

Did Ugandans Misunderstand ‘Kisanja Hakuna Mchezo’?

The surge in violation of Civic and Political Rights since 2016

A Discussion Paper by Arthur Larok¹

1. Introduction

This short paper was prepared as a part of a contribution to a discussion of a study report by The Human Rights and Peace Center (HURIPEC) on the abuse of civic and political rights in the era of ‘*Kisanja Hakuna Mchezo!*’ As a discussion paper, I have adopted an approach of highlighting salient findings and analysis in the study report, complimenting some of the recommendations drawing on my knowledge and reading of the wider context around which the study is situated.

In discussing the findings of this important study, I ask, ‘did Ugandans misunderstand Museveni’s Hakuna Mchezo?’ This question is inspired by a commentary in the study report on page three to the effect that, ‘Effectively, Kisanja Hakuna Mchezo could be interpreted to mean that there would be no playing games in as far as ensuring that things keep within the NRM’s advantage’. As the report rightly describes, the author of this phrase ‘Kisanja Hakuna Mchezo’, President Museveni used it to send the message that his 5th electoral term after being declared by the electoral commission to have won the 2016 presidential, was not one of playing games but serious action. The secondary question really is, what action? I will return to this later, for now, a short praise of the study report itself.

2. Praise of the Report by HURIPEC

As I read this study report, I recalled a joke made by one of my history teachers in Namityango, Mr. Okeny Olaa (RIP) who while giving us feedback on a callosal failure of a history test by a class of 25 students said, ‘as I marked your scripts, I wondered what was wrong with the responses ... however by the time I reached the 11th script, I started wondering why I was wondering...’. Likewise, as I read the HURIPEC study, for a while, I wondered how there could be such a depressing state of observance of human rights in Uganda, extra-judicial killings, torture, cruel, in-human and degrading treatment, illegal arrests and detention...until I too started wondering why I was wondering.

The HURIPEC report is very timely, it comes nearly midpoint the 5th term of the NRM and so accords optimal time to look back and asses the seriousness of the promises the president made to Ugandans as well as a good time to rectify, where we can, the socio-political ills before the next elections.

The HURIPEC study is robust in both the scope and substance, its nine themes - extrajudicial killings, torture, cruel inhuman and degrading treatment, illegal arrests and detentions, speedy and fair hearings, freedom of assembly and association, the right to be produced in court (known as Habeas corpus by learned people) and targeting people on an account of their culture and religion gives us an in-depth look into a range of rights violations. The geographical coverage of the study gives us a national picture from the north, east, south, west and central-it’s a story of the state of our country about civic and political rights violation. The report covers all the big three state institutions responsible for colossal rights violations in Uganda. The police, army and Uganda wild life Authority around protected areas - between those three and their *subsidiaries*, one can bet that more than 70% of human rights violations are covered, the rest being entrenched practices within our patriarchal societies and a history of violence.

Finally, it’s important to acknowledge the courage of HURIPEC as an institution to undertake such a project and the researchers as individuals. Reading through the report, its clear that the powers that be will not be

¹ **Arthur LAROK** is Federation Development Director with ActionAid International. He is former Country Director of ActionAid Uganda. This paper was prepared as a contribution to the discussion at the launch of the Study Report on, ‘The abuse of civil and political rights in the era of Kisanja Hakuna Mchezo’

happy. They have been systematically exposed, resoundingly indicted with voices of humanity that stand in contrast with the many schemes against the people of Uganda. My only hope is that HURIPEC and especially the researchers and victims' sacrifices lead to positive returns for our country.

3. So, have we misunderstood 'Kisanja Hakuna Mchezo'?

Back to my framing of this discussion paper - have we misinterpreted the spirit of this phraseology? As I pondered on this phrase, and as a student of history, I sent a short request to a few people requesting them to remind me about the top 10 political promises-cum lies by the author of the 'Kisanja Hakuna Mchezo'. A few people responded and collectively the promises-cum lies are too many to chronicle here, but the top 10 most cited were:

- a) the 1986 promise of fundamental change-today not only has the guard not changed, but change itself has become no change;
- b) the 1987 promise that the NRA/M was only a 4-year transition from military to civilian rule-not only was this extended, but the military is taking over civilian life;
- c) further on the memory lane, in 1987 or thereabout, we were told that the real problem with Africa are leaders who stay in power, today, clearly the problem is those who don't stay long enough;
- d) a little more time was needed to put in place a constitution in 1989 we were told, and true a consultation was put in place, but we have lived long enough to see the pillaging of the constitution;
- e) then we were told at the inauguration of the 1995 constitution that it's the best gift to Ugandans after decades of misrule - today we decry rule by, rather than of law as every critical constitutional provision is behind rewound through adulteration amendments;
- f) we were told in a build up to a referendum in 2000 that political parties were the problem, only for 4 years later, in another referendum, we were told to vote for the return of political parties and today we were asked to join as a was party called NRM-O;
- g) in 2001 we were told by the principal that it was his last term, nearly two decades later, we are still waiting for the last term;
- h) in 2013 in a public interview on a widely watched television, we were told at 75, one doesn't have the zeal and energy, among other things to lead - in 2017 MPs and citizens are beaten and bribed to remove the age limit on presidency to allow the principal to stand limitlessly;
- i) we have been told repeatedly that corruption will be no more, but today Uganda remains one of the most corrupt countries in the world; and
- j) finally, at number 10, we have now been told that this is 'Kisanja Hakuna Mchezo' and 5 years down the road, we shall be told something else - maybe this time that, we need to plant Uganda's flag on the surface of the moon!

The above promises and may others I have no space for should be the context within which we to evaluate the likely results of the kisanja hakuna muchezo. Are we so gullible as Ugandans? Perhaps so!

One of the responses to my request was a one Rachel Nebaza Larok who simply said, '... Museveni didn't tell any lie...he was clear on global television about who he is working for... so the problem is us, we don't listen properly...' Could Rachel be right? Annex B of the HURIPEC study is the breakdown of the 16 commitments that make up 'kisanja Hakuna Mchezo' and like the report suggests, the president could have said one thing and we Ugandans, not for the first time, chose to wrap another meaning to it.

4. Agonies of a people and cries of a nation!

HURIPEC in this important study, so well written captures the pain of so many Ugandans whose only hope is hope itself. As I read through the report, I couldn't help but take accessional breaks to sorb and get a distraction. A well-done study but painful read, I must warn you all. You need the courage of the researchers to complete the 104 pages. On account of my role as a discussant today, I had to plough as much as I could and below are the five things that struck me the most from the findings and analysis.

First *was the premeditated and therefore careful planning that took place before the cruel torture, dehumanizing treatment and murder of many Ugandans* - 133 of them extra-judicially slain. Behind these statistics are people and not just numbers. Women, men, young people and children. They are gone and the state doesn't care about their people they left behind. Each one of these souls could be your mother, daughter, father, son or child. When you look at Annex A, the study lists 67 torture techniques used by security agencies. In my thought, to master the art of executing these dreadful techniques, one must go through a training - time is spent, resources dispensed, and results expected. The thought that our security agencies funded through tax payer's money in Uganda, Europe and America is difficult to accept.

The *second thing that baffled me were the reasons for killing and torturing fellow citizens* for opposing the age limit removal. Members of Parliament were beaten and broken for identifying with people power Ugandans were killed, for wandering in a game park in the night bodies lay slain, and for expressing dissent, many are illegally arrested, and their finger and toe nails plucked out. In one sobering account on page 29, three illegal entrants into the park were arrested and three days later killed by the park authorities. This and several accounts in the report suggest that killing people is often not the last option but any other option-who needs death penalty if extra-judicial killings are the order outside the courts.

The *third agony in the report relates to the impunity* with which these violations continue to happen. Not only are they premediated, they are systematically executed with impunity. The perpetrators seem to know that they have their backs covered - the long hand of the law is not long enough to reach them. They have patrons above the law to protect and cover these heinous crimes against humanity, sometimes even legally. Delayed, expensive and *sometimes* corrupted judicial processes conspire to make impunity reign. Why bother with the police then, why care about the rule of law if it can't protect you? Why, why, why - they are just too many whys!

The *forth and related to impunity is some of the language* used, some almost casually by the perpetrators' not just direct perpetrators by their patron language such as, "... *guidelines for managing riots, criminals and looters...*" suggest that these are some Ugandans not deserving of humanity. Such language coming from the supposed fountain of honor sets the tone for law enforcement to do what they do. On page 23 and 24 on the official Facebook page of the Uganda Police force, we read chest-thumping language by the police, '*... the year 2018 begun with a reassuring gun action against robbers...the three robbers...never lived to smell the scent of the new year...*' Short of celebrating the killing of fellow Ugandans, the police proudly recounts.

Fifth and final is an important revelation in the introduction of the study report to the effect that, '... our post-independence history is characterized by several incidents of human rights violations perpetrated by both the state and non state actors... almost of these violations have largely been addressed and in some cases, continue to recur without meaningful *attempts to address them mainly due to lack of public will*'. When failure to attain certain objectives are discussed, as it was in the HURIPPEC study, we often hear it repeatedly that, '*its because of lack of political will*' - but what exactly is political will and how can it be built?

In simple terms, political will '*... is the determination of an individual political actor to do something and act in ways that will produce an outcome*'. To achieve political will is not easy - some argue, as in the book, 'From Political Wont to Political will...' that social will precedes political will and that without social pressure, there won't be political will. However, the idea of attaching political will to an individual political actor suggests that someone must believe in it in the first place. Very often it has less to do with lack of capacities, resources, legal impediments or resistance - often it is pure choice not to do something. The best way to achieve political will therefore suggests we need the people who believe in the dignity of all Ugandans. I will return to this in my final section.

We know for sure that if our president wanted to achieve a turnaround in the area of civil and political rights violations, he has the power to. He often goes at great lengths to achieve what he wants. We have seen this in the remarkable fight against HIV/AIDs in the mid-80s, the fight against insecurity around the country, the effort to stabilize Somalia and the removal of the presidential term limits in 2005 and age limit for the

presidency in 2017 and even the drip irrigation using mineral water bottles. Our president can go an extra mile to achieve something he believes in. That we see wanton civil and political rights violations in his reign suggests its not as important an issue to him. Stated more accurately, some of these violations may in fact be in his defense.

5. So where do we go from here...?

The HURIPEC study, both analysis and recommendations are a good starting point. However, we must go deeper. I would suggest, informed by the high likelihood that the state and those in-charge of it will not just take on the recommendations the study report provides. They have heard many of those before and not delivered to our expectation. Expecting them to act differently this time round maybe asking for too much. So, below is what I propose!

- a) **Understand who benefits from civil and political rights violations:** First, we must deepen our appreciation of the logic of civil and political rights violations and ask and answer the hard question about whose interest these violations serve. We know the hunted, we have documented their numbers and fate. We also know the agents who act to defend the hunter's interests. The fish rots from the head, we need to remind ourselves. Unless there is a new leadership, culture and belief in humanity, the all-important political will that the report talks about will remain elusive. We have learnt from Ethiopia how dramatic reforms can happen when there is change in leadership. We have also learnt about how negative turnarounds can happen when there is new leadership as we see in Tanzania or in the Philippines. In the Americas we have a renowned twitter president and an ult-right wing president in Brazil who is reversing decades of progressive policies. In short, the character of leadership matters!
- b) **A society needing reconciliation?** The anger in our society is frightening. That a police officer or army officer in uniform can descend on an innocent and harmless journalist and continuously beat him as he is on his knees pleading for mercy suggests some of the drives of these heartless officials are deeper than just *orders from above*. The manner of torture captured in the 67 tactics in the annex of the report suggest there is just so much displaced anger and the bitterness in our hearts as a people. We need to reconcile in our hearts as a people and as a nation if we are to avoid continuous cycles of revenge.
- c) **Time for non-violent resistance?** If we really need to succeed in this struggle to achieve greater civic and political rights, we must root this struggle in a nonviolent citizens resistance movement, one that expresses solidarity with one another, and not just look on as fellow Ugandans are tortured. We aren't as helpless as we appear to be and can show much more to show solidarity with victims, and protest in massive ways. We can socially isolate the perpetrators, and this may be a more effective tool than the dysfunctional systems we have. We should name and shame the perpetrators, welcome them in church and other functions only after they repent, we should map out their businesses and vote with our feet. Unless we find creative ways of pushing back the oppressors and their systems, we shall not make meaningful headway.
- d) **Documentation for a purpose!** Studies such as this that HURIPEC has done must be more purposeful and seek to prepare for a longer-term onslaught against injustice. We should document with a greater purpose of holding the perpetrators accountable many decades ahead. Civil society and Researchers should do more, professionally and intentionally to gather what can be used to follow up culprits, including beyond national borders. What does the African Court on Human and People's Rights desire as evidence for instance? If we decided in the future to go to the International Criminal Court, what kind of evidence do we need? These are the tacit intents we should consider as we undertake documentation and research and not just prepare for a dialogue meeting. If we wanted to store information for posterity, how would we gather it and protect its integrity. These longer-term purposeful ends should guide how we document violations today. The long arc of the moral universe is long, but it finally bends towards justice - lets us prepare for this.

- e) **And our development Partners?** We have ‘many friends’ of the government of Uganda and sometimes their support is not conditional enough. I am not calling for more oppressive conditionality for aid but if donors continue to fund our police, army and their militias as they maim and kill Ugandans, I believe they should be part of the players we hold accountable. We must open the conditionality debate for support to some of government agencies that violate civil and political rights with impunity.

Behind the scenes talks are not satisfactory, at least we don’t see the real impact of those discussions when we are continuously met with the violent episodes of Chinese tankers dispensing toxic substances on innocent Ugandans. Some Ugandans will have to be forgiven for suggesting that sometimes (not always) donors are part of the problem and or at least make our struggle more difficult.

6. Closing Note

In sum our struggle for greater respect for civil and political rights is one that is urgent. The HURIPEC report is a very important contribution to the many things we can do - mobilize better and talk with greater confidence.

What happens after this report launch is everyone’s responsibility. We all must do something positive to avert the escalating violation of rights. Like Mahatma Ghandi reminded us, “We may never know the results that come out of our actions, but if we do nothing, there will be no result.”

HURIPEC has done its part, we too must discover what we can do.