



# Informal Governance and Corruption – Transcending the Principal Agent and Collective Action Paradigms Uganda Country Report

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# Acronyms

|         |                              |
|---------|------------------------------|
| FDC     | Forum for Democratic Change  |
| FRONASA | Front for National Salvation |
| MP      | Member of Parliament         |
| NMG     | Nation Media Group           |
| NRM     | National Resistance Movement |
| UPC     | Uganda People's Congress     |

# 1 Introduction

## 1.1 Informal practices as drivers of corruption

The lack of effectiveness of conventional anti-corruption interventions has been convincingly documented (Mungiu-Pippidi 2011) and is reflected in the so-called implementation gap, whereby countries that have adopted the legal and organisational reforms associated with anti-corruption best practices continue to experience very high levels of corruption. This situation appears to be linked to a lack of empirical support for the principal-agent assumptions presuming the existence of “principled principals” capable of holding officials accountable and willing to enforce the anti-corruption reforms. A prominent school of thought seeks to re-frame the problem of endemic corruption as a collective action problem (Persson, Rothstein, and Teorell 2013, Mungiu-Pippidi 2013). A problem so far with this latter approach is that, while it can describe why corruption appears extremely hard to eradicate in some contexts, it has failed to deliver clear insights on how anticorruption may be pursued to optimize impact given the acknowledged constraints. Bringing in the dimension of informality is an essential step to overcome the limitations of the principal-agent and collective action approaches and offers better chances of delivering insights that are useful for purposes of policy making.

This study identifies informal practices operational in selected countries and establishes their universal and specific features in comparative analysis; it assesses their functional ambivalence based on the functions they perform in their respective economies, and indicates the extent to which they fuel corruption and stifle anticorruption policies. In doing so, this report produces evidence for the relevance of informality for the ‘localisation’ of anticorruption strategies, thus enhancing their impact, and for a new generation of policies harnessing the potential of local patterns of informality.

## 1.2 Rationale and conceptual approach

The conceptual approach is grounded on the work of Baez-Camargo & Ledeneva (2017) and identifies three key patterns of informal governance – namely co-optation, control and camouflage.

- Co-optation is associated with recruitment or strategic appointments into public office of allies, who are granted impunity in exploiting the power and resources associated with public office in exchange for mobilizing support and maintaining loyalty to the regime. Co-optation is a mechanism of regime survival because it addresses the problems of intra-elite splits, constructing loyalties and preventing the strengthening of groups contesting power.
- Control mechanisms are instrumental to manage clashes of hidden interests, ensure elite cohesion and enforce discipline. These tend to rely heavily on personalized networks based on kinship, geographical location, and/or institutional positions that work to manage hierarchical relationships through reliance on loyalties and unwritten rules that often tie members together creating obligations and responsibilities vis-à-vis the group.
- Camouflage refers to the distance between formal status and real power implied by the institutional façades that coexist with the realities of political co-optation and control. Thus, the formal rules and institutions of the public sector are sustained, but often only to manipulate, undercut, divert, or exploit for the sake of informal interests.

The comparative research design is applied in two distinct country groups: East Africa and Post-Soviet countries.

- East Africa: Kenya, Rwanda, Tanzania, and Uganda
- Post-Soviet countries: Georgia, Kazakhstan, Kyrgyzstan and Russia

### 1.3 Studying informal practices as drivers of corruption in Uganda

When Uganda's president Yoweri Museveni and his political organisation, the National Resistance Movement (NRM), came to power in January 1986, they promised 'fundamental change' in the way leaders had hitherto conducted themselves and, consequently, in the way the country had been governed. Museveni pronounced his ascendance as no "mere change of guard" and promised democracy, political inclusion and integrity in the conduct of public affairs. While over the last 32 years, democracy and political inclusion have been strengthened, the party has fallen short of the promise to build integrity in public conduct, which is evidenced by the high-levels of corruption present in Uganda. While there may be many causes that can explain the entrenched nature of corruption, a critical facilitator is informality in public governance, in particular the rise, development and spread of informal power networks across the country.

These informal networks are rooted in the NRM's original approach to building alliances. When the party came to power, it invited potential rivals and competitors into the government coalition but there were no formal agreements or memoranda of understanding concluded. Consequently, those informal alliances collapsed and the former network allies became active adversaries of the party. In order to counter their power, the NRM made new alliances (this time with individuals), some of whom were members of the same opposition parties that had exited the previous coalition or even members that defected to the NRM in return for opportunities for self-advancement.

This report explores the evolution of the Ugandan ruling elites' approach to holding and exercising power in reaction to shifting alliances and the degree to which it has influenced the emergence, growth, and operation of informal power networks. It examines how co-optation, control and camouflage operate and influence individual and group behaviour, looks at the current status of the informal governance regime in Uganda, discusses the implications of informal governance practice for anti-corruption practice, and draws some conclusions with regard to the possible formulation of an anti-corruption strategy tailored to such a political context and what it might look like.

The report is organised as follows: following this introduction, Section 2 provides a background on informal networks in Uganda. Section 3 presents a historical overview of the use of co-optation, control and camouflage as mechanisms to manage networks in different regimes. Section 4 elaborates conclusions and discusses policy recommendations.

## 2 Background on informal networks in Uganda

### 2.1 Introduction

Following a 5-year insurgency, Yoweri Museveni and the NRM came to power in 1986 and have been ruling the country ever since. The circumstances under which they did so were such that any leader or leaders seeking to steer the country away from its history of political turmoil and instability had to organise and conduct politics differently from previous power holders. Indeed, previously the exercise of power in Uganda had been organised along adversarial lines and competition among different factions vying for it took a sectarian route. Politics was tribal in orientation and practice as ethnicity and religious affiliation were key determinants of which political party or organisation people belonged to and supported (Karugire, 1988; Mutibwa, 2008; Kasozi, 1994).

The consequent failure of the country's political elite to forge an inclusive political settlement plunged Uganda into cycles of violent contestation for power, and from time to time, drove significant numbers of the social, intellectual and political elite into involuntary exile (Pirouet, 1988). Some of the exiles would subsequently mount their own challenges to sitting governments, including armed movements (Woodward, 1988). To avoid this from repeating, Museveni and the NRM set out to establish an inclusive government that aimed to deny space to those who might want to fight or undermine it on the grounds that they were excluded. Although over the last three decades the government has had to fight off several insurgencies (Kayunga, 2000), its capacity to defeat them or their incapacity to destabilise the country has been the outcome of the choice the NRM leadership made to, as much as possible, construct a large political tent in which many actors could be accommodated regardless of their ideological persuasion, with the purpose of maintaining peace and stability.

Fortunately for Museveni and his associates in the NRM, the mood in much of the country was favourable to political inclusion. And so, they won support for their gambit to bring on board potential rivals, opponents, and competitors for power. Key targets for inclusion comprised leaders and members of the traditional political parties that stood accused of fomenting instability in the past; influential personalities in the form of opinion leaders and influencers in different parts of the country; religious leaders and their organisations; prominent members of the business community as well as influential business groups and economic actors; and politico-cultural entities, specifically kingdoms which had previously been abolished by the Milton Obote government in the late 1960s, and their supporters (Kasfir, 2002). The recruits were important and served useful purposes, first, because of the support bases they commanded and brought into the fold and, second, because the recruits could be infiltrated by the NRM, which needed to build its own support bases outside of the geographical zones where it had operated during the war.

For the first 10 years, the arrangements worked relatively well. There was a collective ambition to set aside the differences of yester-years in the interest of forging national cohesion and reconstructing the country after years of economic decline, occasioned by political conflict and misguided policy-making (Brett, 1991; Kuteesa et al. 2010). Nonetheless, it is important to note that the agreement to work together was not formalised in any legal instrument. No agreements or memoranda of understanding were signed; individuals, and not their organisations, simply joined hands with Museveni and the NRM on the basis of their willingness to contribute to turning the country around. There was

therefore a strong dose of informality in post-conflict governance right from the beginning of the Museveni era.

## 2.2 The electoral dimension

A decade into the so-called no-party politics era, the country began to slide back into conducting politics on the basis of adversarial contestation. Some of the co-opted actors blamed the NRM and Museveni for not honouring their end of the bargain under which politics was supposed to be a no-party affair. Instead they had taken to behaving as if Uganda were a one-party state hiding behind a no-party system.

By this time, the NRM and Museveni had gone some way into establishing themselves across the country and consolidating their hold on power. They could, as a result (and as would become a key *modus operandus*), push aside and isolate the co-opted elements that, like those agitating for a return to multi-party politics at the time, deviated from “the correct line”. Although their support was still important, it was no longer critical for regime survival. To a large extent, they had by then served their purpose of helping the NRM to make inroads into different parts of the country and sections of society, which they might otherwise have found difficult to win over.

Indeed, many individuals who previously were notable members and officials of political parties had become NRM cadres. Gradually, the malcontents defected and their demands for a return to party politics, which they expected to accord them a real shot at power, became louder. The 1995-1996 presidential and parliamentary campaigns marked the final rapture between on the one hand the NRM, Museveni and some of the elements co-opted from political parties and, on the other, pro-multiparty politicians seeking a return to ‘political competition’.

For some, the acrimony that characterised the 1996 presidential campaigns and elections, and the violence meted out to supporters of opposition candidate Paul Ssemogerere, harked back to the campaigns and elections of 1980. According to local lore, cultivated and encouraged by Museveni and the NRM, the violence, unfairness and rigging that marred the 1980 polls triggered their war against the Obote government and ultimately brought them to power. In a repeat of the 1980 phenomenon, when Museveni was announced as the winner of the 1996 presidential election, Paul Ssemogerere and his partisans rejected the results. In the aftermath of this once-again divisive contestation, the advocates of multipartyism continued to push for ‘opening up political space’ to allow for competition ‘on level ground’. Meanwhile the government took to using violent and oppressive tactics to thwart and restrain them (Human Rights Watch, 1999). Soon enough the donors joined in support of the advocates of a return to multi-party politics.

The return to multi-party politics in 2005, which also saw the NRM and Museveni engineer the removal of presidential term limits from the constitution to allow him to contest and stay in power, marked the rise to the fore of a new kind of politics: patronage politics. With the advocates of multipartyism presenting Museveni with the greatest challenge since the bush war, ways had to be found to ensure that he and the NRM stayed on top. Money became a key factor in political organisation and competition. The commercialisation of politics meant that jobs and other inducements were used to keep as many people as possible within the NRM camp and also to recruit new supporters.

The need to create networks to mobilise support became ever more evident. Regional political barons, display elites (chosen strategically to represent key social groups in government) and grassroots mobilisers became extremely important to the NRM for purposes of keeping opposition parties weak. A good indicator of the effort that goes into mobilising support - especially in regions considered to be



actively or latently hostile - was the year-long deployment of mobilisers, among them President Museveni's brother, Caleb Akandwanaho (Salim Saleh) in Northern Uganda ahead of the 2011 presidential campaign and elections. The deployment paid off with a massive switch of the northern sub-region from voting for the opposition party, Forum for Democratic Change, to voting for the NRM and Museveni. However, keeping all the individuals and groups of interest mobilised and, in the fold, requires large outlays of resources to pay for their needs and facilitate their activities. This connection between politics and corruption kept growing stronger over time. This is the result of the continued need to grow and mobilise more members into the network, which at the same time makes it even costlier to maintain. This fuels the need to raise increasing amounts of money and to adopt more creative ways to do so effectively.

### 2.3 Pre-multi party election period

In order to understand the logic behind the construction of the particular political settlement that emerged after 1986 and that continues to dominate Uganda's political landscape, it is pertinent to look back at the origins of the movement that brought the NRM to power and, perhaps most importantly, the factors that shaped the thinking of its leader.

As a young student, Museveni had a deep interest in politics and was part of the debating society at Ntare secondary School in Western Uganda. When he began his involvement in formal politics, he became a member of the Catholic-dominated Democratic Party (DP) (Museveni, 1997).<sup>1</sup> This decision may have been influenced by his association with a Democratic Party stalwart, Boniface Byanyima, his one-time teacher and benefactor, in whose household he lived as a child during school time because his parents' home was too far away for him to commute.

Later on, Museveni joined the Uganda People's Congress (UPC) and, after university, ended up at the Office of the President during the first government of Milton Obote (Obote I) as a 'political researcher', (although according to some reports, he was actually an operative in the intelligence services). Following Idi Amin's toppling of the Obote government, Museveni (an ally of Obote) joined many others who settled in Tanzania and other neighbouring countries and farther afield as political refugees. During his stay in Tanzania, he chose to sever his links with UPC.

He went on to found the Front for National Salvation (FRONASA) with fellow young political activists. According to his biography, FRONASA conducted a lot of clandestine work in Uganda, whose main objective was to undermine and eventually topple the Amin government. FRONASA paid a heavy price in terms of the number of its members who the Amin government captured and executed. Nonetheless, being at the helm of FRONASA positioned Museveni to play an important role in the overthrow of the Amin government, when Tanzania under Nyerere decided to sponsor and lead an insurgency by Ugandan exiles.

There are indications that even as he dabbled in party politics prior to the rise to power by Idi Amin, Museveni had developed a deep-seated scepticism towards multi-party politics and its viability in poor, under-developed societies such as Uganda, where religious and ethnic affiliation, rather than social class, influenced people's choices as to which political party to support or belong to. During the brief period Uganda had been a multi-party polity in the years following independence, religion and ethnicity had proven to be highly divisive ingredients in politics, leading to episodes of intra- and inter-communal violence whenever there were such events as elections. In Museveni, and in some of his associates,

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<sup>1</sup> This brief background is informed by what has been written about him in popular media over the years and also his own biography.

these episodes influenced the development of an anti-party-politics attitude, which was to shape politics in the Uganda of the future.

After Idi Amin was toppled, the exiles agreed to form a government of national unity and to shun party politics. This was seen by opponents of multi-party politics, among whom Museveni was a prominent actor, as the best way to engage in the urgent task of post-war reconstruction and re-unifying the country. Suspicion and disagreements among the victors and their respective factions led to short-lived and highly fractious governments, and eventually a divisive return to multi-party politics and the controversial elections of 1980. Arguments over the fairness of the campaigns, the integrity of the elections and, consequently the validity of the results that brought Milton Obote back to power, triggered a new insurgency led by Museveni with the support of elements of FRONASA and others. In 1986, after 5 years of civil war, Museveni and his new political formation, the NRM, which he strenuously emphasised was not a political party but an “all-embracing Movement”, seized power.

Museveni and his colleagues in the NRM came to power with their antipathy towards multi-party politics intact. If anything, it had been strengthened by their experience of the 1980 presidential and parliamentary campaigns in which religion, ethnicity and violence featured prominently. As a result, upon seizing power, they suspended multi-party politics and restricted political party activity to party headquarters in the capital Kampala. They then established a no-party government into which they invited politicians from potentially rival political organisations, thereby establishing a government of national unity of sorts, albeit in which Museveni and the NRM set the terms of engagement.

Many Ugandans welcomed the decision to suspend multi-party politics and to bring together potential political rivals in the government, given the potential it had for helping the country to heal and stabilise. For the first time, Uganda had a leader who commanded nation-wide respect and enjoyed support across the historical political divide. This remained the case for the first 10 years of NRM rule, although the consensus had started fraying on the edges as early as 1989 when Museveni reneged on a promise he had made to step down after only 4 years in power; and he and the NRM proceeded with manoeuvres to prolong their stay.<sup>2</sup>

However, even amid growing internal dissension among elements of the original NRM contingent and some of their partners who had been co-opted from political parties, the broad consensus about working together continued until the mid-1990s. In 1995, several political parties supported by political activists and civil society organisations decided to sponsor and support the candidacy of Paulo Kawanga Ssemogerere, the then President-General of the Democratic Party and former Interior Minister under the no-party government, for national President. He went on to run against President Museveni for the 1996 presidential elections and lost. That decision marked the final collapse of the post-1986 consensus and launched the process that would lead to the reinstatement of multi-party politics a decade later. As in 1980, the fairness of the campaigns<sup>3</sup>, the integrity of the electoral commission and the validity of the outcome were questioned and drove Museveni, the NRM and their opponents (by then growing rapidly in number), farther apart.

By 2001, the NRM had suffered some haemorrhage in membership, after a number of its supporters deserted the party, including veterans of the insurgency that had brought it to power. Together with other groups and individuals pressing for change under the umbrella group Reform Agenda, they

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<sup>2</sup> Interviews and conversations with key NRM and non-NRM political personalities and military officers since 1995.

<sup>3</sup> The campaigns were characterised by episodes of violence against opposition supporters and their candidate by state agents, as well as obstruction and restrictions with regard to resource mobilisation, in contrast with Museveni's and the NRM's access to state resources and assets.

founded their own political organisation, the Forum for Democratic Change (FDC). It, too, took a slice of Museveni supporters, further reducing his base.

#### 2.4 The Multi-party period

The road back to multi-party politics was treacherous. It involved various groups – political parties, civil society organisations, and the donor community – piling pressure on the government to “open up the political space”. Meanwhile the government resisted these pressures doggedly. Eventually, in 2005, after much internal dissension within the NRM, the constitution was amended to allow for a return to multi-party politics. Alongside that particular amendment came another that lifted limits on presidential terms. The latter opened the way for Museveni, who was otherwise due to step down after his second mandate as elected president, to contest for office again and, as has turned out, stay in power for a long time. Some key personalities within the NRM who had fought hard to preserve presidential term limits left the government and the party, further eating into Museveni’s support base.

The return to multi-party politics changed fundamentally how Museveni approached the pursuit and maintenance of power. To understand the basis of these changes, it is important to note that Museveni had allowed multi-party politics to return, not because he had changed his views about its incompatibility with poverty, backwardness and the absence of groups differentiated according to social classes, but because he was fed up with donors putting him under pressure. Also, Museveni desired that the NRM could “get rid of” those who were in the party but did not agree with its aspirations as exemplified, for example, by the drive to remove term limits from the constitution.

By the time multi-party politics returned, already political competition had become increasingly associated with contenders for office spending large sums of money on recruiting voters and buying support, a phenomenon that entered political lexicon in Uganda as the “commercialisation of politics”. The process of returning to multipartyism continued and entrenched this trend. In a bid to guarantee support for the constitutional amendment in parliament, the government had given sums of cash to Members of Parliament (MPs), ostensibly to go and consult their constituents about the matter and also supervise government programmes.

In reality, the money was intended to ‘encourage’ MPs to not block the proposal, which many decided not to, thereby guaranteeing its passage when it came to voting. Subsequent election campaigns and efforts to get MPs to endorse otherwise unpopular laws or proposals have cemented the importance of money in politics in Uganda. Candidates seeking office now openly give out cash to members of the public in solicitation of their votes, while the executive routinely dishes out cash to ‘encourage’ potentially recalcitrant MPs to smooth the passage of whatever laws, proposals or measure they seek to steer through parliament.

Museveni and the NRM maintain a sizeable residual support base, mainly in rural areas. By using money, targeted appointments to ministerial and other positions, as well as various other enticements, the party has been able to broaden its support base among groups and individuals that are otherwise not committed members of the NRM, the so-called ‘bread-and-butter supporters’. This, plus restrictions pertaining to resource mobilisation by political parties especially from foreign sources and laws regulating freedom of assembly, has made it possible for Museveni and the NRM to maintain a dominant position over cash-strapped, highly factionalised and legally constrained rivals.

## 2.5 Links between the competition for power, use of informal practices and corruption

The return to multi-party politics and the intensification of competition among political groups and among individual politicians contesting as members of a party or as independents, has firmly established money as a key tool for political mobilisation and as an indispensable ingredient in campaigning for office (The Independent, 2014a; The Independent, 2015b). All over the world, elections, political mobilisation and recruitment of supporters, cost money. In this, therefore, Uganda is not an exception. What is significant about politics in Uganda is the sheer emphasis placed on the need to have vast amounts of money for anyone aspiring for elective office if they are to stand a chance of winning.

This has to do with campaigns and elections not being about policy alternatives that voters can choose from, but about securing immediate benefits from those standing for office. These benefits include immediate cash pay-offs and in-kind gifts, mainly in the form of consumables, such as alcohol, sugar, salt and even bottled mineral water (Golooba-Mutebi 2016). Although it is not always the most cash-endowed candidates with the greatest ability to dispense cash and gifts that win, being 'loaded' with cash does enhance or may even guarantee one's chances in most cases. An inevitable consequence of this is that many aspirants are compelled to borrow money, including from loan sharks, to finance their campaigns. Whether they win or not, those who borrow money come under immediate pressure to start paying back at exorbitant interest rates as soon as the elections are over. Even those who use their own resources expect to recoup their expenses once they are in office.

For those who win, there are therefore heightened incentives to find avenues through which to make the necessary money. Those who are appointed to positions in government are therefore motivated to use them to make money, which usually includes diverting public resources to their own benefit. Those who fail sometimes end up losing their property or even going to jail on account of failure to service their loans. In one famous case, a loser, an NRM supporter who happened to be a public servant, went on and sold public land illegally after failing to raise money through other means to repay his debt. In a testimony he gave to a government probe into land matters, he averred that he had appealed to President Museveni "who has always been my father" for help in vain (The New Vision, 2017a).

The incentives generated by multi-party competition and the commercialisation of politics have not stopped at forcing aspirants for public office to find the money required to buy votes. The more contested political sphere has also created opportunities for politicians to sell their support to the government in cases where it may be seeking to enact legislation or implement measures that need parliamentary approval, but to which MPs may be opposed. For example, if parliamentarians decide to oppose a proposed law or measure (The Independent, 2012), that is important to the executive, President Museveni usually invites MPs to his official or private residence for 'consultations' and 'sensitization' or he may summon the NRM caucus, the grouping that brings together MPs that contested for election as NRM candidates. During such meetings a kind of *quid pro quo* arrangement is made, whereby those weighed down by debts will plead with the president to help bail them out. Those with other financial concerns will also bring them to his attention (Golooba-Mutebi, 2013). Subsequently when the issue at hand is finally brought to the parliament floor, MPs may stay away in order not to be seen to have changed their tune, or they simply turn up and vote the way the executive wants them to. In return they usually receive the assistance they need.

The intensity of competition engendered by multi-party politics has bred another type of corruption at local level. Every candidate aspiring for election must recruit campaign agents 'on the ground' to mobilise support for them. According to past parliamentary candidates, some of whom won seats in parliament while others did not, campaign agents usually ask to be paid for performing these tasks.

Also, they advise candidates to give them cash for distribution to potential voters to ensure they vote in the desired way. While some agents use the money as agreed, others simply pocket it or pocket much of it, using only some as agreed with the candidates they represent.

In other instances, when a committee is assembled to mobilise votes for candidates, the individual that receives the money from the candidate may keep it to themselves, rather than share it with the others. This usually sparks off rows and fights that may culminate in the concerned candidates not being elected, because some of the agents transfer their allegiance to their rivals who may have managed their financial affairs better. In general, campaigns for public office by individuals seeking election are very lucrative for those who seek to sell their local knowledge, connections and mobilisation skills. Their sole motivation is not to support candidates that are fronting policy agendas of one or other kind, but those who are motivated to buy their way into elective office.

The use of money in political campaigning that is associated with parliamentary elections has parallels with the manner in which presidential elections are conducted. All presidential candidates give out money, directly and indirectly, to campaign agents to distribute on their behalf or to use it in ways that respond appropriately to the desire by members of the public to be rewarded for their support. The notion that those who support candidates ought to be rewarded is manifest in members of the public refusing to pay back loans given to them by the government after elections. This is refused on the grounds that the money was a presidential gift in appreciation of their support during the campaigns and through the ballot box. This attitude explains why numerous government-funded anti-poverty initiatives designed as revolving funds have failed. Those who are first to receive the loans do not pay back to allow for others to benefit.

## 3 Use of the three Cs as mechanisms to manage the networks

### 3.1 Co-optation and Control

Co-optation of potential political rivals and opponents is a tool the NRM and its leadership have put to effective use. After seizing power and suspending multi-party politics, the NRM invited politicians and political activists from other political parties and organisations into the government. Co-optation ensured that the entire country could focus on the key tasks of reconstruction and political stabilisation, and it also provided the NRM with the breathing space it needed to establish itself across the country and consolidate its hold on power.

This became apparent to most people after the return to multi-party politics and the realisation that the NRM had a presence everywhere in the country. On the other hand, the competitors, the older political parties, struggled to overcome the negative impact of being confined to Kampala and prevented from recruiting new leaders or keeping actively in touch with their grassroots supporters for two decades. The drive to co-opt potential rivals and opponents spilled over into the era of multipartyism and remains alive and well.

#### 3.1.1 Top-down co-optation: appointments (disbursement of resources and favours) for supporters and opposition figures

Co-optation in the era of multi-party politics has retained the same form it had under no-party politics. It essentially involves Museveni, the chief architect of almost every move the NRM makes, being the sole maker of almost all the important decisions, such as recruiting critics and opponents into the government and, eventually, the party. But Museveni does not make all the decisions in the party. Indeed, when former Prime Minister Amama Mbabazi was the Secretary-General of the NRM, he had much space to make important decisions too.

However, according to informed sources within the party and outside of it, Mbabazi exploited the space he had been accorded to make decisions, some of which turned out to have gone way beyond his remit, without informing the party chairman (The Independent, 2014c,g; The Independent, 2013 a,b). Among other reasons, this is why he was replaced, and why his replacement and most new appointees to important positions were younger, with relatively low stature and influence within the party. In that way, Museveni reclaimed the space for decision-making, which Mbabazi had appropriated.

Critics who are targeted for recruitment include politicians who are members of opposition parties, journalists, or even people working for civil society organisations. There are four objectives of these co-optations. First, is to bring critics and political agitators into the fold and therefore silence and demobilise them by making them part of the government that they previously criticised. The implication is that they are now party to whatever decisions are made, at least courtesy of the principle of collective responsibility. Second, is to weaken political groups that may have become a thorn in the government's and Museveni's flesh, by recruiting their best talent. Third, is to reward politicians who, even if part of opposition groups, take a moderate line on issues of importance to the government, preferring to work with, rather than against it. Fourth, is to bring into the government opponents or critics who are seen as possessing abilities that may be put to good use. All this explains the

appointment of non-NRM elements into the government as cabinet ministers, ambassadors, heads of agencies, and as advisors.

This cannibalisation of opposition parties and organised groups has been effective. For the political parties, it keeps them weak and riven with internal instability because the more Museveni recruits their members, the more suspicion grows that he has moles operating from within. The effect of the latter is that opposition officials take to watching each other's every move, so much so that even simply fraternising with members or supporters of the NRM and the government easily leads to accusations that one is an NRM mole (Saturday Vision, 2017a). The case of Beti Kamyua, formerly of FDC and then the Uganda Federal Alliance, is instructive. For many years Museveni courted her and even held several meetings with her, during which he urged her to "come work with me".

For many years Ms Kamyua rebuffed the advances.<sup>4</sup> With time, perhaps because her secret encounters with Museveni had leaked to the FDC and then to the media, she became the subject of rumours that she was "Museveni's mole". As a result of this, she fell out with the FDC's senior leadership, particularly its former President, Dr Kiiza Besigye, and left the party to found the Uganda Federal Alliance. There has been much debate among observers, about what might have happened for her to finally give in to Museveni's advances and accept to join his government as Minister for Kampala after the 2016 presidential elections.

A broad view has emerged, focusing on the difficulties she must have experienced trying to run a political party championing federalism (a popular but rather peripheral cause) with all its implications, not least, the financial ones. Also, although in the past she had been a prominent political personality, her stint as the leader of the Uganda Federal Alliance had somewhat relegated her to a diminished national profile. Interestingly, since she joined the government she has switched from decrying the excessive powers vested in the presidency by what she used to argue was a flawed constitution and criticising Museveni for abusing them, to rooting for his continued stay in power. Obviously, her personal circumstances must have changed a great deal since her appointment. However, the reasons for her change of tune remain unclear.

These co-optations also serve other purposes. They neutralise ex-NRM cadres such as Kiiza Besigye and Amama Mbabazi who, with their supporters coming under constant pressure to 'cross' or even actually crossing or returning to the NRM, find the task of building formidable and credible alliances a little more difficult than they would have envisaged at the time they exited the NRM. It is usually in efforts to neutralise people such as these that money becomes a critical weapon. This author has interviewed some dissidents who have narrated stories of how they were offered money, by whom, and how much. While a few resisted the temptation, others found the offers too attractive to turn down.<sup>5</sup>

Another purpose is to target opinion or civic leaders in different parts of the country, whose influence can be applied to political mobilisation efforts that seek to shore up flagging political support for the NRM and Museveni in certain regions or to infiltrate regions that may be opposition strongholds. Once recruited and if they succeed in turning politically recalcitrant regions into supporters, they become highly influential regional political barons whose ability to hold onto their jobs and commensurate perks depends on continuing to exercise influence in their regions of origin and ensuring that local people remain loyal. The importance Museveni attaches to regional political barons remaining

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<sup>4</sup> Ms Kamyua narrated this to the author during a chance encounter at Tufts University in the United States of America, in 2004.

<sup>5</sup> For example, a dissident living in exile told this author in 2006 that he had been approached with an offer of a few million dollars, which he turned down. The conversation took place in the Swedish capital, Stockholm.

influential in their regions of origin is demonstrated by the removal from cabinet of those who, if they are MPs, lose their seats. Although there are interesting exceptions to this rule, they are very few.

An important question to post is whether these co-opted politicians can get away with anything, including corruption. First, it is not the case that all politicians co-opted in this way indulge in corruption. It is also not true that those who engage in corrupt acts get away with it all the time. There are those who do, and those who do not. But indeed there are those who get away with it because the corruption trail leads to a wide range of actors, all or many of whom may be too important to sacrifice.

Usually corruption scandals, especially where large amounts of money are involved, tend to be facilitated by well-placed personalities with a wide range of connections in political circles, which they put to good use in their efforts to avoid arrest and prosecution. In some cases, however, media reporting may not reflect what actually happened (i.e. exaggerating facts). In such cases, when prosecution fails, some observers and the public opt for easy conclusions, often that there have been cover-ups. It may just be that the evidence presented in court simply did not stand up to scrutiny.

Politicians and political activists are not the only targets of efforts to co-opt. Other targets include vocal or 'troublesome' journalists and clerics. Journalists are offered jobs as public relations officers in government ministries, departments and agencies. Those who will not be co-opted will do well if they scale down their activism and critique and continue working quietly. There have been instances, however, when those who will not be co-opted have been 'exiled' through compelling their employer, Kenya-based Nation Media Group (NMG), to transfer them from Uganda, after attempts to have them sacked failed.<sup>6</sup> This, however, applies only to senior journalists who in one sense or another may be indispensable to their employers. In the case of more junior journalists, pressure is exerted on their employers to get rid of them, usually with threats that otherwise licenses may be revoked.

For religious clerics, co-optation takes subtler forms and involves gifting them, for instance, new vehicles. The objective, it would seem, is to create bonds between them and Museveni. Once created, those bonds render critiquing Museveni or his government difficult. Here too, however, making a direct link between how the receipt of a new vehicle changes (or not) the behaviour of clerics is not easily made. Other gifts include donations of cash and other types of incentives to churches to enable them to complete a particular project.

There is a level at which these practices could be interpreted as simply the government or the president supporting self-help efforts that promote the public good. However, these practices could also be interpreted as a strategy intended to buy the support or loyalty of religious leaders and their congregations. Remarkably, individual public officials, including those who have been prosecuted for corruption, also give large donations to religious organisations. The recipients may interpret these donations as a simple matter of generosity, and the givers may attach no strings to their gift. However, among the consequences of the generosity is the creation of bonds underlain by a sense of obligation on the part of the recipients.

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<sup>6</sup> Notable examples include Charles Onyango-Obbo; Conrad Nkutu; Daniel Kalinaki, all of Monitor Publications, a local affiliate of NMG. The exiling or "eviction" as one of the three put it, has usually coincided with post-election periods when they have been vocal about alleged election malpractices.



## 3.2 Horizontal co-optation of business interests

### 3.2.1 Co-opting members of the business community

Similar to other interest groups, the business community has not been immune to co-optation. A central thread in all the efforts at co-optation is the continuing determination by the NRM and President Museveni to ensure that all significant groups that possess the potential to oppose the government are brought and kept onside. In this regard, the collapse of the 1980s consensus that facilitated cooperation between the NRM and rival political parties presented a challenge in terms of how to avoid the contestations that characterised Uganda's post-colonial political woes. With the parties gone, a way had to be found to ensure that also other groups did not follow suit. The business community became the major focus of these efforts and consisted of recruiting people directly into the NRM via the party's Business League; offering business opportunities with the government; smoothing the path to government contracts; and sometimes offering capital to invest in businesses which Museveni considered to be of strategic importance.

These efforts have had mixed results. Actors that resist co-optation due to their commitment to the causes championed by opposition groups often face serious consequences, such as failure to secure business opportunities with government organs. Government tenders simply do not go to business entities that are seen as pro-opposition or that are known to have links with opposition parties or personalities. Where exceptions are made, it is usually in the interest of demonstrating what allies stand to benefit from their links with the powers that be. There are rumours, immensely difficult to prove, that special tax audits might be conducted on specific businesses with the objective being to pressure them into adopting a politically palatable stance.

The cosy relationship that results from members of the business community getting close to the centre of power pays dividends for the party and its leadership. Firstly, it means that those who join the NRM camp or refuse to support the opposition, contribute to keeping opposition groups at bay. Secondly, it provides the NRM and President Museveni with a reservoir of potential sources of financial support. This is how the party finances its activities, in addition to donations from other sources and whatever public resources may be commandeered.

Besides easier access to government markets and contracts, there are bigger advantages for businesses that cooperate with the NRM. The controversy that erupted around the government's decision to "bail out" struggling businesses, including those that had made losses when civil war erupted in South Sudan again after independence, is instructive. At its root was the government's decision to reach out and assist businesses that were experiencing severe financial difficulties ostensibly because they had failed to service loans contracted from commercial banks, for different reasons. It turned out that, the rather laudable initiative (given the large numbers of people that would have lost their jobs as a result of the collapse of several large businesses) had fallen victim to political manoeuvring. Stories began to leak that the list of companies to be bailed out belonged mainly to politically well-connected members of the business community. That, however, was not the whole story. It became apparent that the scheme had fallen victim to well-placed fixers<sup>7</sup> who went out and asked for bribes from businesses that wanted to be put on the list of potential beneficiaries.

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<sup>7</sup> Fixers come in different types and are driven by different considerations, key of which is usually to make some money for themselves on the side, even as they hold down government jobs. See, for example, Arinaitwe, S., 2015. 'Saleh named in coffee scandal'. Daily Monitor, Thursday March. Also, Onyango, P., 2007. 'Saleh, Katto face jail over choppers'. Daily Monitor, Saturday, August 15.

An important question to ask is whether co-opted individuals necessarily engage in corruption. The research findings inform that some co-opted actors do indeed engage in corrupt behaviours and get away with it, like many other Ugandans in public and private life. Corrupt behaviour and activities span a wide range of domains, such as traders selling adulterated or fake goods; health workers altering the results of medical tests for cash; milk sellers selling milk diluted with water; police officers stealing from members of the public; members of the public offering bribes to police officers and judges and magistrates to avoid punishment for wrongdoing; and even affects sensitive products such as pharmaceuticals (Daily Monitor, 2017b; Saturday Vision, 2017b; The New Vision, 2017b). The prevalence of corruption and corrupt conduct in Uganda has to be understood against the background of weak anti-corruption institutions such as the police, the judiciary and specialised agencies such as the Inspectorate-General of Government (IGG).

Their weakness explains why corruption investigations and crime investigations in general can be of such poor quality that sometimes they simply cannot stand up to legal scrutiny in court. Consequently, the accused can walk off scot-free. Compounding the problem of the weakness of anti-corruption organs and agencies is political interference. This is where the issue about corruption among co-opted individuals and longstanding cadres of the NRM comes in. When it serves official purposes, corruption scandals involving these individuals will be handled in ways that ensure that either they are not prosecuted or, if they are prosecuted, that cases are dropped. If neither of this is possible, they will be pardoned and released after a short stint in jail. Thereafter, they could be kept in the cold for a while and then given new appointments.

A salutary example of such a case involved former Vice President, Professor Gilbert Bukenya, who was generally understood to derive his importance and influence, and who owed his appointment to his being a Catholic and a Muganda. He was accused of having engaged in corrupt activities during the time Uganda was organising the Commonwealth Heads of Government Meeting (CHOGM) in 2007. For some time, little effort was made to arraign him before court. After he fell out of favour with 'the system', he found himself within a short time in the dock, convicted and jailed. After serving a relatively short time in incarceration, he was pardoned.

This is a well-known tactic for dealing with dissidents and trying to bring them back into line. Occasionally, however, an unusual decision is made to have a senior person in the government prosecuted. There are several possibilities for why this happens. Firstly, the acts committed can be egregiously blatant and as a result cannot be easily swept under the carpet. Secondly, the acts may impact directly on donor interests, such as mismanaging or misappropriating funds given to the government for specific purposes. A telling example is when three former Ministers of Health, two of them senior cadres of the NRM, were arraigned before court after funds given to Uganda by the Global Fund for HIV, malaria and tuberculosis were misappropriated. Thirdly, prosecution or removal could be triggered by particularly bad publicity and used to show toughness on the part of the government. In such instances, President Museveni usually declares how such a step signals the end of business as usual. A recent example involved the arrest and prosecution of the junior Minister for Labour after he solicited a bribe from a businessman accused of sexual harassment by an employee. The Minister purported to have the capacity to influence the case in his favour and, if need be, even introduce him to the president. The Minister was forced to resign in order to allow the law to take its course without interference. Lastly, these practices could represent exemplary punishment, aimed at 'teaching a lesson' to cadres who may be falling out of line, the ultimate objective being to use them as examples of what awaits others who do the same. To a certain extent the case mentioned earlier, which involved the former Vice-President could easily fall into this category. Remarkably, however, these prosecutions

do not have the deterrent effect they might otherwise have in a context where officials are consistently held to account and where therefore punishment for engaging in corrupt activities is certain.

### 3.2.2 Rewarding supporters

NRM supporters are rewarded in different ways, for instance by injecting capital into businesses threatened by collapse due to financial difficulties; or by boosting the level of financial investment in businesses that, even if owned by the government or NRM supporters, are judged to be of strategic importance to the country. For example, unconfirmed reports claim that in its infancy, Mukwano Industries (today's leading local manufacturer of plastics, detergents, cooking oil and other consumer products) received a generous cash donation from Museveni to boost its capital base on account of its role in employment creation.<sup>8</sup> Other beneficiaries of this kind of action have included Mbarara-based GBK Dairies, and businesses linked to the head of the NRM's Business League, Hajji Hassan Basajjabalaba. In other instances, earlier on in the life of the NRM government, the privatisation of formerly state-owned enterprises benefitted NRM stalwarts (many without prior experience of doing business) and their associates disproportionately (Tangri and Mwenda, 2013).

Other forms of rewards include the provision of cash donations to individuals from slush funds held at State House, the President's official residence. Numerous photographs have appeared in newspapers showing the President dispensing wads of cash to individuals. He is also known to travel around with cash in envelopes, which he hands out liberally as he goes about his tours of the countryside. When he donates large amounts to all kinds of organised groups, they usually descend into conflict when donations are stolen or misappropriated by some members. This testifies to a 'culture of corruption' in Uganda and shows how some excessively informal aspects of governance fuel and help it to grow.

This is exemplified by the 'golden handshake' case, when President Museveni authorised that a group of people credited with helping the government win a taxation case against a foreign oil company be awarded cash gifts. According to some reports, the president was approached by some of the individuals involved who requested a 'gesture of appreciation' (*akasiimo*) for the hard work they had done. The president agreed in principle that indeed they ought to be rewarded. The individuals then decided on the specific amount and proceeded to share this out among themselves (according to an unclear formula that led to some people being arbitrarily left out). A parliamentary inquiry eventually advised that the money be handed back to the state. It is unknown whether it was. What is clear, however, is that through informal dealings, the taxpayer ended up losing millions of shillings in a scheme whose legal basis elicited much controversy.

### 3.2.3 NRM as a vehicle for the exercise of informal governance

It is important to emphasise that the NRM failed to institutionalise its organisation. While it may be called a party and have a headquarter, the NRM remains largely an informal organisation that operates as a vessel for its leader, President Museveni, to pursue and advance personal and, at times, wider agendas. One of the ways in which he has ensured that the party does his bidding is to position himself as its chief financial mobiliser, having done nothing to enable the party to establish mechanisms through which it could become financially independent and self-sustaining. The other is through positioning himself as the key decision maker. Stories are told, for example, of party organs not being

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<sup>8</sup> Personal communication with a well-connected veteran investigative journalist (2016).

able to hold regular meetings as stipulated in the party constitution. They can only hold meetings or stage events with his authorisation.

The NRM's dependence on the President also means that many people who purport to join it do so because of him, pay allegiance to him, and not to the party. This self-positioning, all deliberate, according to informed sources<sup>9</sup>, has made him the most dominant personality in the party and also the person everyone looks up to for guidance. One outcome of this is that it is easy for him to drive troublemakers out of the party if he chooses to, simply by mobilising opinion against them. This is what happened to some senior cadres who opposed the lifting of presidential term limits from the constitution in 2005, and the former Secretary-General, Patrick Amama Mbabazi. They were all literally hounded out of the party. In the case of the former, Museveni had even decreed "*tubejjeko*" (let's reject them), so as to curtail dissent within the party.

Moreover, as the main fundraiser for the party, Museveni is in a position to use the financial resources at his disposal. This allows him to not only influence what goes on within the party, but also to determine which candidates stand for election on its ticket, or even that those who win party primaries do not necessarily win seats in parliament. Members of parliament who defy 'party discipline' and take positions that run counter to those of the party as determined by Museveni, run the risk of having rivals sponsored to run for elections in their constituency who may oust them. These manoeuvres do not always succeed. However, those who survive them usually change their behaviour and either stop opposing the party without necessarily supporting it, or return to being enthusiastic supporters (The Independent, 2015d; The Independent, 2010).

### 3.3 Camouflage

One of the more surprising things that people who have worked closely with Museveni say about him is that he is a stickler for the law. Apparently, every time he wants to push for anything or make a decision, he often seeks a legal opinion to find out if it is permissible under the law.<sup>10</sup> However, it is not rare for court decisions to be subverted or disregarded if the President finds them inconvenient. For example, there have been instances when people facing treason charges have been granted bail, only to be arrested before they leave court premises, and returned to jail.

Sources within judicial circles speak of phone calls being made to judges and magistrates to influence their decisions with regard to specific cases. While the calls do not come from the President but from people around him, those who receive them tend to believe that they are on his orders. It therefore conceivable that actors within the inner sanctums of the government take advantage of their positions and do things of this sort, which demonstrates the power of informality in influencing the workings of government, including courts of law.

There is also the issue of laws being interpreted to suit the purposes of the government at any one moment. For example, although the law pertaining to convening public gatherings requires the organisers to inform the police, this has been turned to the advantage of the authorities. Increasingly, when the police are informed, they usually warn the organisers not to hold public meetings (The Independent, 2014e). These decisions are justified on the grounds that the police lack the human resources necessary to manage large gatherings, and that therefore they cannot provide the necessary security.

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<sup>9</sup> Interview with a former assistant, 2015.

<sup>10</sup> Interview with a former legal advisor, 2015.

How do these practices square with Museveni's reputation as a stickler for the law? One interpretation could be that, as long as he is not the one directly violating the law, and as long as those who violate it do so in his interest, he is happy to turn a blind eye to their misconduct. Indeed, this interpretation gains credibility if one considers that there are people (police and army officers included) who have committed prosecutable offences while dispersing opposition gatherings but who have never been arraigned before any court of law (The Independent, 2015a; The Independent, 2014b). They include Major Kakooza Mutale and his Kalangala Action Plan group that in the past went around assaulting supporters of opposition parties and were never arrested or instructed to stop. Similarly, the infamous stick-wielding gangs popularly known as 'kibooko squads' would go around beating up people who turned up on roadsides to cheer opposition leaders and activists. Only one incident that involved uniformed police officers drew much public condemnation and led to their prosecution by the police tribunal. That was following several incidents of misconduct that were never investigated and punished.

It is highly tempting to argue that occasions when action is taken against wrongdoers simply amount to attempts by the government to appease angry donors and members of the public. In a sense this is accurate, as in many cases action is taken only after widespread public condemnation, in which case, the government feels compelled to show that it is not promoting impunity. In another sense, however, this is not correct as there are significant capacity constraints to arrest, prosecute, and dispense justice against so many police officers and officials across the country that engage in criminal acts on a daily basis. Neither the police nor the judiciary are equipped to cope (for instance, the judiciary is struggling to manage a huge backlog of court cases). One can gain great insights into the degree to which they lack capacity for law enforcement and even investigation by looking more in detail at specific domains and sectors (Golooba-Mutebi, 2016; Golooba-Mutebi and Bukenya, 2017; 2014). There is a sense in which years of tolerating or turning a blind eye to misconduct by officials, and members of the armed forces and security agencies (often for political reasons) has encouraged others to disregard the law. So common has disregard for the law and professional standards become that even a government willing to stamp it out would have a very hard time.<sup>11</sup>

### 3.4 The bottom-up view

There is a very strong connection between corruption within political circles and popular views and expectations of the leadership. Ordinary Ugandans, in rural areas especially, believe that leadership is mostly about generosity. As a result, they expect their leaders to help them with their individual and collective problems or needs, and to possess the capacity to do so. In addition, there is the expectation that individuals who opt to participate in elections in order to take up leadership positions are well endowed with financial resources. The corollary of this is that they ought to show their qualification for leadership by sharing the resources with the people whose support they want. In some instances, members of the public make it clear to whoever seeks their support that in order to get it, they must give them 'something' in return (Golooba-Mutebi, 2016).

Thanks to the promises they make while on the campaign trail and media reports about their 'fat salaries', candidates who win and go on to become members of parliament are expected by their

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<sup>11</sup> A casual scanning of newspapers on any particular day will reveal several cases of officials of all categories, at all levels of government and also members of the public engaging in a wide range of activities that violate the law. See, for example, 'Six cops held over theft or guns at Kampala CPS', New Vision, Tuesday, August 22, 2017; 'Former principal accountant Kazinda denies stealing shs20b'. New Vision, Tuesday, August 22, 2017; 'Centenary Park Traders build over sewer line'. New Vision, Tuesday, August 22, 2017; 'Stop political interference in land registry, says law society chief'. New Vision, Tuesday, August 22, 2017; 'Land grabbing cases on the increase in Busoga - Survey'. Daily Monitor, Tuesday, August 22, 2017; 'Kadaga accuses Education officials of failing government projects'. Daily Monitor, Tuesday, August 22, 2017.

constituents to visit often and attend to their problems. These problems include donating money for and attending wedding and graduation parties; and burial ceremonies; paying school fees for children whose parents are, for one reason or other unable to pay; paying the medical bills of those who fall ill and cannot pay for themselves; and even building, renovating or rehabilitating health units, school and church buildings, as well as roads.

Politicians generally earn higher incomes than the average Ugandan and therefore ought to be more financially secure. However, these popular expectations compel them to spend a lot of money trying to meet them. Should they make no such effort and be seen to do so, they risk losing their seats on account of their stinginess. Besides borrowing money to run for election, this is one other source of financial stress for politicians, and one of the reasons those with access to public office will look for ways of misappropriating or stealing public resources. It is one way to fulfil public expectations while also managing to make ends meet.

## 4 Concluding Considerations

### 4.1 Implications for the Uganda informal governance regime: personalised power

One of the consequences of the informalisation of governance in Uganda is that President Museveni has been able to accumulate and personalise a great amount of power. Both the acquisition and personalisation of power are important elements in his ability to hold onto the leadership of the NRM, and, by extension, the presidency. His immense power renders him unassailable in the party and the government and is exemplified by his ability to: raise money for the NRM, some of it from government coffers and control its expenditure; manipulate the national electoral commission; co-opt and maintain support from influential figures in all corners of the country; make all important appointments in ministries, departments and agencies of the government; assert and exercise complete control over the military, police and security agencies; make or influence directly critical decisions to do with the awarding or cancelling of large government contracts; dispense of patronage; and make, break and stunt the political careers of his allies and those who dare to oppose him (Sunday Monitor, 2014; The Independent, 2014d).

The power that President Museveni holds also renders him indispensable in the calculations of individuals and groups within the party and the government that are unable, rightly or wrongly, to imagine a credible replacement at the top of both entities. As a result, short of a personal decision to step aside, chances that the party would choose a successor without him initiating the process or authorising it, are rather remote. It also means that prospects for the cash-strapped, highly factionalised and in many respects rudderless opposition defeating him in elections, are dim. Consequently, with him at the helm, the informalisation of governance will remain a key feature of how politics in Uganda works, and so will everything that springs from that state of affairs, including corruption.

### 4.2 Consequences of informal governance: Size of the state

The size of the state in Uganda has ballooned since President Museveni came to power. This is observable in the sheer size of parliament, the cabinet, and the number of presidential advisors. It is also observable in the rapid growth in the number of districts, the principle units of local government.

There is a view that the size of the cabinet in any African country is likely to be a pointer to the use of patronage by African leaders to grow their coalitions (Arriola, 2009). The same argument could be used to explain the growth in the number of districts and parliamentary constituencies and by extension, the number of members of parliament (see Table 1). There are, however, other factors that have contributed to these developments.

A key factor is Museveni’s and other NRM leaders’ pre-occupation with political stability. Prior to their seizure of government, there was an intense, highly concentrated competition for power at the centre (Golooba-Mutebi and Sjogren, 2017). Groups that won power tended to exclude their rivals and opponents, often driving them into exile. Those who were excluded would then fight to seize power from those that had it, leading to cycles of instability. Museveni and many among the NRM’s leadership had both experienced exclusion and participated in armed struggles for power. The experience, it seems, had taught them some useful lessons regarding the dangers of power monopoly and exclusion.

The tendency to co-opt as many potential adversaries, trouble makers, their constituencies and to open up opportunities for them to access power and influence therefore reflects Museveni’s understanding of the importance of including individuals and groups that have the potential to make trouble and undermine stability and, by extension, his hold on power and ability to pursue and achieve the goals he has set for himself. Parliament, the cabinet, advisory appointments and local governments provide the necessary openings and opportunities, including for self-enrichment through corruption. The rivals and opponents who will not be co-opted simply do not have similar opportunities to offer to anyone. As a result, their influence and ability to attract the support of political entrepreneurs are limited and pose little threat.

Table 1: Developments in the number of districts and size of parliament in Uganda between 1996 and 2016

| <b>Year</b> | <b>Number of districts</b> | <b>Number of members of parliament</b> |
|-------------|----------------------------|--|
| 1996        | 39                         | 288                                    |
| 1999        | 45                         | 294                                    |
| 2002        | 56                         | 305                                    |
| 2005        | 70                         | 306                                    |
| 2008        | 80                         | 330                                    |
| 2010        | 112                        | 385                                    |
| 2016        | 135 <sup>12</sup>          | 426                                    |

#### 4.3 Implications for anti-corruption: discussion and conclusions

What does the preponderance of informality in governance and its relationship with corruption imply for anti-corruption? First and foremost, it is important to emphasise that Uganda has many anti-corruption agencies but many of them are rendered ineffective due to: underfunding, understaffing,

<sup>12</sup> Parliament approved an additional 23 Districts in September 2015 and staggered their establishment over 3 years-1<sup>st</sup> of July 2016, 1<sup>st</sup> of July 2017, 1<sup>st</sup> July 2018 and 1<sup>st</sup> July 2019

lack of equipment and technology, occasional political interference, and also the generalised corruption and disregard for the law that is so common in Ugandan society, and to which the agencies themselves are not immune.<sup>13</sup>

Amidst these weaknesses, challenges and the openings for corruption generated by informality, any prospects that these agencies can significantly curb corruption are rather negligible. Despite this context, there are public agencies that have experienced somewhat low levels of corruption (and have achieved the status of what could be hesitantly labelled “islands of integrity”) such as the Kampala Capital City Authority; the Uganda Revenue Authority; the Uganda Roads Authority; the National Water and Sewerage Corporation; the National Medical Stores; and to some extent the Directorate of Public Prosecutions. In the absence of extended in-depth studies, one has to rely on information that is readily available in the public domain and, in this case, several conversations with the heads of some of the agencies as well as their employees.<sup>14</sup>

In all these cases, the background, personality, and personal drive or ambitions of the heads have been important factors that enabled the turnaround from failure to success; and to stamp out corruption, dereliction of duty, idleness and incompetence. In most of the cases, the individuals heading the agencies are religious and attribute their approach to what they do and how they do it, to their faith. Indeed, some of them were originally recruited into government precisely because of that background, having been identified and recommended for appointment by people of similar orientation who were already public servants or officials. They were therefore not insiders in the sense that political appointees tend to be.

Complementing their Christian faith have been their own personal ambitions, which are focused on doing what they consider to be right, and a personal desire to leave a legacy behind. Obviously, given the broad context in which they operate, from time to time they come under pressure to veer from their chosen paths.<sup>15</sup> However, overall, they have managed to stay the course, which at times is even facilitated by their personal connections with President Museveni who (seemingly contradictorily) has provided the protection and support they have needed, when it mattered. For example, when Ms Allen Kagina headed the Uganda Revenue Authority, she had a direct line to President Museveni, which she put to good use whenever she came under pressure by influential individuals seeking unwarranted tax waivers or other advantages.<sup>16</sup> Also, at the time Silver Mugisha took over the leadership of the National Water and Sewerage Corporation, government entities including the military owed it vast sums of money. He was able to get them to pay up as a result of an intervention by President Museveni. He subsequently used the money to, among other things, extend piped water coverage.<sup>17</sup>

There are clear benefits for President Museveni in this. In the case of the Uganda Revenue Authority, the more revenue it mobilises the more Museveni gets closer to achieving his ambition of reducing Uganda’s dependence on foreign aid and susceptibility to external pressure and influence. It can only raise more revenue if it successfully can increase the tax base (i.e. more corporations and citizens to

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<sup>13</sup> Interviews and personal communication with senior personnel of several agencies (since the 1990s).

<sup>14</sup> Since 2007, I have interacted – through formal interviews and informal conversations – with the heads as well as current and former employees of Kampala Capital City Authority (2016); the Uganda Roads of Authority (while she still headed the Uganda Revenue Authority in 2007); the Directorate of Public Prosecutions (2016); the National Medical Stores (2014 & 2017) and the National Water and Sewerage Corporation (2015).

<sup>15</sup> Sometimes it is President Museveni, who may be driven by political imperatives, such as in the case of interfering with Kampala Capital City Authority’s attempts to banish hawkers from the streets in a bid to reorganise trading practices by pushing them into formal markets. Backed by NRM-supporting local leaders who also happened to be its political mobilisers in the city, the hawkers have from time to time been able to resist pressure to cease trading on the streets.

<sup>16</sup> Interview, 2006.

<sup>17</sup> Interview, 2015,



pay their taxes). In the case of the National Water and Sewerage Corporation, the more it extends clean-water coverage, the closer Museveni gets to achieving his service-delivery ambitions, which can translate into political support.

One can therefore conclude that President Museveni's support in these cases is politically motivated. However, his appointment of Jennifer Musisi – formerly a member of Kagina's team at the Uganda Revenue Authority – to head the Kampala Capital City Authority and the appointment of Mike Chibita – formerly his legal advisor – as Director of Public Prosecutions, do not seem to have obvious political advantages. Rather, he seems to have been motivated by a desire to find effective and proven leadership for the two agencies. A conclusion one can draw from this is that he is as interested in performance for its own sake as he is in the advantages he can derive from it.

Which leads us to a curious conclusion: matters of corruption and integrity in Uganda are, to some extent, down to personal choices made by people who are appointed to public office. It is clear from this discussion that there is ample space for individuals that seek to engage in corrupt activities to operate with little or no risk of punishment, and there is also ample space for those who seek the path of integrity to show what difference it can make. Which raises two important questions. One is what, if anything, can or should be done to deprive those with corrupt tendencies of space within which they can operate with relative ease and impunity? The other is whether the current political context whose maintenance is integral to President Museveni's capacity to hold on to power and pursue his agendas (whether in maintaining peace and stability or simply hugging power) can support anti-corruption measures at the risk of its own demise.

With regard to the first question, the evidence informs that people accused of corruption are sometimes arrested and prosecuted. Regardless of the outcome of each case and the reasons behind it, this proves that the conventional anti-corruption tools of law enforcement and holding to account via courts of law provide openings for combatting the vice. However, on their own they are unlikely to work in this context.

A Ugandan lawyer with wide experience in litigation pointed out that proving guilt in corruption cases beyond reasonable doubt is a major challenge, which is one reason prosecution rarely succeeds. In Uganda the task is made even more difficult because the corrupt have mastered the art of concealment and of covering their tracks<sup>18</sup> (The Independent, 2014f) and because law enforcement agencies and the judiciary are themselves neither paragons of integrity nor sufficiently equipped and resourced to play their roles effectively. Where the political context is such that corruption is the oil that makes it work, political interference in the work of law enforcement, accountability agencies and the courts mean that from time to time anti-corruption efforts will fall prey to obstruction.

Which suggests that the search for solutions must explore unconventional approaches alongside efforts to strengthen the existing formal mechanisms. There are several ways in which existing mechanisms can be reinforced. With regard to the police, it is on record that their investigative capacity is limited. This is evident in the challenges they face in trying to bring several investigations to conclusion (Daily Monitor 2017a; Sunday Monitor, 2017; The Independent, 2015c). This has to do with a lack of basic infrastructure that can attain ridiculous proportions. For example, police stations can run out of stationary and fail to replace it because they do not have the necessary funds. As a result, complainants must bring their own paper for police officers to record statements from the accused. Also, police records are still kept in hand-written hard copy, which complicates internal

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<sup>18</sup> Personal communication: 2016.

communication within the force and makes it difficult for the police to work smoothly and effectively with other investigative and law enforcement agencies.<sup>19</sup>

The judiciary faces similar problems. Many courts have neither computers nor easy means of communication that can render exchange of information with colleagues that are off-site, easy. For example, details pertaining to cases committed in rural areas can only be transmitted to other courts and agencies through transportation of physical files. Remarkably, programmes offering support to these entities do not necessarily focus on supplying hardware such as computers, modems and other physical equipment. Rather, they tend to emphasise training and capacity building which have their place, but which are not adequate to bring them up to speed with their role.

Rwanda provides critical insights regarding unconventional but highly effective approaches to anti-corruption. First and foremost, it is important to note that the principle of anti-corruption is rooted in the values of Rwanda's ruling party, the Rwanda Patriotic Front, which every member is required to uphold, with no provision for compromise<sup>20</sup> (Golooba-Mutebi and Booth, 2013). As a result, enforcement is easy and not contested because every member swears an oath of allegiance to the party's values and principles.

The ease with which the party has been able to uphold its values has in turn impacted the conduct of the other political parties, in particular those that belong to the broad 'ruling coalition', in the sense that there is a consensus around key values or taboos (*kirazira*) and the imperative to uphold or avoid them. This explains why anti-corruption measures are not applied selectively or politicised by culprits seeking to avoid being held to account (this may happen in Uganda when culprits blame their political enemies, rivals or opponents for their woes).

There are three key points that are particularly insightful. First, it is the government's choice to take immediate administrative measures such as suspension from office, against people accused of corruption. This allows for investigations to be conducted without risk of interference, and also sends a message that even mere accusation of wrongdoing carries consequences. Safety therefore lies as much in avoiding corrupt activities as it does in remaining above suspicion. Second, the police are equipped to carry out their functions with a degree of speed and effectiveness that is rare in many other African contexts. Third, in Rwanda wealth declaration is taken seriously because it is enforced. While some individuals are able to hide their wealth, they do so at great risk of being caught.

While there are potentially useful lessons here for Uganda, ultimately the key challenge is the political context. Unlike Rwanda's in which a strong anti-corruption value system guides action, in Uganda corruption plays a key role in preserving the political settlement that remains key to the maintenance of peace and stability.

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<sup>19</sup> The author encountered this problem while conducting research on gender-based violence in 2016.

<sup>20</sup> Interviews and conversations with senior cadres since 2007.

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