

Date Printed: 04/23/2009

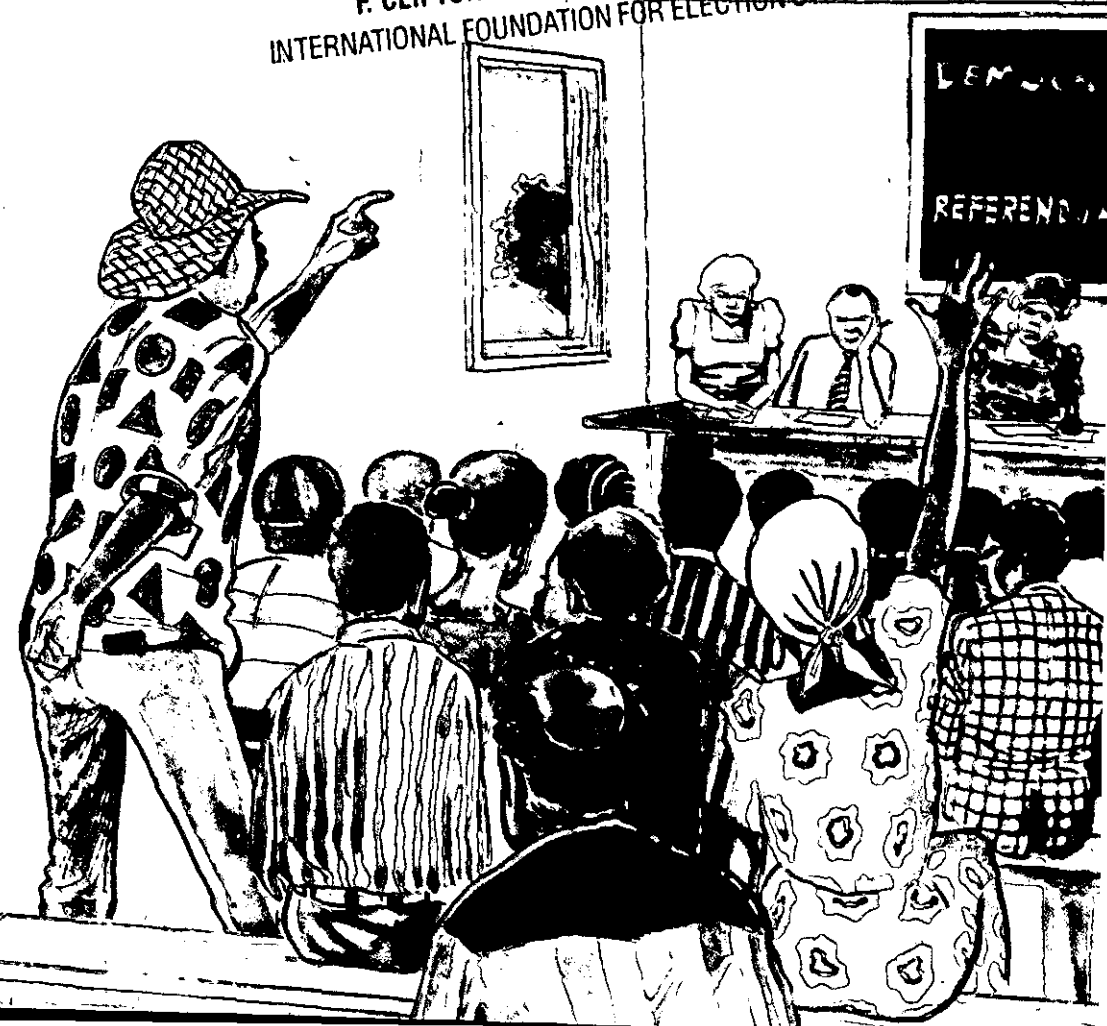
JTS Box Number: IFES_73
Tab Number: 28
Document Title: Challenges for Citizens
Document Date: 2000
Document Country: Uganda
Document Language: English
IFES ID: CE01909



* D 9 D C 4 6 6 4 - 6 6 2 7 - 4 B 5 E - 9 C E B - B 5 8 E E 7 8 8 6 A E 2 *

CHALLENGES FOR CITIZENS

F. CLIFTON WHITE RESOURCE CENTER
INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS



CHALLENGES FOR CITIZENS

**BEFORE AND AFTER THE
REFERENDUM**

JANUARY 2000

CHALLENGES FOR CITIZENS

BEFORE AND AFTER THE REFERENDUM

Developed and published by the NGO Materials
Development Committee for the Referendum 2000
(UWONET, ACFODE, UJCC, NOCEM) in
collaboration with the Uganda
Electoral Commission.

January 2000

INTRODUCTION

Between 3rd June and 2nd July 2000, a referendum will be held to allow Ugandans to choose between the present no party "Movement: system, a multi-party system, or any other democratic and representative system." If the people of Uganda are to make a meaningful and informed choice in this referendum, then it is essential that they are provided with civic education in advance of the referendum vote. It is also essential that a comprehensive monitoring operation is undertaken to assess whether the process is conducted in line with the Referendum Act.

The Electoral Commission (EC) is responsible for coordinating and monitoring civic education prior to the referendum: A number of Non Governmental Organisations (NGOs) have been accredited by the Electoral Commission to carry out civic education and monitoring of the referendum and it is working closely with them.

This booklet is a result of combined effort by the Civic Education and Training department of the Electoral Commission and the NGOs accredited to conduct civic education for the 2000 Referendum. The Commission appreciates the input of members of the NGOs material development committee which include Uganda Women's Network (UWONET), Action for Development (ACFODE), Uganda Joint Christian Council (UJCC) and the National Organisation for Civic Education and Election Monitoring (NOCEM)

CHALLENGES FOR CITIZENS

INTRODUCTION

The 2000 referendum is an important milestone in Uganda's history. It is not just of interest to those in power, but provides an opportunity (amongst many others) for citizens of Uganda to participate in a very special democratic process.

However, the referendum will not create a perfect society overnight! Whatever the result, citizens need to continue to play an active role in building democracy in Uganda. Democracy is a living thing, and citizens build it day by day by making the most of the channels of participation that are open to them.

DEMOCRACY

The meaning of democracy

The word "democracy" comes from the Greek words "demos" meaning "the people" and "kratos" meaning "rule" or "power". The root meaning of democracy is therefore very close to popular slogans such as "the people shall govern" or "power to the people".

Modern democracy

It is not straightforward to define exactly what democracy

means in the modern world. As a form of government, democracy has developed over many centuries in many different contexts. In fact, there are many different types of democracies, influenced by different political, social and economic circumstances, as well as by historical, traditional and cultural factors. Most definitions of democracy focus on key values, procedures and institutions – but these invariably express themselves differently in different contexts.

Questions to distinguish between democratic and undemocratic systems

Some basic questions can help to determine whether a system of government is democratic or not. These include:

- How did the rulers come to power?
- To what extent are they accountable for their actions?
- When decisions are made, to what extent do rulers seek the opinions and the consent of the people?
- Are the basic human rights of every citizen respected and protected?

Democracy at different levels

In a truly democratic society, democratic values and procedures are not only manifested in the highest levels

of government. In fact, government is structured into several different levels, going right down to the local level, so that it can come as close as possible to the people. Other institutions (both private and public) are also encouraged to organise themselves according to democratic principles.

Direct democracy

When a decision has to be made by a small number of people (for example in a village council), then it is possible to bring everyone together so that all views can be heard. When the time comes to vote, each and every person is able to do so. This is called direct democracy, because all the people affected by a decision are directly involved in making it.

Representative democracy

Clearly, when bigger numbers of people are involved it becomes more difficult to make decisions by a process of direct democracy. In such instances, representatives are elected to take decisions on behalf of a larger group of people. For example, organisations elect a committee. At national level, it is impossible to bring all citizens together to make decisions for the whole country. Members of parliament are elected to develop policies and laws on behalf of all citizens. For this system to function well, it is important for elected representatives to consult their constituencies (the people who elected them) and remain accountable to them.

Listening to the voice of the people

In a representative democracy, leaders can stay in touch with the will of the people in many different ways. For example, they can do this by:

- Meeting with some of the people who elected them, and hearing from them directly
- Setting up a reporting “ladder” whereby people’s views are communicated from grassroots level upwards, through a series of structures going right up to national level
- Taking note of special requests and petitions that are submitted to them by various groups of people

In all the examples above, a “sample” of views is heard. In addition to these consultative processes, every democratic government needs to create regular opportunities for the **whole nation** to vote. This can happen in two ways:

- An election
- A referendum

The Constitution

A Constitution is the supreme law of a country that provides the basic framework within which government and citizens operate, and other laws are made.

The Constitution of the Republic of Uganda was promulgated on September 8th 1995, after it had been thoroughly debated by an elected Constituent Assembly

that represented all Ugandans. The Constitution belongs to the people, and is the cornerstone on which democracy in Uganda is built.

Contents of the Constitution

The Constitution is divided into 19 chapters, as follows:

1. The Constitution (*status and role*)
2. The Republic
3. Citizenship
4. Protection and Promotion of Fundamental and other Human Rights and Freedoms
5. Representation of the People
6. The Legislature
7. The Executive
8. The Judiciary
9. Finance
10. The Public Service
11. Local Government
12. Defence and National Security
13. Inspectorate of Government
14. Leadership Code of Conduct
15. Land and Environment
16. Institution of Traditional or Cultural Leaders
17. General and Miscellaneous
18. Amendment of the Constitution
19. Transitional Provisions

These chapters are preceded by a short Preamble (introduction) and a detailed statement of National Objectives. The Preamble and Objectives define the spirit of the Constitution and reveal a strong commitment

to ensuring unity, peace, equality, democracy, freedom, social justice and progress in Uganda.

The first National Objective in the Constitution reads as follows:
"The State shall be based on democratic principles which empower and encourage active participation of all citizens at all levels in their own governance."

The Referendum and the Constitution

It is important for citizens to appreciate the constitutional background to the referendum. The first National Objective highlighted above underlines the commitment to building democracy in Uganda. The referendum on political systems needs to be understood in this context. This handbook focuses on two chapters of the Constitution, namely:

- Chapter 4: ***Protection and Promotion of Fundamental and other Human Rights and Freedoms***. This chapter provides a blue-print for the kind of society Uganda wishes to provide for all its citizens. It guarantees certain freedoms that are particularly important at the time of a referendum or an election.
- Chapter 5: ***Representation of the People***. This chapter explains exactly why a referendum on political systems will take place in Uganda in the year 2000, and under what circumstances other such referenda might happen again in the future.

Human rights

The Constitution states that “fundamental rights and freedoms of the individual are inherent and not granted by the State”. In other words, all human beings have certain basic rights simply because they are human. It is not within the powers of any government to “grant” people these rights. All human beings everywhere have certain rights, and they cannot be given or taken away. A democratic state recognises its duty to promote and protect these rights.

Human rights law

When a democratic country commits itself in its Constitution and other laws to the protection of human rights, then citizens of that country have the right to demand those rights from the State and from society as a whole. Organisations such as the United Nations (UN) and the Organisation for African Unity (OAU) have also put in place a number of important human rights documents that provide further weight to the human rights laws of any country. The Universal Declaration of Human Rights (created in 1948) is the best known of these international documents.

Equality and freedom from discrimination

Human rights documents are based on the principle that all human beings are born equal. Even though there may be many obvious and less obvious differences between

people, each person has the same dignity as a human being. At the beginning of Chapter 4 of Uganda's Constitution, it is stated that all persons are equal before the law and in all spheres of political, economic, social and cultural life.

The Constitution says that no person shall be discriminated against (or given different treatment in any situation) on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

This clause of the Constitution provides an important basis for the fair and equal treatment of all citizens and sides during the run-up to the referendum in 2000.

Fundamental freedoms

The Constitution states that every person has the right to certain fundamental freedoms. Respect for these freedoms is one of the basic characteristics of a democratic society. They are known as fundamental freedoms because they are not a luxury or an optional extra, but are recognised as the basic right of each and every Ugandan citizen.

● Freedom of speech and expression

Everyone has the right to express themselves freely and openly. This right includes free speech, as well

as free expression in writing, in the form of art, or through any other media. Freedom of the press is also covered.

- **Freedom of thought, conscience and belief**

Everyone is free to hold their own opinions, without any interference or coercion. The exercise of this right is also linked to a citizen's right to seek, receive and share information. With free access to facts and ideas, people are free to choose their own position on any issue and formulate their own opinions.

- **Freedom to practise any religion**

Everyone is free to adopt the religion of his or her choice, or not to adopt any religion at all. This freedom includes the right to conduct religious practices and acts of worship either individually or in community. Parents are free to ensure the religious education of their children, but no religion can be imposed on anyone. Once they have reached adulthood, children are free to choose their own religion.

- **Freedom to assemble and demonstrate peacefully**

People are free to gather together to express their support for a person or an issue, or to express their disapproval of something. In order to exercise this

right, participants in gatherings and demonstrations must ensure that they are peaceful. The law of a country may lay down certain conditions under which such demonstrations may take place (for example, the need to inform the police in advance about a march or demonstration), but these laws may not limit the right to assemble and demonstrate.

④ **Freedom to petition**

People are free to prepare a formal petition (usually to government or others in positions of authority) to request that a particular action be taken. In preparing a petition, people are free to seek support for their position and gather signatures if necessary. However, they may not attempt to coerce anyone to join their cause.

The right to petition is relevant to the referendum, as citizens may (with sufficient support) object to the result (on grounds of serious irregularities), and may also petition government to conduct other referenda in the future.

④ **Freedom of association**

People are free to associate with whomsoever they wish. This freedom includes the right to form or join associations or unions, including trade unions, political, cultural, civic and other organisations.

● Freedom of movement

All people have the right to move freely within the borders of their country, and to reside where they wish. They also have the right to leave their country and return to it, and the right to be issued with a passport that enables them to do so.

Limitations of rights

Rights need to be exercised responsibly and with due respect for the rights of others. Although it may seem contradictory, certain rights can be limited under particular circumstances. However, restrictions to the exercise of any right need to be laid down by law (they cannot be at the whim of any official or citizen), and have to be recognised as necessary in a democratic society.

All the rights described above have to be exercised in a way that ensures:

- Respect for the rights and freedoms of others
- Respect for the dignity and reputations of others
- Protection of public order and national security
- Protection of public health and morals

Contradictions between rights

The exercise of human rights is something that needs to be done sensitively and respectfully. Sometimes conflicts arise between different rights. In these

instances, people need to be moderate, considerate and understanding, and not only see things from their personal point of view. If they are unable to solve such conflicts themselves, then these should be resolved in a court of law.

An example of conflicting rights arises over the issue of “hate speech”. Some will argue that because they have freedom of speech, they have the freedom to say whatever they like, even if their words inspire hatred and violence against others.

On the other hand, each human being has the right to personal dignity, and cannot be allowed to suffer extreme humiliation or victimisation. Clearly, on such an issue, there are strong human rights arguments to be made for each side. In the end, however, the spirit of humanity should prevail in efforts to resolve such conflicts.

Promoting fundamental freedoms ahead of the referendum

Chapter 4 of the Constitution provides the framework for free participation in all political activities ahead of the referendum. While citizens might have strong feelings about which side they support, they should not forget the right of other sides to promote their views as well. People campaigning on behalf of the different sides should remember that at no time may they use coercive or intimidatory tactics to persuade others to support them.

Information about all aspects of the referendum should be freely available to all citizens. People are free to form their own opinions about the referendum and to decide for themselves which political system they prefer.

All adult citizens of Uganda (aged 18 and over) have the right to vote in the referendum. To exercise this right, they have to take responsibility for registering as a voter. No registered voter may be deprived of his or her right to vote by people who wish to take away their voter's cards or prevent them from going to the polls on referendum day.

Duties of citizens

The Constitution specifies several duties of Ugandan citizens, a number of which are important in the run-up to the referendum.

These include the duty to:

- Respect the rights and freedoms of others
- Protect vulnerable persons against abuse, harassment or ill-treatment
- Co-operate with lawful agencies in the maintenance of law and order
- Register for electoral purposes

Other duties

Other duties of citizens are also mentioned in the Constitution, although these are not necessarily directly

directly relevant to the referendum. It is also the duty of every citizen to:

- ④ Respect the national anthem, flag, coat of arms and currency
- ④ Protect and preserve public property
- ④ Defend Uganda and render national service when necessary
- ④ Pay taxes
- ④ Combat corruption and misuse or wastage of public property
- ④ Create and protect a clean and healthy environment

Active citizenship

The National Objectives that form the introduction to the Constitution list some additional duties of citizens.

These include the duty to:

- Be patriotic and loyal to Uganda and promote its well-being
- Contribute to the well-being of the community where that citizen lives
- Foster national unity and live in harmony with others
- Promote democracy and the rule of law

Being a citizen in a democracy means that you need to play an active role, rather than just sitting back and waiting for government to deliver. If one of the chief aims of democracy is to ensure that the voices of citizens are heard, then it is important for those citizens to participate in public affairs and express their views in an organised way.

Citizen participation

Many opportunities exist for citizens to participate in public life through playing leadership roles or selection of leaders. This is most meaningful if they invest time and energy in an activity that genuinely interests them, and that benefits the broader community as well.

Consultative processes

First of all, it is vital for citizens to participate in consultative and electoral processes. This is one of the ways in which government attempts to understand the views of people.

It is possible to give useful direction to the formulation of government policy by:

- Attending report-back meetings of elected representatives
- Participating in community consultations
- Responding to written requests for feedback on government programmes
- Attending village meetings and participating in local governance
- Voting in elections and referenda

By participating in consultative processes, citizens also gain important democratic skills. They learn how to put forward their views and how to accommodate the views of others. They also learn how to build consensus around an issue.

Citizens can participate in an organised way in public life by:

- Joining community-based organisations
 - Signing and promoting a petition
 - Joining a political party or organisation
 - Becoming informed about an issue by attending meetings and linking up with those whose views they support
- The referendum in 2000 is a very large-scale consultative process which will allow all citizens to indicate which political system they prefer.

It is important not to lose this opportunity to make your voice heard. The more people that participate in the referendum, the more the result will reflect the views of the whole nation.

Consequences of non-participation

If citizens do not participate actively in public life, then it is easy for a big gap to develop between government and the people. This can have serious consequences, as leaders begin to choose their own direction, rather than representing the will of those people who elected them into office. If this happens, government policies and programmes can end up failing to respond to the real needs of citizens on the ground.

Meetings and the sharing of ideas

People often say that democracy is time-consuming because it involves a lot of meetings. This is true, since

in a democracy important decisions cannot be made by leaders alone. Meetings provide a forum for people with different positions on an issue to explain their views. They can be cross-questioned and also presented with other alternatives. Participation in a meeting ensures that people understand the different points of view. With this background, they are able to accept the decisions made.

To have ownership of a decision, it is important to play a part in the process by which it is made

Discussion and debate are healthy aspects of living in a democracy. When opinions are divided in a meeting, it is important for each side to have time to argue their case. Often, as people present their views, they begin to identify common elements and to adjust their positions, even if only slightly. The most important thing is to reach a point where both majority and minority positions are understood and respected.

Democratic decision-making

It has already been noted that except in the case of a referendum, it is impossible for all citizens to be directly involved in the making of decisions at national level. This is the responsibility of elected representatives. However, at a local or organisational level, it is easier for people to become directly involved in decision-making.

Even if many people at a meeting appear to hold the same views about a particular issue, it is important for the chairperson to check whether all positions have been presented. Once each position has received a fair hearing, then everyone present is better equipped to make a final decision. Sometimes it is possible for all participants in a meeting to adjust their views somewhat and to arrive at a **consensus**. Consensus is when all those present finally agree openly to accept a decision, without this decision having to be put to the vote.

At other times, when opinions are sharply divided, it is often necessary for people at a meeting to vote about an issue. Generally, the decision is made by a simple **majority** (that is, the side that gets the most votes wins). Once the vote has been taken, it is important for everyone to abide by (or accept) the decision of the majority. At the same time, the majority is not free to undermine the **minority** and to impose its views unilaterally. The act of listening and giving due attention to all opinions is a key feature of democracy

Winning and losing

When a decision is put to the vote, just like when an election or a referendum is held, there are always winners and losers. Nobody likes to lose, but the result of a vote needs to be accepted with good grace. In any competition, all sides do their best to win. Once the result is known, it is important for losers to respect the winners and to acknowledge what they have

achieved. It is equally important for the winners to respect the losers, and to acknowledge their role in enabling them to win the competition.

Competition is a key ingredient of democracy. It acknowledges that people have different interests and needs, and attempts to arrive at decisions that at least satisfy the majority. However, competition needs to be carefully balanced with co-operation.

Although people hold different views, once a tightly contested decision has been made or a vote has been won, the important challenge is for all those involved to acknowledge their inter-dependence and to make every effort to work constructively together.

Finally, winners should not become complacent. Most competitions, just like elections, are held at regular intervals. It is not uncommon for winners of one competition to be defeated at the next. At the same time, winners of an election or a referendum cannot take their victory for granted and assume that things will always remain the same.

Democracy is dynamic, and support for minority views can grow to finally overtake the majority. This is another reason why leaders need to stay in constant touch with their constituencies, and citizens should continue to make their voices heard.

Organising and speaking together

It is important for citizens to organise themselves and speak with one voice. No team can win a competition if it does not work as a united whole. Nobody will take much notice of citizens if they speak alone or with a confused voice. However, the more people that organise around an issue, the more those in authority are likely to sit up and listen. Organised citizens make an important contribution towards strengthening democracy at a local as well as a national level.

Petitioning for a Referendum to change a political system

For any petition to be successful, there must be proof that it has large-scale support. Remember that even beyond the referendum in 2000, it will be possible to request that another referendum be held to allow people the opportunity to choose a political system for Uganda once again.

For this petition to be recognised, however, it will have to be supported by at least one-tenth of the registered voters from at least two-thirds of the constituencies around the country. In other words, citizens wishing to have another referendum at a later stage will have to be extremely organised if they want their petition to be considered.

Note that a petition for the purposes of changing the political system will only be accepted in the fourth year of the term of any Parliament. The next opportunity will therefore arise in 2005.

What is a petition?

A petition is a document signed by a large number of people demanding or requesting for some action from Government or another authority. In this case it will be a petition requesting for a referendum to change the political system.

Participation of marginalised groups

The message of citizen participation is more important than ever for marginalised groups. The very reason why certain groups of people become marginalised in a society is because those in power take no notice of their needs and opinions.

The Constitution of Uganda recognises the need to redress imbalances in the representation of marginalised groups on constitutional bodies (such as the various commissions). The Constitution says that the State will take affirmative action in favour of groups that have been marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, so that the imbalances that exist against them can be redressed.

In addition to seeking improved representation on official bodies, marginalised groups should make the most of the space that the Constitution creates for full and free participation in public life. In this way their views will begin to be heard across society.

Democracy and development

Some have tried to question the link between democracy and development, but a survey of developing countries around the world quickly reveals that sustainable development happens best in a democratic environment. It is only when governments are truly "in tune" with the needs of the people that they can develop policies and programmes that are responsive and effective. And it is only when people are involved in shaping these programmes that they can feel a sense of "ownership" over them and thus ensure that they are sustainable.

There are also many different opportunities for citizen participation in development activities, such as:

- ① Participating in consultations to determine the development needs of a community
- ② Participating in community projects to build and maintain key infrastructure
- ③ Participating in community health or education projects
- ④ Promoting cultural activities and their importance in developing the people's full potential
- Promoting participation in sport and sports development

Keeping government accountable

By virtue of being human, no government is perfect. No matter which political system is decided upon in the referendum, it is very important that citizens should remain vigilant and hold government accountable.

Every government makes mistakes, and it is only to be expected that attempts will be made to cover these up. To make matters worse, there are always certain individuals in government who end up being corrupted by power and abusing their positions.

No matter what the result of the referendum will be, and regardless of the political system that is adopted in Uganda in the coming years, it is still the duty of citizens to challenge irregular or unsatisfactory actions, and demand full accountability from those in elected office on expenditure, implementation of programmes and so on.

No matter how leaders are elected into office, they should always remember that they are expected to fulfil the mandate given to them by their constituencies.

Country/City: Uganda

Date: _____ Photographer _____

Description: Civic Education