

Date Printed: 06/16/2009

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JTS Box Number: IFES\_79  
Tab Number: 7  
Document Title: Papers on Referendum, Politics and Religion  
Document Date: 2000  
Document Country: Uganda  
Document Language: English  
IFES ID: CE01925



*Papers on*

**REFERUNDUM,  
POLITICS AND  
RELIGION**

**Micheal Kaggwa**

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# CONTENTS

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>RELIGION AND POLITICS</b>   | <b>Page 4</b>  |
| <b>2</b> | <b>THE REFERENDUM AND ITS<br/>IMPLICATIONS ON UGANDA'S ON<br/>POLITICAL DEVELOPMENT</b>                            | <b>Page 15</b> |
| <b>3</b> | <b>WHY SUPPORTERS OF POLITICAL<br/>PARTIES SHOULD CONSIDER<br/>PARTICIPATING IN THE FORTHCOMING<br/>REFERENDUM</b> | <b>Page 19</b> |

## **PREFACE**

This Booklet contains three papers, two on the referendum and one on religion and politics. The first paper which is on religion and political was written in response to the attacks which His Eminence Cardinal Wamala was subjected to during the Presidential elections of 1996. This is when in an Easter Sermon Cardinal Wamala advised the people who were responsible for the organisation of elections to ensure that the elections were free and fair. The Cardinal was accused of interfering in politics.

The same accusations of involvement in politics was again to be directed against the Cardinal when in a sermon on Christmas day of 1998 the Cardinal advised Ugandans to reconsider the forthcoming referendum on political parties because it may turn out not to be the solution to Uganda's political problems.

What the people find extra-ordinary is that when the Archbishop of the Church of Uganda, the Rt. Rev. Livingstone Mpalanyi Nkoyoyo, attacked political parties no similar outcry was forthcoming against the Archbishop. In the Monitor of December 14, 1998 page 7 Archbishop Nkoyoyo is reported to have warned "the laity against supporting political parties" because, according to the Archbishop, if political parties "are allowed into power, they would cause big divisions and differences among the people of Uganda".

The second paper on the referendum which was given at a seminar organised by the Foundation for African Development pointed out what is wrong with holding a referendum on political parties which are the embodiment of the people's freedom of assembly and association.

The third paper, also on the referendum, advises the people who believe in political pluralism not to succumb to the temptation of boycotting the referendum but to vigorously take in the whole exercise as being the lesser evil.

The three papers should therefore be read with the overall theme of religion and politics in mind.

Kampala, 6<sup>th</sup>, January 1999

# 1

## RELIGION AND POLITICS

Elections are useful barometers of democracy. Apart from producing a leadership that is acceptable to the people, elections also reveal motives, attitudes and beliefs, which would otherwise pass without being noticed. Keen observers of Uganda's political scene could not fail to see history repeating itself during the 1996 elections, recalling those of 1962 in which religion played such a prominent part.

On his campaign trail, Mr. Yoweri Museveni was reported to have announced that he was ready to accept a Catholic as president of Uganda. Mr. Museveni's statement raised some eyebrows with people wondering why a Catholic should require special dispensation to become a president of the country and if such dispensation was indeed necessary why it should be granted by a person who was a candidate himself. During the same election period, Emmanuel Cardinal Wamala was bitterly attacked by government officials over a sermon he preached on Easter Sunday at Rubaga Cathedral, commenting on the election arrangements then going on in the country. Remembering that the reason given by Mr. Museveni for going to the bush was that the 1980 elections had been rigged, Cardinal Wamala advised all those concerned not to repeat the same mistakes by engaging themselves in rigging.

Rev. F.B. Welbourn records what happened during the 1961 and 1962 elections. Welbourn doubled as Warden of Mitchell Hall and Chaplain of the Protestant community at Makerere. In an earlier publication Welbourn quotes a long statement from Latourette which throws a lot of light on what happened during the earlier Uganda elections and those of 1996.

*"In general the Roman Catholic black was more docile, more dependent on the white man and more submissive to him. The Protestant black was inclined to be more independent, to think for himself and be more self-reliant. The Roman Catholic regarded the Protestant attitude as breeding rampant individualism, vagaries and rebellion. The Protestant adjudged the Roman Catholic methods to be producing automata, to be cramping the rightful development of human life and to be*

*making for continuation of servitude though in a mild and benevolent form."*

It is significant that when Museveni was talking about his readiness to accept a Catholic president, he depicted Paul Ssemogerere, one of the three candidates who happened to be a Catholic as weak and incompetent. Welbourn points out that:

*"Protestants did not obtain administrative influence in Buganda merely because Lugard had given them political power. The whole tendency of Protestant education was to train for leadership. Missionaries established and administered their schools in the pattern of the English public schools".*

Welbourn is here referring to Protestants and we shall return to this later. What we can note here is that behind Welbourn, there is a long tradition going back to Max Weber and R.W. Tawney both of whom tried to trace the rise of capitalism to the influence of Protestantism. Recent scholarship is, however, beginning to dispute the Weber thesis.

*"Max Weber's doctrine of the Protestant Ethic which attributed the economic success of capitalist Europe to the psychological derivatives of Reformation theology has been used to make Catholicism a synonym for rural backwardness and conservatism. More recent and more cogent arguments, which see western capitalism as an outcome of modernising influences that followed upon the collapse of the Christian order, would imply that neither historic Catholicism nor Protestantism were strictly relevant to the history of economic and political development of Europe or North America".*

That development is being seen now as "secular rather than religious" and as due to "infidelity rather than to too great a fidelity to the spirit of Jesus".

The search for the springs of economic development continues unabated. Currently, the focus has turned to the Asians both in their countries and in the diaspora. People are asking what it is which turns Asians in Britain into over-night millionaires.

*"The answer is that they combine discipline, family values and schooling in a community which works all hours to achieve success".*

Family values and not Protestantism are now seen as the magic wand hovering behind the production of wealth in those countries known these days as the Asian Tigers. In their turn, the Asians have also begun to look

at Europe with that patronising attitude which the Victorian colonial Christian gentlemen had towards the “lesser breeds without the law”.

*“The economic decadence of Europe is now a given fact of Asian thinking ... Asians are even more appalled by the social decadence of Europe. The rise of the single-parent family, street crime, drugs, welfare-culture and above all the abandonment of the aged to the care of the state are features of European life which family-conscious Asians young and old, find deeply shocking”.*

Family values are now depicted as “a subject on which Christ hardly spoke”.

We have seen Welbourn showing that the Protestant missionaries in Uganda modelled their schools on the British public school system which was seen as the nurseries for leadership. Writing at about the time when Welbourn published his books a popular British theologian C S Lewis shows the type of character which the British public school tended to produce.

*“Spiritually speaking, the deadly thing was that school life was life almost wholly dominated by social struggle; to get on, to arrive, or having reached the top, to remain there, was the absorbing pre-occupation. It is often, of course, the pre-occupation of adult life as well; but I have not yet seen any adult society in which surrender to this impulse was so total. And from it at school as in the world, all sorts of meanness flow; the sycophancy that courts those higher in the scale, the cultivation of those whom it is well to know, the speedy abandonment of friendships that will not help on the upward path, the readiness to join the cry against unpopular, the secret motive in almost every action”.*

Lewis himself had been to a public school and became an Oxford University don and so he was writing about something he knew from practical experience. But reading what Lewis had to say on that subject one would think that he was describing Uganda’s political tradition of intrigues and sycophancy.

The politics of Uganda becomes the entire mere intricate when religion becomes mixed up with ethnicity. Again it is Welbourn who leads the exploration pointing out that although Catholics are supposed to be “Soft” yet those trained in the Anglo-Saxon ethos shows as much



initiative as their Protestant counterparts. The problem therefore appears to be the French. Acholi Catholics from Nyapea or Gikuyu from Nyeri taught by American Brothers of Christian Instruction (the Anglo Saxons) were supposed to be as outgoing as the people taught by them.

*"There were other tensions within the Catholic ranks whose leaders had been educated, for the most part, either by the Mill Hill Fathers (largely English or Dutch) at Namiryango College or, in the White Fathers area, by French Canadians at St. Mary's College Kisubi".*

It is out of such myths and legends that history is woven and in its turn history itself influences the attitudes, beliefs and aspirations of generations. Some of the pronouncements made during the last elections can best be understood against the background the religious and ethnic myths inherited from our imperial masters. The ghosts of Uganda's Victorian ancestors will have to be exorcised before the country's politics can take its right path.

The attack on Cardinal Wamala caused great especially among the Catholic population. It recalled the attack on Archbishop Kiwanuka in 1961 when he published a pastoral letter giving advice on the political situation in the country and raising the issue of discrimination against Catholics in public life. The attack on Archbishop Kiwanuka was followed by the actual arrest of Reverend Joseph Ssebayingga, the Vicar General of Rubaga. Archbishop Kiwanuka was out of the country at the time and people wondered what would have happened if he had been around. It is interesting to note that at that very time Ssebayingga's arrest, Lord Fisher of Lambeth was bombarding Benedicto Kiwanuka, Chief Minister and leader of the Democratic Party with memorandum after memorandum in support of the Buganda Lukiiko's stand of indirect elections to which Kiwanuka and his party were strongly opposed. Admittedly, Fisher had just retired as Archbishop of Canterbury and therefore on that level one can say the Church of England was not interfering in the politics of Uganda. But people were wondering whether Fisher would have had the opportunity to indulge himself in that folly if he had been a mere Vicar of some rural parish somewhere in Yorkshire.

John Baptist Kakooza has stated has stated that, "a Protestant Bishop is free to make as many political statements as he may wish. That will not be mixing politics and religion, nor will it be dividing the people along religious or tribal lines". Kakooza points out that there was no complaint when Bishop Gonahasa of the All Saints Church, Nakasero, Kampala compared Yoweri Museveni with Jesus Christ.

During the 1996 election campaigns, Museveni had been shown in the press carrying on his head the traditional grinding stone (olubengo) as a sign of his selflessness in the service of Uganda. In one of his sermons, the Protestant Bishop Gonahasa invited his listeners to see in Museveni's grinding stone the cross of Christ and the message was clear. The parishioners were being asked to vote for the Christ-like figure. Museveni won the elections and in due course wrote his autobiography, characteristically entitled the "Mustard Seed" in reference to the tiny seed which the bible tells us grows into a big tree. Gonahasa's and Museveni's allusion to the bible shows an acute awareness of the depth to which Uganda's politics is pervaded by religion. This close relationship between religion and politics had been constitutionalised towards the end of the last century.

*"In 1890 Lugard reached Kampala as a representative of the Imperial British East Africa Company which had been granted a royal charter in 1888. He judged the physical conflict as inevitable between the Roman and Anglican parties; and in 1892 he provided arms with which the Anglicans defeated the numerically superior Roman Catholics. From then on; although chieftainship (and therefore control of land) were rigidly divided between the Roman, Anglican and small Moslem parties, the dominant place in the native administration and education has been held by the Anglicans. A situation was created in which the Romans can rightly or wrongly regard themselves as a persecuted majority".*

Lugard's Maxim gun settlement of 1892 left two senior Buganda Government positions in the hands of Protestants, one with Catholics and none for Muslims. Of the twenty Saza Chieftainships the Protestant received ten, the Catholics eight and the Moslems two. A similar pattern was introduced into other areas of Uganda with varying degree of success.

Following a Commission Enquiry Report into Lugard's war prepared by Captain MacDonald, the British Government felt constrained to pay £10,000 for the losses suffered by the Catholic Church in Uganda. In subsequent writings on the subject there even arose a dispute as to whether the payment was "a gratuity" or "a compensation". Lugard's arrangements came to an end when a new Buganda Constitution was introduced in 1955 making the Katikkiroship, hitherto reserved for Protestants only, open to candidates of other religious denominations. Matayo Mugwanya, a Catholic,

stood for the Katikkiroship, a decision which was unwelcome in Protestant circles. A vigorous campaign was mounted and the six nominees of the Kabaka had to be shifted around to ensure a Protestant victory. In the end Michael Kintu, the Protestant candidate won by a margin of 3 out of 89 electors. Fifty years after Kintu's victory, Lugard's ghost is still stalking the politics of Uganda. A private enquiry was carried out in July 1993 in respect of senior positions in Uganda held by the four chief religious groups and the results speak volumes as shown in Table 1. Furthermore, according to the 1991-population census the percentages of the various religious denominations are:

Catholics	:	44.5%
Protestants	:	39.2%
Moslems	:	10.6%
Other Christian Denominations	:	1.7%
Traditional Religious	:	4%

**Table 1 Distribution of high ranking positions among various religious sectors**

	PROTESTANTS (C.O.U)	MOSLEMS	CATHOLICS	SD	TOTAL
President, vice president, NRC chairmen & ministers	13	3	4	1	21
Ministers of state	9	1	2	-	12
Deputy ministers	9	2	4	-	15
Permanent secretaries	31	-	14	-	45
Heads of parastatals and government institutions	41	1	5	-	47
Ambassadors	13	2	6	-	21
<b>TOTAL</b>	<b>116</b>	<b>9</b>	<b>35</b>	<b>1</b>	<b>161</b>

Commenting on the 1996 presidential elections, an article in a local magazine put it bluntly that the "British wanted to stop Ssemogerere from becoming President because he is a Roman Catholic who should never

gain power in their former colony Uganda.” Prejudice breed prejudice. One can only point out that Tanzania, another former British colony has had Julius Nyerere and Benjamin Mukapa, both Catholics out of the three Presidents who have ruled Tanzania since independence. One may argue that Tanzania was not a typical colony since it was only mandated to the British from the Germans after the First World War in 1914. But then southern Rhodesia was the quintessence of a British colonial territory deriving its name as it does from that darling of British imperialism, Cecil Rhodes and populated by a substantial people of British stock. And yet that country baptised Zimbabwe has been ruled by Robert Mugabe, a Catholic, since independence without the British showing any uneasiness about it. But as Matia Kiwanuka, the well known Ugandan historian points out there was” an unusual degree of religious prejudices and bigotry” in British colonial rule in Uganda as compared to other East African countries. The cruellest moment in the history of the unhappy relationship between religion and politics in Uganda came when the country was about to celebrate the centenary of the arrival of Christianity in Uganda. Ltd. Shergold Smith and Rev. C.T. Wilson, the first Protestant missionaries from Britain, arrived at the court of Mutesa of Buganda on the 30<sup>th</sup> June, 1877. On the 10<sup>th</sup> February, 1977 the Protestant Bishops of Uganda wrote an open letter attacking the Government of Uganda for the atrocities which were being committed in the country. Archbishop Jonan Luwum was arrested on the 16<sup>th</sup> February, 1977 and killed on the same day.

Tom Tuma and Phares Mutibwa were writing a book to commemorate the Christian centenary when Luwum was murdered. They point out in their book that one of the difficulties which the Anglican Church of Uganda has faced is its “relationship with the state”.

*“The Church has had confrontations with the state, mainly behind the scenes, but occasionally such incidents have come to the surface. The subjects on which the confrontations is known to have occurred range from ownership of schools to human rights”.*

The tragic death of Archbishop Jonan Luwum did show that the conflict between Church and State is not confined to the Catholic Church only as it would have appeared to some people. But it is significant that the open rupture between the Protestant Church and the Uganda State occurred when there was a Moslem President in power.

It should also be noted that this problem of Church and State is not confined to third world countries such as Uganda, but it is to be found even in developed countries like Britain. Reporting from London on the campaigns during the last British general election, a Uganda newspaper said that:-

*"Watching the rage and political outburst at the Catholic Church by the ruling Conservative John Major's Government, you would be tempted to think that it is May 1996 in Uganda and Paul Ssemogerere is running against Yoweri Museveni".*

The attack on the Catholic Church in Britain followed the publication of a Pastoral Letter by the Bishops of England and Wales entitled the "Common Good", giving guidance on the issues on which the people were expected to vote. The Bishops' document invited people to avoid taking extremist political positions but always to consider the common good of society pointing out that neither a totally controlled economy nor a totally *laissez-fair* system can ever be the answer to society's problems. Some people interpreted the Bishops' document as an endorsement of the Labour Party's policies and they therefore attacked the Bishops accusing them of meddling in politics. In their reply to these attacks the Bishops made a significant point to which we shall return later. They said:

*"The Church is in the world, and it is important for it to remind people about the common good, and also to make the point that economics is about meeting people's needs. And in the moral fields generally, too, the church has a duty to remind people that religion and politics cannot be separated".*

While the Catholic Bishops were being accused of involving themselves in politics, an Anglican Bishop was busy opening the Conservative Party Conference and leading the singing of Christian song at the same function, reminding the people that Thatcher had "cemented a strong tie between the Tories and the Anglican Church, a relationship initiated in the nineteenth century imperial Britain". The Bishop's statement raises a fundamental issue when they say that "religion and politics cannot be separated", leading one to try to define what religion and politics are. Briefly, we can say that politics is the management of society. Whereas man consists of body and soul which again cannot be separated, in society we have politics and religion which must function harmoniously together in order to have a healthy polity. We can see that this formulation brings out clearly the community element which is so fundamental to religion but which had been suppressed by the individualism of the West.

The West's individualism with its tendency of exploitation of man by man was first attacked by Karl Marx when he published his Communist Manifesto in 1848 with its emphasis on community life and the brotherhood of man. Unfortunately Marx's vision became blurred when he pronounced religion to be the "Opium of the people". In just seventy years the communist edifices which had been built on the foundation of Marxism collapses in 1989 like a pack of cards. However, Marx's legacy is still with us in many branches of human activities. In religion this legacy is to be found in what has come to be known as liberation theology which tries to see politics and religion as two sides of the same coin.

*"Liberation theology engages in an all-out struggle particularly against those political systems and powers which promote racism, exploitation, violence and discrimination. It calls for a definite break from and a change of the political systems which perpetuate themselves by exploiting the poor and the powerless".*

Fr. Chukudum Barnabas Okolo from whose booklet the above quotation is taken is a Nigerian priest who points out that liberation theology is not altogether new because the principles it propounds were enunciated by Christ himself. What is new therefore is "emphasis and direction".

*"... religion or Christianity is not a religion of the weak, or of the wishful dreamers of "pie in the sky". It is not at all "the opium of the people", one that makes the people retreat from combat and passively "turn the other cheek".*

In a revealing interview with a newspaper, Mr. Museveni was asked to comment on the view that whilst he was "taking Adam Smith's money" he was at the same "practising Karl Marx's politics". In other words people were saying that whereas the government had embraced privatisation and the system of the market economy which would normally go hand in hand with political pluralism, NRM's insistence on the Movement system was a contradiction. Mr. Museveni's reply is interesting. He said:

*"There is a lot of misconception and distortion in this country. In 1848 Marx propounded a Communist theory, a vanguard of the proletariat (working class) dictatorship. It was a dictatorship of one class against the rest. Now our Movement is*

*a mass organisation. We have capitalists, federalists, workers, peasants, pastoralists and even propertyless”.*

The issue of the type of political systems which Uganda should follow has bedevilled the country since the advent of the National Resistance Movement government. This is unfortunate because just a few months after NRM's taking over power, the Catholic Bishops of Uganda issued a very important document on the 29<sup>th</sup> June, 1986 entitled “With a new Heart and a New Spirit” dealing precisely and vigorously with the many political and social issues which have confronted Uganda since independence and suggesting practical solutions to those problems. Specifically on the political system the Bishops said:

*“We look forward to the return of parliamentary democracy through the structures of universal suffrage (one person one vote) general elections and political parties”.*

The Bishops then went on to say that they hold “in fact that a multi-party system of government is an expression of the fundamental freedom of assembly and association”. In the Bishop's statement every word is carefully chosen. They advocate for a “parliamentary democracy” as against the “democratic centralism” beloved of Communists. They wanted “universal suffrage” in preference to “corporate” representation and preferred “one person one vote” to indirect elections. Much of the Bishops' programme has been achieved. What is remaining now is NRM's acceptance of political parties as the expression of people's freedom of association and assembly.

There is in Museveni's response in the interview a departure from what his hitherto been NRM's critique of the multi-party system. The argument has been that as a pre-industrial society, Uganda has no social classes on which political parties can be based. However, in the statement Mr. Museveni admits the existence of “capitalists, federalists, workers” in Uganda!

In any case, political parties are not based solely on classes. Political parties reflect the sociological reality of a particular society. In the United States, for example, one finds that the Republican Party is dominated by what is known as the WASP (White, Anglo-Saxon, Protestant) mainly of the north of the country. On the other hand the Democratic Party takes in the Catholics, the Jews, the Hispanics, the African-Americans and the White Baptists of the South. This is of course a rough guide and the picture keeps changing.

In Britain, the Anglican Church is often humorously referred to as the Conservative Party at prayer meaning that the Conservative Party is dominated by the Anglicans while the Labour Party draws its membership from the non-conformists. One will also find that the Labour Party, apart from the industrial and urban areas where one would normally expect it, is also dominant in what is known as the Celtic Fringe, that is Wales in the northern part of England and Scotland leaving the Conservative Party in the English rural countries. In the last general elections of May 1997, the Conservative Party did not win a single seat in Scotland and Wales”.

In Uganda, some people never tire of accusing the Democratic Party of being Catholic and the Uganda People’s Congress of being Protestants. But what is the reality on the ground? The Uganda People’s Congress has had John Bahiika, a Catholic as its Vice President, Saban Nkutu, a Moslem as its Chairman and Felix Onama, another Catholic as its Secretary General. In the 1980 general elections, of the 52 MPs whom the Democratic Party sent to Parliament 26 were Catholics, 22 were Protestants and 4 were Moslems. The Democratic Party was the only party which sent Moslems to Parliament in the 1980 elections. We should therefore move away from the caricature which identifies a political party according to its leader’s ethnic origin or religious affiliation. Otherwise, on that basis, the NRM has also not escaped the caricaturists who see it as a Western outfit because its leader comes from the south-western part of the country.

Another line of attack on political parties by the NRM has been that political parties did not perform and were responsible for a lot of suffering which the people of Uganda have gone through. On this point a Makerere University don Joe Oloka Onyango has said that “the NRM leadership has resisted demands for change and improvement by invoking history”.

*“Whilst history is good because it informs us of our past and gives us lessons, we should not use it to undermine progress towards a better future. I am not personally fighting for the restoration of history and its moribund political parties. I am fighting for a better tomorrow with serious political parties”.*

Pope John Paul II issued a document entitled “*Centesimus Annus*” on the 1<sup>st</sup> May, 1991 in celebrating a century of the publication, in 1891 of Pope Leo XIII’s famous Encyclical Letter “*Rerum Novarum*” which is seen as having inaugurated the Catholic Church’s systematic



formulation of its social doctrines. *Rerum Novarum* or the “New Things” came out to deal with the acute social problems which were being experienced at the turn of the nineteenth century especially the condition of the working class. When Pope John Paul II came to write his own paper a hundred years later the problem had become the system of government which should be followed. The Communist system had just collapsed in 1989. The Pope says:

*“The Church values the democratic system in as much as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility of both electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate. Thus she cannot encourage the formation of narrow ruling groups which usurp the power of the state for individual interests or for ideological ends.*

Ugandans may wish to ponder seriously the Pope’s words in the light of what is going on in Uganda. In another document, this time specifically addressed to Africa, the Pope tackles a multitude of problems facing the African people. He advises dialogue between Catholics and Moslems, he appreciates “the veneration of ancestors” as practised by Africans and advocates for “respect and esteem” of people who follow African traditional religion. One notices in the Pope’s approach here, a new orientation. During the colonial period, the African was depicted as a pagan and a worshipper of the devil. Political independence has restored the African person’s dignity. Liberation theology has yielded new insight and an author has seen in the African independence Movement a new “Exodus”.

On the specifically political agenda, the Pope has this to say:

*“I must note with great sadness that many African nations still labour under authoritarian and oppressive regimes which deny their subjects personal freedom and fundamental human rights especially freedom of association and political expression”.*

The Pope points out that such injustices bring about conflicts and internal wars leading to famine, epidemics and destruction. The answer therefore is “authentic democracy which respects pluralism”. The Catholic Church has come up with practical mechanisms for implementing its socio-political proposals. At the international level there is the Pontifical Commission for Justice and Peace in Rome while individual countries are served with National Commissions for Justice and Peace. The Bishops of Uganda, for instance, indicated that they had allocated to the Commission the work of

publicising issues related to human rights, their violations and the methods of fighting those violations.

It is being proposed that with the coming into force of the 1995 Uganda Constitution the mandate of the National Commission for Justice and Peace should be extended to include an intensive, extensive and detailed study of the constitution as part of an effort to promote democracy and the culture of constitutionalism. The Commission should co-operate with, and even assist whenever it can, organisations engaged on similar work. In Zimbabwe, the National Commission for Justice and Peace of that country, comes out regularly with its own annual report. The report for the year 1996 was anything but flattering. It said:-

*“The government of President Robert Mugabe is corrupt, arrogant and undemocratic and has come to power through dubious electoral process”.*

Considering the hysterics that followed Cardinal Wamala’s mild Easter sermon, one wonders what the situation in Uganda would be if a church organisation in the country came out with such a statement as the one made by the Justice and Peace Commission of Zimbabwe. It would appear, therefore, that what is required in Uganda is a more vigorous participation in the politics of this country by religious leaders so as to familiarise the political leadership with this aspect of a political tradition which has existed for some time now, in other East African countries.

On May 23, 1997, the leaders of the Catholic and Protestant churches in Kenya held a press conference in which they gave the Government of Kenya “an ultimatum” to bring about constitutional reforms before the coming general elections. Among the Bishops’ proposals was the setting up of an independent Electoral Commission in which members elect their chairman and the amendment of the Public Order Act to require that a person wishing to hold a public meeting need only inform the police to enable the police to provide security.

Religious leaders in Kenya have been quite active in the politics of their country. During the struggle for political pluralism in Africa after the collapse of Communism in Russia and Eastern Europe, the National Council of the Churches of Kenya, an umbrella organisation of the Protestant churches, came out forcefully in support of multi-partysm. They even put aside KShs 20 million for this work:

organising seminars and publishing articles in newspapers, some of the articles being intended, as they put it "to de-mystify government institutions offices and titles such as Minister and MP

In mentioning the de-mystification of government institutions, the Bishops were touching on a very important aspect of political education. Ugandans will recall that on meeting for the first time after being elected to the Constituent Assembly, delegates spent two days debating what title they were going to be known by. At the time of these debates, it was assumed that the Constituent Assembly would last for only six months. But even then the delegates felt that they had to have a title during that period and they zeroed on "honourable". One delegate declined the accolade.

When we look back in history, we find that in the sixteenth and seventeenth centuries people believed in the doctrine of the divine right of kings and tomes were written on the theme. The doctrine taught that monarchical powers came direct from God and that they could not therefore be interfered with by ordinary mortals. And as recent as the end of the last world war in 1945 the Japanese still believed in the divinity of the Emperor. Unlike the European monarchy who derived his powers from God, the Japanese emperor was god himself!

An interesting commentary on the issue of titles from the religious angle is a report of one of the Anglican Bishops of Uganda who decline the title of "Lordship", saying that he was not "fit to be called "Lord" because he was "like any other ordinary man".

After Labour's victory in the 1997 British general elections, Tony Blair declared that the Labour government which he was forming were the "servants of the people" and that what "the electorate gives, the electorate can take away". In this declaration Blair appeared to have been replying to a Minister in the 1945 Labour government who, excited by the party's landslide victory of that year, declared that they were "the masters now". The Minister's indiscretion did not go down well with the British public. In the same way there was some uneasiness among Ugandans when they read in a local paper that Museveni had told members of the academic staff and students of Makerere University that as President of Uganda, he should not be booed because "he is next to God". It is possible that Mr. Museveni was only being light-hearted but people of Uganda take religion quite seriously and political leaders have to weigh their words carefully when making references to religious matters. Besides, whilst we are trying to demystify political institutions as recommended by the Bishops of Kenya, we would not like to find ourselves creating a divine presidency.

An interesting interview, Mohammed Mayanja, one of the three presidential candidates during the 1995 elections was asked how he felt working in a government led by a person whom he had challenged. Mr. Mayanja replied that as long as he abided by the Constitution he has no problem.

*"He himself (Museveni) said after the elections at the Lubiri barracks 'if I had been defeated by Ssemogerere or Mayanja, I would have remained Lt. General Yoweri Kaguta Museveni, Lt. General in the army'".*

The attitude of Museveni and Mayanja is the correct one. Mayanja can comfortably work for Makerere University because the University is not the personal property of Museveni. Mayanja is working for the people of Uganda whose patrimony Makerere is. Museveni would have been happy to remain a Lt. General in the army whether Mayanja or Ssemogerere had won the elections because the army is a national institution paid for by the Ugandan tax-payer. People should feel that the country belongs to them and not to a group which happens to be in power at a particular time. Unfortunately, the reality is different. We have in Uganda what Buhlmann refers to as a "conflict-prone society" with wars, refugees and exiles. This has led to many people being alienated from their motherland. The greatest challenge facing Uganda therefore is to learn to reconcile with one another.

In a document already quoted, the Catholic Bishops of Uganda put reconciliation as one of the "urgent needs" of the country.

*"In our previous Pastoral letters we have on several occasions called for sincere reconciliation among the citizens of Uganda. In the present situation we find ourselves once again having to repeat this appeal".*

Unfortunately, more than ten years after the Bishops' appeal, Uganda is still very much in need of reconciliation. In his manifesto as a presidential candidate in the 1996 elections, Paul Ssemogerere considered "national reconciliation and consensus building" to be very important for "the very survival of the people". Ssemogerere finds that reconciliation has so far failed because people have not yet succeeded in coming to grips with Uganda's political reality.

*"... Our cultural and religious communities cannot be wished away; and political parties are not only here to stay, but they are the epitome of our political freedoms".*

In statements usually made casually are often reflected attitudes which are inimical to the spirit of reconciliation. After the 1979 war one would meet people saying that although they had forgiven what had happened to them after the 1971 military take over, they cannot forget. Other would talk of having no permanent friends and no permanent enemies. The reply to all this flippancy is that sincere forgiveness implies efforts to overcome one's rancour after an injury, physical or psychological. And whereas we should try not to create permanent enemies, permanent friends are what human beings should endeavour to have. In politics, there has always been an element of Machiavellianism running through the centuries even before Machiavelli wrote the "Prince". But religion has always come in to provide the "salt" in such tasteless menus. Some political groups have also been known to advocate openly for a programme of identifying whom they call enemies. To know your "enemy" becomes a slogan repeated over and over again without realising the damage that can be inflicted on society by such an attitude.

Labour Day 1<sup>st</sup> May, 1997 was held in Lira Municipality. Mr. Museveni presided over the function. Mrs. Cecilia Ogwal, the Member of Parliament representing the Municipality was not allowed to address the congregation because she does not belong to the Movement. Commenting on this, Mrs. Ogwal said:

*"I remember cautioning President Museveni one day to be careful in his thinking of converting everybody including Multi-Party stalwarts into the Movement. In a more democratic government there must be an opposition which acts as a mirror or watchdog to the public".*

It is a pity that instead of coming up with a viable democratic system, Ugandans have been led to spend the last ten years on games of hide-and – seek (jjangu onkwekule). On one hand people are told that the Movement is all embracing while on the other there is this effort at conversion of people to the Movement which Cecilia Ogwal decries. A Member of Parliament is prevented from speaking at a national function and some cadres keep on talking about "we in the Movement". And besides, a Member of Parliament for Kyotera, Patrick Kiggundu was reported to have "attacked Museveni for holding regular meetings with some MPs behind the back of the rest" thus turning the Movement into a partisan organisation.

The idea of a Movement system should be re-examined. The search for unity is a noble undertaking but the mechanism of achieving that goal is what should now engage the minds of Ugandans. Ssemogerere's programme of proportional representation should be carefully studied. The

system of "winner-take-all" is not conducive to national unity in a relatively poor country like Uganda. The South Africans have already tested the broadbased government but built on a multi-partyism.

Another area requiring exploration is the system of a well controlled and legally regulated political parties receiving public funding. Apart from persecution, the problem of political parties in Uganda has been that they have all along been left to operate in a legal vacuum. The companies are governed by the Companies Act, the co-operative societies by the Co-operative Societies Act and even the recently introduced Non-Governmental Organisations (NGOs) have received their legal banner. No such a law has been put in place to guide political parties.

One should be careful, however, and ensure that political parties are not suffocated by the legal regime when introduced. There is a view, for instance, that co-operative societies are dying out in the country because of the enormous powers conferred on the Registrar, which powers have been abused from time to time. In Kenya a political party called Safina (The Ark) has not been registered for well over two years. Apparently the party's name frightened the authorities.

All the above endeavours, however, can come to fruition only if Ugandans learn to practice dialogue and tolerance. A priest whom we have already quoted, writing about dialogue says that it does not "mean convincing one's interlocutor of the rightness of one's conviction; it means admitting the relatively both of one's own position and that of the other".

It would be a great pity if the NRM which came with the aim of uniting Ugandans ended up polarising them into two irreconcilable groups: the Movementists and the Multi-Partyists. A referendum on political parties will do exactly that. On this issue of a referendum related to fundamental human rights, Justice Robert Jackson of the United States Supreme Court made a very important judgement in a case where the American Government required school children to salute the American flag. Some of the children objected to this practice because of their religious beliefs. Justice Jackson's pronouncement was that:

*"Fundamental human rights can never be subject to a referendum, they are not subject to the outcome of elections, they are not subject to the wishes of government".*

That is why they are, in fact, referred to as "fundamental". Britain can vote in a referendum on whether or not to join the European

community. Scotland is going to vote in a referendum on whether or not to have a parliament in Edinburgh. But Britain cannot vote in a referendum on whether the Hindus and Moslems are going to practice their religion or not. A referendum organised on that question would be a violation of those people's freedom of worship. In the same way, a referendum on political parties is clearly a violation of the freedom of associations and assembly of those Ugandans who believe in parties. The Human Rights Commission and the Catholic Church's National Commission for Justice and Peace should study this whole issue carefully and come up with proposals and suggestions.

The need for tolerance is not, however, confined to the national sphere alone. Political parties have also shown marked intolerance leading to their splitting into warring factions. Something good, however, may come out of these splinterings if only to prove that human beings do sometimes change their minds. This is in fact what lies behind the doctrine of the freedom of thought and association. Some hullabaloo has, for some time, been accompanying a person's decision to change his party affiliation. But one has to be reminded that famous world leaders like Winston Churchill of Britain and Ronald Reagan of America changed their political parties, one of the a few times, in order to appreciate the spirit in which these instruments of democracy should be approached.

Religion and politics now share a common vision of a humanity united either in the national borders or in the "global village". Organised religion has played a crucial role in uniting people of different ethnic backgrounds. Where religion has so far not been so successful is in the relationship among its different constituents. This is changing, however, as we have seen the Pope appealing for understanding between Christianity, Islam and African traditional religion. The Catholic Bishops of Uganda are recommending the same programme.

*"Another field where the task of reconciliation calls us to renewed commitment is that of ecumenism. We need to increase the number of fraternal contacts with members of other denominations and religions".*

In the work of uniting humanity religion and politics cannot be separated. Messori argues that even Engels recognises that Marxism "draws on Christianity for its thirst for justice" and that "Liberty, Equality and Fraternity" of the French Revolution was "a gospel slogan" reminding one that in the new dispensation there is "no Jew or Gentile, no male or female".

In a homily preached on Easter, 1996 in the Christ the King Church in Kampala, the Parish Priest, Father Paul Ssemogerere reminded his listeners that the church's involvement in politics goes back to the "time of Jesus" who criticised the authorities of his day". Prophets before him such as Amos and Jeremiah had also carried out the same crusade against injustice and discrimination. Father Ssemogerere was preaching against the background of the 1996 presidential elections in which church leaders had come under strong attacks from government officers.

This paper has raised three issues which are all related to the main theme of religion and politics and we are now going to recapitulate briefly on each in turn. The first issue concerns the marginalisation of Catholics in Uganda. We have examined the historical background to this marginalisation and the question which remains to answer is whether the Catholics themselves have contributed to their marginalisation or whether they have been the victims of circumstances. A Catholic Member of Parliament, Augustine Ruzindana thinks the Catholics have not been assertive enough, thus echoing Welbourn with whom we started. But then CS Lewis whom we have also met in this paper replies with his horror of the self-assertive ethos of the public school system. But we may be meeting here with something which is much deeper than Catholic marginalisation in Uganda and the English public school system. Dealing with "some obstacles" in the way of Christian liberation in Africa, F. John Mary Waliggo, the well known theologian and civic animator has something very pertinent to say on this issue.

*"Right from the beginning of Christianity whenever Christians were persecuted, oppressed, discriminated against or marginalised in society, instead of insisting on their rights, they have often taken refuge in the hope of the beautiful future promised by Christ".*

Following the insights provided by liberation theology, Father Waliggo insists that there should never be any "rigid separation of the religious and secular sectors of life" and that good Christians should actively participate in political, economic and cultural work in order to transform the whole society of man and man himself. Religious leaders should be supported or opposed according to the submissions which they make, but they should never be attacked on the basis of "interfering" in politics.



The second issue with which this paper has dealt with is political parties as embodiments of a democratic system. The Pope and the Catholic Bishops of Uganda have made their position on political parties quite clear. What is remaining is the practical implementation of their proposals. A priest in Tanzania who was deeply involved in that country's political activities leading to political pluralism has some useful suggestions to make. Father Bernard Joinet proposes holding seminars, workshops and internal reflection courses in which all relevant issues can usefully be discussed and an agreed stand taken.

Dialogue and reconciliation is the third and last issue which we have considered here. This is an area where religion and politics particularly need each other. Negotiations will be necessary. A reconciliation commission may be required to facilitate the negotiations. Public prayer meetings have been organised for purposes of reconciliation and those should be encouraged to continue.

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## 2

# WHY SUPPORTERS OF POLITICAL PARTIES SHOULD PARTICIPATE IN THE FORTHCOMING REFERENDUM

### Introduction

A columnist in one of the local newspapers has declared:

*"And how do you expect multi-partists to treat the local council executive and intelligence organs who have been used to indoctrinate the masses on how we should waste resources organising a referendum which is costly and will polarise our people more than before? It is apparent that we are heading for more trouble and the NRM which has the capacity to avert it is doing a big disservice to this country by pursuing the referendum line. History will judge them harshly".*

The referendum has aroused such anxiety among Ugandans as few issues have done in the country's recent past. What is significant is that the overwhelming majority of the articles which have appeared in the print media have all condemned the referendum, pointing out the wrongs of the exercise and emphasising the bad effects which it is bound to have on the political development of Uganda (See Appendix B). Where the difference arises among the writers, and indeed the citizenry, is on the question of whether or not a person who believes in a multi-party system should or should not participate in a referendum organised on political parties. Those opposed to participating in the referendum base their argument on the fact that the freedom of association which political parties embody is a human right which is inalienable and which cannot therefore be voted upon. But those supporting participation argue that though human rights are "inalienable", unfortunately time and time again dictatorial regimes have actually taken away these rights from the people and the people have had to fight for those rights using all avenues available at the time. "Otherwise if such rights and freedoms were inalienable and could not be taken away or subject to a vote, why was Ssemogerere flushed out of that Tororo seminar?"

This paper urges believers in political pluralism to participate actively in the forthcoming referendum as a strategy. It should be pointed out at the outset that Uganda will not be the first country in

which a referendum will be held on political parties. Malawi held such a referendum which believers in political parties won and Malawi became a multi-party state. It is interesting to note that religious organisations played a crucial role in ensuring that multi-parties triumphs in Malawi. In neighbouring Tanzania, an inquiry was carried out in which it was found that only 26% of the people in that country were in favour of a multi-party system. But the Tanzanian leaders have shown to be level headed people. They decided to respect the views of the minority and introduced political pluralism voluntarily, as it were. In Uganda, on the other hand, the report of the Odoki Constitutional Commission found that 55% of the people supported the Movement system at that time while 45% were for the multi-party system. And yet the Movement people are insisting either through arrogance or invincible ignorance to go ahead with the referendum.

### **Lessons from previous boycotts in Uganda**

When we look at the boycotts which have taken place in Uganda previously, we get here lessons which can usefully be applied to the present situation. In 1958, Augustine Kamyia launched his boycott of Asian trade. During the colonial period, Africans in Uganda had been locked out of meaningful economic activities and they naturally resented the position. Augustine Kamyia, a house painter, created a powerful National Movement which shook the country to its roots. Kamyia was arrested and deported to some remote part of the country. The colonial government failed to address the issue, neither did the Obote regime which took over from the colonialists do much about it. It was left to Amin to use his brutality to address the problem. But the point to note here is that Kamyia was very active and in the Movement he created an instrument to fight for his programme. He did not just sit on a “katebe” (comfortable chair).

In 1961, the Baganda organised a boycott of the General Elections of that year because, according to the Baganda, the colonial Government had failed to give them their “Ebyaffe” (their rights). “Ebyaffe” has had a long history! The boycott was so effective that only 2% of the entire electorate in Buganda participated in the elections. The exercise had to be repeated in 1962, a few months before Uganda’s independence on 9<sup>th</sup> October, 1962. This means that if one is thinking of organising a boycott one should seriously consider if the boycott is going to be effective. Preaching will not be of much help here.

The last boycott we shall consider here is that of the 1996 Parliamentary elections. Before those elections, believers in political parties came together under the Inter Party Forces Committee (IPFC) to sponsor Paul K. Ssemogerere as their Presidential candidate. Ssemogerere was defeated through massive rigging and perhaps out of anger decided to boycott the Parliamentary elections which were held later in the year. It does not appear as if IPFC considered this matter collectively and as a result some IPFC members participated in the elections while other boycotted them. Such an unfortunate scenario should be avoided when deciding which line to take as far as the referendum is concerned. What is interesting is that after the elections, even those multi-partists who had advocated for the boycott and had actually refrained from standing as candidates (although some had very good chances of going through) were found attending celebration parties of colleagues who wisely had stood as candidates and had been returned as Members of Parliament. The quality of debate by some of the personalities in the present Parliament illustrates how the cause of democracy would have suffered a severe because of an ill-considered boycott. And according to some people's assessment, IPFC had a good chance of winning at least one third of the seats in Parliament if the IPFC people had gone full blast in the elections and co-ordinated their campaign programmes. It should never be forgotten that in politics one is rarely ever asked to choose between black and white. That would be too easy to do. What happens is that all too often a political leader is required to discern and select from different shades of grey.

#### **Participation in the referendum as a political strategy:**

We have said at the beginning of this paper that democrats should participate in the referendum as a strategy. A revealing article appeared in *The New Vision* of August 25, 1998, page 3. The writer of the article says:

*"The Movement Secretariat is working on a 4-point master programme to ensure that the Movement doesn't lose to Multi-Parties during next year's referendum".*

In other words, the Movement people realise, as everyone should, that the coming referendum will not just be on political systems but will certainly encompass the general performance of the government over the years. Therefore, according to *The New Vision* article just quoted, the Movement Secretariat was embarking on the task of writing a manifesto "similar to the 10-point NRM programme to be used by the

Movementists at all levels of leadership when politicking”. Buganda is to receive special attention in all the activities.

Now, how do the Multi-Partists come into all this if they boycott the referendum? Already some realistic Movement people are predicting their own defeat because of promises made by the NRM which have not been fulfilled. Alex Onzima, an MP from the West Nile, raised the issue in Parliament when discussing the Nyangak hydro electric power plant which Museveni promised the people of West Nile but which has not materialised and which had not even been mentioned in the 1998/99 budget. “Onzima said the NRM’s failure to invest in social services was playing into the hands of the Multi-Partists and could win them 2000 referendum and the 2001 presidential elections.

The supporters of political parties can win the referendum is not at all far fetched if we go by Kasanje experience. Kasanje is in Mpigi District, thirty miles from Kampala. On the 6<sup>th</sup> March, 1990, a meeting of Kasanje RC III as it was then called, took place for the purpose of formulating proposals for submission to the Odoki Constitution Commission. After a heated debate lasting two hours, the councillors decided 25 in favour of a Multi-Party system and 15 in favour of the Movement. There was consternation in NRM circles. NRM had said that only people living in urban areas are interested in political parties. Kasanje exploded that myth. Kasanje is a rural area. But what we can learn from Kasanje is that supporters of political parties in the area worked extremely hard to mobilise and sensitise the people on political parties. Well researched and well written papers were produced in the local language and distributed widely among the people. There may be similar experiences from other parts of the country. We need to collect them and see what lessons we can learn from them.

It is eight years since the Kasanje Resolution was passed. A lot of water has flowed under the bridge. At that time, the catch phrase was “Oh kasita twebaka ka tulo”-[Oh, at least we are having good sleep under the NRM”.] Now, people of Kasese, Kilembe and Kichwamba are not having good sleep, let alone the people of Kitgum, Gulu and West Nile – because of the guns. People in other parts of the country cannot have good sleep on empty tummies. We have seen that the Movement people are planning to produce a manifesto for the referendum. Multi-Partists should do likewise

and issue their own statement highlighting NRM's militarism and corruption both of which have left the people killed, maimed and hungry.

#### **The role of the international community:**

Humanity is now living in a global village. Ugandans have noted with appreciation the role which donors have played in the democratic process which has been going on in the country of eight years now in the form of financial support or friendly advice. On the 12<sup>th</sup> May, 1995 the United States Information Service (USIS) issued a statement which pointed out that a Constitution is designed to protect human right. The statement went on to say that unfortunately, the stage was being set for the entrenchment of a system of government which would seriously fall short of full democracy and political enfranchisement. The United States were of course referring to the Movement as that system which falls seriously short of full democracy. The Americans that recommended a compromise which should have been "an unambiguous transition within five years to a fully democratic government which guarantees human rights". In other words, the Americans were proposing that after the coming into force of the 1995 Constitution there should have been a transitional broadbased government for five years to be followed by elections under a Multi-Party system without the need for a referendum. And in an interview which appeared in *The Sunday Vision* of 20<sup>th</sup> July, 1997, the then US Ambassador to Uganda, Mr. Michael Southwick, made it categorically clear that the United States will not participate in funding the forthcoming referendum.

In a five page September 1995 press release, the then British High Commissioner, Mr. Edward Clay, also dealt with Uganda's democratisation process especially in the light of the elections which were then due, wondering aloud whether the playing field was truly levelled for all "the players". Mr. Clay commented on the *Chaka Mchaka* or political education courses pointing out that those courses are clearly for purposes of "indoctrination and not civic education". And the reports which were being received at the time indicated that in addition to indoctrination, *Chaka Mchaka* had been turned into intimidation sessions where participants were being warned of the dire consequences if they continued supporting political parties. *Chaka Mchaka* courses have been suspended twice in two periods leading up to national elections on the advice of donors because the courses have



been perceived to be partisan. Unfortunately, with the coming referendum, those courses have been revived while seminars organised by believers in the Multi-Party system have been broken up by security agents. A stage is therefore being set to rig the referendum.

### **Disaster if the referendum is rigged**

I have spoken to Ugandans who believe in political parties who would be willing to participate in the referendum but who have great fears that the whole exercise will be rigged. After having taken part in the exercise they feel they would have endorsed it and could not therefore turn round and denounce the results. The answer here is that during the 1980 general elections campaigns Museveni announced that he would go to the bush if those elections were rigged. The elections were indeed rigged and indeed Museveni went to the bush and waged a five-year guerrilla war which left Uganda a devastated country. In *The Monitor* of August 17, 1998, on page 32 there appeared a story which I shall quote at length and which Ugandans should seriously reflect on. The story says:

*“Rev. Fr. John Mary Waliggo, Saturday stunned journalists when he said 99% of entrants in a major essay wrote that they did not believe that non-violent solutions to problems in Uganda can work. Of the 200 entrants, Fr. Waliggo said 99% said it was not possible to solve the country’s problems by peaceful means. Waliggo said he was very shocked and disappointed and said he was tempted to fail them, but eventually marked them on the merits of the arguments they were making”.*

What can one say about the essayists who shocked Waliggo is that they were expressing the culture of intransigence which has bedevilled the politics in Uganda. When Museveni said that he would go to the bush if the 1980 elections were to be rigged, Obote replied that he would follow Museveni in the bush and leave him there! Recently, when Aggrey Awori, MP for Samia Bugwe brought a motion in Parliament pleading for dialogue and reconciliation, it is Museveni himself who made sure that the motion is defeated.

In such bellicose atmosphere every avenue should be tried to see that people’s rights are not trampled on by acts of omission. Ugandans are still waiting anxiously for a court case which has been talked about a lot to test the constitutionality of article 269 of the Constitution. It should be remembered that, that obnoxious article 269 was passed when 64 Constituent Assembly members had waked out of the Assembly in protest.

It should be made clear that by participating in the referendum, people who believe in political parties are not in any way tying their hands. They are simply responding to a situation of invincible ignorance and intransigence while leaving all options open. Members of the international community should be alerted about the dangers that would follow a referendum if lost by people who believe that the referendum should not have been held in the first place; and worse still if there is evidence of any rigging in the organisation of the referendum.

When the international community praises Museveni for what they consider to be good performance especially in the economy, nobody comes out to say that foreigners are interfering in the internal affairs of Uganda. But when the same international friends of ours point out some shortcomings that they may detect especially on human rights issues, then the NRM people are all up in arms about Uganda's sovereignty which is not supposed to be played about with foreigners!

We have seen that former United States Ambassador to Uganda clearly stated that America will not participate in funding a referendum on human rights. Ugandans will forever be grateful for the American stand which showed clearly that the Americans take democracy quite seriously and are not prepared to indulge in double standards. The message is clear. There is no democracy for the Americans and another type for the lesser breeds. But the question which arises here is how do the Americans get involved in the referendum because, after all, even if they shy away from the exercise, they will still have to deal with the government which the referendum will produce. The answer here should be to request the Americans to continue with their friendly advice and persuade the Movement people to abandon their dangerous project. If this approach fails then the Americans should try to facilitate supporters of political parties to organise themselves for the referendum. This means therefore that the sooner the Multi-Partists come out with their programme on the referendum the better. Time is not on their side.

Vigilance will be required if rigging is to be defeated. The experience of the Kampala mayoral elections should prove useful to political pluralists and as in the Kampala city elections, believers in political parties have a very good chance of winning the referendum if they work systematically and hard.

### **The lesser of two evils**

Hannington Sebuliba headed his article in *The Monitor* of August 24, 1998 page 3 as: "Referendum: Snake in a Cooking Pot". Sebuliba is here translating a Luganda proverb into English. The proverb means that if a snake coils itself in a cooking pot, there is a dilemma for the owner of the pot. If he strikes the snake, the chances are that he will break the pot and therefore would be nowhere to cook supper. On the other hand, if he leaves the snake in the pot, again there will be nowhere to cook supper.

Democrats in Uganda are facing that dilemma. Participating in a referendum on human rights is evil and boycotting the referendum is also evil because it would prevent believers in political parties from influencing political developments in the country. We repeat here what we have said elsewhere. What would be the position of democracy in Uganda today if Wasswa Lule and Norbert Mao and Aggrey Awori and their few colleagues were not in Parliament? Of the two evils, participating in the referendum is the lesser evil and all democrats should come out vigorously and take part in the exercise and ensure that they win. If they lose and especially if they lose because of rigging, then they can decide what to do next.

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11. John Jean Barya, "*Movement Narrow Group in the Dark*" The Monitor – July 3, 1998 page 15.
12. L.V.K. Ssematenga, "*Just forget the 2000 Referendum*" The Monitor – August 1 8, 1998 page 15.
13. Hannington Sebuliba, "*Referendum: Snake in a cooking pot*" The Monitor – August 24, 1998 page 3.
14. Erisa O. Ochieng, "*What is Uganda's next path under Movement?*" The Monitor – September 10, 1998 page 14.



## THE REFERENDUM AND ITS IMPLICATIONS ON UGANDA'S POLITICAL DEVELOPMENT

Two distinguished Lawyers namely Mr. John B. Kawanga and Dr. Jean Barya have ably dealt with our theme of this afternoon in two papers. These papers are available from the Foundation for Africa Development who co-sponsored the seminars in which the papers were delivered. The two papers approached the subject mainly from a legal point of view. I have therefore decided to look at the issue from the historical and political perspectives.

We shall begin with the reasons given by the proponents of referendum as to why Ugandans should be required to go through an exercise which is bound to be expensive and at the same time divisive. The arguments are:

- a) Uganda is pre-industrial, therefore it cannot sustain a multi-party system.
- b) Because Uganda is pre-industrial, it therefore has not yet produced a class system upon which a multi-party system can be based. Therefore, the political parties which emerge here are bound to be on Sectarianism. This argument is of course, a reformulation of the previous one.
- c) Uganda's history has been so turbulent that we need a period in which Ugandans can come together and work for harmony and reconciliation. We shall examine this point in some detail later.
- d) Ugandans have the right to decide this proposition needs clarification. It is Article 271 of the 1995 Constitution which provides for the holding for the forthcoming referendum, and it states:

*271 (1) Notwithstanding the provisions of article 69 of this Constitution, the first Presidential, Parliamentary and Local Government and other public elections after the promulgation of this constitution shall be held under the movement political system.*

*(2) Two years before the expiry of the term of the first Parliament elected under this Constitution any person shall be free to canvass for public support for a political system of his or her choice for the purposes of a referendum.*

*(3) During the last month of the fourth year of the term of Parliament referred to in clause (2) of this article, a referendum shall be held to determine the political system the people of Uganda wish to adopt.*

*(4) Parliament shall enact laws to give effect to the provisions of this Article.*

Remembering that the present Parliament started in July 1996, Ugandans are required to go into a referendum in the year 2000 and they can start campaigning for their differing points of view from July 1999. We have seen reference to article 69 of the Constitution. The said article provides that people of Uganda have the right to choose a political system of their own choice and the article goes on to give three systems from which to choose, namely (a) the movement political system (b) the multi-party political system and (c) any other democratic system. It may be pointed out in passing that by the year 2000, it will be a cool fourteen years in which Ugandans will have lived under a political system not of their own choice. And, moreover, people are saying that the Movement as it exists in Uganda is not a political system at all but a political organisation.

In his article, Mr. Kawanga points out that Article 69 was passed when supporters of multi-party democracy had walked out of the Constituent Assembly. This was because article 69 is in contradiction with those other provisions of the constitution which guarantee the freedoms of assembly and association which supporters of political pluralism has struggles so much to have included in the Constitution. In fact, the great weakness of the 1995 Constitution is that it contains so many contradictions that they will need the courts to be unravelled. These contradictions in the Constitution were actually inaugurated by non other than the Chairman of the NRM who announced, immediately after the Constituent Assembly elections, that the Movement had won, when it was understood that those elections had been organised on "individual merit" basis.

The New Vision of 8.6.98 reported the Iganga Resident District Commissioner (RDC) having said that "a number of multi-partists in the area have conspired to undermine the Movement by getting elected to Movement posts". Also, according to the RDC "although the law allows

anyone to stand for posts it is only those who subscribe to the Movement principles that must be elected". And the RDC concludes triumphantly that "these posts are only for Museveni's spies".

Article 29 (1) of the Constitution gives every person the right to "freedom of association which shall include the freedom to form and join associations including Trade Unions and Political and other civic organisations". This article was reinforced by Article 72 (1) of the Constitution which states that "subject to the provisions of this constitution, the right to form political parties and any other political organisation is guaranteed". What are political parties? The Tanzania's Political Parties Act (No. 5 of 1992) defines a political party as follows: *"Political party" means any organised group formed for purpose of forming a government or Local authority within the United Republic through elections; or for putting up or supporting candidates for such elections*".

The Government of the Republic of Uganda has published the Political Organisation Draft Bill (1997) Section 29 (a) of the Draft Bill provides that:-

*"No political organisation and no person on behalf of a political organisation shall sponsor or offer a platform to or in any way campaign for or against a candidate in any presidential or parliamentary election or any other election organised by the (Electoral) Commission"*.

It should be made clear that as long as an organisation does not sponsor or campaign for a person or persons for political offices that organisation ceases to be a political party and becomes a non-government organisation (NGO).

We may pause here and ask why it is that NRM has gone to such a length to ensure the emasculation of political parties. We have in the Constitution the infamous Article 269 and related articles, we have the Movement Act, there is now the Political Organisation Draft Bill (1997) and in due course we shall get the Referendum Act. Why all the fuss? Tanzanian, Kenya, Malawi, Zambia and Zimbabwe are some of the countries who share with Uganda a historical and geographical background. And yet all these countries now have a multi-party system of government. If Uganda is pre-industrial, so are those countries we have mentioned.



We have seen that one of the reasons given for the need to have a referendum is that Uganda's history has been so turbulent that we need a period in which Ugandans can come together and work for harmony and reconciliation. This is a noble objective. But the question which arises is:- why has there been so much turbulence in Uganda's history, in the first place?

Again, when we look at our neighbours we find that since independence, Kenya has had two presidents, Tanzania three, Malawi two, Zambia two and Zimbabwe two. In the same period Uganda has had nine Presidents, if we include Muwanga and Okello. Why has this been the case? The answer is that whereas those countries accepted one – party rule, Ugandans refused to do so despite the fact that Uganda's rulers desperately tried to impose it on the people.

Writing in a scholarly book "Constitutional Law and Government in Uganda" page 467, George Kanyeihamba, by then a law professor, had this to say:-

*"By the nature of things, Uganda was not developed to be a one party state, however desirable that system may be".*

Kanyeihamba's book came out in 1975 when the one – party system and its twin brother the military dictatorship were holding sway over the greater part of Africa. Ugandans had already rejected 'Kato' in 1971 and they were to fight off 'Wasswa' in 1979<sup>1</sup>. In 1980, political parties, like the legendary phoenix, were to rise out of their ashes, ready to carry on with their mission of leading Ugandans in the democratic manner.

In its column "A week is History" the *Sunday Vision* of 28.6.98 (P.4) reports that on the 24<sup>th</sup> June 1968, Felex Onama, the then Minister of Defence and Secretary General of Uganda People's Congress (UPC), has said that the Party had plans to become a Movement with the "Objective of Mobilising the entire population for the task of nation building". Earlier on (6<sup>th</sup> – 10<sup>th</sup> June 1968) UPC had organised a delegate's conference which, for the first time, was attended by the army and civil servants. History repeating itself?

On the question of referendum related to fundamental human rights, Justice Robert Jackson of the United States Supreme Court made a very important pronouncement. Delivering judgement in a case in which the United States Government required school children to salute the

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<sup>1</sup> In Kiganda culture, Kato and Wasswa are names given to male twins

American flag, an act which was objected to by some American Citizens on the basis of their freedom of conscience, Justice Jackson said:-

*"Fundamental Human rights can never be subject to a referendum, they are not subject to the outcome of elections they are not subject to the wishes of government".*

It is perfectly in order to have a referendum in the lost counties to find out whether the people in Kibale want to go to Bunyoro or not, as was done in 1964. It would also be in order for Uganda to have a referendum to decide whether Ugandans wish to join an East African federation. But it would be wrong for Uganda to have a referendum to decide whether the Seventh Day Adventists should practice their religion because they are a minority. The doctrine of human rights recognises *majority rule* and *minority rights*.

Mr. Michael Southwick, the then American Ambassador to Uganda, gave an interview to the Sunday Vision of 20.7.97 (p.23) in which he categorically stated that the United States will not participate in funding the forth-coming referendum on political parties. Some people were taken by surprise by the Ambassador's statement. But with Justice Jackson's judgement in mind, there should not have been any surprise at what Mr. Southwick said. Americans take democracy seriously. They do not believe that there is some type of democracy which is good for Americans and another type which should be reserved for Africans.

Dr. Jean Barya concludes his paper which has already been mentioned, by stating that: "insisting on a referendum will cause further division and instability in this country". He therefore proposed the holding of a roundtable conference where all issues pertaining to how Uganda should be governed would be discussed and agreed upon by the stakeholders.

In an interview with the Monitor Newspaper of 2<sup>nd</sup> January 1998 (p.11) the renown scholar, Professor Mohmood Mamdani gave some lessons from South Africa which Ugandans can find extremely useful. Mamdani Says:-

*"The first lesson is that the government of national unity, the broad base, and freedom to organise in political parties and freedom to organise opposition are not alternatives.*

*South African shows that if political parties get together that is the best way to handle problems of vertical polarisation*

*in the African Political context and also strengthens the mode of political operation".*

What they did in South Africa is that Political leaders there agreed that all political parties return members to Parliament were to be represented not only in Parliament but in the Cabinet as well according to the percentage of Votes received in the elections. The South Africans therefore did away the "winner –take – all" System which the NRM opposes, but the South Africans did it in a more democratic way that the NRM's approach of a "Conscript" Movement.

With the killings of the students if Kichamba Technical Institute, many people have come out demanding that the government should talk to the rebels. Writing in the *New Vision* of 18.6.98 (p.4) about these demands, Karen Ndahura challenged Ugandans to take some initiatives themselves rather than always expecting the Government to do everything for them. Karen Ndahura says:-

*"One major problem for us Ugandans is that we believe that the government must do everything. So we believe that once we call upon the Government to address a specific problem, then we have fulfilled our Civic responsibility".*

Karen Ndahura mentioned, in particular, religious leaders who have many facilities that should enable them to try to see if they can reach out and talk to the rebels. Taking a cue from Karen Ndahura, people who believe in political parties should organise themselves and come out with an alternative to a referendum. As we have seen Dr. Barya is proposing a roundtable conference. A proper project should, therefore, be written suggesting who should attend the conference, what the agenda should be and how much the conference is going to cost. Once the project has been properly prepared, the same should be sold to Ugandans, to the donor community and to the relevant international organisations. Ugandans should move away from waiting to hold their important political conferences in foreign countries because the practice has not been very useful. For instance, we have had the Moshi Conference, the results of which evaporated in a matter of sixty eight days. Then, we had the Nairobi Peace Talks which ended up as just peace jokes! But we now have an opportunity to have the roundtable conference here in Kampala.

On the correspondence page of *New Vision* of 26.6.98 a Rev. Fr. Jack Morris S.J. wrote movingly about his fears that Uganda may slide yet

again into chaos because of the rebel activities which are spreading out from the north and west of the country. Fr. Jack Morris therefore pleads:- "Sound the trumpet and call all civic, religious, business, media and education leaders together".

People who believe in political parties should come together again by reviving the Inter-Party Forces Co-operation (IPFC) to face the challenge posed by the referendum. IPFC was the first mile to have been covered on the road to reconciliation. What would be required to be done is that those groups in the IPFC who were responsible for banning political parties in the past should be ready to apologise to Ugandans for that mistake. Apologising for mistakes made is emerging as a global practice perhaps because of a deeper understanding that to err is human. The IPFC should be responsible for writing up the roundtable conference project and selling it as suggested.

The conference should discuss the future of this country. One item on the agenda should be negotiating with the rebels and their international supporters. Negotiations with the rebels would naturally be carried out in the context of the form of government that Uganda should have, a subject which is behind all the turmoil in which Ugandans have had to live since independence. Another important item on the agenda of the conference should be reconciliation. As of now, three former Presidents are in Exile. And two former Presidents died in exile. While one group of exiles return home, another group of Ugandans goes into exile. Today a Ugandan may be a Cabinet Minister but he will be a rebel in the bush tomorrow and vice versa.

The roundtable conference may have to set up an institution with the specific agenda of bringing about reconciliation among Ugandans. Mr. Kawanga concludes his paper on the referendum by stating that "the resources that are going to be wasted in such exercise should be put to better use" I recommend that those resources should be used to organise a roundtable conference where Ugandans will iron out their long standing differences.



## ERRATUM

There was a mix up in the page numbering. The papers should be read in the order in which they appear under contents. Accordingly, the set up should be as follows:

1. Religion and politics Page 1
2. The Referendum and its implications on Uganda's Political Developments. Page 33
3. Why supporters of political parties should consider participating in the forthcoming referendum. Page 23

## ADDENDUM

The paper “why supporters of political parties should consider participating in the forthcoming referendum,” had advised people who believe in political parties to consider participating in the referendum. The paper was written sometime ago. Things have changed. Politics is dynamic. Supporters of political parties have come out very strongly in favour of positive boycott. I support them in this.

Prior to the independence of African countries, the enemy was the colonialist who had invited himself to rule them without a mandate. Soon after independence, African leaders identified a new enemy - poverty, disease and ignorance (PDI). Leaders then embarked on a journey, more often turbulent, to eliminate these evils. They had little knowledge that another enemy was encroaching - civil strife. Civil strife has not only made it impossible to tackle PDI but has exacerbated them. In addition, civil strife has plunged countries into an orgy of ethnic violence characterised by whole sale disregard for human rights and consequently crippling economies. However, civil strife is a symptom not a cause of Africa's problems. For Uganda, it is the disregard for constitutionism and democracy, catalysed by the manipulation of the populace using ethnicism, religion and sometimes 'class' systems, that has brought it into civil strife time and time again. As we approach another century, is history bound to repeat itself?

The author of this book studied at St. Mary's College, Kisubi and Makerere University where he read English Language and Literature. He worked in the Administration and Foreign Services of the Government of Uganda before joining British-American Insurance brooking firm in which he was, for two decades, the Managing Director of the firm's branch in Uganda. In politics, he has held a number of posts in the Democratic Party, which has included the Chairmanship of the profile DP Mobilisers Group. His lifetime obsession has been to see a democratic, stable and prosperous Uganda, where people live within its borders harmoniously regardless of creed, religion and tribe. It is not utopia, it is possible and Ugandan should try to overcome prejudices.