

# US not happy with political party restrictions

## The black spot in new constitution

Last Friday, the Deputy Chief of Mission of the US Embassy, Wayne J. Bush, delivered an address to a seminar of the National Organisation for Civic Education and Election Monitoring. He touched on a number of issues in Uganda's new Constitution including what he says is a "disregard of the principles of the Universal Declaration of Human Rights." Below is his full address:

**A**MBASSADOR Southwick could not be with you today. He asked that I deliver his greetings to you and his best wishes for the success of the endeavour your organisation has set out to achieve free and fair elections in Uganda.

The words I use today are mine, but they express the points the Ambassador would have made had he been here, and they represent the views and concerns of the United States Government. I am here as the representative of the United States to engage in a dialogue with Uganda about democracy.

The United States speaks as a friend and supporter of Uganda. It is sometimes the duty of friends to convey unpleasant truths. The United States speaks as a country with a long association with the African continent. Since independence in Africa, we have been represented on this continent more continuously and in more countries than any other nation.

We have experienced first hand the tragedies which have befallen Africa, and we have experienced first hand the successes. We have come to see the growing movement of democracy on the African continent as a long-term process, one with few overnight successes and many disappointing setbacks.

But it is a process that must be pursued to its ultimate end a free and democratic society.

The magnitude and complexity of building a nation, especially one with a history like Uganda's, should inspire first and foremost a sense of humility — a humility that leads all concerned to search for answers, and in so doing to seek far and wide for the best insights possible, and welcome the honest counsel of friends.

It is worth remembering that the most enduring and

influential observer of American democracy was a Frenchman, Alexis de Toqueville, and that one of the most influential analysts of the race problem in America was a Swede, Gunnar Myrdal. Americans have always welcomed the advice of others.

Our constitution has been critiqued for over 200 years. The policies of the US Government come under daily scrutiny by governments and newspapers throughout the world, including here in Uganda.

Uganda is now at a critical juncture in its democratization process. Uganda has enacted a constitution, which for better or for worse will form the framework for Uganda's future government and political process. The first major task of government under the new constitution will be to conduct the parliamentary and presidential elections through which Uganda's leaders will be chosen.

Two weeks ago, the head of another diplomatic mission in Kampala spoke eloquently on Uganda's democratization process. We believe the substance of that speech, which covered many of the issues related to the upcoming elections, should be thoughtfully considered.

Since we share many traditions with the British, and, as an observer once remarked, are separated mainly by a common language, it should come as no surprise that we see things in Uganda in similar ways. We are in total agreement on such matters as freedom of opinion and expression, and freedom of assembly and association.

**O**ver the past year, my government has expressed frankly and forthrightly, in public and in private, its deeply held view that full respect for human rights, in-

cluding the freedom of assembly and association, is essential to democracy, to long-term stability, and to continued economic growth. We have not wavered in this view.

Accordingly, I cannot stand here today and say that Uganda's new constitution lives up to the promise of the process that created it. Despite the diligent efforts of so many Constituent Assembly delegates, the constitution nevertheless contains a serious flaw as our European Union colleagues said in June, "At the end of the twentieth century, it would be difficult to imagine that a new constitution could disregard the principles of the universal declaration of human rights." It was difficult to imagine in June, but by September it had happened.

Article 269, which restricts genuine political party activity, is a blot on the face of this constitution. It is an anomaly which we urge Ugandans to correct at the earliest possible date.

In making that statement, I acknowledge that no constitution is ever perfect. A constitution is always a work in progress.

Our own bill of rights — our declaration of human rights if you will — was included as the first ten amendments to our constitution. Those ten amendments were ratified four years after the constitution itself was adopted.

Nevertheless, article 269 means that the task of ensuring a free and fair election in Uganda is much more formidable than it would be otherwise. The restrictions embodied in article 269 are profoundly at odds with the need to build a culture of political tolerance in Uganda.

The burden is now on the government to demonstrate that it can pursue policies and devise an election law which ensures that there can be genuine competition for political power, despite the hobble of article 269.

The role of this seminar, and, we hope, many other workshops to come, is to examine the electoral process and the roles of individuals and organisations in ensuring free and fair elections, that reflect the will of the people. If the results of Uganda's election are to be recognised internationally as legitimate, such questions as the following will need to be critically addressed:

- What is the role of the National Resistance Movement in the election?
- What is the role of local officials — CGRs and RCs?
- How can the independence of the Electoral Commission and its officials throughout the country be assured?
- Despite the limitations of article 269, is there a role for political parties? For other political organisations?

- What constitutes equal and fair access to the media?
- Should candidates account for their financing?
- Should there be international observers? If so, what should their role be?

What lessons were learned from the CA election which should be put into place?

- What kind of civic education programme or programmes should be pursued?

On this last issue, I would like to note that the current mass politicisation courses, known as *chaka mchaka* are not civic education. In fact, *chaka mchaka* is completely inconsistent with democracy and freedom. During the CA election, these courses were suspended. It would be right and appropriate for the government to suspend them now, or better yet end them permanently, since they promote a single viewpoint at a time when the ability to promote other political philosophies has been restricted.

The United States supported the CA elections because reasonably good answers emerged to these kinds of questions. This time the standard is inevitably higher. Uganda should be able to do a better job.

As a potential donor we cannot make a final decision on election support until these issues are clarified. The American people will not countenance American government support for an election process which is seriously flawed.

That process includes a good election law, the capabilities and intentions of the government to manage the election, and the fairness of the campaign. There are reports that the NRM is already organising and campaigning.

I ask whether this is fair, given the restrictions on those who oppose the NRM. Organisations such as NOCEM should themselves be subject to scrutiny.

**U**ltimately, this is a Ugandan election, under a Ugandan constitution, and a Ugandan election law. All Ugandans have a role in this process, and it is vital that all Ugandans, even those who hold opposition views to the government of the day, participate vigorously in the election process.

It is equally critical that the media report on the process equitably, focussing attention on issues as well as individuals, and raise questions when abuses of the process for power occur. The role of NGOs is particularly crucial to the election process.

In particular, this conference can help the entire country grapple with many issues which must be addressed to assure success. Some of the issues I have mentioned, but there are no doubt others.

What is certain is that the engagement and dedication of people like you here present today can and will make a difference. Too much is at stake to be merely a bystander.