The Role of Opposition Parties
in a Democracy

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Introduction

Over the last few decades, the functionality of competitive party politics in the democratization process has become a subject of renewed debates (Pempel, 1990; Huntington, 1991; Diamond and Guenther, 2001). That political parties are key pillars of "good" governance, the rule of law and the protection of human rights in *mature* democracies (like Australia and USA) is not debatable. That "illiberal" democracies typically suffocate competitive party politics is not debatable either (cf. Walle and Butler, 1999). What is debatable is the role of opposition parties in expanding space for the rule of law, respect for human rights and "good" governance in developing democracies – such as Uganda, Tanzania and Kenya (Wanjohi, 2003; Doorenspleet, 2003; Rakner and Svansand, 2004). It is the purpose of this paper to examine the role of opposition parties in the democratization process. The aim is not to document the good or ugly things political parties are doing in contemporary East Africa – a task that has been assigned to practicing politicians who were invited to the conference. The aim of this paper is to outline what political parties do in mature democracies and what democratic practices East African countries need to adopt if we are to transform our predominantly single-party or military-dominated dictatorships into meaningful democracies.

The central claim of this paper is that the adoption of a more competitive party system undoubtedly furthers democratization by providing the electorate with electoral alternatives. However, questions persist on the substance, quality and degree of democratic consolidation in East Africa's nascent democracies (Oyugi, 1994; Makara, 2003; Oloka-Onyango, 2005). While opposition parties play an increasingly important role in shaping policy agendas, conducting civic education, and fighting corruption, singly or in alliance with the media, they continue to face challenges that constrain the democratization project. Ruling parties (such as the National Resistance Movement in Uganda) typically continue to dig deep into the national treasury and use official resources to out-compete opposition parties. Opposition parties continue to be victims of legal and political restrictions designed by the incumbent regimes. Even when the fetters on political pluralism are relaxed (as in the cases of Tanzania and Uganda), opposition parties are weakened by lack of internal democracy, the absence of an ideology different from that of the ruling party, factional struggles over succession, and/or the personality cult of the "founding fathers" (such as Dr. Milton Obote of Uganda Peoples' Congress).

Before I sketch in full the contours of my argument, I find it necessary to prepare the analytical stage for the unfolding drama. Thus the next section unpacks the proverbial concept of democracy and the role parties play in the democratization process. This is followed by an outline of the history of democracy in today's mature democracies. The object is to underline one important point, namely, that democracy is not god-given. It is historically created. The history of democracy is a history of social struggles over the expansion of political space. It is a history of contestations over the transformation of the human *wrongs* of marginalized groups (the poor, blacks, women, etc) into *human rights*. The next section outlines the experience of colonial dictatorships, single parties and flawed democracies in Africa. This is followed by a brief presentation of the role of opposition parties today. The paper ends with a summary and conclusions section.

Unpacking Democracy and the Role of Parties

The term "democracy" is derived from two Greek words – *demos* (or people) and *kratos* (rule). In simple terms, then, democracy is the rule of the people, by the people, for the people. Simple as this definition might appear to be, societies and groups within society have historically fought over who exactly "the people" are. In the Greek City states, which are innocently presented by modern political theorists as prototypes of democracies, women and slaves had no citizenship rights. They were *not* "people." In the 19th century in many of today's liberal democracies, only a tiny fraction of property-owning *males* (usually above 30) were "the people" with recognizable *human* rights, as will be indicated shortly (Daunton, 1998; Chang, 2002).

Today, however, there seems to be broad agreement that democracy is a system of governance where power and civic responsibility are, ideally, exercised directly by all citizens. Unfortunately, the practice is different. The "people" typically exercise their power *indirectly* through elected representatives. Thus, according to Schmitter and Karl (1991), modern democracy "is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of the elected representatives" (p. 76). For Robert Dahl (1971), it is the responsiveness of government to the preferences of its citizens (who are, in theory, "political equals" of the rulers), that is the key characteristic of democracy. Such responsiveness requires that citizens have opportunities to formulate their preferences, articulate them and have them considered in the conduct of the business of government. These credentials of democracy are, in turn, dependent on the following institutional guarantees that are central to the proverbial "Western" liberal democracies.

> ➤ Freedom to form and join organizations (such as political parties);
> ➤ Freedom of expression;
> ➤ The right to alternative sources of information, guaranteed, among other things, by a free press that is unencumbered by restrictive state legislation;
> ➤ Right to vote or be voted into public office;
> ➤ Regular, free and fair elections; and
> ➤ The right to private property.

More recently, the list has been expanded to include the "right" to good governance. The right to good democratic governance is guaranteed by the separation of powers between the five arms of the modern state – the executive, the legislature, the judiciary, the civil service and the military.[1] The doctrine of separation of powers is designed to build institutions that guard against arbitrary rule via a system of checks and balances. The biggest danger to the separation of powers is usually the executive. The "famous" maxim of King Louis IV – *L'etat c'est moi!* (I am the state!) – is inadvertently operationalised by modern executives who compromise the independence of the judiciary (via, for example, "stuffing the courts" with "politically correct" judges). Ruling parties such as Chama cha Mapinduzi (CCM) in Tanzania and National Resistance Movement (NRM) in Uganda

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[1] Drawing on the social contract theorists such as John Locke, Jean-Jacquie Rousseau and Montesquieu, mainstream political scientists argue that the state has three arms – the executive, the legislature and the judiciary. This, I contend, is erroneous. A modern state has five arms, not three, the fourth being the army and the fifth, the civil service (or bureaucracy). Neither national defense (which is the duty of the military) nor public administration (which is done by the civil service) is really performed by the three traditional arms of government.

deliberately forge tight party-military relations to perpetuate the incumbent regime in power. Modern executives also stuff legislatures with loyalists, politicize the civil service, or even weaken the party system by sponsoring and/or bribing selected leaders of the opposition to support the ruling party.[2]

Yet, in democratic theory, political parties are *voluntary* organizations that are supposed to promote democracy. Whereas the judiciary, the legislature and the judiciary promote horizontal accountability, *vertical* accountability is promoted by political parties, which link the people and government. Parties organize campaigns, recruit candidates and mobilize the political community to participate in the selection of office bearers. The goal of party activism is to build institutions and shape public politics, policies and laws that impact the rights and welfare of the political community.

In competitive multi-party politics, the party that is elected to form government seeks to enact into law a number of policies and programs (oftentimes consistent with their election manifesto). Opposition parties are free to criticize the ruling party's policies, ideas and programs *and* offer alternatives. Democratic parties recognize and respect the authority of the elected government even when their party leaders are not in power. This is possible because democratic societies are committed to the values of tolerance, cooperation and compromise (Dahl, 1971; UNDP, 2002). Democracies recognize that consensus building requires compromise and tolerance. As Mahatma Gandhi famously argued, "intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit" (cf. UNDP, 2002). The notion of a loyal opposition is central to any democracy. It means that all sides in the political debate – however deep their differences – share the fundamental democratic values of freedom of speech, the rule of law and equal protection under the law. Parties that lose elections become the opposition. The opposition, then, is essentially a "government-in-the-waiting." For a culture of democracy to take hold, opposition parties need to have the confidence that the political system will guarantee their right to organize, speak, dissent and/or criticize the party in power. Opposition parties also need to be assured that in due course, they will have a chance to campaign and re-seek the peoples mandate in and through regular, free and fair elections.

It follows, therefore, that the culture of democracy rests on the principle of majority rule, coupled with tolerance of dissenting views. Democracy also calls for the zealous protection of the fundamental rights of individuals, disadvantaged groups and minorities, even when the disagree with the ideology, policies and programs of the ruling party. This suggests that *non-majoritarian* governance is possible or even desirable. By "non-majoritarian" governance is meant a system of rule that strikes an acceptable balance between the rights of the majority (expressed through free and fair elections) and the duty of the polity to accommodate the rights of minorities and maginalized social groups (such as women and the "differently abled" people). Non-majoritarian governance is critical of the "winner-takes-it-all" ideology of Western liberal democracy. It is driven by the logic of inclusive politics and sharing power among rival claimants to scarce public resources such as power or official jobs.

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[2] In a study conducted by Kiiza, Svansand and Tabaro (2005) on recent political party developments in Uganda, key informants reported that a substantial number of new opposition parties (eg Action Party and Peasants' Party) were creations of the ruling National Resistance Movement (NRM). The study also points out that the NRM dishes out monies to the leaders of pseudo-opposition parties, who are, in actual fact, working with the party in power to suffocate competitive politics.

History of Democracy

Liberal democracy has a checkered history. When voting, a key element of exercising one's political rights, was first introduced in today's liberal democracies, it was confined to a tiny minority of propertied males (usually above 30) who paid taxes (Chang, 2002). Even then, the notion of "One Man, One Vote" was unheard of. Different male voters had different voting rights, depending on their age group, the amount of property they had and their levels of education. In France, for example, between 1815 and 1830 franchise was granted only to males above 30 years who paid at least 300 francs in direct taxes (Chang, 2002). This narrow definition of the "French people" meant that only 80,000-100,000 people out of a total 32 million (that is, 0.25% - 0.3%) of the population) could vote. Between 1830-1848, there was some relaxation of franchise requirements, but still only 0.6% of French people were allowed to vote (Kent, 1939; Chang, 2002). France, the exemplar of liberty, equality and fraternity, introduced universal *male* suffrage in 1848, that is, half a century after the landmark French Revolution of 1789.

In England, prior to the Reform Act of 1832 (a watershed event in the history of suffrage), many craftsmen and labourers with little or no property were disenfranchised. Voting power was monopolized by the landlords who could decide 39 of the 40 county elections through bribery, patrionage or direct influence on the tenants (Dauton, 1998: 477-8). Even after this Reform Act, voting rights were only extended from 14% to 18% of the males.

In Italy, voting was again pegged to one's sex (i.e being male), one's age, one's level of education and the ability to pay tax.

The case of USA is also informative. In the USA – which obtained political independence from Britain in 1776 – voting was tied to wealth up until the 19th century. But some concessions were grudgingly made to the white-poor. In 1821, the state of New York, for example, removed property restrictions on white voters. African-Americans, however, had to have at least USD250, "a sum beyond the reach of nearly all the state's black residents" (Foner, 1998: 74). By 1860, blacks (males only!) could vote on the same basis as the whites in five New England states (p. 74). The 1870 Fifth Amendment to the Constitution was, no doubt, a victory for African-Americans. It explicitly legislated against denying voting rights to anyone "on account of race, colour, or previous condition of servitude" (Garraty and Carnes, 2000: 445). However, substantial obstacles remained. As Foner (1998: 154) usefully points out, the Southern states subsequently disenfranchised African-Americans between 1890 (Mississippi) and 1908 (Georgia). These states invoked criteria such as poll tax obligations and property requirements (which also disenfranchised some poor whites) as well as literacy tests, which were applied to illiterate whites leniently (Garraty and Carnes, 2000: 473). The threat of violence kept even the qualified black voters from registering and the fewer registered voters from voting. This state of affairs lasted till the 1965 Voting Rights Act, which was introduced after the Civil Rights Movement. In short, the USA – the proverbial haven of liberty and human rights – consolidated universal suffrage nearly two centuries after its political independence.

Universal male suffrage was attained in most advanced democracies of today by the end of the First World War (1918). But these countries were sectarian democracies. For one thing, the women and ethinic minorities continued to be disenfranchised. Most contemporary "democracies" attained universal suffrage after World War II. Finland obtained universal suffrage in 1944; France, Germany and Italy in 1946; Belgium in 1948; Japan in 1952;

Australia in 1962; USA in 1965; and Canada and Portugal in 1970 Chang, 2002). Australia and New Zealand were the first countries to grant voting rights to women (in 1903 and 1907 respectively) although Australia did not enfranchise non-whites (the aborigines) until 1962. Norway allowed votes for tax-paying women or women married to tax-paying men in 1907, although universal suffrage was only introduced in 1913 (Chang, 2002). Women were only allowed to vote in USA in 1920 and UK in 1928. In Sweden, women had (limited) voting rights in municipal elections as early as 1861, but they were not enfranchised till 1919. In many other countries (eg Germany, France, Finland, Switzerland), women were not allowed to vote until after World War II.

Even when the advanced capitalist countries achieved formal democracy, it was of poor quality, comparable to the flawed democracies of Africa today. Secret balloting, for example, was not common until the 20th century. In Prussia, employers could exert pressure on their workers to vote in a particular way (until the electoral reform of 1919), thanks to the lack of secret ballots. Norway, which was relatively advanced in terms of democratic institutions, only introduced secret balloting in 1884. France introduced the voting envelope in 1913 – several decades after the introduction of universal suffrage (cf. Kreutzer, 1996).

These pathologies of democracy were worsened by widespread anomalies of vote buying and electoral fraud. In British politics, for example, bribery, threats and promises of jobs to voters were common until the late 19th century. The first serious effort to control electoral fraud was the Corruption Practices Act of 1853-4 (O'Leary, 1962: 23-4). This Act, for the first time, legislated against activities such as bribery, undue influence and intimidation. However, the measures remained ineffective (p. 24-5). The Corrupt and Illegal Practices Act of 1883 managed significantly to reduce electoral corruption, but the problem persisted well into the 20th century (Howe, 1979-80). In the USA, after the introduction of universal male suffrage, there were numerous cases of electoral fraud, vote-buying, forced "donations" to electoral campaign funds and other forms of corruption (Cochran and Miller, 1942: 158-9). In the late 19th century, legislative corruption in the USA, especially the state assemblies, was alarmingly high. Theodore Roosevelt (a future president) lamented that the New York parliamentarians who engaged in open selling of votes "had the same idea about Public Life and Civil Service that a Vulture has of a dead sheep" (Garraty and Carnes, 2000: 472).

In short, the history of "good" "democratic" governance in today's mature democracies has a sobering effect. It was after several decades of electoral reforms and social struggles (eg for female or black suffrage) that the advanced countries acquired the very basic trapping of democracy.

From Colonial Dictatorships to Flawed Democracies in Africa

Colonialism was no school of democracy. Virtually all colonial regimes in Africa were Marchiavellian dictatorships, disrespecting the rights of the governed (Mamdani, 1996). According to Mahmood Mamdani (1996) colonial Machiavellianism had its own logic. All colonial powers in Africa had to grapple with "the native question." Succinctly stated, "how [would] a tiny and foreign minority rule over an indigenous majority" and extract an economic surplus for the imperial economy? (Mamdani, 1996: 16).[3] Two broad choices

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[3] In Mamdani's (1996) original formulation, the question is: "how can a tiny and foreign minority rule over an indigenous majority?" (p. 16). To pose the question this way is to hide the fact that colonial "rule" was not an end in itself. It was just a means to an end. The ultimate goal was to strengthen the

existed: direct and indirect rule. According to Mamdani, "Direct rule was Europe's initial response to the problem of administering colonies. There would be a single legal order, defined by the 'civilised' laws of Europe. No 'native' institutions would be recognised. Although 'natives' would have to conform to European laws, only those 'civilised' would have access to European rights"(1996: 16). However, the actual crystallization of colonialism demonstrated that "direct" and "indirect" rule were not contending approaches to native control. They were complementary. Colonialism in Africa had a distinctive duality. Urban areas were ruled directly, rural areas indirectly:

Direct rule was the form of urban civil power. It was about the exclusion of natives from civil freedoms guaranteed to citizens in [European and American] civil society. Indirect rule, however, signified a rural tribal authority. It was about incorporating natives into a state-enforced customary order. Reformulated, direct and indirect rule are better understood as variants of despotism: the former centralized, the latter decentralized.

According to Mamdani (1996), colonial powers eventually "generalized decentralized despotism as their principal answer to the native question" (p. 18).

The strength of Mamdani's thesis lies in his analysis of the Janus-faced character of the colonial state– what he calls a "bifurcated state" (p. 18). For Mamdani (1996), "Urban power spoke the language of civil society and civil rights, rural power of community and culture. Civil power claimed to protect rights, customary power pledged to enforce tradition. The former was organized on the principle of differentiation to check the concentration of power, the latter around the principle of fusion to ensure a unitary authority" (Mamdani, 1996: 18).

When Africans assumed the reigns of power in the 1960s and beyond, the structures of colonial despotism remained intact. Many postcolonial regimes became one party states (eg Tanzania, Zambia, Malawi). Several reasons were given for this:

> States in Africa are not African states. They are dysfunctional colonial artifacts.
> The struggle to reconfigure and Africanise the neocolonial state structures was arguably more pressing that competitive party politics and "Western" species of democracy.
> The struggle for independence was dominated by the elite (the petit bourgeoisie). Allowing elitist parties to dominate political space would, therefore, marginalize "the masses" and result in "no fundamental change" from colonial despotism.
> Political parties were "divisive" in pre-industrial societies.
> The solution for Africa was: *"One People, One Country; One Country, One Party"*

But then, single party regimes had several shortfalls. They typically failed to deliver peoples political and civil rights. For example, the CCM in Tanzania, reportedly conducted elections under which only Mwalimu Julius Nyerere was standing. The electoral "choice" was between "Mwalimu and Mwalimu." In addition to violating the people's civil and cultural rights, postcolonial regimes failed miserably to govern the economy and deliver people's economic rights. The predatory state of Zaire under Mobutu is a typical case in point. According to Peter Evans (1995),

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national economy of the imperial power. I have, accordingly, modified Mamdani's question to capture this.

Without question, Zaire [now Democratic Republic of Congo] is a textbook case of a 'predatory state' in the simple common sense definition of the term. It preys on its citizenry, despoiling their common patrimony, and providing little in the way of services in return (1995: 45).

To what extent do opposition parties create an opportunity for replacing bad and/or unaccountable governance with accountable *and* democratic governance?

Role of Opposition Parties Today

In a democracy, opposition parties perform several important functions. These include:
- Interest aggregation: Political parties are important organs for aggregating the interests of the political community. Interest aggregation often culminates in the articulation/ projection of certain preferences, values and ideologies into the policy and lawmaking process (eg in Parliament) and in the budgeting process.
- Promoting responsible and reasoned debate. This promotes "national conversation" and pushes democratic discussion to a higher level of political development and maturity
- Maintaining touch with the voter-citizen and demonstrating the relevance of politics to ordinary people, that is, the oppressed, the marginalized, the disenfranchised.
- Opposition parties hold the government to account for its commissions or omissions (eg. Tony Blair's Labour Party was re-elected with less support).
- Parties present a viable alternative to the incumbent government by designing alternative ideas, principles and policies for governing society. Should the party in power let the voters down, the "government-in-waiting" takes over the reign of power – through free and fair elections.
- Parties act as a training ground for future leaders. Shadow cabinet ministers, for example, typically conduct serious party business in their designated portfolios.
- Parties strengthen the culture of democracy within the party and the political community in general (by, for example, promoting open debate during delegates' conferences, promoting intra-party democratic elections and ensuring accountable use of party finances).
- Parties work with the Electoral Commission, the mass media and civil society organizations to monitor and improve the quality of voter registration, civic education and electoral transparency.
- Finally, opposition parties are the unpaid *but dedicated* principal researchers for the government in power. In the rush to the "middle ground" that has characterized political party dynamics after the Cold War, incumbent regimes have typically plagiarized the manifestos of opposition parties and adopted their researched ideas, policies and programs *without* acknowledgement. Thereafter, incumbent parties (such as the NRM in Uganda) have typically accused the opposition of having "no political agenda different from ours."

Conclusion

The history of democracy shows that neither the expansion of political space nor the transformation of human *wrongs* into *human rights* has ever come on a silver plate. Both have been products of struggles. Second, the ideal-type roles played by opposition parties in mature democracies are exactly that – ideal-types. While opposition parties in today's

mature democracies approximate the democratic roles outlined herein above, the situation in East Africa and other nascent democracies is substantially poorer. A major reason for this is that ruling parties (such as CCM of Tanzania and NRM in Uganda) become so identified with the government bureaucracy, the legislature, the judiciary, the army and even the treasury that their separate character collapses almost completely (Oyugi, 1994). Moreover, ruling parties typically use official resources to stifle opposition parties and perpetuate themselves in power. Opposition parties, for their part, are substantially weak (UNDP, 200). Many cease to play any significant political role once they lose an election. Parties are riddled with important problems (such as lack of internal democracy) that compromise the parties' key responsibility of "deepening democracy" (UNDP, 2002). The solution is not to despair and disparage. Nor does the solution lie in entrenching single party dictatorships – or what Yoweri Museveni calls a "no-party" democracy (Oloka-Onyango, 2005. The solution lies in building strong party institutions with vibrant intra-party democracy. The goal is to deepen democracy within opposition parties *before* parties can become champions of national democracy, human rights and good governance. A vibrant civil society is also important in the search for a new political dispensation. But civil society actors supplement rather than supplanting political parties in their cardinal roles – interest aggregation, translating policy preferences into public policies, fighting corruption, checking abuse of public office and, in general, sustaining the struggle for good governance and human rights promotion.

If the countries of East Africa are to boost democratic governance, the rule of law and respect for human rights, they must learn from the experience of mature democracies. East African countries do not have to reinvent the wheel. They should not and must not, repeat the errors of the now mature democracies. Nor should East Africa countries pursue the slow path of political progress. What is needed in East Africa is learning from the experience of the now advanced democracies with a view to shortcutting the process of democratization.

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