consultative spirit (Museveni 1997), changed markedly in the period leading up to the 2001 elections (HRW 1999).

¹¹ <http://www.dfid.gov.uk/news/files/pressreleases/uganda-reduction.asp>

¹² Museveni dismissed the actions of the bilateral donor agencies: "When you listen to outsiders, you make mistakes...Yielding to pressure from outsiders has been our big mistake in some cases. We will never do it again" (*The Monitor*, 22 December 2005).

¹³ Arguably, Uganda's international environment is wider than the international donor governments. In this perspective, it should be noted that Uganda was the only country in Eastern Africa that had not opened for multiparty politics and, increasingly, the no-party system looked like an anomaly in the wider regional context. Nevertheless, the main concern raised by the neighbouring countries was not related to the multiparty issue, but the decision to remove the term limitations on the presidency which was criticised by the Tanzanian president. In general, few states would like to become embroiled in the domestic politics of a neighbour. Overall, it may therefore be argued that the leaders of the other neighbouring countries had domestic political problems to cope with and were not in a position to take a higher moral stand on the multiparty issue.

The role of the armed forces

Upon taking power, NRM controlled the civilian state apparatus and could also transform itself from a guerrilla movement to a government equipped with a defence force. All the leading personnel in the UPDF (Uganda Peoples Defence Force), the various police forces and the presidential guard came from the Movement. A symbol of the status of the UPDF is its special representation in the National Assembly. The appointment of the leadership of the UPDF is the prerogative of the President of Uganda (Constitution of the Republic of Uganda 1995). Due to the active role of the army in restoring stability in Uganda after 1986, increasingly, the army and security agencies became key institutions from which the president and cabinet derived its power (Kituo Cha Katiba 2002). Interviews with female MPs and cabinet ministers, led Goetz to argue that increasingly central policy issues were only debated by a tight circle of close army comrades of the president, popularly known as ‘the Movement Political High Command’ (Goetz 2002: 571). The linkage, personally and institutionally, between the President and the defence and police forces meant that these institutions could potentially be used to the advantage of Museveni against internal opposition to his leadership.

When Colonel Kizza Besigye, a veteran of the bush struggle and twice State Minister in the NRM cabinet at the November 2000 National Conference announced his candidacy for the presidency, fractions within the army group became evident. Dr. Besigye was one of ten army representatives to the Constituent Assembly (CA) in 1994. Together with two other army representatives he argued that the NRM should be considered a transitional arrangement and that the ban on parties should be lifted before the 1996 elections (Onyango-Obbo 2001). This minority position was rejected by the CA. In November 1999 Besigye delivered the most far-reaching critique of the Movement. Echoing perspectives of Ugandan and international scholars, Besigye presented an ‘insiders view’ of the decreasing tolerance for opposition within the Movement and accused the NRM government of being undemocratic and corrupt (Besigye 1999). Col Besigye was subsequently threatened with court martial. Besigye’s critique revealed a fraction within the Movement that also divided the army representatives between the groups that regarded the no-party system as a temporary device and those that saw the Movement as an ideal form of leadership. The army’s loyalty to Museveni, as opposed to the Movement, became evident in the 2001 elections when soldiers attacked Museveni’s opponents and beat and harassed voters and activists from the opposition (Uganda Parliament 2002; HRW 2006).

The ‘historicals’

The ‘historicals’ is a faction that is clearly defined in the statutes of NRM-O. It refers to individuals who were members of specified NRM units at *specific dates* in 1986 and 1987.¹⁴ Parts of this group were also unhappy with the system of election that favoured particular candidates and relegated others. Members of this group are also reported to have objected to the NRM pressure on the constitutional commission to write the ‘no party system’ into the 1995 Constitutions (Goetz 2002: 574, fn 14). In the run-up to the 2001 elections, the National Executive Committee (NEC) of NRM was convened in November 2000 to discuss the candidacy for post of president. At this meeting, Museveni was declared as a sole candidate for the Movement. This decision contravened the 1995 Constitution which stipulated that under the Movement all positions were open for competition by any qualified Ugandan citizen. After critical debates, the following resolutions were adopted: “Bearing in mind his contribution to the building of the Movement and the country and confident of his potential to make further contribution to the Movement, H.E. Yoweri K. Museveni is urged to contest the forthcoming presidential elections” (*The Monitor* 25, November 2000). However, this

¹⁴ Constitution of the National Resistance Movement (NRM) (2003), para. 27 (1-3).

position was debated among ‘founding members’ of the NRM and the rift was exposed when the debate resurfaced after the 2001 elections.

The young parliamentarians

A third faction emerged inside the movement, particularly during the 6th parliament. In the 1997-2001 Parliament 97 young/new MPs formed ‘the young parliamentarians group’. As new and younger politicians without the background from the resistance, this group objected to what they perceived as increasing corruption and lack of willingness among the NRM leadership group to accept criticism and initiate reform. In the absence of functioning parties, the organisational basis for this opposition was the parliamentary caucuses which flourished during the 6th and 7th parliaments. The largest caucus in the 6th parliament was the Young Parliamentarians Association (YPA), a group of young Movement MPs who used their parliamentary position to oppose what they saw as power concentration in the executive (Kasfir and Twebaze 2005). The YPA members who returned to the 7th parliament formed its successor, the Parliamentary Advocacy Forum (PAFO)¹⁵, and MPs from this group later formed into the party Forum for Democratic Change (FDC). According to a member of the PAFO Caucus in parliament: “The Movement Caucus essentially died and there were no venues beyond the plenary sessions. By 2000 parliament was left as an empty shell” (Ibid).

In terms of electoral politics, the turning point in Movement politics appeared in the year 2000. For the first time movement leaders began to openly question the government of Uganda. Concerns with growing levels of corruption, and exposal of corruption cases involving senior NRM politicians and army personnel, were voiced in parliament (Tangri and Mwenda 2001). One of the leading critics of the Movement in parliament was Mbarara Municipality MP, Winnie Byanyima who at that time also served as the Director for Information at the NRM Secretariat, the wife of Kizza Besigye, Museveni’s main challenger in 2001 and 2006 elections. Besigye’s strong electoral performance and the violence perpetrated by the NRM leadership against his supporters, exposed a rift in the NRM. Before the 2001 elections, Museveni campaigned for NRM parliamentary candidates and actively campaigned against many of the leading spokespersons against corruption and Museveni’s leadership in the previous parliament (Kasfir and Twebaze 2005). As a result, the 7th parliament (2001-2006) had a lower profile and made fewer efforts to curb the executive.

With hindsight, it may be argued that Museveni’s campaign for particular parliamentary candidates in the 2001 elections was a preparation for 2006. While it was generally understood that constitutionally, Museveni was serving his last term in office as President, shortly after the 2001 elections Museveni began a process to change the Constitution to secure a removal of the two-term limit to the presidency. The ad-hoc committee was appointed after the 2001 election was an element in this process. The election result and the electoral process had suggested that the NRM leadership risked losing their grip on the political developments. While lifting the term limits of the presidency was not part of the ad-hoc committee’s mandate, the process to ensure this outcome had already started.

Toward an open term and multiparty politics

The National Executive Committee (NEC) of the Movement met on March 3, 2002, to consider two motions introduced for discussion. The first concerned the opening up of political space, with a view that some people who were uncomfortable being in the Movement get the freedom to leave and form their own organisations if they so wished. Central movement politicians argued that by

¹⁵ The main reason according to one of the founding members of YPA and PAFO, was that YPA at this time had come under the control of the NRM leadership. Personal interview S. Musumba, vice-president FDC June 1, 2006.

opening political space, the NRM would be better organised and strengthened internally and thus function as a more coherent political organisation. Other delegates argued in favour of the motion on the basis that multipartyism was the general trend everywhere and Uganda could not afford to be an “island”. The NRM Secretariat led by Dr C. Kiyonga, the National Political Commissar, argued the case for retaining the Movement system – that it had massive support, it was non-sectarian, and had made a great contribution to re-building the country. As we have seen, the meeting of NEC ended with the conclusion that political space be opened.

Another motion was then introduced by Hon. Jessica Eriyo, the Woman MP for Adjuman district. The motion sought to delete Article 105 (2) of the Constitution on presidential term limits. It is reported that this motion took many delegates by surprise, including some Ministers who argued that they had not been briefed about this motion (Mulumba 2005) In the course of the debate – the group that was supporting this motion argued that it was not wise to open up political space and remove the driver of the transition from the cabin, meaning Museveni. This was used as a key reason for retaining Museveni. However, other delegates, including some ministers, openly opposed this motion. Shortly after, at the National Movement Conference (March 2002), Minister Ssali rejected the amendment of article 105 (2) on lifting term limits. According to reports of the meeting, Museveni lost his cool during the debate and told Ssali: “Who are you?” and added that he was a mere “spoke in the wheel” (Mulumba 2005). This was the clearest indication that Museveni was determined to change the Constitution and to stand for a third term. After the March meetings of the NRM and the NEC, three ministers (Eriya Kategaya, Miria Matembe and Jaberu Bidandi) who were opposed to lifting the term limits were dismissed from government.

Thus, over time several internal conflicts had emerged. Political differences within the old NRM leadership were also fuelled by concerns over corruption, and the increasing centralisation around the president and his family.¹⁶ In addition, over time, a new generation of parliamentarians had emerged with their own agenda and for whom the ‘glue’ of the Movement’s history was less significant. All of this pulled the NRM apart, triggered by the 2001 election. Adding to the fragmentation was the combination of the opening of the political space and the issue of term limitation. For the leadership group, the opening of the political space was made contingent on the lifting of the term limitations. Opening the political space would silence the donors and the opposition groups within as well as outside of the Movement itself, while lifting the term limits would mean the return of the incumbent leadership. Thus, the decision to reintroduce multiparty system was intimately linked with the ‘kisanja issue’: The lifting of term limitation for the election of president, ensuring the re-election of Museveni.

How did NRM seek to control the transition process? Organisational, constitutional, and legal consequences of re-introducing multi party competition

The literature on parties emphasise that politicians are primarily motivated by the attractions of political office (Harmel and Janda 1994). Thus, they will seek to maximise the probability of winning, or in the case incumbents, to remain in office. The literature on African parties underlines this argument and emphasises how crucial access to public office is for elites, not least because of the absence of attractive alternatives. This stimulates a strong motivation to use “every trick in the book” to obtain this goal. At the same time, one of the most common claims in this literature is that African political parties are vehicles for party leaders (de Walle 2003) and that the internal

¹⁶ The President’s brother is chief of the Presidential Guard, a major security arm of the government, and his son is an MP. The president’s wife was elected MP in February 2006.

organisation of the parties leaves little room for internal democracy. The party leader dominates over the organisation, what (Ihonvbere 1998) calls 'the leadership fixation of African parties'. In the African context, it has also been pointed out that the blurring of the boundary between party and state, gives rise to corruption. Access to the state therefore involves more than the prestige of winning office. Of all offices, the presidency is the supreme because of its dominance in the political system. Thus, the combination of 'African party organisation', the desire for access to state resources, and the importance of the presidential office, result in strategic calculation to maximise an electoral winning strategy.

As we will demonstrate, once the decision was made to move away from the Movement system to a system of competing political parties, the NRM strategy was to minimise the likelihood of losing to any of its competitors. NRM's strategy can be divided into two phases. In the first phase, the pre-election period, the Movement used its government status to alter the rules in its favour, and in the second phase, the actual election campaign period, NRM used its incumbency position to tilt the playing field to its advantage.

The pre-election phase

The pre-election phase began with the Constitutional Review Commission appointed in 2003 and culminated with the 2005 referendum on multiparty politics, the constitutional amendment that lifted the two term limits to the presidency, the 2005 Political Organisations and Parties Act and finally the 2006 presidential and parliamentary elections. Through these processes, Uganda officially transformed from a Movement system to a multiparty system. However, the protracted transition enabled the NRM to control the process.

A so-called omnibus bill was presented to Parliament on 15 February 2005. The bill was intended to amend an array of articles of the 1995 Uganda Constitution. It resulted from the report and recommendations of the Constitutional Review Commission, which was submitted to the government on 10 December 2003. In one go the government proposed to amend 114 articles and schedules in the Constitution.¹⁷ On 7 April 2005, the government decided to withdraw the controversial Constitutional Amendment Bill from the House. Instead, the government tabled two separate Bills before Parliament on 5 April: Bill no. 2 and Bill no. 3. Amendment Bill no. 2 dealt with amendments that required approval by the District Councils, while Amendment Bill no. 3 concerned amendments that required approval by Parliament only. However, the government noted that Article 74 on changing the political system from Movement to multi-party would not be amended. Instead, the government would move a motion calling for a referendum on that matter. Thus, against the initial vote of parliament, civil society, the donors and the opposition the NRM government conducted a referendum to decide on the issue of a return to multiparty politics. Other, more controversial issues of the constitutional amendment process were left for a decision by parliament.

The referendum on multiparty politics

Some MPs, the opposition parties, civil society, and donors argued that a referendum was an unnecessary and costly procedure to decide the issue of a return to multiparty politics in a context where both the opposition and the government supported the change. Regardless of concerns voiced by civil society, opposition parties and the international donor community, the NRM government pressed ahead with the issue. The argument voiced most explicitly by President Museveni was that

¹⁷ The Bill was meant to forestall a repeat of the Constitutional Amendment Act of 2000, which the Constitutional Court nullified on the grounds that it indirectly amended certain entrenched articles of the Constitution (*New Vision* 14 March 2005).

the referendum was a 'house cleaning exercise' through which the NRM-O would rid itself of the undesirable elements that have become a liability to the party as was noted by President Museveni during a press conference in July 2005. In the 28 July 2005 referendum 92.5 per cent of the voters voted in favour of a return to multiparty politics. However, the voter turnout was low with 47 per cent of the registered voters (8.5 million) voting. The low voter turnout may in part be attributed general confusion as to the purpose of the referendum exercise. The confusion relates to the fact that Museveni as the Head of State and leader of NRM-O was campaigning in favour of a return to multiparty politics despite the fact that he for nearly two decades had emphasised the virtues of the Movement system. During the referendum campaign, the President did not adequately explain his change of mind. Instead, he continued to criticise the political parties. NRM-O was represented in both the pro-change camp and in the camp advocating the status quo. Thus, voters were faced with a situation where the executive, and parts of the NRM together with the opposition parties, campaigned for a return to multiparty politics, whereas other parts of the NRM system campaigned against an opening of political space for political parties.

The lifting of presidential term limits

The Legal and Parliamentary Affairs Committee on 21 May 2005 voted 11 to 1 in favour of lifting the presidential term limit. The stated reason for lifting the term limit is to enable a person who is favoured by the electorate to hold office for more than two five year terms as prescribed in Article 105 (2).

Another legal element in the pre-election strategy of NRM-O was the implementation of the procedures for registering political parties. Problems for the opposition started already when trying to get registered as a party. The Political Parties and Organisation's (PPO) act passed in 2002 required new parties to register and older parties to re-register. NRM-O was the first party to register. The party filed its application on June 27, 2003 and was registered four months later. But the registration process was not without problems for other parties. The Registrar General's (RG) office claimed that they had financial constraints that prevented them from carrying out the verification of signatures in time. Thus, the opposition parties took much longer to be registered. Forum for Democratic Change (FDC), which early emerged as the most serious contender to NRM-O, was not registered until mid-December 2004, more than a year later than NRM-O. It is not clear whether the financial constraints of the RG's office were *politically* constructed or genuine reflections of the economic constraints of Uganda, but the registration process had important implications for the parties. Unless a party was formally registered it could not start operating. It could not organise a convention, it could not establish district branch offices and it could not start the process of candidate nomination. NRM-O therefore had a head start as a party compared to the opposition. In March 2005, NRM launched its parliamentary caucus and in May, NRM-O's interim national executive committee established district committees charged with the task of mobilising and registering party members. By July 2005, the party claimed to have recruited more than 12 million supporters, country wide (*New Vision* July 18, 2005). NRM-O Membership cards were distributed free of charge. Although the PPO act granted all political parties a level ground to contest for political power, at the same time it was made clear that the Movement system would remain until *after* the 2006 elections based on Article 74 (a) of the constitution. It was argued that the winding up of the movement system should be done in an orderly manner and that the Movement secretariat had employment obligations (*The Monitor* 24 August 2005).

Finally, the timing of the elections was changed. Originally, they were scheduled for 13 March 2006, but were moved forward to 23 February 2006. This narrowed the time span between the formal registration of the opposition parties, their organisation, and the nomination deadline for candidates. One implication was that civil servants would find it difficult to stand as opposition candidates because they could not meet the resignation deadline before they were nominated. Thus,

a vital element in the whole process was the time perspective. The comprehensive legal and constitutional changes were rushed through in a short time, the obstacles in party registration and moving the elections forward, all impacted the opposition parties' problems.

The election campaign phase

During the electoral campaign period three key factors were applied to the advantage of NRM: election finance, control of media and the use of the judiciary, the police and the military.

Election finance

Although NRM-O officially become separate from the state, unlike the other political parties, it had a claim on the national budget throughout the financial year 2005/06 and the Movement system would remain in place until after the election. Although section 68 (1) of the Parliamentary elections act makes it is an offence to influence another person to vote or refrain from voting through the provision of money or gifts, numerous instances of candidates and parties offering gifts and food at centres of worship and other social functions were reported in the Ugandan press and by the civil society organisations monitoring the elections, the DEMGroup. The Coalition for Election Finance Monitoring (CEFIM), a joint entity by the Anti corruption Coalition of Uganda (ACCU) and Transparency International on 14 February 2006 gave a public statement expressing concern about the unfettered use of public resources by or on behalf of the incumbent presidential candidate (CEFIM 2006). According to the Director of Economic Affairs in the Office of the President, Mr. Cheeye, NRM spent 50 billion shilling on the 2006 elections. (*The Monitor* April 26, 2006). NRM's main rival disclosed that they had spent 740 million shilling. As the NRM relied on government funding through the Movement Secretariat, the NRM-O had a substantial advantage over its rivals in the 2006 electoral race.

Control of media

Documentation by the DEMGroup, Uganda Journalists Safety Committee (UJSC 2006) shows clear differences between various media channels in how much and in what way they covered the candidates. According to that study Besigye and Museveni were given about equal coverage in all print media taken together. However, radio is by far the most important media as it is available through the whole country. Private radio stations varied somewhat with regard to whom they gave the most coverage, but state radio and state television were overwhelmingly dominated by NRM: 61 per cent of the election news on state radio focused on NRM.¹⁸

Employment of the courts, the police and the military in NRM-O's election bid

The 23 February 2006 elections were contested in a context of increasing military control of Ugandan politics (Gloppen et al. 2006). Overt military repression and violence was less visible than in the 2001 elections. However, subtler forms of repression were employed and key among these attempts were the incumbent's use of the courts to hinder the opposition from carrying out its political tasks. The main legal obstacles were put in the way of FDC and its presidential candidate, Dr. Kizza Besigye. He returned from exile in South Africa in late October 2005. On 14 November, four weeks before the nomination of presidential candidates, but was arrested, sparking two days of political violence, and charged with treason, concealment of treason and rape to have taken place in 1997. The case carried a death sentence which meant that bail could not be granted until after six months – thus after the 2006 elections. On December 12 the opposition won an important battle

¹⁸ TV was even more biased, 88.5%, but the national impact of TV is much more limited.

when the Electoral Commission (EC) declared that Besigye was eligible for nomination and that he could be nominated in absentia, despite the stated opinion of the Attorney General who had advised the EC to reject the nomination (*The Monitor*, 13-14 December 2005). Although Besigye was in the end released on bail, the court case proceeded during the election campaign, forcing him to break off from the campaign trail.

The Ugandan army (UPDF) played a key role in the 2006 elections. Before the elections key military personnel (among them Kale Kayihura) was promoted to key positions within the police and media (Noble Mayombo). There were also instances of violence during the campaign. The involvement and intimidation by different actors in the security sector affected the general electorate by perpetrating fear and uncertainty. The arrest and prosecution of the FDC leader limited his ability to campaign and it also demonstrated his vulnerability to the security structure. This strategy effectively distracted the opposition candidates during their campaign, and it also undermined their legitimacy as political leaders (Commonwealth 2006:27). There were also reported cases of intimidation and interference in the polling exercise (Ssemogerere 2006). In polling stations where the army voted, it was reported that the agents of opposition candidates were denied access to stations and sent away (Makara and Rakner 2006).¹⁹

The 2006 election results

According to the official results Museveni was returned to office for a third term with a comfortable majority (59.3%) with Besigye polling 37.5). As witnessed by table 1 NRM retained a two-thirds majority of MPs. Thus at least officially, the 2006 elections were unique in the sense that a two decade long era without active political parties came to an end and was replaced by party based contestation. The surprising outcome of the election is perhaps not that NRM won, but that the opposition did as well as they did, considering the unlevel playing field. The post election developments have largely confirmed the continued dominance of the NRM. Many MP's elected as independents have joined the NRM, as have several MPs' from the Ugandan People's Congress. The donors have continued their support for Uganda, in spite of the fact that the Electoral Commission and the Supreme Court judgement on the presidential election acknowledged that there were problems in the execution of the elections (Ssemogerere 2006).

¹⁹ A case in point was the army barracks at Kyamugashe hill. The barracks was created in 2002. Between 2002 and the present election, there were few soldiers present but just before the 2006 elections approximately 500 soldiers were transferred to the barracks. The barracks was gazetted as a polling station, outside the quarter guards. While there were party agents for each candidate, the agents were soldiers or their wives and two of the polling assistants and the Presiding Officer were soldiers. The soldiers and civilians voted in an orderly manner and the results from this polling station revealed that Museveni got 98 per cent of the votes. No physical threats or intimidation of voters were reported, however, the local residents argued that the presence of soldiers posed psychological intimidation as residents could not engage in controversial debates about the candidates

Table 1: 2006 parliamentary election results (by region)²⁰

Party name	Number and share of Seats	Central region	Eastern region	Northern region	Western region	Special Seats
National Resistance Movement (NRM-O)	205 66.3%	49 (67%)	61 (73%)	18 (32%)	63 (89%)	14 (56%)
Forum For Democratic Change (FDC)	37 12.0%	4 (5%)	15 (18%)	16 (28%)	2 (3%)	
Democratic Party (DP)	8 2.6%	8 (11%)				
Uganda Peoples Congress (UPC)	9 2.9%		1 (1%)	8 (14%)		
Justice Forum (JEEMA)	1 0.3%	1 (1%)				
Conservative Party (CP)	1 0.3%	1 (1%)				
Independents	37 12.0%	10 (14%)	6 (7%)	14 (25%)	6 (8%)	1 (4%)
Non Partisan (UPDF)	10 3.2%					10 (40%)
Vacant ²¹	1 0.3%			1 (2%)		
Total no of seats	99.9	73	83	57	71	25

Conclusion

Above we have argued that the re-introduction of a multiparty system in Uganda primarily was stimulated by internal conflicts between fractions within the NRM exposed in the 2001 elections and much less by international (donor) pressure. We have also shown that the decision to open for multiparty politics was made contingent on other constitutional changes which would allow the executive and the central political leadership to remain in power.

After initially enjoying widespread domestic support and international acclaim, in the late 1990s the NRM experienced internal disagreements. In NRM's environment, the old parties challenged the legal foundation for the no-party system. In the wider geographical context, Uganda's system looked increasingly out of touch with the democratisation wave that washed across Africa in the early 1990s. The first serious challenge to the ruling coalition came in 2001 when Beigye opposed Museveni in the presidential election, winning 29 per cent of the votes. The 2001 elections were considered a setback to the NRM leadership and the conflicts prior to, during, and after the 2001 elections exposed the need for a new strategy. The combination of defections and opposition strength tipped the balance inside the NRM in favour of a multiparty system that would deflect international criticism of Uganda and allow time for NRM to organise the process for its own

²⁰ The final results had at the time of writing (May 2007) not been released by the Electoral Commission. The figures here have been compiled from a list of MPs provided by the parliamentary staff in mid May 2006, at the time of the opening of Parliament and from various news sources; the *New Vision* election results web page at <http://newvisionuganda.info/election/>; Uganda Gazette on March 27, cited in <http://www.monitor.co.ug/news/news040411.php>; and media reports on a late election "Eriyo Retains Woman MP Seat", *New Vision* 24 April 2005 at <http://allafrica.com/stories/200604241248.html>. See also the Electoral Commission web page at <http://www.ec.or.ug/>

²¹ The vacant seat is for Dodoth county constituency whose re-elected MP Ark Ael Lodou (NRM) died before Parliament was sworn in. (*The New Vision*, 16 May, <http://allafrica.com/stories/200605170683.html>)

benefit. By linking the return to multiparty politics to the removal of the term limits, the leadership of NRM sought to maintain their positions and hold onto power.

During the whole process – from deciding on the procedure itself, making certain changes, implementing measures – through the election itself – the government greatly affected the election outcome. The fact that the movement system remained in operation until 23 February 2006 elections meant that the incumbent party was funded as a government entity through the 2006 elections. The NRM-O was registered as a political party a year before the other contending parties, and was building its party structures on the extensive movement structures from the grassroots levels to the top echelons of government. The failure to ensure a distinction between the NRM-O and the state was witnessed through the use of public resources, public servants campaigning for the NRM-O, lack of balance in media coverage, and the harassment of the main opposition candidate and his supporters. As a result, none of the opposition parties were able to challenge the hegemony of NRM.

The successful parliamentary election campaign of the First Lady, Mrs. Janet Museveni, illustrates the importance of the continued Movement structure throughout the 2006 multiparty elections. She was accompanied on her campaigns by state security agents and the Presidential Guard Brigade. Her campaign slogan was ‘Okubiba embibo yentuura’ which literally means ‘planting a permanent seed’. Reflecting on the challenging distinction between electoral governance and the broader process of democratisation, it may be argued that the NRM planted a permanent seed in the 2006 elections that will continue to challenge the conduct of free and impartial elections in Uganda.

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SUMMARY

This article addresses the process behind the National Resistance Movement's (NRM) decision to open for a reintroduction of multiparty politics.

Why would a political movement that had been in power for two decades expose itself to competition, and at least theoretically, risk losing the 2006 elections? Is this turnaround of the NRM leadership explained by external pressure from the international environment or should it be attributed to debates within the NRM? We seek to explain why the NRM opened for a transition to multiparty politics and how the NRM leadership sought to remain in control of the transition process. We do so by relating the case of Uganda to theoretical perspectives that explain under what circumstances political movements, organisations or parties decide to implement fundamental changes. We argue that the impetus for change is explained by decline of support for the NRM in the 2001 elections, where Museveni's former ally, Col. K. Besigye, opposed him in the presidential election and received 29 per cent of the votes. How the NRM proceeded to implement the transition process is better explained by office seeking strategies: Through its control of the government, parliament, and the public sector, the NRM-O was able to tilt the playing field and minimise the possibility for the opposition to win in the 2006 elections

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