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Paper presented to
Political Studies Association
58th Annual Conference
Democracy, Governance and Conflict: Dilemmas of Theory and Practice
Swansea University
1-3 April 2008

Panel: *Democracy and State Development in Africa*

Parliament as Opposition in Uganda: Democratisation and its Consequences

Abstract:

This paper concerns itself with the role of Parliaments/Legislatures in the process of democratisation, using the example of Uganda. The relation between Parliament and the Executive branch is the core issue, and the phenomenon of 'Parliament as Opposition' in Uganda is detailed. The process of democratisation in Uganda is evaluated in this context, and the relationship between democratisation and development assessed. Case studies of conflict between Parliament and the Executive over financial sector reform, central bank independence, and electricity sector reform are provided. To the extent that the Parliament challenged the Executive over these reforms, it effectively also challenged the development strategy advocated and supported by the donor community.

The recent democratisation reforms leading to multi-party elections in Uganda are interpreted in this light. These reforms are read as potentially undermining the role of Uganda's Parliament in providing a check on Executive power, apparently a perverse outcome for a process of democratisation. Donor interest in democratisation and development therefore remain to some degree contradictory. Domestic explanations refer to the political interests of the Museveni regime; international ones to donor preference for procedural forms of democracy over substantive ones in the context of disciplinary neo-liberalism. These, the paper argues, are not mutually incompatible.

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Democratization is an example of a situation where knowledge concerning "policies, administrative arrangements, institutions and ideas in one political setting (past or present)" are used in a different political context (Dolowitz and Marsh 2000: 5). The policy transfer framework therefore can be a useful tool for analysing problems arising from processes of democratisation, as much as other forms with developmental implications, from structural adjustment/poverty reduction strategies, to good governance reforms. While most studies of policy transfer remain grounded in OECD states (Larmour 2002: 152), analysts have provided explanations for why policy transfer may be problematic, both in general terms and with specific regard to developing states, which pertain to the issue of democratisation.

Public policy analysis finds that transferred policies may in fact fail, only be partially implemented, or be adapted to meet local circumstances. Transferred policies may even exhibit different "performance characteristics" in the new context that contradict the intentions of the reform process. There are a range of reasons for this: the normative ambitions of policy-makers; the irrationality of the policy-process; or in developing states, a lack the capacity to properly implement selected policies. Policy transfer must be seen as contingent, taking place in a particular historical, political, economic, and institutional context: success in one sector or state will not necessarily be repeated elsewhere. Analysing policy transfer requires scholars to explicitly address adaptation and the consequences of reform processes and set findings against reform intentions (see Stone 2004; 1999; Simmons *et al* 2004; Rodrik and Subramanian 2003; Levi-Faur and Vigoda-Gadot 2004; Allegret *et al* 2003; Stone *et al* 2001; Stiglitz 1999; 1999a).

The paper suggests that given the uncertainty of policy transfer processes, the potential exists for contradictions to emerge from democratisation, as with other developmental policies promoted by the donor community. Indeed, it is possible that democratisation and democratic reversal may happen simultaneously during complex reform processes (Burnell and Calvert 2005: 434; Burnell 2000: 24). There is perhaps an increasing tendency to view democracy and development as inherently compatible, a view most explicitly put forward by Nobel-prize winning economist Amartya Sen (see Sen 1999). In part at least, this reflects the rise of good governance to status of a development paradigm (see Leftwich 1993; Williams and Young 1994). However, if contradictions can be demonstrated, this suggests problem for this paradigm, at least from the short-term perspective of donor advocated development programs. While no longer a popular normative position, the experiences of East and Southeast Asia in rapid development remain the primary empirical case for a post-war 'model of development', despite scholarly debates concerning the limitations of such a model (see Wade 1990; World Bank 1993; Krugman 1994). Democratisation is looked at in this light, focusing on the reform context and actual reform outcomes through a case study of Uganda's parliament. Some understanding of the impact of policy transfer of policies for democratisation is thereby generated.

In regard to international explanations, making sense of democratisation in Uganda requires recognition of the difference between substantive forms of democracy (see Przeworski 1991) and the procedural form advocated by the donors through the good governance discourse, where the trappings of Western 'electoral democracy' will suffice (see Burnell 2005; Burnell 2000: 4; Zakaria 1997). Demonstrating that democratisation processes promoting procedural democratisation undermine substantive claims to democracy highlights a core tension in the theory and practice of democratisation. The Uganda case study suggests the possibility of this outcome, and therefore remains a significant case.

The tension between procedural and substantive democratization in the reform process must itself be placed in the context of disciplinary neoliberalism (see Gill 1999). Donors face a conflict between reforms aimed at promoting substantive forms of democracy, and those aimed at supporting a more efficient market economy. According to Ayers (2006: 235), in Uganda this has been resolved in favour of the stabilisation of neo-liberalism, and the promotion of procedural democracy, *through the promotion of a multi-party system*. Promoting procedural forms of democracy that undermine substantive forms, in the interests of disciplinary neo-liberalism, is therefore seen as donor strategy. The donor community is widely viewed to have a significant impact on reform processes in Uganda, and is explicitly linked to the promoting of a multiparty system by President Museveni (Ayers 2006: 326). From a position purely of structural economic dependence, the importance of donor financing for Uganda's budget is clear (Kasfir and Twebaze 2005: 5; Kasekende and Atingi-Ego 1999; Hauser 1999; see Himbara and Sultan 1995). This makes sense in the context of Parliament as Opposition in Uganda, which across a wide range of issue areas has created difficulties for the neo-liberal reform programme donors are advocating.

This reflects the observation that donors tend to have little interest in Legislatures overall, as they are the least favourable branch of Government for reform. Strong executives, on the other hand can push reform programmes through (Carothers 1999: 183-5). Uganda is in fact typical of a post-conflict developing state, where political liberation has occurred in the context of strong Executive power (see De Zeeuw 2005). Under such circumstances, following Carothers (1999: 178-95), 3 models of the development of Legislatures can be identified. Model 1 sees Legislatures as likely to be subordinate to Executive power, serving only to rubber-stamp Executive decisions. In Model 2, Legislatures end up heavily factionalised, with extensive in-fighting ensuring legislative paralysis and an inability to provide critical oversight on Executive decisions. In Model 3 Legislatures may become the voice of opposition, particular with regard to reform programmes advocated by donors. This is the ‘Parliament as Opposition’ phenomenon.

The Constitutional, legal and structural basis of parliamentary activities are discussed at length in Kasfir and Twebaze (2005). The 1995 Constitutional changes allowed Uganda’s Parliament, despite being the product of a ‘no-party’ system, to rise above Model 1, while the no-party system itself mitigated against Model 2. The Constitutional changes also promoted Model 3, but this built upon the structural problem for Parliament in Uganda more generally: its insertion into an already fully-functional political system characterised by a historically strong Executive, and a grassroots based ‘movement’ system of participation and accountability. Parliament asked itself the question: ‘What is my function?’; and answered ‘Opposition’.

Burnell (2002 291-312; 2001: 34-5) notes that a world-wide tendency for Legislatures to lose power to the Executive branch is exacerbated in the ‘neo-patrimonial’ context of African states. In this sense, a not mutually incompatible domestic explanation of the shift to multi-party democracy in Uganda can be proposed. Burnell’s research into neighbouring Kenya concluded that successful oversight of Parliament over the Executive branch increases the Executive’s incentive to reform Parliament to make it less troublesome. One strategy for this might be to impose party discipline on MPs, effectively moving the Legislature from Model 3 to Model 1 – or if this transformation has divisive consequences, Model 3. This is problematic from both the substantive democratisation perspective, and from the developmental perspective, as Burnell concludes that Executive oversight provided by the Kenyan Parliament had developmental benefits in the face of poor developmental decisions by the Executive (Burnell 2001: 34).

This paper provides case studies of ‘Parliament as Opposition’, based in part on unpublished fieldwork interviews, noting that in practice the function of Uganda’s Parliament in Model 3 took three forms. First, Parliament acted as a voice of discontent, reflecting the views of other parts of Ugandan society in Uganda. Second, Parliament (through its research department) published a series of reports highly critical of Government policy and reform processes. Third, Parliament, in coalition with other actors and utilising its institutional capacity was able to orchestrate delays to the reform process. In return, Parliament attracted direct criticism from the President, senior Ministers, and officials

throughout the Executive branch, Ministries, and Government agencies. This is the context in which the final part of the paper addresses democratisation reforms which created a multi-party system in Uganda, recognising the compatibility between domestic and international explanations.

Conflict over Financial Sector Reform

Conflict between Parliament and the Executive branch of Government in Uganda prior to the move to a multi-party system can be traced back to 1996. As part of the 1995 political process, the election of a new Parliament and constitutional reform, the Ugandan central bank, the Bank of Uganda (BoU), became constitutionally independent. MPs concerned with Parliamentary authority appear to have viewed this with suspicion. In 1999 Parliament identified a problem with how central bank independence was being interpreted in the context of financial sector reform, stating that the central bank was unaccountable, and should be subject to Parliamentary authority, particularly in matters of public concern (Parliament of Uganda 1999a: 8-9).

The issue which stirred up this conflict was reform to Uganda's problematic financial sector. Parliament's opening gambit was to call a Judicial Committee of Inquiry into the central bank's decision to close four problem banks in 1999. Given that financial mismanagement was clearly apparent, the Inquiry vindicated the BoU's decision, however, conflict continued as soon after the central bank moved to privatise of the largest and most important bank in Uganda, the Uganda Commercial Bank (UCB). UCB was re-capitalised to the tune of Ushs. 118 billion (1.7% of Uganda's GDP), and became a limited liability company (UCBL) in October 1997 (Parliament of Uganda 2002: 2.4.2; 1997: 2). UCBL, with over 50% of all deposits in Uganda, was widely viewed as "too big to fail".

Parliament was initially in favour of this, with the caveat that "informed professional opinion from the country of origin and also from reputable international professional and banking bodies be obtained" regarding potential investors, to ensure the privatisation process was "fully transparent" and free from "seeds of tension" (Parliament of Uganda 1997: 5-9). Tension was, however, the result of the reform process, as the Malaysian-based company Westmont Land BHD Asia which took over UCBL in April 1998 lasted only a few months, caused Ushs. 23.5 billion in losses, and left the recently re-capitalised UCBL Ushs. 16.3 billion in debt (Parliament of Uganda 2002: 2.4.2). Westmont, it eventuated, had neither the capital nor the expertise to properly manage UCBL, and was in fact secretly fronting for a Ugandan bank (purportedly with links to the President's brother), Greenland Bank Ltd, to whom massive amounts of money had been lent (Kasfir and Twebaze 2005: 15; Kasekende 2002: 10; BOU 2002: 32; Tangri and Mwenda 2001). Parliament referred to the privatisation of UCBL as a "fiasco", and managed through the threat or practice of censoring Ministers to claim a number of Ministerial scalps (Kasfir and Twebaze 2005: 14; Parliament of Uganda 2002: 2.4.3).

In April 1999, the Bank of Uganda seized managerial control of UCBL from Westmont under sections 31 and 32 of the *FIS* (1993), while the Government sued Westmont and regained ownership of UCBL in November 2000, at a legal cost of Ushs. 11 billion. After returning UCBL to solvency, the central bank

began preparations for re-privatisation against strenuous objections from Parliament. In July 2000, the new privatisation objectives were set out: to sell a controlling stake to a well-established, reputable and credible bank, while preserving the rural branch network; the protection of existing deposits; and floating 20% of UCBL on the Uganda stock exchange (Ministry of Finance 2003: 1-2; Kasekende 2002: 9-10; BoU 2002: 32-3; Parliament of Uganda 2002: 2.4.3; 2.5.1; 4.1.6; Rukutana 2001).

The BoU's strategy, set out to the Joint Parliamentary Committee on the Economy and Finance on February 15 2001, was to approach 11 "pre-qualified" reputable international banks already operating in Africa. An offer from Standard Chartered Investment Banking Corporation Ltd (Stanbic) was accepted on October 15 2001, as it met "the primary objectives for the resolution of UCBL" according to the Minister for Finance and the Divestiture and Reform Implementation Committee (DRIC) (Parliament of Uganda 2002: 4.1.6; Rukutana 2001). Stanbic took over management of UCBL on February 21 2002 (Parliament of Uganda 2002: 2.6.1).

Parliament, for its part, questioned the legality of the UCBL sale, its public accountability, and the adequacy of the DRIC investigation, arguing that the entire process lacked transparency, and that BOU Governor Tumusiime-Mutebile was "very anti-Parliament" (Parliament of Uganda 2002: 2.6.2). While critics of Parliament suggested in private that MPs sought to maintain state control of UCBL because of its history of generous politically-motivated lending, for example through the 'MPs Tractor Scheme', the BoU received little public support, even from the Ministry of Finance. Parliament's attempt to portray the sale as 'secretive', given the fundamental lack of trust in the Ugandan political system and a lack of political support for the BoU, inevitably led to suspicions of corruption.

Indeed, on May 15 2002 a Parliamentary Ad Hoc Committee was appointed to investigate the "manner and propriety" of the UCBL sale under Article 90(4)(a) of the Constitution. Parliament took the technical position that UCBL should have been sold under the *PERD Statute* (1993) rather than under section 32 of the *Financial Institutions Statute (FIS)* (1993) as claimed by the BoU (Ministry of Finance 2003: 4-10; Parliament of Uganda 2002; BoU 2002: 33). Parliament argued that the BoU's strategy of approaching 'pre-qualified' buyers through a private financial consultant, rather than using an open, competitive tender, resulted in a hurried, secretive sale of UCBL at any price (Parliament of Uganda 2002: 4.1.3-9). The BoU and Ministry of Finance counter-claimed that an open bidding process would entail the risk of "depositor flight", and that otherwise high quality investors were unlikely to be found, while Parliament claimed this process in fact excluded many bidders to the commercially detrimental of UCBL (Parliament of Uganda 2002: 4.1.4-8; Rukutana 2001). The Ad Hoc Committee nevertheless concluded that the eventual sale price and terms were well below market best (Parliament of Uganda 2002: 4.1.9; 4.2.3-4.2.8).

The Ministry of Finance defended the BoU's decision, arguing that the central bank has a statutory obligation to prevent unsuitable investors from participating in the bidding. The appropriate goal of the second privatisation therefore was not

to maximise sale price, but to find a suitable buyer and thereby avoiding a second debacle, the benefits of which “far outweigh” any potential higher sale price (Ministry of Finance 2003: 2-5; Kasekende 2002: 11). Furthermore, one independent evaluation (KPMG) found that UCBL fetched an appropriate sale price, while another (GBRW) concluded that the sale was within the central bank’s mandate. The Ministry of Finance therefore concluded that the Report of the Ad Hoc Committee ignored the “substantial achievements” of the central bank in selling UCBL to a reputable international bank, while maintaining the rural branch network (Ministry of Finance 2003: 2-6; KPMG 2001; see Government of Uganda 2001). Sources with the Executive branch of Government viewed the Ad Hoc Committee’s report as ‘very shoddy’ and as a case of ‘sheer oppositionalism’ by anti-Government forces in Parliament.

Conflict over Central Bank Independence

However, returning to an earlier theme, the Ad Hoc Committee also claimed the central bank had used “purported supervisory powers and independence” to sideline Parliament in the sale of UCBL. One MP argued that to privatise the largest state bank without Parliamentary approval would be unthinkable in any other state. The Ad Hoc Committee concluded that the power of the BoU in regard to insolvent financial institutions regaining solvency under statutory administration were excessive, needed to be reviewed (Parliament of Uganda 2002: 4.6.2). Further, Parliamentary resolutions should be “legally binding and enforceable” to prevent a repeat of this scenario (Parliament of Uganda 2002: 8.1.1-8.1.2).

The conflict between the BoU and the Parliament of Uganda over financial sector reform therefore became an explicit conflict over central bank independence, involving other branches of Executive Government, in particular, the Ministry of Finance. The Ministry of Finance explicitly defended BoU central bank independence, arguing that the Parliament’s proposals were unconstitutional, as they breached the principle of the division of powers between the Legislative and Executive branches. Parliament should enact laws and act as Executive oversight, not impose legally binding resolutions on Executive functions such as those provided by the central bank (Ministry of Finance 2003: 8).

The Ad Hoc Committee argued that central bank independence, as enshrined in the Constitution and the *Bank of Uganda Statute* (1993), had been “misinterpreted”. Independence was intended to facilitate monetary and fiscal policy, domestic price stability, and external equilibrium in balance of payments, not to shield the central bank from public accountability. Parliament therefore set out its intent to give central bank independence the “correct interpretation” through a review of both the Constitution and the *FIS* (1993) (Parliament of Uganda 2002: 8.3). The Ministry of Finance replied that the Constitution had *not* been misinterpreted, as the BoU’s independence also related to its role in financial sector regulation. The central bank must be able to carry out its mandate independent of Parliament and Government, and remained accountable through Parliament’s power to request explanations for central bank actions from the BoU Governor (Ministry of Finance 2003: 8).

Revision of the *FIS* (1993) (the *Financial Institutions Bill* or *FIB*) therefore became the new basis for political conflict. Parliament sought to use the revision of the *FIS* (1993) to *reduce* central bank independence, and the entire process was explicitly portrayed in such terms by some sources in the Ugandan media. (allafrica.com 2003). However, the Executive branch supported revision of the statute, on the grounds that it was inadequate for central bank regulation of financial institutions. The revisions, therefore, were for the Executive intended to *enhance* central bank independence. Consequently, there were many drafts and the process was a lengthy and drawn-out case of Parliament-Executive conflict (Kasekende 2002: 18).

The Executive branch's view plan was to use the reform to reduce regulatory forbearance, with mandatory requirements for central bank actions against financial or banking institutions when certain thresholds are crossed being generated. This, in theory, would reduce conflict between Parliament, the central bank, and the Ministry of Finance, as reduced discretion effectively depoliticised the BoU. Corporate governance would in turn be improved, by clearly defining the role of the board, management, auditors and regulators. The central bank would also be given the power to dismiss the board of directors of failing commercial banks. The Executive also sought to use the *FIB* to restructure Uganda's problem financial sector. Minimum capital requirements were to be imposed on small banks, and ownership of a bank would be limited to a 20% maximum for any one family or organisation. Such measures were designed to stop the practice of family-owned banks lending money to themselves and then collapsing, with the Government (as guarantor of deposits) left to foot the bill. Further restrictions on insider lending (to 25%) were planned, as well as strict limits on large exposures (Kasekende 2002: 7-18; Tumusiime-Mutebile 2001: 3).

Critics noted that proposed rule changes to bank ownership would limit Ugandan citizens and companies, but not foreign banks or investors, who were in fact being encouraged to invest as majority shareholders. It was also suggested that such reforms would prevent important local organisations (such as NGOs) from accessing necessary financial services. Parliament therefore viewed such planned reforms as an attempt to take control of the banking sector away from Ugandan nationals and discourage indigenous enterprises, whilst encouraging foreign-owned banks as if they were "missionaries". Indeed, under Article 26 of the *FIB* (2002), capital requirements were to increase to Ushs. 4 billion, and clauses offering preferential treatment for local investors under the *FIS* (1993) were abolished (Parliament of Uganda 2002a: 6-8; Tumusiime-Mutebile 2001: 1).

The BoU's strategy was viewed as one of abolishing smaller players in the financial sector, rather than strengthening its own regulatory capacity. Explicit attempts to strengthen the central bank's regulatory powers were explained as they targeted specific problematic sectors or individuals in a "draconian" manner, rather than addressing the long-term national economic interests of Uganda. Such reforms were viewed as failing to address the widespread financial sector problems of corruption, insider lending and political loans, and instead, as one MP argued, reflected the BoU's failure and incapacity to properly supervise and regulate the financial sector.

Parliament's report into the *FIB* (2002) concluded that the powers it proposes for the central bank over financial institutions are "excessive" and the penalties too harsh (Parliament of Uganda 2002a: abstract). The abolition of requirements for BoU to consult with the Minister of Finance under Article 11, for example, would give the central bank significant "unchecked power". Parliament's report reiterated the finding of the Ad Hoc Committee that central bank independence is being "misinterpreted and must be given correct interpretation", and misused so as to shield the central bank from public accountability. Parliament again foreshadowed its intent of a constitutional review of central bank independence (Parliament of Uganda 2002a: 15). Parliament was viewed as seeking to resolve its grievances with the BoU over the UCBL sale before passing the *FIB*, and indeed, passed a motion on December 4 2002 that "debate on the Financial institutions Bill, 2002 be halted until the report on UCB has been presented, debated and the house pronounces itself on the matter" (Parliament of Uganda 2002b)

Conflict over Electricity Sector Reform

The UCBL debacle in particular generated a generalised suspicion of corruption in privatisation processes which facilitated Parliament's conflicts with the Executive branch to spill over into other issue areas. This occurred in regard to the Government's long standing plans for electricity sector reform, of which privatization was a central plank. The central issue was the proposed Bujagali hydroelectric site, planned to be built, owned and operated by the private sector as an independent power project (IPP). An investor was found (a subsidiary of US company AES), and the approximately 250 MW of capacity to be generated was viewed by proponents as a long-term solution to actual and predicted electricity generation shortfalls in Uganda. A Power Purchase Agreement (PPA) and Implementation Agreement (IA) with AES had been finalised on December 8th 1999.

The project was to begin in early 2002, but suffered extensive delays resulting at least in part from an examination of the project by the Parliamentary Committee on Natural Resources. The resulting report identified several problems with the Bujagali project, and opposition in Parliament was fuelled by the blowing-out of projected costs for the Ugandan Government. Indeed, under pressure from AES Government guarantees for the project rose from US\$350 to US\$500 million, largely as a consequence of the global impact of the Enron crisis. It was suggested by multiple sources that, once again, given the undoubted widespread existence of corruption in Uganda, the perception existed that such costly projects 'must be corrupt'. In reply, President Museveni publicly lambasted MPs for delaying the project, arguing that Parliament was 'blocking access of ordinary people to investors, sabotaging the economy, and frustrating investors'.

The financing of the Bujagali project was certainly problematic, if not on grounds of corruption. The Government's own electricity sector reform consultants note that Uganda's potential financial obligations to AES were unclear. Indeed, the Implementation Agreement (IA) and Power Purchasing Agreement (PPA) for Bujagali assigned almost all the risk from the project to the Ugandan Government, especially through guarantees of capacity payments (London Economics 1999: 7-11). Ministerial sources conceded that this

effectively meant that the Government of Uganda had to pay for electricity the plant was capable of producing, regardless of whether the electricity was actually sold, for a period well into the future.

Parliament considered this to great a financial risk, especially given problems in the transmission and distribution sub-sectors for which AES was not responsible (Parliament of Uganda 1999: 10). Indeed, should the Bujagali project have been completed under AES auspices by the projected date of 2005, Uganda would have a total generating capacity of around 460 MW, for a forecast peak demand of around 500 MW. Transmission and distribution problems notwithstanding, these demand projections are the object of extensive criticism (see Bosshard 2002). To the extent that there was at least some risk that demand would be insufficient for the increased capacity, the Government's own consultants saw the potential for serious financial consequences (London Economics 1999: 21).

Under the *Electricity Act 1999* it is the role of the independent regulator, the Electricity Regulation Authority (ERA), to make sure this does not happen, by setting tariff levels able to achieve Government objectives. These are to eliminate subsidies and corruption whilst increasing competition, thereby ensuring an increase in the grid size, and with both market efficiency in pricing and the building of economies of scale ensure lower cost electricity. In practice however, the ERA is completely dependent for support and technical assistance from the World Bank and the Ministry of Energy. The Ministry of Energy also controls ERA board appointments and dismissals, and is widely viewed to appoint people who will bow to political pressure. Even ERA sources admit that ERA independence is largely compromised. It is on these grounds that Parliament criticised the ERA, viewing it as dominated by Executive-board appointees, and operating as a rubber stamp for Government policy. Parliamentarians argued that while the electricity sector reforms made Uganda increasingly dependent on the private sector, the ERA was incapable of proper regulation. As one MP noted, Parliament therefore felt no compunction against its attempts to publicly pressure the ERA over the issue of tariff policy.

Parliament was vehemently opposed to the ERA's June 2001 decision to increase tariffs by a massive 133%. The Ministry of Energy argued that necessary revenue for the electricity sector must come from electricity consumers via appropriate tariff levels. Tariff levels were therefore to be raised to the market rate, to ensure cost recovery, to ensure commercially viable electricity sector companies, and to cover both UEB debt and the costs of the Bujagali project (Utility Reform Unit 2002: 3; Ministry of Energy 2001; Parliament of Uganda 2001: 4-8). However, the size of the increase was widely considered disproportional, drawing widespread criticism expressed largely in the Legislature. Neither the Executive branch nor the Ministry of Energy sought to defend the ERA against Parliamentary criticism. Instead, President Museveni, with up-coming elections in mind, sought to subsidise certain categories of consumers directly from the Government's central budget, and particularly provide subsidies for rural electrification (Parliament of Uganda 2001: 4).

Parliament released a report arguing that Uganda already had expensive electricity costs relative to world and regional standards, suggesting problems

with the ERA's view of 'market rates' (Parliament of Uganda 2001: 4; see ESMAP 1996: 26). Market pricing, therefore, was viewed as an inefficiency levy on consumers. Indeed, the May 1999 draft of the June 1999 *New Strategic Plan* argues that tariff increases are not the key to electricity sector viability in Uganda, as tariff levels are adequate when compared to cost base. Distribution reforms aimed at increasing efficiency constitute the core strategy for building a financially viable electricity sector in the draft plan (Government of Uganda 1999a: 5). However, this was omitted from the final document (Government of Uganda 1999). Further questions were raised about the capacity of Uganda to extend the electricity grid to new consumers in the context of rising prices.

Indeed, Parliament explicitly argued that market-based tariffs could conflict with the aim of increasing rural coverage – a contradiction the *New Strategic Plan* identified but did not resolve. Parliamentary argued that initial connection costs for rural electrification remained prohibitive, such that the assumption that increased generation capacity will be absorbed by growing rural demand remains problematic (Parliament of Uganda 2001: 7-9; Government of Uganda 1999: 7). The Government's own consultants note that market rate tariffs would be unaffordable for consumers. During a presentation in 1999, the consultants argued that tariff levels needed to be set by the market and Government subsidies abolished, the costs of rural electrification were simultaneously decreased (London Economics 1999a: 58-9). The potential for contradiction here was more than apparent to critics.

One of Parliament's environmental NGO allies, the International Rivers Network (IRN) explicitly argued that tariff increases would logically lead to a reduction in demand, and provided evidence from both Tanzania and Uganda suggests that high electricity prices were the single biggest disincentive for investment (Bosshard 2002: 17; World Bank 2000: 45). Parliament happily cited IRN reports that privatisation-based electricity sector reform strategies in developing states usually resulted in the debt burden of state electricity utilities being passed to consumers through tariff increases (IRN 2001; Parliament of Uganda 2001: 7-8). Indeed, the interaction between Parliament and environmental NGOs was a particular object of complaint for the Executive branch. Indeed, Parliament's NGO allies managed to delay funding for the Bujagali project at the World Bank through lobbying in Washington D.C., including through claims of corruption. The IRN submission to the World Bank's Inspection Panel (IPN) explicitly argued that the poorly conceived Bujagali project is the cause of unaffordable tariff increases in Uganda that will result in social problems as well as slower economic growth (Inspection Panel 2001: 3-6).

Recent moves towards democratisation in Uganda

Serious consideration of democratic reform – from 'no-party democracy' to a multi-party system began in early 2003 (Kannyo 2004: 125). It is suggested that this bears the hallmarks of an attempted transition from Model 3 'Parliament as Opposition' to Model 1 or 2. Kasfir and Twebaze (2005) note that MPs expressly feared that party discipline would limit the oversight capacity of parliamentary committees. While the argument for donor pressure in the interests of disciplinary neo-liberalism (see Ayers 2006) is not dismissed, in the light of the above, this paper suggests that in part at least this constitutes a response by the

Executive reflecting its own political interests. Scholars note that since at least 2001, the Executive had engaged in a range of strategies to limit Parliamentary oversight and independence, as the President recognised that his legislative agenda was threatened by the no-party legislature. The shift to a multi-party system is therefore open to interpretation as a way of entrenching the Museveni regime (Kasfir and Twebaze 2005; Mugisha 2004: 140-1; Watt *et al* 1999: 50).

Museveni's shift to a preference for a multi-party system in early January 2003 fits with an attempt to shift the Legislature to Model 2 through the imposition of party discipline on otherwise unruly MPs. Indeed, the announcement that the movement (the basis of Uganda's decentralised democratic forums) would become a political party to contest planned elections, supports this perspective – Museveni had previously argued that pro-movement MPs should be loyal to the movement first, and parliament second (see Kasfir and Twebaze 2005: 13). Further to the idea that the aim of this 'democratic transition' is in fact to shore up the Museveni regime, as of March 2003 the transition to a multi-party system became linked to second Constitutional reform: the removal of the two-term limit for Presidents (*The Monitor* 22.02.2003; see the Constitution of Uganda 1995: 105(2)). Some commentators argued that Museveni supported the multi-party system as a trade-off for the lifting of the presidential terms (Inter-Parliamentary Union 2005). This analysis suggests however that this is more of a case of killing two birds with one stone.

Museveni, unsurprisingly, was elected to a 3rd term with 59.28% of the vote in February 2006, after constitutional changes were approved by Parliament in August 2005. With Executive support, the July 2005 referendum saw 92.4% of people vote for restoring multi-party politics (a huge turnaround on the 2000 results, where the Executive had opposed the reforms). Indeed, the Museveni regime promoted the transition against years of its own opposition and rhetoric, largely based on the view that such a system would promote ethnic, regional and/or religious tensions (Therkildson 2002; Watt *et al* 1999: 56-8; Karlstrom 1999; Kasfir 1998; Regan 1998: 171).

The competing domestic and international explanations of Uganda's process of democratisation can be resolved by observing Ugandan politics in the nexus of international and domestic politics. Donor pressure must be measured against the resolve of the Museveni regime against a multiparty system, in the context of increasing Executive dissatisfaction with the 'Parliament as Opposition' phenomenon which emerged from the no-party system. The explanation of donor pressure in the context of disciplinary neo-liberalism and budget dependency must take into account Uganda's record of resistance, in particular to the transition to multiparty democracy against the wishes of its main donors for over a decade, as well as on other issues such as military spending. Uganda's economic success under the Museveni regime (becoming the 'darling of the IMF') has given this state relative independence from the donors in some policy areas (see Hauser 1999). Whereas the donors usually get their way eventually, the context for this Executive change of heart must also be explained, and the 'Parliament as Opposition' phenomenon and the prospect of constitutional reform for extended Presidential terms provided the Museveni regime with a core incentive for reform.

This leaves domestic politics in Uganda as a reasonable basis for explaining the transition to a multiparty democracy, despite, as Harrison (2001) notes, this being unfashionable in a world of globalisation, and the historically entrenched mutual embeddedness of agents of the state and the donor community. The mutuality of interest between the Executive and the donor community is then explained by disciplinary neo-liberalism, and the recognition that the donors continue to promote reforms that are largely procedural rather than substantive. It explains why the suggestion that democratisation may make economic reforms more difficult, a subject of intense discussion for Ugandan policy makers, is rarely addressed by the donors (Kasekende and Atingi-Ego 1999: 412). It remains of problem for advocates of substantive democratisation (as opposed to the donors) that the Uganda reforms may, in part at least, undermine the substantive achievements of democratisation made in Uganda so far. In particular, the potential for a shift in Legislature activity from Model 3, may transform a Parliament which both promotes debate and serves a crucial opposition function (which is of normative importance in the process of democratisation), into a Legislature controlled by party discipline (model 1) or ineffective due to divisions along party lines (model 2), either of which would limit its capacity to exercise Executive oversight. Further research into the operation of Uganda's 8th Parliament under a multiparty system is therefore called for.

It may seem counter-intuitive to argue that the transition to a multiparty democracy may have anti-democratic implications. However, by following the policy transfer framework, and reviewing the democratisation literature in the context of the Uganda case study, such a finding emerges. Democratisation reforms, like any set of policies or institutions, must be subject to contextual analysis for their social meaning to become apparent, and the limitations and implications of policy transfer processes for democratisation better realised. It is hoped on a normative level that donors begin to take more consideration for the substantive aspects of democracy, and less for the promotion of a minimalist, procedural democracy designed to lock-in neo-liberal reforms, or to shore up electoral support at home. Either way, the relationship between democratisation and development remains problematic in theory and practice. Further, the strategies of the donor community must remain a subject for interrogation through the policy transfer framework.

Bibliography

- AllAfrica.com (2003). "Uganda: House Trims Bank of Uganda Powers".
<http://allafrica.com/stories/200305050418.html>
- Allegret, J.-P., B. Courbis and Ph. Dulbecco (2003). 'Financial Liberalization and Stability of the Financial System in Emerging Markets: the Institutional Dimension of Financial Crises', *Review of International Political Economy*, 10(1), February: 73-92.
- Ayers, A.J. (2006). 'Demystifying Democratisation: the Global Constitution of (Neo)Liberal Polities in Africa' *Third World Quarterly* 27(2): 321-38.
- Bank of Uganda (2002). *Annual Report 2001*.
http://www.bou.or.ug/BSAnnualReports_2001.pdf
- Bosshard, P. (2002). *Pervasive Appraisal Optimism: A Review of the World Bank's Appraisal of the Bujagali Project*. International Rivers Network, 14 May.
<http://www.irn.org/programs/bujagali/wb.bujagalipaper.pdf>
- Burnell, P. and P. Calvert (2005). 'Promoting Democracy Abroad' *Democratization* 12(4): 433-8.
- Burnell, P. (2005). 'Democratization' in Burnell, P. and V. Randall (eds.) *Politics in the Developing World*. Oxford University Press: 185-202.
- Burnell, P. (2002). 'Parliamentary Committees in Zambia's Third Republic: Partial Reforms; Unfinished Agenda' *Journal of Southern African Studies* 28(2): 291-313.
- Burnell, P. (2001). 'Financial Indiscipline in Zambia's Third Republic: The Role of Parliamentary Scrutiny' *The Journal of Legislative Studies* 7(3): 31-64.
- Burnell, P. (2000). 'Democracy Assistance: The State of the Discourse' in Burnell, P. (ed.) *Democracy Assistance: International Cooperation for Democratization*. Frank Cass: 3-33.
- Carothers, T. (2000). 'Struggling with Semi-Authoritarians' in Burnell, P. (ed.) *Democracy Assistance: International Cooperation for Democratization*. Frank Cass: 210-25.
- Carothers, T. (1999). *Aiding Democracy Abroad: The Learning Curve*. Washington D.C.: Carnegie Endowment for International Peace.
- De Zeeuw, J. (2005). 'Projects Do Not Create Institutions: The Record of Democracy Assistance in Post-Conflict Societies', *Democratization*, 12(4): 481-504.
- Dolowitz and Marsh (2000) D Dolowitz & D Marsh, 'Learning from abroad: the role of policy transfer in contemporary policy making', *Governance*, 13(1), 2000, p 5.
- Energy Sector Management Assistance Program (ESMAP) (1996). *Uganda: Energy Assessment (193/96)*. UNDP/World Bank.
- Gill, S. (1999). 'The Constitution of Global Capitalism'. Paper presented to British International Studies Association, University of Manchester, 20-22 December 1999.
- Government of Uganda (2002) *Financial Institutions Bill (FIB)*
- Government of Uganda (2001). Cabinet Information Paper CT (2001) 116
- Government of Uganda (1999). Uganda: Power Sector Restructuring and Privatisation – New Strategic Plan & Implementation Plan. June.
- Government of Uganda (1999a). *The Electricity Act, 1999*. Act No. 6 of 1999. Acts Supplement No. 6. Acts Supplement to the Uganda Gazette, No. 56

- Volume XCII. Dated 1 November 1999. Entebbe: UPPC (by Order of the Government).
- Government of Uganda (1997) *Public Enterprises Reform and Divestiture Statute* (Amendment of the first schedule 1997) (PERD)
- Government of Uganda (1995) *The Constitution of Uganda*
- Government of Uganda (1993) *Bank of Uganda Statute*
- Government of Uganda (1993). *Financial Institutions Statute (FIS)*
- Harrison, G. (2001). 'Post-Conditionality Politics and Administrative Reform: Reflections on the Cases of Uganda and Tanzania' *Development and Change* 32: 657-79.
- Hauser, E. (1999). 'Uganda Relations with Western Donors in the 1990s: What Impact on Democratisation' *Journal of Modern African Studies* 37(4): 621-41.
- Himbara, D. and D. Sultan (1995). 'Reconstructing the Ugandan State and Economy: The Challenge of an International Bantustan' *Review of African Political Economy* 22(63): 85-93.
- Inspection Panel (2001). *Uganda: Third Power Project (Credit 2268-UG) and the Proposed Bujagali Hydropower Project*. The World Bank's Inspection Panel (IPN). Report and Recommendation on Request for Inspection.
[http://wbln0018.worldbank.org/IPN/ipnweb.nsf/8442778ba27b386185256878000a5e6a/599f8d436a186b4f85256b12004e51b0/\\$FILE/WebRandR.pdf](http://wbln0018.worldbank.org/IPN/ipnweb.nsf/8442778ba27b386185256878000a5e6a/599f8d436a186b4f85256b12004e51b0/$FILE/WebRandR.pdf)
- International Finance Corporation (IFC) (2001). Bujagali Project 2001. *Summary of Economic Due Diligence (SEDD)*, October 12.
- International Rivers Network (IRN) (2001). *An Overview of the ADB's Support for Energy Sector Reform*. Asian Development Bank Briefing Paper 10.
<http://www.irm.org/programs/mekong/adb.asp?id=adbbp10.html>
- Inter-Parliamentary Union (2005). *The World of Parliaments: Quarterly Review* 19.
<http://www.ipu.org/news-e/19-9.htm>
- Kannyo, E. (2004). 'A New Opening?' *Journal of Democracy* 15(2): 125-39.
- Karlström, M. (1999). 'Civil Society and its Presuppositions: Lessons from Uganda', in John, L. and J. Comaroff (eds.) *Civil Society and the Political Imagination in Africa: Critical Perspectives*. University of Chicago Press, Chicago.
- Kasekende, L. (2002). *Financial Sector Reforms in Developing Economies: The Experience of Uganda*. Deputy Governor Bank of Uganda. Prepared at the Institute for Development Policy and Management, University of Manchester.
- Kasekende, L. A. and M. Atingi-Ego (1999). 'Impact of Liberalization on Key Markets in Sub-Saharan Africa: The Case of Uganda', *Journal of International Development*, 11: 411-36.
- Kasfir, N. (1998). "'No-party democracy' in Uganda", *Journal of Democracy*, 9(2): 49-63.
- Kasfir, N. and S.H. Twebaze (2005). 'The Limits of institutionalization of a Legislature without Parties: The Ugandan Parliament', Paper presented to the 2005 Annual Meeting of the American Political Science Association, Washington D.C., 2 September.

- KPMG (2001). "Business Valuation of Uganda Commercial Bank Limited", Final Draft, 30 June.
- Krugman, P. (1994). 'The Myth of Asia's Miracle' in *Foreign Affairs*. Nov/Dec.
- Larmour, P. (2002). 'Policy Transfer and Reversal: Customary Land Registration from Africa to Melanesia', *Public Administration and Development*, 22: 151-61.
- Leftwich, A. (1993). 'Governance, Democracy and Development in the Third World', *Third World Quarterly* 14(3): 605-24.
- Levi-Faur, D. and E. Vigoda-Gadot (2004). *The International Transfer and Diffusion of Policy and Management Innovations: Some Characteristics of a New Order in the Making*.
www.haifa.ac.il/~levi/levifaurvigoda/docs/authors_intro.pdf
- London Economics (1999). *Uganda Implementation Plan: Power Sector Restructuring and Privatisation (Inception Report)*. London Economics in Association with Ian Pope Associates. January.
- Ministry of Energy and Mineral Development (2001). *Response of the Ministry of Energy and Mineral Development to issues raised by members of the Parliamentary Committee of Natural Resources on the New Electricity Retail Tariffs*. August 14. Government of Uganda.
- Ministry of Finance (2003). *Report of the Parliamentary Ad Hoc Committee on the Sale of Uganda Commercial Bank Ltd*. March 2003. Government of Uganda.
Monitor (2003) 22nd February
- Mugisha, A. (2004). 'Museveni's Machinations' *Journal of Democracy* 15(2): 140-4.
- Parliament of Uganda (2002b). 'Business Transacted by the 7th Parliament', 2nd Meeting of the 2nd Session (12 November – 13 December 2002), 04/12/02.
http://www.parliament.go.ug/Business_session2mtg2.htm
- Parliament of Uganda (2002a). *A Review of the Financial Institutions Statutes, 1993 and the Financial Institutions Bill, 2002*. Uganda Parliamentary Research Service. Prepared by Mukasa A., R. Maate and B. Munube. September 2002.
- Parliament of Uganda (2002). Report of the Parliamentary Ad Hoc Committee on the Sale of Uganda Commercial Bank Limited (UCBL). Office of the Clerk to Parliament. 4 September 2002.
- Parliament of Uganda (2001). Comparison of the Unit Price of Uganda's Electricity with those of other Countries in East Africa, Africa, Europe and the Americas. Uganda Parliamentary Research Unit (UPRU). Report prepared by Ruhweza, D. and C. Owori, 28 August.
- Parliament of Uganda (1999). *Comparison of Bujagali Hydro-Electric Power Project, and Karuma Falls Hydro Power Project*. Uganda Parliamentary Research Service. Report for Hon. James Mwandha. Report prepared by Bakibinga, E. and D. Ruhweza. 4 October 1999.
- Parliament of Uganda (1999a). Report of the Sessional Committee on Finance, Planning and Economic Development. Kampala, Uganda. September 1999.
- Parliament of Uganda (1997). *Report of the Sessional Committee on Finance and Economy Planning on The Public Enterprises Reform & Divestiture (Amendment) Bill 1997*. Clerk to Parliament. 24 July 1997.

- Przeworski, A. (1991). *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. Cambridge, Cambridge University Press.
- Regan, A.J. (1998). 'Decentralization Policy: Reshaping State and Society' in Hansen H.B. and M. Twaddle (eds.) *Developing Uganda*. Oxford: James Currey: 159-75.
- Rodrik, D. and A. Subramanian (2003). 'The Primacy of Institutions (and what this Does and Does Not Mean)', *Finance and Development*, June: 31-4.
- Rukutana, The Hon. M. (2001). *Statement of the Minister of State for Finance to Parliament*. December 31, 2001. Government of Uganda.
- Sen, A. (1999). *Development as Freedom*. Oxford University Press.
- Simmons, B., F. Dobbin and G. Garrett (2004). *Introduction: The International Diffusion of Liberalism*. Paper Proposed as Article 1, IO Special Issues on International Diffusion of Liberalism, 21 June 2004.
<http://www.wcfia.harvard.edu/conferences/internationaldiffusion/Papers%20Revised/Introduction.pdf>
- Stiglitz, J. (1999). 'Scan Globally, Reinvent Locally: Knowledge Infrastructure and the Localisation of Knowledge'. Keynote Address, Chief Economist, World Bank. *First Global Development Network Conference*. December 1999, Bonn, Germany.
www.druckversion.studien-von-zeitfragen.net/Stiglitz%20on%20Knowledge.htm
- Stiglitz, J. (1999a). 'Participation and Development: Perspectives from the Comprehensive Development Paradigm'. Senior Vice President and Chief Economist, The World Bank Group Remarks at the *International Conference on Democracy, Market Economy and Development*. 27 February 1999. Seoul, Korea.
<http://www.worldbank.org/html/extdr/extme/js-022799/index.htm>
- Stone, D. (1999). 'Learning Lessons and Transferring Policy across Time, Space and Disciplines', *Politics*, 19(1): 51-9.
- Stone, D. (2004). 'Transfer Agents and Global Networks in the 'Transnationalisation' of Policy', *Journal of European Studies*, 11:
- Stone, D., S. Maxwell, and M. Keating (2001). 'Bridging Research and Policy'. Paper prepared for the *Bridging Research and Policy International Workshop*. University of Warwick, 16-17 July 2001.
<http://www.gdnet.org/pdf/Bridging.pdf>
- Tangri, R. and A. Mwenda (2001). 'Corruption and Cronyism in Uganda's Privatization in the 1990s' *African Affairs*, 100: 117-33.
- Therkildson, O. (2002). "Uganda's Referendum 2000: The Silent Boycott: A Comment", *African Affairs*, 101: 231-41.
- Tumusiime-Mutebile, E. (2001). 'Speech by E. Tumusiime-Mutebile, Governor, Bank of Uganda, at the Opening of the Barclays Bank Prestige Centre, Tank Hill, Muyenga, 18th April 2001'.
- Utility Reform Unit (2002). *Uganda Electricity Distribution Company and Uganda Electricity Generation Company Privatisation – Briefing Note*. March 2002.
- Wade, R. (1990). *Governing the Market*. Princeton.
- Watt, D., R. Flanary, and R. Theobald (1999). 'Democratisation or the Democratisation of Corruption? The Case of Uganda' *Commonwealth and Comparative Politics* 37(3): 37-64.

- Williams, D. and T. Young (1994). 'Governance, the World Bank and Liberal Theory', *Political Studies* 42: 84-100.
- World Bank (2000). *Fuel for Thought: An Environmental Strategy for the Energy Sector*. Prepared by the Environment Department, the Energy, Mining and Telecommunications Department, and the International Finance Corporation. Washington DC. June.
- World Bank (1993). *The East Asian Miracle*. The World Bank: Washington D.C.
- Zakaria, F. (1997). 'The Rise of Illiberal Democracy', *Foreign Affairs*, 76(6): 22-43.