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MEMORANDUM TO THE UNITED STATES GOVERNMENT ON OBSTACLES TO DEMOCRATIZATION IN UGANDA ON THE OCCASION OF PRESIDENT YOWERI MUSEVENI'S VISIT TO WASHINGTON (DC), JUNE 10-12, 2003

1. The system of governance in Uganda with its hidden and concealed “obstacles to democratisation is the main subject of this Memorandum. The system has existed since January 1986 and was established by a rebel terrorist and an insurgent army, which was known as the National Resistance Army (NRA). The NRA had a Political wing (Party) which was and is known as the National Resistance Movement (NRM) which has been the Government of Uganda since 1986 and the structure of the system is such that despite elections, the NRM Government cannot be replaced through the ballot.
2. Uganda’s system of governance was first established in a Proclamation, which the NRA issued on 26 January 1986 and which became law when the Proclamation was gazetted as Legal

Notice No. 1 of 1986. Because the NRA and NRM gained power through violence, the foundations of governance and politics under them have been for over 17 years now a Government which the ballot cannot replace and a political economy in which the enjoyment and exercise by the citizen of his/her human rights and freedom, though provided in Chapter 4 of the Constitution are all platitudes. Consequently the NRA (now known as the Uganda Peoples Defence Forces (UPDF) has committed massacres, devastations, despoliation and plunders with impunity in: -

(a) Eastern and Northern Uganda;

(b) Rwanda from 1990 to 1994;

(c) Zaire (Now DR Congo) from 1998 to 2003.

3. Since January 1986, Uganda has basically and essentially been a military, cum one-Party cum one-man dictatorship. The NRA was first raised (recruited) as a personal army when President Museveni used his privileged position as a Minister of State in a weak and fractious Administration, which replaced the dictatorship of Idi Amin in 1979. That act is a singular mirror of Museveni's inner belief on how a country should be governed and on the source of powers of a Government.
4. The NRA and the NRM were indivisible and President Museveni was the Chairman of both just as he is today the overall Commander of the UPDF and also Chairman of the NRM.

Although the Proclamation was issued in the name of the NRA, it was actually signed by Yoweri K. Museveni, Chairman, National Resistance Movement.

5. In mid-March 1986 the Uganda dictatorship launched two of its horrific policies in Uganda, which has had devastating effects for which it is well known and hated in Uganda up to now. First, in a mere Ministerial Statement not backed by any law and in contravention of the provisions in the 1967 Constitution which were still in force, the political activities of opposition Parties together with the human rights and freedoms of the people of Uganda as individuals to express themselves and associate freely for political purposes were banned. This ban left only the NRM as the only Party in Uganda's politics and public elections. Second, the Uganda dictatorship launched punitive wars of massacres, devastations and despoliations in Uganda's Eastern and Northern Regions, the area where Museveni, as a Presidential candidate and his Party in the democratic elections held in December 1980, were soundly rejected.
6. When the Uganda dictatorship appointed in 1989 a Commission to conduct inquiries and draft a new Constitution, the Terms of the Ministerial Statement of mid-March 1986 prevented the opposition Parties (who could not hold public meetings and not even indoor meetings of their respective members to gather evidence) from giving evidence to the Commission.
7. In 1993 the Interim Parliament constituted and established by the Proclamation of 26 January 1986, passed a Statute and made

Regulations for holding elections to a Constituent Assembly, which was to enact a new Constitution. The Statute and Regulations debarred opposition Parties from sponsoring candidates in the elections and also from campaigning for or against the elections of any candidate.

8. The new Constitution was promulgated in October, 1995 but its Article 269 conveniently and subtly put in the Transitional Chapter of the Constitution made the human rights and freedoms of the individual though provided in Chapter 4 of the Constitution not only platitudes but also as not part of the Constitution.
9. Article 269 of the Constitution and the electoral laws patterned on the provisions of the Article and other Articles, greatly entrenched the dictatorship. An Article in the Constitution and the electoral laws call the mode of elections in Uganda “Movement elections” in a situation where only one Party known as the National Resistance Movement is allowed or permitted to participate in public elections. While the mode provides for every candidate to stand on “personal merit” and not to be sponsored by any political Party (meaning any opposition Party) or any Party to campaign for or against the election of any candidate, the NRM is allowed to sponsor candidates and also to campaign for or against the election of any candidate. The Uganda dictatorship has not only debarred and prohibited the opposition Parties from the body politic and from public elections but also enacted a law under which the National Parliament and all Lower Councils are organs or Committees of the NRM which effectively makes the leaders and supporters of the NRM aliens to the people of Uganda.

10. The ways the wars were conducted in Eastern and Northern Uganda showed that the intention of the Uganda dictatorship was to exterminate the people in the areas concerned. Indeed President Museveni himself has been reported on many occasions saying, “we massacred them”; “we shall exterminate them” and gloating in the killings of people in these areas instead of taking them prisoners if they were rebels. The modus operandi of the dictatorship’s wars in the North and East of the country was that the army would select a group of villages and surround them in the evening. At dawn, the surrounded villages would be subjected to artillery and mortar bombardments causing the villagers to flee into the bush for their lives. Once in the bush, the army would hunt them down the next day and many of them would be killed and left in the bush to rot. At sunrise the surrounded area again would be subjected to strafing by helicopter gunships while soldiers move into the interior for mopping up operations.

11. In the mopping up operations, the soldiers randomly gave the inhabitants different treatments. The lucky ones were arrested for the “unknown” crime of being in the war zone and were taken prisoners without charges or appearance in court and detained indefinitely such that they were called lodgers (lodgers in the jail) where many of them died without records of their identity or their places of origin being kept. The unlucky ones, both men and women, people of old age and children were herded into houses which were then either blown up by explosives or simply set ablaze without any chance of escape there from. The rest were marched at gunpoint to makeshift camps which were cauldrons of inhumanity,

(the precursor to the present day Protected Villages in Acholi sub-region and in Teso in the Eastern Region), where there was no food, water or shelter and where the soldiers of the dictatorship including those diagnosed as HIV positive or with fully blown AIDS and deliberately posted to these camps, would rape both men and women inhabitants in the presence of their families. HIV and AIDS was used as an instrument of war by the Uganda Dictatorship to infect, weaken and kill those who Museveni chose to punish because they rejected him in the 1980 elections and instead supported the UPC. Since then, wars have never ceased in Uganda.

12. In fact the conduct of the wars in the North and East of the country as recounted above made Uganda National Rescue Front (UNRF) to abandon its partnership through and its leader (who in 1982 not only introduced Museveni to Muammar Ghaddafi when they visited Libya but also arranged for NRA men to go to Afghanistan for training) with the NRM and the Museveni dictatorship in a letter to President Museveni dated April 18, 1987 a copy of which I did circulate to members of the Congress of the United States of America on February 14, 1998 in a document entitled “ The Situation in Uganda: A Memorandum to the US Government and Western Democracies.”

13. In that letter, the UNRF stated:

“We write to draw your attention to our Memorandum of Understanding, which was incorporated under the above

administration; basically for the establishment of genuine and lasting peace amongst the various Uganda communities.

However, events now prevailing in the country do not augur well for the intended purposes of the subject matter. The death of several innocent Ugandans in the north, east and other parts of the country, in the hands of NRA aliens and other foreigners...leave a lot to be desired of the intention of your government. Our soldiers serving with the NRA have in the recent past witnessed in broad daylight, the usages with impunity, of destructive chemical weapons (NERVE GAS) against civilians in the following areas:

| DATE | LOCATION | DISTRICT |
|-----------|--------------|----------|
| 21/3/1987 | KATAKI | TESO |
| 22/3/1987 | APAC, LORO | APAC |
| 23/3/1987 | TEBOKE ADUKU | APAC |
| 24/3/1987 | BAR | APAC |
| 25/3/1987 | ASWA, PABO | GULU |

In all these incidences, foreign pilots attached to the NRA and comprising of LIBYANS and CUBANS, bombed civilians population, some of whom were attending market days in their respective places, where they tragically perished in cold.”

14. The above are very serious war crimes and crimes against humanity. For using chemical and nerve gas against his own

people, the former Iraqi dictator Saddam Hussein was cited for war crimes and crimes against humanity for which an international coalition led by the US ended his dictatorship. Ugandans wonder why the dictatorship of Museveni and the NRM is instead being entrenched through donor support of its Recurrent Annual Budget to the tune of 52%, other donor funding and diplomatic support. The Uganda dictatorship does not deserve any support from and by the older democracies and the donor community. The UPC gives the thrust of the reasons in the selected themes below. Some of the crimes against humanity and characteristics of the Uganda dictatorship may be stated.

THE WAR IN CONGO-ITURI PROVINCE

15. The killings in Ituri Province of the Democratic Republic of Congo follow the same pattern as the Uganda dictatorship has done in Uganda. In Uganda, the dictatorship distributed guns to people in a Region known as Karamoja ostensibly to provide them with defence against cattle rustlers from Kenya and Sudan. In fact the real purpose was for the Karamojong while armed to mount cattle rustling in neighbouring districts where the army of dictatorship was fighting wars of massacres, devastations and plunders. In some cases where the army had openly massacred the inhabitants, devastated the areas, rustled cattle and looted the moveable property of the people, official bulletins cited the Karamojong as the culprits. In Ituri Province, the army of the Uganda dictatorship supplied arms to both Lendu and Hema and both became unwitting allies of the Uganda army, which was engaged in plundering the natural resources of the Province. Reliable information is that while

the dictatorship was officially withdrawing its army that it wants to modernize by making them trek over several weeks in 21st Century like the pre-colonial Nubian army of Emin Pasha of 19th Century, the dictatorship was also busy infiltrating at night through bush roads at Panyimur/Dei; Pachaka/Mahagi areas in Nebbi district of Northern Uganda thousands of soldiers to replace them to continue to incite and participate the genocide.

HIV AND AIDS

16. Today President Museveni is being praised and honoured for waging a relentless campaign against HIV and AIDS. It should not be forgotten that as stated above, the Uganda dictator was the one responsible for the spread of AIDS in the whole country in the first place as his marauding soldiers moved from one region of the country to the other and in the North and East where HIV positive soldiers and those with fully blown AIDS were deployed in circumstances where it was known to the leadership that they would rape the civilian population and go unpunished for it. In fact they were being used as an instrument of war to infect and punish the population in the North and East for having voted against Museveni in the 1980 elections as well as being supporters of the UPC.

17. The HIV /AIDS campaign of the dictatorship started only when it became clear that its soldiers who were the leading agents in Uganda of spreading the disease throughout the country were also being decimated by it. The intention of the campaign was therefore to save soldiers as a group needed to sustain and entrench the

dictatorship and the civil population benefited on the sideline from the campaign.

CORRUPTION

18. Many presenters make it appear that corruption in Uganda is the activities of middle class civil servants and politicians and that President Museveni is himself against corruption. Nothing could be further from the truth. In fact President Museveni is the very fountain of corruption and corruption in Uganda generally flows from him and that is why there is no incentive to fight corruption and any token action taken is simply cosmetic and good propaganda tool meant to show to the donor partners that some action is being taken about corruption and to be used by them to justify further annual subvention. In fact President Museveni personal corrupt practices and condonation of corruption started immediately in 1986 but the most renowned one was during the 1987 currency exchange. In 1987 the Museveni dictatorship introduced new currency Notes and 30% of the money in circulation was levied as Development Tax. The money was collected but it never appeared in any Budget; President Museveni pocketed all of it.

19. In late September 1990 after fixing the date for his personal army to invade Rwanda in his absence, Museveni left Uganda with his entire family including his mother and father; he also took in its entirety Uganda's foreign exchange reserves. On return to Uganda towards the end of October 1990, he never handed back any portion of the foreign reserve he may not have spent. Since

President Museveni has always been the Minister of Defence and since the dictatorship has no control over defence expenditures, it is the Ministry of Defence, which has been Museveni's principal base of corrupt practices and by heading it, he also treats the Treasury as if it was as holding his personal money.

20. There have been several commissions set up including the junk helicopters commission, the police commission and several exposures of corrupt practices have been made in the press, but the Uganda dictatorship has not taken any action. The Uganda development partners do not seem to question the Uganda dictatorship where the taxpayer money from their country goes. Recently after the Donor nations meeting in Kampala, the World Bank Country Economist for Uganda was reported to have acknowledged that Uganda's debt is unsustainable and that it is like a patient on life support because the money from donors is being misused. He further "challenged government to practice good politics because they are directly linked to economic stability". At least the Bank is acknowledging the importance of politics of accountability which the dictatorship abhors and which can only be sustained, in a multiparty democracy. The donors need but do not seem to ask tough questions on corruption.

ECONOMY

21. Uganda's economic performance has been the subject of much praise of the Dictatorship internationally even though the World Bank senior Country Economist quoted above says it is like a patient on life support. This should not be something to earn

praises. One wonders how a populace whose human rights and freedoms have been suppressed, can effectively participate in making an economy to perform wonders. One also wonders how a country whose national army has been at wars in and outside the country and devastating parts of the country and the people have no voice in governance can be said to be at peace and actively contributing to the growth of the economy.

22. The fact on the economy is that when Museveni became President in January 1986, he had no economic policy. His economic policy, while he plundered the Treasury and the Uganda Commercial Bank (UCB), a government owned, throughout 1986 and part of 1987, the economic policy of his dictatorship was Barter trade and severely restricted Internal trade. The internal trade was so restricted that a farmer was not allowed to sell and a buyer was not allowed to buy farm produce in a market ten miles away from the farm, which produced it.

23. Under the Barter Trade policy, the dictatorship lavishly gave unsecured loans to secure political support for itself. The money for this lavish loan came from a US \$20 million, which the UPC Government had negotiated in 1984/85 and was in UCB for Agricultural production. The entire sum of US \$20 million was squandered in these bribes for political support. When in the early 1990s it became clear that those who received the “loans” had no intention of repaying the money, the dictatorship simply wrote it off as “non-performing Debts” – a very curious phrase.

24. The introduction of New Currency Notes in 1987 had two objectives. The first was to make Museveni a sudden billionaire, which he became when he pocketed the 30% levied as Development Tax of the money then in circulation. The second objective was to impoverish the people of Uganda and to deny quality education to the Youth. The objective was achieved in various ways and the people never recovered from the resultant poverty, which is often covered by the propaganda, that the economy has performed extremely well. That high degree of poverty is ignored by the dictatorship and is not easily apparent to non-Ugandans because the people of Uganda have a culture to produce their own food. In 1987 when the new currency Notes were being introduced, the donor community collectively suspended their economic aid to Uganda. The suspension forced Museveni to plagiarize the economic policy, Programmes and Project Profiles of priority projects which the UPC Government (overthrown by a military Junta in July 1985) had published in 1982 and revised in 1984 and which Museveni had previously condemned and called “a policy to sell Uganda to Western capitalists”. The plagiarized policy was published in 1988 in a document entitled Rehabilitation Development Plan which is virtually word for word the same as the Recovery Programme published by the UPC. The Museveni dictatorship has since 1988 been implementing the plagiarized material and in 15 years has produced nothing remotely similar.

FROM “NO CHANGE” TO “YES CHANGE”, REALLY?

25. In February of this year, President Museveni as the head of the dictatorship began to make pronouncements that the dictatorship would return Uganda to multiparty democracy as a tactical measure in order to secure and retain markets in Europe and North America for Uganda's produce. The two highest organs of the NRM have since passed Resolutions as a package for the return of Uganda to multiparty democracy and sent the Resolutions to the Constitutional Review Commission, which was originally appointed to strengthen (entrench) the dictatorship. The Resolutions stipulate: -

- (a) That the Constitution be amended to allow President Museveni to stand for a third Term of office to which he is debarred by the Constitution.
- (b) That the return of Uganda to multiparty democracy be subjected to a Referendum and that prior to the Referendum, the opposition Parties and Organizations unless registered under an oppressive law part of which has already been declared unconstitutional by Court and with a major Petition against it still pending in Court, shall remain prohibited from politics including convening and holding public meetings.
- (c) That the Constitution be amended to empower the President to control the Judiciary and to dissolve Parliament whenever the President disagrees with Parliament.

(d) That the Constitution be amended to give to the President the powers of the District Councils over land (District Councils are the institutions of Uganda's Constituent parts).

(e) That the NRM remain intact and with its ideology as has been since 1986 but to be registered as an organisation and not Party under the Political Parties and Organisations Act 2002 which provides that it is not to be so registered because it is not a political Party but a system of governance and an oppressive law against which a major Petition is pending in Court.

26. The package of the Resolutions for the return of Uganda to multiparty democracy, do not disclose regard or respect of democracy as the enjoyment and exercise by the citizen of his/her human rights and freedoms which though provided in Chapter 4 of Uganda's 1995 Constitution, have all been made ineffective and platitudes by the current system of governance. The third Term and Referendum Resolutions read together for instance, disclose simultaneously the entrenchment of the dictatorship by having the commander of the army as NRM candidate in the elections expected in 2006 and clear reluctance to free the opposition Parties from the over 17 year old bans, prohibitions, debarments and suppressions.

27. Uganda's system of governance, established by the NRA in January 1986 was entrenched by the 1995 Constitution enacted by a Constituent Assembly which was elected in an election where the opposition Parties were debarred from sponsoring candidates or

campaigning for or against the election of any candidate to the Constituent Assembly. The Constitutional and legal basis of Uganda's system of governance is embedded in platitudes, deceptions and fraud that its core intent to provide for a military cum one-Party cum one man dictatorship is so cleverly and cunningly hidden and concealed from all except to its victims, the citizens of Uganda.

28. When President Museveni as the head of the Uganda dictatorship was making pronouncements to return Uganda to multiparty democracy as a tactical measure to gain and retain markets in Europe and North America, he was also at the same time deeply involved in the promotions of the Resolutions listed in Paragraph 25 above to the Uganda's development partners (including the United States) who met in Kampala, Uganda in early May, 2003. The Development Partners during their Kampala Meeting appeared to have been convinced that Museveni would honour his pledges to return Uganda to multiparty democracy. It is known that before the Kampala Meeting, no Development Partner asked for the opinion of the opposition political Parties (the victims) whether or not President Museveni can honour or even deliver on his pledges. Had such an opinion been sought, the Uganda Peoples Congress (UPC), at least, would have given the crucial Constitutional and Legal obstacles which stand in the way of the democratisation of Uganda and obstacles which by its package of Resolutions, the NRM wants to conceal so that the obstacles remain for the dictatorship to continue into the future and thereby give effect to the NRM remaining "intact" with its ideology as has been known since 1986.

THE CALL FOR A ROAD MAP (WHITE PAPER) TO DEMOCRATIZATION

29. To get the NRM (dictatorship) to be open about the obstacles and for them to be publicly and widely debated, the UPC called for a White Paper (Road Map) to be produced by the dictatorship, but the call met only with total silence. The NRM Resolutions particularly the one on third Term are now detracting public attention away from the existence of the obstacles, which unless removed, there can be no meaningful democratisation in Uganda.
30. The clamour for multiparty pluralism that even General Museveni grudgingly accepts is ringing ever-louder everyday. In this regard, the UPC wishes to give its viewpoints on developments that should lead to full-fledged multiparty pluralism.
31. It is the most considered view of the UPC that the process of providing for democratic competitions by all political Parties in politics and public elections on a level playing field, should ideally begin with a document (called White Paper) in which the 17 years old dictatorship sets out its proposals for public debate on how best it proposes to discard its military cum one Party cum one man dictatorship for a multiparty system of governance and restoration of the enjoyment and exercise by the individual citizen of his/her human rights and freedoms provided in Chapter Four of the Constitution. Since all the opposition political Parties and their respective members, have been banned from participating in politics and public elections for over 17 years, it is only fair to

annul the ban in a public document, which after public debate, can then be given legal effect.

32. An intractable political problem needs a White Paper or a Road Map. In the intractable issue of the Palestinian State to which Israel has been very much opposed, President Bush has decided that the Way Forward was to produce a Road Map as basis for discussion and negotiations. That very welcome decision by President Bush clearly indicates that it is only the USA, a friend of both Israel and the Palestinians who is in a position to bring to fruition after discussions and negotiations of matters in the Road Map. In Uganda, the Party, which has been against democratisation, now, says it is ready for democratisation after constructing for 17 years structures against democratisation. It is therefore that Party, which should show how genuine its change of heart is by presenting a Road Map for democratisation, and avail it for discussion by the people of Uganda.

33. An appeal must be made and is hereby being made to the older democracies who have in the past 17 years been close to dictatorship and who also have a leverage on and can make the dictatorship to reverse the course of dictatorship and ensure that multiparty democracy comes to Uganda as in other parts of Africa where the older democracy intervened to bring the enjoyment of human rights and exercise of freedoms to individuals across Africa.

34. Likewise the older democracies have leverage on the Uganda dictatorship because the Uganda dictatorship depends on them heavily in the financing of the Recurrent and Development

Budgets. The UPC also requests the older democracies to ensure that the NRM, being also the Government, produces a White Paper (Road Map) setting out for debate how it proposes (amongst other matters) to undo the structures it erected which made provisions in Chapter Four of the Constitution to be platitudes. The people of Uganda are looking to the older democracies to be on the side of democratisation in Uganda in fulfilment of the universal enjoyment of human rights as they were on the sides of the people of Zambia, Malawi and Kenya in the recent past.

35. It has been the National Resistance Movement (NRM) and the National Resistance Army (NRA) pursuing the dogmatic ideology that all the people of Uganda support the NRM by which they not only banned but also made it a criminal offence for any other political Party or citizen to seek to engage in politics and public elections from outside the NRM. The NRM should therefore produce a public document in which it should state whether the dogmatic ideology which caused the bans is dead or still alive and also whether or not the human rights and freedoms of the individual in Chapter Four of the Constitution will be enjoyed and exercised, and if not why?

36. On the issue of the political Parties other than the NRM, the idea of the NRM to hold a Referendum before the Parties can participate in politics and public elections, is not only a gross violation of the provisions of Articles 20 and 21 of the Constitution but also a definitive stratagem by the NRM to continue to regard the provisions in Articles in Chapter Four of the Constitution as still

platitudes and therefore also to avoid democratisation which it has consistently opposed and suppressed for over 17 years.

- (a) The very idea of holding a Referendum before the opposition political Parties which have been victims of the ban can participate in politics and public elections, suggests that the NRM itself does not want to take the decision
- (b) The idea of a Referendum rigs the opposition Parties out of participating in the Referendum because they will still be under the ban imposed in Article 269 and in other obnoxious laws in the run up to the referendum thus the referendum would be an exact repeat of the one held in June 2000.

These considerations show that the utterances and pronouncements of the Head of the NRM dictatorship are duperies and not genuine commitments to release the opposition Parties from the bans.

37. In countries where referenda are held to resolve issues and in other democratic countries, the NRM's Referendum may, can and will be taken as democratic when, in Uganda, the reality of the constitutionally provided Referendum is a hidden and concealed "obstacle" against democracy and democratisation in Uganda. It is so because in Uganda a Referendum is a device by which the NRM after it has shackled the other Parties with bans, prohibitions, debarments and suppressions puts its views and it alone campaigns for their endorsement by the votes of the electorate.

38. In the year 2000, the older democracies supported a Referendum and even formed what was called the Referendum Support Group (RSG) in the face of total opposition to that Referendum by Uganda's opposition Parties. The outcome has been that the dictatorship saw the Referendum support by the older democracies in the year 2000 to mean authority and support for the enactment in the year 2002 of the Political Parties and Organisations Act (PPOA) whose provisions stipulate that the NRM is not a political Party and also stipulate that all political Parties but not the NRM must register under the Act and that any which should register, will be confined for its operations and functions to its Headquarters in Kampala. The Act entrenches the Uganda dictatorship and since the Party, NRM, is the political Wing of the Army, the Act also makes Uganda a clear military cum one-Party dictatorship. This Act must have been an embarrassment to the RSG for they had concluded after the Referendum that Uganda was a virtual one-Party State and that the sole Party was the NRM.

39. Another hidden and concealed "obstacle" in the Uganda system of governance against democracy and democratisation is that the root of the NRM is different from the roots of each of the opposition Parties. The NRM is the political Wing (or Party) of the Army which is its root whereas the roots of each of the opposition Parties are the human rights and freedoms of the citizen provided in Chapter 4 of the Constitution on which each was founded and has existed and should function but for the bans.

40. The Uganda system of governance established by the NRA in 1986 and endorsed by the Constitution promulgated in 1995, the Army

rules the country through a proxy. The ruler since 1986 is the NRA (now called UPDF) and the proxy is the NRM.

41. This Memorandum now presents to the US Government and the US Congress the obstacles erected by the NRM against the democratisation in Uganda and the very obstacles, which the NRM wants to detract public attention away from them with its package of Resolutions to be implemented so as to ensure the continuance of dictatorship in Uganda.

CONSTITUTIONAL AND LEGAL OBSTACLES TO EXPEDITIOUS DEMOCRATISATION

42. There are Constitutional and Legal obstacles which are not obvious from a reading of the Uganda Constitution and which the NRA and NRM have woven to make it impossible for the opposition political parties to function and to participate in public affairs and public elections while at the same time the NRM was or is entrenching its tentacles in the body politic.

43. In the NRA Proclamation of 26 January 1986, the power of the Government of Uganda, which hitherto was exercised by the people through their elected representatives, was given to a Committee of the NRM. The Proclamation said: -

“The National Resistance Army (NRA) and the National Resistance Movement (NRM) on 26 January 1986 took over the powers of the Government of the Republic of Uganda and vested those powers in the National Resistance Council

(NRC)”. The said NRC was a Committee of the NRM and the NRM was the political Wing (Party) of the NRA.

44. The Proclamation made the NRC to be Uganda’s Interim Parliament, which remained until the Presidential elections in April 1996 under a new Constitution promulgated in October 1995.

45. The NRA and NRM flouted the provision in Article 263(1)(b) when the NRM Government established by a Statute in 1989 failed to dismantle and enact a law to bring the tentacles they had erected so as to bring them into conformity with the provisions of the Constitution. It is the same situation, which the package of the NRM Resolutions for the return of Uganda to multiparty democracy is seeking to repeat. Article 263(1)(b) which the NRM Government flouted reads as follows: -

“The NRM Government shall –

(b) as far as possible exercise its functions in such manner and with such modifications as are necessary to bring them into conformity with the provisions of this Constitution”

46. The NRA whose name but not Oath of Allegiance had been changed to Uganda Peoples Defence Forces (UPDF) by the Constitution and the NRM Government, totally ignored the human rights and freedoms of the citizens provided in Chapter 4 of the Constitution and enacted in 1996 Presidential and Parliamentary electoral laws which suppressed the enjoyment and exercise by the citizen of his/her human rights and freedoms. The electoral laws provide for what they call “movement election” in which no other

political Party except the NRM is allowed to sponsor candidates or to campaign for or against the election of any candidate and also provide for the automatic disqualification of any candidate who may be sponsored by an opposition Party. With those provisions, the electoral laws are clear devices in the Uganda system of governance for the entrenchment of the military cum one-Party cum one-man dictatorship.

47. Considering that the NRA was raised by President Museveni as a personal (private) Army and considering that the NRM is the political Wing (Party) of the NRA and further considering that President Museveni is the Chairman of both the NRA High Command and NRM, the Oath of Allegiance of the NRA which now applies to the UPDF discloses not only a device in the Uganda system of governance against democratisation but also the rule of the Army by proxy and therefore the existence of a military cum one-Party cum one-man dictatorship. The NRA Oath of Allegiance which is not to the Republic or people of Uganda reads as follows:

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“I swear by the Almighty God (affirm) that I shall at all times be loyal to the National Resistance Army. I shall uphold, protect and defend the aims and objectives of the National Resistance Army. I shall abide by and obey all rules and regulations governing the National Resistance Army. So help me God.”

48. In the Constitution at Article 69, the Constitutional and Legal device against democratisation pretends to bring the people of Uganda into “choosing and adopting through free and fair elections

or referenda” a system of governance of their choice. Three systems from which to choose are provided in the Article as

- (a) the movement political system
- (b) the multiparty political system and
- (c) any other democratic and representative system.

49. The provisions of Article 69 of the Constitution are a fraud, deception and a device against democratisation in that the elections and referenda in the Article are conducted and held in a situation where only the NRM is free to participate in politics, public elections and referenda.

50. It is on the strength of the military cum one-Party cum one-man system of dictatorship established by the Proclamation of the NRA that the NRM dictatorship coined the fraud and deception in Article 69 of the Constitution and also erected various obstacles against democracy and democratisation which the NRM grudgingly calls opening space for the opposition Parties but also is seeking with its package Resolutions not to face but to hide and conceal the obstacles. This Memorandum now gives the obstacles which unless removed, their Constitutionalities and Legalities will make the military cum one-Party cum one-man dictatorship to remain in position and therefore no democratisation.

51. In 2000, a referendum was held pursuant to article 271 (2) and (3) of the Constitution, which is a device of the NRA and NRM against democracy and democratisation. The Movement political system was as had been designed by the NRA and NRM chosen

and adopted as the preferred political system. The Referendum was widely boycotted and condemned by the people of Uganda and all the opposition political Parties but nevertheless rigged by the NRM to show a pleasing results to the donors despite that the Referendum flouted benchmarks set by the Donor Referendum Support Group.

52. After the referendum, parliament was enjoined under article 73 (which is an adjunct of the device against democracy) to make regulations to ensure that the chosen Movement Political System operated undisturbed and therefore strictly limited the operations of other political parties, organizations or systems. Part of the restrictions had been provided in the electoral laws – for example:

(a) The Presidential Election Act, No. 17 of 2000 also prohibits from sponsoring candidates in Presidential Elections while the Movement Political System is in force. Section 24 provides:

24. (1) No person shall use or attempt to use:

- a) While the Movement political system is in force, any political party colour, or symbol or any political party; or**
- b) Any tribal or religious affiliation or any other sectarian ground; as a basis for the candidature of any person for**

election or in support of that person's campaign.

- (2) Any person who contravenes subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding twenty currency points or imprisonment not exceeding three months or both.**

(b) The Parliamentary Elections Act No. 8 of 2001 has a similar S. 24 which provides:

24(1) No person shall use or attempt to use any political party colour or symbol, or political party, tribal, or religious affiliations or any other sectarian ground as a basis for that person's candidature for election or in support of that person's campaign.

- (2) Notwithstanding subsection (1) the use of any political party colour or symbol, or political party affiliations may be used as a basis for a person's candidature for election or support during a period when a multi-party political system is in operation.**

- (3) Any person who contravenes subsection (1) commits an offence.**

**This Act also applies to local government elections.
These laws remain on our statute books to date.**

(c) Other draconian restrictions are now contained in the Political Parties and Organisations Act, 2002 that is still being challenged in the Constitutional Petition No. 7 of 2002 filed by leaders of UPC, CP, JEMA, Reform Agenda and NDF.

While the parties are so restricted, the Constitution and the Movement Act, 1997, protect the Movement to enjoy full political space.

53. To be able to hold democratic multiparty elections in 2006, it is necessary to change the political system from the Movement to the multiparty system which is supported by the majority of the existing opposition Parties. While the NRM leadership has indicated that they are willing to compete with the Parties, which have been under the bans and prohibitions, the leadership has also said that the NRM shall remain “Intact” which may or may not mean that they still want the NRM to be the sole player in the body politic. The leadership is however clear on forming the NRM afresh and with a new internal Constitution and has decided to register the NRM under the Political Parties and Organisations Act 2002 all of which suggest that the older democracies can make the NRM to accept to be a political Party under the multiparty system and to then rank on the same level with UPC, DP, CP, JEEMA, TFM, NDF, Reform Agenda as part of the multiparty political system.

54. Further there are obstacles to the realization of the complete freedom of the political parties and organizations to function fully and prepare to compete in free and fair elections in 2006. The mode of changing the political system and therefore freeing political parties and organizations from the bans, prohibitions, debarments and suppressions to compete in elections is prescribed in article 74 of the Constitution which article can only be amended or otherwise varied after a referendum.

55. The Article demands the holding of a Referendum for the purpose of changing the political system if:

1. **a) If requested by a resolution supported by more than half of all members of Parliament; the dictatorship does not appear to want to take its referendum to Parliament or**

- b) If requested by a resolution supported by the majority of the total membership of each of at least one half of all district councils; it is doubtful that this cumbersome means is favoured by the dictatorship or**

- c) If requested through a petition to the Electoral Commission by at least one tenth of the registered voters from each of at least two-thirds of the constituencies for which representatives are**

required to be directly elected under paragraph (a) of clause (1) of article 78 of this Constitution. This method is not in the mind of the Parties or the dictatorship.

- 2. The political system may also be changed by the elected representatives of the people in Parliament and district councils by resolution of Parliament supported by not less than two thirds of all members of Parliament upon a petition to it supported by not less than two thirds majority of the total membership of each of at least half of all district councils.**

The resolutions or petitions for the purposes of changing the political system shall be taken only in the fourth year of the term of any Parliament.

56. Accordingly under Article 74 of the Constitution the system can only be changed in the 4th year of Parliament. This would obviously delay the holding of the Referendum to about probably sometime in 1995 by which time it would be too late to level the playing field in readiness for year 2006. The Donor nations made Kenya elections of December 2002 to be a benchmark for the elections to be held in 2006 in Uganda. Ugandans opposition parties are asking for only 3 years. It should be remembered that the Kenyan opposition parties had a head start of some 10 years. The Ugandan opposition political parties are only asking for 3 years, which means beginning NOW.

57. In the opinion of the Uganda Peoples Congress (UPC) and taking a cue from Donor benchmarks about the Kenya elections, time would be saved if the older democracies would propose to the NRM and insist on the enactment of a new law to provide equality of the Parties and a level playing field for the elections in 2006. Grounds already exist for such a law in Articles 20 and 21 of the Constitution and additionally as a replacement of the Movement Act now that the NRM has adopted a new internal Constitution. The law would have the advantage of releasing Parliament from being an organ or committee of the NRM and every member shall either be true to his/her terms of election namely, sit and function as an individual elected on personal merit or opt to be a member of a Party. The draft of such a law should be approved by a majority of the opposition Parties each indicating its position to the Attorney General.

58. There is real fear that the utterances by the NRM leadership in favour of freeing political parties from the bans are not genuine but rather tactical and opportunistic. For example there is a chorus of their condemnation of the existing political parties to the effect that if they registered they could operate freely and thereby deliberately ignoring the fact that the Parties have a major Petition pending in Court against registration. Secondly, if the NRM government was genuinely interested and in favour of opening up political space why are they going ahead to appeal against the Constitutional Court judgment nullifying S. 18 and 19 (which are severely restrictive of the existence and operations of an opposition political Party) of the Political Parties and Organisations Act, 2002?

59. The United States was founded and is a great democracy raised on the foundations of human rights and freedoms of expression, association and assembly, which have been suppressed in Uganda in the past 17 years.

60. The emulation by the developing countries of the US democratic foundations is damaged when US policy makers are known to associate closely with a militaristic, massacring and most corrupt dictator who has massacred millions of people and is still massacring people in northern Uganda.

61. The opposition Parties in Uganda though greatly humiliated, insulted and their members violently beaten in the pursuit of freedoms never resorted to terrorism or any unconstitutional means of overthrowing a Government and none has been cited in 17 years of having any feelings towards rebels or terrorists.

62. The Uganda Peoples Congress (UPC) appeals to the Government and Congress of the United States to help the Youth of Uganda in their miseries of the past 17 years with a heart lifting action which will enable the Youth to grow and to emulate and uphold the foundations of the US democracy.

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