
Legal Manoeuvres and Violence: Law Making, Protest and Semi-Authoritarianism in Uganda

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ABSTRACT

This article explores the interplay between violent protest and the making of laws in Uganda. It advances two main arguments. First, since multipartyism was restored in 2005, the Ugandan government has repeatedly drafted intentionally contentious new laws in part to provoke, divide and politically manipulate opposition. Implementing these laws has often not appeared to be a priority; rather, drafting, debating and (sometimes) passing them represent tactical ‘legal manoeuvres’ geared towards political gain. Second, I argue that these manoeuvres can be linked to another trend since 2005: the rise in urban-based protests and riots, which have often become violent and resulted in aggressive crackdowns by the state. In bringing these trends together, this article argues that the use of legislative processes as part of a strategic repertoire to destabilize political opposition has exacerbated unrest, especially among urban dwellers. Moreover, in response to rising protest the government has engaged in further legal manoeuvring. The analysis suggests that the semi-authoritarian nature of the regime in power, where the symbolic importance of the legislature and relatively free media contend with fundamentally authoritarian tendencies at the centre, is propagating this cycle of legal manoeuvres and violence.

INTRODUCTION

A notable feature of contemporary Ugandan politics is the way significant numbers of laws are proposed by the government, debated in the media, brought to parliament, and then — after further heated debates — shelved and seemingly forgotten for long periods of time. In some respects this should not be surprising in the context of a state that is, in many formal institutional respects, a democracy. The obvious explanation is that processes of legislative, judicial and media pushback have occurred, with democratic institutions resisting the executive. This article argues, however, that this does not

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adequately explain certain legislative trends since 2005, which reflect something rather different from the ‘rising legislative assertiveness’ previously observed in Uganda (Nakamura and Johnson, 2003). It proposes instead that the passing and full implementation of proposed laws is sometimes not very prominent among the goals of the executive seemingly pushing for them.

In this article I suggest that the generation of new provocative draft legislation is one of the tools through which the government has repeatedly sought to manage social and political threats in the post-2005 era, a period characterized by the return to multiparty politics after decades of one-party (or, strictly speaking, no-party) rule. The government has arguably been less concerned with enacting the law than with using the legislative process to make symbolic gestures that antagonize or placate various opposition groups at critical moments. The processes of producing, debating and passing laws — and, crucially, the timing of these processes — have therefore taken on certain perverse functions as part of President Museveni’s strategy for maintaining control. Such ‘legal manoeuvres’ can be thought of as part of a repertoire of instruments employed by a leader whose immense skills as a political tactician are now widely recognized (Carbone, 2008; Tripp, 2010a, 2010b).

Given the above, I argue in parallel that the proliferation of contentious legal debates and sometimes incoherent laws resulting from these manoeuvres fuelled discontent and violent protest in the period 2005–13. Moreover, the government sought to capitalize on successive waves of protest, repeatedly attempting to tarnish the opposition as instigators of violence while taking the opportunity to propose further legal measures that did little to ease underlying tensions. Violent protest and law making have thus become part of a dialectical exchange between state and society that has dubious implications both for future stability and the quality of Uganda’s nascent democracy. The analysis has implications with potential relevance far beyond Uganda, given both rising civic violence and similar political trends elsewhere on the continent.

The article is rooted in the case study approach, constituting a ‘detailed examination of an aspect of an historical episode to develop . . . explanations that may be generalizable to other events’ (George and Bennett, 2005: 5). It draws on primary research including interviews with politicians (both government and opposition, local and national), lawyers, civil society representatives and protestors, as well as observation of parliamentary debate and media analysis.¹ The article employs a process-tracing approach, used inductively to generate new hypotheses based on the sequencing of events and

1. The fieldwork on which much of the analysis is based was undertaken in September 2009–January 2010 and December 2011. Please note that newspaper articles referred to in the text are referenced in footnotes rather than listed in the bibliography, and only the name of the newspaper and the date are given. This is because large numbers of newspaper articles were consulted, some in archives in Uganda, and in certain cases article titles were not recorded

interaction of variables suggested through the case material. The aim is thus to identify 'recurring conjunctions of mechanisms' and propose pathways through which they produce particular outcomes (*ibid.*: 7). An exploratory case study of this nature is particularly appropriate here because the aim is to challenge some conventional interpretations of particular phenomena, rather than test a causal relationship that is already well-established in the literature.

The article is structured as follows. First, some basic theoretical propositions are presented about the relationship between legal change and processes of democratization in post-colonial Africa, and how this relates to patterns of political protest. The next section provides some contextual background on Uganda, highlighting key political developments since 2005 and relating these to the relationship between legal manoeuvres and violence, particularly in the capital city Kampala. Following this, I discuss certain laws pertaining to the government's relationship with the Buganda Kingdom in recent years, exploring how legislative processes interacted with politics, social mobilization and violence. Then I explore the potential for broadening the argument beyond this particular dispute, considering the politics behind certain other key pieces of legislation and their relationship to outbreaks of violent protest. The final section concludes, offering some thoughts on the relationship between legal manoeuvres, protest and democratization.

LEGAL CHANGE AND PROTEST IN DEMOCRATIZING AFRICA

Law and Development

In the early post-independence decades when 'modernization' dominated development discourses, the maintenance or transplantation of 'good' (that is, Western-modelled) legal systems was considered by legal scholars to be a central driver of development (Friedman, 1969). Today a more common view is that legal enforcement in developing countries is often so weak that 'the importance of the legacy of the formal legal system is moot' (Bardhan, 2005: 6). The naïve belief that law itself held potential 'to engineer the social and economic change necessary to achieve the goals of development' (Sedler, 1968) has thus largely ceded to the cynical view that in many developing countries law is virtually irrelevant because it is rarely implemented. Moreover, the widespread inheritance of colonial legal systems means that law is often treated as exogenous to the question of development (Acemoglu et al., 2001; La Porta et al., 1999). Notwithstanding an important body of literature in the field of legal anthropology (see Moore, 2001 for a review), within development studies relatively little attention has been paid to how the

or specific authors not listed. All news sources are therefore referred to by newspaper and date in footnotes to ensure consistency of referencing,

making, debating and passing of laws itself impacts on social and political development.

Law matters not only because of what happens when it is implemented, but because the very existence of particular laws — and the discussion of proposed legislation yet to be passed — influences the behaviour of social actors, no matter how weak the enforcement. Moreover, laws are drawn up in anticipation of and in response to particular behaviour. Writing in the 1970s with Africa in mind, the legal sociologist Robert B. Seidman attempted to model the relationship between law and development (Seidman, 1972, 1978). How a ‘role occupant’ (social actor at whom the law is aimed) behaves in response to norms of law, Seidman argued, is a function not only of the rules embodied in a law, but also of the nature of enforcement institutions and other social and political forces constraining behaviour. Meanwhile, law makers will act partially on the basis of feedback they receive from role occupants (Seidman, 1972: 321) and make estimates of ‘the probable consequences of the proposed legislative program in all its ramifications’, including enforcement costs, the nature of citizen reaction and likely extent of noncompliance (ibid.: 338). While scholars including Weingast (1997) have more recently echoed this point about the iterative nature of law making and public reaction, the idea that it might result in perverse incentives to create laws to achieve *outcomes other than effective implementation of those laws* has been little explored in development literature. In fact, the reaction of certain social groups to the law-making process itself may be part of the intended outcome. As Barkan (2008: 124–5) has observed, there has also been surprisingly little research on the relationship between legislative development and democratization, especially in Africa. There is therefore a need to further explore the law-making process as a political instrument in a development context.

Legal Reform, Semi-Authoritarianism and Political Protest

In thinking about the socio-political impact of the law-making process, the relationship between the passage of laws and political protest is a particularly salient issue. Saiegh (2011) finds that among democracies, states featuring high levels of social unrest (in the form of riots and protests) positively correlate with those where either an especially high or especially low proportion of laws proposed by the executive are successfully passed. Among autocracies, this ‘U’ shaped correlation is turned on its head: unrest is most common where an intermediate (rather than very high or low) number of laws are passed. These findings, based on a simple democracy/autocracy dichotomy, raise questions about the passage of laws and protest in anocratic or semi-authoritarian regimes, which characterize a large proportion of contemporary developing states. Moreover, if there is indeed a correlation between regime type, legal passage and protest, then the causal dynamics

underpinning that relationship remain uncertain. It is unclear whether rates of legal passage drive protest or protest drives rates of passage. The relationship may work both ways.

In many contemporary sub-Saharan African states, the relationship between protest and legal reform has changed in recent decades, in tandem with democratization. In the late 1980s and early 1990s, popular protest in Africa was widely perceived as representing calls for legal and constitutional reform. Drawing on Hirschman's classic essay (Hirschman, 1970), Herbst argued in 1990 that urban-based protest was an effort by African populations to exercise 'voice' when the 'exit' option historically open to them through migration was no longer available, due to solidifying national borders and land scarcity (Herbst, 1990). Instead, many dissatisfied Africans were moving to the heart of the state — the capital city — and engaging in protest in an effort to engender reform (*ibid.*: 192). Moreover, in all countries where major political protest took place from 1989–91 it led to reform of laws, procedures or even constitutions in the direction of political liberalization (Bratton and van de Walle, 1992).

These observations were made at a time when authoritarian governments dominated the continent and protest was directly geared towards constitutional reform and democratization. The contemporary situation, however, has been shaped by that very wave of democratization (Lynch and Crawford, 2011). Subsequently, increasing numbers of states have become characterized by what has variously been termed 'illiberal democracy' (Zakaria, 1997), 'competitive authoritarianism' (Levitsky and Way, 2002) and 'semi-authoritarianism' (Tripp, 2010a) rather than undiluted autocracy. Under such 'hybrid' regimes, it is still the case that protest and legal change occur in a 'dynamic, reiterative process of action and counteraction' (Bratton and van de Walle, 1992: 420). However, the coexistence of authoritarian and democratic tendencies alters the strategic calculus for both governments and protestors (Tripp, 2010a: 5). Some implications of this will briefly be considered.

Political leaders in semi-authoritarian regimes have to operate in a situation where democratic institutions are often a real force to contend with (Barkan, 2008), notwithstanding the 'authoritarian core' at the heart of the political system (Tripp, 2010a). In such contexts, bringing laws before parliament and allowing the discussion of their content in the national media, as well as the possibility of judicial challenge, are difficult processes to avoid. With these formally democratic institutions constituting a central part of the life of the polity, leaders determined to ensure regime survival have to conceive novel ways of manipulating them towards this end without blatantly suppressing them — a problem that purely authoritarian rulers need not contend with. Introducing draft legislation to stimulate particular kinds of political response, causing disarray among key opposition groups, is one way in which such leaders might hope to strategically turn the democratic elements of the system to their advantage. It is reasonable to suppose that

such a strategy could be socially and politically destabilizing, and that under these conditions protest might sometimes be a *response* to proposed legal reform rather than a call for it.

The nature of protest itself has also changed in important ways. Many of the protest events unfolding in Africa in recent years have been neither very organized nor dominated by middle class groups such as students, unions and civil servants, as they were — according to Herbst (1990) and Bratton and van de Walle (1992) — at the end of the Cold War. In a context of rapid urban growth, protests have often been dominated by relatively poor people working in the informal economy and expressing general discontent, or ‘noise’, rather than concerted efforts to articulate ‘voice’ (Goodfellow, 2013). Protest is likely to be spurred by frustration at the empty promises of democratization and limited channels for voice, but also by the presence of a political opposition (no matter how ineffectual) and the growing awareness of the functioning of government that accompanies even partial democratization. Under these semi-authoritarian conditions, rather than demonstrating in vain for specific reforms, discontented urban social groups may opt to engage in violent rioting to remind the government of their capacity to destabilize and defect to the opposition.

In short, the changing role of law-making processes under semi-authoritarianism may be related to changing forms and the increasing frequency and violence of protest. This accords with the emerging consensus that semi-authoritarian or ‘hybrid’ regimes correlate positively with most forms of violence, whether considered ‘political’ or ‘social’ in nature (Fox and Hoelscher, 2012; Goldstone et al., 2010). Hostile state actions are found to be more common in these regimes than any other type (Carey, 2006: 9), and in such regimes state actions are also less predictable, further heightening the risk of political violence (Hassanpour, 2012). This article seeks to build on this consensus by exploring some of the *mechanisms* behind the relationship between semi-authoritarianism and civic violence. It argues that contemporary violent protest in such regimes can be provoked by the erratic government actions that emerge from the coexistence of democratic and authoritarian elements, and specifically through efforts to subvert newly empowered democratic institutions by using the law-making process as a political instrument to disorganize opposition. The following section explains why Uganda is a particularly apposite context to explore these ideas.

UGANDA, SEMI-AUTHORITARIANISM AND THE RISE OF VIOLENT PROTEST

Many authors have identified Uganda’s National Resistance Movement (NRM) regime as featuring both democratic and authoritarian elements, with Diamond (1999) classifying it as a ‘pseudo-democracy’, Tripp (2010a) labelling it ‘semi-authoritarian’, and Ochieng’ Opalo (2012) classifying it as

'ambiguous' rather than either an 'emerging democracy' or 'consolidating autocracy'. The regime of Yoweri Museveni is a clear case of a government that has adopted widespread democratic reforms only to claw back control through various informal mechanisms of authoritarianism (Carbone, 2008; Kjaer, 1999; Lambright, 2011; Rubongoya, 2007; Tripp, 2010a). Museveni is acknowledged as a master strategist and political tactician who has not only maintained power through four successive (albeit flawed) elections, but also increased his vote share by 10 per cent in the most recent election in 2011 (Conroy-Krutz and Logan, 2012; Izama and Wilkerson, 2011).

By way of background, Museveni and his NRM fought their way to power in 1986 after two decades of turmoil, dictatorship and civil war. Under the NRM, local democracy was instituted in the context of a 'no-party' system, on the grounds that parties would split along ethnic lines and foment further conflict (Carbone, 2008). For the first ten years of his rule, Museveni was generally popular both at home and abroad. His decision to reinstate most of Uganda's traditional kingdoms in 1993 also bolstered his support in certain parts of the country, including Buganda, the kingdom home to Uganda's largest ethnic group.

In 1995 a new constitution was introduced, and it is now acknowledged that in the decade following this, during the Sixth (1996–2001) and Seventh (2001–2006) Parliaments, there was an increase in the strength of Uganda's legislature. Keating (2011) argues that in the decade after 1996, as the system of 'no party democracy' evolved, the Ugandan parliament came to function as a voice of opposition with the potential to challenge key reforms proposed by the executive. Similarly, Barkan (2008) argues that in this period a 'coalition for change' emerged in parliament and there was an expansion of legislative power. Kasfir and Twebaze (2009) have made similar observations, as have Nakamura and Johnson (2003), who write of a period of 'rising legislative assertiveness', accompanied by increased coverage of parliamentary activity in the media.

Despite this, democratic accountability more generally was perceived to be waning from the mid-1990s, with NRM hegemony increasingly entrenched alongside growing corruption and ethnic exclusion (Lindemann, 2011; Mwenda and Tangri, 2005). Evidence of the manipulation of elections in 2001 precipitated further disillusionment. In the years between the 2001 and 2006 elections, Museveni decided that the no-party system was no longer useful and began to promote the move to multipartyism, despite years of his own rhetoric against it. He skilfully used the transition to a multiparty system, which was secured in a 2005 referendum, as a bargaining chip to remove presidential term limits, ostensibly in the interests of minimizing restrictions on democratic choice (ICG, 2012; Keating, 2011; Tripp, 2010b).

Along with the shift to multipartyism and removal of term limits came other changes that were particularly significant with regard to the role of the legislature. Parliamentary powers to vet ministerial appointments and censure ministers were reduced, while the president acquired additional powers

to dissolve parliament (Kasfir and Twebaze, 2009; Keating, 2011; Mwenda, 2007). Moreover, the massive NRM victory that Museveni secured in the first multiparty election in 2006 resulted in opposition parties winning only 56 of 333 seats. While parliamentary discipline had been weak up to this point, voting along party lines became commonplace with the establishment of the NRM as a *de jure* party. Indeed, the introduction of multipartyism paradoxically enhanced the executive's dominance of parliament and its determination to tame legislative powers (Barkan, 2008). Thus from 2005 onwards, and especially in the Eighth Parliament from 2006 to 2011, the period of legislative assertiveness observed after 1996 was decisively reversed. The passage of bills through parliament was therefore less likely to be prevented by legislative pushback during this period. Uganda's semi-authoritarianism entered a new phase, and it was one in which an apparent step forward in terms of *formal* democratization actually undermined certain democratic institutions (Keating, 2011).

It was also in this period that protest in Kampala became a regular feature of political life, and in increasingly violent forms. In November 2005, opposition politician Kizza Besigye was arrested on charges of treason and rape, leading his supporters to take to the streets for two days in the first major demonstrations of the NRM era. The police responded aggressively, and one person was killed (Human Rights Watch, 2005). Museveni swiftly issued a temporary ban on demonstrations and discussion of the trial on radio shows, but did not interfere when the courts ordered Besigye's release in January and eventually cleared him in March.² These events set the tone for multiparty democracy under Museveni, marking something of a critical juncture in public life. The threat of sustained urban public protest was thereafter constantly close to the surface, as was the counter-threat that the government might decree permanent legal constraints on public freedoms. Wider urban discontent was also brewing, and often boiling over, around this time. Indeed, according to cross-national data collected on 'social conflict events' (primarily strikes, protests and riots) in Africa, on an average annual basis the number of such events in Kampala from 2005–10 was more than double that in 1991–2004. Moreover, the number of social conflict events involving government repression per averaged year was around six times higher in 2005–10.³

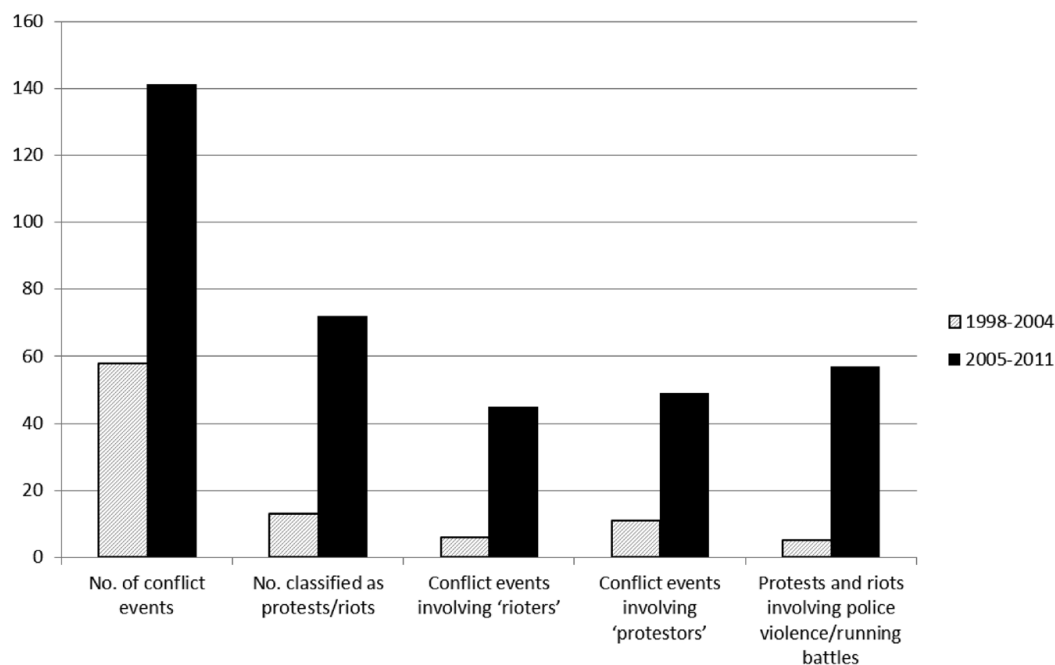
An alternative and more detailed dataset⁴ shows even more striking evidence of the increase in violent protest in the multiparty period. While in the seven-year period from 1998 to 2004 there were fifty-eight violent conflict events in Kampala, in the seven-year period from 2005 to 2011 there were 141 (see Figure 1). Furthermore, most of the events in the first

2. IRIN Humanitarian News and Analysis (website), 1 February 2006.

3. Social Conflict in Africa Database, University of Texas at Austin: <http://ccaps.strausscenter.org/scad/conflicts>

4. Armed Conflict Location & Event Dataset: <http://www.acleddata.com/>

Figure 1. Violent Conflict Events in Kampala, 1998–2011



Source: based on data from Armed Conflict Location & Event Dataset

period constituted violence perpetrated by unidentified armed groups or the Allied Defence Forces, a relatively short-lived rebel movement. In the second period the proportion of violent conflict events that were classified as protests or riots shot up, and protests and riots involving violence by the police increased more than tenfold from five in the first period to fifty-seven in the second. The number of events involving 'rioters' (defined in relation to when protest is violent and unorganized), and involving police violence *against* protestors, increased by significantly more than events simply involving 'protestors', highlighting the increasingly violent nature of protest as well as overall increase. The following sections explore some of the ways in which legal manoeuvres fed into this, after examining some of the laws in question and the politics surrounding them.

THE BUGANDA RIOTS AND THE FIVE 'CONTENTIOUS BILLS'

Legal Manoeuvres and Political Provocation

The clearest example of the use of legal manoeuvres as a provocative political instrument — and of violent protest following this — relates to the NRM government's engagement with the Buganda Kingdom in the late 2000s. Managing the state's relationship with this ancient Kingdom has been a major political challenge for all of Uganda's post-independence leaders. This

stems primarily from the privileged status Buganda enjoyed in the colonial and immediate post-colonial period, the abolition of the Kingdom by Milton Obote in 1966 and its supporters' ongoing quest for federal status since.⁵ Having restored the Kingdom in 1993, Museveni's relationship with its *Kabaka* (King) has been the subject of considerable media attention and scholarship (Englebert, 2002; Goodfellow and Lindemann, 2013; Mutibwa, 2008; Oloka-Onyango, 1997). The decision to reinstate the Kingdom was a shrewd move that won the support of many Baganda,⁶ who comprise 17 per cent of Uganda's population. This support, however, was partly based on the perceived promise that the Kingdom would be granted greater political autonomy further down the line.⁷ This was never realized, and the sense of betrayal among the Kingdom's leaders grew over time. Museveni, meanwhile, grew ever more jealous of the *Kabaka*'s popularity after the restoration. The relationship became increasingly sour after the government passed its 1998 Land Act, which was a largely unsuccessful attempt to balance the interests of elite Baganda landlords with those of peasants occupying the land. The Act angered Baganda elites, who felt it was detrimental to their interests (Green, 2006; Okuku, 2006).

Against this backdrop, in the multiparty period the government appears to have decided that isolating and aggravating the Kingdom's leaders was more favourable to its overall long-term interests than granting their demands. Certain pieces of proposed legislation played a substantial role in this strategy. In 2007, the government drafted the Land (Amendment) Bill, which clearly emphasized the rights of 'bona-fide occupants' utilizing land in Buganda over the rights of Baganda landowners. The latter, with the backing of the *Kabaka*, mobilized vociferously against the bill.⁸ Amid a fierce propaganda battle, in July 2008 the government arrested several leading figures from the Kingdom on allegations of promoting sectarianism and inciting violence.⁹ Observers speculated that the amendment was less about changing the law than playing a political game, provoking opposition from the Kingdom's leaders to make them look 'arrogant' and 'intolerant'¹⁰ and thereby tapping into long-standing resentment towards Baganda dating from colonial times (Mutibwa, 2008). One land expert termed the amendment 'a legal nonsense', arguing that 'the political storms on both sides are not legal arguments about whether the bill is good or bad, but political arguments about whether you're pro-Museveni or pro-*Kabaka*'.¹¹ Amid all the controversy, the bill remained largely on a back burner for two years.

5. See Mutibwa (2008) for an overview of this long and troubled relationship.

6. Baganda is the plural term for people who identify ethnically with the Buganda region.

7. On Buganda's quest for a federal order, see Kayunga (2000).

8. *The Independent* (Uganda), 8–21 February 2008.

9. *Buganda Post*, 21 July 2008.

10. *The New Vision*, 14 February 2008.

11. Interview with Land Specialist, 5 February 2009.

The Land (Amendment) Bill was not the only proposed legislation fomenting discontent in Buganda at this time. Since 2005 the government had been contemplating a law that would undercut Buganda's increasingly vocal demands for federalism. The proposed law involved the creation of a 'regional tier' of government between the centre and the districts, but with less autonomy than the Kingdom's federal ideal. It was fiercely rejected by Baganda elites, who saw it as primarily aimed at undermining their traditional institutions and federal agenda.¹² Again the government sought political capital from this, given that Buganda's quest for federal autonomy was a sore point with other ethnic groups, associated historically with demands for special treatment (Kayunga, 2000). Meanwhile, although the constitutional amendment providing for the bill allegedly 'had overwhelming support from the House' when it was first debated in Parliament in 2005,¹³ and traditional leaders in some regions were persuaded of its virtues from the outset,¹⁴ the bill itself did not appear before parliament until 2009.

Yet more controversy was stirred in mid-2009 when the government tabled the 'Kampala Capital City Bill', causing further outrage by proposing that Kampala's boundaries be radically expanded and that all the land within the new boundaries, despite being geographically *in* Buganda — would officially not be part *of* Buganda. In fact, as some observers noted at the time, the latter proposition meant little in practice and could easily have been left out of the bill, which was otherwise widely considered to be a much-needed measure for engineering improvements in urban governance.¹⁵ This deeply inflammatory proposition about taking Kampala theoretically out of Buganda seemed to some to be a deliberate effort to antagonize the Baganda elite and draw them into a damaging row that would 'dissolve the Kingdom from within'.¹⁶ These bills, according to a leading opposition MP in late 2009, were the 'three contentious bills affecting Buganda', tabled 'in bad faith' and all forming part of a strategy to shore up Museveni's support among the majority of the public and constrain the Kingdom's room for manoeuvre.¹⁷

While it is obviously difficult to know the intentionality that lay behind these laws, they share certain important features. First, they were all highly contentious as far as the Buganda Kingdom was concerned, though not necessarily unpopular more broadly. Second, and related, it would not have been very difficult to frame them in a way that would have made them decidedly *less* controversial in Buganda. One Buganda Kingdom official even conceded that with a few changes the Regional Governments Bill would

12. Interview with Buganda Kingdom Minister A, Kampala, 13 October 2009; interview with Buganda Kingdom Minister B, 14 December 2011.

13. *The New Vision*, 20 May 2005.

14. *The New Vision*, 28 May 2005.

15. Interview with government officials, 22 September 2009; 8 October 2009.

16. *Daily Monitor*, 21 September 2009.

17. Interview with opposition politician, 12 October 2009.

be perfectly acceptable, though the government would have to significantly rebrand the law because its very name had become toxic in Buganda.¹⁸ Given this, and the way in which the government seemed to capitalize on perceptions of the Buganda Kingdom's selfishness and isolation, it is difficult not to conclude that there was a deliberately provocative agenda at play in the way these laws were proposed.

At the same time, however, a third feature of these bills is that (with the exception of the Kampala Capital City Bill, which came later) there was relatively little effort to actually push them through parliament for several years, with a drive to pass them becoming significant only in late 2009 (see below) — two years after the drafting of the Land (Amendment) Bill and four years after the proposition of the regional tier. They had been shelved for long periods of time despite their purported urgency, despite majority support for a regional tier since 2005 and despite the fact that a parliamentary committee was urging the government to expedite the passing of the Land (Amendment) Bill in 2008.¹⁹ Even in the earlier period of rising legislative strength, Museveni 'steamrolled' a number of controversial bills through parliament, often without quorum (Tripp, 2010b). As such, it is hard to believe that these bills could not have been pushed through sooner if the government had been as concerned with implementing them as it was with their instrumental political value as bills at a particular time.

Seeking to isolate the opposition in Buganda through these provocative bills was, however, a dangerous game. The Kingdom began mobilizing its political allies in the Democratic Party and stepping up anti-government propaganda on its media mouthpiece, CBS Radio. Through such means the Kingdom elite disseminated its anger among the Baganda public, forming the backdrop for the violence that subsequently exploded (Goodfellow and Lindemann, 2013). In September 2009, the government decided to prohibit the *Kabaka* from visiting a corner of his Kingdom that had proclaimed itself independent of Buganda, on the grounds that it 'could not guarantee his security'.²⁰ When, on 10 September 2009, it was announced on the radio that the *Kabaka's* Prime Minister was being physically prevented from entering the district in question, supporters immediately took to the streets in protest. Seen as a blatant insult to the Kingdom, this was the spark that gave sudden expression to the heightened tension that had built up over the 'contentious bills'. The explicit reference made to some of these bills by opposition figures in the run-up to the riots, and in some cases by rioters themselves, underscores the role of the proposed laws in promoting the violence.²¹ The anger of the protestors rapidly escalated into violence, and

18. Interview with Buganda Kingdom Minister B, 14 December 2011.

19. *The New Vision*, 18 November 2008.

20. *Daily Monitor*, 11 September 2009.

21. See Goodfellow and Lindemann (2013) for a discussion.

the response of state forces over three days of unrest was crushing: up to forty people died in the riots, and hundreds were injured.²²

There are reasons to believe that the government was aware of the potentially explosive effects of restricting the movement of Kingdom representatives; a group of investigative journalists claimed that the government security forces were ‘abundantly aware of the consequences of this decision’ and were forewarned that riots would result.²³ The argument being made here, however, is not that the government deliberately stimulated the riots, but that protracted efforts to antagonize and isolate the opposition through a number of provocative proposed legal changes *was* deliberate, and that this fed directly, even if not intentionally, into the violence. Had the laws been less provocatively framed and their procedure through the legislative process less painstakingly slow, with less column inches and airtime devoted to debating them and whipping up ferment in Buganda, these events might never have happened.

Whether or not the government anticipated violence, it lost no time in capitalizing on it. Officials declared that the riots had been planned by the Kingdom’s leaders, and began a clampdown on public space, arresting journalists accused of inciting the violence and closing CBS radio, which was taken off air for a full year.²⁴ The prospect of actually passing the three contentious bills in parliament arose again only after the riots. Indeed, the way in which legislative procedures proceeded thereafter further illuminates the interrelation of legal manoeuvres and violence.

Legal Manoeuvres in the Wake of Violent Protest

The government began immediately to talk about the need to ‘fast-track’ its controversial bills in order to resolve the Buganda issue,²⁵ and also introduced new bills into the mix, using the riots as justification. One of these was the 2009 Public Order Management Bill, which provoked international concern and was promptly shelved. Another was the ‘Cultural Leaders Bill’, tabled on 17 December 2009. This bill fleshed out Article 246 of Uganda’s 1995 Constitution, which states that ‘A traditional or cultural leader shall not join or take part in politics or exercise any administrative, legislative or executive powers of government’. This struck at the heart of the ongoing project by Kingdom elites to gain more political leverage. However, despite the purported urgency of this bill, it too was then set aside for about a year. During this time a heightened state of tension between the government and Baganda ethnic group persisted, flaring again into violence in March 2010

22. *Daily Monitor*, 3 December 2011.

23. *The Independent* (Uganda), 21 December 2010.

24. *Daily Monitor*, 30 October 2010.

25. Interview with NRM MP, 24 September 2009.

when the Kasubi tombs — the historic burial ground of many past *Kabakas* — was burned down in a suspected arson attack, leading to clashes between citizens and state security forces and the killing of at least two protestors.²⁶

In the period between the 2009 Buganda riots and the February 2011 elections, the contentious bills were never far from the centre of political discourse. The shelved Land (Amendment) Bill was brought back to the top of the agenda and passed in November 2009, with minor amendments.²⁷ The Regional Governments Bill was finally ‘released’ in December 2009 and quietly passed just before Christmas, though at the time of writing (in 2013) it remained entirely unimplemented.²⁸ The Kampala Capital City Bill passed in late 2010, with the controversial issue of extending the boundary removed. The Cultural Leaders Bill, meanwhile, exploded back onto the agenda at the close of 2010, less than two months before the elections. This bill was widely interpreted as being a direct personal attack on the *Kabaka*.²⁹ Opposition to it was predictably intense, and during the parliamentary debate fifteen out of its twenty-one clauses were either amended or deleted. With all its controversial elements stripped, it amounted to little, largely legislating on the perks available to traditional leaders within their cultural roles.³⁰

While each of the bills followed a slightly different trajectory, their treatment suggests a series of highly tactical moves regarding when each bill was brought to the agenda, how it was debated and whether it was amended or even passed at all. On the one hand, in the context of a looming election these bills were often used both to sanction Buganda and inflame ethnic issues that impeded opposition unity. On the other hand, the government appeared in some cases to employ the legislative process in the opposite way: to placate opposition forces at critical moments, to avoid provocation going so far that it jeopardized Museveni’s electoral prospects. Thus, while the Land (Amendment) Bill was despatched well before the elections in a show of government power after the riots, the softening of the Kampala Capital

26. *The New Vision*, 18 July 2010.

27. *The New Vision*, 26 November 2009.

28. The situation with the Regional Governments Bill is more complicated than the others. Given everything else happening in late 2009, its passing went unnoticed by many and the debate in the years since has continued sporadically as if it were still pending. Opinions differ regarding how serious the government is about implementing it and why the bill has to all intents and purposes failed to have any impact. There is nevertheless wide agreement that it was originally intended as a move to undercut the Buganda Kingdom’s demands for federalism but that it is unworkable, unpopular in many regions and would be expensive to implement. Interest in the bill has grown among political leaders in the Bunyoro region, where the discovery of oil generated hopes of claiming a greater proportion of oil revenues through a regional government. Claims such as these create new conflicts of interest and have likely dampened NRM enthusiasm for a regional tier. For various reasons, therefore, implementation remains a distant prospect.

29. *The Observer* (Uganda), 29 December 2010.

30. *The New Vision*, 19 January 2011.

City Bill by finally removing the controversial clause was a concession to Buganda shortly before the election.

The Cultural Leaders Bill, which began as a very bitter pill, was substantially sweetened by the time of its passing, just before polling. Again, while this could be seen as evidence of legislative vigour, it is difficult to believe the government could not have pushed through the more contentious elements given its previous record. The almost total emasculation of this bill at a crucial moment served the government well; it left Buganda's leaders quietly content while opposition politicians desperate for pre-election political capital were left raging over constitutional objections that resonated little with the public. Meanwhile the Public Order Management Bill and Regional Governments Bill lingered in the background like swords of Damocles, potential tools for further negotiation and political bargaining. Indeed, the government announced that some of the controversial issues taken out of the Cultural Leaders Bill were being transferred into the Regional Governments Bill, representing a looming threat.³¹ The fact that this bill had officially already passed was of little consequence; somewhat confusingly, it was listed among the twenty-three bills that the Eighth Parliament had 'failed to pass', and spilled over into the Ninth.³²

There was little reason to believe that even the laws that passed unequivocally would be implemented, given the failure to implement similar legal provisions in the past (including much of the 1998 Land Act itself). In any case the Land (Amendment) Bill failed to resolve the underlying land issues in Buganda and thus simply prolonged the deadlock between the Kingdom and government.³³ As for the watered-down Cultural Leaders Bill, a year after it was passed nothing had been done to bring it into force, prompting one observer to ask, 'Why is the government, which hastily pushed the law through parliament, now apparently indifferent towards its implementation?'.³⁴ An opposition figure likewise noted at the end of 2011 that this law had barely been mentioned since its passing, commenting that 'it is as if it is not there'.³⁵ Based on the limited evidence available, there are strong reasons for believing that this is because the political function and timing of legislative processes — in other words, the legal manoeuvres — were more important than the laws per se.

The use of legal manoeuvres in this politicized manner sometimes fanned the flames of opposition and sometimes quelled them, but the net effect was highly destabilizing. Some sources suggest there were deliberate efforts by the government to promote violent conflict: one opposition figure claimed that while the legal debates were raging, covert government agents

31. *Daily Monitor*, 20 January 2011.

32. *The New Vision*, 14 May 2011. See also footnote 30.

33. Interview with Land Specialist, 5 February 2009; interview with Buganda Kingdom Minister B, 14 December 2011.

34. *The Independent* (Uganda), 10 September 2011.

35. Interview with Buganda Kingdom Minister B, 14 December 2011.

would ‘approach us, trying to trick us into going into those subversive measures [and] violence’.³⁶ Another source suggested that the government has such a militarized mentality that it stimulates violence as an instrument of domination.³⁷ One does not, however, have to believe that there was an intention to create violence to perceive that these legal manoeuvres helped to spur it. Not only did they enrage many Baganda elites, but the ongoing debates did little for ordinary people, which in itself probably compounded popular frustration. Debates around new laws, according to one local politician, tend to involve ‘a combination of politicking, misinformation . . . and attention-grabbing’, amid which ‘nobody cares about implementation’.³⁸ Consequently, as another politician noted, in Uganda people have no faith in law as they ‘know that the law is flouted’; so ‘when you see people running round and sacking shops, burning down police stations it is not because they have been commanded [but] because they think you are going to do nothing more than talking’.³⁹

A BROADER TREND? THE POLITICS OF LAW MAKING AND VIOLENCE

It now remains to consider whether provocative legislative manoeuvres of this nature are evident beyond the tussle between the government and the Buganda Kingdom during the Eighth Parliament, and secondly whether any link between legal manoeuvres and violence holds beyond this case. Regarding the first question, there is little doubt that the ‘Buganda question’, which is rooted in colonial and post-colonial legal arrangements, provides unusually fertile ground for legislative provocation by the NRM. Nevertheless, the trajectory of a number of other bills suggests that, at particular times, legal posturing for political ends has some relevance beyond the Buganda issue.

The debate in 2011–12 around the Public Order Management Bill reflects some interesting dynamics in this regard. Such a bill had been mooted as early as 2007 and was tabled in 2009, but there had been little concerted effort to pass it, even after the 2009 riots. The 2011–12 ‘Walk to Work’ riots, however (discussed below), led to a new draft of this Bill being brought to Parliament in late 2011. The propositions in the new draft were more controversial than ever. Among the clauses was one specifying that seven days advance warning must be given to the police before any public gathering of three or more people. Under another clause, police officers were given ‘at least seven reasons to shoot a demonstrator and escape punishment’.⁴⁰ NRM politicians justified the law in terms of protecting ‘losses’ among the public, on the

36. Interview with opposition politician, 12 October 2009.

37. Interview with opposition MP, 13 October 2009.

38. Interview with local politician, 12 December 2011.

39. Interview with opposition MP, 13 October 2009.

40. *Daily Monitor*, 3 December 2011.

grounds that urban traders had their goods looted or damaged during the walk-to-work protests.⁴¹

It was at this stage difficult to determine the seriousness of intent behind the bill, and how much of it was a symbolic gesture to cow and gain leverage over the opposition. Significantly, both government and opposition sources acknowledged that adequate laws were already in place to deal with protest.⁴² The Inspector General of Police even claimed that the law was essentially nothing new, just a repackaging of existing laws pertaining to public order (though, like most laws, these were rarely implemented).⁴³ An NRM politician said casually of the law that ‘we may drop or improve it . . . there are [sufficient] conditions within the existing law’, and conceded that it was viewed by many ‘as a law targeting specific situations [in the city] and specific persons’,⁴⁴ rather than an attempt to bring about a genuinely needed legislative change.⁴⁵ An opposition MP labelled the Bill ‘artificial’, claiming that ‘most clauses are politically motivated’.⁴⁶

For its part, parliament was fairly vigorous in pushing back against this draft; indeed, this airing of the bill in 2011 coincided with the first year of the Ninth Parliament, which was a period of renewed legislative activism.⁴⁷ Rather than forcing the law through or removing the most contentious clauses, however, the government once again shelved the bill. It returned to the agenda in May 2012, apparently amid a renewed sense of urgency to pass on the part of government,⁴⁸ but dropped off again after a month and seems to have spent much of 2012 being considered by various committees; as late as January 2013, many close observers within Uganda saw no prospect of it ever becoming law.⁴⁹

An interesting development in the relations between parliament and the executive unfolded in early 2013, however. After a particularly vigorous period of renewed legislative pushback in relation both to the controversial and tortuously-debated Petroleum Bill and to a scandal surrounding the death of an opposition MP, Museveni declared that the military would not allow ‘the confusion in parliament’ to continue. His top military commander followed this up by issuing a warning to renegade MPs suggesting there could be a military coup if parliamentarians continued to practise ‘bad politics’.⁵⁰

41. Comments made by politicians during parliamentary committee debate, 15 December 2011.

42. Ibid.

43. Ibid.

44. In this case, the opposition leader Kizza Besigye.

45. Interview, MP (NRM), 14 December 2011.

46. Ken Lukyamuzi, cited on Ugandaradionetwork.com, 13 December 2011.

47. In mid-2012 the Ninth Parliament was assessed by an independent monitoring group as having thus far been characterized by greater vigilance and freedom of speech than the previous two, taking more time to scrutinize bills (*The New Vision*, 27 August 2012).

48. Human Rights Watch, 11 May 2012: <http://www.hrw.org/news/2012/05/11/uganda-draft-public-order-law-would-violate-rights>

49. Personal correspondence with a local development consultant, 28 January 2013.

50. *Daily Monitor*, 24 January 2013; *The East African*, 26 January 2013.

While few took this threat seriously, behind the scenes there was a significant change over the ensuing months, whereby it is believed that intense pressure was put on the Speaker of Parliament to expedite the passage of the bills and stem the renewed assertiveness of the legislature.⁵¹

It was shortly after this, in August 2013, that the government re-tabled and passed the Public Order Management Bill amid huge controversy. This was far from an empty gesture and many of the bill's clauses were alarming to both international and domestic human rights observers. Nevertheless, the timing of the decision to steamroll it through parliament after four years, while up to that point it had served as a looming threat that the government could push forward or pull back at strategic moments, reflects the regime's increasing belligerence towards opposition in parliament as much as on the streets. As an expert on the Ugandan legislature noted, the timing of the passage of bills 'is certainly not arbitrary . . . it makes sense to assume that there's strong political pressure determining what gets expedited and what just languishes for years'.⁵² Just as the time finally came to push through the Buganda bills in late 2009, so the Public Order Management Bill's political moment had come in mid-2013. In years when it was hanging in the balance, however, the bill helped feed violence, as argued below.

Events surrounding the notorious so-called 'Anti-Homosexuality Bill' have also not been free of political manoeuvres, on the part of both David Bahati, the MP who introduced it, and the government itself. Bahati has been accused of attempting to further his own political career by proposing this bill, using the widespread popular support for it to hold the government to ransom.⁵³ Moreover, while the bill was rejected several times both by Museveni and the cabinet in 2010–11, when Bahati brought it back in 2012 the government arguably welcomed the distraction from some much more serious issues facing the country around this time — in particular, a number of high-profile corruption scandals and the aforementioned Petroleum Bill. For one observer, the Anti-Homosexuality Bill came to serve 'an important political function' in the context of aid cuts triggered by massive corruption, because 'just at the point he was losing favor with donors, renewed threats to pass the anti-gay bill have given him new leverage'.⁵⁴ Meanwhile, many have observed that the placing of the Anti-Homosexuality Bill on the parliamentary agenda immediately after the domestically divisive Petroleum Bill was a deliberate effort to bury the conflict over oil in a new debate.⁵⁵ Regrettably, the Anti-Homosexuality Bill was something that Museveni could use

51. Interview with adviser to the Ugandan Parliament, 5 August 2013.

52. *Ibid.*

53. He certainly gained celebrity status, and it appeared that his political ambitions were coming to fruition when he was reportedly considered for a cabinet position in May 2011 (*Daily Monitor*, 15 May 2011).

54. *Newsweek/The Daily Beast*, 15 December 2012.

55. *New Republic*, 5 December 2012.

as a ‘unifying force’ within Uganda at such strategic moments; the timing of its return was thus ‘no coincidence’.⁵⁶

Even the ‘National Coalition Against Homosexuality and Sexual Abuses in Uganda’ condemned the bill as ‘populist and opportunist’.⁵⁷ The propositions in the bill regarding the punishment of Ugandan homosexuals abroad are both unworkable and would severely damage relations between Uganda and the international community. Regardless of whether it is implemented, however, the prolonged debate on it — which the international community’s outrage helped Museveni to justify domestically — *has* served certain political purposes.⁵⁸ It has been aptly noted that ‘the flames of virulent homophobia are fanned at times when other issues more crucial to the interests of Ugandan citizens risk dominating public discourse’ (Wood, 2012) and that ‘the longer it takes, the better for Museveni’.⁵⁹

The Petroleum Bill itself was pushed through parliament in 2012 after an epic and polarizing parliamentary battle of the kind not seen since the lifting of term limits in 2005, ushering in a new period of legislative–executive antagonism, as noted above. The severity of intent behind this bill is underscored by the fact that, unlike the others discussed here, there was never any protracted posturing: the bill was passed in the year of its tabling and Museveni went to great lengths to ensure that all cabinet members and ‘establishment’ MPs attended to ensure its passage.⁶⁰ Nevertheless, as this section has shown, the trajectory of certain other pieces of draft legislation in the Eighth and early Ninth Parliaments has (beyond the particular issue of the ‘Buganda question’) been characterized by strategic legal manoeuvring. Can this be linked to further outbreaks of violence? Such linkages are more tentative than in the Buganda case, but observable nevertheless.

The most significant episodes of violent protest after the 2009 riots were the 2011–12 ‘Walk-to-Work’ demonstrations. It would be difficult to argue that these were rooted in legal manoeuvres in the manner discussed above, but there are reasons to believe that legal manoeuvring *exacerbated* the violence surrounding these events as they unfolded over time. While there is not sufficient space to go into the events in detail,⁶¹ the ‘walk-to-work’ episode was triggered when opposition leader Kizza Besigye, angered at losing what he perceived as a third ‘stolen’ election and capitalizing on

56. Angelo Izama, Ugandan political analyst, cited in *Newsweek/The Daily Beast*, 15 December 2012.

57. *The Africa Report*, 26 November 2012.

58. This was certainly the view of a close observer of the bill’s progress consulted on 6 March 2012.

59. Kapyia Kaoma of the Political Research Associates, cited in *New Republic*, 5 December 2012.

60. *The Observer*, 9 December 2012.

61. See Conroy-Krutz and Logan (2012), Goodfellow (2013), ICG (2012), and Mamdani (2011) for discussions.

rising food and fuel prices, announced his campaign to take to Kampala's streets. Protests took place twice weekly for around a month from mid-April 2011, with increasing degrees of violence, reaching their zenith on 12 May 2011 in the largest demonstration in the NRM period and a violent crackdown causing several deaths.⁶²

Despite the origins of these protests in post-electoral discontent and inflation, there was little by way of a clear political agenda on the part of the protestors, particularly when the demonstrations restarted in late 2011 and early 2012. Besigye even fell silent for fifteen seconds on the radio when asked to outline his political objectives.⁶³ However, by late 2011 the political controversy over the Public Order Management Bill was raging, and the only coherence to Besigye's political agenda came to centre on legal discourses around the right to protest and the conduct of the police. Indeed, Besigye's multiple arrests on dubious grounds during the protests crystallized a minimal programme based on his right to demonstrate. He proclaimed that 'I believe that what they are doing is illegal, I'm going to get advice from my lawyers, and if it is necessary we will seek an injunction from the high court of Uganda to order these rampaging policemen out of my way'.⁶⁴ This was fed by the government's increasingly ludicrous suggestions that walking to work was an illegal attempt to overthrow the government, culminating in treason charges against Besigye and his supporters using Uganda's colonial-era Penal Code Act (1950).⁶⁵ The fact that the government was crying treason while 'not bothering to implement any other laws' added fuel to the protestors' fire.⁶⁶ By late 2011 the protests and the debate around public order legislation were cyclically feeding one another.

The Anti-Homosexuality Bill also fomented violence: at least five violent protests and other incidents directly related to the controversy stirred up by the bill can be identified, several of which involved fatalities.⁶⁷ Moreover, many of the riots taking place in city marketplaces since 2007 were linked to unfulfilled government policies on allowing vendors to take control of their own marketplaces (Goodfellow, 2013). While not responding to *legal* manoeuvres as such, these events were often spurred by populist but arguably insincere pre-election policy announcements, often later reversed, and as such there are echoes of the manoeuvring discussed above with respect to how the manipulation of democratic processes fed into frustration and violence.

62. *The Independent* (Uganda), 13 May 2011.

63. Andrew Mwenda, interview on Capital FM (Uganda), 20 January 2012.

64. Kizza Besigye interviewed by BBC News, 19 May 2011.

65. *The Observer* (Uganda), 23 November 2011.

66. Interview with local politician, 12 December 2011.

67. Armed Conflict Location & Events Dataset: <http://www.acleddata.com/>

CONCLUSIONS

This article has developed an argument about how law-making processes have been instrumentalized in recent years in Uganda, with political manoeuvring around the *prospect* of particular laws, rather than their actual implementation, often driving the agenda. It makes no claim that this is the sole function of the legislative process; there are clearly laws in relation to which implementation is of paramount concern. Nevertheless, there has been an observable phenomenon at play whereby certain laws are discussed, debated, shelved and reformulated without evidence of serious effort to implement and with clear political gains to the government in the process. It is difficult to believe, given the government's constraints on the legislature since 2006 and its ability to quite rapidly push through some of the most contentious laws, that legislative pushback is the sole cause of stalled law making in the period under consideration. This has certainly played a key role at times, and the need to negotiate with opposition in a semi-authoritarian rather than purely dictatorial regime should not be overlooked. Nevertheless, one local politician's observation that 'in Uganda, anything can pass' if the executive is sufficiently committed does not seem to be far from the truth; the passing of the highly contested Petroleum and Public Order Management Bills would seem to support this.⁶⁸

The fact that the executive does not always seem committed to its bills does not mean that intent to pass or implement is absent at all points in the life of the bill. On the contrary, what this examination of the trajectory of particular cases has shown is how the use of draft bills changes over time, dependent on political cycles and contingent events. The desirability of passing or implementing a bill can dramatically increase or decrease depending on the scope of opposition and the political utility of keeping the debate on a particular issue alive. In some cases (such as the Cultural Leaders Bill) the symbolism of passing the bill may be the law's zenith, surpassing in importance any function it fulfils once it has become legislation. As one observer noted, the government 'passes these laws not so much to put them in place but as a sort of punitive action They don't believe in the effectiveness of these laws themselves'.⁶⁹

This article has also advanced a parallel argument that the instrumentalization of law making in this way can be linked to some of the most violent events in Uganda in recent years, particularly in the capital city. It does not claim to provide a holistic explanation for any specific outbreaks of protest and rioting. With regard to the Buganda issue, for example, the legal manoeuvring discussed here was just part of a repertoire of political strategies to antagonize and isolate the Kingdom's elite, and likewise was just one of the factors stimulating the violence. The intention is to highlight one

68. Interview with local politician, 29 September 2009.

69. Interview with lawyer, 14 December 2011.

important but understudied mechanism through which semi-authoritarian rule has fed into civic violence. While each outbreak of protest, rioting or violent government response might have diverse proximate causes, there is reason to believe that some more general underlying factors are at play given the dramatic overall increase in such events. This article has drawn attention to one of these factors.

Moreover, the increase in riots and protest in Uganda parallels an increase across Africa as a whole, where violent protest has dramatically increased relative to civil war.⁷⁰ The prevalence of semi-authoritarian rule and democratic reversal in Africa has been a feature over the same period (Lynch and Crawford, 2011), and as noted previously, the correlation between such regimes and civic violence has been established but little explored. Drawing on the case of Uganda, this article highlights the importance of attending to the way legislative processes are handled in understanding semi-authoritarian rule and civic violence in contemporary Africa. In a semi-authoritarian setting, the manner in which laws are brought onto and taken off the agenda is likely to be highly erratic due to authoritarian efforts to manipulate sometimes vigorous democratic institutions. Laws may therefore be drafted with unreasonable speed, but equally their progress through the legislative system can be tortuously slow. The Uganda case suggests both that this can be part of a political strategy and that the effect can be socially and politically destabilizing, resulting in a greater tendency for both violent protest and state crackdown.

REFERENCES

- Acemoglu, D., S. Johnson and J.A. Robinson (2001) 'The Colonial Origins of Comparative Development: An Empirical Investigation', *American Economic Review* 91(5): 1369–401.
- Bardhan, P. (2005) *Scarcity, Conflicts and Cooperation: Essays in the Political and Institutional Economics of Development*. Cambridge, MA: MIT Press.
- Barkan, J.D. (2008) 'Legislatures on the Rise?', *Journal of Democracy* 19(2): 124–37.
- Bratton, M. and N. van de Walle (1992) 'Popular Protest and Political Reform in Africa', *Comparative Politics* 24(4): 419–42.
- Carbone, G. (2008) *No Party Democracy? Ugandan Politics in Comparative Perspective*. Boulder, CO: Lynne Rienner Publishers.
- Carey, S.C. (2006) 'The Dynamic Relationship between Protest and Repression', *Political Research Quarterly* 59(1): 1–11.
- Conroy-Krutz, J. and C. Logan (2012) 'Museveni and the 2011 Ugandan Election: Did the Money Matter?', *The Journal of Modern African Studies* 50(4): 625–55.
- Diamond, L. (1999) *Developing Democracy: Toward Consolidation*. Baltimore, MD: Johns Hopkins University Press.
- Englebert, P. (2002) 'Born-again Buganda or the Limits of Traditional Resurgence in Africa', *The Journal of Modern African Studies* 40(3): 345–68.
- Fox, S. and K. Hoelscher (2012) 'Political Order, Development and Social Violence', *Journal of Peace Research* 49(3): 431–44.

70. Armed Conflict Location & Events Dataset: <http://www.acleddata.com/>

- Friedman, L.M. (1969) 'On Legal Development', *Rutgers Law Review* (24): 11–64 .
- George, A.L. and A. Bennett (2005) *Case Studies and Theory Development in the Social Sciences*. Boston, MA: MIT Press.
- Goldstone, J.A. et al. (2010) 'A Global Model for Forecasting Political Instability', *American Journal of Political Science* 54(1): 190–208.
- Goodfellow, T. (2013) 'The Institutionalisation of "Noise" and "Silence" in Urban Politics: Riots and Compliance in Uganda and Rwanda', *Oxford Development Studies* 41(4): 436–54.
- Goodfellow, T. and S. Lindemann (2013) 'The Clash of Institutions: Traditional Authority, Conflict and the Failure of "Hybridity" in Uganda', *Commonwealth and Comparative Politics* 51(1): 3–26.
- Green, E.D. (2006) 'Ethnicity and the Politics of Land Tenure Reform in Central Uganda', *Commonwealth and Comparative Politics* 44(3): 370–88.
- Hassanpour, N. (2012) 'Transparency and Repression: An Explanation for the Democratic Civil Peace'. Paper presented at the Midwest Political Science Association Annual Conference, Chicago (12–15 April).
- Herbst, J. (1990) 'Migration, the Politics of Protest, and State Consolidation in Africa', *African Affairs* 89(355): 183–204.
- Hirschman, A.O. (1970) *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge, MA: Harvard University Press.
- Human Rights Watch (2005) 'Uganda: Political Repression Accelerates'. New York: Human Rights Watch.
- ICG (2012) 'Uganda: No Resolution to Growing Tensions'. Nairobi/Brussels: International Crisis Group.
- Izama, A. and M. Wilkerson (2011) 'Uganda: Museveni's Triumph and Weakness', *Journal of Democracy* 22(3): 64–78.
- Kasfir, N. and S.H. Twebaze (2009) 'The Rise and Ebb of Uganda's No-Party Parliament', in J.D. Barkan (ed.) *Legislative Power in Emerging African Democracies*, pp. 73–108. Boulder, CO: Lynne Rienner.
- Kayunga, S.S. (2000) 'The Federo (Federalism) Debate in Uganda'. Kampala: Kampala Centre for Basic Research.
- Keating, M.F. (2011) 'Can Democratization Undermine Democracy? Economic and Political Reform in Uganda', *Democratization* 18(2): 415–42.
- Kjaer, M. (1999) 'Fundamental Change or No Change? The Process of Constitutionalizing Uganda', *Democratization* 6(4): 93–113.
- La Porta, R., F. Lopez-de-Silanes, A. Shleifer and R. Vishny (1999) 'The Quality of Government', *Journal of Law, Economics, and Organization* 15(1): 222–79.
- Lambright, G. (2011) *Decentralization in Uganda: Explaining Successes and Failures in Local Governance*. Boulder, CO: Lynne Rienner.
- Levitsky, S. and L. Way (2002) 'The Rise of Competitive Authoritarianism', *Journal of Democracy* 13(2): 51–65.
- Lindemann, S. (2011) 'Just Another Change of Guard? Broad-based Politics and Civil War in Museveni's Uganda', *African Affairs* 110(440): 387–416.
- Lynch, G. and G. Crawford (2011) 'Democratization in Africa 1990–2010: An Assessment', *Democratization* 18(2): 275–310.
- Mamdani, M. (2011) 'An African Reflection on Tahrir Square', *Globalizations* 8(5): 559–66.
- Moore, S.F. (2001) 'Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949–1999', *Journal of the Royal Anthropological Institute* 7(1): 95–116.
- Mutibwa, P. (2008) *The Buganda Factor in Uganda Politics*. Kampala: Fountain Publishers.
- Mwenda, A. (2007) 'Personalising Power in Uganda', *Journal of Democracy* 18(3): 23–37.
- Mwenda, A. and R. Tangri (2005) 'Patronage Politics, Donor Reforms and Regime Consolidation in Uganda', *African Affairs* 104(416): 449–67.

- Nakamura, R. and J. Johnson (2003) 'Rising Legislative Assertiveness in Uganda and Kenya 1996 to 2002'. Paper presented at the 19th International Political Science Association World Congress, Durban, South Africa (29 June–4 July).
- Ochieng' Opalo, K. (2012) 'Africa Elections: Two Divergent Trends', *Journal of Democracy* 23(3): 80–93.
- Okuku, J.A. (2006) 'The Land Act (1998) and Land Tenure Reform in Uganda', *Africa Development* 31(1): 1–26.
- Oloka-Onyango, J. (1997) 'The Question of Buganda in Contemporary Ugandan Politics', *Journal of Contemporary African Studies* 15(2): 173–89.
- Rubongoya, J.B. (2007) *Regime Hegemony in Museveni's Uganda: Pax Musevenica*. New York: Palgrave Macmillan.
- Saiegh, S.M. (2011) *Ruling by Statute: How Uncertainty and Vote Buying Shape Lawmaking*. New York: Cambridge University Press.
- Sedler, R.A. (1968) 'Law Reform in the Emerging Nations of Sub-Saharan Africa: Social Change and the Development of the Modern Legal System', *St. Louis University Law Journal* 13: 195–99.
- Seidman, R.B. (1972) 'Law and Development: A General Model', *Law and Society Review* 6: 311–42.
- Seidman, R.B. (1978) *The State, Law and Development*. London: Croom Helm.
- Tripp, A.M. (2010a) *Museveni's Uganda: Paradoxes of Power in a Hybrid Regime*. Boulder, CO: Lynne Rienner.
- Tripp, A.M. (2010b) 'The Politics of Constitution Making in Uganda', in L.E. Miller (ed.) *Framing the State in Times of Transition: Case Studies in Constitution Making*, pp. 158–75. Washington, DC: United States Institute of Peace.
- Weingast, B. (1997) 'The Political Foundations of Democracy and the Rule of Law', *American Political Science Review* 91(2): 245–63.
- Wood, S. (2012) 'The Stark Realities Lying Behind the Ugandan Anti-homosexuality Bill'. Participation, Power and Social Change blog. Brighton: Institute of Development Studies. <http://participationpower.wordpress.com/2012/12/04/the-stark-realities-lying-behind-the-ugandan-anti-homosexuality-bill/>
- Zakaria, F. (1997) 'The Rise of Illiberal Democracy', *Foreign Affairs* 76(6): 22–43.

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