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PARLIAMENT – A CRITICAL REVIEW

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## **Acronyms**

COFTU	Central Organisation of Free Trade Unions
MPs	Members of Parliament
NRM	National Resistance Movement
NOTU	National Organisation of Trade Unions
NUDIPU	National Union of Disabled Persons in Uganda
NRC	National Resistance Council
PLA	Peoples Liberation Army

## **Abstract**

This Paper examines the history and nature of special interest groups in the Parliament of Uganda as provided for in Article 78 of the 1995 Constitution of the Republic of Uganda. The rationale behind the establishment of special interest seats, and the controversies that have continued to plague the system, are examined. The paper further discusses the impact that the different groups have had on the legislative processes of the State and more concretely interrogates who actually benefits from the system. More specifically as concerns army representatives in Parliament, it is argued that the justification that existed at the time of the promulgation of the Constitution, that of stabilising and normalising relations between the military and civilian authorities amidst an environment of political coups, no longer exists more than 20 years later. The paper analyses how other African countries emerging from coups and/or unhealthy civil – military relations brought the military under civilian control and what tools they have used to ensure stable civil-military relations. The continued legitimacy of the army seats is questioned, especially where performance of past army representatives has been viewed as being no more than a rubber stamp approval of the ruling party bills and motions. It further queries the obvious challenge in the application of the principle of non-partisanship by the army representatives where it appears that loyalty is not to the State but to the incumbent party. The findings of the paper are that in light of this conflict, the legal provision for army representatives should be scrapped unless it can be applied in such a way that non-partisanship is guaranteed. In any event, the continued presence of army representatives contradicts the cardinal objective and is indeed a tacit acceptance that the National Resistance Movement has failed to normalise the relations between the military and the civilian population.

# 1. Introduction

The post-independence evolution of the Ugandan Parliament has been a colourful one. It's history has been pock-marked by periods of strong dominance by the Executive as was the case in the 1960's, military coups in the 1970's and 1980's, which saw Parliament abrogated and held in abeyance, a new constitutional dispensation in the 1990's which embedded the Movement system and finally the re-introduction of multi-party politics in 2006.

Article 78 (1) of the Constitution of the Republic of Uganda, provides that Parliament shall consist of Members directly elected to represent constituencies, one woman representative for every district, representatives of the army, youth, workers and persons with disabilities, and the Vice-President and Ministers who shall be ex-officio members. The continued creation of new districts ostensibly "to bring services closer to the people" has led to the rapid increase in the number of Members of Parliament, with women representatives being among the main beneficiaries and with the effect that the Ugandan Parliament is now the largest in East Africa.<sup>1</sup>

Uganda was amongst the first countries in Africa to introduce special interest groups in decision-making bodies in 1989.<sup>2</sup> Though cited as an example and breakthrough that allowed representatives of marginalised groups to participate in the legislative processes of the State, the inclusion of special interest groups in the Ugandan Parliament has been plagued by controversy and continues to be a matter of public debate. Three main factors regularly come to the fore when discussing special interest groups: the mode of their election, the number of representatives, and lastly, their continued relevance in a multiparty Parliament.

## 1.1. Mode of Election of Special Interest Groups

The procedures for the election of special interest groups vary from universal suffrage to electoral colleges. Article 78 (4) of the Uganda Constitution stipulates that parliament, by law, shall prescribe the procedure for election of special interest groups. In exercise of this power, section 8 (4) of the Parliamentary Elections Act (17 of 2005), as read with other

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<sup>1</sup> With 319 MPs in the 8<sup>th</sup> Parliament, 375 in the 9<sup>th</sup> Parliament, the 10<sup>th</sup> Parliament now boasts a total of over 450 Members.

<sup>2</sup> Ragnhild L. Muriaas and Vibeke Wang, *Executive dominance and the politics of quota representation in Uganda*. *The Journal of Modern African Studies*, 50, (2012) p. 310



relevant legislation, specified the procedure of election for the different special interest groups.<sup>3</sup> In some cases rather than specifying the procedure for election, the Act contrary to the Constitution, delegated this authority to the Minister in charge or to another body. For instance, the power to formulate the procedure as well as conduct the election of army representatives was delegated to the Defence Forces Council. Policy actors and other stakeholders have consistently argued that special interest groups' elections most notably the army is discriminatory because of a non-representative electoral college.

The issue of election procedures culminated in 3 separate Constitutional petitions being filed in the Constitutional Court in 2010, which challenged the constitutionality of different aspects of the law relating to the election of special interest groups to Parliament. In the case of **Kasozi & 3 others vs. The Attorney General & 2 others** which was merged and finally decided in 2015, the Constitutional Court held that the law in relation to the elections of the special interest groups of the army, youth and workers was unconstitutional as Parliament had no authority to delegate its authority to another body or person.<sup>4</sup> The Court however found that the procedure for elections for persons with disabilities was consistent with the Constitution. In order to allow for the election of the workers, youth and army representatives in the 2016 elections, Parliament had to quickly amend the Parliamentary Elections Act to comply with the Constitution.

The election for women representatives was not a subject of the court case as their election procedure was already spelled out in the Parliamentary Elections Act (17 of 2005) which specifies that they are to be elected in their district-wide constituencies by secret ballot under universal suffrage. From 1989 to 2001, women representatives were elected through electoral colleges consisting of women councils and local councils (who mostly had male members), from the five local government levels in the district. This system had been severely criticised which led to the adoption of election by universal suffrage in 2006.<sup>5</sup>

In contrast, Members of Parliament representing persons with disabilities are elected by an electoral college consisting of four persons elected from each district from the organised associations and groups under the National Union of Disabled People of Uganda (NUDIPU). Thus representatives have to seek for votes from entire regions, which the Petitioners in the above case had argued was discriminatory. The Constitutional Court in its finding declared that the law was not discriminatory, as Article 78 (4) of the Constitution simply provides for

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<sup>3</sup> The Parliamentary Elections Act has been Amended severally, most recently by Parliamentary Elections (Amendment) Act No.1 & 2 of 2015

<sup>4</sup> See Kasozi & 3 others vs The Attorney General & 2 others, Constitutional Petition No. 37, 40 & 48 of 2010

<sup>5</sup> See for instance Sylvia Tamale, *Introducing Quotas in Africa: Discourse and Legal Reform in Uganda* (2005) IDEAS for a critique on the election procedure

the formulation of electoral procedures, which does not necessarily mean that the procedures ought to be the same for each group.<sup>6</sup>

For the election procedure for workers, the Constitutional Court declared that the procedure for their election was unconstitutional as their representatives were to be elected by an electoral college constituted of members of two federations of workers – National Organisation of Trade Unions (NOTU) and Central Organisation of Free Trade Unions (COFTU). Non-unionised workers were thus unable to participate in this process. The Court declared that as the Constitution had simply used the word ‘workers’, conducting an election with only federation workers disenfranchised non-unionised workers contrary to Article 59 (1) of the Constitution (right to vote). Under the new rules, members of COFTU, NOTU, members of registered labour unions as well as non-unionised workers are eligible to participate in the Electoral College.<sup>7</sup>

The youth representatives are elected by an electoral college constituted of three representatives from each of the district youth councils across the country, while the Female Youth MP is elected by a National Youth Conference.<sup>8</sup> The procedure for the election of the youth has been criticised as restrictive (as it is only open to a few youth representatives) and open to manipulation from persons with vested interests. It has been proposed that universal suffrage ought to be adopted for their election to allow for more youth to participate in the process and to limit manipulation of delegates.<sup>9</sup>

Army Representatives are elected by the Defence Forces Council, which includes all members of the Army High Command; persons who had served as senior army officers on January 26, 1986; all directors of military services; commanding officers of brigades and battalions; and officers commanding equivalent military units.<sup>10</sup> The ten representatives are elected from a list of 30 persons nominated by the Commander-in-Chief, President Museveni. Following the Constitutional Petition, Parliament through the Parliamentary Elections Act (No.2) of 2015 retained the same procedure for the election of army representatives, with only a minor change introduced; - the law now requires one-third of the representatives to be women.<sup>11</sup>

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<sup>6</sup> See Kasozi & 3 others vs The Attorney General & 2 others, p.20

<sup>7</sup> See the Report of the Sectoral Committee on Legal and Parliamentary Affairs on the Parliamentary Election Amendment (No 2) Bill 2015, p.43-44

<sup>8</sup> The Procedure for the election of the youth representatives remains the same as is elaborated in the National Youth Council Act

<sup>9</sup> See proposals made by Interparty Youth Platform in the Report of the Sectoral Committee on Legal and Parliamentary Affairs on the Parliamentary Election Amendment (No 2) Bill 2015, p.18

<sup>10</sup> Section 14, Uganda Peoples Defence Forces Act, (2005)

<sup>11</sup> See Clause 3 (8) A(b) Parliamentary Election Amendment (No 2) Act 2015 where Parliament basically restates the procedure as it was previously

In general, the majority of army representatives elected to Parliament have been senior officers of the rank of Major and above at the time of their election.<sup>12</sup> Indeed a number of them are very high ranking individuals in the army and are members of the Defence Forces Council. They include the Chief of Defence Forces and the Deputy Chief of Defence Forces, who were both represented in the 9<sup>th</sup> parliament.<sup>13</sup> In response to the criticism that lower cadres of the army are not represented in Parliament, the Chief of Defence Forces has pointed out that though the election is open to all cadres, their ability to impact on the quality of debate in Parliament has to be kept in mind. In his view, “the Army is unique in its setting and (...) all categories are catered for, so long as they have the qualifications, in order to keep the quality of representation that can debate issues.”<sup>14</sup> The election of army representatives, workers, youth and persons with disabilities are conducted on different days and separately from the presidential, parliamentary and women’s representative elections and are overseen by the Electoral Commission.

## 1.2. Number of Representatives

Across the political spectrum, debate continues on the number of special interest representatives—with proposals being made to increase, decrease or abolish the special interest groups entirely.<sup>15</sup> Over the years, it is not only women representatives who have called for the increase in their numbers, but workers, youth and persons with disability as well. The debate as regards army representatives generally revolves around retaining their ten army seats, or to have their numbers reduced or otherwise scrapped.

According to Article 78 (2) of the Constitution, after the expiration of ten years following its commencement, and thereafter every five years, Parliament is to review the special interest representation for the purposes of retaining, increasing or abolishing any such representation. Already in 2006 when the first review was due, the competing interests that would continue to colour the special interest group debate were clear. Among and Wakabi described the situation as follows:

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<sup>12</sup> 8 out of the 10 representatives are of the rank of Major and above. It is only 2 female representatives who are below this rank, and both are captains

<sup>13</sup> The Deputy Chief of Defence Forces was not elected to the 10<sup>th</sup> Parliament. Army MPs in the 10<sup>th</sup> Parliament include The Chief of Defence Forces, Gen Katumba Wamala, Maj. Gen. Pecos Kutesa the Chief of Military Doctrine, Lt. Gen. Ivan Koreta, Col. Felix Kulayigye, the UPDF Chief Political Commissar, Brigadier Innocent Oula, Col. Francis Takirwa, the Chief of Operations, Lt. Col. Flavia Byekwaso, Capt. Evelyn Asiimwe, Capt. Suzan Lakot and longest serving army MP Gen. Elly Tumwine

<sup>14</sup> Army Commander Quizzed on UPDF in Parliament, accessed at <http://www.parliament.go.ug/new/index.php/about-parliament/parliamentary-news/748-army-commander-quizzed-on-updf-parliament>

<sup>15</sup> See news report of the 2015 Parliamentary debate, Henry Sekanjako, ‘Special Interest Groups to Stay in Parliament’, 12 November 2015 accessed at [http://www.newvision.co.ug/new\\_vision/news/1411607/special-stay-parliament](http://www.newvision.co.ug/new_vision/news/1411607/special-stay-parliament)

However, in an attempt to slash [the] National Resistance Movement's perceived hold on the support of special interest groups represented in parliament, the opposition is calling for a scrapping of special representation. Women leaders fear this will hurt women representation, despite it being called for by the law. Dora Byamukama, chairperson of the Equal Opportunities Committee of parliament...said her (...) committee will fight for the retention of affirmative action in the constitution, and also lobby for equal representation of men and women in the leadership of political parties. And the army too – (...) which the opposition claims serves (president Museveni's) personal interests. Army spokesman Lt Col Shaban Bantariza, hinted that .... It is not prudent for its representatives to be kicked out of parliament. "We would advise against being removed from parliament. It is better for both soldiers and civilians to be in parliament to sort out issues they are not in agreement with."<sup>16</sup>

In line with the requirements of the Constitution, a review of the special interest groups by Parliament has been held prior to the 2006, 2011 and 2016 elections. All attempts to scrap special interest seats have proved unsuccessful, more so, army seats which have proved to be the most contested, especially by members of the Opposition. In 2005, the debate for the review of special interest seats in Parliament was held within the wider debate on the proposed Parliamentary Elections (Amendment) Bill of 2005. At the time, there was a great time pressure to pass electoral laws that would allow for the move from the Movement to a Multi-party electoral system and therefore the Bill was debated on the floor of the house rather than by the Parliamentary Committee on Legal and Parliamentary Affairs. Eventually, it proved difficult to gain a quorum to vote on the issue of special interest groups as Christine Nabunya observed,

Over the past month, parliament has showed little interest in the debate on special interest groups. On more than one occasion attempts to vote on the representation of these groups failed because of lack of quorum in the House. Yesterday, parliament agreed to suspend rules of procedure requiring a minimum of 196 MPs vote on retaining or abolishing the special interest group MPs. Instead they ruled that they only needed a majority voice to pass the bill and retain the special interest group representatives.<sup>17</sup>

The Parliamentary Elections Bill (2005) was thus passed, with majority of members in agreement that all the special interest groups in Parliament should be retained. When the next review was due in 2011, a motion was tabled on the floor of the House by the then Justice Minister and Attorney General Khiddu Makubuya seeking to retain all special interest seats.

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<sup>16</sup> Barbara Among and Wairagala Wakabi, 'Uganda: Women caught in crossfire as parties fight interest groups,' The East African, October 10, 2005, accessed at

<http://reliefweb.int/report/uganda/uganda-women-caught-crossfire-parties-fight-interest-groups>

<sup>17</sup> Christine Nabunya, Parliament Retains Special Interest Group MPs, accessed at

<http://ugandaradionetwork.com/story/parliament-retains-special-interest-group-mps#ixzz47DfbkKZx>

The Opposition MP, Francis Epetai sought to amend the motion and have the army removed as one of the special interest groups in Parliament.<sup>18</sup> This motion was strongly debated with mainly opposition MPs being in favour of their removal while NRM and army MPs arguing for their retention. The Motion to remove army MPs was defeated, and Parliament voted to retain special interest groups.<sup>19</sup>

In 2015, the motion on special interest groups was tabled on the floor of the House by the Attorney General Fred Ruhindi. Nearly all MPs who rose to speak were in support of the retention of all special interest groups in the House except for army MPs whose continued presence was once again strongly opposed by Members of the Opposition. NRM MPs who rose to speak were all in favour of the retention of the army in Parliament, citing a variety of reasons including the demystification of the army in civilian minds and the fact that Uganda had enjoyed peace for the longest time in its history, which they considered to be one of the by-products of the army presence in Parliament. The central argument of the Opposition MPs was that the presence of the army in a multi-party Parliament was in contravention of Article 208 of the Constitution which provides that the army ought to be non-partisan. They further argued that the fact that the army sits on the side of the ruling party, further foments this position. As a middle ground some NRM MPs argued that the army ought to sit in between both sides (neither on the Government nor on the opposition side). After another heated debate, the motion to retain all the special interest groups was passed even though an Opposition MP did call out to the Speaker that the House lacked quorum to do so.<sup>20</sup>

In tandem with the debate on the review of special interest groups, there is an added layer of complication to the issue. The continuous creation of new districts increases the number of women representatives in Parliament and thus the incumbent party's strong hold in the House.<sup>21</sup> Following yet another recent creation of new districts, the number of MP's in the 10<sup>th</sup> Parliament has increased which comes with the attendant pressure on the national budget and office space. While recently presenting the Commission budget to MP's in the Legal and Parliamentary Affairs Committee, the Deputy Clerk of the National Assembly Okello Obabaru stated that,

The problem is coming. We have worked out a locally generated figure of 72 additional MPs expected in the 10th Parliament...We are going to have a problem for MPs and staffs because even with Development House, MPs are still sharing office accommodation.<sup>22</sup>

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<sup>18</sup> Emmanuel Kyeza, Army MPs retained after hot debate, accessed at <http://www.monitor.co.ug/News/National/-/688334/1051178/-/c19ibgz/-/index.html>

<sup>19</sup> See the debate in the Parliamentary Hansard, 10 November 2010

<sup>20</sup> See the debate in Parliamentary Hansard, 10 November 2015 and the protest of the MP Mr. Wafula Oguttu on the voting

<sup>21</sup> As discussed elsewhere in this paper, a vast majority of Women MPs belong to the NRM

<sup>22</sup> Yasin Mugerwa, 'Increasing numbers leave 120 MPs without offices, Shs 2.6b needed' The Monitor, April 15 2016, accessed at

### 1.3. Relevance

Lastly, the continued relevance of the special interest groups in the current political dispensation has been put into question. As will be discussed further in this paper, the system has repeatedly come under attack as being one of the instruments through which the incumbent party fosters patronage; thus begging the question, who does the system really serve?

The impacts of the special interest groups on the legislative processes of the State have also been mixed. Some special interest groups have managed to push through legislation that is relevant to their constituencies, most notably women and persons with disabilities. The impact of individual representatives also differs with some having managed to sit through entire Parliamentary terms barely contributing to parliamentary debate or motions on the floor of the House while others have made significant contributions.<sup>23</sup>

## 2. History of Special Interest Representation in Uganda

Special interest representation in political processes and decision making structures is an affirmative action initiated to ensure that certain groups marginalized on the basis of history, age, sex or any other reason have their voices heard in the legislative processes of the State. Article 32 (1) of the Ugandan Constitution recognises the need for affirmative action for marginalised groups. It states that,

Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

In Uganda, affirmative action has not only been implemented in Parliament but also through the different levels of the local government system. Appreciating the inclusion of special interest groups in the different decision-making bodies of the State requires an understanding of the marriage between politics and militarism in Uganda. After independence, decades of violent armed conflict and military interference within the political space ensued. It is therefore no surprise that the civilian population viewed the military with suspicion and scepticism. So much so that amongst the main objectives of the National Resistance Movement (NRM) when it took over power in 1986 was to establish its legitimacy and

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<http://www.monitor.co.ug/News/National/Increasing-numbers-leave-120-MPs-without-offices/-/688334/3159830/-/114qadb/-/index.html>

<sup>23</sup> Yasin Mugerwa and Nelson Wesonga, 'Worst and Best MPs Exposed', April 13 2015 accessed at <http://www.monitor.co.ug/News/National/Worst-and-best-MPs-exposed/-/688334/2683696/-/s9pq43/-/index.html>; See also, Solomon Arinaitwe, 'Do we still need special interest MPs', March 6 2016, accessed at <http://www.monitor.co.ug/Magazines/PeoplePower/Do-we-still-need-special-interest--MPs/-/689844/3104438/-/gnxh09z/-/index.html>

ensure inclusivity at all levels of government. The NRM transformed its “bush” National Resistance Council (NRC) created during the war, into the official Parliament through Legal Notice No.1 of 1986 and vested it with legislative powers.<sup>24</sup>

In order to secure legitimacy and inclusivity in its government, the NRM established a five tier local governance system where individuals were elected on the basis of personal merit through the Movement System. In addition, the representation of marginalised groups, such as women, persons with disabilities and the youth at various levels of government was legalised. These groups, for instance women, had been actively involved in domestic and international movements seeking access to leadership and decision-making roles<sup>25</sup>. The quota system therefore arose from a confluence of two major factors: On the one hand, the need for the NRM to have a broad base of political support and participation and on the other hand, from the pressure exerted by home-grown special interest groups.<sup>26</sup>

### **3. The Army in Uganda’s Multiparty Parliament**

The inclusion of the army as a special interest group is a curious one. On the one hand, viewing it through the affirmative action lens does not quite sit right. Affirmative action policies are generally introduced for purposes of redressing imbalances against groups who are marginalised, disenfranchised or less powerful in the society. Unlike women, youth and persons with disabilities for whom it has been argued patriarchy, economic marginalisation and disabilities, make it difficult for them to compete in the political arena, the same cannot be said of the army who are on the one hand prohibited from participating in partisan politics but who have nevertheless played a central role in Uganda’s political history. It has however been argued that special representation in the Ugandan context is also meant to help society to focus on the needs of historically powerful and disenfranchised groups.<sup>27</sup> The inclusion of the army was therefore a way through which a historically powerful group could be incorporated into the governance structure in order to secure their support or ‘buy in’.

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<sup>24</sup> The National Resistance Movement came to power by Legal Notice 1 of 1986. Legislative power was vested in the National Resistance Council. NRC initially had 38 historical members of the National Resistance Movement and National Resistance Army. Through nationwide elections, the NRC's membership later expanded to 270 comprised of 38 Historicals, 149 county representatives, 19 city/municipal Council representatives; 20 nominated members and 34 District women representatives. Membership later included district and youth representatives.

<sup>25</sup> Sylvia Tamale, p.2

<sup>26</sup> Muriaas and Wang, p. 320

<sup>27</sup> John Johnson and Jessie Biddle, *Understanding Representation: Implications for Legislative Strengthening* (2<sup>nd</sup> Intl Conference on Legislative Strengthening, Nov 2000) Occasional Paper Series p. 5

The Ugandan army had never officially been represented in Parliament, though it had been openly used for political purposes since 1964.<sup>28</sup> After the Idi Amin regime was ousted in the liberation war in 1979, Statute No. 8 of 1980 introduced the representation of members of the army in Parliament for the first time. This was further cemented when the National Resistance Council (NRC) was granted legislative powers through Legal Notice No. 1 of 1986, and 10 Members of the army were represented therein; thus making the army a feature of Parliament since then.

It is important to note that out of all the special interest groups, the inclusion of the army as a special interest group has been the most contentious of all, this having been the case even before the adoption of the 1995 Constitution.<sup>29</sup> The Uganda Constitutional Review Commission (1989-93) chose to include the army as a special interest group, claiming that the majority of persons were in support of their inclusion and that leaving them out would be a mistake given the Country's history. According to the Commission, army representation in Parliament was likely to "create stability in the country because, to avoid uninformed complaints, it was important to keep the army informed about the problems of the country and the steps being taken to solve them."<sup>30</sup> In response to critics who feared that the army would become divided along party lines, the Commission reasoned that since a Movement political system was being adopted, the army could participate without such fears. They further reasoned that such inclusion was only intended to be an interim measure until "the State had built strong national institutions that could act as alternate centres of power to counter-balance the army."<sup>31</sup>

Those who criticised the inclusion of the army representatives in the Constitution, argued that the concept of including army officers on the assumption that the army would not overthrow the Constitution by force was fallacious, as past experience in Uganda had shown that even if the army is represented in the legislature, it could still remove a constitutionally constituted government, as had happened in May 1980 and July 1985. It was further argued that those who wanted to participate in politics should resign or obtain leave from the army as doing both would mean that one job would be neglected. Lastly it was argued that the army is part of the Executive and having them represented in parliament would offend the principle of separation of powers between the Executive and Legislature which is an essential principle of democratic governance.<sup>32</sup>

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<sup>28</sup> See the Report of the Uganda Constitutional Commission, Dec. 1992, p.11

<sup>29</sup> Ibid

<sup>30</sup> See the debate in Benjamin J. Odoki, *The Search for a National Consensus: The Making of the 1995 Uganda Constitution* Fountain publishers (2005) p. 224

<sup>31</sup> Ibid p. 224 - 225.

<sup>32</sup> Odoki, p. 223 – 224.



To date, a number of voices maintain that the presence of army seats is important in recognition of the role played by the army in the country's liberation and as a manifestation of good civil-military relations. As was recently stated by a ruling party MP in 2015, "The army is the vanguard of this democracy we are enjoying, so why do you want to deny them that right? It's not correct. Their [army MPs'] presence in parliament is symbolic; it bridges the relationship between the people and army."<sup>33</sup>

There is no formal document that outlines what roles and functions the UPDF serves in Parliament and how they should conduct themselves in the House. The Rules of Procedure of Parliament apply generally to all MPs and do not include any specific provisions that address the army representatives directly. Section 16 of the Political Parties & Organisations Act (2005) however, forbids army officers from participating in political party activity and partisan politics in general. Invariably, the UPDF have themselves espoused what they consider their role in Parliament to be, with foremost emphasis placed on them being a "listening and observation post." As Chief Political Commissar and Army MP Felix Kulayigye explains,

(...) the UPDF is in Parliament not only as an observation and listening post but also as a fighting patrol in purely military terms, for purposes of avoiding surprise to all as they continue to foster harmony pursuant to the constitution.<sup>34</sup>

He has further espoused that their chief concern is to do with matters of national defence and security. He further explains,

They (army) observe, listen, make timely interventions, giving information and sober ideas and viewpoints that help to avert catastrophic situations. They also learn in the process and keep in touch with the constituency that is fully focused on matters of national defence, security.<sup>35</sup>

How well have the army representatives performed the above-mentioned roles? Is it necessary to outline a role for them?

### **3.1. From Regime Stabilisation to Regime Maintenance? Can Army Representatives be Non-Partisan in a Multi-Party Parliament?**

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<sup>33</sup> Retired army colonel Fred Mwesigye, See

<http://www.agora-parl.org/news/uganda-opposition-seeks-removal-army-mps> for excerpt

<sup>34</sup> Felix Kulayigye, UPDF Relevant in Parliament, 4<sup>th</sup> June 2012 accessed at

[http://www.newvision.co.ug/new\\_vision/news/1302220/updf-relevant-parliament](http://www.newvision.co.ug/new_vision/news/1302220/updf-relevant-parliament)

<sup>35</sup> Ibid.

According to Section 208 (2) of the Ugandan Constitution, “The Uganda Peoples’ Defence Forces shall be nonpartisan, national in character, patriotic, professional, disciplined, productive and subordinate to the civilian authority as established under the Constitution.”

The UPDF representatives acknowledge that theirs is indeed a fine line to walk as far as loyalty to the State and the exercise of their roles within the Parliament. The then Coordinator of Intelligence and Army Representative, General Tinyefuza (now Sejusa) while contributing to Parliamentary debate in 2010 on this issue stated,

Our representation is a special kind of constituency; our representation in Parliament is not intended to cause disharmony and conflict within the armed forces. It is supposed to serve the strategic value of safeguarding the state and at the same time safeguarding the healthy situation within the armed forces. Therefore, while a Member of Parliament can come here and talk contrary to what your constituents sent you to say and nothing happens, for us that would constitute a service offence. We are a special category; we cannot defend this Parliament, defend the territorial integrity of the state, defend your property and person while we do not keep the rules of the institution intact. Therefore, there is a very thin line which we must walk.<sup>36</sup>

During the Movement years, it was perhaps easier to argue that the military was non-partisan as there were no parties represented in Parliament and individuals were elected on individual merit. After the return to multiparty politics, it has however become far more tenuous to defend this position. According to army representatives, the strategy they have employed in Parliament is to keep a low profile, and only focus on non-divisive national issues.<sup>37</sup> One army representative describes their participation as follows: ‘There is an assumed expectation that we must always be on the government side. But we normally don’t come in on issues which are controversial. When an issue is controversial we keep quiet . . . It is difficult to be seen opposing the government side openly, it is not good. No, for the military is under the government.’<sup>38</sup>

Others however view the situation in a different light. In the most recent Parliamentary debate on this issue in 2015, opposition politicians and other civil society groups once more called for the abolition of army seats. The Interparty Youth Platform questioned the

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<sup>36</sup> General Tinyefuza, Parliamentary Hansard November 10, 2015. General Tinyefuza was replaced as an army MP in 2014 after he went into exile in London following allegations he made of a plan to assassinate persons opposed to the so called “Muhoozi project.” See Mercy Nalugo, ‘Army to Replace Sejusa as MPs query Defence Budget’, August 14, 2013 accessible at <http://www.monitor.co.ug/News/National/Army-to-replace-Sejusa-as-MPs-query-Defence-budget/-/688334/1947220/-/s4rlwm/-/index.html>

<sup>37</sup> Muriaas and Wang, p. 330

<sup>38</sup> Ibid, Quote from army representative Tumwine Elly (2010).

non-partisan nature of the army in Parliament. In their observations, the fact that “the army representatives sit at the government side, makes it seem that they are sympathetic towards government positions.”<sup>39</sup> The Law Development Centre also highlighted the perception of partiality to government’s positions by arguing that “whereas they (Army representatives) may choose to be non-partisan by choosing not to participate or vote in partisan proceedings, their presence in a multi-party legislature may raise an inference of partiality.” In their view, the army has the opportunity to read the Hansard and thus be updated on Parliamentary activities or may sit in the public galleries or committees which are open to any interested person to be aware of what is taking place in Parliament.<sup>40</sup>

It has been argued that straddling the line between neutrality and siding with the government is at best problematic in the multiparty Ugandan environment. Because in Uganda, following the government equals toeing the NRM line, the distinction between the government and Museveni’s NRM is blurred.<sup>41</sup> The case of the former army representatives in the 7<sup>th</sup> Parliament, Col. Bogere and Brig. Henry Tumukunde confirms that the autonomy of representatives to express their opinions and exercise their judgement is severely constrained, especially where this is in opposition to the powers that be. In 2005, Bogere abstained from voting on the lifting of presidential term limits from the Constitution, to allow for President Museveni to run for a third term, while Tumukunde publicly opposed it in other forums.<sup>42</sup> Tumukunde, was placed under house arrest and then later court-martialled on allegations of making political statements in the media (after he appeared on a radio program), indiscipline and disobeying lawful orders contrary to the army code of conduct.<sup>43</sup> He was forced to resign from his army seat in Parliament and his trial carried on for more than seven years. Even though he had become increasingly critical of the regime, he was constrained from commenting on political issues by virtue of still being a member of the army. But in a seeming return to the good books of the powers that be, Brigadier Tumukunde was promoted in 2015 to the rank of Lieutenant General (bypassing the rank of Major General) before being retired from the army, therefore allowing him to become a “political mobiliser” for the 2016 presidential campaigns.<sup>44</sup> Bogere chose not to contest for the army seat in the 8<sup>th</sup> Parliament

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<sup>39</sup> Report of the Sectoral Committee on Legal and Parliamentary Affairs on the Parliamentary Election Amendment (No 2) Bill 2015, p. 12.

<sup>40</sup> Ibid p. 9 – 10.

<sup>41</sup> Muriaas and Wang, p. 330.

<sup>42</sup> See Brigadier Henry Tumukunde vs. Attorney General and Another - *Constitutional Court Const. Petit. No. 6 2005 - 8/25/2005*

<sup>43</sup> Alfred Tumushabe, Perez Rumanzi and Risdal Kasasira, ‘Tumukunde cries out on UPDF ranks’, July 20 2013, accessed at <http://www.monitor.co.ug/News/National/Tumukunde-cries-out-on-UPDF-ranks/-/688334/1920204/-/11w9s91z/-/index.html>

<sup>44</sup> Risdal Kasasira, ‘Brig Tumukunde promoted then retired’, September 1 2015, accessed at <http://www.monitor.co.ug/News/National/Brig-Tumukunde-promoted--then-retired/-/688334/2854028/-/ssmso7/-/index.html> & URN, Museveni promotes, retires Henry Tumukunde’, September 1 2015, accessed at <http://www.observer.ug/news-headlines/39606-museveni-promotes-retires-henry-tumukunde>

and has since been on ‘katebe’ or un-deployed.<sup>45</sup> This practice has been described as an established method of the UPDF for ‘punishing officers who have fallen out of favour’ with the President and is commonly the result of criticising the leadership style of the Commander in Chief.<sup>46</sup>

#### **4. Impact of Special Interest Groups in Parliament**

The 10<sup>th</sup> Parliament is constituted of 290 directly elected Constituency representatives, 112 women’s representatives, 10 representatives of the Uganda People’s Defence Forces (UPDF), 5 youth representatives, 5 representatives of persons with disabilities and 5 workers representatives; and ex-officio members. A breakdown of these numbers shows that of the 290 directly elected constituency representatives, only 15 are women. However, together with the 112 directly elected women’s representatives, and a few more women from the other special interest groups, women make up one third of the total Parliamentary representatives.

Closer scrutiny of the party affiliations of the special interest representatives shows that they are overwhelmingly NRM. Of the women’s representatives 82% are from the NRM, 10% are independent while the remaining 8% represent opposition parties. 60% of representatives from the youth are NRM while the remaining 40% are independent, while the figure is 80% NRM for workers and 20% Independent. 100% of the representatives for persons with disabilities are NRM. It is instructive to note that out of the total number of special interest representatives only 8 of them are from the opposition.

Since the re-introduction of multiparty politics, the presence of special interest groups has been found to massively favour the incumbent party at all levels of government. The structures that had been established during the Movement years have been carried over into the multi-party era. This has created numerous beneficiaries of the system who have a vested interest in maintaining it as it is. In general, opposition parties do not actively participate in the special interest groups’ elections as the system makes it difficult for them to win. According to a prominent opposition politician Betty Nambooze, MP Mukono Municipality, “NRM has overtaken these elections, its in-charge. There is bribery that is why most incumbents always retain their seats.”<sup>47</sup>

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<sup>45</sup> Richard Wanambwa, ‘Is Bogere, Tumukunde returning to Government?’ September 29 2013, accessed at <http://www.monitor.co.ug/Magazines/ThoughtIdeas/Is-Bogere--Tumukunde-returning-to-government-/-/689844/2010630/-/96pxoh/-/index.html>

<sup>46</sup> Roger Tangri and Andrew Mwenda, *President Museveni and the Politics of Presidential Tenure in Uganda*, *Journal of Contemporary African Studies* 28: 1 31 - 49 (2010), p. 44

<sup>47</sup> Ivan Patrick Kintu, ‘Betty Nambooze: Let’s Kick Out Special Interest Groups from Parliament’, 16 March 2016, accessed at <http://watchdog.co.ug/detail.php?id=1538>

As far as their performance in Parliament is concerned, it has been observed that most affirmative action representatives have strong allegiance to the NRM, to the extent that they do not even dare to challenge the status quo.<sup>48</sup> In the multi-party era, this situation has been exacerbated because many representatives fear falling out of favour with the party or losing their seats in the next elections. While commenting on this situation, one MP observed, “You see, the 6th Parliament was based on the principle of individual merit. We could afford to debate and vote according to our conscience. But now under partisan politics, we are controlled by collective responsibility. Once the Movement Caucus takes a position, we all support without questioning.”<sup>49</sup>

In one of the most innovative and ambitious projects to assess MP performance in the Ugandan Parliament, the African Leadership Initiative (AFLI) carried out a five year ‘parliamentary scorecard’ project which ran through the term of the 8<sup>th</sup> Parliament. The scorecard analysed MPs performance according to certain set criteria (for instance, participation in plenary and committee sessions, constituency representation, peer review by fellow MPs) in order to provide citizens the necessary information to monitor their performance. Specifically, the scorecard attempted to describe patterns of performance of MPs by party, ascension (direct election or special interest), gender group, and region in an effort to help voters understand how Parliament functions and how their MP compares with others in the country.<sup>50</sup>

The scorecard project found that in terms of Parliamentary participation, Army MPs consistently performed the poorest out of all categories of MPs in the house during the 8<sup>th</sup> Parliament. AFLI describes their performance in the Plenary in their 2007-2008 report as follows

The lowest scorers, by a substantial margin, were once again representatives of the UPDF. MPs representing the UPDF attend rarely (7 sittings out of 80, on average), participate infrequently (nearly 600 lines fewer than the average constituency MP), and have no perceptible influence on debate according to our measures (more than 900 lines fewer than the average constituency MP).<sup>51</sup>

A further analysis of the data over the term of the 8<sup>th</sup> Parliament reveals that Army MPs also infrequently attended their Committee meetings.<sup>52</sup> It is no surprise that army MPs have poor attendance records as the MPs are serving army officers and as such, have other duties to

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<sup>48</sup> Muriaas and Wang p. 329

<sup>49</sup> As quoted from Bainomugisha and Mushemeza, p.16

<sup>50</sup> Africa Leadership Institute (AFLI), 2008 *Parliamentary Scorecard 2007 – 2008: assessing the performance of Uganda’s legislators*. Kampala: AFLI p.vi

<sup>51</sup> Ibid, p.41

<sup>52</sup> See Reports of the Africa Leadership Institute (AFLI), between 2006 -2011 *Parliamentary Scorecard: assessing the performance of Uganda’s legislators*. Kampala: AFLI.

attend to. It would be a tall order to expect the Chief of Defence Forces for example, to faithfully attend Parliament for both plenary and committee meetings given his heavy responsibilities within the Force. The army on their part has sought to clarify that when they are not in Parliament, they are in their “constituencies” which is on the battlefield, or in the “trenches”. In 2010, General Tinyefuza (Sejusa), UPDF representative explained frequent army absences during debate in Parliament as follows,

...In this constituency of ours, the Members are on duty all the time. For us, we are never absent; when we are not in Parliament, we are in our constituencies, we are in Somalia, we are in Darfur, we are in the North, we are in the trenches....If we were not in the trenches, know we would be counted AWOL (Away Without Official Leave) and we would be arrested. So, when you see me not arrested, you know I am in the trenches. And that is the special way of our representation; you should be proud of this Army...the Army was brought to Parliament not to speak. It is a special interest group which safeguards the security of this country. It is not a talking club. It is a safeguarding institution. Therefore, do not judge us according to the debate on the Floor of Parliament. Judge us on whether we have survived the al-Shabaab terrorists; this is the issue.<sup>53</sup>

This of course begs the question whether army representatives can effectively conduct their core roles of legislation, representation and oversight as would be expected of any Member of Parliament. In as far as meeting these roles, army representatives have had an especially poor performance in the House while on average district women MPs and representatives of persons with disabilities performed the best from the special interest representatives.<sup>54</sup> Despite facing the same constraints as other affirmative action groups in terms of patronage, the representatives of the disabled have been relatively successful in advancing the interests of their constituents.<sup>55</sup> They have been instrumental in pushing for and ensuring enactment of disabled-friendly legislation, including the Persons with Disabilities Act 2006, the Equal Opportunity Act 2006, the Employment Act 2006, and the National Council for Disability Act 2003.<sup>56</sup> Legislation that is important to women includes the Ant-Trafficking in Persons Act, Female Genital Mutilation Act, Equal Opportunities Act and Domestic Violence Act.<sup>57</sup>

## **5. Civil-Military Relations – in a Time of Transition**

Numerous examples of weak military professionalism abound in Post-independent Africa. Militaries have disrupted the democratic processes of the State through coups in numerous countries across the continent. Burkina Faso and Madagascar have had military mutinies and numerous other armies have been implicated in gross violations of human rights and in

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<sup>53</sup> General Tinyefuza, Parliamentary Hansard November 10, 2010

<sup>54</sup> Ibid.

<sup>55</sup> Muriaas and Wang, p. 329

<sup>56</sup> Ibid.

<sup>57</sup> Ibid. 332

corruption scandals. The challenge for many African countries has been how to professionalise their armed forces in such a way that they not only respond to security challenges but also help build and consolidate their States' nascent democracies and foster development.<sup>58</sup>

Another major challenge that has been common to many African states is how to professionalise their military and to keep it out of politics. According to research done by the Africa Centre for Strategic Studies on the effect of Coups, they observe that:

Countries that have experienced a coup d'état pay a steep and long-term price for their militaries' misplaced and sometimes cyclical interference in political discourse. Once the precedent of a coup has been established, the probability of subsequent coups rises dramatically. In fact, while 65 percent of Sub-Saharan countries have experienced a coup, 42 percent have experienced multiple coups... Reflecting a degree of progress, while the threat of coups remains a real concern in Africa, the frequency of successful coups has diminished considerably (and has been concentrated in West and Central Africa) since the mid-2000s compared to previous decades.<sup>59</sup>

In his seminal book on civil-military relations, *The Soldier and the State*, Samuel Huntington grappled with this very dilemma - how to guarantee civilian control of the military while still ensuring the ability of the uniformed forces to provide security. His solution was a mechanism for creating and maintaining a professional, apolitical military establishment, which he called "objective control." Such a professional military would focus on defending the State but avoid threatening civilian control.<sup>60</sup>

Thus what has come to be known as democratic civil-military relations is underpinned by core principles which include the acceptance by the military of a democratic civilian authority and democratic institutions, non-partisanship in the political process, and respect for and defence of the rule of law and human rights. In a strong democratic political culture, legitimately elected civilian authorities are fully responsible for managing public and political affairs while the military are the neutral servants of the state, and the guardians of society. Military leaders advise the elected leaders and carry out their decisions. The military does not represent or support any political viewpoint or ethnic and social group and its loyalty is to the larger ideals of the nation, to the rule of law, and to the principle of democracy itself.<sup>61</sup>

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<sup>58</sup> Emile Ouédraogo, *Advancing Military Professionalism in Africa*, (Africa Centre for Strategic Studies, 2014), p. 4.

<sup>59</sup> Ibid, 6-7.

<sup>60</sup> Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, Mass.: Belknap of Harvard Univ. Press, 1957). 83-84

<sup>61</sup> Principles of Democracy, : Civil Military Relations, available at <http://www.ait.org.tw/infousa/zhtw/DOCS/prinDemocracy/civil.html> (accessed 16.04.2016)

Does the military have a role to play in the Parliament of a democratic State? In general, the States which have military presence in their Parliaments tend not be democratic or are in transition from militaristic style of government to a democracy. It is instructive to note that when the issue of army representatives came up for debate in the Ugandan Legal and Parliamentary Affairs Committee in 2015, the Committee report highlighted examples such as Myanmar, Thailand, China, Russia and Indonesia in their comparative analysis, as examples of States which have or have had military representatives in Parliament.<sup>62</sup> What is notable about most of these States, is the strong interference of the military in politics and/or the lack of democracy. Indonesia only managed to completely scrap army seats from Parliament in 2004. After the fall of the Suharto regime in 1998, a gradual process of stringent military reform was started by successive governments, which saw the scrapping of Suharto's dual function doctrine that gave the military Parliamentary and Ministerial seats. Myanmar's military regime which for years resisted the move to a democracy ensured that it entrenched in the Constitution, a 25% seat reservation for the military, before allowing for a transition to democracy to proceed. In China, one of the goals of the Peoples' Liberation Army is to protect and serve the ruling Communist Party. The PLA has the highest number of seats (delegates) in China's Parliament.

Pundits argue that the issue in Uganda is far greater than army representatives and more about the role of the army in decision-making processes. According to Charles Rwomushana, former head of the political desk at State House, "The decisions that Museveni makes in the NRM caucus that he chairs are those that Parliament passes, our civilian legislators think that by voting, shouting and legal drafting they are working – but it's the army. In essence, we don't have a people's Parliament."<sup>63</sup>

A critic of the system, D. Kalinge Nyago describes Uganda as a country under a “military control and civilian participation” model of public administration where there is a degree of civilian participation for practical or symbolic reasons which masks the fact that the military is really pulling the strings behind the scenes. According to him, the major institution upon which the current government rests is the army, and the military high command could be the ultimate decision maker with other institutions being called upon when convenient or appropriate – a meticulous public relations approach.<sup>64</sup>

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<sup>62</sup> Report of the Sectoral Committee on Legal and Parliamentary Affairs on the Parliamentary Election Amendment (No 2) Bill 2015, p. 13 - 15.

<sup>63</sup> Halima Athumani, 'Uganda's army MP's: vanguard of democracy or time bomb?', 22 May 2015, accessed at <http://aa.com.tr/en/world/ugandas-army-mps-vanguard-of-democracy-or-time-bomb/44753>

<sup>64</sup> Omar D-Kalinge Nnyago, *Ugandas Soldier Politicians* Open Democracy, available at [https://www.opendemocracy.net/democracy-africa\\_democracy/uganda\\_military\\_3472.jsp](https://www.opendemocracy.net/democracy-africa_democracy/uganda_military_3472.jsp)



It should be noted that the military has two civilian masters - civilian control involves not only the executive branch but the legislative one as well.<sup>65</sup> A robust legislative involvement in defence issues is a valuable indicator of democratic civil-military relations.<sup>66</sup> In contrast to the situation in Uganda where the military sits in Parliament to monitor its activities and report to its own rank and file, what is required is for this concept to be turned on its head, and for the legislature to have far greater knowledge into what is happening in the military. It has been shown that civil-military relations improve when there is more hands on strategic oversight of the military by the legislature, civil society and the media.<sup>67</sup>

According to Emile Ouédraogo, the legislature needs to be more actively involved in debating the purpose, goals, policies, budget, spending, promotion practices and performance of the military. Keeping the defence budget confidential for national security interests should not be the repeated pretext for hiding poor military governance. Defence is a public service and as such the public deserves to know how and why its funds are spent by the military. As corruption and mismanagement in the military have far-reaching implications for national security and confidence in the entire government, external audits over the administration of public monies in the armed forces should be a national priority. Strengthening parliamentary controls over defence spending can improve the internal governance of militaries and may go a long way toward resolving the problem of accountability.<sup>68</sup>

Lesotho provides an example of how to set the framework for an effective security institution and, consequently, democratic civil military relations. The Defence Force Act, enacted by the Lesotho Parliament in 1996, provides for the structure, organization, and administration as well as discipline of the armed forces and matters related thereto. Establishment of the Ministry of Defence in 1995 institutionalized civilian control of the forces by an elected civil authority as well as the enhancement of accountability of the forces to the Executive and Legislative branches. The removal of the armed forces from partisan politics made the military more professional in its execution of national duties. Such separation made the government more democratic as well.<sup>69</sup>

Ghana is frequently cited as a model of how to transit from a military regime to democratic rule. Having experienced numerous coups since independence, the country was used to military incursions into politics. In 1992, Jerry Rawlings came to power through a coup but

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<sup>65</sup> Mackubin Thomas Owens, *What Military Officers Need to Know about Civil-Military Relations*, (Naval War College Review, Spring 2012, Vol.65, No.2) p. 71

<sup>66</sup> Zoltan Barany, *The Soldier and the Changing State* (Princeton: Princeton University Press, 2012), p. 350.

<sup>67</sup> Ouédraogo, p. 2.

<sup>68</sup> Ibid, p. 2, 45 – 46.

<sup>69</sup> Khabele Matlosa, "From a destabilizing factor to a depoliticized and professional force: the military in Lesotho," in *Evolutions & and Revolutions: A Contemporary History of Militaries in Southern Africa*, ed. Martin Rupiya (Pretoria: Institute for Security Studies, 2005), 85-110.

his government began a process of incremental transition to democracy, symbolised by his resignation from the military and his ceasing to wear military uniform. The government worked on the military's return to barracks, and also sought to build the esteem and training of the army by involving them in international peacekeeping missions. The government also embarked on a purge of the most corrupt and politicised ranks within the military thus rendering them less likely to intervene in the political arena. In December 2000, Rawlings handed over power to the rival opposition party, following his party's defeat at the polls. It was the first time in Ghana's history that a democratically elected government had seen out its term of office and handed over power to another party in a constitutionally approved way.

<sup>70</sup> It has since held four multiparty elections and is due to hold another general election later this year.

## 6. Conclusion

The difficulties associated with quota systems and their efficacy in influencing legislative processes is not just a challenge unique to African countries, but a global one. The mere inclusion of special interest representatives in decision making bodies does not always translate to meaningful participation and leadership by them. The practice may in fact strengthen existing prejudices and confirm public perceptions that these groups are less qualified or competent. It is therefore necessary to introduce other measures which would ensure that such groups are better supported to increase their effectiveness and thus influence the minds of the society they are expected to lead. One of the ways of doing this, is by re-examining and addressing the structural factors that marginalise the participation of specific groups within the society in the first place. It is only by getting more women, persons with disabilities, youth and other minority represented groups directly elected into Parliament that some of the structural barriers that prevent more of them from being elected can be removed.

While quotas are often introduced as a 'temporary measure', experience has shown that in practice it is very difficult to abandon them. In Africa, quotas are prone to be exploited by those in power "given that most African presidents use their executive power to maintain control over the legislature and the electoral calendar, and that the political playing field in many countries is inherently uneven due to unequal accesses to resources, the media and the law."<sup>71</sup> In Uganda, the continuous creation of new districts exacerbates the problem, and increases the direct beneficiaries of the special interest seats. While the voices clamouring for the abandonment of the entire quota system are strong, it should be recalled that special seat

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<sup>70</sup> This excerpt on Ghana is adopted from the Working Paper, Antoinette Handley and Greg Mills, *From Military Coups to Multiparty Elections: The Ghanaian Military-Civil Transition*, Conflict Research Unit, Netherlands Institute of International relations (2001)

<sup>71</sup> Muriaas and Wang, p. 316

reservations are also a culmination of hard fought rights for representation in an environment which is generally not supportive of candidates from marginalised groups.

This however does not take away the fact that the presence of the army in Parliament does raise the question of whether they are indeed a special interest group deserving of seats in a multi-party parliament. Civil-military relations in a democracy emphasise that the military are the neutral servants of the State and should not be seen to support any political view point. The presence of the army representatives in Uganda's Parliament is at odds with a modern day democracy and raises the question of their ability to remain non-partisan. While the recent recommendation by the Legal and Parliamentary Affairs Committee to amend the rules of procedure which would allow free sitting in Parliament for the army is welcome, it is at best a cosmetic exercise as what matters is the participation, voting patterns and ultimately, the public perception of the army representatives.<sup>72</sup>

In order to ensure the further normalisation of relations between the military and civilians, the army should be kept well away from Parliament and firmly under the Executive through which their needs can be ably represented. The continuous justification that the presence of army representatives in Parliament has ensured the stability that is seen in the country today cannot stand. The absence of a coup does not indicate that civil-military relations are healthy or that civilian control has not eroded.<sup>73</sup> What is ultimately required is further civilian oversight of the army by Parliament which should be allowed to effectively exercise its role of strengthening military accountability through active monitoring of their budget, spending and other relevant practices. The time is indeed high to amend Article 78 (c) of the Constitution and scrap army seats from Parliament.

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<sup>72</sup> See recommendations made in the Report of Legal And Parliamentary Affairs Committee on Parliamentary Elections (Amendment) (No.2) Bill 2015, p.16

<sup>73</sup> Mackubin, p. 72.