

Constitutionalism, Democratisation and Militarism in Uganda

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Abstract. *The paper analyses the extent to which constitutionalism and democratization have played out in Uganda and whether militarism has interfered with the sustainability of constitutionalism and democratization, leading to indiscriminate suppression of human rights of individuals and groups in the country. This analysis is done through a historical trajectory. The paper opens up with an introduction detailing Uganda's political landscape; it explains the concept of democratization next and discusses how militarism has influenced constitutionalism and democratization in Uganda. The paper concludes by noting that constitutionalism and democracy can guarantee human rights but the involvement of the military and security forces in managing civilian activities has tended to undermine this in Uganda. The involvement of security forces in Uganda politics has been right from the first government and even today there are stories reported about the security and military officials acting extra-judiciary. It is stressed in this paper that democracy requires the people to participate in their political governance freely and a legitimate government requires the consent of the people but not the manifestation of authority.*

Keywords: Constitutionalism, Democratisation, Good governance.

Introduction

Uganda's constitutionalism and democratisation journey since the country's independence in 1962 has been an epic one. Political dynamics that had been built up during the colonial era since 1894 when Uganda was declared a British protectorate became stumbling blocks to; a peaceful transfer of power to Ugandans and to mark a solid foundation for democratisation. The British had given preferential treatment to Baganda, an ethnic group, and in fact used them to rule other ethnicities on behalf of the colonial masters, which did not only make them chauvinistic, but also loathed by other tribes. This would later on manifest into a problem in the constitutionalisation and democratization attempts in the country (Adhola, 2006).

A combination of Baganda chauvinism and the hatred by other tribes towards them compounded the efforts to grant Uganda independence as a united, independent country. This confusion would later manifest in all constitutional making processes in Uganda. While Buganda kingdom sought a federal status in which the king reigned supreme, the rest of the players from other parts of Uganda and the departing colonial officials desired a unitary state. When the colonialists organized elections in 1961 to constitute a government that would take over from

them, Buganda boycotted them because their demands had not been taken into account (Obote, 1986).

The boycott of the elections led to negotiations between Buganda kingdom, and the rest of the main political actors, including the leaders of the main political parties, the Uganda people's congress (UPC) and the Democratic Party (DP). A compromise was reached that resulted into the promulgation of the independence constitution in 1962 in which Buganda was made a semi-autonomous region (Adhola, 2006). Hence, from the start Uganda's constitutionalism was anchored in group/individual compromises other than on democratic principles and national interests.

In 1962, elections were organised again after securing Buganda's consent to be part of a united Uganda. An alliance between Kabaka Yeka (or king only) (KY), a political organization that was formed to advance the interests of Buganda kingdom in Uganda's national political platform, and the UPC helped the alliance to secure victory over the DP (Adhola, 2006). Thus, the UPC leader, Milton Obote, formed the independence government with the UPC and KY members. In 1963, the 1962 constitution was amended creating the position of president and head of state, which was given to Fredrick Walugembe Muteesa, the king of Buganda. This was again maybe another unprincipled compromise to appease an individual in Uganda's constitutional journey. This alliance would later on prove that it was based on shaky grounds.

In 1964, the relationship between the president of Uganda and king of Buganda, and his prime minister soured over the contentious issue of the "lost counties" that had been annexed by Buganda kingdom from Bunyoro kingdom during the early colonial days, and which by the 1964 referendum were returned to Bunyoro (Tumushabe & Gariyo, 2009). This marked the beginning of the bad effects of the unprincipled compromises in constitutional making in Uganda. The nadir of the relationship reached in 1966 when the prime minister abrogated the constitution and deposed the president.

Later that same year, he drafted a new constitution, which he called the interim constitution but which is widely known as the "pigeonhole" constitution because members of parliament found copies of it in their compartments or pigeonholes hours before they debated it. The pigeonhole constitution was passed the very day it was tabled in parliament, which the prime minister turned into a constituent assembly without elections (Tumushabe & Gariyo, 2009). The interim constitution was replaced by a substantive constitution, the republican constitution in 1967, but it was also debated by parliament, and not a constituent

assembly. He made himself president with all executive powers under the constitution, without elections.

In 1971, Idi Amin, deposed Obote, and overthrew any semblance of constitutional order and establishing militarism in Ugandan politics. His rule that spanned nine years was characterized by caprice. There was no separation of powers, and the president enacted laws by decree and implemented them. The judiciary was too emasculated to guarantee the rights and freedoms of the people. In 1979, Uganda National Liberation Army (UNLA), an alliance of various rebel groups that were against Amin's rule, overthrew him with the help of the Tanzanian army (Adhola, 2006). This was again one military outfit removing the other from power and not through constitutional means but through military means.

An interim parliament, the National Consultative Council (NCC) was put in place as the supreme legislative body till the 1980 election (Adhola, 2006). In 1980, Yusuf Lule was made head of state, but was replaced a few months later by Godfrey Binaisa by the NCC. In May, 1980, Binaisa was also removed. The military commission headed by Paul Muwanga governed Uganda for 6 months leading to the national elections of December 1980, which were won by Milton Obote (Adhola, 2006).

The 1980 elections were disputed and Yoweri Museveni led the national resistance army/national resistance movement (NRM) to fight a guerrilla war, which culminated in the capture of state power in 1986 by yet another military arrangement. A decree, the legal notice no.1 of 1986, suspended parts of the republican constitution and established the national resistance council (NRC) as the legislative body, which was headed by the president, and banned political parties (Tumushabe & Gariyo, 2009).

However, in 1988 Uganda witnessed efforts of re-establishing the constitutional path, the NRC passed the constitutional commission statute that created a constitutional commission that was charged with drafting a new constitution. In 1993, the NRC passed the constituent assembly (statute) providing for elections to the constituent assembly.

In 1995, a new constitution was promulgated. The 1995 constitution, under which Uganda's political life is currently organized, however, extended the ban of the legal notice no.1 on multi-partyism. Instead, the constitution provided for the "movement system", which was sold as a "no party" system of governance, but which was more or less, a one party system. Under the "movement system", public offices were competed for on the basis of "individual merit", not party sponsorship. In 2005, the constitution was amended after a referendum to return to

multiparty politics, and since then, three general elections have been organized: 2006, 2011, and 2016. Under the multiparty political dispensation, political parties outside government are, in theory, allowed to operate. However, their activities are severely restricted. Since 2006 they have been under-represented in parliament.

Concept of Democratization

Democracy is traced from Greek civilization (Todd, 2013:25). In Greek, the word has two meanings “demos”, means “people” and *kratos* (rule) that combine to make the word democracy, meaning “rule by the people” (Samarasinhe, 1994). Democracy is a familiar word but a concept that generates different meanings from different people and establishments. Since there is no international sanction for the misuse of the concept some types of regimes and leadership styles are attracted to use it to justify their legitimacy even when they would not qualify.

There are different theories of democracy and explanations why and how countries transit to democracy. Modernization scholars will emphasize the salience of structural prerequisites like levels of economic development for democracy to emerge. Whereas process oriented approaches, on the other hand, stress the importance of interactions between key actors (Adam and Fernando, 1997). One can mention Jean Jacques Rousseau’s direct, or plebiscitary democracy which emphasizes decisions by all citizens (Freedom House, 1999); Joseph Schumpeter, and Peter Robert Dahl’s pluralism, emphasizing competition between elites; and John Stuart Mill, James Madison, and John Locke’s representative or liberal democracy. This article is about John Locke’s type of democracy.

John Locke, a proponent of liberalism argued that citizens have a contract between the rulers and themselves. The contract involves an agreement between the people themselves as individuals as well as the government, which stands to govern them. In this arrangement, the masses give up some of their natural rights in the interest of having a central authority (Baaklini, 1997; Kanyeihamba, 2006; Todd, 2013). More important than this is the insistence that the rights surrendered are not rights surrendered to any person(s) but rather to the community as a whole.

Therefore, democracy requires that each individual be free to participate in the political community’s self-government. This means political freedom lies at the heart of the concept of democracy. Looking back to the nexus between democracy and constitutionalism it can be argued that the overall concept of modern democracy has three principal parts: “democracy,” “constitutionalism,” and “liberalism.”

Each must exist in a political system for it to be a genuine democracy. Most constitutions of liberal democracies - including the 1995 Uganda constitution state that power belongs to the people. This means that a legitimate government requires the consent of the people.

Many states claim to be democratic. However, there are those who masquerade when in fact they are not. Developed democracies, such as the United States, Canada, the United Kingdom, Israel, Denmark, Germany, France, etc., have left a pattern of what constitutes a democratic society. However, democratization is not an event it is a process that countries work for to achieve.

Democratisation is understood especially in transitional democracies as a process subdivided into three phases: (1) the liberation phase, when the previous authoritarian regime opens up or crumbles; (2) a transition phase, often culminating when the first competitive elections are held; and (3) the consolidation phase, when democratic practices are expected to become more firmly established and accepted by most relevant actors (Rakner, 2007). There should be a process of political change to move a political system of a country towards a system of government that ensures peaceful competitive political participation (Samarasinhe, 1994, Rakner, *et. al*, 2007, Boutros, 1996; (Mvukiyeye & Samii, 2015).

Freedom house (1999) compiled a catalogue of characteristics that qualify a state to be democratic: the head of state/government must be elected through free and fair elections; the legislative representatives must be elected through free and fair elections; electoral laws must be fair providing for equal campaigning opportunities, there must be fair polling, and honest tabulation of ballots; voters must be able to endow their freely elected representatives with real power.

Likewise, the people must have the right to organize in different political parties and is the system open to the rise and fall of these competing parties or groupings; there should be a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections; the people must be free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group; and cultural, ethnic, and religious and other minority groups should have reasonable self-determination, self-government, autonomy, or participation through informal consensus in the decision-making process (Freedom House (1999).

To summarise this part, the paper notes that democratisation is a process that countries work for and it is not an event. Democracy requires that individuals participate in the political governance of their communities. Likewise, in a constitutional democracy the authority of

the majority should be limited by legal and institutional arrangements in order to protect the rights of the minorities and individuals. It should however not be by the whims of an individual's magnanimity. A democratic system is expected to ensure competition, representation and participation. A democracy should ensure that while the majority has the authority to form the government and rule, the rights of minorities are also taken into account. Likewise all the citizens should have equal chances in the game so that they convincingly accept the present majority.

Militarism Constitutionalism and Democratisation in Uganda

The dictionary.com, gives two meanings of militarism. One is the principle or policy of maintaining a large military establishment and second, it is the tendency to regard military efficiency as the supreme ideal of the state and to subordinate all other interests to those of the military. This presupposes that military per se may not be a problem because a state will need a well-organized and equipped military for the defence of the state against security threats.

Maintaining a large military establishment would therefore not be a problem if a given country can afford it; the problem is in the second meaning that calls for the subordination of all other interests for the sake of the military or security. Militarism may be a problem especially to developing countries like Uganda. Militarism leads to over-spending on arms, paramilitary training, defence programmes, and military operations; which may obstruct human security and come at the cost of other human needs. Security is not just about states but related to all human collectivities; and it should not be confined to an "inherently" inadequate focus on military force (Buzan, et al., 1998; Paul, 2013: 3).

Most state institutions in Africa are said to be weak and have no historical connection to African culture and traditional institutions (Jana, 2014). This leads to lack of political legitimacy of governance institutions which compels leaders to seek alternative networks of political support such as patrimonialism and militarism, thereby diverting state resources that could have been used for developmental purposes. Likewise, they use the military to undermine constitutionalism and democratization.

Militarism has been part and parcel of Uganda's history since independence and in one way or the other it has played a role in the constitutionalisation and democratization of the country. Repeated power struggles following independence and late post-independence have left a legacy of dominion, violent politics and militarism Lomo &

Hovil, 2004). The zenith of militarism in Uganda reached in 1971 when Idi Amin who abrogated any semblance of constitutional order, deposed Obote in a military coup. His nine-year rule was a reign of terror because he established a military government in Uganda and could not support any constitutionalism and democratization to take place.

While Amin's misrule had completely dashed any hopes of democratization, president Nyerere of Tanzania, teamed up with Ugandan exiles in Tanzania that were opposed to Amin's rule, including Obote who had taken refuge there after his ouster. The exiles formed yet another military force called Uganda National Liberation Front (UNLF), and together with the Tanzania People's Defence Forces (TPDF) ousted Amin in 1979. After Amin's departure, the UNLF attempted to reorganize Uganda, and to return the country to civilian rule and to a constitutional order. In the transition period, they created NCC, which exercised the legislative power, and appointed civilian presidents.

However, the presidents, Professor Yusuf Lule and later after two months, Godfrey Binaisa, who also ruled for only eleven months – were tightly under the grip of the military commission – that was composed of senior military men that had commanded the war against Amin. They did not have enough time to make any serious contribution to the democratization of the country. The military commission which changed its name to presidential commission, organized elections in 1980. Thus, even after the ouster of Amin, the military was firmly in-charge to the extent they were the ones who organized elections.

However, what is clear is that constitutionalism and democratization could not take root under these schemes that were managed by the military. The elections that were organized under the military dispensation were shrouded in controversy. In 1981, Yoweri Kaguta Museveni, who had been a vice chairman of the military commission, and who participated in the 1980 elections, claiming that the elections were not free and fair, declared war against the second elected government of Obote. He and his National Resistance Army [NRA] captured power in 1986.

Uganda has a tainted record of human rights violations because of lack of effective democratisation. When the Uganda attained her independence in 1962, it was hoped that the first post-independent government would lead the democratization process. This did not happen instead, in 1966, the government derailed from the democratization trajectory when the government of the day used the army to settle political questions that ended in the deposition of the

head of state and president of Uganda, and the Kabaka of Buganda in 1966. This followed the referendum about the 'lost counties' of Bunyoro. As head of state, Kabaka Muteesa was constitutionally mandated to ratify the results of the referendum, but as king of Buganda, such ratification amounted to high treason. He refused to ratify, and Obote ratified the results as the prime minister and Buganda lost the territories to Bunyoro kingdom.

For the rest of the life of the first government, there was only political and constitutional mayhem, which spilled over to the realm of human rights. The people were denied the opportunity to choose their leaders. Their sovereignty was usurped when Obote decided to extend the life of parliament which had ended in 1967, to pave the way for the debate of the 1967 constitution which replaced the pigeonhole constitution.

After the promulgation, Obote also declared himself president without elections, and without dissolving the constituent assembly he appointed. A state of emergency was declared in the central region, during which it was ruled by martial law. The people's freedoms of speech, movement, and association, were curtailed or severely restricted in violation of the tenets of democracy. There was no constitutionalism and democratization for that period but violation of human rights until in 1971, Obote was deposed by the militant, Idi Amin, who abrogated any semblance of constitutional order.

During Idi Amin's reign of terror, it is alleged that he grossly violated the fundamental rights of the people, sanctioned the murder of senior religious leaders, including archbishop Janan Luwum, and the chief justice, Benedicto Kiwanuka. Under Idi Amin, there was no constitutionalism or the rule of law. People mysteriously disappeared, and extra-judicial killings and torture were widespread and systematic. To cap his capricious leadership, he did not organise elections during his nine-year reign of terror; he had made himself president for life.

An example of Idi Amin's terror and abuse of human rights manifested when driven by revenge and hatred for the Langi and Acholi people he ordered Obote's soldiers into barracks and killed them, before killing innocent civilians in Acholi and Lango sub-regions (Lomo & Hovil, 2004). A report by the New York City bar association's committee on international human rights estimated the number of victims of Amin's reign of terror between 100,000 and 500,000.

Different governments in Uganda have had different ways of managing the military but we cannot divorce poor management of the security sector from Uganda's bad political history. Uganda's economic and political crisis during the 1980s was also so overwhelming (Anders, 2013). This followed years of military rule, economic decay which had

resulted into a civil war and the collapse of the central state by the mid-1980s. It was in the late 1990s that Uganda started being mentioned as an example of state resurgence with stabilized institutions, a booming economy and a vital civil society participating in poverty reduction policies.

Amidst this so many rebellions however, raged on since 1986 especially in the northern parts of the country. The government must be commended all these came to end but it does not mean that there may not be relapses to such unfortunate incidents. However, it should not be a reason to keep the military in the public life of the citizens. It is often argued by government officials that the military must be out to maintain national security. Hence, the need for everybody to be concerned in how the security forces as a whole are managed in the country. Studies (Todd, 2013:13; Ewusi, 2014) have shown that democracies are better at protecting civil and political rights.

Anecdotal information indicates that militarism continues to be present in the country even today because the leadership assumes that the military is more effective than other institutions. This however is feared that may not only undermine other state institutions that the current dispensation had started to re-build but may be a way of attracting the military beyond their sphere. The military has been deployed to supervise various government programmes including agricultural production under the government prosperity scheme-operation wealth creation (OWC). Also while the national identification project was stalling, the military under late general Aronda Nyakairima was called in and indeed the exercise took off in a record time.

The newspapers in the country have reported stories about security operations by un-gazetted bodies (militants) like the “Kalangala action plans” that was involved at one time in coercing people into supporting government, and “operation Wembley” which was also headed by general Ellie Kayanja with its “shoot to kill” policy which epitomizes militarized policing (Jjuuko, 2002). These actions tend to undermine the process of constitutionalism and democratization that had started with the 1990s marked by the new constitution of 1995.

There is no doubt that the pre-and post-2016 general election political contestations in the country attracted the reliance on militarism. The government however, explains that the military was involved in electioneering to enforce stability in the country. Of course, security and stability are prerequisites for development and also for democracy take to take root. Security guarantees peoples’ political freedom and economic freedom. Security is, in the first instance, a core government

responsibility necessary for economic and social development and vital for the protection of human rights and democracy (OECD, 2007: 13).

However, the violent dispersal of peaceful political gatherings of the opposition involving shooting to death sometimes, heavy deployment of the army on streets of Kampala city in the pre- and post- February 2016 general elections may be interpreted as being beyond the security required for peaceful coexistence. This shows yet another facet of militarism and inadvertently or intended undermining of constitutionalism and democratization in Uganda. The reliance on militarism to effect traditional counter-insurgency, strategies such as 'states of emergency' 'panda gari' 'preventive arrest' etc., that the country has witnessed in recent days by extension constitutes a violation of human rights (Simba, 2000: 123).

As a matter of law in Uganda, security forces as a whole; the police, the intelligence services and the army have a role to maintain law and good order. This was a good foundation of constitutionalism and democratisation. Therefore, the security forces should play the role of giving security to all Ugandans irrespective of their party affiliations but not to be seen as undermining constitutionalism and democratisation in the country.

Reliance on militarism could also be an indication of democratic immaturity and Uganda should avoid being labelled as such. Janowitz (1977: 78) argues that where democracy has emerged, the intervention of the military establishment in domestic politics becomes limited and its influence should only be felt mainly in the conduct of external defence policies. Classical theory of democracy asserts that, political neutrality of the military and the security forces at large is an essential component of a democratic political system (Janowitz, 1977: 78).

Democracy always implicitly presumes unlimited civilian supremacy over the command of the armed forces anything short of that defines an incomplete democracy (Hans, 2002). Human beings are entitled to make moral claims that their rights be accorded legal recognition and states must ensure that they respect, protect and fulfil these claims (Todd, 2013:13). The involvement of the military in managing civilian activities would be at variance with human rights protection. The role of the state is to prevent the violation of human rights by 'third' parties like the military and other security forces.

Militarism is avoided when there is a proper and effective oversight mechanism and this is what protects human rights in democracies. It has also been shown that the crucial institutional arrangement within democracy that has the greatest probability of reducing civil and political rights violations by the security forces is a significant set of

constraints on the authority of the executive (Todd, 2013; Samarasinhe, 1994).

In other words, a government executive without constraint from the legislative assembly through control over cabinet selection and the use of veto powers may easily abuse their power of office and use the state to violate civil and political rights. A pertinent question here would be; is the legislature in Uganda able to constrain the executive given its nature and composition? The answer is most likely to be a no as the ruling party over dominates the other parties with over 290 MPs out of 427 (*the parliament of Uganda 2016*).

Security forces; the police, the intelligence services and the army have a role to maintain law and good order, under article 211 (3), the constitution defines what should be the character of Uganda police force; 'nationalistic, professional and disciplined. Article 208 (1), the UPDF is supposed to be 'non-partisan, national in character and subordinate to the civilian authority. As such, the security forces should play the role of giving security to all Ugandans irrespective of their party affiliation. The state and security forces in particular should avoid becoming illegitimate before the citizens. The picture portrayed in the country after the 2016 general elections is of partisan security forces.

In current times, there is a legal and policy framework to support and defend human rights in Uganda. The international bill of rights is recognized in the country and the 1995 Uganda constitution is found to have reasonable safeguards to facilitate the protection of human rights. Jurisdiction over human rights (human rights defenders in Uganda, 2010) is exercised by the judiciary in pursuing its constitutional mandate.

The human rights values in Uganda are contained in chapter four of the constitution of Uganda (titled protection and promotion of fundamental and other human rights and freedoms) as well as in key international human rights standards such as: the united nations declaration on human rights (UDHR), the international covenant on civil and political rights (ICCPR) and the international covenant on economic, social and cultural rights (ICESCR) all recognized in Uganda.

Likewise, the state has established several institutions to ensure the promotion, protection and realization of basic human rights and fundamental freedom in the country. Examples of these institutions are the ministry of justice and constitutional affairs, the Uganda human rights commission (UHRC) and the inspectorate of government (IGG)

There is no doubt that when one looks at the 1995 Uganda constitution will find it very compliant on rights provisions. The constitution guarantees fundamental freedoms and human rights,

including political and civil rights. Article 21, guarantees the freedom of all Ugandans from discrimination, including on the ground of political opinion.

Nonetheless, the foregoing provisions in the constitution and legal frameworks notwithstanding, there are extant issues touted by the public that may threaten good governance and political stability hence leading to violation of human rights. In the 2014 report the Uganda human rights commission identified human rights problems in the country. The report noted three of them which were a lack of respect for the integrity of the person (including unlawful killings, torture, and other abuse of suspects and detainees); restrictions on civil liberties (including freedoms of assembly, the media, and association); and the violence and discrimination against marginalized groups, such as women (including gender-based violence), children (including sexual abuse and ritual killings), persons with disabilities, and the lesbian, gay, bisexuals, and transgender (LGBT) community (*Uganda 2014 Human Rights Report*).

Other human rights problems noted in the same report include harsh prison conditions, arbitrary and politically motivated arrest and detention, incommunicado and lengthy pre-trial detention, restrictions on the right to a fair trial, official corruption, mob violence “*kiboko squad*”, trafficking in persons, and child labour.

The amendment to the constitution in 2005 that led to the lifting of presidential term limits is another good case and it was even a voting issue in the February, 2016 presidential election. The issue of the removal of term limits and the concomitant long rule by the incumbent is a polarising one in the country. One may be advised that the removal of the presidential term limits was constitutionally arrived at which would be a genuine argument; if the process of electing the representatives was not contentious.

There are also claims that the prevailing legal framework in the country is prohibitive and unnecessarily limits the enjoyment of the freedoms, especially of assembly and peaceful demonstration. The Public Order Management Act 2013 has been used to prevent opposition political actors from assembling and protesting peacefully. In the run up to the February 2016 elections season, Kizza Besigye’s and Amama Mbabazi’s rallies were either not permitted or violently broken by police.

Anecdotal information indicates that the fairness of the court system is also not very trusted, because people think or have reasons to believe that it is compromised. For instance, in 2001 and 2006, Kizza Besigye petitioned the Supreme Court, although it concurred with the evidence

that electoral laws were flouted, on both counts the court refused to annul the elections. Kizza Besigye has since vowed never to go back to court over a rigged election.

In 2011, Besigye instead of seeking redress from court after losing an election he engineered the “walk to work” protests with cataclysmic political, economic, and human rights ramifications. Like Ssemwogerere (2016), observes misuse of the police sends a strong message that the law can be twisted for narrow or partisan gain and the state will not defend and guarantee human rights.

The poor human rights record and poor governance service delivery has in most cases been seen to result in disengagement of the civil society from the state (Jana, 2014). When civil society disengages it means citizens’ withdraw from formal governance mechanisms and society enters into a chilling mode as witnessed in the post-2016 general elections in Uganda. The citizen disengagement from the state is a manifestation of the state’s lack of legitimacy.

Human rights can only be protected by a politically legitimate state. Political legitimacy is the oil that lubricates the machinery of the state to prevent friction and conflict in a political system (Jana, 2014:20). Likewise, without legitimacy, state institutions are fragile and tentative. The democratization drive witnessed in early 1990s in Africa had put hope into people that Africa was now going to create states that are capable of satisfying peoples’ political and economic needs (ibid).

Trust, just like confidence in state institutions is an affective legitimacy indicator that can be informed by people’s satisfaction with the performance of the institution like the Uganda police, the army, parliament or executive (Jana, 2014). Dorgan (2014) cited in Jana (2014) argues that if too many officers are not trusted, the legitimacy of the institution may be contested, and if a collection of institutions such as parliament, executive, judiciary, the army, the police, political parties and public service, are not trusted, the regime itself could become illegitimate.

Conclusion

The paper has indicated that Uganda had a bad political start right from the time the country got independence in 1962. Attempts for constitutionalism were anchored in group and unprincipled compromises which were not based on democratic principles. Since the first general elections in 1961, up to 1986 there was no any stable government and from 1962-1980 there were no elections held, governments changed through use of force. This provided a bad culture

which did not work towards achieving constitutionalism and democracy and respect for human rights.

The paper has noted that constitutionalism and democratisation can guarantee human rights but the involvement of the military in managing civilian activities has tended to undermine this and the protection of human rights in the country. It has been noted that the military and security forces have been involved in Uganda's politics right from the first government, through Idi Amin's reign of terror, and even in the current dispensation there are stories reported about the security and military acting extra-judiciary. This can be interpreted as another facet of militarism in Uganda which undermines the efforts that had started in constitutionalism and democratization since 1995. Democracy requires that people participate in their political governance freely and a legitimate government requires the consent of the people but not the manifestation of authority.

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