

Original Paper

Market Fundamentalism and the Ethics of Democracy in Uganda

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Abstract

Democratic systems ought to have certain central tenets that act as ethical boundaries. The violation of these ethical boundaries relegates democratic systems to mere mirages, perversions and phantoms. The market fundamentalistic stance of neo-liberalism leads to the abuse of virtually all the central tenets of democracy. Neo-liberalism advocates for a weak interventionist state in terms of fostering human rights and social justice and a strong regulatory state in terms of protecting and promoting markets and private property. Democracy on the other hand calls for a strong interventionist state to implement the human rights and social justice mandate on behalf of the people and a strong regulatory state to curtail the abuse of human rights and social justice. This paper argues that in neo-liberal states like Uganda, markets and the accumulations of private property in most cases through primitive accumulation take precedence over democracy. This has culminated into privations of democracy such as; autocratic majoritarianism, mobocracy, kleptocracy, prebendalism and neo-patrimonialism.

Keywords

neo-liberalism, ethics, phantoms, democracy, market fundamentalism, Uganda

1. Introduction

Democracy is not simply a rule of the people by the people for the people. It is a rule of the majority of the people. This majority is usually decided basing on the principle of utilitarianism. However, the concept majority begs the question. Are we talking about a numerical majority? Or a majority on the basis of power? In neo-liberalized Uganda, the majority on the basis of power invoke their financial clout to manipulate the numerical majority to vote in their favour. When their voter bribery antics fail, they embark on the use of the “skills” of the corrupt elite to rig elections and cling to power thorough

ballot stuffing, inflation of the voter register, alteration electoral declaration forms and amending the constitution to allow life presidency. In Uganda therefore, a numerical minority (powerful majority) rules through a semblance of democracy. The Uganda case reveals a plethora of phantoms and perversions of democracy in terms of mobocracy, kleptocracy and autocratic majoritarianism. These mirages and gimmicks of democracy render the state a recipe for social instability and social unrest.

Ives (2015) reiterates that “in a regime faithful to neoliberal tenets, governance must be carried out within the constraints of the doctrines of limited government and self-regulating markets. This type of management shifts the locus of power away from citizens and their representatives towards those with capital. As such the neoliberal vision of governance in fact renews with an older liberal tradition and places power squarely in the hands of the bourgeoisie, that is to say those who have capital to invest and whose goal is to accumulate more”.

According to Afouxenidis (2016, p. 40): “neoliberalism is based on the idea of ignoring fundamental human needs. The success of neoliberal political strategies rests on a mixture of rhetoric and control of democracy’s major local and global institutions. It is also based on the erosion of the key actors and institutions that are the main underpinnings of contemporary democracies, such as pressure groups, civic organizations, and educational institutes”.

Wendy Brown (2015, p. 10) also posits that capitalism, in the form of neoliberal reason, defeated democracy. According to her, democracy has been unmoored, disemboweled, hollowed out from within, and utterly undone. She opines that under neoliberalism, “all conduct is economic conduct; all spheres of existence are framed and measured by economic terms and metrics” (Ibid.). She emphasizes that the *homo oeconomicus* has vanquished the *homo politicus* such that we are only, always, and everywhere competing market actors. She reminds us that “neoliberalism is that political rationality through which the capitalist form of valuation swallows whole every motivation, every domain of life. The very language of freedom, equality, and popular sovereignty is perverted “to signify democracy’s *opposite*” (Ibid., p. 44).

1.1 The Neo-Liberalization of the Ugandan State

Uganda is ranked very high among African countries that have comprehensively implemented neo-liberal reforms (Harrison, 2006, p. 110; Wiegratz, 2010b). It has been hailed as an economic success story and the “development darling” of Africa by many international donors (Sargent, 2009, p. 1). The country is considered the star performer of liberal economic reforms and the poster example that other African (and other developing) countries on the verge of starting reforms should copy in almost every aspect (Kuteesa et al., 2009; Wiegratz, 2016). The country’s apparent success in the 1990s allowed donors to claim Uganda as the gem and emblematic case for neo-liberal reform (Golooba-Mutebi and Hickey, 2009, p. 8; Wiegratz, 2010b).

Wiegratz, argues that “neo-liberalism was imposed on the country, as elsewhere in sub-Saharan Africa, by external actors in the process and aftermath of structural adjustment policies after the 1980s” (2010a, p. 123). He reiterates that “since the late 1980s but especially in the 1990s, the government

neo-liberalised the Ugandan state, economy and society extensively according to ‘market society’-oriented prescriptions-all with significant financial and technical donor assistance and related pressure” (Wiegratz, 2010a, p. 124).

Harrison opines that neo-liberalism has since been pervasive, chiefly due to the powerful ideological, normative and material impact of the foreign agents of the “development industry”, especially the International Financial Institutions (IFIs) and the various bilateral donors, which promoted neo-liberalism in the country (Harrison, 2005c, 2006; Wiegratz, 2016).

2. Method

This research was fundamentally premised on critical discourse analysis and partially based on In-depth elite interviews.

2.1 Critical Discourse Analysis

Critical Discourse Analysis (CDA) is an analytical methodology used in research. It is a way of understanding the meanings of the texts or discourses in order to determine areas of inequality, domination, and marginalization (Van Dijk, 2001, p. 351). The notion that discourse has a direct relationship with knowledge and power is so central to Michael Foucault’s idea about reality. Power permeates every aspect of society, is inextricably linked with knowledge and creates its own truth (Given, 2008; Stevenson, 2004). Thus, discourse analysis can expose how every day experiences are socially constructed, and how societal power, domination and subordination shape these experiences. Those in positions of power create discourses that have the potential to control the thinking of others (MacCloskey, 2008; Given, 2008).

CDA reveals the manner in which dominant forces, try to achieve their interests by oppressing the weak or through versions of reality that favor their interests (Smith, 2006). When such information is revealed, people are made aware of the manners and this encourages them to transform their lives and resist the oppressive forces (Smith & Bell, 2007).

2.2 In-Depth Elite Interviews

Jennifer Hochschild (2009) argues that “a central purpose of elite interviews is to acquire information and context that only that person can provide about some event or process: What did that person do and why? How does he or she explain and justify his/her own behavior? What does the person remember of how others behaved, and why? How does the person understand and explain the trajectory of the event or process? What succeeded or failed, from that person’s vantage point?” Elites interviews are also referred to as conversations with a purpose. Elite are persons who are very knowledgeable on a particular research issue and probably have a lot of research experience in the subject under study.

Elite interviews for this study were carried out in Makerere University, Gulu University and Mbarara University of Science and Technology (MUST). The interviews targeted elites from the humanities and social sciences. Ten of these elites had doctoral degrees and ten had master’s degrees. The elites were

from the disciplines of philosophy, political science, economics, human rights, gender and development studies.

3. Result

3.1 *De-Ambiguityfying Neo-Liberalism or Market Fundamentalism*

A perusal of scholarly definitions of neo-liberalism reveals that most of the definitions are buttressed in jargon, ambiguities and obliviousness to the philosophical ramifications of the ideology. Neo-liberalism refers to an ideology and economic philosophy that is premised on the dictum that the state should relinquish development to self-regulating market. Neo-liberalism regards the market as a scientific process that steers states to economic growth stimulation and consequently economic development.

Neo-liberalism therefore advocates for a regulatory state instead of an interventionist state. The positivistic stance implies that neo-liberal development has nothing to do with ethics and human rights. Ives (2015) opines that “neoliberals... advocate for reducing the role of government to its strict minimum; governments are constituted to deal with security questions, to ensure the rule of law and to provide an environment propitious to the accumulation of capital. This last function implies providing a stable money supply and protecting investment, but it may also require a strong military force to protect the stability of the free market”.

Ayers (2008, p. 4) concurs that “neoliberalism’s political programme comprises the extension of the market to more and more areas of life; the creation of a state stripped of ‘excessive’ involvement both in the economy and in the provision of opportunities; the curtailment of the power of certain groups (for instance trade unions) to press their aims and goals; and the construction of a strong government to enforce law and order”.

3.2 *Situating Museveni’s Vulnerability to Neo-Liberalism and America’s Imperialistic Supremacy*

African states like Uganda are currently engulfed in a global neo-liberal capitalistic New World Order system controlled by the USA as the most powerful nation on the face of the earth. Under this system, we have western client states such as; Britain, France, China, Russia, Norway and Sweden that support the US’s grand plan of putting all economies under its control and third world slave states such as; Uganda, Rwanda and Kenya whose major role is to surrender their economies under the control of the US, assist the US to have access to the mineral wealth of the continent while they in turn enjoy immunity and protection against prosecution for gross human rights abuses (Shearer, 2010). Leaders of third world countries who succumb to a slave status can cripple the entire social justice system of their countries through corruption, cronyism, bribery and nepotism, as the USA and its clients look on (Ibid.). This system is supported by army and police brutality, postmodern Christianity that controls the masses through Pavlovian techniques (Ibid.) as well as simulation and dissimulation (Baudrillard, 1985).

It must be noted that Museveni took over power in Uganda in 1986 at the end of the cold war between Soviet Union and the United States of America. America emerged out of this war as supreme and unrivaled super power. Layne and Schwarz (1993, p. 5) opine that:

It is commonly held that the Cold War's end allowed the United States to conduct a searching re-examination of its role in world politics. In fact, however, that has not happened and there is no reason to believe it will ... The driving force behind America's foreign policy has shown itself to be more basic than the containment of its (old) Cold War adversary (i.e., the Soviet Union) ... At the end of World War II, Washington was committed to an active internationalist agenda and would have pursued it even if the Soviet Union had not emerged as a geopolitical and ideological rival. That essential point was acknowledged in NSC 68, the 1950 National Security Council document that articulated America's Cold War strategy "... as one designed to foster a world environment in which the America system can survive and flourish."

Chomsky concurs that:

During World War II, American planners were well aware that the United States was going to emerge (from the war) as the world-dominant power, in a position of hegemony that had few historical parallels, and they organized and met in order to deal with this situation. From 1939 to 1945, extensive studies were conducted by the Council on Foreign Relations (which is essentially the nexus around which the American business elites and the American foreign policy establishment coordinate their activities) and the State Department. One group was called the War-Peace Studies Group, which met for six years and produced extensive geopolitical analysis and plans ... These groups ... involved every top planner in the State Department ... "The conception that they developed is what they called 'Grand Area' planning. The Grand Area was a region that was to be subordinated to the needs of the American economy (after the war)" (Chomsky, 1985).

America's Grand Area Planning in relation to Africa aimed at dismantling old imperialistic colonial structures in favour of American Imperialism. These included, the French and Belgians in former Zaire, Congo and the Central African Republic. In order to achieve this, they allied with "statesmen" such as Museveni and Kagame in order to create "mercenary" armies that would open the Great Lakes region to neo-liberal primitive accumulation and structural adjustments. Therefore between 1986-1997 Museveni presided over a weak state that could not withstand neo-liberal globalization and its anti-human rights stance. Museveni came to power at a time when Afro-Marxists leaders like Julius Nyerere could not be tolerated. In the promotion of neo-liberalism, America preferred to work with dictators and human rights violators who would prioritise corporate interests over improving the livelihoods of their people.

American specialist on human rights in Latin America, Lars Schoultz (1981), made a study on Comparative Politics, in which he investigated how the human rights climate in a country was correlated with American aid. He chose a very narrow conception of human rights, what he called "anti-torture rights", that is, the right to be free from torture by the government and. He found that there is a relationship between human rights and American foreign policy: namely, the more the human rights climate deteriorates, the more American aid increases. The correlation was strong, he discovered the "Aid has tended to flow disproportionately to Latin American governments which torture their citizens". In the other words, the more governments tortured their citizens, the more their American Aid increased (Chomsky, 1985; Chomsky, 2003).

3.2.1 Museveni's Transition from Barter Trade to Neo-Liberal Capitalism

In 1986, the National Resistance Movement (NRM) headed by President Yoweri Museveni inherited an economically liberal state where government took a very pivotal role in the realization of opportunities for wellbeing. In the early 1970s and 1980s, President Milton Obote promoted the Movement to the left that saw the nationalization of a number of governmental para-statal bodies. Like Nyerere, Obote I was heavily influenced by the Afro-Marxists ideology, that was premised on the argument that since African societies are communitarian (socialistic), they ought to embrace an ideology that prioritizes the common good over the individual good. In other words, the state needs to take full of control over public resources and institutions in order to guarantee the common good.

When Museveni took over power in 1986, he was generally in agreement with the liberal state stance of his Afro-Marxist predecessors like Obote I. His anti-capitalistic orientation was further evidenced by the enthusiastic support for barter trade with countries such as China and Libya (Chukwuma et al., 2004, p. 260). The National Resistance Movement (NRM) government came to power in 1986, at a time when the economy had literally collapsed. Annual headline inflation was in three digits (Kiiza et al., 2011, p. 15). The low or no value-added products (coffee, cotton, tea and tobacco) constituted over 70 percent of total exports, suggesting that Uganda's Ricardian economy was fragile, poorly integrated in the global economy and vulnerable to external shocks (Kuteesa et al., 2010).

Museveni had also inherited an economically fragile state that became greatly indebted to donors and International financial institutions such as the World Bank and International Monetary fund by the late 1990s. The Ugandan external debt stood at 1.3 billion dollars. With the gush of fresh money, the external debt spiraled overnight, increasing almost three fold to 3.7 billion by 1997. By 1997, it owed almost 2 billion dollars solely to the World Bank (Mugunga, 1997). This made Museveni's government very prone to neo-liberal reforms. Noam Klein argues that free market policies are often unwillingly imposed upon people immediately after a major catastrophe since the national psyche is still in a state of shock (and hence, unable to mount effective resistance). This is known as the shock doctrine. She further contends that:

Some of the most infamous human rights violations of this era, which have tended to be viewed as either sadistic acts carried out by anti-democratic regimes, were in fact, either committed with the deliberate intent of terrorizing the public or actively harnessed to prepare the ground for the introduction of radical free market "reforms" (Klein, 2007, p. 9).

3.3 Neo-Liberalism and the Circumvention of Democracy

In relation to democracy, Chomsky aptly reiterates that the USA has repeatedly overthrown democratic regimes because: The more a country is democratic, the more it is likely to be responsive to the public, and hence committed to the dangerous doctrine that "the government has a direct responsibility for the welfare of the people", and therefore is not devoted to the transcendent needs of Big Brother (US). Democracy is okay but only as long as US can control it and be sure that it comes out the way US wants (Chomsky, 1991; Chomsky, 1978).

Chomsky further opines that: "neo-liberalism works best when there is formal electoral democracy, but when the population is diverted from the information, access, and public forums necessary for meaningful participation in decision-making. Therefore it is best to restrict governments to the job of protecting private property and enforcing contracts, and to limit political debate to minor issues. The real matters of resource production and distribution and social organization should be determined by market forces. Democracy is permissible as long as the control of business is off-limits to popular deliberation or change; i.e., as long as it isn't democracy (McChesney, 1999; Chomsky, 1991)". According to Friedrich Hayek (1944, 1960) popular democracy needs to be curtailed in a neo-liberal state because it is a route to serfdom or feudalism.

Milton Friedman (1962, p. 8) argues that because profit making is the essence of democracy, any government that pursues anti-market policies is being antidemocratic, no matter how much informed popular support they might enjoy. Friedman's major thesis is that there is an "inescapable connection between capitalism and democracy" in the sense that not only do the two forms of decentralized popular control have an elective affinity as forms of democratic empowerment, but also unconstrained

governmental power to supplant the market undermines political democracy and ultimately leads to dictatorship (Gintis, 2014). Friedman's minor thesis is that the role of government in a free society is properly limited to maintaining law and order, preventing coercion of one individual by another, enforcing private property and contracts, and providing for the common defense and a common monetary system (Ibid.).

Neo-liberalism therefore denigrates democracy as one of the central sources of government legitimacy in society, i.e., government's responsiveness and commitment to satisfying electoral demands for subsidized, fundamental services such as basic health and education, which, in unequal societies are out reach for ordinary citizens. This undermines political free will and results in disenfranchisement (Gathii, 1999, p. 100).

The World Bank governance agenda has embraced liberal democracy while simultaneously employing strong arms tactics to suppress any government opposition to its programs especially those aimed at redistributing wealth and entitlements (Ibid.). The neo-liberal public choice paradigm is skeptical about democratic governance because it is susceptible to the views of favorable constituencies that are likely to divert from neo-liberal economic policies (Ibid., p. 96).

According to John Williamson (1990), the economist credited for coining the term Washington consensus, it is undesirable to reconcile the views of civil society with those of the state since the implementation of the neo-liberal reform process would be hijacked by populists and demagogues. This would pave way to the return of discredited policies of the past which gave the state a central role in the control of the economy. Thus neo-liberal reforms require a leadership capable of suffocating civil society and undermining democracy (1993, p. 1329).

Ives (2015) concurs that "neoliberals are also unified in their desire to challenge traditional sources of opposition such as labour unions, environmental protection advocates or even nation-states that have retained their historic attachment to welfare state provisions... neoliberals reject outright the principle of government intervention, even when noble objectives such as the expansion of the scope of freedom for all, or the establishment of social justice are invoked".

In his critique of Milton Friedman's book, *Capitalism and Freedom* (1962), Herbert Gintis (2014) argues that "the state has the right and the duty to intervene in the private economy to protect and enhance the rights of those who are incapable of protecting themselves. This includes the young, the elderly, and individuals with physical or mental incapacities... In particular, the state should have great power to eliminate poverty ... a situation where a fraction of the population are born into situations in which they lack the means for full self-development and healthy participation in social life".

3.4 Market Fundamentalism and the Politics of the New World Order System

As earlier stated, the American New World Order system has managed to divide the world into client and slave states. Client states are basically developed nations that support the US neo-liberal new world order policy and slave states refer to developing nations who have been forcefully swallowed into the New World System through tyrannical structural adjustment polices (Shearer, 2010). In the New World

Order, slave states, dictators are imposed on the people through a pseudo-democratic system with authoritarian traits (Chomsky, 1997; Chomsky, 1999). Leaders of the Neo-liberal World order slave states of Uganda and Rwanda have been used by the US to fight opponents of the American Neo-liberal World order system as well as creating confusion in DR Congo in order to open the DRC economy to corporate plunder. According to Susan George (1999) "...neo-liberalism has changed the fundamental nature of politics. Politics used to be primarily about who ruled whom and who got what share of the pie. Aspects of both these central questions remain, of course, but the great new central question of politics is, who has a right to live and who does not".

Leaders of Slave states can torture and kill their citizens, cheat elections, commit crimes against humanity and rob their economies through corruption under the protection of the US and her clients. This Neo-liberal New World Order system has nothing do with genuine democracy, improved livelihoods and human rights and social justice. It has to do with militarism and subjugation of the citizenry. President Museveni once intimated to Ugandans that he cannot be thrown out of power by a mere ballot paper. In 2001 while addressing a rally in western Uganda Museveni is quoted to have said:

I'm not ready to hand over power to people or groups of people who have no ability to manage a nation ... Why should I sentence Ugandans to suicide by handing over power to people we fought and defeated? It's dangerous despite the fact that the constitution allows them to run against me... At times the constitution may not be the best tool to direct us politically for it allows wrong and doubtful people to contest for power (The East African, 2001; Okuku, 2002, p. 24).

In 2002, while addressing the Parliament of Uganda Museveni reiterated that:

We are people in suits by day, but in uniform at night. We fought a liberation war. Don't play around with freedom fighters, you can see Mugabe. ...We fought and we can still fight. Even if Morgan Tsvangarai had won, do you think Mugabe would have accepted? Oh ho! You are playing with fire! (Ocheing & Kulubya, 2002)

3.5 Uganda's Transition from a Foreign Colonial State to a Domestic Colonial/Neo-Colonial Developmental State

Rukooko (2007, p. 18) argues that, "during colonialism, many African leaders were trained in the art and management of the state and civil service. In the process they discovered that colonialism was about subjugating of people and accumulation of wealth. Thus when the colonialists physically left, their African heirs turned against their subjects with concrete repression and exploitation since they did not have colonies to conquer". Rukooko further opines that since, "the colonies had been tied to the

metropole, the African heirs worked with erstwhile rulers to build structures for their retention of power as well as exploitation of their subjects. The idea of citizenship was forgotten and the rapid accumulation of wealth for selfish interests through corruption and embezzlement flourished. The ‘African big men’ cherished militarism defied accountability standards and disdained rule of law, integrity and democracy (Ibid., p. 19)”.

Tusabe (2013, p. 50) avers that “Freedom from British Colonialism did not necessarily oust colonial administration in Uganda. It simply got rid of foreign colonial exploitation replacing it with domestic colonial exploitation”. He further opines that “post 1962 political leaders of Uganda acquired license to exploit their own people since even the official government programmes they have put in place supposedly to uplift the lives of the poor are more or less avenues for the powerful together with their allies to unjustly enrich themselves at the expense of the poor (Ibid.)”. Tusabe argues that colonial coercion refers to, “force and manipulation enforced on a subjugated group of people by an authoritarian political regime with the goal of influencing the subjugated people’s course of actions in order to satisfy egoistic ends of the authoritarian political rulers. Such political regime could be foreign or domestic but its inherent characteristics are that it is self-imposed, oppressive, exploitative and blind to the demands of social justice and the respect of human dignity (Ibid., p. 44)”. Although Tusabe’s analysis did not anticipate the neo-liberal roots behind the paradigm shift from a foreign to a domestic colonial state, he none the less makes a painstaking analysis of the democracy and social justice quandary in Uganda.

4. Discussion

4.1 Ethical of Boundaries of Democracy

According to Ayers (2008, p. 10) “...democracy comprises: the periodic election of political representatives via credible multiparty elections in which (virtually) all the adult population is eligible to vote; constitutionalism, the rule of law (including strengthened judicial and legal systems and an independent judiciary) and respect for human rights”. If democracy is not subjected to any ethical requirements, it simply turns into autocratic majoritarianism or dictatorship of the majority.

A Makerere University Don reiterated that “ethics is relevant to democratic state management because the practice and execution of state roles involves ethical and moral risks such as corruption, electoral fraud, etc. Such issues are considered public ethical concerns (Interview, 2019)”. Democratic legitimacy therefore requires democratic states and institutions to promote and protect the central tenets below. These tenets are so central because ethics, integrity and good governance are fundamental pre-requisites of democracy. The tenets are elucidated as follows:

4.1.1 Never to Subject Fundamental Rights to a Plebiscite (referendum)

A free and democratic society protects fundamental human rights such as; freedom of expression, freedom of association and freedom of religion, against infringement by the numerical majority through referenda. For example the Christian majority in Uganda should never be allowed to vote on banning

Islam as one of the religious faiths in Uganda and should never use their numbers to ban gays from holding public offices. For a long time, the NRM government condemned Ugandans to a so called broad base movement system which was a one party political state in practice. The 1995 Uganda Constitution categorically stated that all Ugandans shall belong to the movement system. This was an abuse of the above central tenet of democracy and definitely watered down the democratic legitimacy of the Uganda state.

4.1.2 Intrinsic and Extrinsic Empowerment

Democracy “means the rule of the people, i.e., from Greek, “demos” meaning people and “*kratia*” which means rule. It is a governance situation where the people are the ones in charge. It means society crafted by the people themselves thus implying that the people have to know how to manage power and governance for democracy to work (Interview, 2019)”. Democracy therefore requires that citizens are empowered with intellectual capabilities to assess the different choices before them (intrinsic empowerment). They should also be equipped with material or physical capabilities to influence choices, challenge decisions, offer their candidature for elective offices among others (extrinsic empowerment). In Patriarchal Busoga society, women are socialized into the dictum, “*Omwami kyakoba zena kyenkoba*” (my husband’s decision is my decision). This is intrinsic disempowerment. In addition, a number of men and women are unable to stand for presidency or as members of parliament due to fees required from all candidates who want to contest for those elective offices. This is extrinsic disempowerment. In Uganda a number of voters are still peasants who are both intrinsically and extrinsically disempowered to act as a credible “demos”.

4.1.3 Gender Equity and Equality

A democratic society requires that both men and women are guaranteed the freedom to equally participate in decision making, institutions of society and the right to compete for elective offices (gender equality). The lack of gender equality might require affirmative action in favor of either men or women. A democratic society also requires that men and women are intrinsically empowered or have equal power relations to challenge and influence decisions (gender equity). Gender equity is still a serious challenge in Uganda. For example very few NRM, MPs can challenge the undemocratic tendencies of President Museveni.

4.1.4 Term and Age Limits

A democratic dispensation ought to put term and age limits on the presidency and other elective positions. The purpose of this is to create institutions that are supra individual. This implies that even if a mortal individual dies, institutions continue. In countries like Uganda where a peaceful transfer of power from one president to another has remained a myth, term and age limits act as constitutional safety nets against life presidency. Today, Ugandans are still nursing the shock after the removal of the term and age limits on the presidency from the 1995 Uganda Constitution as amended in 2005. The post-Museveni era will require Ugandans to restore term and age limits on the presidency and possibly the writing of a new constitution.

4.1.5 Separation of Powers

Democracy requires separation of powers between the executive, legislature and judiciary. This aims at checking the excesses of one arm of government that might entail a violation of tenets of democracy and fundamental rights. The neo-liberal NRM-system in Uganda has turned the legislature into a rubber stamp of the executive (Keating, 2012, p. 144) and is working tooth and nail to turn the judiciary into a complete rubber stamp of the executive. According to Tsekpo and Hudson (2009, p. 12), “under the movement system...the executive has tended to regard parliament as an advisory body whose recommendations can be brushed aside and the reality of overwhelming executive, presidential and the NRM dominance has not changed ...decisions are made by the NRM caucus with the result that parliament remains little more than a rubber-stamp institution”.

John-Jean Barya concurs that the “parliament of Uganda has become an appendage of the ruling National Resistance Movement (NRM) party caucus that rubber stamps its decisions. ... all the heads of government agencies and Commissions also remain appointees of the president. Whenever important decisions need to be taken, they are not debated logically within Parliament but are rather first processed in the NRM caucus where the majority is whipped into endorsing the caucus position even when they don't believe in it (Ainebyoona, 2017)”.

Justice George Kanyeihamba posits that “the 8th Parliament was the worst this country has ever had compared to others. They were responsible for infringing many provisions of the Constitution, ignoring the basic rights and fundamental freedoms of Ugandans by either enacting illegal laws or complying with illegitimate decisions of the Executive. ...Members of Parliament should be nationalistic regardless of which party they belong to. Whether they are in Parliament or NRM, DP, FDC or UPC party, they are all opposition members against injustice, bad governance and people who do not care about the welfare and integrity of this country... all MPs are members of opposition and should care about a just and a good government which comes with right policies for its people and which protects our environment, oil, coffee, etc. They may all be NRM or opposition members but they must support good policies that come from both government and opposition in this country (Mubatsi, 2011)”.

4.1.6 Independence of Electoral, Ombudsmen and National Human Rights Institutions

Democracy requires the independence electoral, Ombudsmen and National Human Rights Institutions. In Uganda these institutions are enmeshed in presidential powers of appointment. The president not only appoints heads but also commissioners in all these institutions. As far as presidential elections are concerned presidential aspirants participate in a foot ball match where the referee and all liners are appointed by an incumbent running president. This is a democracy deficit. Muhumuza (2009, p. 28) reiterates that “president Museveni's NRM government created institutions for advancing democratic governance for symbolic purposes. He was pretty aware that such institutions would legitimize his government domestically and before donors. Rather than promote democratization, these institutions have been systematically manipulated to promote vested political interests of Museveni and subsequently entrench him in power”.

4.1.7 Rule of Law

Rule of law implies that everybody is under the law whereas rule by law implies that some people are above the law. In a democracy, everybody from the least to the lowest, from richest to poorest, from the weakest to the most powerful must be subject to the law (rule of law). In neo-liberal Uganda, the small fish are subject to law while the NRM big fish are largely above the law (rule by law). One of the most regrettable abuse to the rule of law in Uganda is the phenomena of “safe houses” which has persisted in Uganda during the NRM 32 years in power. Safe houses are illegal places of detention where suspects are brutalized, tortured and subjected to degrading treating and punishment contrary to article 44 of the 1995 Constitution. The law provides that suspects should be detained in places gazetted by the law such as police cells and prisons.

On Thursday August 22, 2019, the speaker of Parliament Rebecca Kadaga cautioned the government to respect the rule of law and human rights and aid parliament’s investigation into the alleged torture in safe houses. Kadaga told parliament that a number of people who are lined up to appear before the Human Rights Committee, which is investigating the operations of Safe Houses, are being frustrated. Many are reportedly being followed around by security operatives. She appealed to the government to prevail over security agencies which she said should adhere to the rule of law and provide security to the parliament committee carrying out investigations (The Independent, 2019a). The Katikkiro of Buganda, Charles Peter Mayiga, also expressed concern over the allegations of torture in Safe Houses across the Country. According to him, the kidnap and torture of suspects is worrying since it doesn’t only violate human rights but also tarnishes Uganda’s image (The Independent, 2019b).

On Tuesday 10th September 2019, Members of Parliament on the Human Rights Committee were blocked from accessing Safe Houses in Nkokonjeru, Kyengera and Nalukolongo. Led by the committee Chairperson Janefher Egunyu Nantume, the MPs drove to the facilities in the company of journalists only to be denied access at the facilities. Dressed in a Uganda People’s Defense Forces (UPDF) uniform, an officer who identified himself as Vincent Kalibala, the in-charge of the Kyengera facility spoke to the MPs through a small hole of the gate. He advised the committee to go to the ISO offices in Nakasero and seek permission from Col. Bagyenda. Despite insistence from Nantume that the Committee has powers from Parliament to carry out the visit, Kalibala said he could not give any further statement on the matter (The Independent, 2019c).

Members of Parliament on the Human Rights Committee have faulted the Uganda Human Rights Commission (UHRC) for not investigating torture allegations in suspected safe houses. Officials from UHRC led by the Chairman Meddie Kaggwa on Wednesday, 11th September, 2019 appeared before the committee chaired by Buvuma Woman MP Janefher Nantume Egunyu. Kaggwa told MPs that the Commission was aware of torture allegations at the Kyengera Safe House but had no knowledge about the suspected safe house in Nalukolongo, which MPs were denied access to. Asked whether the Commission is aware of the number of Safe Houses in the country, Kaggwa said that they cannot know their number apart from the few that people complain to them which he declined to name. Kaggwa

further said that they carry out visits to security installations without permission but mentioned that for military installations, they submit formal communication before their visits. His response attracted bitter responses from the MPs who accused the Commission of not being visible and failing to carry out their mandate as required by the Constitution (The Independent, 2019d).

4.1.8 Accountability, Transparency and Servant Leadership

Democracy requires that leaders are servants and not lords over the people. As servants, leaders should be financially, politically and socially accountable to all the people in a state. Neo-liberalism has created rulers and lords of the people, corrupt and greedy leaders and bandits and robbers. This is evident in President Museveni recent famous statement while in Masindi in 2017 that:

...I hear some people saying that I am their servant; I am not a servant of anybody. I am a freedom fighter; that is why I do what I do. I don't do it because I am your servant; I am not your servant. I am just a freedom fighter; I am fighting for myself, for my beliefs; that's how I come in. If anybody thinks you gave me a job, he is deceiving himself... (Katunzi, 2017).

4.1.9 Bottom up Participation

Democracy also requires that participation in decision making starts from the lowest to the highest, from the poorest to the richest and from the weakest to the most powerful. However, genuine participation pre-supposes other tenets such as intrinsic and extrinsic empowerment and equity and equality.

4.1.10 Human Development and Social Justice

A democracy ought to aim at promoting and protecting social justice, capabilities (valuable doings) and functionings (valuable beings) of all persons irrespective of sex, gender, class, age, nationality, opinion and social status. A democratic system ought to ensure that all human persons are free from hunger, live a long and healthy life, live a life of respect and are free from poverty and structural injustices.

4.2 Analysis of In-Depth-Interviews

All the elites agreed that democracy is a rule of the majority of people subject to certain ethical tenets such as; justice, humanness, integrity, rule of law, separation of powers, human rights, autonomy, beneficence, accountability and transparency. Six of the elites (30 percent) were able to understand the positivistic roots of neo-liberalism. They were also able to tell the similarities between neo-liberalism and market fundamentalism. This category was able to differentiate between organized capitalism and disorganized capitalism (neo-liberalism). One Don posited that “neo liberalism lays emphasis on extremist faith in market forces as determinant of economic, social and political values. It is an ideology that pushes for extreme deregulation, liberalisation, and privatization of all facets of society. It is the idea that the market should not be regulated or impeded by the government or any social institution in any way in order to allow economic growth and social transformation (Interview, 2019)”.

The Interviewees also argued that neo-liberal regimes prioritize the scientist market over freedoms of individuals and for this reason neo-liberal regimes have dictatorship tendencies. The majority of elites (70%) (14) simplistically understood neo-liberalism from its central tenets such as; privatization, cost

sharing, and deregulation, currency devaluation but were unable to decipher the deterministic positivism on which the ideology is premised. This majority was quite reluctant to correlate dictatorship in Uganda with neo-liberalism.

All the interviewees agreed that Uganda is a not functional democracy. They also agreed that to a certain extent Uganda is both kleptocracy and a mobocracy. Only 30% of the elites were able to link the kleptocratic nature of Uganda's rule to neo-liberalism. They argued that neo-liberal systems mind more about markets and economic growth and less about human rights, democracy and social justice. They also divulged that neo-liberal economies are embedded in the belief that greed and selfishness promote economic development.

The findings reveal the fact that a number of scholars are unaware of the positivistic roots of neo-liberalism which negate its inclinations with human rights, democracy and social justice. One of the interviewees actually intimated that the neo-liberal system has managed to persist almost unabated due to the fact that many people are ignorant of its philosophical tenets and undemocratic tendencies. One of the Dons remarked that "neo-liberalism is the ideology that promotes freedom of people to do what they choose to and market fundamentalism consists in capitalistic emphasis on the market—where the economy is ran and controlled by produce and demand". When asked whether Uganda has embraced neo-liberalism he retorted that "I wonder whether Uganda has really embraced neo-liberalism. Therefore, when it embraced it doesn't arise" (Interview, 2019).

4.3 Neo-Liberalism and the Privations of Democracy in Uganda

Neo-liberalism has led to a number of tendencies that can be characterized as privations and negations of democracy. These mirages and phantoms of democracy water down the ethical legitimacy of a particular democratic government or state. These privations are elucidated below.

4.3.1 Autocratic Majoritarianism

This refers to the tendency to rule through the manipulation of the majority of people. It also means socialization of majority of people to accept dictatorship as the only available best choice. As already urged above, democracy refers to a rule of the people that is subject to certain ethical limits. One of the fundamental ingredients of democracy is intrinsic empowerment. This implies knowledgeability of the democratic choices available and the deceptive antics of leaders to distort such choices. In Uganda, Museveni has managed to stay in power for over 32 years because of his cunning manipulation of the electorate.

He has frequently used the fallacy of appealing to fear to lure the peasant electorate to vote for him. In a number of elections, he has insinuated that Ugandans should vote for him if they do not want war to breakout again in Uganda. He is aware that the peasant Ugandans who comprise the largest number of the electorate would fall prey to this lie. This therefore creates artificial or manipulated majorities that are used to have a firm grip on power. These unethical majorities are used to water down the fundamental ethical ingredients of a credible and legitimate democracy.

4.3.2 Mobocracy

The National Resistance Movement System has created the rule of a mob. This mob has been socialized into believing that there is no peaceful Uganda without president Museveni. It has been brainwashed into believing that ethical democratic state management cannot take precedence over Uganda's oligarch and this none other than Yoweri Museveni. This mobocracy has trashed ethical tenets of democracy such; as rule of law, term-limits, age limits, and separation of power and independence of electoral institutions.

The mainly peasant mobocracy has been kept ignorant of the neo-liberal ramifications of the regime they are supporting and some of them willing to die for. Neo-liberal policies such as; development induced displacements and land grabbing have immensely affected the "ruling mob" but Museveni and his neo-liberal elites have been able to blind the eyes of the mobocracy by tactfully blaming the above evils on mere greedy rich business moguls who have no political inclinations to the ruling state. Thus, the powerful neo-liberal majority (a majority on the basis of power) has succeeded in bulldozing a weak numeric majority (mobocracy) to legitimize its firm grip on power.

4.3.3 Kleptocracy

This refers to a rule of thieves. A neo-liberal kleptocracy like the one in Uganda has created a rule of robbers and bandits. The stealing is much that referring to this class as thieves is under characterization. Neo-liberalism is premised on Adam Smith's idea that greed promotes economic development or the wealth of nations. Jack Shearer (2006) opines that neo-liberalism is premised on three dictums. These are; Greed is good, Greed is right and Greed works.

It is therefore not surprising that the neo-liberal state in Uganda prioritizes greed over democracy. To this end, the state has created a banditry system which has personalized state resources using a semblance of democracy. When the corruptions stratagems of the state are exposed by the media, the neo-liberal state tactfully sets up a commission of inquiry on the same to fool the "mobocrats" that the state has a zero tolerance policy on corruption and banditry. After the corruption inquiry, the report is shelved into oblivion and this cyclical subterfuge is repeated over and over again with impunity.

4.3.4 Plutocracy

This refers to rule of the rich or wealthy. For the last three decades, Uganda has witnessed an unprecedented wave of election monetarization. Presidential and parliamentary candidates especially from the ruling National Resistance Movement (NRM) have spent huge sums of money on bribing the electorate. Vote bribery is so high that one cannot help but wonder how these politicians hope to recover that money once they are elected.

During the recent Local Council (LC) 1 elections, a number of candidates especially in urban and peri-urban areas spent a lot of money on election canvassing despite the fact that LC 1 Chairpersons are not paid any salaries by government for their services. Of course, the candidates are aware that once elected, they will be able to benefit from the corruption privileges of a patronage system.

Muhumuza (2009, p. 30) opines that “the use of political manipulations such as bribery has dire consequences for Uganda’s democracy. It implies that people will no longer choose their leaders on merit. Besides, it is most likely to institutionalize corruption in government. Public officials who win elections through bribery will increasingly resort to corrupt behaviour in order to recoup what was invested in politics as well as accumulate more resources in preparation for future elections.”

Abrahamsen and Bareebe (2016, p. 5) argue that the 2016 campaign was “characterized by lavish spending by Museveni and the NRM. According to the Alliance for Campaign Finance Monitoring, Museveni spent a minimum of Shs773 billion to secure his victory. In the two months of November and December 2015 alone, he spent Shs27 billion, almost 12 times more than his closest rival. A final report on campaign financing shows that Museveni outspent his rivals by 91.5 percent. The second biggest only 6.3 percent (Shs66 billion) of the combined expenditure by presidential spender was Mbabazi with candidates, whereas Besigye was third with a meagre 1.8 percent (Shs15 billion)”.

The above duo further disclose that, “NRM candidates at every level had access to resources that enabled them to hire vehicles, buy fuel, produce posters, and, of course, bribe voters. In some instances, Museveni was involved in direct cash hand-outs to youth groups, and after the election Museveni donated Shs5 million to each ruling party MP to help them organize victory celebrations”. Gloppen et al. (2006, p. 20) opine that “although the electoral law makes it is an offence to influence voters using financial or material incentives, the Electoral Commission never sought to enforce financial accountability by acting on the widespread use of money to influence voters, or other financial malpractices”.

The Leader of opposition in Parliament, Betty Aol Ochan avers that the Electoral Commission is not independent enough to de-commercialize the electoral processes of Uganda. She argues that failure of the Commission to condemn commercialization of politics is hurting core democratic and good governance principles of elections in the country. She further pointed out that legislators are buying their way into Parliament over failure of the Electoral Commission to hold those propagating commercialization of elections to account for their actions. According to Aol, pleas for good governance and democracy in Parliament will remain a dream if the Electoral Commission remains silent about commercialization of politics in Uganda (The Independent, 2019e).

4.3.5 Nepotocracy

This refers to rule of close relatives or a nepotistic cabal. The National Resistance Movement (NRM) government under Yoweri Museveni has seen the elevation of close relatives of the president to high positions of power. Recently, the President’s wife Janet Museveni was promoted from State Minister in Charge of Karamoja to full Minister of Education and Sports. The President’s Son is in charge of the Special Forces Command and a number of blood relatives of the president are occupying juicy positions in government.

Bareebe and Titeca (2013), reiterate that “Museveni and his family members can... be characterized as a ‘clan’, or a political faction operating within the institutions of the state and the governing party; it

exists above all to promote the interests of its members and its first unifying principle is the prospect of material rewards of political success. Political office and the spoils of office are the very definition of success: loot is the clan's totem”.

4.3.6 Prebendalism and Neo-Patrimonialism

In his book “*Democracy and Prebendal Politics* (1987)” Richard Joseph, used the term “prebendalism” to describe the appropriation of state offices by elected officials and government workers in order to divert state resources to serve themselves, their cronies and their ethnic and other identity groups. Prebendalism refers to a political system where appointed and elected officials use state offices to generate material benefits for themselves, their constituents and kin groups. A prebendalistic system is neo-patrimonial in the sense that leaders use state resources in order to secure the loyalty of “client demos” or what I have called a mobocracy.

According to Tangiri (2006, p. 4) President Museveni “...has relied mainly on public positions and resource allocations to keep state officials together as well as beholden to him. But these patrimonial means of promoting elite cohesion and elite loyalty have been marked by manipulation and corruption. Corrupt practices have enabled state officials to appropriate state resources for personal self-aggrandizement. A number of individuals at the higher levels of the political structure as well as the bureaucratic and military establishment, and often close associates and relatives of the President, have become large property owners as well as made large personal fortunes”.

Tangiri (Ibid.) further divulges that “... from the mid-1990s, privatization, governmental procurement, the acquisition of military equipment and claiming payment for ‘ghost soldiers’ have constituted the main areas for private accumulation, mainly through corruption, and commonly to the benefit of those close to Uganda’s political leadership. By allowing officials to benefit personally from corruption, the government has been able to retain their loyalty and keep them within the ruling coalition. Yet corruption has been only partly for personal enrichment. It has been as much for securing the regime in power”.

5. Conclusion

This paper has argued that the legitimacy of democratic systems requires the promotion and protection of the ethical boundaries articulated above. The violation of the above ethical limits renders the so called democratic regimes mere facades, gimmicks and phantoms of democracy. Using Uganda as a point of reference, the paper has opined that neo-liberal market fundamentalism disembowels democracy by prioritizing markets and economic growth over human rights and social justice. The Uganda neo-liberal state has created a semblance of democracy that is perpetuated through autocratic majoritarianism. This neo-liberal state has abused virtually all the ethical limits of democracy. No wonder Sarah Tansen has described it as a pseudo democracy with authoritarian traits (Schmidt, 2013).

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