

# THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

## Liberal Democracy and the Challenges of Multiparty Politics in Kenya and Uganda

Joshua Kivuva

Lecturer, Department of Political Science and Public Administration  
University of Nairobi, Kenya

### Abstract:

Since the Third Wave of democratization started challenging authoritarian regimes in the mid-1980s, African countries reacted differently to it. Majority adopted liberal democracy characterized by multiparty politics, but the path each took, and the effect it had on them, differed significantly. Kenya and Uganda present examples of this divergence. While Kenya's transition was violent, Uganda's was relatively peaceful. What accounts for this? What explains Uganda's peaceful transition despite her history of violence or Kenya's violent transition despite having been regarded "an island of peace" in the region? This paper examines these varied paths. It argues that while Uganda's peaceful transition is a function of Museveni's unquestioned grip on power, Kenya's violent path resulted from three factors: a) the weakening of Moi's dictatorship resulting from domestic and international pressures; b) conflict between advocates of multipartyism against those advocating for Majimboism; and, c) the introduction of militias in Kenya's politics.

**Keywords:** Liberal democracy; multiparty politics; no-party system, militias, Kenya, Uganda

### 1. Introduction

Despite Kenya's status as an "island of peace" in a region in turmoil, the introduction of liberal democracy heralded a period of violent confrontations, between advocates of multiparty politics and the ruling elite. At the height of demands for multiparty politics, ethnic based cleansing and militia activities began in a number of regions in the country. Uganda's experience was the opposite of Kenya's. Despite not experiencing peace until the mid-1980s, multiparty politics was introduced in Uganda in an environment of relative peace. President Museveni was so firmly in control of the process that by 2005 both the government and the opposition accepted the inevitability of multiparty democracy.

The divergent transition path followed by the two countries is a paradox owing to the several similarities that the two countries have. First, the transition was made through "illiberal constitutions and institutions" and was spearheaded by people who did not have strong democratic credentials (Kanyinga et al., 2010). Even when institutional changes were made, as was the case of Kenya after the 2010 promulgation of a new constitution which promised radical changes, the political class lacked the will to fully implement it. Second, Moi and Museveni, the leaders that supervised the transition, were not so different from the previous leaders of their countries (Kenyatta for Kenya and Obote and Amin for Uganda) in that neither had been popularly elected. Although Kenya had held elections in 1979, 1983 and 1988, they were held within the one party political dispensation where Moi did not have an opponent. Moi inherited the presidency after the death of Kenyatta while Museveni gained power after a five year guerilla war. Were it not for the changing international political system that ended the bipolarity of the cold war and the protection it had accorded African dictators, there is every indication that neither Moi nor Museveni would have introduced multiparty politics in their respective countries.

Third, both countries had experimented with multiparty politics at independence, albeit briefly. Kenya's multiparty system ended with the dissolution of the Kenya African Democratic Union (KADU), and the African Peoples Party (APP) soon after independence and the banning of the Kenya Peoples Union (KPU) in 1969. Kenya however, remained a *de facto* one party state until 1982 when it became a *de jure* one party state. This continued until 1991 when the law was changed to allow for multiparty elections, which were held in 1992.

Uganda had a similar brief experiment with multiparty politics having gained independence with three dominant political parties, the Uganda People's Congress (UPC), the Democratic Party (DP) and the Kabaka Yekka (KY). Owing to the near parity in support of the three parties, none could garner enough support to rule alone and hence the UPC and the KY formed a coalition that ushered Uganda into independence. The coalition was dissolved in 1966 when Obote overthrew the Buganda government forcing the Kabaka into exile. No elections were held in Uganda between 1962 and 1980, when Obote was reinstated to the presidency.

Obote's government did not last long and Uganda remained politically unstable until Museveni came to power in 1986. No elections were held in the country for a further ten years. The 1996 elections under the Movement's 'No-Party' system were the first free elections in Uganda since independence. The 2001 elections were also held under the no-party system. Thus, unlike Kenya that had had a long experimentation with the one party system, Uganda did not experience single party politics.

This paper discusses the experience of the two countries with liberal democracy and argues that the peaceful transition experienced in Uganda was due to Museveni's unquestioned hold on power, which enabled him direct the transition to his desired ends. This was enhanced by the weaknesses of Uganda's opposition and the support he got from donors. In Kenya, the conflict prone transition was the result of the weakening of the Moi's regime, and the strengthening of the opposition, both of which established protective militias.

## 2. Liberal Democracy in Africa: An Overview

Democracy is generally perceived as an instrument of social progress and a panacea for conflict and development. Western scholars, for example, assumed that Africa could not progress, or sustain that progress, without democracy, which, in most of Sub-Saharan Africa (SSA), was accompanied by some form of liberalization of the economy (Lumumba-Kasongo, 2005). This thinking was shared even by Africa's dictators who described their regimes in terms of *democracy*. It was no wonder that the collapse of the Soviet Union and the end of the cold war heralded a period of *democratization* in SSA countries.

Liberal democracy was associated with positive attributes, mainly, the expansion of political space and competition, enjoyment of rights and freedoms and the liberalization of the economy through the deregulation of markets. Structural Adjustment Programs (SAPs) introduced in most of SSA in the early 1990's were aimed at making both spaces competitive, transparent and accountable, which would provide the "take-off" incentives for development. This however, did not happen. While the negative economic effects of SAPs showed themselves immediately leading to their early termination, it was not until the mid-2000s that the negative effects of liberal democracy became apparent as evidenced by the contradictions and shortcomings inherent in it.

The first of these contradictions is between theory (ideals) and practice, that is, between what democracy ought to do and what it does in society. Despite being adopted by almost every SSA state, liberal democracy has neither become an integral part of Africa's political culture (Lumumba-Kasongo, 2005) nor have elections conducted under it turned out to be more participatory, inclusive and peaceful. Despite a consensus about increased democratization and the opening up of the political space, what are clearly anti-democratic practices—election manipulation, bribery, violence, the re-institutionalization of authoritarianism and attempts to close the very same political spaces for some groups—have also increased in the multiparty era (Adejumobi, 2001).

The second concerns the electoral system, which, rather than opening up the political space to the vast majority, ends up marginalizing them (Alade, 2005). Elections are reduced to a version in which voting "never amounts to choosing", (Ake, 1993) and where political competition takes place without creating a level field for such competition.

Third, the transition evolved negative trends towards ethnic conflicts, which, rather than consolidating democratic gains have eroded its basis. The state has become more repressive as leaders consolidate power. Opposition parties fragmented along ethnic cleavages, which state elites exploited to weaken democracy. Further, no ideological differences existed between parties whose policy objectives were largely the same and different only in approach and emphasis (Kanyinga, Okello, & Akech, 2010).

Finally, although liberal democracy means much more than voting on the basis of adult suffrage, under it, there has been an overemphasis on the role of, and organizing for elections than putting in place an enabling environment for the rule of law and the fight against corruption (Tlemcani, 2005). Even when held, elections have been characterized by boycotts by opposition parties, low voter turnout, and massive fraud. Falsification and rejection of election results have also become frequent (Tlemcani, 2005) reducing elections to a mere exercise of "confirming candidates" for office whom, once securely in power, "operate arbitrarily without having ever to be accountable to the electorate" (Alade, 2005).

Although liberal democracy has "expanded" and "pluralized" the space for democratic participation, the competition this has caused has led to a "recomposition" of new forms of identities which continue to threaten the multiparty project by their very illiberal nature (Kanyinga, Okello, & Akech, 2010). As demonstrated by Oloo, "old identities," particularly ethnicity, compete with "new identities", such as gender, age and region, and have resurrected negative popular struggles around exclusion and inclusion (Oloo, 2010). Worse, the consolidation of (new) identities is taking place without a corresponding improvement on the country's "civic culture" (Kanyinga, Okello, & Akech, 2010), while the transition itself takes place within a political, legal and institutional framework that is essentially single party (Kivuva 2008).

## 3. Transitioning to Multiparty Democracy in Kenya and Uganda

Since the transition period began in 1990 and 1995, Kenya and Uganda have held five and four elections respectively. Kenya's were in 1992, 1997, 2002, 2007 and 2013, while Uganda held hers in 1996, 2001 (under the no-party system), 2006 and 2011 (under the multiparty system). The transition to multiparty politics and the people's perceptions on it in the two countries differed for a number of reasons. First, owing to the history of violence associated with political parties, Ugandans viewed them with apprehension. Demands for a return to the multiparty system did not therefore gain traction until the post 2000 period. While in Kenya the clamor for a multiparty system led to demonstrations in the streets demanding for change as early as the late 1980's, in Uganda no such demonstrations were held. Thus, although the leaders of the two countries portrayed the multiparty system as a recipe for chaos and division, the majority of Kenyans wanted it while only a small minority of Ugandans preferred it.

Second, owing to Kenya's relative past political and economic stability and geo-strategic importance, the country and its leader, Moi, were under pressure to institute political pluralism than Museveni was. As a result, while Kenya's bilateral donors exerted pressure on Moi to introduce political and economic reforms, and towards the end of the 1980s and early 1990s, even pegged continued economic assistance to the country on the government's progress on economic and political liberalization, donors did not exert pressure on Museveni to democratize (Kivuva 2008). They were more interested in supporting his efforts to stabilize the country than with the politics of democratization. Museveni, therefore, continued enjoying economic assistance from the World Bank, the International Monetary Fund (IMF) and other bilateral donors despite practicing his *no-party* democracy.

Third, unlike Moi who took over an economically and politically prosperous country only to run it down within a decade, Museveni inherited a country that was economically in ruins and politically non-functioning, yet within a decade was able to turn it around. Before Museveni's National Resistance Army (NRA) took over power in Uganda in 1986, there was not a functioning government, corruption was high, while ethnic and religious conflicts had already led to at least two civil wars. Museveni however, managed to bring the country back to prosperity in such a way that by the 1990's he had become the symbol of Uganda's stability.

Despite efforts to cling to power, Museveni was still seen in international circles as the stabilizing force for Uganda's politics. His control of the military and the wide support he still enjoyed in Uganda (despite an increasing opposition), convinced many that pressures to force him out would lead to more instability. Thus, although in both countries the ruling elite through the NRM and KANU controlled the pace and direction of the transition, Museveni seemed to have had a freer hand and more control over the process than Moi and emerged from it with more legitimacy. It was not until the 2005 referendum to change the constitution to allow him to contest the presidency for a third term and the 2006 elections that Museveni began to seriously manipulate Uganda's electorate and the political system. The perception of Museveni as a stabilizing force in Uganda is quickly fading as opposition to his rule has increased. His relations with donors have also worsened, even though he still is fully in control of the state.

Finally, the reintroduction of multiparty politics in Kenya ushered in a period of excess ethnic polarization that divided the country between "government" supporters and the "opposition," and between advocates of multiparty politics against proponents of the "*majimbo*" system of government. Opposition leaders, who also advocated for the reintroduction of the multiparty system were mainly from the two main ethnic groups in the country—the Kikuyu and the Luo—while advocates of *majimbo* system came from the smaller, mostly pastoral communities of the Rift Valley. The ruling regime portrayed those demanding for the multiparty system as servants of foreign powers who were trying to overthrow Kenya's legitimate government. The period preceding the reintroduction of multiparty politics in Kenya was therefore one of violence as the advocates of political pluralism were met with opposition from the ruling elite.

#### 4. The Introduction of Multipartyism and the Weakening of Moi

Throughout the 1980s, Moi became increasingly dictatorial and since Kenya's economic performance was declining, elite ranks shrank. After the 1982 attempted coup d'état, President Moi ruled with an iron fist, and jailed or detained without trial many critics of his regime. He appointed fellow Kalenjins to key positions in security and government (Africa Confidential, 1990), revitalized KANU and made it the sole political party (Hyden, 1994). Trade Unions, the national women movement, and university and other professional bodies were either affiliated to KANU or were banned. In 1985 the secret ballot was abandoned as the method of electing MPs and was replaced with the infamous queue voting system, administered by civil servants.

Further developments took place that eventually weakened the Moi regime. First was the marginalization of powerful politicians and their exclusion from mainstream politics in the country. This created a large pool of disgruntled anti-Moi and anti-KANU rebels whom, when the clamor for multiparty politics began, they joined the opposition. Powerful figures, Jaramogi Odinga, Kenneth Matiba, Charles Rubia, Martin Shikuku and later Mwai Kibaki, joined. Second, the involvement of donors and Kenya's development partners strengthened domestic opposition to Moi. Third, diplomatic missions in Nairobi tied foreign aid to Kenya on the extent to which Moi's government undertook political reforms, which meant ceding grounds to opposition demands, making Moi more vulnerable (Kanyinga, Okello, & Akech, 2010). The large group of sycophants around the president prevented him from reconciling with them. Countrywide demonstrations and riots against Moi and KANU climaxed with the 1991 infamous July seven (Saba Saba) riots in which many died and Kenneth Matiba and Charles Rubia, detained (Kamau-Kuria, 1994).

In addition, from 1990 Moi's rule began to receive a multi-pronged assault from CSOs, progressive politicians, the media and foreign diplomats accredited to Kenya as well as from multilateral institutions, mainly, the World Bank and IMF (Barkan, 2009). Poor governance and the constraints Moi had put on the civil society forced them to organize the citizenry against him (Njeru & Njoka, 2007). Organizations such as the Institute for Economic Affairs (IEA), the Center for Governance and Development (CGD) and professional groups such as the Law Society of Kenya (LSK), the Institute for certified Public Accountants (ICPAC) and the Kenya Private Sector Alliance (KEPSA) actively organized against Moi. In the post 1997 period, the National Convention Executive Council (NCEC) and the active participation of senior clerics saw the balance of power shift away from the executive in general, and the president in particular, to Parliament and pro-multiparty groups. Through the National Council of Churches of Kenya (NCCCK) and the Kenya Peace and Justice Commission (KPJC) of the Catholic church, senior clerics of the Catholic, Protestant and the Anglican churches politicized their congregations against Moi's oppression, seriously challenging Moi's populism and power.

Although up to 1991 Kenya was still a *de jure* one party state, as was the case with many other states in Africa, the democratic wind of change was unstoppable and Moi had to repeal section 2(a) of the Constitution to allow for multipartyism in November 1991. This led to the formation of the Forum for the Restoration of Democracy (FORD). Nevertheless, Moi was still determined to 'crush' any threat to KANU (Steeves, 2002) and therefore continued to frustrate and punish advocates of pluralism. The violence that had engulfed the country as people demanded for political and economic reforms continued even after the reintroduction of multiparty politics, weakening Moi's regime further.

The weakening of Moi resulted from other factors as well. The popularity and legitimacy his regime had been eroded by the manipulation of the electoral system in 1985, and the massive rigging of the 1988 elections. In 1985, the government changed the system of elections from the secret ballot used in almost every democracy to one where voters queued behind candidates or their agents where they were counted. Although the system was only used once, the level of manipulation was so widespread that it caused an outcry throughout the country.

Further, in the 1992 and 1997 elections Moi was elected with between 30 and 40% of the presidential vote. In fact his reelection both times was the result of opposition disunity, which prevented them from fielding a single presidential candidate or having a single slate of candidates for Members of Parliament. Moi's power and legitimacy was further eroded by the fact that his party had only won legislative seats in areas that were sparsely populated (where most of the population size of the constituencies was below the national average and many of them won with less than 50% of the vote). Without a clear majority in Parliament Moi was forced to both bribe MPs and negotiate cooperation agreements with the opposition (Kanyinga, 2007). This was made worse by the state of the economy whose per capita incomes had fallen to a paltry 1.5% per annum and living standards to appalling levels (Njeru & Njoka, 2007). Economic growth had also fallen from 6% per annum in the 1960s and 1970s to as low as between 0.8 per cent and negative one per cent in the 1990s. Employment, national savings and investments also fell while the gap between the poor and the rich increased (Njeru & Njoka, 2007).

In 1997 Moi's powers were further eroded by four developments: First, unlike in previous elections where the president singly decided the nomination of 12 Specially Elected MPs, the criteria for nominating them was changed in 1997 requiring parties to nominate MPs according to the party's numeric strength in Parliament. Moi could only nominate six members. Second, KANU's share of MPs in Parliament dropped from 58% in 1992 to 51% in 1997 elections, which gave him a majority of only 4 MPs. Moi was forced to expand the cabinet and pay off critics to survive (Kanyinga, 2007). Third, in the run-up to the 1997 elections and the first years of the 1997-2002 term Moi suffered small but significant loss of power to Parliament and was forced to accept a number of constitutional and legal reforms that saw executive power eroded in favor of Parliament. Fourth, was the rise in Parliament of a small group of reform-minded MPs, what Joel Barkan calls "Coalition for Change" group (Barkan, 2009). Finally, as was the case in 1991 when Moi was forced to give in to demands to reintroduce the multiparty system, in 1997 he was under intense pressure from donors and Kenya's development partners to accept and sustain reforms. All these contributed to a significant weakening of his power.

### 5. Multiparty Politics and the Rise of Militias in Kenya

By 1990, opposition to Moi was widespread having been dissipated by leaders of the main ethnic groups. It began with the formation of FORD by Jaramogi Odinga and Matiba, but Moi was able to weaken it and soon split into FORD-Asili and FORD-Kenya. FORD-A was headed by Matiba, a Kikuyu, while FORD-K was headed by Odinga, a Luo and Matiba's nemesis. The formation of Mwai Kibaki's Democratic Party, (DP) divided the opposition further.

Further, Moi incited the pastoralist groups of the Rift Valley, popularly known as KAMATUSA (Kalenjin, Masai, Turkana and Samburu), against their neighbors, especially the Kikuyu and the Luo, and encouraged them to demand for a *Majimbo* system of government as a cushion against demands of political pluralism. Demands for political pluralism, spearheaded by members of the Kikuyu and Luo communities, were viewed by KAMATUSA as attempts to dominate them and a rejection of Moi, which they detested.

To counter demands for political pluralism, a weakened Moi and the ruling elites within KANU took advantage of the pro- and anti- *Majimbo* divide to begin the so-called ethnic clashes in various regions in the country, which eventually enabled his regime survive even with the introduction of the multiparty system (Kivuva 2004). Unable to defeat the divided opposition Moi opted for more extreme measures to ensure his survival. Since the regime still had an absolute control of the administrative and security organs of the state, it used them against the opposition (The Commonwealth Observer Group, 1993). Senior KANU and Kalenjin operatives embarked upon a campaign designed to orchestrate ethnic violence in order to propagate the view that the multiparty system leads to ethnic divisions and conflict (Ahluwalia, 1996). Moi used the *majimbo* debate and the ethnic antagonism that accompanied it to camouflage the regime's intentions.

Due to the opposition's organizational success, the mass support they enjoyed and the initial unity they were able to forge, many in the Moi and KANU regime felt threatened and increasingly vulnerable. They had to fight back. Worse, with the introduction of political pluralism, Moi could not freely use the state's instruments of force to silence his opponents the way he had done under the single party and was forced to create a clandestine militia to covertly advance his objectives. Thus, with the introduction of multiparty system, state repression of the 1980s was replaced by 'informal repression', which perpetuated KANU's dominance of politics at the local level. Private armies and other militias were the instruments of this 'informal repression' (Kenya Human Rights Commission, 1998).

This saw the emergence of a number of state supported private militias in the major urban centers and joined hands with already existing "Kalenjin warriors" and "Maasai morans" operating in the Rift Valley to advance the cause of Moi, KANU and the advocates of *majimbo*. These private militias enjoyed the protection of the Kenyan security and political forces (KHRC, 1998). The aim of these militias was to check the advance of multiparty advocates and to maintain the political status quo. In 1992-93, militias were responsible for the death of over 1, 500 Kenyans through politically instigated ethnic clashes and the displacement of another 500, 000 in the Rift Valley, parts of Nyanza and Western Kenya Provinces (Katumanga, 2010).

Faced with the threat of state supported militias, opposition candidates mobilized their vigilante groups such as the Mungiki, Jeshi la Mama, Taliban, and Baghdad Boys, which not only protected them but also saddled the political and economic spaces in the urban areas, terrorizing and extracting resources from the public (Katumanga, 2010). At the same time, new forms of banditry extracted both from the rural and urban folks through cattle rustling, extortion, vehicle thefts and predation on forests. This was made worse by corruption in government. The 1992 and 1997 multiparty elections were conducted in the midst of these militias. The 2002 elections, in which Moi did not contest, were relatively peaceful and militia activity had reduced. However, following the political rivalry surrounding the 2005 referendum, militias were reactivated, which heightened in the post 2007 election violence (Katumanga, 2010).

## 6. Museveni's Dominance in Uganda's Transition

The transition in Uganda began in 1990 with the change from military dictatorship to the Movement system. However, the first real transition towards a multiparty democracy occurred in 1995 with the establishment of a new Constitution (Atoo, Okiror, & Tostensen, 2008) and the *no-party* democracy. This was an important milestone in Uganda's political transition, which facilitated the holding of the 1996 first presidential elections since the NRM captured power in 1986. The 1996 elections also ushered in a democratic civilian government under the "*no-party*" label, which was Museveni's alternative to the multiparty system that had proven too destabilizing for Uganda (Kivuva 2008).

A second milestone in the transition was the 2000 referendum that extended the *no-party* system by five years. The 2005 referendum that changed Uganda's Constitution to allow for a return of multiparty politics was the third major milestone and ushered in the 2006 elections, the first after the reintroduction of multiparty politics in Uganda. Having been one of the few countries in the region that had managed to keep the multiparty wave at bay, Uganda's multiparty politics were introduced almost a decade after, which gave Museveni an opportunity to transition without the pitfalls experienced by the rest of Africa. Unlike other democratic transitions where the change was either from a military dictatorship or an authoritarian one-party regime to a multiparty system Museveni's transition was unique in that it witnessed a phased transition, first from the Movement system to the *no-party*, then to a multiparty system. The dominant feature in each one of these phases was Museveni, who was fully in charge of the transition. Like the Museveni of the early 1990s and 2000 who survived the clamor for multiparty system, in the 2005 referendum he was once again in control of Uganda's political establishment. He was therefore able to direct it in such a way that even with the change from the *no-party* to a multiparty system his hold on Ugandan politics did not reduce. In a country where the culture of democracy had been absent for most of the postcolonial period (Kiiza, Sabati, & Rakner, 2008), Museveni's dominance of Uganda's politics was emphasized more, not by the fact that he was able to stifle the clamor for multiparty politics, but by the fact that despite Uganda's long period of authoritarianism and violence, multiparty democracy was eventually introduced in a political environment that was free from violence and ethnic or religious conflicts.

Like Kenya, Uganda had come to independence with a multiparty system yet the country never experienced any significant measure of democracy, peace or unity. Museveni, like many other Ugandans, associated the political upheavals and economic decay in the country since independence with the nature of multiparty system inherited at independence. To him, the system divided the people along ethnic, regional and religious lines and therefore believed that Uganda's social, political and economic problems could not be resolved if political parties were allowed to operate freely. Whether this was his conviction or an excuse, the fact of the matter is that Museveni used it to not only consolidate his power but to maintain what was clearly a one party rule in the name of the Movement system, which later rebranded into the *no-party* system. His ability to bring about economic and political stability in Uganda gained such wide support that he was not under much pressure to introduce multiparty politics as was the case of Moi in Kenya.

Ugandans' confidence in Museveni's ability to guide the country into economic and political prosperity was so high that even when he introduced the *no-party* system he not only got the unquestioned support of his people but that of donors who provided him sizeable amounts of development aid. Uganda's ratio of aid-to-GDP, for example, increased from 1 per cent in 1980 to an average of 11 per cent, between 1990 and 2006, peaking at 19 per cent in 1992. This was also demonstrated when Uganda became the first country to benefit from the Heavily Indebted Poor Countries (HIPC) relief initiative and had nearly two-thirds of the country's debt written off. When it qualified for HIPC status, Uganda's total debt stock was about US\$3.2 billion. Under both the "original" (1998) and the "enhanced" (2000) HIPC program, Uganda got debt relief to the tune of US\$2 billion.

Under the auspices of the IMF and World Bank's development programs, Museveni initiated broad based donor driven economic reforms that brought about tremendous economic growth in Uganda, improved the country's human rights record, relations with the media and reduced abuses by the military and intimidation of civilians by the police. Through the *no-party* system, Museveni reinstated stability in a country that had been ravaged by war and economic mismanagement. Those who criticized the *no-party* system as undemocratic were themselves not democrats.

Owing to Uganda's dependence on IMF, World Bank and other donor countries, no challenge to Museveni would have had success unless it was backed by donors. Until the 2005 referendum, Museveni had not only managed to charm donors into financing his reform and development agenda, but donors were fully supportive of the *no party* democracy and until recently, did not put conditions for their aid. The absence of political parties in Uganda provided an opportunity for Museveni to make the Movement the only game in town and to make it his instrument for domination of Ugandan politics. This also prevented the development of a strong opposition.

Further, majority of those elected to Parliament were either Movement supporters or Museveni sympathizers who needed little convincing to support Museveni. The experience and lessons of the 2001 elections set a good lesson on why it was not wise or prudent to oppose Museveni and the movement system. The Sixth Parliament in Uganda, 1996-2001, was more assertive, had opposed several government bills and had forced numerous amendments in direct opposition to government position.

In 1997, Administration of Parliament Act and the 2001 Budget Act increased the capacity of Parliament to counter executive initiative despite the presence of a majority of Movement legislators in the House. Museveni's hands-off approach to legislative issues in the Sixth Parliament and his (and the Movement's) failure to offer "party" direction and discipline provided an opportunity for Movement MPs to join hands with the opposition to defeat government motions. Buoyed by the euphoria for the new constitution, Museveni allowed even censure motions against his own cabinet. Movement MPs did not want to appear partisan and therefore voted against their government. However, realizing the dangers of allowing MPs freedom to oppose the government, Museveni decided to exert his authority and campaigned against those that had exercised their independence.

The 2005 Referendum further consolidated Museveni's power. The 1995 Constitution had restricted term limits on the President to two. Being close to completing his second term, Museveni wanted to ensure he could run for a third term. Prior to the 2006

elections, the Museveni government made extensive changes to the Ugandan Constitution. In what came to be known as the “Omnibus Bill”, Museveni’s NRM government sought to change over 110 sections of the Constitution in one bill. The Omnibus Bill resulted from the recommendations of the Constitutional Review Commission (CRC), which had been appointed in 2003 to recommend changes to the 1995 Constitution in readiness for the 2006 elections. Two major issues were on the referendum. First, was the question of changing the Constitution to remove presidential term limits, and second, debates over the change of the political system from the Movement’s no party to a multiparty system.

Since Uganda’s constitution was passed in 1995, Museveni had served one full term (1996-2001) and was almost completing his second Constitutional term (2001-2006). Article 105(2) of the 1995 Constitution barred him from contesting the 2006 elections unless the constitution was amended. Supporters of Museveni wanted the CRC to change it to allow him to contest another term, while critics and donors were uncomfortable with the proposed changes. Museveni still enjoyed a sizeable following, which convinced him that if he sought a third term he would be elected. He, however, wanted to do it in a manner that would not draw much opposition as to delegitimize his government. Rather than coercing MPs into voting for the bill, Museveni chose to entice them. By putting the 114 Bills in the ‘Omnibus’, Museveni hoped to overwhelm parliament ensuring minimal discussion and opposition. After the Bill did not get the required half of the total members of parliament, Museveni to play a more active role in ensuring that parliament passed it.

In September 2005, Parliament passed it and signed into law, ending presidential term limits. Voter turnout for the referendum was low, at only 47 percent mainly because anti-Museveni groups boycotted it for not providing real change for Uganda. Other factors such as apathy, poor civic education and even rain on the referendum day (Atoo, et al, 2008) might have contributed to the low turnout. However, the lack of an alternative to Museveni was the main reason. To those opposed to Museveni, the referendum did not offer any real choice. A *no* vote would have perpetuated a Museveni leadership under the no-party system while a *yes* vote would have perpetuated a Museveni presidency as well.

The important aspect of the referendum was not lost to observers. The referendum was one of the few peaceful and conflict free political events undertaken in the continent since the reintroduction of multiparty politics in the early 1990s. For Uganda, a country that had more than once come face to face with a civil war and a threat of state disintegration, the fact that the referendum was done without the involvement of the military was a clear testimony of Museveni’s hold on power.

Other constitutional changes were made to the electoral governance of Uganda aimed at making the process smoother and more people friendly. The 2001 Parliamentary Act, for example, was repealed and a new Act of 2005 that provided for the setting aside of certain parliamentary seats for “special groups” put in place. The Act also mandated the election of at least one woman from each district. Changes to the Presidential Elections Act and Parliamentary Elections Act were also made mandating public funding of presidential candidates.

## 7. Opposition Parties in the Transition

A discussion on liberal democracy cannot be complete without commenting on the role of opposition political parties. Before 2000, the party system in the two countries was characterized by a high degree of imbalance, with a dominant ruling party and a weak fragmented opposition. However, while this has continued for Uganda where the NRM has remained the dominant party, in Kenya KANU has since lost her dominance and remained in the shadows of the National Rainbow Coalition of Kenya (NARC, in the 2002 elections), the Orange Democratic Movement (ODM) and the Party of National Unity (PNU) (in 2007) and ODM, The National Alliance Party (TNA), United Republican Party (URP) and Wiper Democratic Movement (in 2013 elections). On the eve of the 2013 March elections in Kenya three key pre-election coalitions were formed—the Cord Coalition, the Jubilee Coalition and the Amani Coalition. KANU was not a major partner in any of these coalitions.

Further, unlike Uganda where the governing party has been dominant since 1986, Kenya’s ruling parties, KANU (1992-2002), NARC (2003-2007), PNU (2008-2012) and Jubilee coalition (post 2013) were not significantly stronger than opposition parties. Neither PNU (winner in 2007) was significantly stronger than ODM, nor the Jubilee Alliance (winner 2013) stronger than the Cord coalition. The ruling (coalition) Jubilee Alliance, and its major coalition parties TNA and URP, are not significantly stronger than the opposition Cord (or its partner parties ODM and Wiper Democratic Movement). Indeed, in both 2007 and 2013 elections, there is evidence that opposition parties (ODM and Cord) could have been denied election victory through state manipulation.

Similarly, although in the two countries political parties are still weak, Uganda’s are weaker mainly due to their newness and the negative perception that successive Ugandan leaders have had about them. More important, Ugandan political parties, particularly opposition parties, have numerous internal and institutional weaknesses that have reduced their contribution to the democratization process. Further, Uganda’s opposition devotes its resources to the presidential elections with much less on parliamentary ones (Sabiti, 2010). This is different from Kenya, where major opposition parties have fielded as many parliamentary candidates as the ruling party. In fact, in 2007, the ‘opposition’ ODM had more parliamentarians than the ruling PNU coalition. Similarly, unlike in Kenya where opposition parties have been able to raise as much resources to run their election campaigns as the ruling party, Uganda’s has not been able to do so.

The two countries have also used state apparatus to frustrate the opposition, although Uganda’s resembles Kenya’s in 1992 and 1997, rather than is now. While Museveni’s government still harasses the opposition and restricts their campaigns, Kenya’s opposition conducts business freely, a difference best demonstrated in the last two general elections, 2006 and 2011 in Uganda, and 2007 and 2013 in Kenya. While in Kenya the opposition was relatively free of harassment, in Uganda the police and other special forces were deployed to harass and intimidate opposition leaders. Scenes of opposition presidential candidate Kizza Bisigye being prevented from walking to work or to get out of prison were well broadcasted and so were other intimidating actions by Uganda’s security and police forces (Sabiti, 2010).

Like was the case in Kenya in 1992 and 1997 where opposition disunity prevented them from removing Moi from power, Uganda's opposition in 2006 after the re-introduction of the multiparty system was divided. In the 2006 elections, for example, the DP decided not to join Bisigye's coalition and even tried to prevent other opposition parties from fielding candidates in areas it considered DP strongholds. Scholars have also raised questions as to whether Uganda has established functioning parties with adequate structures and credible leaders to provide alternative to Museveni and the NRM (Sabiti, 2010). Kizza Bisigye's Forum for Democratic Change (FDC) seems driven more by a desire to dethrone Museveni than transforming the country (Uwihanganye, 2010) and suffers from the same ills that it has accused Museveni of—failure to hand over power. Bisigye has also refused to let the more popular General Mugisha Muntu contest against Museveni within a united opposition (Uwihanganye, 2010).

## 8. Conclusion

The following conclusions derive from the foregoing. First, although democracy is a panacea for conflict and development and has generally been associated with positive attributes—expansion of political space, increased political, economic and social rights, freedoms and justice—Africa's experience and experimentation with liberal democracy has not been that positive. The opening up of both political and economic spaces did not have the desired effects. Second, Africa's experience with liberal democracy has not been uniform. Kenya's experimentation with it has been more turbulent than Uganda's, yet the two countries have experienced similar contradictions: attempts to close political spaces accompanied the opening up of the very same spaces; anti-democratic practices accompanied democratization. Third and this was more for Kenya than Uganda, the transition to liberal democracy evolved negative trends towards ethnic conflict and the development of (ethnic based) militias and other parasitic groups. Finally, liberal democracy has not contributed much towards either the establishment of a civic culture or the institutionalization of political parties and although the experience in the two countries varies, political parties have remained weak.

## 9. References

1. Adejumobi, S. (2001, February). Citizenship, rights and the problem of conflicts and civil war in Africa. *Human Rights Quarterly*, 23(1), 148-170.
2. Ahluwalia, P. (1996). *Post Colonialism and the Politics of Kenya*. New York: Nova Science Publishers, Inc.
3. Ake, C. (1993, December 12). Is Africa democratizing? *The Guardian on Sunday*, pp. 5-6.
4. Alade, F. (2005). Voting without choosing: interrogating the crisis of 'electoral democracy' in Nigeria. In T. Lumumba-Kasongo (Ed.), *Liberal democracy and its critics in Africa: Political dysfunction and the struggle for social progress* (pp. 149-171). Dakar: CODESRIA.
5. Amin, S. (1989). *Eurocentrism*. New York, NY: Monthly Review Press.
6. Atoo, P., Okiror, G., & Tostensen, A. (2008). Changing the rules of the game. In J. Kiiza, S. Makara, & L. Rakner, *Electoral democracy in Uganda: understanding the institutional process and outcomes of the 2006 multiparty elections* (pp. 75-100). Kampala: Fountain Publishers.
7. Barkan, J. (1994). *Beyond capitalism vs. Socialism in Kenya and Tanzania*, by . Nairobi: EAE Publishers.
8. Barkan, J. (2009). African Legislatures and the Third Wave of Democratization. In J. Barkan (Ed.), *Legislative Power in Emerging African Democracies* (pp. 1-32). Boulder, Colorado: Lynne Rienner.
9. Brown, S. (2000). *Donor's Dilemma in democratization: Foreign Aid and Political Reforms in Africa*. PhD Dissertation. New York, USA: New York University.
10. Cowen, M., & Laakso, L. (2002). *Multiparty Elections in Africa*. London: James Currey.
11. European Union Observation Mission. (2006). *Uganda: Presidential and Parliamentary Elections*. Nairobi: European Union.
12. Huntington, S. (1991). *The third wave: democratization in the late twentieth century*. Norman and London: University of Oklahoma Press.
13. Hyden, G. (1994). Party state and civil society: Control versus openness. In J. Barkan, *Beyond capitalism vs. Socialism in Kenya and Tanzania* (pp. 75-100). Nairobi: EAE Publishers.
14. Kamau-Kuria, G. (1994). *Majomboism, ethnic cleansing and constitutionalism in Kenya*. Nairobi: KHRC.
15. Kanyinga, K., Okello, D., & Akech, A. (2010). Contradictions of transition to democracy in fragmented societies: the Kenya 2007 General Elections in perspective. In K. Kanyinga, D. Okello, K. Kanyinga, & D. Okello (Eds.), *Tensions and reversals in democratic transitions: the Kenya 2007 General Elections* (pp. 2-28). Nairobi, Nairobi, Nairobi: SID & IDS.
16. Katumanga, M. (2010). Militarized Spaces and the post-2007 Electoral Violence. In K. Kanyinga, & D. Okello (Eds.), *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* (pp. 533-561). Nairobi: SID/IDS-UoN.
17. Kenya Human Rights Commission. (1997). *Kayas of deprivation, Kayas of blood: Violence, ethnicity and the state in Coastal Kenya*. Nairobi: KHRC.
18. Kenya Human Rights Commission. (1998). *Killing the vote: State sponsored violence and flawed elections in Kenya*. Nairobi: KHRC.
19. Kiiza, J., Sabati, M., & Rakner, L. (2008). *Electoral Democracy in Uganda: Understanding the institutional process and outcomes of the 2006 multiparty elections*. Kampala: Fountain Publishers.

20. Kivuva, J. (2004, November 12). Managing ethnic conflict: Dual citizenship and the legitimization of ethnicity in Kenya. Ann Arbor, Michigan, United States of America: ProQuest Information and Learning Company.
21. Kivuva, J. (2008). Reversed transition in Uganda: From a non-democratic multiparty system to a no-party democracy. In S. W. Nasong'o, & S. Nasong'o (Eds.), *The African Search for Stable Forms of Statehood; Essays in Political Criticism* (pp. 141-186). Lewiston, NY: The Edwin Mellen Press.
22. Kivuva, J. (2012). Zambia: Multiparty Politics in a single party political culture. In S. Sarsar, J. Adekunle, S. Sarsar, & J. Adekunle (Eds.), *Democracy in Africa: political changes and challenges* (pp. 227-256). Durham, NC: Carolina Academic Press.
23. Kivuva, J. M. (2004, November). Managing Ethnic Conflict: Dual Citizenship and the Legitimization of Ethnicity in Kenya. *Managing Ethnic Conflict: Dual Citizenship and the Legitimization of Ethnicity in Kenya*. Ann Arbor, Michigan, United States of America: ProQuest Information and Learning Company.
24. Kivuva, J., Odhiambo, M., & Mbeya, J. (2011). *Electors and the Politics of parliamentary Representation in Kenya*. Nairobi: CLARION.
25. Lumumba-Kasongo, T. (2005). *Liberal democracy and its critics in Africa: political dysfunction and the struggle for social change*. Dakar: CODESRIA.
26. Makara, T. S., & Byarugaba, F. (2008). *Voting for democracy in Uganda: Issues in recent elections*. (T. S. Makara, & F. Byarugaba, Eds.) Kampala: LDC Publishers.
27. Njeru, G., & Njoka, J. (2007). *Ideology and Governance Governance and Transition Politics in Kenya*. In P. Wanyande. Nairobi: Nairobi University Press.
28. Nyerere, J. (1999). *Governance in Africa*. African Association of Political Science Newsletter, 4(2), 35-60.
29. Oloo, A. (2010). Party mobilization and membership: Old and new identities in Kenyan politics. In K. Kanyinga, D. Okello, K. Kanyinga, & D. Okello (Eds.), *Tensions and reversals in democratic transitions: the Kenya 2007 General Elections* (pp. 47-80). Nairobi: SID.
30. Pinkney, R. (2008). *Democracy in the third world*. New Delhi: Viva Books.
31. Sabiti, M. (2010). The challenges and prospect of multiparty democracy in Uganda. In Y. Kiranda, M. Kamp, Y. Kiranda, & M. Kamp (Eds.), *Reality Check: The state of multiparty democracy in Uganda* (pp. 29-60). Kampala: Konrad-Adenauer-Stiftung, Uganda Programme. Retrieved from [http://www.kas.de/wf/doc/kas\\_21611-1522-2-30.pdf?110113145520](http://www.kas.de/wf/doc/kas_21611-1522-2-30.pdf?110113145520)
32. Steeves, J. S. (2002). Ethnic clashes in Kenya and the policies of the ethnic enclave: the ruling party, the opposition, and the post-Moi succession. In A. Z. Ahluwalia, A. Zegeye, A. Ahluwalia, & A. Zegeye (Eds.), *African identities: Contemporary political and social challenges* (pp. 105-132). Hants: Ashgate.
33. Tlemcani, R. (2005). Reflections on the question of political transition in Africa: the police state. In Lumumba-Kasongo, *Liberal democracy and its critics in Africa: Political dysfunction and the struggle for social change* (pp. 26-45). Dakar: CODESRIA.
34. Uwhanganye, A. (2010). To What Extent Does the Political Opposition offer an alternative to the National Resistance Movement government. In Y. Kiranda, M. Kamp, Y. Kiranda, & M. Kamp (Eds.), *Reality Check: The state of multiparty democracy in Uganda* (pp. 110-124). Kampala: Konrad-Adenauer-Stiftung, Uganda Programme. Retrieved from [http://www.kas.de/wf/doc/kas\\_21611-1522-2-30.pdf?110113145520](http://www.kas.de/wf/doc/kas_21611-1522-2-30.pdf?110113145520)