

# **PROGRESS, STAGNATION or REGRESSION**

**DISCERNING GOVERNANCE TRENDS IN UGANDA (2004 - 2008)**

**UGMP GOVERNANCE TRENDS REPORT**

**FEBRUARY 2009**



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## Acronyms

AG	- Auditor General
CEDAW	- Convention on Elimination of Discrimination Against Women
CEWIGO	- Center for Women in Governance
CMI	- Chieftaincy of Military Intelligence
CPA	- Comprehensive Peace Agreement
CSOs	- Civil Society Organizations
DP	- Democratic Party
DRB	- Domestic Relations Bill
EC	- Electoral Commission
EOC	- Equal Opportunities Commission
ESO	- External Security Organisation
FDC	- Forum for Democratic Change
FY	- Financial Year
GF	- Global Fund
GoSS	- Government of Southern Sudan
GoU	- Government of Uganda
ICC	- International Criminal Court
IDP	- Internally Displaced People
IMPC	- Inter-Ministerial Policy Committee
ISO	- Internal Security Organisation
LRA	- Lords Resistance Army
MP	- Member of Parliament
NGO	- Non Governmental Organisation
NGOs	- Non-governmental Organizations
NRM	- National Resistance Movement
NSSF	- National Social Security Fund
NURP	- Northern Uganda Reconstruction Programme
NUSAF	- Northern Uganda Social Action Fund
OLT	- Operations Lightening Thunder
PEAP	- Poverty Eradication Action Plan
PPDA	- Public Procurement and Disposal of Assets
PPOA	- Political Parties and Organisation's Act
PRDP	- Peace, Recovery and Development Plan
RDC	- Resident Districts Commissioner
SPC	- Special Police Constable
UBC	- Uganda Broadcasting Council

- UCC - Uganda Communications Commission
- UGMP - Uganda Governance Monitoring Platform
- URA - Uganda Revenue Authority
- VCCU - Violent Crime Crackdown Unit



# 1. Introduction

The Uganda Governance Monitoring Platform (UGMP) is a civil society initiative started in 2004 to systematically monitor trends in governance along four key areas: the Democratization Process, the Human Rights Situation, Transparency and Accountability, and finally Conflict Resolution. Under each of the four broad areas, there are specific indicators derived originally from the PEAP Policy Matrix. These indicators are then the basis for measuring progress, stagnation or regression. Each year since 2004, UGMP members<sup>1</sup> have released an annual governance report, the latest being in January 2009. By monitoring, evaluating, and reporting on the governance situation and trends in the country, the UGMP aims to increase vigilance in demanding for corrective measures by the Government of Uganda (GoU), especially where the governance situation is appalling and consolidating areas where progress and gains have been registered.

## 1.1 This Trends Analysis Report

This report is a synthesis of key issues from all the 5 UGMP reports released so far. The report is further strengthened with additional qualitative information mainly from analysis of other important documents and reports from government, civil society and other independent actors conducted over the last 5 years - these include governance audits done by donors, robust data sources such as the Africa Peer Review Mechanism (APRM) processes and other interlinked public and private reports.

## 1.2 Overview of Methodology

Finally, methodologically, the report draws from tremendous insights provided from key informant interviews conducted with representatives drawn from a wide spectrum of socioeconomic and political divides, including Political Parties (both opposition and ruling party), Parliament, the academia, journalists from the media and representatives from other media agencies, civil society leaders and activists as well as officials from traditional and cultural entities and Kingdoms, the religious fraternity and the development partner community. Out of our targeted audience we succeeded in getting 66% or 2/3rd response rate.

## 1.3 A Snap Shot of Trends Assessment

The trends analysis indicates very marginal improvements, tending to stagnation for the democratization process; overall regression in the transparency and accountability benchmarks and a degree of progress only in the conflict resolution benchmark as overleaf:

<sup>1</sup>Comprising 13 Uganda CSOs [Advocates Coalition for Development and Environment, Anti-Corruption Coalition of Uganda, Caritas Uganda, Development Network of Indigenous Voluntary Association (DENIVA), FIDA Uganda, Foundation for Human Rights Initiative, Isis-Women's International Cross Cultural Exchange, Kabarole Research and Resource Centre, Uganda Debt Network, Uganda Joint Christian Council, Uganda NGO Forum, Uganda Society for Disabled Children, Uganda Women's Network] and 4 Dutch NGOs [Cordaid, HIVOS, ICCOenKerkinActie and Oxfam-Novib], Advocates for Public International Law in Uganda.

Benchmark/Area	Assessment			Comment (s)
The Democratization Process				<ul style="list-style-type: none"> <li>The opening up of the political space is probably the most remarkable gain in the period; quantitatively there is multipartyism</li> <li>Qualitatively though, processes and outcomes remain poor, making the net gain on this benchmark marginal, if at all</li> </ul>
The Human Rights Situation				<ul style="list-style-type: none"> <li>Serious human rights violations still being experienced especially in detention sites, but not as severe as in the baseline year.</li> <li>Human rights organisations and agencies need greater support, which doesn't seem to be forthcoming.</li> <li>New frontiers of human rights (gay and lesbian rights, etc) have emerged, but society remains largely intolerant to them</li> </ul>
Transparency and Accountability				<ul style="list-style-type: none"> <li>Corruption is the order of the day and remains intertwined with everyday conduct of the state.</li> <li>There is neither political nor social will to fight this vice and anti-corruption agencies are either compromised or ineffectual and selective in their work.</li> </ul>
Conflict Resolution in Northern and North Eastern Uganda				<ul style="list-style-type: none"> <li>Progress registered in both Northern and Karamoja regions with relative stability largely owing to the Juba Peace Talks and other peace efforts.</li> <li>Government not doing enough to help rebuild infrastructure for recovery and real development.</li> <li>The overall situation remains volatile with new frontiers for conflict emerging around land issues, as well as socio-economic and political marginalization.</li> </ul>

**KEY:** Progress



Stagnation



Regression



## 1.4 Structure of the Report

Section two which follows is a more detailed narrative on the trends over the years. A key aspect of this section is a matrix that follows the evolution and trajectory of some of the issues UGMP has been monitoring over the years and illustrates key developments in every year since 2004. Section three is a more in depth analysis of key issues that emerge from the 4 UGMP governance focus areas; the democratization process, the human rights situation, transparency and accountability and finally conflict resolution in Northern Uganda and Karamoja regions. It is in this section that most of the key respondent's views are captured and analyzed. Finally, section four is a conclusion which reiterates some of the key issues that need urgent address and redress.

## 2. Tracking Key Developments and Trends: The trends analysis matrix

Using a baseline year of 2004 when UGMP started, and attempt was made to discern trends in the last 5 years by tracking and highlighting key political developments and milestones every year. These are summarized in the table below with additional analysis below the matrix.

### Trends Analysis Matrix

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
THE DEMOCRATIZATION PROCESS						
<i>Government to offer sufficient guarantees for political pluralism throughout the country and uphold constitutional mandates of Parliament, Judiciary, Police, Army and the Electoral Commission</i>	<ul style="list-style-type: none"><li>• White Paper for Constitutional Amendments tabled in Parliament</li><li>• A dialogue with political parties initiated by Government, but many political parties shun it. They question the state's intentions.</li><li>• One of the most contentious issues is the proposal in the Constitutional Amendments to lift term limits for the Presidency.</li></ul>	<ul style="list-style-type: none"><li>• Key processes essential to the transition from the Movement System to Multi-Party system completed</li><li>• Referendum on political systems held. The Opposition shuns it arguing it was not necessary and a waste of tax payers' money. The few voters who turn up to vote endorse a return to multiparty politics.</li><li>• The Ruling NRM is embroiled in a scandal of bribing MPs to vote for the lifting of Presidential Term Limits. Several MPs receive Ushs 5 million each for the same.</li></ul>	<ul style="list-style-type: none"><li>• Uganda holds its first multi party elections in over 25 years, a milestone for political pluralism - ushering a renewed era of multi party politics in Uganda</li><li>• The elections are marred by violence and several electoral irregularities.</li><li>• The outcome of the elections is challenged in the Supreme Court and like in 2001, the Supreme Court rules that elections were not free and fair but by a vote of 3:4 fall short of ordering fresh elections</li><li>• NRM invites other political parties for a dialogue on co-operation between Political Parties and a few meetings are held.</li></ul>	<ul style="list-style-type: none"><li>• Inter party committee collapses due to withdrawal of various Political parties citing government's use of violence against the people, failure of government to respect court rulings and the freedom of assembly.</li><li>• No functioning forum for dialogue between government and political parties, despite provision for it in the Political Parties and Organisations Act.</li><li>• Political Party financing becomes a major area of concern, with the Opposition accusing the ruling NRM of using state resources to finance its activities.</li></ul>	<ul style="list-style-type: none"><li>• The restrictive operating environment for Political Parties evident as many of their leaders are denied the political space to communicate to the citizenry through political rallies, radio talk shows, etc</li><li>• Arrests and torture of opposition leaders on the rise, a case in point is the arrest of Kampala central woman MP Nabila Sempala and other Buganda Kingdom officials</li><li>• Political Parties Funding Bill Tabled in parliament but with proposals unfair to the smaller parties.</li></ul>	

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASLINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
THE DEMOCRATIZATION PROCESS						
<i>GoU enacts an enabling law for NGO Operations in Uganda</i>	<ul style="list-style-type: none"><li>• NGO Bill before Parliament. But NGOs raise serious concerns about some restrictive provisions in the proposed law.</li><li>• CSOs produce an Alternative Bill and present it to Parliament and the Ministry of Internal Affairs.</li></ul>	<ul style="list-style-type: none"><li>• The NGO Registration Amendment Bill remains in the limbo as everyone is focused on the ongoing political transition.</li><li>• Despite the delay in completing the NGO Law legislative process, CSOs and various Government departments continue to work together.</li></ul>	<ul style="list-style-type: none"><li>• 2001 NGO Registration (Amendment) Bill passed into the NGO Act, 2006 in total disregard of the concerns and alternatives presented by NGOs.</li><li>• NGO Act, 2006 assented to by the President amidst protests from the NGO community who wrote a petition dissuading H.E from assenting to the NGO Act.</li><li>• Different Government agencies under directive to identify anti government and 'politically' dangerous NGOs, especially in Northern Uganda.</li></ul>	<ul style="list-style-type: none"><li>• NGOs write a memo to state minister for internal affairs seeking clarity on the implementation modalities of the NGO Act 2006. Minister assures them that ministry yet to finalize the regulations.</li><li>• Ministry of internal affairs un-transparently develops regulations that turn out to be worse than the NGO Act. The Regulations are signed by the Minister of Interior.</li><li>• NGOs engage in intensive lobbying and the regulations are withdrawn and process frozen to allow NGO input</li></ul>	<ul style="list-style-type: none"><li>• NGO sector finalizes proposed amendments to the text of the regulations and submits to Government but little change is made.</li><li>• Under the auspices of OPM, Government sets in motion the process to develop an NGO policy.</li><li>• Some hope for NGOs though the dragging of the endorsement of the policy, contrary to the rapid way in which the legislation was passed leaves a lot of suspicion.</li><li>• The legal, regulatory and policy regime for NGOs remains incoherent and restrictive on paper.</li></ul>	R E G R E S S I O N
<i>The Electoral Commission will manage electoral processes in a free and fair manner for all political actors</i>	<ul style="list-style-type: none"><li>• Generally the performance of the EC was commendable as it organized parliamentary and district by-elections in</li></ul>	<ul style="list-style-type: none"><li>• EC's performance poor, due to late enactment of the referendum enabling law which led to the late release of funds.</li><li>• Political interference</li></ul>	<ul style="list-style-type: none"><li>• EC remains an inefficient institution and unduly influenced by the executive.</li><li>• Failed to enforce directive restraining use of government</li></ul>	<ul style="list-style-type: none"><li>• Several election petitions filed in relation to the parliamentary and District elections in various courts.</li><li>• Atmosphere still marred with voter intimidation and vio-</li></ul>	<ul style="list-style-type: none"><li>• Intimidation, violence and rigging continue to undermine the integrity of elections</li><li>• Ineffective in its work-irregularities in a number of</li></ul>	

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASLINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
THE DEMOCRATIZATION PROCESS (Continued)						
	various constituencies	continues and Attorney General attempts to block Kiiza Besigye's presidential nomination <ul style="list-style-type: none"><li>Poor turn up for referendum owing to misunderstanding of its true meaning and worth.</li></ul>	resources by government officials for campaign purposes <ul style="list-style-type: none"><li>EC also fails to address issues of electoral bribery, violence, financial constraints, and influence from the executive arm of government.</li></ul>	lence e.g. in Bugweri bi-elections, Hon. Kasigwa, MP Jinja West constituency and Paul Kasoma a journalist beaten up by randy men in yellow in Namalemba sub county.	polling stations, EC officials rigging for NRM e.g. Kyadondo <ul style="list-style-type: none"><li>Influence by the President over the EC still high-delays in funding the EC, delay in having legislation in place and appointment of a non partisan EC</li></ul>	R E G R E S S I O N

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
THE HUMAN RIGHTS SITUATION						
<i>Government to respect its obligations concerning civil and political rights, including women and children's rights, the freedom of expression, association and assembly and take action to prevent</i>	<ul style="list-style-type: none"><li>Registration of political Parties denounced as slow, hampering their operations.</li><li>FDC struggles to get registered because of 'inability' of the Registrar General to verify signatures of FDC promoters.</li><li>PPs continue to challenge provisions of the PPOA that restrict their freedom to associate.</li></ul>	<ul style="list-style-type: none"><li>Progress made in establishing the legal framework necessary for a conducive environment for freedom of assembly and association in an environment of political pluralism, effected through the Constitutional Amendment (No.3)</li><li>417 death row inmates petition the constitutional court to declare the death penalty unconstitutional</li></ul>	<ul style="list-style-type: none"><li>Several cases of violations of rights during the run up to the 2006 General Elections. FHRI reported at least 8 regional occurrences of outright physical violence, 2 of business/ financial interference and at least 10 threats of general repercussions, state security agencies being the major perpetrators of serious</li></ul>	<ul style="list-style-type: none"><li>According to the UHRC there were few cases of torture. Furthermore there was some access to established areas of detention and more openness by government to discuss human rights issues and possible violations.</li><li>UHRC recommends to the Annual PEAP Implementation Review 2007 that Human Rights within PEAP should be</li></ul>	<ul style="list-style-type: none"><li>Threat to judicial independence with the president calling for auditing of court verdicts.</li><li>Prevalence of human sacrifice especially of children by especially greedy business people in the interest of amassing wealth.</li><li>The escalating school fires also continued to be a serious source of human rights</li></ul>	

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	VERDICT
<b>THE HUMAN RIGHTS SITUATION (Continued)</b>						
<i>human rights violations such as torture and arbitrary arrests.</i>	<ul style="list-style-type: none"> <li>Constitutional Court nullifies section 10(4) of the PPOA as undemocratic</li> </ul>	but the court upholds that the death penalty is still constitutional, and also that the mandatory death sentences were unconstitutional.	violations. <ul style="list-style-type: none"> <li>Several cases of death sentences by military tribunals and a few by the civilian courts e.g. Joel Lubangakana, a soldier executed by the UPDF 4th Division Court Martial.</li> <li>Extrajudicial killings, and Mob justice also continues to thrive as a human rights abuse</li> </ul>	cross cutting and that the commission be given the mandate to monitor compliance with this recommendation. <ul style="list-style-type: none"> <li>Unfortunately this recommendation was not adopted in the final document.</li> </ul>	violations. <ul style="list-style-type: none"> <li>Investigations done by the Police remain unsatisfactory, despite the delay in releasing reports citing the need for more time to carry out proper investigations.</li> <li>There seems to be larger issues behind the various arson cases</li> </ul>	S T A G N A T I O N
<i>GoU to review all existing legislations in relation to defilement, domestic violence and rape and thereafter take necessary steps for implementation.</i>	<ul style="list-style-type: none"> <li>The DRB on the agenda of the Committee on Legal and Parliamentary Affairs believed it would be debated before the close of 2004</li> </ul>	<ul style="list-style-type: none"> <li>DRB stalls for several reasons some of which related to the very nature of the bill and the decision by government to shelve the bill to allow for further consultations.</li> </ul>	<ul style="list-style-type: none"> <li>DRB not given serious consideration by Government despite intensive lobbying by women activists</li> </ul>	<ul style="list-style-type: none"> <li>The DRB remains on the shelves. The main cause of the delay in the passage of this Bill is the positions held by divergent interest groups, including within parliament</li> <li>Minister of Justice and Constitutional Affairs tries to go round this problem by subdividing the DRB into different parts to cater for all religious sects as the Moslem community had openly rejected it.</li> </ul>	<ul style="list-style-type: none"> <li>DRB still in parliament and to be subdivided into two parts- the final DRB to cater for all and a special bill to cater for the establishment of Quardhi courts for Moslems</li> <li>Activists insist that because of vested interests, it's unlikely that a fair family law will be put in place.</li> </ul>	S T A G N A T I O N

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
THE HUMAN RIGHTS SITUATION(Continued)						
GoU will fund and operationalise the Equal Opportunities Commission.	The provision relating to the establishment of the EOC has remained dormant for over nine years.	2005 also passes without an EOC in place.	<ul style="list-style-type: none"><li>Parliament enacted the law on Equal Opportunities Commission (EOC)</li></ul>	<ul style="list-style-type: none"><li>Law on EOC Assented to by the President in April.</li><li>Questions arising relating to the composition of the EOC</li></ul>	<ul style="list-style-type: none"><li>No progress made.</li><li>Numerous complaints regarding the sharing of the national cake e.g. allegations of employment in various Government departments on sectarian basis such as URA among others.</li></ul>	S T A G N A T I O N

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
TRANSPARENCY AND ACCOUNTABILITY						
<i>Government of Uganda to combat corruption and fight against the 'Culture of Impunity', and ensure that all officials implicated in corrupt activities are prosecuted in (civilian) criminal courts and punished accordingly.</i>	<ul style="list-style-type: none"><li>Parliament passes the PPDA Act.</li><li>High Court nullifies Justice Julia Ssebutinde's Commission of Inquiry report into allegations of corruption in URA - a setback in the fight against corruption and impunity.</li><li>Government institutes a number of Commissions of Inquiry into acts of corruption in URA, Police, and the Army</li></ul>	<ul style="list-style-type: none"><li>High profile politicians implicated in corruption scandals. e.g. the unfolding scandal of misappropriation of the Global Fund</li><li>Constitutional Amendments made to provide that the President and Local Government must present to Parliament actions taken by them in respect of the IGG's report submitted to them and for Parliament to discuss</li></ul>	<ul style="list-style-type: none"><li>The Ogoola commission submits report on Global Fund Scandal in May.</li><li>Three Ministers whose role in the mismanagement and abuse of the fund was revealed in the public hearings of the commission of inquiry dropped by the president and cabinet requests for further investigations.</li></ul>	<ul style="list-style-type: none"><li>President declares the Zero tolerance to corruption and urges NRM MPs to mobilize communities to join the fight.</li><li>President states that steps are being taken to prosecute culprits in the GF scandal - just like he did in 2005 and 2006 with no serious effect.</li><li>12 civil servants suspected of corruption in Bundibugyo arrested and sent to Katoojo government</li></ul>	<ul style="list-style-type: none"><li>Two Government Ministers implicated but fail to answer charges on political pressure and interference in a botched land and estates investment transactions by NSSF.</li><li>IGG accused of acting selectively in handling corruption cases e.g. her failure to take interest in the Temangalo-NSSF scandal which</li></ul>	R E G R E S S I O N



Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					
	BASLINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	VERDICT
<b>TRANSPARENCY AND ACCOUNTABILITY (Continued)</b>						
		<p>it expeditiously</p> <ul style="list-style-type: none"> <li>Government proposes establishment of special courts within the Judiciary to combat corruption and Parliament gives a go ahead.</li> <li>No serious actions taken in response to the many commissions of inquiry</li> </ul>	<ul style="list-style-type: none"> <li>Various NGOs and high profile persons including the Vice President asked to refund part or all of the funds advanced to their organizations from the Global Fund.</li> <li>Government initiates a National Strategy to Fight Corruption and Rebuild Integrity in Public Office.</li> <li>Anti corruption court is established</li> </ul>	<p>prison in Kabarole, but still corruption recorded to be on the rise.</p> <ul style="list-style-type: none"> <li>IGG requests for the establishment of an autonomous investigative arm but this is rejected in parliament.</li> </ul>	<p>involved highly placed NRM.</p> <ul style="list-style-type: none"> <li>Institutions put in place to fight corruption financially constrained thus lack capacity to implement recommendations contained in their reports.</li> </ul>	R E G R E S S I O N
<i>Various Government departments to take necessary steps to provide information as required by the public as provided for by the Access to information Act 2005.</i>	<ul style="list-style-type: none"> <li>Government increasingly using Ministry websites to provide information including funds releases, budgets, reports of different programmes.</li> <li>Access to Information Bill presented to Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>2004 Access to Information Bill enacted into Access to Information Act 2005 and assented to by the President - a milestone in the fight against corruption.</li> <li>Act not yet operationalized by end of year.</li> </ul>	<ul style="list-style-type: none"> <li>Access to information Act still not operational and no qualitative effort by government to actualize it.</li> </ul>	<ul style="list-style-type: none"> <li>The Act failed to repeal the Official Secrets Act which denied citizens to access information other than that which would interfere with the security of the state.</li> <li>Added to this problem is the bureaucratic delay in implementing the Act.</li> </ul>	<ul style="list-style-type: none"> <li>Several complaints from individuals and the general public about Government concealing information e.g. the oil agreement was only released to parliament.</li> </ul>	S T A G N A T I O N

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					VERDICT
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	
CONFLICT RESOLUTION						
<i>Government will give a high priority to resolve the conflict in Northern Uganda, including; Openness to reconciliation and mediation, which involves CSOs, religious and cultural leaders</i>	<ul style="list-style-type: none"><li>• Presidential Peace Team set up to negotiate with the LRA.</li><li>• An offer for peace talks extended without imposing a deadline, as had been the practice before.</li><li>• Amnesty commission put in place.</li><li>• Some top LRA commanders surrender.</li></ul>	<ul style="list-style-type: none"><li>• Uganda's troops continue to fight the LRA in Southern Sudan under an operation code named Operation Iron Fist II.</li><li>• 2004 presidential Peace Team into oblivion due to lack of effective support from Government thus never did any serious business.</li><li>• Several meetings held between Brig. Sam Kolo (LRA) and Betty Bigombe for Government.</li><li>• Draft Ceasefire document produced by Government. LRA compelled to sign it in two-days.</li></ul>	<ul style="list-style-type: none"><li>• A lot of hope for return of peace as North became a key political issue for all presidential candidates in their manifestos during the 2006 elections campaigns.</li><li>• Juba peace talks initiated by GoSS create a ray of hope to reach a comprehensive peace agreement</li><li>• President Museveni for the first time meets LRA delegation in Juba.</li><li>• Local leaders involved in talks.</li><li>• LRA top leaders decline to get out of the bush for fear of being arrested by the ICC</li></ul>	<ul style="list-style-type: none"><li>• Two major agreements reached (on cessation of hostilities and comprehensive solutions to the war)</li><li>• Principles and guidelines on reconciliation and accountability agreed upon for provision of a framework to use both formal and traditional justice mechanisms to deal with war crimes committed during the conflict. LRA threatens not to sign peace agreement till the warrants are withdrawn. But equally the ICC prosecutor speaks against withdrawing them.</li></ul>	<ul style="list-style-type: none"><li>• LRA signs all major agreements with regard to the 5 agenda items, but only refuses to sign the CPA on several occasions citing the failure of ICC to withdraw indictments against them.</li><li>• Uganda, DRC and GoSS launch joint operation code named Operation Lightning Thunder (OLT) in which hundreds of innocent civilians get killed in Southern Sudan and Congo but still Kony evades this invasion and remains in hiding.</li></ul>	P R O G R E S S
<i>Government of Uganda will ensure that there is funding for reconstruction and rehabilitation of all areas affected by conflicts.</i>	<ul style="list-style-type: none"><li>• NURP II in progress to consolidate the gains from NURP I and incorporate lessons learnt; and best practices from elsewhere.</li></ul>	<ul style="list-style-type: none"><li>• NUSAF, a multi-billion dollar fund set up with a loan from the World Bank to help reconstruct and rehabilitate areas affected by conflict grossly mismanaged like its predecessors e.g. NURP.</li><li>• Announcement by donors to cut aid to the budget and instead</li></ul>	<ul style="list-style-type: none"><li>• Draft master plan for the reconstruction and rehabilitation of Northern Uganda (PRDP) completed, but a lot of concerns whether it might end up like its predecessors e.g. the defunct NURP I and II programs.</li></ul>	<ul style="list-style-type: none"><li>• PRDP Finalized and approved by cabinet with estimated funding of US\$ 997,006,743,793 for a three year period</li><li>• Districts won't be able to get direct funding for its implementation but instead be planned for as part of the district budget as in the case of the</li></ul>	<ul style="list-style-type: none"><li>• PRDP launched by the president. GoU to contribute 1/3 of the budget and Donors, 2/3.</li><li>• Knowledge of PRDP at grassroots low.</li><li>• Government suspends the funding of PRDP till FY 09/10 and several confusing messages about</li></ul>	S T A G N A T I O N

Issues/ Indicators being Assessed	T R E N D S   A N A L Y S I S					
	BASELINE YEAR '04	SITUATION IN 2005	SITUATION IN 2006	SITUATION IN 2007	SITUATION IN 2008	VERDICT
<b>CONFLICT RESOLUTION (Continued)</b>						
		channel it to Northern Uganda.		poorly coordinated IDP policy.	PRDP continue to be issued by the government.	
<b>Government to comply with the International IDP Guidelines and implement a sound IDP policy</b>	<ul style="list-style-type: none"> <li>• Conditions in the IDP Camps harsh, with congestion and increasing rape incidents and other sexual abuses. UPDF implicated in the rape cases in Kitgum.</li> <li>• In February, over 200 IDPs killed in the shocking Barlonyo massacre in Lira</li> <li>• National Policy on IDPs drafted by Government and approved by Cabinet in August 2004.</li> </ul>	<ul style="list-style-type: none"> <li>• A comprehensive strategic framework for operationalising the IDP policy formulated and Government outlining its financial implications</li> <li>• Government establishes an institutional framework for the implementation of the IDP Policy at national, district and sub-county levels, i.e. Inter-Ministerial Policy Committee, the Inter-Agency Committee, Human Rights Promotion and Protection Sub-Committee, etc</li> </ul>	<ul style="list-style-type: none"> <li>• Increased access to land for agriculture for food security in North and Decongestion of heavily populated IDP camps.</li> <li>• 28 smaller camps created out of the big ones in Acholi sub-region but with the same negative set up as the initial ones e.g. presence of UPDF, a constant reminder to the IDPs of insecurity being a major reality.</li> <li>• Reported cases of abuses by criminals, the LRA and Karimojong.</li> <li>• Implementation framework for the policy not very functional.</li> </ul>	<ul style="list-style-type: none"> <li>• Some IDP camps closed in Lira district due to improved peace situation, people in the camps being encouraged to voluntarily go back to their villages as required by the IDP policy and in some cases to new settlements.</li> <li>• IDP policy distributed in affected areas and translated in the local languages IDP policy not fully implemented e.g. many of its objectives such as security, food security, health among others not being met.</li> </ul>	<ul style="list-style-type: none"> <li>• IDP policy in implementation phase with over 90% IDPs resettled. However some of the aspects of the Policy not being implemented thus not producing the expected results e.g. IMPC not meeting as required.</li> <li>• Funding of the IDP policy inadequate and contributions from development partners not well coordinated and are poorly monitored.</li> <li>• Some outcomes of IDP policy not yet met; food, health and return packages.</li> </ul>	P R O G R E S S

## 2.2 Analytical Summary

The above matrix clearly shows that there has been more stagnation than progress and regression. The last column (verdict) represents an overall assessment of the benchmark and considers some intra variations with the benchmark. So for instance while there is some regression with regards to the indicator of creating an enabling law for NGOs, this is offset by some marginal progress in the opening up of political space for multipartyism. On human

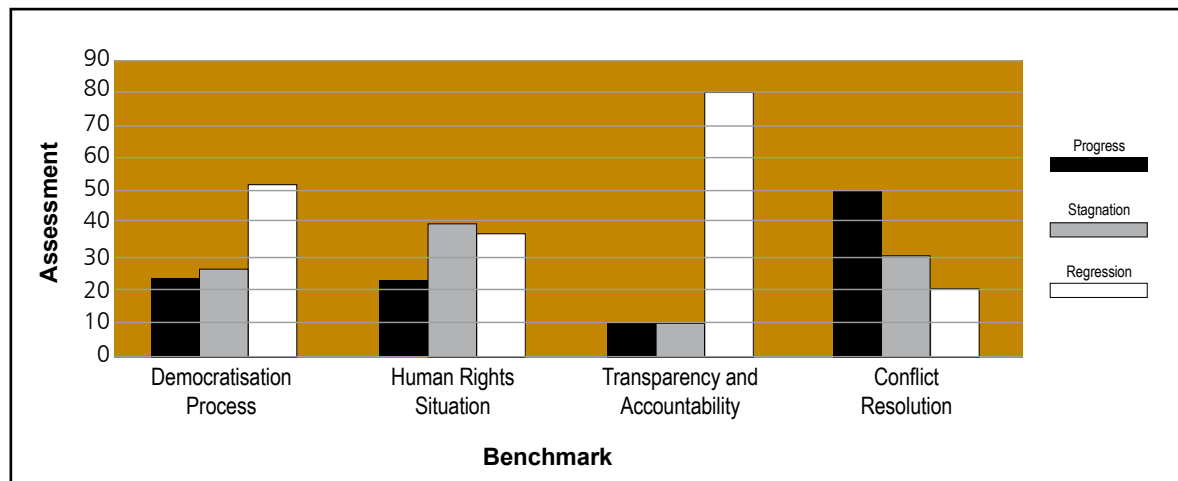
rights, there seems to be a back and forth movement between progress and stagnation, but clearly civil and political rights tend to be threatened most in the years before, during and immediately after general elections. This seems to suggest a high level of intolerance and political persecution.

Transparency and Accountability related areas are where consistent regression is evident. Corruption and patronage seem to be the order of the day and as some key respondents and key informants suggest in the next section, government may not have the moral authority, incentive and capacity to take decisive action on this vice because it is systemically engrained in its modus operandi. Finally, the conflict resolution and associated indicators is where most progress was registered. The return of relative peace, in large part because of the Juba Peace Talks has had a positive effect on the lives of the people in the region. However, clearly the level of attention and support required for the north to embark on a sustainable road to recovery and development is not very convincing. There are possibilities of erosion of some of the gains if the government does not prioritize the special needs of the region in an affirmative way.

### 3. A summary of field work and a narrative on the status of key issues under the 4 UGMP Governance Benchmarks

The graph below shows a summary of views expressed by key respondents during the fieldwork. Each respondent was asked a general question about the status of governance trends in the last 5 years and then specific questions around key developments under each broad area of work: democratization, human rights, transparency and accountability and conflict resolution.

#### Graphical Representation of Respondents' Views on the Governance Situation



Citing increased electoral manipulations, increased violence against the opposition leaders, failure of the executive to respect outcomes of court verdicts, and the deteriorating performance of parliament, 51% of the respondents thought there was a regression in the democratization process. Those who thought the country had progressed (23%) mainly cited the increased participation in elections of leaders and the liberalization of the political space, while 26% thought the country had stagnated due to among other factors, a restrictive environment for political parties and an uninformed electorate that votes in response to bribery. In regard to human rights, 40% were of the view that the country had regressed, the main arguments being that much as state inspired violations had reduced, security agencies still top the list of rights abusers and that illegal detention places are still in existence, and that citizens continue to disappear. 23% thought the country had improved arguing that there was more access to detention centers. 37% thought community related violations have increased

including human sacrifice, arson, defilement, rape and domestic violence and mysterious deaths.

80% thought there was a regression in the transparency and accountability benchmark citing the increased impunity and mismanagement and abuse of public resources by leaders and little serious actions to reprimand them. 10% thought there was an improvement and 10% though there was stagnation. Finally on conflict resolution, 50% thought there was progress especially citing the progress on Juba Peace Talks and the return of over 80% of IDPs to their homes. 20% thought there was a regression with new other frontiers of conflict at domestic family level, inter tribal conflicts such as the Balaalo-Bagungu in Buliisa, Banyoro-Bakiga in Kibaale, and between the state and traditional Kingdoms. 30% of the respondents were of the view that the country had stagnated.

## 3.1 The Democratization Process

The extent to which a country is democratizing is an important aspect of the overall good governance equation. Democratization seen as a process of strengthening a form of rule where citizens have a right to exercise their will on who rules them, directly and/or indirectly participate in formulating state policy and state authority is exercised for and on their behalf. Important principles and values that must be respected overtime to assess whether democratization is taking place include meaningful participation, effective representation and meaningful checks and balances in governance. For UGMP the focus areas under democratization have been in monitoring the conduct of regular, free and fair elections; the nature and functioning of key institutions necessary for democracy such as parliament, the Electoral Commission and Political Parties and finally the strength of civil society organizations, with a special focus on the legal framework for their existence.

Overall, the democratization process in Uganda is found to be wanting in substance. While the re-adoption of a multiparty political system in 2005 was a major step in the democratization process as it led to the emergence of several political actors on the scene and while Uganda has regularly organized elections at different levels in the period 2004 to 2008, there has been a corresponding decline in the quality of parliament and its effectiveness, there has been an institutionalization of personal rule and the quality of elections always falls way below what is expected of a democratizing country. The net effect of this is that the status of the democratization process is actually stagnant and the type of democracy in Uganda can best be described as pseudo.

The key developments and issues in the democratization process over the last 5 years have been: the return to a multiparty disposition; the role of parliament and its performance overtime; the conduct of elections; and legal and regulatory space for the operation of NGOs - an important sub group within civil society in Uganda.

### 3.1.1 The re-adoption of a multiparty Political system

The return to a multiparty political system following a referendum in 2005 was probably the most significant development in Uganda's democratization process in the last 5 years. It triggered or consolidated a number of other interlinked legal reviews and practices in the positive direction. The emergence of a plethora of political parties, revival of defunct ones and several internal changes within some political parties all constituted a positive step to consolidate democracy in Uganda. Today, despite the lingering political fear factor amongst citizens, it is legal to be in the opposition as opposition political parties can no longer be referred to in the same demonic way as they were during the movement era.

The 2006 elections were held under a multiparty order and the experience alone was good and healthy for the democratization project.

However, while there have been some important advances as result of the return to a multiparty political order, many of the advances are quantitative and not qualitative in nature. Like one respondent explained:

...we have political parties without practicing multipartyism ... we may be talking about many parties, rather than multipartyism ... political behavior is not commensurate with the spirit of multipartyism.

The other serious challenge in Uganda's multiparty accord is that of the character, nature and behaviors of political parties – institutions expected to act as bedrocks for democracy. Uganda's nascent multiparty epoch and the sometimes repressive operating environment notwithstanding, many political parties exhibit tendencies of over centralized systems often anchored around powerful individuals. There are serious questions about the practice of internal democracy within political parties and many of them simply appear only during elections and go into hibernation immediately after. Like a key respondent observed:

...there is no corporate identity in most political parties... most of them lack any useful grassroots connections and operate more like 'trusteeships' without any organic link to the masses.

All the aforementioned have greatly undermined the democratization process.

### 3.1.2 The Role of Parliament and its oversight function

Parliament is supposed to be one of the central institutions enabling the country to deepen democracy by legislating for democracy and exercising oversight over the executive. The return to a multiparty political order was expected to lead to a more vibrant multiparty parliament in Uganda. Indeed the 8<sup>th</sup> Parliament comprises ruling party, opposition, independent and special interest groups. There is an official Leader of Opposition as in any multiparty parliament and a number of oversight committees such as the Public Accounts Committee are chaired by the Opposition. Several Opposition Members of Parliament are playing a useful role in the 8<sup>th</sup> Parliament and structurally Uganda has a multiparty parliament – this must be lauded.

Uganda's 8<sup>th</sup> Parliament however faces serious problems – the biggest is that it is populated by highly patronized ruling party MPs who are unable to put national interests before selfish party agendas. The president, while not in parliament almost decides what passes out of it. The importance of numbers renders the few progressive MPs in the opposition and independents



almost inconsequential. Many MPs are literally bribed by the presidency to pass legislations that are drawback to democratic gains. The cases of bribery of MPs to vote for the lifting of presidential term limits in 2005 are a case in point. Uganda's parliament is also too huge to make it effective; billions of tax payer's monies go into paying their emoluments instead of strengthening their research, analytical and constituency work if they were fewer. The large size of parliament is also a reflection of a conscious political project to strengthen a patronage network linked to the decentralization process and the growth of a cottage industry of districts in Uganda. In the present circumstances therefore Parliament will remain a theater of where dress rehearsals are played out - the movement caucus has more influence than the entire house – as one respondent observed:

...the language in parliament is the same as the language of the executive...  
one cannot therefore distinguish between oversight and implementation...

### 3.1.3 The conduct of free and fair elections and performance of the Electoral Commission

The conduct of regular free and fair elections is an important hallmark of democratization. Free and fair elections are a product of a fair and balanced playing field, as well as an independent professional Electoral Commission. Unfortunately most of Uganda's major elections have been characterized by fraud, violence and intimidation and one can scarcely talk about free and fair elections in Uganda. The Electoral Commission lacks independence; the commission is populated by ruling party loyalists and is always threatened or 'brought to book' whenever it takes decisions that disfavor the ruling party.

The 2006 presidential elections like the one of 2001 was massively rigged and decided in courts of law, more election petitions as a result of poor quality electoral processes are evident. The Electoral Commission has been proved by courts to be incompetent to hold free and fair elections, including by-elections. Citizens, most of whom are civically incompetent because of lack of any serious voter or civic education, continue to participate in elections, even when their vote really doesn't translate to choosing. With such a situation, it is foolhardy to expect that ritual and highly commercialized electoral processes would lead to deepening democracy in Uganda.

### 3.1.4 The Operating Space for NGOs in Uganda

A free, vibrant and publicly accountable civil society is important for democracy. While civil society and the media are increasingly playing an important watchdog role in Uganda's political system, their influence is attracting a counter offensive response from the state and one way in which the state is seeking to control the work of NGOs and media in Uganda is to pass restrictive laws that curtail their autonomy and freedom. In 2004 (the baseline year) a

proposed amendment to the 1989 NGO Statute sought to further tighten control over NGOs. NGOs raised fundamental concerns with the law and in the same year produced an alternative legislation that would ensure a more liberal, but publicly accountable NGO regime. Despite all this, Parliament in April 2006 passed the 2001 NGO Registration (Amendment) Bill into an act of Parliament against serious protests from the NGO sector who also petitioned the President not to assent to the Act, but to no avail.

The passage of an NGO Act that contains some very repressive provisions<sup>2</sup> is linked to the character of a state that doesn't tolerate dissent. The NGO Act is however not an isolated legislation as the same spirit seems to drive the content of other legislations such as the Police Act, the Anti Terrorism Act and other undemocratic legislations passed by Parliament. In such a situation it is difficult to see the emergence of a strong, vibrant and grassroots connected civil society that actively plays a role in the democratization process.

From the above discussion, it is evident that Uganda's democratization path remains pseudo in nature. The big problem is that the character of the state is less and less shaped by the desire to inculcate and entrench democracy, but more by the desire of the regime and cliques within it to monopolize power and hold on to it indefinitely. The cost of this selfish interest is a progressive erosion of other essential prerequisites for democratic consolidation; the separation of powers principle remains a myth, elections have become rituals and have emptied of their true meanings, institutions expected to entrench a democratic culture are not doing so and the executive, if not the presidency remains the only 'bull in the china shop'.

Given the above, we make the following action oriented recommendations if Uganda's democratization process is to be salvaged:

- The need for an extensive and ongoing civic education programme - unless Uganda realizes a politically conscious citizenry, the very foundation of democratization will be weak and citizens will continue to play a meek role in a patronage system. It is therefore important that civil society and the media despite restrictions against their operations take up and is supported by democracy promoters to implement a long-term civic education agenda.
- The need to recoup the principle and practice of separation of powers - after a conscious process of 'hijacking' parliament, the judiciary is also under threat. The need to recoup the principle of separation of powers and non interference needs to become an important contract between the leaders and the led and relevant legal checks put in place to do so. Interest groups such as the army should be removed from Parliament.

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<sup>2</sup>See NGO Forum 2009: The NGO Act, Regulations and Policy: An Issues Paper

- The need to re-amend various clauses in Uganda’s constitution in order to reclaim the lost constitutional order - presidential term limits need to be reinstated and this must become an important political demand from citizens. In the same way, the powers of the president to appoint judges, Electoral Commission officials, IGG and others should be revisited.
- The need to develop credible and independent institutions of democracy and respect their functioning – these include the EC, IGG. Key officials from such institutions should not be appointed by the president and the EC in particular should be financially independent and appointed by an independent body comprising religious, judiciary and civil society actors.

## 3.2 The Human Rights Situation

Over the years, reports of gross human rights violations have been a common issue with the state perceived to be the largest violator. Acts such as mob justice were blamed on the state, as the Police which is a state organ supposed to enforce the law was cited to have failed either by protecting criminals after being bribed or merely by not being available to take charge of the situation hence individuals taking the law in their hands. Cases of burning and lynching suspects were no longer news. The Government of Uganda is commended for the ratification of various international statutes such as CEDAW among others relating to the respect of for the fundamental rights also enshrined in the 1995 constitution of Uganda and the UN declaration of Human Rights. In our monitoring work and analysis, we capture the state of Civil and Political Rights, Freedom of Association, Press/Media and Expression, Equal Opportunities Commission, Family Law, and Legislation on Defilement, Domestic Violence and Rape among others.

### 3.2.1 Civil and Political Rights

Much as Uganda has tried to cascade the human rights approach to various laws and policies, the outcome of its human rights record is not fully laudatory. On the positive side we observe that over the past five years, successes have been registered especially regarding the reduction of state-inspired human rights abuses. However, on the negative side incidents of serious community generated human rights violations and abuses inflicted on some innocent Ugandans by overzealous state operatives and political activists have increasingly occurred especially during elections. The political persecution of the opposition Leader, Kiiza Besigye in the run up to the 2006 presidential elections is still fresh in the memories of most Ugandans. One respondent in fact noted that:

...Besigye and his co accused are prisoners as they are still on bail (since 2005), which is a serious violation of their right to freedom. It is by design that Besigye in particular is still a prisoner, a move strategically engineered to revive his case prior to the run-up to the 2011 presidential race and deny him a right to take part as he is perceived to be a great threat to the incumbent...

In a similar way, Opposition MPs have consistently been persecuted by the state. Reagan Okumu and Hon. Oyet both opposition MPs were in 2006 accused of murder only to establish later that these charges were in effect baseless. Likewise the manner in which opposition MPs Odonga Otto, Elias Lukwago, Nabila Sempala and Susan Nampija among others have

consistently been denied access to address their constituents and arrested in uncouth ways by unprofessional SPCs is representative of the serious violation of their civil and political rights.

Security agencies have been cited to protect the regime but not the people and also be great human rights violators; CMI, ISO, and ESO have been consistently accused of torturing and killing people. Car number plates of one a special hire driver Makumbi who was murdered and burnt around Kololo in 2006 were recently identified on a vehicle owned by CMI senior officials. The emergence of paramilitary groups such as the Black Mamba, the Kiboko squad among others, to intimidate and terrorize innocent Ugandans is another case. Other groups such as VCCU and Operation Wembley have been criticized of being misused by their operatives to intimidate, harass and assault nationals in favor of others who extend financial and other benefits to the top dogs. One respondent even cited the police and Prisons as having fallen prey to these human rights violations e.g. he cites incidents where by rich individuals pay police and prison officers a small fee to get prisoners to do manual labor on hungry stomachs at their farms.

Illegal detentions are still massive whereby individuals apprehended by state agents are not produced before the courts of law within the stipulated twenty four hours thus denying them justice and others end up staying in detention for years without trial, in addition to disappearance of suspects. The mysterious death of Pte Atwine, a suspect in the murder case of City Lawyer Robinah Nakayaga Kiyindi is still fresh in Ugandans' minds. The upholding of the Death Penalty has also been seen as a draw back in the fight for the right to life.

### **3.2.2 Freedom of the Press/Media**

The significance of the press/media in Uganda's quest for good governance cannot be overstated. As the fifth estate, the press/media plays the role of 'voicing' the citizens' concerns over the state's misrule. Although many media stations (radio, newspapers and television) have been allowed to operate due to the liberalized environment, the media is still not completely free under the incumbent NRM Government because it increasingly continues to interfere in their activities. The deliberate statutory and regulatory measures confirm that the present regime is determined to curtail press/media freedom in the country. The role of UBC and UCC, as watchdog bodies, is becoming contestable especially when they are viewed to behave in a biased manner. Some respondents have described these developments as absurd at a time when the GoU has opened up the political space. The latest development being the establishment of the Media and Criminal Investigations Desk at the CMI in Kampala.

Indeed, the state now wants to nurture a submissive press/media that promotes only its image and not that of the opposition and civil society. The opposition parties have been finding it difficult to communicate their message to the masses. Obviously, this mode of operation

interferes with the freedom of the media as well as with the way multiparty democracy is supposed to function. The media has been politicized to the extent that it either subscribes to the ruling parties interests or is intimidated not to speak critically against it. Those who insist on being overly critical are summarily closed down. For instance in January 2007 Nation TV was put off air for unclear reasons, other independent media houses such as KfM, the Monitor in 2005, 2006 and 2007, and more recently is the newly formed Independent all suffered closure or threats of closure for being critical of the regime. As the outgoing US Ambassador Steven Browning said,

*“a democracy is only as strong as its press. A press that is restricted, constrained and intimidated, can only weaken the government”.*

The high incidence of various Journalists on trumped-up charges attests to the state’s sudden change of heart towards the press/media. This is not helped by the fact that most of the ‘independent’ media houses are owned or controlled by key politicians in government or by businessmen with strong political alienations to the ruling party. In March 2006, 34 year old Canadian journalist Blake Lambert was thrown out of the country for his critical reporting for CBC Radio and other media publications. Government’s action was defended by the Media Center which accused the journalist of bias. In a related incident, FDC Leader and Mayor of Hoima Town Council, Francis Atugonza was in one occasion pulled out of a Radio Talk Show on the orders of the RDC of the district who argued that the accused would demean the person of the president who was scheduled to visit the district the following day. The same FDC Leader once bought airtime on Radio Hoima and was(still on the orders of the RDC) denied access when his show was due, with no refund up to now. In other districts, such as in Arua, the RDCs have threatened some of the local media with closure if they host opposition politicians. These incidences portray an extensively restrictive operating space and colonization of the media.

### **3.2.3 The Equal Opportunities Commission**

Parliament must be lauded for enacting the Equal Opportunities Act which is intended to enable establishment of the EOC. However, it has been observed that social, cultural, economic and political injustices being meted out against some Ugandans have not subsided in the last four years. Yet, the law on Equal Opportunities Commission (EOC), which has been enacted to resolve these injustices, has never been operationalized. There is a strong feeling amongst some Ugandans to the effect that the failure by the NRM leadership to establish the EOC is simply because it will interfere with its interest of amassing national resources in a sectarian way. The President of Justice Forum, while addressing residents of Gulu recently commented that:

...One ethnic community, due to sectarian tendencies amongst some few and highly placed individuals within the political class, are benefiting from the NRM regime more than all the other ethnic groups put together. For example, the government is becoming increasingly intolerant to some groups such as Buganda, for demanding their share of the national cake...

In late 2008, three Buganda Kingdom officials (Betty Namboze, Medard Segona and Peter Mayiga) were arrested and detained in undesignated places on allegations of inciting violence merely because they had become overly critical on the way Government distributes national resources. Cases of accusations of sectarianism in awarding contracts and employment opportunities in Government sections such as URA have been common in the past five years. Some respondents noted that not much is being done to support marginalized groups like those from Karamoja. One respondent from Karamoja explained that 'though security and education have improved, Karamoja remains a neglected region; poverty levels are high and the region is still relying on relief handouts for food.

### 3.2.4 Family Law, Legislation on Defilement and Domestic Violence

There is no doubt that the GoU has demonstrated the desire to respect the rights of women by putting their interests on the national agenda by enacting laws and policies to defend those interests. While this is the case, it is therefore contradictory that the DRB has not seen the light of day for a very long time. Consequently, it is difficult to enforce domestic justice when the essential laws that would operationalise it are still gathering dust in the shelves. Unless the DRB is enacted, the legal redress to anyone caught committing domestic crime will either be leniently punishment or go scot-free. One respondent said:

...the DRB has not been passed because the president doesn't like it... the high incidence of domestic murders where by husband kills wife or wife kills man and children is probably due to lack of this law.... this law would help create harmony within a family setting whereby all parties would be well aware of their rights and obligations by law.

In 2004 one Kasoma murdered his wife, all nine children and also himself due to a conflict which arose out of infidelity and sharing of wealth.

In spite of the fact that the GoU has enacted the Penal Code (amendment) Act (2007) as a strategy to regulate defilement, defilement cases are instead rising. A study funded by the World Bank in 2008 noted that about 4% of upper primary school children in Uganda have been defiled by their teachers. This means that a total of 43,000 pupils between Primary 5 and 7 in the age bracket of 10 - 14 have been sexually abused.

The recent upsurge in child sacrifice for witchcraft by businessmen in town has worsened a bad situation. Annoyingly the perpetrators of these child murders are renowned business men who quite often go Scot-free. Hence, beyond adopting legislative measures to address not only defilement but domestic violence, rape and human sacrifice, the GoU should think of attending to broader socio-economic factors that could be responsible for the malfeasance.

### **3.2.5 Recommendations on the human rights situation**

- In order for the respect of human rights in Uganda to prevail, there is urgent need for the Government to do a thorough audit and clean up of its security agencies. This is precisely due to the fact that they are alleged to be the largest violators of the human rights which in essence they are mandated to protect and promote. This it can do by setting up serious disciplinary measures for such officers who are cited in rights violation cases and make it clear that even mere suspicion of such atrocities amounts to crime thus are liable to prosecution. These officers should be assured that they are not above the law thus they ought to behave exemplary and take responsibility for their actions.
- In addition Government should enhance and ensure the enforcement of the laws that are set up for the protection of rights of the people. The Judiciary and Police in that regard have to be empowered to do that first by allowing them to operate without undue influence and secondly by giving them financial and logistical support. This is because it has been increasingly observed that Uganda as a country has good laws in place that are intended to protect the people but their implementation is grossly lacking.
- Parliament must debate reports by the Uganda Human Rights Commission and take the recommendations forward. The government must be prevailed upon to always have a response to UHRC's report so that annually government's actions on the recommendations are known and can be monitored.



### 3.3 Transparency and Accountability

Transparency and accountability is an important area in the good governance agenda. UGMP has been monitoring the trends in government's commitment towards improving the situation in the different sectors of the country. In this benchmark, the key areas of focus are; the legal framework on transparency and accountability, government accountability and civil society accountability. Therefore the assessment is based on the legal framework, institutions and enforcement of laws that are in place aimed at promoting increased transparency and accountability of public officials and institutions.

Over the last 5 years, Uganda has regressed in its efforts to achieve greater transparency and accountability despite the numerous laws that have been enacted and institutions that have been put in place to fight corruption.

#### 3.3.1 The fight against corruption

Uganda has numerous laws that have been enacted and institutions (IGG Act, PACs, Auditor-General, Leadership Code Act 2002, National Anti-Corruption Strategy, DEI, CID, PPDA, OAG, Inter-Agency Forum, Internal Audit, and anti-corruption networks) that have been put in place to fight corruption. In fact, Uganda has ratified international instruments including the African Union Convention on Preventing and Combating Corruption 2003. Efforts have been made especially by the IGG's office, the parliamentary PACs committee, and the Ministry of Ethics and Integrity, to expose incidents of corruption in the country. There has been increased exposure of what is happening in various institutions. Uganda is one of the few countries in Africa that were able to put up a ministry of Ethics and Integrity, IGG and these are watchdogs of government that would put in place better transparency and accountability.

However, there have been some drawbacks in as far as the fight against corruption is concerned. For instance the IGG has stated that the World Bank estimates that corruption, which costs the country US\$ 300 million every year, has become an acceptable way of life. To this effect, the outgoing US Ambassador has observed,

...Uganda has failed to qualify for the US-funded Millennium Challenge Account (MCA) because of its failure to reign on corruption...

MCA is a poverty reduction fund whereby US\$700m is awarded to a country which scores highly on the fight on corruption. In addition, the National integrity survey of 2008 reinforces the World Bank's assertion and indicates that over 540 billion shillings is lost per annum in procurement alone. The failure of political leadership at various levels to enforce laws and to support and strengthen individuals and institutions that are supposed to fight corruption are

to blame for the ever increasing corruption levels in the country. Furthermore, there is also the feeling amongst some Ugandans that some individuals who are caught in corruption related activities are punished more severely than others in a discriminative way. One respondent remarked that

...the small fish are punished heavily whereas the big ones are left to go scot free...

Lack of funding to implement the various recommendations contained in the Reports of the institutions mentioned earlier on is a major setback. This measure is crucial because officers who are involved in fighting corruption should not be de-motivated simply because the reports they produce are not acted upon. One respondent said:

....this government lacks the moral authority to fight corruption...corruption is a pillar for this government as the government's survival is dependent on bribing various relevant institutions...

Most respondents we talked to see corruption as a “deadly virus” because it has chronically affected the provision of basic services to the citizens. Of particular concern is the realization that political, bureaucratic, and financial accountability have been difficult to fight because of decayed public institutions and ethically corruption-minded individuals. Indeed, politics is being seen as a source of employment and primitive accumulation (e.g. income) rather than as a basis of good governance and service provision. This is why some people are ready to kill one another. Furthermore, commercialization of politics has been sadly evident i.e. the cases of individuals buying their way to parliament has been experienced throughout the country.

The respondents strongly believe that although the incumbent government speaks tough on fighting corruption, the political will to do so is not strong enough because it sometimes protects and defends some highly placed corrupt individuals. Indeed, some ministers who were censured by parliament in the 7th parliament were reappointed to cabinet ministries with huge budgets. Hence, patronage, through corruption, is on the rise. One respondent said:

...the same corrupt officials are the ones frustrating efforts to fight corruption since they are involved in various corruption scandals....there is too much political interference and impunity in the fight against corruption...

### 3.3.2 Access to Public Information

In a bid to promote transparency and accountability, access to information is crucial. This explains why the GOU in 2005 put in place the access to information act. However, this

provision has not been actualized and it protects those who have the information rather than make it possible for the people to access it. At the moment the Act has still failed to repeal the Official Secrets Act which denies citizens to access information, other than that which would interfere with the security of the state. Public information is treated as private property. Spokespersons only give information that is in favour of institutions they represent. A case in point is the content of the oil policy which has been kept away from the public. Unfortunately, many Ugandans fear to be seen challenging government officials or washing their dirty linen in public; it is like a cultural taboo to do so. However, one respondent remarked that:

...there is no need for information to be given to ignorant societies which do exist in Uganda. This shall prove to be time wasting ... the government has failed to sensitize the population on Government Business and as such on their rights and entitlements ...

This demonstrates a cynical view among some Ugandans that the political and bureaucratic elite cannot be seen to implement laws that they think will injure their own interests.

### 3.3.3 Civil Society Accountability

The mushrooming of several NGOs (over 7000 NGOs with 20% of these being operational in Uganda today) within a small space of time i.e. in the last ten years means that their interests are bound to be divergent. Therefore, for NGOs to effectively conduct their role of representing the interests of the voiceless, they too have to come clean in the way they do their business. The love-hate relationship between the NGOs and the GoU is well known. Just as much as the NGO sector has been condemning the GoU of not doing much in the area of good governance and especially on the four benchmark areas, the GoU (and, indeed, the public, donors, development partners, social movements, etc.) is equally blaming the NGO sector of the same vices, namely: legitimacy, credibility, transparency and accountability. Therefore, to self-regulate itself and to behave in a transparent, accountable, and ethical manner, the NGOs developed the QuAM. To implement ethical standards, a National Certification Council was established in 2008. 15 Pilot districts have pioneered the implementation of QuAM and committees have been set up there in addition to a QUAM secretariat (being hosted at DENIVA) and actually QuAM already on the roll out.

### 3.3.4 Recommendations transparency and accountability

- Civil society, government officials and political leaders who are committed to fighting corruption should not tire in reminding the corrupt individuals about the existing laws that bar them from engaging in corruption. Hence, they should continue to blow the whistle on the corrupt.

- The relevant laws (criminal justice reforms) should be tightened to protect whistle-blowers. Hence, the Whistle Blowers Protection Bill should be enacted and put into effect as soon as possible so that those who want to report such corruption related crime can do so in earnest.
- CSOs that focus on government accountability should become bolder in exposing government corruption and abuse of public office and to demand that individuals who perpetuate this vice in society must be severely punished in accordance with the prevailing laws of the land.
- Civic education that is value based and raises political consciousness should be promoted so that the citizens can demand accountability from their leaders.
- Institutions put in place to combat corruption should be given absolute authority to carry out their work effectively. For instance, sufficient powers need to be accorded to the IGG to even arrest ministers and other individuals who are found to be corrupt but on being summoned, insubordinate the IGG's orders.

## 3.4 Conflict Resolution

One of the key factors that have affected Africa's development is the incessant civil strife that has been raging since the countries attained independence. The problem has been the failure to know how to resolve these endless conflicts. Therefore conflict and resolution focuses on "conflict resolution" as a critical governance issue. This section therefore attends to this issue by looking at the following two pertinent sub-themes: Good Neighborliness and Peace in Northern and North-Eastern Uganda.

With an improvement in conflict resolution, the past two years have been relatively peaceful especially in the North and North Eastern part of the country. However the element of militarism belief may put the peaceful resolution of conflict in jeopardy.

### 3.4.1 Good Neighborliness

Good neighborliness is central to the stability of any country and any region. It is also a central factor to political and socio-economic development. However, good neighborliness, because of poor conflict resolution and management mechanisms, has become a scarce commodity not only in Eastern Africa [i.e., Great Lakes Region (GLR)], but throughout the continent. It has to be observed that the many rebellions or civil wars in the GLR have caused and aggravated serious human rights violations to the people of the region.

Since the end of the clash between the armed forces of Uganda and DRC around September 2007, peace had begun to take shape between the two countries. This can further be confirmed by the joint military pact between the two countries together with Goss, to eliminate Kony. Despite the fact that this joint military strategy goes against the spirit of the Juba Peace Talks; it demonstrates the cooperation that now exists between these countries. This relationship can be used as a first step in consolidating peace in the region.

It should also be mentioned that one of the potential conflict spots in western Uganda has been the rebellion that has been raging between General Laurent Nkunda's rebel forces and the troops of the DRC. But with the arrest of General Laurent Nkunda, it is believed, at least going by President Museveni's recent remark that this will contribute to regional peace.

Furthermore, Uganda is amongst the few countries that has troops in Somalia. Quite a number of Ugandan soldiers have so far been killed there. The situation towards Ugandan troops is bound to be greater with the withdrawal of Ethiopian troops that was the major force present there. It can not go without mention that Uganda has been involved in many conflicts and this has raised serious concerns in as far as regional integration is concerned. Lack of progressive politics in Uganda and to an extent Kenya will make Tanzania less comfortable federating.

### 3.4.2 Peace in Northern and North-Eastern Uganda

The conflict in the north and north-eastern Uganda has been one of the most painful landmarks not only in the history of the NRM Government but the country since independence. With the CPA being the only agenda left for signing between the President of Uganda and the leader of the LRM/LRA, all the respondents observed that there has been some improvement or progress in the way the conflict in the north has been progressing over the past five years.

Indeed, what was seen as remarkable was the GoU's acceptance of negotiation rather than military means as a way to end the conflict and financing the talks.

Although the peace talks had begun to restore peace in the north, the fact of the matter is that the process has so far collapsed. Worst still, the CPA has not been signed by the leader of the Lords Resistance Movement/Lords Resistance Army (LRM/LRA), Joseph Kony. It is believed that as long as the ICC's indictment still stands, Kony will not sign the CPA. The failure of his signing led the three countries, DRC, GoSS, and Uganda, to launch a new offensive against him called Operation Lightening Thunder (OLT). This fresh onslaught failed to capture Joseph Kony and to prevent the rebels from capturing more abductees and killing over 100 innocent civilians in South Sudan and the DRC. One respondent said:

...policy makers should look at the underlying causes of conflict but not to dig up a hole to cover up another...the element of militarism is still engrained in our leaders...the element of militarism belief may put the peaceful resolution of conflict in jeopardy...

The GoU has tried to unite the Karamojong to bring lasting peace to the sub-region. Although in the last four years, much of north-eastern Uganda has not seen much chaos from marauding Karamojong cattle rustlers invading neighboring districts of Soroti, Sebei, Bugisu, and Kumi - thus causing many inhabitants to settle on their economic activities especially food crop production, and movement of people has become a bit freer, with few isolated incidents of attacks on motor vehicles - there has been some instability in some parts of Karamoja. Some ethnic groups, the Mathiniko, continue to terrorize much of Karamoja stealing livestock and household items within Karamoja and the neighboring areas of Pokot and Turkana in Kenya.

The major cause of the current impasse has been the way in which the GoU, through the UPDF, has been trying to disarm Karamojongs who have refused to surrender their light arms. The use of military force, leading to the destruction of manyattas, granaries and the killing of innocent Karamojongs, has bred intense hostility between the Karamojong and the GoU. A key respondent noted;

...the Karamoja question can only be sorted out by empowering the old Karimojongs economically to avoid/stop cattle rustling, as they consider it a way of survival... and then extensively and intensively educating the younger generation to be mentored to think that cattle rustling is outdated, thus look for more modern ways of economic survival...

### 3.4.3 Is the PRDP another Paper Tiger?

President Museveni launched the PRDP on 15th October 2008 worth Shs. 1.1 trillion (US\$606.5m); Shs. 305.96m is supposed to be government contribution and the balance was to come from donors. But it is not known how much money the GoU has so far disbursed to the region. The purpose of this program is meant to consolidate peace and security and to resettle the people of the north who have been displaced by the twenty years conflict. The Office of the Prime Minister (OPM) guides the budgeting and monitoring of the scheme. Already, the implementation of the PRDP is suffering several drawbacks. Some of the drawbacks include; low and often inaccurate knowledge at the grassroots about PRDP lack of enough money by government to implement the program hence, its contribution is below what was initially promised (82 million). Lastly, its implementation has been seen as poor by the leaders of the affected areas as well as the beneficiaries. The conclusion drawn by Beyond Juba (2008) is quite valid today. It states that:

...Launching the PRDP was an important and commendable step by the GoU towards promoting recovery in the war-torn region of Northern Uganda. However, since its launch the PRDP has achieved little because of insufficient funding, incoherent project selection and widespread confusion across sectors, districts and local communities about how implementation is supposed to proceed. ... the PRDP has thus far been a continuation of politics as usual rather than the affirmative action for Northern Uganda that was promised...

the PRDP will likely follow the path of previous recovery efforts like NURP and NUSAF, which were plagued by delays and corruption and ultimately did not fully achieve intended objectives.

Clearly, the manner in which the PRDP is being implemented leaves a lot to be desired; it will not help in the speedy psychological, socio-economic, and political recovery of the people of Northern Uganda. This unfortunate situation is bound to worsen the humanitarian catastrophe with the new military offensive against Kony.

It has to be pointed out that national reconciliation between the GoU and the north has not

fully taken shape. This need for national reconciliation was Agreement Number Two in the Juba Peace Talks. There seems to be some degree of hatred lingering between northerners and the GoU because of what they (northerners) have gone through for the last twenty or so years. In other words, there is no conscious effort that is being made to integrate the north to the rest of the country; what seems to be the perception of most northerners is that they are being alienated from the country's development process. This alienation is not different from the way the north-east, and especially Karamoja, has been treated in an isolated way since colonial and post-independence periods.

Not even the recommendation of a draft on a private members bill passed at a national consultative conference on National Reconciliation in Uganda convened by civil society organizations in February 2007, has been effected up to today. The recommendation was that the GoU should support parliament to debate and enact an Act of Parliament to support the ongoing peace processes.

Not even multiparty democracy has been able to accelerate the pace of the integration. Instead, what multiparty politics has done is to cause the north to vote as a bloc against President Museveni and the NRM as a sure way to bring the Government to their plight of alienation, insecurity and lack of development. It is not clear how the NRM Government intends to reduce this continued ethnicization of politics in the country.

#### **3.4.4 Recommendations for conflict resolution**

- All the governments in the GLR that are currently involved in any form of conflict should use dialogue and peaceful means in resolving the causes of their conflicts such as conflicts over natural resources like oil and timber. Diplomacy, rather than military means, is a better option for resolving political disputes.
- The resolution of the Northern crisis should be through peaceful means – i.e., negotiation and not militarily. International mediation should continue as required by local and international NGOs (e.g., Acholi Peace Forum, Kacoke Madit, etc) so as to address the question of the indictment hanging over Kony's head and his henchmen.
- The GoU should, through an Act of Parliament, revisit the recommendation made at the February 2007 national consultative conference of putting in place a practical peace building and National Reconciliation Act that elevates SO4 on peace building and reconciliation to the national agenda. This should be considered crucial because today, the PRDP views reconciliation within the narrow conception of community projects that are meant to be implemented within the LRA affected areas and, hence, does not deal with the national dimension of the Northern conflict.



## 4. Conclusion

This report has attempted to discern a governance trends for Uganda in the last 5 years, with 2004 as a base year. While the main areas of concentration were around UGMP's four focus areas namely: the Democratization Process, the Human Rights Situation, Transparency and Accountability, and Conflict Resolution, effort was made to touch on broader governance issues in the country. The feedback and insights from a highly knowledgeable respondents list ensured that there was some primary and up to date information considered.

In general, what our analysis reveals is that trends in governance across the four benchmarks there is oscillation between marginal progress, stagnation and in some cases regression.

Although some progress has been registered in the democratization front, at best, what can be said is that Uganda's transition is pseudo-democracy. Indeed, even where there were legal-cum constitutional reforms which were meant to further democratize the country, these have ended up being poorly implemented. In fact, because of the lack of the political will by the current NRM leadership to allow for free contest for political power in the country through democratic means, most proposed reforms will not carry any meaning. For any reform to be enacted and deepened there is the need to have a shared will between the rulers and the ruled, to make governance transparent and equitable and to make the contest for political power as free and fair as possible through creating a level playing field for all actors.

On human rights situation, the movement is back and forth in some aspects. The Domestic Relations Bill is yet to be enacted into law; there have emerged some new frontiers in the human rights scene. On transparency and accountability, there are moments when corruption is high on the agenda and at other moments it would seem to be low. Overall however, little real progress can be reported here. There is at best, public relation stunts to make uninformed Ugandans and donors think something is being done to fight corruption. In reality however corruption has permeated the entire fabric of Uganda's society with little incentive to root it out.

While conflict resolution is the benchmark with most progress, in large explained by the 2 year Juba peace talks between 2006 and 2008, the situation remains volatile because the final peace accord was not signed by the LRA and Government of Uganda. The costs and demands for recovery remain extremely high and there is little evidence to suggest that government is taking the recovery of the North as a priority development issue.

There is therefore a lot that needs to be done to improve the governance situation in Uganda and these cut across the 4 benchmarks. An attempt was made to provide action oriented recommendations in various sections in the body of this report.

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## Key Respondents Interviewed

1. Professor Joe Oloka-Onyango	- Director, HURIPEC, Makerere University
2. Mr. Mwanbuthya Ndebese	- Senior Lecturer, Department of History, Makerere University.
3. Mr. Charles Mwanguhya	- KFM, Monitor
4. Mr. Ibrahim Ssemujju-Nganda	- Editor, Weekly Observer
5. Hon. Geoffrey Ekanya	- Chairperson, Local Governments, Public Accounts Committee, Parliament of Uganda
6. Hon. Alice Alaso	- Soroti Woman MP and Secretary-General of FDC
7. Mr. Alex Ruhunda	- Kabarole Research and Resource Centre (KRC)
8. Otim Michael	- Gulu NGO Forum
9. Dr. Johnson Byabashaija	- Commissioner General, Uganda Prisons
10. Professor Jassy Kwesiga	- Executive Director, DENIVA
11. Mr. Haruna Kanabi	- Ag. Secretary-general, Independent Media Council
12. Dr. Moses Isooba	- Danida-HUGGO
13. Mr. Peter Walubiri	- Secretary-General, UPC
14. Mr. Timothy Lubanga	- Assistant Commissioner, M&E Unit, Office of the Prime Minister
15. Dr. Miria Matembe	- CEWIGO
16. Mr. Livingstone Sewanyana	- Executive Director, Foundation for Human Rights Initiative
17. Hon. Livingstone Okello-Okello	- Chairperson, Acholi Parliamentary Group
18. Mr. Simon Osborne	- Deepening Democracy Program
19. Mr. Ofwono-Opondo	- Deputy Secretary for Information, NRM
20. Mr. Edward Nsamba	- Principal Secretary to the Omukama of Bunyoro Kingdom
21. Mr. Francis Atugonza	- Mayor, Hoima Town Council
22. Henry Ford Mirima	- Press Secretary, Bunyoro Kingdom
23. Ms. Joyce Ngaiza	- Governance Advisor, Netherlands Embassy
24. Mr. John Bosco	- Riam Riam CSO Network, Karamoja
25. Mr. Peter Mayiga	- Minister of Information, Buganda Kingdom
26. Canon Aaron Mwesigye	- Provincial Secretary, Uganda Arch Diocese
27. Dr. Simba Kayunga Sallie	- Ag. Head, Department of Political Science and Public Administration, Makerere University
28. Hon. Henry Banyenzaki	- MP Rubanda Constituency
29. Rev. Canon Grace Kaiso	- Uganda Joint Christian Council
30. Arthur, LAROK	- Director of Programmes, Uganda National NGO Forum







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