

**A CRITICAL ANALYSIS OF THE COVERAGE OF UGANDA'S 2000  
REFERENDUM BY *THE NEW VISION* AND *THE MONITOR*  
NEWSPAPERS**

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## ABSTRACT

On July 29 2000, Uganda held a referendum to decide whether to continue with the ruling No-party Movement system or to revert to the Multi-party platform. This research entails a qualitative content analysis of the role the media played in driving debate and understanding of the referendum and its role in the country's democratisation process. The research is informed by Jurgen Habermas's public sphere paradigm as well as the sociological theory of news production. The research covers Uganda's two English dailies – *The New Vision* and *The Monitor*, examining whether they provided a public sphere accessible to all citizens and devoid of ideological hegemony. It concludes that the newspapers were incapable of providing such a sphere because of the structural nature of Ugandan society and the papers' own capitalistic backgrounds and ownership interests. The research concludes that such English language newspapers published in a country with a low literacy rate and low income levels, can only provide a public sphere to elite and privileged sections of society. A case is then made that multiple public spheres would be better suited to represent the views of diverse interest groups.

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# **CHAPTER ONE**

## **INTRODUCTION**

### **1.1 INTRODUCTION**

This research entails a critical analysis of print media coverage of Uganda's 2000 referendum on the political system. The referendum asked Ugandans to choose between the no-party 'Movement' system of government<sup>1</sup> which had been in power since January 1986, and the multiparty system. The research is informed by Jurgen Habermas's public sphere theory, and explores how public consensus on topical issues can be achieved in multi-cultural and polarised societies like Uganda. Second, it examines whether a single public sphere is the best for attaining democracy in such societies. Finally, the study reviews the role of the media in enhancing democratic governance. Besides the public sphere perspective, the study is informed by the sociological theory of news production, which postulates that certain influential sections of society [like government officials and experts] rather than the media provide the primary definition of issues in the news and that their interests often dominate those of other sections of the public.

### **1.6 THE CONTEXT OF THE RESEARCH**

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<sup>1</sup> President Yoweri Museveni introduced the Movement system in 1986 under which parties are not allowed. But people are organised from the grassroots in Movement councils. The system is the cornerstone of his ruling National Resistance Movement.

On June 29 2000, Uganda held a national referendum to choose a political system to govern the country. The referendum was a landmark event in the country's democratisation process, and required social institutions like the media to play a major role. After going through several decades of economic stagnation, civil war and dictatorship, Uganda has been trying to get back on the democracy map, a process that has taken been prolonged by complexities created by the decades of turmoil and anarchy.

Uganda got independence from Britain on October 9 1962 but its political history is marked by protracted civil war, fuelled by tribal, religious and political divisions. The military overthrew civilian leaders at least five times between 1966 and 1986. Yoweri Museveni's National Resistance Movement (NRM) regime captured power via a guerrilla war in 1986 and abolished political parties saying they were divisive in underdeveloped societies such as Uganda (Bratton and Lambright 2001: 430; Legal Notice No. 1, 1986). It promised to rule for five years under a broad-based government and then call elections. But the regime extended its life for another five years in 1989 purportedly to accomplish its programmes and finalise making a new constitution.<sup>2</sup> The new constitution which came into effect on October 8 1995 provided for elections to be held under the no-party Movement system. Museveni won by over 75 percent of the vote, against two competitors who were supporters of the multiparty platform.

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<sup>2</sup> Government said extra tenure was needed to enable it complete rehabilitation plans hampered by insurgency and finalise the making of a new constitution (Museveni 1996; Museveni 1997).

The constitution had provided that in 2000, Ugandans choose by referendum whether to continue under the Movement or revert to a multiparty system. Up to 90 percent of voters chose the no-party Movement, though voter turn-up was an all-time low of 51 percent.

### **1.6.1 WHY A REFERENDUM FOR UGANDA**

Article 69 (1) of the National Constitution of 1995 states that “the people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda.” The political systems referred to include No-party movement system; a multi-party system or any other democratic and representative political system.

In his Election Manifesto of 1996, Yoweri Museveni asked Ugandans to elect him as a vote of confidence in the no-party movement system, arguing that the system had ended divisions and economic decadence that had characterised the country under multiparty rule (Museveni 1996). Under Museveni’s first 10 years in power, the country had attained an average annual growth rate of 6 percent compared to 0.9 percent between 1980 and 1985 and a cumulative GDP decline of 25 percent between 1971 and 1986. Inflation was down to 3 percent from 246 percent in 1986; the Ugandan currency became fully convertible and foreign exchange shortages abated. The people could regularly change their leaders through free and fair elections, and Uganda was no longer a political pariah internationally.

There is scant literature on the suitability or otherwise of a referendum for Uganda (Ibingira 1973; Mugaju and Onyango 2000; Museveni 1997; Bratton and Lambright 2001). The Uganda Constitutional Commission (UCC) which was tasked in 1989 to collect countrywide views of the people on what kind of system they wanted to be governed under, made it clear

that public opinion was heavily divided. The majority of respondents favoured a continuation of the no-party system, under which the country had experienced peace and prosperity. However, there was a strong case for multipartyism. The commission therefore called for a system that would take care of the interests of both groups of people (Uganda Constitutional Commission 1993: 72).

The Human Rights Commission, formed in 1986 to probe human rights violations since independence, noted in its 1994 report that the freedoms of association and conscience started to suffer real suppression in 1967, shortly after Dr Apollo Milton Obote (the Prime Minister from Uganda Peoples Congress, UPC) overthrew President Edward Mutesa II, a member of the Kabaka Yekka (YK) party (Ibingira 1973; Uganda Human Rights Commission 1994). At that time, it is mainly the Democratic Party (DP) and KY members who were persecuted. The commission said many were imprisoned, killed or coerced into joining the ruling party; and that for several years that followed, Ugandans were tortured and killed for belonging to the ‘wrong’ party, depending on which one was in power.

To avert tribal and religious conflicts the Referendum (Political Systems) Act 2000 provided that, “No person shall, for canvassing in respect of the referendum, use any words, slogans or symbols which could arouse division on the basis of sex, race, colour or ethnic origin, tribe, birth, creed or religion or other similar division.” It can be seen therefore that the predicament over which system would deliver peace, unity and development is what prompted the country to opt for a referendum. Proponents of the referendum said it would give Ugandans a right to decide for themselves what system they wanted to be governed under (Museveni 1997). But

opponents insisted it was improper to vote on the right to associate and that the referendum would be costly and divisive (Nabudere 2000; Mujaju and Onyango 2000).

## **1.7 REFLECTIONS ON ‘DIRECT DEMOCRACY’**

A referendum involves a vote by the general electorate on a public issue, be it advisory or mandatory (Butler and Ranney 1994). Referendums became increasingly popular around the world during the second half of the 20<sup>th</sup> century. Bogdanor (1999) and Setala (1999) study referendums in Western Europe and attribute the increase in their use to an “unfreezing of alignments and institutions”. Indeed, Bogdanor (1994:91) attributes the increase to the “unfreezing of political alignments and institutions formed after the achievement of universal suffrage in the first two decades of the 20<sup>th</sup> century”. Butler and Ranney (1980, 1994) have conducted extensive comparative studies of referendums around the world and their consequences on political systems. Their primary finding is that while referendums increase politicisation, and raise public knowledge and efficacy, they may be inappropriate for undeveloped political systems especially because they exacerbate intolerance and undermine minority rights.

Butler and Ranney’s findings illustrate the complexities of studying referendums. A major debate rages on the consequences of referendums and direct democracy on political systems (for example, Budge 1996; Mendelsohn and Cutler 2000; Qvortrup 1999, 2000; Suski 1994; Lijphart 1984; and Lacy and Niou 2000). Romer and Rosenthal (1979) and Matsusaka (1995) extend the scholarship on referendums to economic policy-making. Mendelsohn (1999), Bright et al (1999) and Craig (2000) extend referendum research to include aspects of mass media. While research in African referendums is scant, Strauss (1992) and Ottoway (1994)

are two notable examples of studies of South Africa's decisive referendum of 1992. Bratton and Lambright (2001), Mugaju (2000), and Nabudere (2000) investigate the Ugandan referendum of June 2000.

Mugaju (2000) captures the great debate on the appropriateness of Uganda's 2000 referendum. The debate culminated in all the country's traditional political parties boycotting the plebiscite. (*The EastAfrican*, June 5-11 2000, p. 4). The parties argued that their right to associate was sacrosanct and could not be subjected to the whims of the majority. They accused the government of rigging the process leading to the referendum; argued that the referendum would further polarise the country; and cost it millions of dollars which could be put to "better use". But the NRM said Ugandans had to decide themselves under what system they wanted to be governed, and praised the referendum as the best means through which 'the people' could make their choice (*The New Vision*, June 11 2000, p. 27). However, a Constitutional Commission – tasked in 1989 to collect countrywide views of the people on the preferred system of government – said public opinion was heavily divided and recommended a referendum.<sup>3</sup> Considering that Ugandans were about vote on a critical issue in the referendum, it became important to examine the role the media played in the process.

## **1.8 THEORETICAL FOUNDATIONS OF THE RESEARCH**

The role of mass media in a referendum – in this case the role of mass media in the Ugandan referendum – is crucial to understanding how referendum outcomes are altered, moulded and

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<sup>3</sup> Uganda's constitution does not define 'democracy'; but gives key benchmarks for democratic governance. It stipulates that (a) all citizens must be empowered and encouraged to actively participate at all levels in their governance; (b) all Ugandans should have access to leadership positions at all levels; (c) the composition of government should be broadly representative of the national character and social diversity of the country; (d) all

ultimately determined. Craig (2000:487), investigating the impact of journalism on Australia's 1998 constitutional convention, argues that the media are "central to democratic process, ... facilitating an ongoing process of questioning, critique and discussion". Bright et al (2000:314), studying media coverage of the 1995 Quebec referendum, see media as useful institutions in promoting diverse public debate in terms of content (representing all views) and voices (interaction between different groups of people). Their thesis is that media have a crucial role in public discussion and, consequently, in engendering democratic stability.

The foregoing normative arguments are primarily informed by Jurgen Habermas's (1989) concept of the public sphere. Habermas describes the public sphere as the discursive space in which individuals engage in 'rational-critical' debate. Habermas describes 'rational critical debate' as the public use of reason and non-facile criticism among private individuals who are engaged in free discussion on any matter of community interest. In this study, the public sphere perspective will be adopted to establish how the media functioned in driving the referendum debate.

This research is also informed by the sociological theory of news production. While being able to generate mass attention to social issues, the media possess unique power to shape debate by defining parameters and selecting key items for public discourse (Welch et al 2000). Numerous researchers (for example Tuchman 1978; Fishman 1990; and Schudson 1978) argue that news is a "socially constructed commodity" whose qualities depend heavily on internal and external factors. The internal factors include the media socialisation and

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political and civic organisations aspiring to manage and direct public affairs should conform to democratic principles in their internal organisations and practice.

newsroom organisational patterns, while external factors include sources, economic and political influences.

While the role of media in public discourse has been extensively researched in Western societies (e.g., Curran 1989; McQuail 1994), other researchers (e.g., M'Bayo et al 2000; Campbell 1998; and Sparks 1998) say the media in Africa are plagued by a multitude of problems that constrain their effective employment as vehicles for promoting desirable social change and energising civil society. These include various kinds of government controls, self-censorship among media owners and underdeveloped structures.<sup>4</sup> Students from this school argue that while African media generally serve small proportions of the population directly, the institutions have pertinent indirect effects because the media consumers also happen to be the main opinion leaders and shapers in society. As such, argues Campbell (1998), the media in Benin or Cote d'Ivoire are of national importance in spite of their size. This argument has been advanced in many studies of media in sub-Saharan Africa, especially in studies like Myers (1998) that investigate the role of mass media in democratic processes.

## **1.9 GOALS OF THE RESEARCH**

This study investigates the role of media in public discourse in polarised societies like Uganda. It seeks to establish the extent to which Uganda's print media shaped the referendum debate through provision of a discussion realm accessible for all peoples and opinions. The public sphere paradigm which greatly informs this research provides for rational-critical

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<sup>4</sup> In many African countries structures of government like the judiciary and the legislature are not well developed and are not independent enough of the executive to provide adequate checks to its excesses. Civil society organisations are also under-developed and are often not given sufficient freedoms to operate freely and to criticise the state. In such conditions, the media cannot be expected to be totally free to criticise the state and other powerful figures in society.

debate and access to the discussion by all citizens, so the study examines how far true this was realised in the Uganda case. The research thus seeks to answer such questions as, what was the quality of the debate and public discourse promoted by the media? Were all voices, including the minority, given attention? To what extent was there tutelage of the subordinate by the dominant? Was there the open rigorous debate that is the hallmark of democracy in a society with competing religious, tribal civil-military society? And considering the sociological theory of news production, could these ideals be realised?

#### **1.10 RESEARCH METHODOLOGY**

This research employs qualitative content analyses techniques to study page one articles, editorials and commentaries specifically related to the referendum, published during June 2000 in Uganda's two English daily newspapers.<sup>5</sup> Page one articles were chosen because they depicted what the papers deemed important news; while editorials and commentaries presented the views of editors and other writers. The two newspapers – the state-owned *The New Vision* and the independently owned *The Monitor* – were chosen because they are the only English dailies. They also have the highest circulation, with *The New Vision*'s daily circulation at 38,000 copies, and *The Monitor*'s 25,000 copies a day.<sup>6</sup>

Berelson (1952) notes that content analysis is a research technique “for the objective, systematic, and quantitative description of the manifest content of communication.” Hansen et al (1998) point out that the method does not analyse everything but primarily aims at identifying major patterns or aspects of media text for quantitative analyses. Increasingly,

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<sup>5</sup> English is the official language in Uganda, and the language of instruction in the formal education system. The country's literacy rate is 65 percent. The country has 52 local languages recognised by the constitution.

however, researchers are realising that content analysis should be complemented with qualitative approaches. Hansen et al (1998) warn that content analysis should not be carried out simply for the purpose of counting what can be counted in media content for any number of dimensions of texts can be categorised and counted. They suggest that while it is tempting to measure media quantitatively (e.g., column inches in a newspaper article) as an indication of the extent of coverage, qualitative analyses of the substantive characteristics of text irrespective of size is crucial.

The research will qualitatively study inherent meanings and interpretations in the published text. It will further investigate the stance of the newspaper coverage through multiple perspectives, including analyses of news sources and implications of sources on news values. There will be an investigation of the nature and social context of the news articles being examined, looking at the theme of the media reports, the issues being represented. Ultimately, the study will seek to establish how Uganda's daily newspapers tried to drive public debate and political discourse.

Development of content analysis as a formal method of social science inquiry took place in the years between the two World Wars, as well as in the major research programmes of Harold Laswell and his associates around the Second World War (Hansen et al). Earlier, some researchers like Max Weber had been working on systematic media coverage of various social and political issues in a pre-cursor to content analysis. Gerbner, 1972; Krippendorff, 1980; Neumann, 1989; Fishman, 1980; Holsti, 1969 and Ericsson et al 1987 are among those who

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<sup>6</sup> *Bukedde*, the leading weekly publication, sells 13,000 copies. The circulation of other weeklies is as low as 2,000 copies.

have helped propel content analysis to its present state where it is used in a diverse number of research areas. Some of the techniques they employed are borrowed in this study.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 INTRODUCTION**

This chapter reviews concepts and literature relevant to this study. It explores Jurgen Habermas's concept of the public sphere and the sociological theory of news production, which substantially inform this research, showing how they are relevant to democracy and to developing countries like Uganda which have various groups with divergent interests. The role of the media in democracy is also reviewed. A close look is given to the decades-old debate about the suitable political system for Africa and Uganda in particular, the suitability of referendums, and why Uganda had to hold one. Media coverage of referendums is also dealt with.

The media institution is a public sphere and should ideally be equally accessible to all citizens so they can take part in a rational and critical debate of the issues that affect their society (McQuail 1994; Bright et al 1999). Indeed the media does realise its key role of informing the electorate and providing a platform for exchange of views. But then, as it is shown below, the situation on the ground is far from ideal. On the other hand the process of 'manufacturing' news ensures that only certain topics are covered, that some personalities or organisations (for instance advertisers) get preferential treatment, and that politicians and other officials have their voices dominating the media, as they are considered the credible sources of information (Fishman 1990; Tuchman 1978; Schudson 1978; De Fleur and Rokeach 1989). Repressive

regimes in Africa have constrained the media role in building democracy, though in some instances the media have been accomplices. More notable media repression was evidenced under one-party regimes, but this does not necessarily mean they were less democratic than multiparty regimes. The chapter examines the issue of the suitable political system for a developing African country like Uganda, and the merits and demerits of using a referendum to decide a national issue.

## **2.1 THE CONCEPT OF THE PUBLIC SPHERE**

Jurgen Habermas (1989) develops the normative notion of the public sphere as a part of social life where citizens can exchange views on matters of importance to their common good. He describes it as the discursive space wherein individuals engage in rational-critical debate<sup>7</sup>. This public sphere comes into being when people gather to discuss issues of concern to them, be they social, political or otherwise. The media institution is located in the public sphere. This means that in principle it is available to all as receivers and senders. It also implies that the media deal with public matters for public purposes - especially with issues on which public opinion can be expected to form; and that the media are answerable for their activities to the wider society (McQuail 1994). In Habermas's conception of the public sphere, it operates in favour of the 'common good'<sup>8</sup>. This assumes that there is one undifferentiated public for whom a common good is possible; that there is only one public arena that works for everyone; and that this is a desirable state of affairs.

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<sup>7</sup> Rational-critical debate is defined by Habermas as that debate where there is the use of logic and non-facile criticism; and where all citizens are able to express their opinions and to disagree. 'Discursive space' denotes the arena in which discussions of public issues take place under the Habermasian concept.

The idealised public sphere is centred on the Enlightenment Project<sup>9</sup> of uniting reason with rule to form rational rule. It asserts that "the principle of popular sovereignty could only be realised under the pre-conditions of a public use of reason". Bright et al (1999: 314) say the bourgeoisie public sphere in 17th century Western capitalism was an exclusive one in which participation depended upon class, gender, education and other attributes. It thus failed to meet the fundamental principle of universal access "and at best represented the fiction of one (universal) public". Habermas suggests that real democracy requires that rational-critical discourse on issues of general concern take place within a public sphere of private citizens that is open to all.

Over the years there have been various criticisms of the concept of the public sphere, and concerns whether it ever existed; the semblance of the public sphere that existed in some societies has been deteriorating as a result of the development of capitalism. Critics of the theory (Thorntorn 1997; Elliot 1982; Garnham 1986) say in a society where there are different subgroups with different status and interests, participatory equality is achieved more effectively through multiple public spheres. Decision-making in dominant public spheres tends to advantage the dominant groups, by defining what is important and by setting the expressive norms and mode of discourse (Thorntorn 1997). Mills (1951, 1956; quoted in McQuail 1994) pointed to a decline of the genuine public of classic democratic theory and its replacement by shifting aggregates of people who cannot formulate or realise their own aims in political action. The regret had also been echoed more recently by arguments about the

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<sup>8</sup> The common good is said to be a state of affairs or a stand that is desirable to all people living in a particular society. But given conflicting interests in societies, it has been postulated by a number of scholars that attaining a 'common good' for all is very difficult, most times impossible.

decline of a 'public sphere' of democratic debate and politics, in which large scale, commercialised mass media have been implicated (Elliot 1982; Garnham 1986).

### **2.1.1 THE PUBLIC SPHERE AND THE PROBLEM OF TUTELAGE**

Under the public sphere paradigm, Habermas (1989) says there should be no tutelage if a true working public sphere is to be realised. Tutelage is referred to as the ability to deprive the public of the opportunity to say something and to disagree. It refers to some dominant or powerful sections of society dominating the debate, and influencing the issues on the public agenda, those to be brought out in the public discourse, and those not to.

Bright et al (1999:) say the modern era of mass communication is too often merely a form of tutelage, in which rational-critical debate is reduced to the consumption of unstudied opinion. To the extent to which the public lacks autonomy in formulating and expressing opinions, coerced or influenced ideas are “non-public opinion”. The argument here is that the media do not offer equal access to all citizens – with the politicians, advertisers and the elite having more accessibility than the other sections of society. Implied in this therefore is that the media play to the interests of these ‘privileged’ groups and the ideas the media portray are those favourable to, or influenced by these privileged groups.

Habermas has also been criticised (Fraser 1996) for contending that a unified public sphere is the best means of achieving universal access to debate, quality of discourse and ultimately, democracy. Fraser says in egalitarian societies a single public inevitably results in subordinate

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<sup>9</sup>The Enlightenment Project refers to ‘uniting reason and rule to form rational rule. It entails an increase in critical knowledge and education, plus awareness of their rights and freedoms.

groups debating under the auspices of the dominant sector, thereby precluding the generation of genuinely independent discourse by the marginalised. Fraser argues that "multicultural society only makes sense if we suppose a plurality of public arenas in which groups with diverse values and rhetorics participate".

In capitalist societies like Uganda, the problem of tutelage is very much alive because not all members of society have equal access to resources and to the media. And where the issue of discussion is of critical importance to the parties involved – for instance what political system a country should adopt – the likelihood of certain sections wanting to influence debate and opinion is quite high.

### **2.1.2 THE PUBLIC SPHERE AND DEMOCRACY**

Habermas (1989) suggests that real democracy requires that rational-critical discourse on issues of general concern take place within a public sphere of private citizens that is open to all. He says the public must have the opportunity to say something and to disagree, and to debate issues as equals. Habermas says political views and decisions in the sphere should be open not to the play of power, but to argument based upon evidence, and its concern should not be private interest but the public good. The public sphere is thus constituted as the space for rational and universalistic politics distinct from the economy and the state.

Concerns have arisen though (Garnham 1986), that the rise of capitalism is 'killing' the public sphere. The rise of the capitalist economy with the resultant monopoly capitalism have contributed to an uneven distribution of wealth, and rising entry costs to the public sphere. Garnham 1986 contends that the rise of direct control by private and state interests of the flow

of public information in the interest, not of rational discourse, but of manipulation are said to be leading to the disappearance or distortion of the public sphere. Shade L (2000) says, however, that the public sphere remains important in the current intellectual discourse because it tries to develop an alternative to the process of commodification and market-driven mechanisms. This is because ideally in the public sphere there are no restrictions on the range of viewpoints and there is equitable representation regardless of income.

The democratic nature of society demands that its members actively and intelligently participate in the affairs of their community (Rheingold 1993). It assumes that they are sufficiently well-informed about the issues of the day to be able to form the broad judgments required by an election, and to maintain, between elections, the vigilance necessary in those whose governors are their servants and not their masters. Rheingold says democratic societies therefore need a clear and truthful account of events, of their background and their causes; a forum for discussion and informed criticism; and a means whereby individuals and groups can express a point of view or advocate a cause. Building on the Habermasian concept of the public sphere, Rheingold (1993) asserts that:

The idea of modern representative democracy as it was first conceived by Enlightenment philosophers included a recognition of a living web of citizen-to-citizen communications known as civil society or the public sphere. Although elections are the most visible fundamental characteristics of democratic societies, those elections are assumed to be supported by discussions among citizens at all levels of society about issues of importance to the nation.

It can be seen therefore that an idealised public sphere would be a crucial tool for democracy because it would enable citizens to be informed about the key issues of the day and to take part in an intelligent and critical debate of those issues. The media, indeed, even while failing

to provide a true working public sphere, offer a crucial vehicle for building democracy by helping in the exchange of information between citizens and citizens, and between citizens and their governors; by offering a forum for making constructive criticism and development of alternative ideas and policies. It is evident then that if the media were able to provide even a semblance of the public sphere they would be critically important in building and upholding democracy.

### **2.3 THE SOCIOLOGICAL THEORY OF NEWS PRODUCTION**

A number of researchers (for example Hall et al 1978; Welch et al 2000: 246; Dominick 1996: 542-543) say the media are able to generate mass attention to issues and have the power to shape the nature of debate by defining parameters and selecting key items for public discourse. Other researchers still argue that news is a practical organisational accomplishment and news workers heavily rely on the bureaucratic definition of the phenomena they report (Tuchman 1978; Fishman 1990; Schudson 1978; De Fleur and Rokeach 1989). These researchers say the windows of reality that are provided by the press are shaped in part by the nature of the capitalist basis of the news industry itself. The arguments by both researchers are valid as can be evidenced by the media in most capitalist countries like Uganda. This is indeed the case in developing countries like Uganda where journalists are not well trained so lack expertise knowledge on a number of issues, the public is largely illiterate so cannot express opinion on some issues, and the pressure of deadlines and logistical constraints make the media heavily dependent on bureaucrats and other 'qualified' sources.

Tuchman (1978) posits that newswriters constantly operate under the threat of criticism of bias, and ultimately of libel suits. But insofar as the newswriters can assume that their critics uphold the same normative order of authorised 'knowers' that the newswriters uphold, journalists have a ready-made defence for whatever is printed. Namely, that 'the president or city councillor said so and he ought to know; if it turns out he's wrong, that's his mistake and not mine'. This, Tuchman argues, makes the media secondary rather than primary definers of issues.

Fishman (1990) adds that the logic of news reporting - deadlines, story quotas, need for conveniently locatable, expectable and dependable quantities of raw news - all have their rationale in the capitalist economy of news enterprises. He argues that in their quest to report factually about real happenings, journalists seek to get hard facts so go to the bureaucrats and officials, whose accounts they often treat as factual. In similar vein, Hansen et al (1998) say bureaucratically organised news institutions depend heavily on other, resource-rich, knowledge-disseminating institutions. Hansen et al say resource-poor, unorganised knowledge sources will find it relatively hard to secure favourable routine news entry.

The argument here is in support of the Marxist view that the power of the ruling class extends beyond the ownership and control of the means of material production by exerting influence over the means of mental production as well (Marx, P and Engels, F, 1965:61).<sup>10</sup> Welch et al (2000: 246) argue that by occupying elevated positions in the hierarchy of credibility,

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<sup>10</sup> Marx argued that the class with the means of material production at its disposal has control at the same time over the means of mental production hence "generally speaking the ideas of those who lack the means of mental production are subject to it".

politicians and government officials enjoy the privilege of offering to the media primary and self-serving definitions of issues.

Fishman (1990) concurs and argues:

This amounts to a moral division of labour: officials have and give the facts; reporters merely get them. Reporters are not entitled to know (in the sense of hard fact) what competent sources will not or do not tell them.

Similarly, Hall et al (1978) argue that the practical pressures of constantly working against the clock and the professional demands of impartiality and objectivity combine to produce a systematically structured over-accessing to the media of those in powerful and privileged institutional positions. Hall et al say, “The media thus tend, faithfully and impartially, to reproduce symbolically the existing structure of power in society’s institutional order.”

Mendelsohn (1996: 240) posits that the “public” and “public will” are partially constructions; that politicians regularly try to manipulate the media’s interpretation of public opinion; and that the media’s assessment of public opinion and the true state of public opinion are often at odds. Hence, as it is often in their interest to manipulate the public opinion, politicians always try to use the media for their self-serving interests. As a result the media often fail to portray their own opinions, or the opinions of all sections of society – they become secondary rather than primary definers of issues.

But there are other constraints to the media, which are worth studying in order to understand the process of news ‘manufacturing’. Noting that space and time are dear and that all news accounts must be summaries, De Fleur and Rokeach (1989: 260-261) argue that there is an

inevitable loss of detail in any article that attempts to focus on the key facts and ignore others.

They add:

Furthermore, there is the problem of capturing and maintaining attention in media industries that are dependent upon advertisement as their main source of revenue. Those stories and facts that are likely to raise circulation, which leads to attention to advertisements, which in turn leads to profits, must inevitably have a strong claim to scarce space or time.

It is a view shared by Hartley (1990:130) who argues that the history of news has been the history of a translation from popular defined as ‘for the people’, to popular as ‘for the market’. Hence, he adds, the way news is produced resembles in many respects the way commodities are produced, and that one of the commodities newspapers like to produce is readers. “Unable to survive at a price people can afford to pay without including advertising, newspapers deliver readers to advertisers,” Hartley says (1990: 130).

Uganda is not far different from the cases enunciated above. Ugandan journalists endeavour to write factually, and politicians and government officials are the dominant news sources. It would be interesting then, to explore whether it was the ‘authoritative’ sources<sup>11</sup> that drove the referendum debate; or whether the common citizen and the media acted as primary definers and played a leading role in the debate. Moreover, one of the newspapers under review, *The New Vision* is government-owned and would perhaps be more inclined to advance the views of state officials. Both *The New Vision* and *Monitor* are published in English, which, while being the official language, is still an elitist language that only a fraction of the population can express themselves in. There was the possibility then that these

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<sup>11</sup> According to the sociological theory of news production, authoritative sources are the officials and experts in society who are deemed authorities to comment on an issue and give it credibility. They are often the sources of news.

newspapers only pandered to the interests of the educated classes and that therefore, while having an effect on public opinion, they were not able to provide a public sphere accessible and desirable to the entire Uganda society.

## **2.4 THE MEDIA AND DEMOCRACY**

Habermas emphasises the critical role of the media in the public sphere, distinguishing between the early press who highlighted political controversy and the more recent development of media that commodify the news. He outlines the development of newspapers in the early 17th century, commenting that the press "was for the first time established as a genuinely critical organ of a public engaged in critical political debate: as the fourth estate" There are several issues of concern to scholars with regard to the public space and media: how can citizens participate? How can access to means of production and consumption be assured for all? Free speech versus censorship; and the need for standards in community (Shade L. 2000).

Curran et al (1989) argue that the main way in which the media matter in modern liberal democracies is by facilitating the functioning of society. A number of researchers (for example Curran et al 1989; Elliot 1982; and McQuail 1994) have argued that the media inform the sovereign electorate; act as a two-way channel of communication and influence between government and governed; and provide a check on the abuse of state power through the disclosure of information. The media also assist in the aggregation of interests within the political process, provide a channel of communication between elites, facilitate the revision of the aims and policies of society through collective debate; and help society identify social

problems and strains and adopt appropriate political remedies. These 'functions' are all manifested in the light of the public sphere paradigm

Commenting on the place the media occupy in the public realm, the Royal Commission on the Press (1949) said:

A democratic government rules according to the consent of the governed. Knowledge is essential to the governed if they are to give their informed consent. Today's 'public sphere' is so dominated by the mass media, almost all obeying the capitalist imperative to maximise profits, that news in some media organs is non-existent, tabloidised infotainment in others, sensationalist, phoney and mendacious in most and commoditised in all but a very few.

There is a rich literature on the role of the media in public discourse. McQuail (1994; p1) says rightly that the media is "the major source of definitions and images of social reality... the place where the changing culture and the values of societies and groups are constructed, stored and most visibly expressed". It gives 'meaning' or definition to the society. Hall et al (1978: 62) say concentrated media attention confers the status of high public concern on issues that are highlighted as these become generally understood by the public as the pressing issues of the day. This is part of the media's agenda-setting function.

In exploring the media's role in democracy, Bright et al (1999) have written: "Habermas suggests that real democracy requires that rational-critical discussion on issues of general concern take place within a public sphere of private citizens that is open to all." Another prerequisite for rational-critical debate, they add, is for the public to have the opportunity to say something and to disagree. This is to a large extent played out in the media.

In many societies, the media feel it is their duty to protect the interests of the citizenry against potential abuse by the government. But while the media may have big potential, not all schools of thought agree with the notion that the media have much power or influence on society. Some, like the leftist political economy perspective, hold that the media merely serve the interests of the dominant classes in society, that is the rich and the powerful. In light of these schools of thought that run counter to what the idealised role of the media is under the public sphere, it would be interesting to explore how the media played it out in the Ugandan context during the referendum.

Tracing the connection between the media and democracy, Craig (2000: 488) argues that journalism needs to be conceptualised as a vital instrument in the production of both democratic and governmental impulses. He says journalism's features like its communicative reach, its daily form and its ability to negotiate heterogeneity make it ideally suited to represent the complexity and flux of national life.

But within the capitalist world the media may be constrained from providing a true public sphere that can effectively contribute to democracy, partly because of the nature of the process of news production but also owing to the relationship of the media to other institutions in society. Herman and McChesney (1997) contend that commercial considerations by the private media are threats to the public sphere. They argue:

A concentration of media power in organisations dependent on advertiser support and responsible primarily to shareholders is a clear and present danger to citizens' participation in public affairs, understanding of public issues and thus to the effective working of democracy.

They add that owner and advertiser domination give the commercial media a dual bias threatening public sphere: they tend to be politically conservative and hostile to criticism of a status quo in which they are major beneficiaries. As they are concerned with providing a cordial media environment for advertising goods, it results in a preference for entertainment over controversy, serious political debate and discussions and documentaries that dig deeply, inform and challenge conventional opinion. Herman and McChesney (1997: 6) posit that "this media/advertisers' complex prefers entertainment over cultivation of the public sphere".

Certainly, there were conditions obtaining in Uganda at the time of the referendum that could have impacted greatly and negatively on the role the media could play. Murdock (1990:4) has argued that:

Communication systems connect a productive system rooted in private ownership to a political system that pre-supposes a citizenry whose full social participation depends in part on access to the maximum possible range of information and analysis and to open debate on contentious issues. Since this dual formation of liberal democratic capitalism first emerged, sceptics have been asking how far a communications system dominated by private ownership can guarantee the diversity of information and argument required for effective citizenship.

The newspapers under review are both very commercial-oriented, though one of them, *The New Vision*, is government-owned. Neuman (1992:137) has perhaps given the sharpest criticism of media in capitalist settings. He argues that in America, "the very nation where the media sees itself as the unflinching upholder of the public good", it is profit-making that is foremost on the agenda of the communications industry. He adds:

The American communication system, although it is infused with politics and embedded in the political system, is private and commercial. Dollars buy space in the marketplace of commercial entertainment and information, and bigger dollars buy more space, longer speeches, and louder voices. There are many voices, and one can

listen to whichever strikes one's fancy, but if there is a voice in the air or a printed document at hand, almost surely someone paid upfront to put it there.

Democracy is a system of governance wherein the ordinary citizen exercises a relatively high degree of control over leaders (Heartlands 1994). It hinges on the concept of popular sovereignty - which holds that political authority derives from the people, the state exists to enhance the individual, his or her rights and liberties - and not the other way round. Says

Heartlands:

Democracy is a concept at the root of which lies the idea of popular power, a situation in which power and perhaps authority too, rests with the people. In representative governments there should be periodic voting by citizens to appoint elected representatives to govern. While elections are an important part of representative democracy, the strength of representative democracy depends on an informed electorate, which in turn is dependent on the media for much of its information.

According to Goumba (1999), democracy is a political system in which sovereignty is exercised, in principle, by the people or their elected representatives, following free, regular and neutral elections. The pillars of an authentic democracy then are free and fair elections, sovereignty of the people, the majority principle, recognition and respect for minority rights and government based on the consent of the governed.

But while the media may have a big role to play in politics, in Africa they have not always lived up to expectations. M'Bayo et al (2000: 66) accuse the media in Africa of not doing enough to encourage the emergence of good governance. While acknowledging that African media played a key role in the independence movements, they say:

The danger is not that Africa will forever remain politically bedevilled. Rather it is that African media and civil society are not contributing enough to speed up the inevitable inauguration of a new political climate founded on popular participation and

the other trappings of a new political democracy (as is the case in many other parts of the world).

The suggestion by M'Bayo et al is that the media are potentially a catalyst for evolution in society but that in Africa the media have not effectively played this role. Nwanko (2000: 333) says during the period of European political colonisation of Africa, the African press was not recognised by the colonisers as a legitimate political institution of the African society. He observes:

Nevertheless the African press did, in some specific African societies, find a niche role as an effective partner in the movement for political independence, hoping, even if mostly through propaganda, to raise political "conflict to the level of discussion."

Berger (1999) argues along similar lines, pointing out that after independence much academic writing on Africa, including of African media, was focused on "development" concerns and that it was only in the 1990s when struggles on the streets put democracy on the political agenda, that the relationship between the media and development in Africa attracted significant attention.

It is argued by M'Bayo et al (2000) that a free press system is considered one of the foremost instruments of transparency and for this it becomes one of the first victims of suppression in repressive societies. This has been the case in several African countries, and thus some sections of the media have been forced to toe the official line in order to avoid getting into trouble.

Kasoma (2000: 207) argues that before Zambia turned to multipartyism in 1990, the country's press consisted largely of "a dull melodrama of tightly controlled official media trying, against all odds, to report the truth to an unbelieving public". Kasoma says President Kenneth Kaunda, who ruled the country for 27 years, wielded great influence over the press, including the appointing and dismissing of editors.<sup>12</sup> But the multiparty era and the mushrooming of privately owned newspapers in Zambia and other countries has resulted in a more critical press (Kasoma 2000: 208; Campbell 1998: 17). It is noteworthy that in some countries where multipartyism has not been embraced, sections of the media have assumed the role of the political opposition. Campbell J. (1998 p9) says one newspaper, *La Voie*, helped broaden public consideration and discussion of issues and policies in Cote d'Ivoire when debate and dissent were repressed by an authoritarian, single party regime.

M'Bayo and Moge kwu (2000: 124) identify another problem with African media, notably in Sierra Leone where journalists disregarded the truth and fairness and used the press for personal vendettas. The journalists also sought gifts and favours in order to publish or 'kill' a story and took sides with competing factions or special interest groups. Campbell (1998: 11) has also pointed to limited professional experience and training among African journalists as factors that have undermined the credibility of the emergent independent press on the continent.

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<sup>12</sup> Such interference in the running of state media, it should be noted, took place in several despotic African countries. But it was not an exclusively African affair. Sparks L. (1998) in '*Communism, capitalism and the mass media*' (London: Sage) writes that, "In Poland, Hungary, Czechoslovakia and the successor Czech and Slovak Republics the process of direct government intervention has gone far beyond a mere adjustment of the leading personnel at the broadcasters to suit the new political climate. What the regular and frequent interventions of politicians did was to establish the custom and practice that the ability to intervene in

Given this background on the African media's involvement in politics, it would then be important to find out whether the press in Uganda were enlightening citizens about their rights and obligations, facilitating debate among them and encouraging them to participate, or not to participate in the referendum.

## **2.5 HISTORY OF THE MEDIA AND POLITICS IN UGANDA**

Traditionally, Ugandan media have been quite involved in politics, many times openly supportive of a particular side. The first press involvement in politics was in the 1920s when colonialism was taking root and the press attacked the excesses of the British protectorate government. While the first newspapers in the country were religious<sup>13</sup>, the political newspapers came to the scene in the late 1920s and early 1930s. They became especially active, however, in the 1940s. Gariyo (1993) says through the 1940s newspapers like *Munyonyozi*, *Gambuze*, and *Doboozi* opposed Indian monopoly over import trade and control of marketing agricultural products; and also opposed continued British rule.

Says Gariyo (1993):

*Doboozi* newspaper castigated the colonial regime for its high-handedness and its refusal to listen to the voice of the people. Secondly and much more importantly, [it] questioned the rationale of British colonial policy, thereby sowing the seeds of anti-colonial struggle.

The protectorate government itself set the trend of truly political papers by establishing *Uganda Gazette* in the 1940s. The colonial government was clearly aware of the dangers an

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broadcasting, and in particular state broadcasting, was part of the prerogative of the government of the day. The direction of broadcasting was thus not only politicised, but party politicised.”

<sup>13</sup> The first newspaper in the country, *Mengo Notes*, was published by the Church Missionary Society. The Catholic Church published the second newspaper, *Munno*, in 1911.

independent press posed to the status quo, hence it devised a number of measures to rein the media. This was especially through enactment of repressive legislation and establishment of its own propaganda machinery, including a string of vernacular language newspapers.

In 1952 the colonial government established the department of information to “counteract rumours and combat subversive propaganda which might be aimed against the Uganda government” (Okullu 1993). Governor Andrew Cohen had pointed out, upon being posted to Uganda, that “Government without a developed information service is like a dumb politician trying to win an election in his country” (Okullu 1993).

Despite the harsh laws, the private press continued calls for democracy and independence. One possible explanation for this is that there was almost no other form of association other than through the press. Gariyo (1993) says it was only later in the 1950s and primarily as a result of press agitation that co-operative societies, trade unions and political parties were allowed. He adds:

Enactment of harsh laws to control the press and to prohibit people from having access to alternative views did not stop the emergence of a new type of press, more conscious of its potential and ability to effect change. The beginning of the 1950s saw the emergence of a new type of press which was grown out of struggle and which had a new agenda to present to the people of Uganda. That new agenda was independence, and the press was willing to reach any heights to put forward its demands. For this purpose the democratic struggle had reached a decisive stage and no amount of bullying could stop it.

By the time Uganda got independence in 1962, the country’s media was very much involved in politics. But then post-independence governments turned out dictatorial and increasingly muzzled the press. The country was young and independent, so government required the

media to help the country stay united, and to develop, rather than to be critical of government policies (Hachten 1971). Amnesty International (1989) says under Idi Amin's regime "critical publications were banned and journalists detained, killed or forced to flee for their lives".

The government that succeeded Amin's banned a number of critical publications, including *Ngabo*, *Enomony* and *Citizen*, and arrested some journalists. Up until 1986, the respective governments continued detaining journalists and banning publications. Museveni's government has through the years banned some publications and continues to arrest and detain journalists. In this environment then, it became very difficult for the media to drive political debate and provide a platform for views contrary to those of government. Museveni's regime has, however, provided more freedoms for the media to carry alternative opinions than previous regimes did, which is why the media has become more involved in debating the democratisation process. Mwesige (1993) since public media has been decidedly pro-government and given the lack of an effective political opposition, it became critically important for Uganda to have an independent press.

But the problems that constrain African media's role in democracy are also prevalent in Uganda: low circulation, poor facilitation, untrained reporters, low readership levels, et cetera. All of these impact directly on the way journalists perceive and communicate issues not only to do with governance, but also other aspects of society<sup>14</sup>. Newspapers also reach far fewer

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<sup>14</sup> One key result of such occupational problems is a low level of professionalism, manifested in unbalanced, false, inaccurate reports and being easily manipulatable by political and economic interests. Uganda has a number of laws that seek to promote professionalism in the

Ugandans than radio and television<sup>15</sup>. Steadman (2002) says 90 percent of Uganda's households claim to own a radio, while a third of the country's households claims to own a TV set. Mwesige (1998) says the African oral tradition and the low literacy rates in Uganda in a way make radio and television more powerful mediums compared to newspapers. The broadcast media reaches virtually every part of the country and have programmes in several local languages, which place them at an advantage compared to print media.<sup>16</sup> The Ugandan press coverage of the referendum should then be seen in the wider context of the media landscape in the country, and how the English print media fits in it.

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media but they have largely not been effective. The professional code of ethics under the Press and Journalists Statute 1995, says:

- (i) No journalist shall disseminate information or allegations without establishing its correctness or truth.
- (ii) No journalist shall disclose the source of his/her information and shall only divulge them in the event of an overriding consideration of public interest and within the framework of the law of Uganda.
- (iii) No journalist shall solicit or accept bribes in an attempt to publish or suppress the publication of a story.
- (iv) A journalist shall not plagiarise the professional work of others or expropriate works or results of research by scholars without acknowledging their contribution and naming his/her sources of information.
- (v) A journalist shall obtain his/her information through the skilful application of journalistic principles and shall never bribe or offer inducements to sources.
- (vi) No journalist shall deny any person with legitimate claim a right to reply a statement. Correction and rejoinders are to be published in appropriate form without delay and in a way that will be noticed by those who have received the original information.
- (vii) A journalist shall at all times strive to separate his/own opinions from factual news. Where personal opinions are expressed, the public shall be made to know.
- (viii) A journalist shall take the necessary steps to correct any damaging report made on any individual or organisation.
- (ix) A journalist shall not originate or encourage the dissemination of information designed to promote or which may have the effect of promoting tribalism, racism or any other form of discrimination.

<sup>15</sup> Uganda All Media and Product Survey, 2002.

<sup>16</sup> The Uganda Communications Commission says up to 60 radio stations and four TV stations are on air. Over 120 radio stations have been licenced.

In summary, we have demonstrated that the media is crucial in a democracy by holding leaders accountable, enabling debate, and informing citizens of the part they can play to promote democratic governance. But then from the above discussions, we notice that in this age there are a number of contradictions that threaten to fundamentally lower the significance the media will give to issues of good governance. It is a dilemma which both private and public media face, and which the Ugandan press under study faced.

## **2.6 REFERENDUMS AND DEMOCRACY**

In a referendum, the electorate in a certain locality is asked to vote on a contentious issue to advise on the way forward (Bright et al 1999; Budge 1996; Clark 1999). But there are divergent views on whether a referendum is good for democracy, and even whether it is expedient to hold one, especially in polarised and under-developed societies. There are clear advantages: referendums enable ordinary people to make decisions 'themselves' which may make such decisions more legitimate than those made by a few officials on behalf of the general public. And when people participate in making decisions they are more likely to respect them than decisions made on their behalf by a few individuals. Mendelson and Cutler (2000: 686) point to arguments that referendum campaigns can increase politicisation, political knowledge and efficacy, addressing at least in a small way, the 'democratic deficit'.

They say:

Many proponents of direct democracy suggest that representative institutions, by their nature, depoliticise the average citizen; direct democracy, by contrast, would increase citizens' interest in politics and thus stimulate popular participation

Besides, a referendum initiated by the opposition or by citizen petition makes the referendum a constitutional safeguard that forces rulers to submit issues to a plebiscite (Butler and Ranney

1994: 824). Setala (1999: 327) notes that the number of referendums introduced by citizens has increased wherever they are constitutionally provided, namely Italy and Switzerland. This suggests that the citizen's interests of the citizens could more effectively be taken care of, as they could periodically have a direct say on matters that concern them. And while there are concerns that citizens may not be able to gather enough signatures to elicit a referendum, Clark (19989: 1564) says that in some American states this qualification process has been highly professionalised with paid signature gatherers employed to supplement or replace volunteers.<sup>17</sup>

There are, however, arguments that referendums are a slight on democracy and good governance. Oakesholt (1991: 380; quoted in Setala 1999) says the referendum doesn't empower the citizen but generates a government with unlimited authority to make choices on behalf of citizens. This is because the referendum gives the government the mandate to take a particular action and whenever the merits of that action are questioned, the government claims 'the people' freely chose that particular course of action. Butler and Ranney (1978: 221) say governments only submit issues to referendums if they are certain they will win. They argue:

Referendums are held infrequently, usually only when the government thinks that they are likely to provide a useful ad hoc solution to a particular constitutional or political problem or to set the seal of legitimacy on a change of regime.

Clark (1999: 1569-1570) argues that plebiscites suffer from a range of practical difficulties. He says, "given realities such as confusing and poorly drafted ballot issues, uninformed voters, limited and uneven voter turnout, and the pervasive influence of money," it is fair to

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<sup>17</sup> Clark (1999) notes that since Dakota adopted the plebiscite a century ago, a number of American states have been testing the efficacy of direct democracy. By 1999, some 24 states and the District of Columbia had adopted the initiative.

ask whether referendums ever identify the preferences of an informed and considerate majority.

Clark (1999) says it is not clear that the plebiscite would be capable of 'hearing the voice of the people' even if the practical problems were resolved:

Even a perfectly conducted plebiscite would disregard the intensity of preferences and thereby submerge inter-issue priorities. On this understanding, the "preferences of the majority" and "the value of the people" are two different things entirely, with the latter including information about the relative importance of issues. Single-issue majority votes may tell us what the most people want, but they cannot tell us what the people want most.

Similarly, Lacy and Niou (2000) concur that when voters have "non-separable preferences" for the issues under consideration, referendums are unable to capture the complexity of those processes. The argument here is that the choices offered to voters by referendums are often limited – with the voters having to choose either yes in support of the referendum question, or no. The voters are not allowed to say 'yes but...' hence many alternative choices are left out. In this case a voter is forced to fit into one side even when they have reservations about that particular side.

Mendelsohn and Cutler (2000: 686) note that the most common criticism of referendums is that they provoke the polarisation of political discourse, usually on symbolic or emotional issues, and hence activate authoritarian tendencies, tribal loyalties and a vulgar majoritarianism. Setala (1999: 330) posits that it may be assumed that parties most likely to be in the governmental office are particularly cautious to adopt law controlling and especially popularly introduced referendums, because their use is largely beyond governmental control

and they may be targeted against government policies. Setala adds that referendums cause delays in decision-making and are quite an expensive means of resolving issues.

In the same vein, Lacy and Niou (2000: 6) note that many people oppose direct democracy because they distrust the abilities of the average citizen to make political decisions:

They worry about the susceptibility of the public to well-rehearsed and well-financed campaigns by special interests. They also worry about the impact of the initiative and referendum on other political institutions, such as parties and legislatures.

Butler and Ranney (1994) adopt a similar position:

Ordinary citizens have neither the analytic skills nor the information to make wise decisions; decisions by elected officials involve weighing the intensity of preferences and melding the legitimate interests of many groups into policies that will give all groups something they want; decisions made by representatives are more likely to protect the rights of minority groups; and allowing elected officials to be bypassed and encouraging officials to evade divisive issues (by passing them on to voters) weakens the prestige and authority of representatives and representative government.

But Lacy and Niou (2000: 6) point out that while most opponents of referendums indict the ability of the average citizen to comprehend politics, few opponents indict the ability of referendums to represent the average citizen. Clark (1999; 1573) concurs:

The plebiscite moves decision-making away from an arena in which a range of issues are considered in connection with each other over a period of time, to an arena in which issues are addressed in isolation, one at a time.

Mendelsohn (1996: 450) suggests three key dimensions on which direct democracy should be evaluated. The first measures the degree of majoritarianism found in the process, arguing that majoritarian processes tend to have decision rules which favour winner-take-it-all outcomes. The second dimension measures the extent of organisation found in the process, while the third measures the extent of deliberation found in the process.

Hundreds of referendums have been held around the world (Mendelsohn 1996; Butler and Ranney 1994; Bright et al 1999; Clark 1999). The achievement of universal suffrage in the second half of the 20<sup>th</sup> century made referendums increasingly popular in several countries (Bogdanor 1999 and Setala 1999). In Western Europe, the evolution of the European community was greatly affected by referendum outcomes. Writing about Australia's experience, Irving (2000:113) notes that there were referendums in every single decade in the last century. The 1910s, with 12 separate questions, and the 1970s with 10 questions, had the highest number of referendums in. Chile and South Africa have used referendums to emerge from old regimes. New Zealand and Italy have used them to transform the governing system. In Eastern Europe, boundaries, sovereignties, and governing institutions have been extensively tested by referendums following the disintegration of the Soviet Union. In several other places like Quebec, they have been used to decide on sovereignty issues.

In Panama's 1998 referendum, voters rejected proposed constitutional reforms that would have permitted president Ernesto Perez Balladres to stand immediately on completion of his term of office for re-election to an additional five-year term (Gandasegui 1998: 159). Some 64 percent of voters rejected the proposals. Gandasegui (1998: 166) says though the state manipulated the process, the censure was much the same throughout the country but most pronounced in areas hardest hit by unemployment and economic depression. This would suggest that referendums can actually act as a check on the executive and that it does not always do what it wants through the referendum.

While research in African referendums is scant, Strauss (1992) and Ottoway (1994) are notable examples of studies of South Africa's 1992 referendum which paved the way for a new political dispensation in place of the minority apartheid regime.<sup>18</sup> Uganda held its first referendum in 1964 to decide to which kingdom a contested district belonged to.<sup>19</sup>

In a study of Uganda's 2000 referendum, Bratton and Lambert (2001: 433) say newspapers did not adequately highlight the pertinent issues that affected the referendum results. These issues included poor civic education, lack of a law to regulate the activities of political parties, use of state resources by government officials who campaigned for the Movement, use of force to harass the opposition, material inducements to voters and the fear of possible retribution for voting 'wrongly'<sup>20</sup>. The study suggests that the referendum was an expensive exercise that may not have reflected the true aspirations of the Ugandan people.

Bratton and Lambert cast a shadow on the role the media played in informing the public about the referendum, saying instead most people heard about the referendum through informal channels like friends and family. Commenting on the fairness in coverage, Bratton and Lambert write:

The research asked respondents to rate radio, television and newspapers by standards of fairness. Whereas 57 percent thought that the media were balanced in their coverage of the campaign, 43 percent found them biased. If the media bias was perceived, it was more often seen to be more biased in favour of the government side (77 percent) than towards the opposition (23 percent).

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<sup>18</sup> Besides South Africa, there was a referendum in Malawi in 1992 to decide on whether or not to open to political pluralism, and in Zimbabwe in 2000 to decide on new powers for the president and the land reform programme.

<sup>19</sup> Ibingira (1973) says the dispute over the district assumed such a threatening magnitude for Uganda's future stability that a commission appointed by the British colonial government to map out an independent Ugandan state recommended that a referendum should settle the matter.

<sup>20</sup> During the referendum campaigns government officials said the country would sink into chaos if multipartyism was chosen, and that those who would vote for parties would be held responsible.

McAllister (2001: 247), who studied media coverage of a national convention that paved the way for Australia's 1999 referendum, argues that since there are no partisan cues<sup>21</sup>, the political context within which the referendum voting takes place assumes greater significance. Equally, McAllister argues that the roles of the mass media, the major political personalities and sometimes non-governmental organisations, become critical.

While referendum use has been a contentious issue and not very old and widespread in Africa, its advocates in Uganda (Kabwegyere 2000; Mugaju and Onyango 2000; Museveni 1996) said it was the best way through which "the people could decide" and that this, indeed, was the hallmark of democracy.<sup>22</sup> Direct democracy has a bearing on the concept of the public sphere because both are hinged on the equality of all people in a society, who face a pressing issue and seek to redress it equitably through the participation of all (Lacy and Niou; Mendelsohn and cutler 2000). As such it was pertinent to see how the media were articulating arguments for and against the referendum, as well as the referendum's suitability in determining the country's political system.

## **2.7 AFRICA'S DEMOCRACY DEBATE**

Lack of democracy in several African countries has severally been blamed for the civil strife and economic stagnation. However, there is no agreement on the most suitable form of democracy for the continent. In Uganda the need to hold a referendum was occasioned by the

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<sup>21</sup> By 'lack of partisan cues' McAllister refers to the lack of candidate or party names on the ballot, and to the fact that the choices that voters must make "are often unfamiliar and frequently complex".

<sup>22</sup> "No one can halt the referendum", *The New Vision*, June 11 2000, p.27.

need to adopt a system that would ensure democracy.<sup>23</sup> In other parts of Africa, as we point out below, there has been debate on whether democracy is desirable before there is development; and indeed of what democracy itself means.

Goumba (1999) notes that there has a view in parts of Africa that democracy is not for the under-developed countries, but a luxury for the developed world; and that democracy must wait till a country has developed economically. This, he says, in effect makes democracy a by-product of development and not a right that all societies should enjoy. Goumba contends that with such “erroneous arguments”, democratic freedoms have been wrongly confiscated to the advantage of dictatorial and egoistic regimes. He says such regimes are frequently bloody, undermined by corruption and unable to improve the lot of the people. Goumba says wars, secession attempts, military coups d'etat, ethnic genocide and destitution have been the result of attempts by African regimes to stifle democracy, Goumba (1999) says.

Otunu (1987: 68) says failure by political parties to ensure good governance and to satisfy various interest groups in society resulted in military take-over of over of government. He says in Uganda the Uganda Peoples Congress (UPC) used the conservative Kabaka Yekka party to gain power and later dumped it, instead encouraging defections by opposition Members of Parliament. Tensions between UPC and the opposition parties had resulted into the overthrow of the country's first president and constitution, and the imposition of a one-party state.

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<sup>23</sup> Article 69 (1) of the Constitution provides that “the people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda.” Article 74 stipulates the grounds

Mak'Ochieng (1999) says several African states have seen a tendency toward the creation of monolithic political institutions, a development partly attributed to the propensity by their rulers to deprive their subjects of the right to contribute to discussions about their wellbeing and to question how their governments went about achieving the national wellbeing. Mak'Ochieng adds that there has been a systematic suppression of organised opposition, and the elimination of all forms of dissent saw the establishment of one-party states or military regimes.

It is argued (Mak'Ochieng 1999; Anyang Nyong'o 1997) that in the face of the enormous problems facing many African countries - wars, secession attempts, military coups d'etat, ethnic genocide and destitution - some African leaders said it was necessary to abridge civil and political rights in order to accelerate development. What is implied by this position is that human and political rights have to come secondary to the imperatives of economic development because the two cannot be pursued simultaneously. Therefore, the argument goes, it is collective development and not individual rights and freedoms that need to be emphasised. Says Mak'Ochieng:

Some of the features of collective development were seen to be national identity and national unity. It was argued that during this initial period of growth, stability and unity had to be sought, criticism minimised and public faith in government institutions and policies had to be encouraged. The result of this can only be seen to have been enforced or imposed consensus in the name of national development, and this was clearly at variance with the more enlightened view of development.

This thinking is indeed said to have implications for the role of the media in the political sphere of African countries. It gives an insight into how the media is expected and sometimes

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under which a referendum may be held to change the political system.

made to serve the same interests that work against democratic practices and abridge fundamental human rights, all in the name of development.

The implications for this orientation are that the mass media must cooperate by stressing positive, development-inspired news, by ignoring negative societal or 'opponentist' characteristics and in turn by supporting governmental ideologies and plans. Government ownership and suppression of the media are then justified for the reason that they need to inform the people about plans and programmes and to mobilise them for development, using all channels available.

Davidson (1992: 205-206) says while several African states adopted the British and French models of government, the conditions in Africa were not suitable for them. He says Africa had not yet developed recognisable social classes of the sort these European countries possessed, and on which the parliamentary system depended. "Regional or territorial interests were what now flowed into the 'party-political' compartments of the parliamentary structure," Davidson notes. "Often, though not always, they assumed an ethnic guise, especially wherever ethnic groupings or nationalities were numerous and economically expansive". That had caused conflicts on the continent and many times resulted into coups d'etat and imposition of single-party rule. Davidson says for many decades thereafter, African states had to endure "clientist single party rule with all its openings to dictatorship or else multiparty rule, which has simply led to other forms of clientist corruption".

But just as there has been no agreement on whether Africa needs democracy now, so has there been divided opinion on what political system would bring democracy to the continent. Goumba (1999) says democracy requires political freedom, and that political freedom leads necessarily into the multi-party system since the interests of persons and of social classes are different. He argues:

In a society on the scale of a nation including individuals of all sorts - rich and poor, believers and free thinkers, intellectuals and illiterates, employers and employees, individuals of all socio-professional groups, of different ages, status and sex, etc., it would be foolish to imagine that the shanty town poor and the middle class, the bosses and their workers, all the players in society have the same interests, hold the same opinions and political aspirations, and may or must undertake the same project. The merest common sense and the simplest logic rule out this nonsensical idea.

Goumba postulates that the single party, “by definition 'a group of persons united by the same thinking, the same interests, the same political project' and imposed on Africa by the tyrant and other dictators”, must be exceptional and limited, democracy being the logical universal rule by which all societies worthy of the name are bound. Individuals have different ideas and interests, and indeed banding them together under a single party may probably not be the best vehicle to achieving democracy.

It follows, according to this thinking, that the multiparty system, which assumes the existence of parties reflecting the nation's major political sensibilities according to the interests of their class, is a decisive factor in the expression of democracy, and hence of a country's social and economic development. Proponents of the multiparty platform say the existence of divisive forces in Africa merely requires that the right precautions and measures be taken to neutralise such forces, and not that the multi-party system be abolished.

But then, political parties have severally failed to deliver in Africa. Summing up the performance of post-independence African states, Davidson (1992:290) says:

If the postcolonial nation-state had become a shackle on progress, as more and more critics in Africa seemed to agree by the end of the 1980s, the prime reason could appear in little doubt. The state was not liberating and protective of its citizens, no matter what its propaganda claimed: on the contrary, its gross effect was constricting and exploitative, or else it simply failed to operate in any social sense at all. Its overall consequences were in any case disastrous.

The biggest flaw in the multiparty system has been said to be the production of ethnic majorities that oppress and exclude minorities. Anyang' Nyong'o (1999) argues that this ethnic, regionalist, political or religious exclusiveness, supposedly in the name of a majority of like nature, can only lead to confrontation and civil war. He says:

With these types of debased majority, which deny all rights to the minorities, which prevent any share in power for such minorities, whatever the personal skills and merits of the majority of their members, it is impossible to apply the rules of a genuine democracy, particularly in Africa where the clans, tribes, regions and sects form themselves into political parties.

Tracing the origins of the parties on the continent, researchers (Anyang' Nyong'o 1999; Hodgkin 1961; Emerson 1961; Davidson 1992) note that during colonial times Africans were not allowed to participate in politics, nor could they form political parties. They were in the main regarded as subjects and not citizens. But owing to the strong desire for Africans to take part in governance and to attain just governance, they went ahead despite the hardships and formed political parties.

It was not until after the Second World War that, owing to nationalist pressures for freedom and reforms, strong groups emerged which sought to mobilise the people against the colonial regimes. But resistance groups had sprung up in parts of the continent even before the war

though they did not always score great successes. Some of these nationalist movements were organised around trade unions, ethnic and regional associations or peasant revolts against exploitative and repressive agricultural policies (Morgenthau 1964; quoted in Anyang' Nyong'o 1999).

It was when sections of the public felt their leaders were deficient and started demanding for unfulfilled interests that new African governments - feeling their power was threatened - moved fast to use administrative state power, already developed under colonial rule, as the basis and instrument of their power. This marked the emergence of one-party states in several African countries. Parties ceased to be mass movements and became instruments for political control rather than mobilisers of society for popular participation (M'Bayo et al 2000; Anyang' Nyong'o 1987; quoted in Anyang' Nyong'o 1997).

Power became highly centralised, local authorities were subordinated to the centre, traditional rulers were eliminated (as in Uganda) or effectively brought under the party control (as in Tanzania and Ghana). Anyang' Nyong'o (1997) says the one party regimes were no different from the post-independence multiparty regimes they replaced, stifling opposition and civil liberties. He adds that the one-party regimes have perpetuated a political culture which cannot be voluntarily wished away:

This is an anti-democratic, egoistic, provincial, authority-fearing, quite often insular, ethnic-protective culture which has continued to limit the individual's freedom for civic association and tends to entrench personal rather than community-oriented attitudes towards public life. Thus when corruption is committed by "one's own kind" this may not necessarily receive approbation from one who speaks in favour of accountability and transparency, for these concepts are not truly universalised within neo-colonial culture.

Some writers (Anckar and Anckar 2000, p225) now say there are a handful of democracies in the world that do not have parties, and that democracy is therefore not synonymous with parties. They give the examples of Belau (or Palau), the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru and Tuvalu, all of which they say score marks corresponding to those of the United States and the United Kingdom in rankings by Freedom House, a respected human rights and governance watchdog. But given that all the above democracies that do not have parties are situated in the Pacific Ocean, the authors say this suggest that the main explanatory factor that is associated with a lack of parties has something to do with the region itself and its characteristics. The impact of culturally defined resistances against party life and party rule, the impact of their diminutive sizes and small populations are some of the possible factors Anckar and Anckar suggest. Here, then, we may not have many plausible lessons for African countries like Uganda.

It can be seen therefore, that experience from the African continent shows both one party and multiparty regimes have at one time or another failed the aspirations of the people and led to bloodshed, economic stagnation, repression and creation of life presidents. Attempts at creating African models of democracy (like Muammar Gadaffi's in Libya, the Ujamaa system in Julius Nyerere's Tanzania, the 'African socialism' models in Congo-Brazzaville and Benin or the Movement system in Uganda) have largely failed too, which leaves some scholars still pondering what the best system is to bring democracy to Africa. It is a question political theorists are still engrossed with.

## **2.8 POLITICAL PLURALISM AND THE CASE FOR A REFERENDUM IN UGANDA**

It was owing to the dilemma over which system would bring security, peace, prosperity and a respect for civil liberties that the Constituent Assembly (CA), the body that wrote Uganda's new constitution, decided in 1995 that the country should hold a referendum. In the referendum all eligible voters (those aged 18 years and above) were to choose between multipartyism, the no-party Movement and "any other democratic and representative political system".<sup>24</sup>

During debate of the constitution in the Constituent Assembly (CA), there was deadlock in the House as supporters of the rival political systems disagreed. The multipartyists, heavily outnumbered in the CA, had stormed out of the proceedings when the Movement supporters tried to recommend that the Movement system be adopted. As a middle ground, the referendum was prescribed (Hansard 1995).

The constitution points to the attributes of the Movement and of the parties. It says the Movement political system shall conform to Participatory democracy; Democracy, accountability and transparency; Accessibility to all positions of leadership by all citizens; and individual merit as a basis for election to political office (Constitution 1995).

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<sup>24</sup> The constitution does not give the qualities of the "other" political system that could be submitted as an alternative. Shortly before the referendum the Minister for Justice and Constitutional Affairs asked Ugandans to submit other systems for consideration. But none was approved by Parliament to contest in the referendum because they failed to garner the requisite number of signatures to support them. These "other" suggested political systems included "communism" and "federalism".

On the other hand the constitution stipulates that a political party in the multiparty system shall, among others, conform to the following principles:

- Every political party shall have a national character
- Membership of a political party shall not be based on sex, ethnicity, religion or other sectional division.
- The internal organisation of a political party shall conform to the democratic principles enshrined in this constitution.<sup>25</sup>

Museveni banned parties in 1986, saying they would be restored after Ugandans had gained sufficient political maturity (GOU 1986).<sup>26</sup>

Recalling the character of parties in the 1960s and 1970s, Museveni (1997) says:

Political parties were not organised to the extent that we went around the country canvassing people to buy party cards; rather, we simply press-ganged people emotionally. The so-called party workers never had time to go down to the grassroots to do organisational work. Instead they created hysteria by setting people against each other, polarising them along the lines of their tribal or religious identity - there was nothing about ideology or policies. If people are divided into identity blocs, as was happening under the UPC government, this often translates into actual local oppression - people lose their jobs because they belong to the wrong group, and so on. Even in the rural communities you would hear that a chief had been dismissed because

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<sup>25</sup> There doesn't seem to be a universal definition of a political party but LaPalombara and Weiner (1996) say political parties require continuity in organisation, manifest and presumably permanent organisation at the local level, self-conscious determination of leaders to capture and to hold decision making power, and a concern on the part of the organisation for seeking followers at the polls. Epstein L. in 'Political parties in western Europe' defined them as "Any group, however, loosely organised, seeking to elect governmental officeholders under a given label". The Constitution of Uganda does not give a definition of a political party.

<sup>26</sup> At independence in 1962, the country had a multi-party system with three political parties. Prime Minister Obote of UPC and President Edward Mutesa II of Kabaka Yekka had formed an alliance to defeat the Democratic Party. In 1966 Obote overthrew the president and banned parties, creating a single party regime that ruled until 1971 when the army led by Idi Amin staged a coup. Amin's was a one-party dictatorship and, like the two governments that followed it in 1979, it lost power via coup d'état. A multiparty election in 1980 brought Obote back to power but Museveni opposed the poll results and waged a guerrilla war which catapulted him to power in 1986. Obote, under whose second regime parties were in operation though deeply suppressed, had been ousted by his army in July 1985.

he was a DP supporter - which in my home area meant that he was either a Catholic or a cattle-keeper - but this was also true at the national level.

Commenting on the debate on political pluralism in the Constituent Assembly, Museveni (1997) argues that the NRM insisted that the country was not ripe for parties, as it lacked social classes that would be the basis of the parties; the ‘classes’ in place were tribes, religions and other “divisive” premises on which genuine parties could not be based.<sup>27</sup> He says while in the West parties are usually founded on some sort of class basis, where there would be say a party for workers and a party for the middle class, the case is different in the Third World. In Uganda which is overwhelmingly made up of one class – peasants - there is no basis for parties. Museveni says:

The polarisation one is likely to get in Uganda and countries like it is vertical polarisation - tribe A will join party A, tribe B party B and so on. They will all be sectarian. What is crucial for Uganda now is for us to have a system that ensures democratic participation until such time as we get, through economic development, especially industrialisation, the crystallisation of socio-economic groups upon which we can then base healthy political parties. The CA (Constituent Assembly) voted overwhelmingly not to have political parties at this stage and to put the matter to a referendum in the year 2000.

Museveni argues that because politicians at the time of independence were politically and ideologically bankrupt, their reliance on divide-and-rule tactics included religion in secular matters such as winning political votes. Museveni contends that these leaders had no ideological stand but were merely interested in winning and maintaining power that is why they used religion and tribe as the basis for parties and created sectarian divisions among the citizenry.

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<sup>27</sup> *The Constitution of the Republic of Uganda* (Government Printer, Kampala, 1995), Article 269 prohibits political parties from opening and operating branch offices, holding delegates’ conferences, holding public rallies, sponsoring or offering a platform to, or in any way campaigning for or against a candidate for any public

Ibingira (1973) has written that as far back as Uganda's struggle for independence, religion was a divisive element and the basis on which political parties were formed. The Democratic Party was formed by the Catholic Church while the Uganda Peoples Congress (UPC) was for the Protestant churches. He adds:

DP was overwhelmingly Roman Catholic. To increase its membership - besides wooing the reluctant and uncertain support of followers of other faiths - Roman Catholic priests made a systematic and massive effort to baptise uncommitted pagans... [this] was clearly intended to swell the votes for the DP. On certain occasions in some remote areas priests rehearsed the method of voting in their churches after services to ensure that no ballot paper would be spoiled or cast in the wrong ballot box."

The Protestants did likewise in the elections that led to self-rule. To date UPC and DP have strong religious inclinations (Bratton and Lambert 2001; Museveni 1996; Kabwegyere 2000). Bratton and Lambert (2001) note that parties in Uganda had failed to offer a credible alternative to the no-party Movement, and were still associated with wanton killings which characterised some earlier multiparty regimes. The Movement, on the other hand, was a semi-authoritarian system that suppressed the rights of the opposition and fell below expectations of liberal democratic systems.

Kabwegyere (1999: 35-36) says: "Prior to 1986 when the Movement ascended to power the concept of unity and its practice were glaringly lacking in Uganda. Differences were created and exaggerated for temporary political advantages." He points to various religious and tribal differences that had bedevilled the country, saying they were largely the creation of British colonialists, and had been nurtured by multipartyism and led the country to anarchy. "By the

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elections and "carrying on any activities that may interfere with the Movement system for the time being in

year 2000 when the Movement will have been in power for 15 years, the backbone of multipartyism will have been broken beyond repair. Therein lies the democratic future”.

Uganda's history has been characterised by civil war and insecurity, much of it stemming from political differences. From the time Obote took power from President Mutesa, some part of the country has experienced politically-motivated violence. But it is worth noting that while the country experienced immense insecurity when parties were in operation (like the period 1981-1985), it has equally experienced severe civil strife while the parties are out of power. Notable is the Amin regime (1971-1979) and under the current regime where some armed groups have for 14 years been fighting President Museveni’s regime. With several quarters blaming the insecurity (as well as unfair distribution of government jobs and development resources) on the political system in power, and national opinion widely divided on what system would help return lasting peace to the country, some Ugandans thought it was imperative to hold a referendum to decide.

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force”.

## CHAPTER THREE

### GENERAL OVERVIEW OF THE COVERAGE

#### 3.0 INTRODUCTION

Coverage of the referendum and its suitability dates back to 1994 when the Constituent Assembly began debating the national constitution. The issue of the political system had been contentious even as far back as 1990 when the Constitutional Commission appointed by President Museveni started collecting views from the public on what kind of constitution they wanted the country to have. In its report, the Commission said there was no consensus on the issue of the political system<sup>28</sup>. The political system question generated heated debates in the country and attracted heavy publicity, including in Constituent Assembly deliberations.

Since the days of the Constitutional Commission there had been considerable reportage on the referendum. But the closer the plebiscite came, the more publicity the papers devoted to the issue. The highest coverage and publicity is expected to have occurred in June, the month in which the referendum took place.

This chapter presents a general overview of the coverage of the referendum during June by *The New Vision* and *The Monitor*. This is a qualitative analysis of the daily coverage. It examines the general coverage of the various aspects of the referendum. These aspects are

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<sup>28</sup> The Report of the Constitutional Commission, which formed the basis for the constitution, said “both the Movement political system and the multiparty system should be enshrined in the new constitution to provide the people of Uganda with the right and freedom to choose either of them through a national referendum”. It added that discussion of the political system had been “very controversial” at all levels during the nationwide process of gathering views.

captured in the following questions: Was the referendum desirable? Why should Ugandans take part? What alternatives to the referendum existed? What were the merits and demerits of the multiparty platform and the no-party Movement platform? In their editorials what did the two newspapers say? It concludes by showing that opinion was sharply divided between supporters of the rival political systems on the relevance of the referendum and on which system was most suitable for Uganda. The two newspapers covered the two principal sides to the referendum, with some politicians themselves writing articles. But in many instances the coverage was insolent in the case of *The Monitor*, particularly when it was criticising government's insistence that the referendum should go ahead and the enactment of a second referendum law. This chapter also concludes that while it used its own *The New Vision* newspaper to propagate its line, the government was also able to amply use *The Monitor* to promote its interests. In its editorials *The New Vision* was supportive of the referendum and the continuation in power of the Movement system, but seemed to suggest the country needed to embrace multiparty politics earlier than government officials wanted. In its editorials *The Monitor* was critical of the referendum and the achievements of the Movement but did not conclude that multiparty democracy was the best system for the country.

### **3.1 LEGALITY OF THE REFERENDUM**

A lot of coverage was given to the issue of whether it was legal for the referendum to be held, with the multiparty platform arguing that it was improper since the right to associate was inalienable and not subject to a vote. They said that this right was clearly recognised by the

National Constitution and did not therefore have to be subjected to a vote<sup>29</sup>. There were two main general lines of argument. The first centred around a petition filed by the opposition Democratic Party (DP) asking the Constitutional Court to nullify the referendum law of 1999 and the introduction of the second referendum law in 2000. It said the laws had been passed inappropriately. Secondly, the DP and other sections of the opposition contested the legality of the referendum.

### **3.1.1. REPORTING THE DP'S VICTORY IN THE SUPREME COURT**

Coverage at the start of June was mainly on the win by the Democratic Party in a petition that sought to nullify the law providing for the referendum. *The New Vision* reported that a Coram of judges had unanimously ordered the Constitutional Court to hear the petition which it had dismissed in September 1999.<sup>30</sup> In its lead story on June 1, *The Monitor* reported that the Supreme Court had ordered the Constitutional Court to hear the opposition petition seeking to have the Referendum and Other Provisions Act of 1999 declared null and void.<sup>31</sup> *The Monitor* report said the Supreme Court ruling left the June 29 referendum "in balance".

By saying the referendum was in balance it is apparent *The Monitor* was expressing disapproval of the way government was handling the referendum issue, and was raising an alert that if remedial measures were not taken there would be threats to the constitution. *The*

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<sup>29</sup> Article 29 clause 1(e) of Uganda's national constitution says every person shall have the right to freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organisations.

<sup>30</sup> "Court to hear Semo petition", *The New Vision*, June 1 2000, p.1

<sup>31</sup> "DP wins appeal on referendum", *The Monitor*, June 1 2000, p.1.

*New Vision*, on the other hand, carried re-assuring articles quoting the president saying the DP petition would be defeated.

On June 2, *The Monitor* reported that President Museveni had vowed to defeat the DP petition, which he said raised irrelevant issues. Museveni argued that the referendum had been ordered by the constitution and not the referendum law.<sup>32</sup> *The New Vision* version reported that Museveni accused Ssemogerere and his colleagues of attacking the referendum law so as to “derail” the people. By “derailing” the president was apparently indicating that the referendum was the right course to take since it had been decided by the Constituent Assembly and it would offer all voters the chance to freely decide on the system of their choice. “If he [Ssemogerere] thinks he is making a strong point by going to the courts of law, we shall show him that he is making no point at all,” Museveni said.<sup>33</sup> *The Monitor* reported that there were frantic meetings between government officials to save referendum in the face of the ruling of the Supreme Court. *The Monitor* quoted a constitutional expert as saying the speaker could not withhold any information from the court by hiding behind the National Assembly and Privileges Act.<sup>34</sup> In quoting the “expert”, *The Monitor* could be seen attempting to strengthen its case that the referendum was indeed in balance. *The Monitor* repeatedly said a constitutional crisis was looming, and blamed it on the manouvres of the state.

*The New Vision* also reported on the DP case.<sup>35</sup> The newspaper explained why DP was “challenging” the Referendum Act, quoting counsels for both DP and the Movement. DP

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<sup>32</sup> Museveni opposes Ssemogerere’s petition”, *The Monitor*, June 2 2000, p.1.

<sup>33</sup> “Semo can’t block poll – Museveni”, *New Vision*, June 2 2000, p.1.

<sup>34</sup> “Semo court win causes stampede”, *The Monitor*, June 4 2000, p.1.

<sup>35</sup> “Ssemogerere to challenge new referendum law”, *The New Vision*, June 7 2000, p.3.

leader Ssemogerere was quoted as saying the new referendum legislation was intended to preempt the outcome of the case in the Constitutional Court:

We are making a contribution to the course of democracy in this nation and we feel that in this way we are giving government less reason to repress the people. By showing our determination we shall pursue everything they do politically and in the courts of law.

In *The New Vision* article, Ssemogerere accused the Movement of undermining democracy by forcing ministers to implement policy decisions made by a “kitchen cabinet”. He said Museveni was undermining the rule of law by manipulating ministers into illegally passing laws that would hurt the interests of Ugandans.

*The New Vision* reproduced verbatim the proceedings of the Constitutional Court hearing of the DP case, including all the grounds given by DP<sup>36</sup> and testimonies of various witnesses.<sup>37</sup>

<sup>38</sup> *The New Vision* praised the decision of the Supreme Court that the petitioners had a case which the Constitutional Court had to listen to.<sup>39</sup> The paper said, “The decision to order the Constitutional Court to hear the case is a glimmer of hope: justice will not only be done but be seen to be done”. *The Monitor* praised the Supreme Court ruling saying while it had caused a hiccup in the countdown to the June 29 referendum, it demonstrated how far the country had gone in its uphill journey to establish democracy and the rule of law.<sup>40</sup>

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<sup>36</sup> “Referendum hearing: Semo lists grounds”, *The New Vision*, June 7 2000, p.4-5.

<sup>37</sup> “Petitioners, state agree on six issues to contest”, *The New Vision*, June 14 2000, p.4-5. The issues agreed on were (1) whether or not there was quorum when the referendum bill was being debated; (2) whether or not there was quorum at the time the bill was passed; (3) whether the method adopted by the speaker of parliament to ascertain whether there was quorum violated the constitution; (4) whether the lack of quorum at any stage would invalidate the Act; (5) Whether the Referendum Act contravened Article 271 (2) of the constitution; and (6) whether the petitioners would be entitled to financial damages.

<sup>38</sup> “Tandekwire submits video tapes”, *The New Vision*, June 22 2000, p.6.

<sup>39</sup> “How can we see justice when we depend on trivia?” *The New Vision*, June 7 2000 p.11.

Though it carried reports saying the referendum was not in balance, *The New Vision* gave extensive coverage to the court proceedings probably because the newspaper considered the petition – and the referendum itself – crucial. Besides, it could have been a way of raising citizen interest in the referendum, given that the opposition boycott and a feeling that the Movement was effectively alone in the race had caused high voter apathy.

*The New Vision* wondered whether the referendum could be stopped.<sup>41</sup> The newspaper quoted constitutional experts saying the ruling of the Supreme Court had serious implications for the referendum process and could rewrite the country's political history. The Chief Political Commissar of the Movement, Mr James Wapakhabulo, said the Supreme Court's ruling showed freedom of speech and expression – freedoms he said were fruits of the NRM's superior policies.<sup>42</sup> Just like *The Monitor* invoked the opinion of 'constitutional experts' to give credibility to its stories, *The New Vision* is also seen here unleashing constitutional experts as well as the National Political Commissar. The aim clearly is to give the reports credibility and objectivity but the implications for the public sphere paradigm are clear. The debate in the public sphere offered by the newspaper is heavily dominated by the 'knowers'. And again as the sociological theory of news production postulates, the media turned to the "qualified" sources to give direction and weight to their stories.

*The Monitor* gave wide coverage to a conference and launch of a handbook titled 'What is Democracy', organised by Danish non governmental organisation MS Uganda and Monitor Publications, at which supporters of both the Movement and the multiparty platform made

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<sup>40</sup> "Vote June 29 or forever shut up", *The Monitor*, June 12 2000, p.10.

<sup>41</sup> "Can the referendum be stopped?", *The New Vision*, June 2 2000, p.39.

presentations.<sup>43</sup> A cabinet minister was quoted in the story from the seminar as praising the Movement for introducing free, regular and transparent elections; and that a referendum was a means of consolidating democracy "and saying goodbye to the old parties with their narrow and short-sighted approach to national politics". The same article in *The Monitor* quoted an opposition supporter saying Uganda did not have a democracy but a semblance based on populist propaganda and an emotional, largely illiterate population. Another, a principal speaker at the seminar, accused the Movement of enslaving Ugandans.

The Weekly Review column in *The Monitor* said: "...the poll has not been without controversy, with the mainstream political parties boycotting and the rag tag parties that are contesting have spent most of their time fighting over the money they received from the EC for their campaigns." It added that the ruling of the Supreme Court ordering the Constitutional Court to hear the DP petition and requiring the speaker and MPs to testify could bring the poll to nothing and set the ground for a political fight or a constitutional crisis." It said:

This is arguably the single biggest victory that the opposition has scored in Uganda since 1986 and although it might still come to nought, they will savour the feeling of the last few days.... From the look of things, the referendum has sown more distrust and differences than bring us together in the rather utopian idea of the Movement.

A feature in *The New Vision* outlined the various offences under the referendum law, for which one could be arrested. It advised voters to avoid committing these crimes that could land them in jail.<sup>44</sup> This was one of the few occasions on which *The New Vision* educated readers about the referendum. Considering, for one, that it is a government newspaper, *The New Vision* had a duty to carry out voter education, as there was a high level of voter

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<sup>42</sup> "If this is not freedom, what is it?", *The New Vision*, June 23 2000, p.12.

<sup>43</sup> "Mushega, Nyai on Movement", *The Monitor*, June 7 2000, p.3.

ignorance and apathy. But almost always the paper was full of arguments by politicians and constitutional experts. This is another case that indicates who was driving the debates going on in the media.

But while the newspaper columnists praised the decision of the Supreme Court, Museveni and other senior Movement officials criticised it saying it threatened to derail the referendum, which was just weeks away.<sup>45</sup> Reporting on a closed meeting for the Movement Parliamentary caucus, *The New Vision* said Museveni had vowed to defeat those petitioning against the referendum. “Museveni is entitled to his views. Nevertheless, he was unnecessarily irritated. This is strange, given that he has all along been urging his opponents to adhere to constitutionalism and the law,” said *The New Vision*.

*The New Vision* said Museveni had created a false impression that what was at issue was the ‘supremacy’ of the constitution, as he seemed to be saying Ssemogerere was wrong to go to court yet the constitution provided for a referendum on the political system. The newspaper also attacked Justice and Constitutional Affairs Minister Mayanja Nkangi for insisting that the Act had been passed constitutionally. It said only the Constitutional Court could determine that, adding that since Nkangi had steered the “controversial” Referendum Act through parliament, and given that he was a [former] multiparty supporter, he was afraid the Movement stalwarts could accuse him of treachery and sabotage. *The New Vision* concluded that both campaigning for a boycott of the referendum and fighting the referendum through

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<sup>44</sup> “Avoid arrest during the referendum campaigns”, *The New Vision*, June 18 2000, p.18.

<sup>45</sup> “Referendum on test”, *The New Vision*, June 7 2000, p. 20.

legal action were legitimate and lawful means used in democracies by political forces and groups to pursue legitimate political goals.” *The New Vision* quoted a presidential media advisor as “slamming” the Supreme Court for nearly plunging the country into a constitutional crisis.<sup>46</sup> He wondered why the court had to wait eight months before deciding on ordering the Constitutional Court to hear the petition it had earlier thrown out. “Had the Supreme Court not pondered the results of this on the state of the nation, or was that not part of the law? Was the law that much of an ass?” *The New Vision* reported the government official as wondering.

The two articles above bring out the fact that while being a government paper, *The New Vision* often boldly criticised government decisions when it thought they were wrong. But on the other hand it is clear that the newspaper was used by government officials - such as the presidential media advisor who “slammed” the Supreme Court – to advance its interests.

A victory in court proceedings by the DP in its constitutional petition was highlighted on *The Monitor*’s front page, with the intro: "It was case of mixed fortunes in the Constitutional Court yesterday as DP leaders won again, while their colleagues in the opposition, UPC, lost their anti-referendum petition".<sup>47</sup> The Court had declared unconstitutional section 15 of the National Assembly (Powers and Privileges) Act which required MPs to seek special leave of Parliament to testify in court about proceedings in the assembly. That petition meant that the Speaker, the Minister for Parliamentary Affairs and 99 MPs who had sworn an affidavit

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<sup>46</sup> “Supreme Court has been slow on Semo’s wish”, *The New Vision*, June 3 2000, p.10.

<sup>47</sup> “Semo’s wins again”, *The Monitor*, June 7 2000, p.1.

regarding the proceedings of the House on the day the contested referendum law was passed, could be summoned to testify.

*The Monitor* reported intentions by the DP to challenge the new referendum law in the Constitutional court.<sup>48</sup> Other opposition MPs from DP and the Uganda Peoples Congress said Museveni was playing the judiciary against the legislature which had resulted into the new Act being passed inappropriately within less than three hours. The MPs accused Museveni and his Justice and constitutional Affairs Minister of being dishonest.

The Justice and Constitutional Affairs Minister explained in a cabinet paper, however, that passing a new referendum law was the only means of ensuring that courts did not stop the referendum from going ahead.<sup>49</sup> But in an interview with *The New Vision*, the minister said there was no crisis and the referendum would have gone ahead anyway. “It’s just a holding game and for short-term political advantage,” he said of the DP’s petition.<sup>50</sup> This was another case in which government was using its newspaper to counter reports in *The Monitor* that it deemed unfavourable to its interests.

### **3.1.2. THE SECOND REFERENDUM LAW**

In a bid to save the referendum process, which was threatened by the petition, government tabled before parliament a new bill, the Referendum (Political Systems) Act 2000 while the petition hearing was still ongoing. On June 8 *The Monitor* reported that a new law on the referendum had been passed by parliament, and that multiparty supporters had walked out of

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<sup>48</sup> “Semo, MPs to challenge new law in court”, *The Monitor*, June 9 2000, p.1.

<sup>49</sup> “New law only way out, Nkangi told cabinet”, *The Monitor*, June 10, 2000, p.1.

the House when it appeared that the bill was about to be passed.<sup>51</sup> The newspaper reported on the day the new bill was tabled before the House that the Justice and Constitutional Affairs Minister Jehoash Mayanja Nkangi moved for the suspension of the parliamentary Rules and Procedure, which enabled the law to be passed in a record three hours. *The Monitor* said the rules required that a bill be read in the House twice, it gets scrutinised by a committee of parliament, and then debated by the full House at least 14 days after the first reading.

Quoting unnamed sources, *The New Vision* said that the injunction DP sought - if granted - would require the withdrawal of all referendum-related materials and information from the countryside. The development followed the ruling of the Supreme Court.<sup>52</sup>

On June 6, *The New Vision* reported that government had prepared a new Referendum Bill following the ruling of the Supreme Court on the DP petition. The article said, “Although government officials have denied that there is a looming constitutional crisis, sources said they are worried that the court process could take long and lead to such a crisis”.

*The New Vision* gave the background to the new law on the referendum and explained why the law had been backdated and held clauses validating all actions which been taken in the past regarding the referendum:<sup>53</sup>

The import of all this is that if the Constitutional Court upholds the Ssemogerere-Olum petition challenging the current referendum law, government will table the new bill and ensure parliament passes it expeditiously. Should it be passed in its present

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<sup>50</sup> “Nkangi denies crisis”, *The New Vision*, June 2 2000, p.1.

<sup>51</sup> “New law on referendum passed”, *The Monitor*, June 8 2000, p.1.

<sup>52</sup> “DP wants referendum suspended”, *The New Vision*, June 1 2000, p.1

<sup>53</sup> One of the clauses in the Referendum (Political Systems) Act provides that “This Act shall be deemed to have come into force on the 2<sup>nd</sup> day of July 1999”. The constitution required that the referendum law should have been passed by that date.

form before the constitutional deadline, the rest of the preparations that have already taken place as the country approaches June 29 will go ahead unaffected.<sup>54</sup>

The article said the country had got into a legal quagmire, as Ssemogerere's lawyers were threatening to appeal against the new law saying it was unconstitutional.

Further, *The New Vision* said the petition seemed to be asking the judiciary to shine a torch into the internal workings of the legislature. The ruling also touched on the issue of supremacy of the constitution over parliament, and implied that the constitution was supreme over the executive and the judiciary.<sup>55</sup> In the paper's coverage of the manner in which the second bill on the referendum was passed, *The New Vision* said Parliament had passed the new act amidst cries of foul play from multipartyists.<sup>56</sup> It said there was big attendance of Ministers and Movement MPs, who had earlier met Museveni for several hours and agreed to pass the bill. Only a few partyists had contributed to debate and many left before the bill was passed.

*The New Vision* said there had been many procedural questions and clarification calls, especially from MPs supporting multipartyism, before Nkangi's motion to suspend rules was passed. The opposition legislators opposed both the move to suspend the rules and the new bill itself and accused Museveni of "bulldozing" MPs, *The New Vision* reported. The article quoted various partyists verbatim: they were comparing the enactment of the new law to the

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<sup>54</sup> "Government taking no risks", *The New Vision*, June 7 2000, p.21.

<sup>55</sup> "May the constitution reign supreme", *The New Vision*, June 8 2000, p.18.

<sup>56</sup> "MPs okay referendum", *The New Vision*, June 8 2000, p.3.

passing of the infamous ‘pigeonhole’ constitution of 1967 under Obote.<sup>57</sup> “This is a sad hour in the history of this House and this country,” opposition MP Omara Atubo was quoted as saying. *The Monitor* said the passing of the Referendum (Political Systems) Act 2000 was comparable to “the nation’s biggest moment of shame” – the pigeonhole constitution. Noting that the vote on the new bill created only culprits, the author said, “there were no brave Movementists who stood up to oppose the unseemly affairs of the day.”<sup>58</sup> This implies *The New Vision*’s public sphere was liberally accessed to supporters of the multiparty platform. The use of direct quotes added weight to the messages being delivered by the multipartyists and the fact that the newspaper carried them as direct quotations implies it considered them very important.

When the new law was passed, *The New Vision* said, “As far as the forthcoming referendum is concerned the Movement scored total victory.”<sup>59</sup> The newspaper said the Movement had flaunted its political might and wiped the smile that was beginning to spread across the face of DP supporters. While referring to the way the new referendum law had been passed, *The New Vision* said, “Our shameless MPs have made history for the wrong reasons”.<sup>60</sup> The author said the Movement MPs were “stone faced” and had dismissed all the partyists’ dissenting views. “The few partyists like Ken were heckled and constantly interrupted by overzealous Movement MPs led by the self-styled chief whips Egunyu and Babihuga”. The paper said some Movement MPs had wanted the bill passed without any semblance of debate:

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<sup>57</sup> Faced with opposition from several quarters and intent on abolishing kingdoms which he deemed divisive and troublesome, President Apollo Milton Obote in 1967 introduced what later came to be known as the pigeonhole constitution. On the day it was introduced before parliament, military tanks were deployed around Parliament, and MPs were asked to pass a constitution, a copy of which they had not seen. They were told they would find copies in their pigeonholes after passing it.

<sup>58</sup> “Museveni, Kategaya Vs. Obote, Nkangi”, *The Monitor*, June 18 2000, p.18.

<sup>59</sup> “Movement ‘shoots’ Semo”, *The New Vision*, June 11 2000, p.8.

Movement MPs exhibited a rare and uncalled for streak of intolerance to opposing views. In one such case, Egunyū even moved a motion that Lukyamuzi ‘be heard no more’ after he questioned whether it was a coincidence that the bill was brought at the time when court was about to make a ruling on the referendum Act.

*The New Vision* said Museveni had “whipped the MPs into submission” so as to avert a possible constitutional crisis caused by the MPs and the Speaker. But the way the bill was rushed through showed no ethics in politics; and the Minister for Justice and Constitutional Affairs needed to be punished. The paper added that the MPs had destroyed their morality and become a rubberstamp of the executive; they had become weak, more gullible and favouring Museveni so that they could get re-elected. *The New Vision* article concluded: “The Movement has reached a stage where it is suffering from ‘majoritarianism’. Our MPs are in a tripartite dilemma. Are they loyal to the president, or the Movement or the people?” The article quoted partyists at length condemning Museveni and the Movement – an indication that multipartyists were also welcome in *The New Vision*’s public sphere. But writing in *The New Vision*, a presidential media advisor who run a weekly column in the newspaper, said he was ecstatic that “Parliament on that day saved us from a constitutional crisis of massive proportions”.<sup>61</sup>

*The Monitor* reported that MPs supporting the Movement were excited during the debate, after holding a meeting with Museveni earlier in the morning during which he implored them to expeditiously pass the new bill. The report said a few opposition MPs put up a spirited fight in the House but the majority Movementists had carried the day.

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<sup>60</sup> “This Week In Parliament”, *The New Vision*, June 10 2000, p.25.

<sup>61</sup> “One man’s week”, *The New Vision*, June 17 2000, p.10.

*The Monitor* explicitly highlighted the role of Museveni in the bill's enactment and considered it inappropriate. Quoting unnamed sources, *The Monitor* said the president had in the closed meeting with the Movement Parliamentary Caucus, rapped cabinet ministers for having dodged the parliamentary session at which the 1999 referendum act was passed. Their absence had resulted in the bill being passed without quorum. In that meeting the National Political Commissar, James Wapakhabulo, had criticised the ruling of the judiciary and "threatened" caucus members that the ruling of the Supreme Court had stripped MPs of immunity from prosecution as was provided for under the National Assembly (Powers and Privileges) Act. The Speaker of Parliament was quoted as insisting that there was quorum at the time the Act was passed.<sup>62</sup> *The Monitor* was clearly hostile to government and the way it passed the second bill. Use of words like "rapped" and "threatened" delivered the gravity of its disapproval of government conduct. On the other hand the paper more or less turned into an opposition mouthpiece, sharply criticising government at every corner while giving quality coverage to the opposition.

While the opposition may also have made blunders, nowhere in *The Monitor* coverage do we see serious criticism, let alone the kind of language it used while censuring the government and the Movement. Several more stories sighted below amply demonstrate this observation. Also noteworthy is that while *The New Vision* was generally 'soft on the government, when it was critical it did not use the kind of insolent language that *The Monitor* employed. *The New Vision* used sober language even when criticising the opposition.

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<sup>62</sup> "There was quorum, Ayume tells court", *The Monitor*, June 20 2000, p.1.

Opposition to the new Act by the DP was amply covered.<sup>63</sup> In an article in *The Monitor*, the DP said that the introduction of the new bill was unconstitutional and a clear sign of forgery and doctoring. The Party asked MPs and Uganda's donors to censure Museveni:

We are less secure after our invasion on Sudan, Rwanda and the Democratic Republic of Congo (DRC). We have a bad reputation of looting gold, timber, diamonds and coffee from the DRC. I urge parliament not only to dissociate itself from the military adventure but to censure Museveni. The donor community should prove they are friends of the suffering majority and do the same.

*The New Vision* too, reported the DP's opposition to the new Act, and its petition to the Constitutional court to stay the poll until the petition challenging the validity of the older act had been disposed of.<sup>64</sup> *The New Vision* quoted the DP leader as saying: "We have been consulting with our lawyers since that bill was passed and we are challenging the process. The constitutional provisions were not followed, it was not discussed at committee level, which is a departure from the practice".

A June 9 opinion in *The Monitor* titled 'MPs sold us for pieces of silver' castigated the MPs over the way they passed the second referendum law.<sup>65</sup> Calling the referendum controversial, it said Parliament was 'a so-called August House', and derided MPs as being "well informed and learned". *The Monitor* said MPs were shameless and that it was shocking that the same MPs who had defended the passing of the referendum law in 1999 were now shamelessly saying it had been passed wrongly. The paper said the country needed to compile a list of shame so that even future generations know the legislators who betrayed the country. Concluded the report:

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<sup>63</sup> "Court adjourns Semo petition", *The Monitor*, June 7 2000, p.3.

<sup>64</sup> "Ssemogerere seeks to stop polls", *The New Vision*, June 24 2000, p.4.

If God decides to sneak into heaven any Ugandan MPs who belong to the Movement caucus, then I will not have a place there. Hell won't be such a bad idea anymore. I can't stand staying forever with people who are no different from the Biblical Judas Isacriot who betrayed Jesus Christ for just a few pieces of silver.

Both *The Monitor* and *The New Vision*, it should be noted, strongly castigated MPs for manipulating rules to pass the new act. Both papers used strong words in criticising the MPs and the president whom they accused of being the brain behind the manoeuvres.

A feature in *The Monitor* chronicled the events leading up to the passing of the new referendum law, which it called a "Moment of shame for Uganda's parliament". The majority of MPs had begun the day by attending a "sectarian" Movement caucus addressed by Museveni whom it said was in an "intimidating mood" and "lambasted" ministers and Movement MPs for being absent from the session that passed the contested referendum law in 1999.<sup>66</sup>

The article said the National Political Commissar James Wapakhabulo MPs "lectured" the speaker and deputy speaker of parliament who had not attended the caucus meeting. When the deputy speaker entered chamber, the Prime Minister Prof. Apollo Nsibambi "hijacked" and whispered to him on his way to the chair. During debate one of the MPs, Fiona Eggunyu, "behaved as if she had been coached to disturb people opposed to the bill", the article said.

Throughout the debate, *The Monitor* article said opposition members were "lamenting", "complaining" or 'submitting'. There were lengthy, eloquent verbatim quotations from the

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<sup>65</sup> "MPs sold us for pieces of silver", *The Monitor*, June 9 2000, p.8.

<sup>66</sup> "Moment of shame for Uganda's parliament", *The Monitor*, June 9 2000, p.14-15.

opposition MPs. On the other hand, Movement MPs were collectively said to have been "coached", some of them "rampaging". The bill was approved by the House without a single amendment. Partyists had walked out.

Another feature in *The Monitor* said the Movement-dominated parliament had once again lived to its shameful reputation and wilfully led the country on yet another painful step towards bloodshed.<sup>67</sup>

It is during moments like these that one regrets why, in God's name, they were ever born in a country where the word shame has come to signify glory; where the supposed cream that should chart the nation's path to prosperity wilfully led it down the hole; and where a largely illiterate and gullible public dances to its own funeral song.

It said the "dishonourable" MPs had been "stampeded" into passing the new referendum law; and that Museveni was becoming like former dictators Idi Amin and Obote who always passed laws to get them out of crises. The article said the referendum law of 1999 had been passed illegally but Museveni still wanted to go ahead with his "nefarious" referendum to outlaw organised opposition from challenging him and his Movement's hold on power. The Movement action was dishonest and its remaining constituency was the "ignorant peasants". Museveni, Wapakhabulo, the speaker and the Justice Minister were "dishonourable", not worth a breath, and history would judge and put an appropriate tag on them. It concluded:

Ten years ago in the early days of the NRM rule, there was a lot of hope in this country. Many Ugandans who had lived the life of a drunkard's cockerel were glad that finally the bad chapter had been closed and the rule of law, democracy, mutual respect and hope in the future had come to prevail. The happenings of the last few days, including those in the DRC, however, point to a different direction - that the past has returned but with different new actors

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<sup>67</sup> "Let's not dance to our own funeral song", *The Monitor* June 9 2000, p.15.

*The Monitor* condemned the "machinations" and "chicanery" of the government, adding that the end had always justified the means for Museveni and that nothing about the referendum was going to shame the president.<sup>68</sup> The article accused Museveni of refusing to recognise that history might remember him as the president who had every opportunity to be a great leader and squandered it for a few seconds of triumph in his determination to be the perfect "Machiavellian prince". Said the article:

He has recognised that most people have a price or something they fear and has used bribery and terror to remain in power. His latest red herring for the masses is the 'I will give you a district if you vote in the referendum' talk. If, as the story goes, that illiterate Idi Amin used to order the Bank of Uganda to print new currency whenever he wanted to shop, Museveni has perfected the art of ordering parliament to give him any law he wants. The MP of 'Member of Parliament' has degenerated into 'master of pander' [and] this is not simply because most MPs are illiterate dim wits with their eye on the money; it is all about greed for power.

*The Monitor* article said Museveni was like an onion with several layers, each as pungent as the other. The speaker, Justice Minister and Movement MPs were said to Museveni's "poodles". Those who would vote in the referendum would be "plebeians". Another feature in *The Monitor* said parliament had turned into a real rubber stamp by passing the "obscene" second referendum law.<sup>69</sup> It wondered whether the country was not headed for a crash. "Uganda's tears of despair will continue to flow as surely as the [River] Nile flows. No more pretences to democratic governance," the article lamented.

*The Monitor* said June 7 would forever remain a dark day in the history of Uganda's democratisation process.<sup>70</sup> The "merry band" of Movement caucus, under direction of Wapakhabulo, were playing games with Ugandans. The "whiskered" Mayanja Nkangi

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<sup>68</sup> "No law? Just write to Wapa", *The Monitor* June 9 2000 p.16.

<sup>69</sup> "It was all trickery", *The Monitor*, June 9 2000, p.16.

(Justice and constitutional affairs minister) who "claims" to be a born again Christian had nowhere to hide any more, the article said, adding that the Movement and Museveni were afraid of dissent.

It was scary, *The Monitor* story said, when a country falls from enjoying the virtuous 'Rule of Law' to depths of the 'Law of Rulers'. The MPs had let down the country because they wanted to continue receiving monetary favours from the Movement: they joined politics for the money not to serve the public good. The article talked of a plan by government to bribe and intimidate opposition constituencies in order to plant stooges at the next parliamentary elections. Said the article:

Students of history have alleged that power has never been won by fine rhetoric but by blood and iron. It would therefore imply that today's opposition must not think they will wrest power from the grip of Museveni and his band with 'mere' court rulings coached in flowery legalese.

*The Monitor* on June 10 said like some people had always expected, the political sins of the pro-referendum in government were starting to catch up with them.<sup>71</sup> He wrote:

From day one good intentioned Ugandans warned against dragging the country along the referendum path. They argued and genuinely too that issues of human rights like the right to associate should never be decided on majority vote.

The article said it was common sense that any form of legislation would never kill political parties; they would simply go underground but resurface at the slightest opportunity. So Uganda needed to emulate Kenya and Tanzania who had "woken up to that logic" earlier. Like most people thought, the article said, Museveni was too scared of the prospect of losing an election to risk a clear and straight race. In the process, the "chaps" in government were

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<sup>70</sup> "Wheel of deceit came full circle on June 7", *The Monitor* June 10 2000, p.8.

plunging the country in a mess, promoting disrespect for the constitution and only wanting to have laws that favoured them, *The Monitor* article concluded.

But Wapakhabulo, a senior Movement ideologue, was reported by *The New Vision* dismissing accusations against the conduct of parliament and saying whatever happened the referendum would be held.<sup>72</sup> Indeed the referendum was held and a day later *The Monitor* carried a report saying the referendum had been won even before voting.<sup>73</sup> It quoted Mr Robert Brandsetetter, a consultant with Washington, DC – based International Foundation for Election Systems as saying, “A unique feature of the referendum poll is that the outcome is already decided before even the first ballot is cast.” The official had stayed in Uganda for the previous eight months advising on election monitoring.

### **3.4 THE NEED FOR A REFERENDUM**

Though the constitution provided for the referendum, there were some Ugandans who felt there was no need for the plebiscite. To the Movement supporters the fact that the constitution enacted by an elected assembly had provided for the referendum was enough to justify its holding. They also said the referendum was the best way for citizens to decide how they wanted to be governed. But multiparty supporters argued that the plebiscite would divide the country, cost it too much money, and that it was not proper to vote on the right to associate. There was debate on amending the constitution to remove provisions on the referendum. There were also proposals that the Movement continues for five more years from 2001 then

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<sup>71</sup> “Referendum: Movement has learnt nothing”, *The Monitor*, June 10 2000, p.10.

<sup>72</sup> “No one can halt the referendum”, *The New Vision*, June 11 2000, p.27.

<sup>73</sup> “Referendum was won before voting”, *The monitor*, June 30 2000, p.8.

the country would automatically revert to multipartyism. These debates were amply covered by the press.

*The Monitor* carried some reports that were critical of the decision by the parties to boycott the referendum.<sup>74</sup> It said there was "absolutely no good reason" for the partyists to boycott a plebiscite that would offer them an opportunity to directly campaign for the restoration of political party activities. It added that the parties had already legitimised the Movement by contesting in the 1996 presidential and parliamentary elections, so the boycott of the referendum would not help their case. The paper said the parties had a lot to lose:

I see multiparty advocates headed for a double loss come June 29. The first loss will be their failure to stop the referendum, and the second will be their failure to fight for the restoration of multiparty politics in Uganda.

It was argued that the boycott was another manifestation of political opportunism and immaturity which was very common in the country's politics and which had caused a lot of political problems for the country. The argument that the boycott would weaken the credibility of the referendum was good but weak if the parties were to continue to be active in a system they claimed they did not believe in, *The Monitor* said.

*The Monitor* asked Ugandans to vote in the referendum, in an article that explored the merits and demerits of the competing political systems.<sup>75</sup> It said there was need to look at the experience of other states, especially African, and the way they had fared with the different systems. Why had partyism led to further chaos in Algeria, Burundi, Congo Brazzaville, Ivory Coast, Sierra Leone? What could Uganda learn from states like Kenya, Ghana and Zimbabwe

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<sup>74</sup> "Partyists 'love' the Movement", *The Monitor*, June 5 2000, p.6.

with “rickety” multiparty systems? And why was multipartyism working in Benin, Botswana, Senegal and South Africa? The article concluded:

Considering that all regimes that have ruled Uganda since 1894 have been imposed upon the citizens by a handful of people, Ugandans are very lucky to have an opportunity at last to determine their fate via the coming referendum. Anyone who fails to vote in the referendum will be abdicating their duty to help set their country on the right course. They will forfeit forever their right to complain should Uganda slide into further chaos.

A separate feature in *The Monitor* said it was “foolish” for the opposition to boycott the referendum.<sup>76</sup> “Frustrations only build up over the coming years while the Movement remains in power and control of socio-political and economic policies affecting Uganda. The appropriate choice is voter political awareness, voter participation and not voter apathy,” it said. It was a hollow decision to think it would be possible to have a voice in making decisions by staying away from elections, it added.

*The New Vision* said Ugandans were going to make a major decision on June 29, arguing that it behove every responsible citizen to go and vote:

Contrary to some views, the vote is not on the right to associate. The right to associate is guaranteed by the constitution. The vote, in my view, is on the mode of association.<sup>77</sup>

*The New Vision* carried a question-and-answer interview with senior officials of the Uganda Law Society, who said since the referendum had been provided for by the constitution, Ugandans had to go on with it.<sup>78</sup>

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<sup>75</sup> “Vote June 29 or forever shut up”, *The Monitor*, June 11 2000, p10.

<sup>76</sup> “It is foolish not to vote in referendum”, *The Monitor*, June 14 2000, p.24.

<sup>77</sup> “The choice of government is in each voter’s hands”, *The New Vision*, June 2000, p.23.

<sup>78</sup> “Lawyers back referendum”, *The New Vision*, June 25 2000, p.29.

*The New Vision's* Board Chairman, a former cabinet minister and trained journalist, said the insistence of multipartyists that Ugandans should boycott the polls was getting more ironical and ridiculous; and that the reasoning of the partyists was hackneyed.<sup>79</sup> He wrote:

The pro-boycott partyists are contradicting themselves in invoking constitutional provisions of the 1995 constitution to pursue court actions to gain tactical stances while at the same time spearheading breach of the substance of the very constitutional right to choose a system of governance.

The article said the referendum was a tool for democracy which the Swiss used to decide virtually all issues right up to village level. In the Greek City states, the hallmark was all-inclusive participation; and every citizen took part in decision-making. *The New Vision* article said if there was any inheritable political birthright of Ugandans in governing themselves, it was the consensus politics rather than multipartyism. It was argued that there were no social classes in Uganda and those advocating a boycott of the referendum were unfairly denying the populace its democratic right and the smooth evolution of good governance.

Another article in *The New Vision* said boycotters were a minority and that Ugandans would write a remarkable piece of history on June 29.<sup>80</sup> It said whatever quarrel one might have with the new referendum law there was no basis for arguing that it was passed in order to undercut the judicial process in the Constitutional court where DP was challenging the old law. *The New Vision* article added:

[June 29] is a day when those who subordinate their national obligations to their narrow political interests and those they might have deceived to toe their line, will employ ostrich tactics by engaging in a boycott that has no practical significance.

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<sup>79</sup> "Bizarre twist in referendum politics", *The New Vision*, June 11 2000, p.6.

<sup>80</sup> "June 29 will be a historic day", *The New Vision*, June 29 2000, p.12.

*The Monitor* also wrote in support of the referendum, arguing that over 1100 referendums had been held worldwide since the French revolution, most of them to settle sovereignty and constitutional issues.<sup>81</sup> It argued that there was “no safer depository of the ultimate power of society but the people themselves”. Another article in *The Monitor* argued that Ugandans had a rare chance to decide their destiny:

This referendum not only offers Ugandans a rare opportunity to make a collective decision on their next course of action on the road towards democracy, it also provides them with the chance to pass judgment on the performance of the NRM and the Movement. What a golden opportunity for those who are strongly opposed to the Movement or are in favour of a return to multiparty politics to go to the polls in droves and let their voices be heard!<sup>82</sup>

*The Monitor* as well wrote opposing the referendum. It said since parties had been in shackles for the last 15 years they would be defeated decisively. It read:

The argument that the people are being given an opportunity to vote for a system of their choice [is] a used-car salesman’s act of trying to make a sale by throwing in free floor mats... the trumpet will sound and the multipartyists will be led staggering into the arena, shackled, gagged, deprived and abused for the last 15 years.<sup>83</sup>

There, as well, were articles in *The Monitor* questioning the suitability of holding the referendum. One writer said the referendum was a misconceived political option whose objectives were not clear to ordinary Ugandans. What the referendum intended to achieve could be achieved through “normal general elections” and that would be acceptable to the constitution. That option would be cheaper, non-controversial, clear and fair to all sides concerned.<sup>84</sup> The paper said that the Movement was no longer multi-ideological and broad-

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<sup>81</sup> “Place of referenda in the world today”, *New Vision*, June 28 2000, P.27.

<sup>82</sup> “Banyoro can boycott if Ogwali votes for the Movement”, *The Monitor* June 26 2000, p.10.

<sup>83</sup> “June 29: Day to savour partyists being eaten up”, *The Monitor* June 17 2000, p.10.

<sup>84</sup> “Where does June 29 vote take us?” *The Monitor*, June 28 2000, p.8.

based and that the referendum aimed to entrench the one-party system which was unconstitutional. Another article that criticised the holding of the referendum, said:

We still have a fundamental question to answer: do we really need this referendum on the political system? The whole exercise is basically partisan, those who want parties against the one party NRM system. We are already in an arena of political pluralism [and] the most logical step is for the NRM to stand as a party which it already is, and compete with the other parties in next year's general elections.<sup>85</sup>

*The Monitor* argued that the Movement system had militarily forced itself into power, taken advantage of a fearful population and made it believe that all political associations were bad.<sup>86</sup> It said while indeed Ugandans of different political persuasions could live together under a multiparty arrangement, the Movement wanted Ugandans to believe that its own was the only correct line “even though for all practical purposes [this] was far from the truth”. The article called for a multiparty system, saying it was improper to hold a referendum. It concluded that, “To subject this fundamental God-given right to vote is to exist in uncertainty; for how do we know that other human rights will not be subjected to a vote in future?”

*The Monitor* said the main fear the NRM had of organised parties was that they would go to the peasants and teach them how to be critical of the NRM, to demand accountability and look for other leaders.<sup>87</sup> The best solution to the impasse the country was in, the article said, was for the Movement and Museveni to quit power. *The Monitor* further alleged that President Museveni was creating terror for the opposition, and that the country would become more monolithic after the referendum.<sup>88</sup> It accused the president of acting like former head of state

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<sup>85</sup> “One party system in referendum question”, *The Monitor*, June 10 2000, p.10.

<sup>86</sup> “Are we doing the right thing?”, *The Monitor*, June 28 2000, p.30

<sup>87</sup> “Keep Movement, Remove Museveni”, *The Monitor*, June 25 2000, p.9

<sup>88</sup> “Is June 29 Noah’s Ark?”, *The Monitor*, June 16 2000, p.6.

Dr Obote who encouraged members of the opposition to defect to the ruling party and handsomely rewarded those who defected.

*The New Vision's* coverage was not always on the side of the Movement and the holding of the referendum. It said at some stage "the unbiased reader considers the plebiscite unnecessary, wasteful, divisive and explosive".<sup>89</sup> *The New Vision* called the referendum a sham exercise and urged that it be called off in the interest of sanity.<sup>90</sup> It spoke of "spurious" articles in the constitution which the Constituent Assembly should not have passed, and which spoilt what would have been a dream constitution. The columnist said there was widespread opposition to the referendum, that the playing ground was not level and the referendum motion was a 'heads-I-win-tails-you-lose' scenario. Said *The New Vision*:

Opinion leaders are opposed to the referendum. Cabinet, I am told, is divided on the issue; and that open dissidence is checked by the fear of annoying Caesar, a disease which afflicts the Movement caucus already rendered a cabal against non-conformity.

But in a rejoinder to this criticism, the Secretary to the Movement National Referendum Committee, wrote in *The New Vision* that holding a referendum was not only a constitutional requirement but it was also politically prudent to ask people to decide how they should be governed.<sup>91</sup> He said those calling the referendum sham were ignorant of its background and were saying the people of Uganda did not know what they wanted and that "some elite in Kampala should decide for them". The state is once again seen using its newspaper to counter arguments against the Movement and the referendum.

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<sup>89</sup> "Old Man Around Town", *The New Vision*, June 11 2000, p.28.

<sup>90</sup> "What if the Movement lost?", *New Vision*, June 4 2000, p.28.

<sup>91</sup> "Referendum: a rejoinder to Gureme", *The New Vision*, June 2 2000, p.10.

### 3.2 COVERAGE OF PARTYISTS AND THE MOVEMENT

*The Monitor* quoted DP as saying the Movement planned to bribe and field bogus voters in order to win the referendum.<sup>92</sup> It urged the Electoral Commission to intervene. The General Secretary of UPC accused Museveni of using tax payers' money for the referendum campaigns. "If we go with this referendum we shall not change this government and the country will be divided," the paper quoted the official, Mrs Cecilia Ogwal, as saying.

Writing in *The Monitor*, a DP legislator, Nobert Mao, argued that those who had been campaigning for democracy were not surprised that Museveni was changing rules, threatening to go against the court's ruling, and compelling parliament to enact another referendum law:

We have always insisted that the problem is systematic and if we allow the entrenchment of a repressive system then all hope for peaceful change will be lost and violent change will become inevitable. Despite rhetoric of taking Uganda away from 'past misrule' the Movement has decided to impose its own misrule, suppressing other political organisations while continuing to build itself as a political party with the sole intention of dominating the political arena completely.<sup>93</sup>

The article said Museveni wanted to create a one-party state, and that in "defying" the constitution his government had lost the moral authority to preside over the country's democratisation process. The end result was likely to be a victory for Museveni but a totally derailed and aborted democratisation process. The opposition legislator said the Movement was a serious discount on democracy and that was why it could not present itself as a real alternative to multiparty democracy. "The arrogance, greed, sense of arrivalism of many Movement leaders bears out the principle that it is only the fear of losing power to a visible,

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<sup>92</sup> "Ssemogerere says movement wants to rig", *The Monitor*, June 2000, p.

<sup>93</sup> "A losing Museveni changing rules", *The Monitor*, June 5 2000, p.22.

organised and credible opposition that keeps any government in check, responsive and on its toes," he wrote.

Partyists argued, and were repeatedly quoted by *The Monitor*, that the dawn of multipartyism in Uganda was inevitable; it could only be delayed but not stopped.<sup>94</sup> An official of the UPC said the Movement had put debilitating limitations on parties which had weakened them badly. But the parties also needed to review their internal operations, allow self-criticism and division of labour. The party official added:

If ever Uganda needs definitive and incisive political leadership, today is that moment. Poverty-stricken, war-ravaged, faced with the most oppressive tax regime in the region, government-inspired corruption and nepotism, the Ugandan citizen desperately deserves visionary leadership from the politicians particularly the multiparty ones.

Another article in *The Monitor* of June 4 said the Movement was likely to win because there had been insufficient voter education and most people thought that just like in 1996, Museveni was standing for re-election as president.<sup>95</sup> The article said the single biggest concern for the majority of Ugandans was peace and security, hence such people saw Museveni as the vanguard of Uganda's peace and felt the country could not do without him. The Movement campaign team had taken advantage of this and "the talk of not going back to the turmoil of the past" was rife.<sup>96</sup> *The Monitor* questioned the rationale of spending several millions of dollars just to ask whether the country should be governed under the Movement or multipartyism.<sup>97</sup> It said a referendum was necessary in three instances: people may be forced together in a mass movement like was the case in communist countries; where people are not

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<sup>94</sup> "It isn't time for parties to sleep", *The Monitor*, June 19 2000, p.8.

<sup>95</sup> "Do you like Museveni? Vote for parties", *The Monitor*, June 4 2000, p.6.

very divided so there is no need for parties as was the case for Tanzania before 1992; or the Movement may be a short term intervention for the sake of peace in societies like Uganda at the time the NRM took power.

*The Monitor's* article added that the Movement could not be in place permanently:

Certainly there is a limit to what a human being can achieve, and the beauty of a working multiparty system is to provide new and different leaders [while]... cartels and political untouchables do not arise.

The article concluded that voting for parties would make Uganda join the international family of genuinely democratic nations that have a future.

*The New Vision* gave coverage to referendum boycott rallies by partyists both before and after their rallies. Partyists' complaints' to the Electoral Commission were frequently highlighted. There was a story quoting sources, saying the multiparty supporters had reported to donors about the technical and political difficulties they faced.<sup>98</sup> The donors had taken up these issues with government. The issue included an inflated voters' register, insufficient polling stations, lack of facilitation and intimidation of their supporters by government agents. It quoted partyists slamming the referendum and giving the reasons why they were boycotting.

*The New Vision* reported that 42 percent of Ugandans wanted the Movement to become a political party while 43 percent were opposed to this.<sup>99</sup> The report quoted an opinion poll by

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<sup>96</sup> During the run-up to the referendum, some supporters of the Movement said if Ugandans did not vote for the Movement the country would plunge into the kind of turmoil that it witnessed for much of the 1970s and early 1980s. They argued that only the Movement was capable of ensuring lasting peace, stability and development.

<sup>97</sup> "Do you like Museveni? Vote for parties", *The Monitor*, June 4 2000, p.6.

<sup>98</sup> "Donors want government to meet referendum rules", *The New Vision*, June 19 2000, p.5.

<sup>99</sup> "42% want Movement to become party", *The New Vision* June 9 2000, p.1.

K2-Research Limited, a local affiliate of K-2 Consult of Denmark. The report said 60.8 percent of the respondents of a nationwide poll said they would vote for the Movement, 23.5 percent for parties. The report also included information on what percentage said they would vote, views on whether the referendum was important and prediction of what percentage of votes the Movement was likely to get. *The Monitor* ran a story in which Museveni said it would be bad for the Movement to get less than 60 percent of the votes.<sup>100</sup> If that happened he would know there was a serious problem with the Movement.

Both *The New Vision* and *The Monitor* covered Museveni's analogy of the cooking stones, which he repeated at several campaign rallies, on a number of occasions during campaign rallies to refer to the political system.<sup>101</sup>

Writing in *The New Vision*, Moses Byaruhanga, secretary to the Movement Task Force, argued that the NRM had democratised the electoral process and made it transparent, resulting into free and fair elections.<sup>102</sup> It was now impossible to rig elections like happened in 1980, he said. Another piece said the Movement needed to continue ruling Uganda because the country was not yet ready for multipartyism, and the parties would not put an end to corruption and wasteful government expenditure.<sup>103</sup> It said:

For Uganda now, what is important is to secure the state and to build a more efficient state machine. The demands for multiparty politics are therefore an irrelevance. The

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<sup>100</sup> "Museveni says 60% or less bad", *The Monitor*, June 30 2000, p.1.

<sup>101</sup> The president said parties were like a stove with few stones that could not balance the cooking pot. He said Obote used one stone - the army- so he failed; even DP was using one stone - the party – so it could also not succeed. Museveni said the NRM was using several stones: the people, the local councils, parliament, the army, the economy and friendship with neighbours.

<sup>102</sup> "What has the Movement done?" *The Monitor*, June 11 2000, p.6.

<sup>103</sup> "Parties bad for Uganda", *The New Vision*, June 11 2000, p.12.

proponents of pluralism in Uganda seem to be very forgetful of the realities of multiparty experiments on the continent and even Uganda, particularly in the 1980s.

Byaruhanga, in a separate commentary, said the women should give their votes to the Movement because it had emancipated them and instituted affirmative action programmes in their favour.<sup>104</sup> There was a full page commentary in *The Monitor* by Jacob Asiime, a Member of Parliament and personal assistant to the Movement Vice Chairman, extolling the achievements of the Museveni regime.<sup>105</sup> It read in part:

Multiparty leaders have since independence always helplessly watched the people of Uganda being bedevilled (killed, raped, robbed, tortured, etc) by dictatorial regimes. Some multiparty proponents are known to have either supported or participated in dehumanising the people of this country. When the mass Movement came up it single-handedly fought and defeated the dictators, and established the rule of law that respects life and property of the people.

The Movement was therefore more capable of steering Uganda to success, Mr Asiimwe said. Other Movement successes he mentioned were that people of different religious affiliations were working together peacefully both on local councils and at the national level; there was relative peace in the country and a participatory democracy. The country had a robust economy, there was total freedom of press and expression; the plight of the once marginalised women, youth, disabled and workers had been alleviated; while universal primary education had been introduced all over the country.

*The Monitor*, while commenting on a debate on the referendum at Makerere University, tried to get to the root of the “resentment” for the Movement among the university community. The paper posited:

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<sup>104</sup> “Why all, but especially the women, must vote Movement”, *The Monitor*, June 28 2000, p.29.

<sup>105</sup> “Movement has carried lubengo, parties always broke it”, *The Monitor*, June 1 2000, p.10.

I have never in my life witnessed the kind of over-the-edge hostility the Movement faced at that debate. There is obviously an incredible amount of bottled frustration and anger over the actions of Museveni's government, and the harassment of multipartyists and the continued ban on free political activity has become the focal point of this discontent.<sup>106</sup>

*The Monitor* reported the administrator of the Movement Referendum Committee as saying the Movement "shall deny scarce resources to those who oppose its policies", and urging Ugandans to vote against a return to multipartyism.<sup>107</sup> *The Monitor* also carried a commentary by a Member of Parliament from the Acholi region in which he complained that the NRM was always presenting them with a conditional development plan.<sup>108 109</sup>

A story about money fights within the Movement referendum campaign camp said Movement rallies in the eastern district of Jinja had been postponed amid wrangles over venue and distribution of campaign logistics.<sup>110</sup> The story was later refuted in *New Vision* by the Movement camp.<sup>111</sup> This story further outlined the practice by government and Movement officials to use *The New Vision* to "correct" or refute articles that were not in its favour, either published in *The New Vision* itself or in *The Monitor*. In the June 11 'Winners and Losers' weekly column in *Sunday Vision*, Ssemogerere was the first loser because, "still bent on disrupting the referendum, he was getting set to file another case".<sup>112</sup> Another columnist advised Ssemogerere to withdraw his court case "while the going is good".<sup>113</sup>

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<sup>106</sup> "MUK debate reveals a monster and a bomb waiting out there", *The Monitor*, June 21 2000, p.10.

<sup>107</sup> "No cake for Movement opponents", *The Monitor*, June 18 2000, p.1.

<sup>108</sup> "Kitgum asks: Who eats Museveni's fresh meat?", *The Monitor*, June 27 2000, p.8.

<sup>109</sup> Museveni's predecessor, Gen. Tito Okello Lutwa was from the Acholi region. Since Museveni's take-over there has been hostility in much of Acholi towards the NRM regime. Majority of the MPs elected from the region are multipartyists; Museveni himself has been beaten in this region at presidential elections by multiparty candidates. An insurgency that started shortly after he captured power is still going on in Acholi.

<sup>110</sup> "Money fights erupt in Movt camp", *The Monitor*, June 14 2000, p.1.

<sup>111</sup> "No wrangle over Museveni Jinja visit", *The New Vision*, June 20 2000, p.6.

<sup>112</sup> "Winner and Losers", *Sunday Vision*, June 11 2000, p.5

<sup>113</sup> "Semo should retreat while the going is still good", *The New Vision*, June 12 2000, p.10.

*The New Vision* reported the DP's resolve to carry on with the petition saying that human rights must not be subjected to a vote, the playing field was not level and the whole exercise was fruitless.<sup>114</sup> DP said Museveni of not following the law but was instead abusing the institution of the presidency for his campaign. *The New Vision's* article quoted the DP leader as saying that enormous resources were being wasted on the referendum, and that instead of telling people what the referendum was all about, Museveni was just promising bridges, roads and even universities. The article said Ssemogerere saw further polarisation between the rival camps as a result of the referendum:

If the Movement is going to use the results of the referendum to harass us like they have been doing, I am sure people will find a way of coping with the situation. The temptation will be for some to succumb but others may become even more defiant. You are likely to see extremism on both sides.

*The Monitor* said only those that believed in the Movement were favoured for jobs, and that the Movement equalled a military government with regular elections closed to competing political interests.<sup>115</sup> It said on one hand that the NRM had not built a competent and de-politicised civil bureaucracy necessary for development<sup>116</sup>, and on the other that there was need for a free press and an informed citizenry for democracy to flourish in Uganda.<sup>117</sup>

When the Movement launched its manifesto for the referendum, *The New Vision* analysed it and said it was similar to other election manifestos which Museveni and his government had

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<sup>114</sup> "We shall fight to the end", *The New Vision*, June 4 2000, p.27.

<sup>115</sup> "Referendum can't work", *The Monitor*, June 25 2000, p.9.

<sup>116</sup> "Democracy, growth are inseparable", *The Monitor*, June 25 2000, p.28.

<sup>117</sup> "Citizens must know how to decide", *The Monitor*, June 25 2000, p.12.

issued earlier.<sup>118</sup> It said the manifesto contained no radical departure from the previous official justification of the no-party system the NRM had pursued since 1986. The argument was that parties were based on tribes and religion; while the Movement was said – in the manifesto - to be broadbased, inclusive, non-partisan and non-sectarian. It also conformed to the principles of participatory democracy, accountability and transparency, access to all positions by all citizens, and individual merit as the basis for election to political office. The manifesto, *The New Vision* reported, said multipartyism did not equal democracy and that there were many cases where multipartyism was practiced but the essential elements of democracy were lacking. The manifesto said, “It is evident that trying to introduce multiparty models in backward, pre-industrial societies in their present state is like trying to push a square peg into a round hole”. The partyists’ manifesto was not analysed by *The New Vision*, an indication, perhaps, that the newspaper felt it was its duty to promote the government interests rather than the opposition’s.

*The New Vision* reported that the Movement secretariat was giving money to MPs that supported the ruling system to enable them campaign for it in their constituencies.<sup>119</sup> The Secretary of the Movement Parliamentary caucus, Mr James Kinobe, was quoted as saying the money was a token to MPs who were mobilising for the Movement in the districts. The story said some MPs had speculated that the money was to thank those legislators for supporting the new referendum bill “which was passed in a record three hours”; and that it could be a reward for those who had appended signatures to an affidavit challenging DP’s constitutional

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<sup>118</sup> “No change in Movement manifesto”, *The New Vision*, June 23 2000, p.35.

<sup>119</sup> “Movement MPs get 1m/=”, *The New Vision*, June 21 200, p.1.

case. The MPs signed the affidavit swearing there was quorum in the House at the time the referendum act was passed in 1999.

In one of the popular columns in *The Monitor*, it was contended that the Museveni camp was attempting to move against the independent press because it was seen as the voice of the opposition.<sup>120</sup> He said with the political opposition largely muzzled, *The Monitor* was perceived as one of the respected channels through which one could hear voices critical of what he termed 'the new injustice'.<sup>121</sup>

"The underlying morality of the paper - the not always conspicuous desire to see a more just and therefore more democratic nation - has a general outline which is often confused by the establishment with an agenda to 'undermine' the regime," *The Monitor* columnist argued.

### **3.4 ARRANGEMENTS FOR THE ELECTIONS**

*The New Vision* reported that the public had "stubbornly" shied away from civic educators, and five days to the poll, most voters were ignorant about the symbols to be used on the ballot papers, and why they were voting. "It is entrenched in their mind that the poll is a contest between Museveni and those opposed to him rather than for or against a political system of governance," the article concluded.<sup>122</sup> *The Monitor* reported about a Movement rally at Makerere University during which students booted President Yoweri Museveni and chanted

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<sup>120</sup> Quite often journalists from *The Monitor* were arrested on a number of charges, including treason, alarming the public, publishing false news, inciting the public and annoying the person of the president. Government officials always accused the newspaper of being an opposition mouthpiece, and for some years in the early 1990s all government departments were directed not to advertise with *The Monitor* allegedly because it was reporting negatively on the government.

<sup>121</sup> "Keep Movement, remove Museveni", *The Monitor* June 25 2000, p.9.

<sup>122</sup> "Referendum civic education receives lukewarm response", *The New Vision*, June 23 2000, p.23.

slogans in support of former president Milton Obote.<sup>123</sup> On the eve of the elections, *The Monitor* had three stories on the referendum on the front page. One said 10 million Ugandans were expected to vote<sup>124</sup>; another was on the court proceedings of the DP's petition<sup>125</sup>; and the last said Museveni had ended his campaign and Ssemogerere was just starting his.<sup>126</sup> On the same day *The Monitor* ran a feature story with the views of ordinary Ugandans interviewed from the streets. Some supported the Movement, others multipartyism, while some were indifferent.<sup>127</sup>

On Election Day, both *The New Vision* and *The Monitor* carried front page stories on the voting.<sup>128</sup> *The New Vision* said the Movement was widely expected to win the referendum as it enjoyed majority support from mainly the peasants. It said multipartyists had boycotted the referendum saying the ground was not level, that the referendum was unnecessary and intended to entrench the Movement system. *The New Vision* said multipartyists had been moving around the country saying freedom of association was an inalienable right that should not be subjected to a vote. But the Movement had countered that the people had the right to choose the political system they wanted. The story said the Multiparty Referendum Committee had been torn apart by internal leadership and financial wrangles which hindered their campaigns in the countryside.

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<sup>123</sup> "MUK students chant 'Obote'", *The Monitor*, June 26 2000, p.1.

<sup>124</sup> "10 million to vote", *The Monitor*, June 28 2000, p.1.

<sup>125</sup> "Parliament video useless, says court", *The Monitor*, June 28 2000, p.1.

<sup>126</sup> "Museveni ends, Semo starts", *The Monitor*, June 28 2000, p.1.

<sup>127</sup> "Ugandans speak out", *The Monitor*, June 28 2000, p.28.

<sup>128</sup> "Ugandans chose political system today", *The New Vision*, June 29 2000, p.1.

On election day *The Monitor* reported that voters cards had flooded some districts like Masaka<sup>129</sup>; and that the DP leader, Dr Ssemogerere had left the country the previous night in a symbolic gesture of the boycott campaign.<sup>130</sup>

A day after the elections, *The New Vision* reported that there was a high turn-up at polling stations, and that “analysts” predicted the Movement was going to win.<sup>131</sup> It said there was a general absence of polling agents from the “shadow” Multiparty Referendum Committee in most polling stations. The committee head, Mr Andrew Sekabira was quoted as saying they would beat the Movement, but the secretary of the Movement Referendum Committee said they expected to win by 70 percent. *The New Vision* carried another report saying Museveni had voted from his western home district of Mbarara.<sup>132</sup> The president said:

Everyone should respect the peoples’ verdict. Am sure the Movement will win whatever the level of inconvenience. What now remains is to consolidate the system of governance the people will have chosen and keep reviewing it according to peoples’ wishes.

### **3.5 WHAT THE EDITORIALS SAID**

The editorial is the voice of a newspaper through which it advances its position on issues (Mencher 1983). It is the section of a newspaper that represents the views of the newspaper as a whole rather than those of the individual author. It is for this reason that we are treating them as a separate entity because they have their own distinct story to tell, besides what the commentaries and front page stories can tell.

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<sup>129</sup> “Voters cards flood Masaka”, *The Monitor* June 29 2000, p.1.

<sup>130</sup> “Semo leaves at night in boycott, Museveni votes in Mbarara”, *The Monitor*, June 29 2000, p.1.

<sup>131</sup> “Ugandans vote in referendum”, *The New Vision*, June 30 2000, p.1.

<sup>132</sup> “Museveni votes in Mbarara, *The New Vision*, June 30 2000, p.1.

An editorial in *The New Vision* titled ‘Parties can win referendum’ urged the multipartyists to participate in the plebiscite.<sup>133</sup> It referred to the results of an independent opinion poll conducted in the last week of May that showed the Movement was likely to get 60 percent of the vote, and parties 23 percent. Said the editorial:

A few things have happened since the opinion poll which could have attracted some sympathy for the party side. The remaining three weeks can be a very long time indeed. It is hard to predict what the final score will be on June 29... partyists can try and change the tide, which is now obviously in favour of the Movement. Start by encouraging the uninterested 24.5 percent to exercise their right on choosing how to be governed.

The editorial asked partyists not to boycott. After all, the issue was not winning but allowing the people to choose the system they wanted. *The New Vision* tacitly discouraged the boycott probably because it knew the results would not be legitimate enough if the Movement was alone in the race. Hence it enticed multiparty supporters to take part in the referendum, saying they had prospects of carrying the day.

Commenting about an opposition politician who, a day after telling a public rally that the Movement should step down, was seen warmly greeting the president, another editorial in *The New Vision* urged Ugandans to be free to criticise Museveni.<sup>134</sup> It said:

What Ugandan needs today is free and frank debate. There is a tendency among both Movement and multiparty politicians to curb criticism when they are in the presence of the president. This is unhealthy. President Museveni himself favours straight talking and encourages constructive criticism.

*The Monitor* praised Museveni for maintaining his cool when he was booed by Makerere University students at a campaign rally at the campus.<sup>135</sup> But security agencies had exhibited

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<sup>133</sup> “Parties can win referendum”, *The New Vision*, June 11 2000, p.10.

<sup>134</sup> “Say what you think”, *The New Vision*, June 27 2000, p.8.

an attitude typical of past regimes where those who did not agree with the regime were punished. The security men beat up and arrested scores of students who booed the head of state. The editorial said the issue for Museveni and the government was to find out why the intellectual community among which they had tremendous support 10 years ago had turned against them. “The government’s arrogance and continued repression of non-Movement views, and the difficulty of young graduates without political and tribal connections to big government [officials] find in getting jobs has contributed to this,” *The Monitor* wrote. *The Monitor* was balanced in this editorial, for while it praised Museveni’s sober conduct, it was critical of the conduct of his security officials and pointed out the government’s shortcomings which were turning sections of the population against it.

*The Monitor* criticised President Museveni for promising to create new districts while on his campaign trail.<sup>136</sup> The editorialist said the way the president was doing it defied the procedures laid down by the country’s laws as districts have to be created by parliament and the Local government ministry. The editorialist concluded:

There are other worries too. When districts are dished out by an incumbent on a campaign platform, it does send the wrong signal. Besides diluting parliament’s role in creating new districts, the whole process becomes a political minefield.

A June 8 editorial in *The Monitor* urged the state to be fair to all, referring to multiparty supporters who had been arrested for stoning the symbolic Movement bus which was returning from a rally addressed by President Museveni in Mbale district.<sup>137</sup> The editorial said the suspects were innocent since they had not been charged in court, and that their arrest and release was

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<sup>135</sup> “When Museveni visited MUK”, *The Monitor*, June 27 2000, p.8.

<sup>136</sup> “Politics of new districts needs to be checked”, *The Monitor*, June 5 2000, p.8.

<sup>137</sup> “Be fair to all”, *The Monitor* June 8 2000, p.8.

sheer politicking. Government was also paying double standards since those disrupting meetings called by partyists were not touched. "This selective application of the law, order and justice tempts us to conclude that an act is 'criminal' when it is against the Movement but 'normal' when it is against multipartyists," the editorial concluded. Hence, while advocating for checks to the president and asking him to stick to the referendum debate on his campaign trail, *The Monitor* attacked also government's "double standards". *The Monitor* was trying to be an advocate of the public good, a check on the government but which would also pat state officials on the back whenever they deserved it.

*The Monitor* challenged the Electoral Commission to get voter numbers right "for once".<sup>138</sup> It said the register had been inflated, which would give the referendum results a credibility problem and made the opposition accuse the commission of handling the voters' register in a "fishy" manner. The editorialist said with Uganda's population of 22 million people, 50 percent of them below the voting age, it was incredible that the register had 10.5 voters.

In the heat of DP's petition seeking to nullify the referendum law, *The Monitor* urged that the referendum goes ahead but counting of ballots waits till court had made its ruling.<sup>139</sup> It said the petition would be overtaken by events; and that Museveni had rushed the new bill through parliament "just in case things turn sour in public". The paper's recommendation was that voting takes place but trusted sheikhs, bishops and institutions keep the ballots till after the petition had been disposed of. *The New Vision*, which said the ruling by the Supreme Court that DP's petition be heard was "landmark", noted that the referendum was near so it would

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<sup>138</sup> "Get voter numbers right for once!" *The Monitor*, June 29 2000, p.8.

<sup>139</sup> "Hold referendum if need be, then count the ballots after Semo case", *The Monitor*, June 28 2000, p.8.

be critical that the hearing and subsequent verdict be done expeditiously.<sup>140</sup> It stressed that there was a strong case for expedience if the country was to avert a “constitutional crisis”. By urging a speedy hearing of the Ssemogerere case, *The New Vision* was implying that it was right and desirable for the referendum to be held.

*The New Vision* supported the government’s argument that the country was not ripe for parties and heaped praises on the Movement. Its editorials had a semblance of fairness but in reality they were conclusive that the country needed to continue with the Movement. While saying Uganda could only adopt full-bloodied political parties once society was mature enough to choose on the basis of policy and not sectarian or ethnic sentiments, *The New Vision* argued that the Movement deserved much credit for making Uganda a trailblazer in economic and political reform in Africa and reversing the country’s pariah status in the world community.<sup>141</sup> However, *The New Vision* argued that the country could not wait long before embracing multipartyism. It postulated:

A younger generation of voters has now grown up without being polluted by sectarian politics. Surely they could vote wisely even in a multiparty environment? So is it time to return to party politics, or should we stay with the Movement for the time being? Your answer will determine the future of Uganda. You must go and vote today.

*The New Vision* said independent survey findings that up to one third of respondents wanted the Movement to become a political party implied that they did not believe the conversion of the movement into a party would prejudice its fundamental ideas of ending sectarianism and tribalism.<sup>142</sup> It said:

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<sup>140</sup> “Avert constitutional crisis”, *The New Vision*, June 2 2000, p.10.

<sup>141</sup> “Go out and vote”, *The New Vision*, June 29 2000, p.8.

<sup>142</sup> “End of sectarianism?” *The New Vision*, June 12 2000, p.14.

President Museveni has always said parties can come when Uganda has overcome its heritage of sectarianism and division. May be that time is closer than we think.”

When the opposition Uganda Peoples Congress announced that it would reactivate activities circumscribed by the constitution, *The New Vision* warned that the action would be unconstitutional.<sup>143</sup> It said UPC’s campaign could soon be overtaken by events, as the planned Political Organisations Bill soon to be debated by Parliament would allow political parties to open local branches and hold delegates’ conferences. “UPC should remember that it still needs police permission to hold public rallies like any other person or organisation,” *The New Vision* said.

Following the Supreme Court ruling, *The Monitor* was happy that the speaker could be forced to offer copies of the Hansard to court. It said the Referendum Act of 1999 was passed in “controversial” circumstances.<sup>144</sup> The editorial blamed the Attorney General and Justice and Constitutional Affairs Minister for tabling the bill close to the end of the constitutional deadline and thus spearheading its rush enactment at whatever cost. The editorial also said while the Constitutional court had earlier refused to rule on the DP petition and raised insurmountable technicalities, now it had no choice. It concluded:

It’s not for us or even wise – to question the merits of holding a referendum at this point, but it’s just to say that if you set rules for the game, better abide by them, or you risk losing face. And more.

It is clear that *The Monitor* was non-committal on the suitability of a referendum; instead it called for soberness during the process. Its editorials were hence more balanced than those of

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<sup>143</sup> “Political organisations” , *The New Vision*, June 15 2000, p.10.

<sup>144</sup> “Serve ‘em right”, *The Monitor*, June 4 2000, p.6.

*The New Vision*. *The Monitor* said though the exercise was seemingly fraudulent, it was good to go ahead with it just for the sake of promoting a spirit of constitutionalism.

*The Monitor* highlighted the arguments presented by the Movement, the partyists and the boycotters, noting the boycotters' concerns that the process had been manipulated and that holding a referendum violated inherent and fundamental human rights, including the right to associate.<sup>145</sup> It thus urged for soberness in the run up to the plebiscite:

We hope the higher senses of all sides prevail in these last days... there should be no intimidation by any side. No one should be forced to vote, and no one should be intimidated away from polling booths. Even for boycotting Movementists, there is still a lot to gain from a seemingly fraudulent exercise. The gain arises from the Movement's own central argument to push through the referendum at any cost – that it's enshrined in the 1995 constitution.

The editorial argued that June 29 would set a precedent representing a major democratic and constitutional stride for Uganda: that once something is enshrined in the constitution then it must be respected to the letter. That alone would make all Ugandans, including boycotters, winners on June 29, it added.

On election day, *The New Vision* urged Ugandans to go and vote, saying after listening to the arguments of the Movement and the parties, it was difficult to say conclusively that either was right or wrong.<sup>146</sup> “The issue remains a grey area because even the Movement supporters agree that ultimately Uganda must move to a multiparty system. The question is when.” The editorial pointed to the arguments by the multipartyists, that freedom of association is a fundamental right, that multipartyism offers the possibility to choose between different sets of

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<sup>145</sup> “Referendum: careful at the last bend”, *The Monitor*, June 24 2000, p.8.

<sup>146</sup> “Get out and vote”, *The New Vision*, June 29 2000, p.8.

social and economic policies at election time, instead of choosing individuals. It also gave the argument of the Movement supporters: that in a multiparty environment politicians are likely to mobilise people on sectarian and ethnic lines which could return the country “to the anarchy of the past”.

A day after the voting, *The Monitor* said the boycott by multipartyists might explain the voter apathy; but added that the issue was not whether the country was better or worse off – the referendum had not changed the country.<sup>147</sup> It said even a child could see that multipartyists and Movement supporters were now further apart than at any time in the 15 years of Museveni’s government. According to the paper, there would not be any honest and serious national dialogue if Museveni, Obote and Ssemogerere remained the leaders of their respective political organisations “due to the historical and very personal nature of their differences”. The writer saw a glum future for pluralism in the country:

We are doomed to bitter bickering and inconsequential debates about ‘what if the parties had been free’ or ‘what percentage of the vote is enough to constitute a mandate when the Movement effectively runs alone in a referendum or election as was the case yesterday. No serious discussion of real political issues with parties repressed administratively and legally.

It can be seen then that the papers actually gave extensive coverage to the referendum, though there appears to have been few stories on the front page regarding the referendum and perhaps even the commentaries and features were not as many as one would have expected of a national election of such significance. Nonetheless, a critical analysis of the coverage, which we present in the next chapter, shows that the coverage conveyed a lot more powerful messages and effect that could be discerned at the outset.

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<sup>147</sup> “The morning after June 29 referendum”, *The Monitor*, June 30 2000, p.8.

## **CHAPTER FOUR**

### **CRITICAL ANALYSIS OF THE COVERAGE**

#### **4.0 INTRODUCTION**

In this chapter, we revisit Habermas's concept of the public sphere and examine how far this was realised or could be realised in the Ugandan context. We consider the degree of access to public debate by different sides and interest groups; as well as the quality of public discourse within and between the various sides and the mainstream.

It will be recalled that Habermas (1989) stipulates that there should be rational-critical debate, that is, the use of public reason and non-facile criticism among private individuals who are engaged in free discussion on any matter of community. This chapter explores how the newspapers debated the issue of the referendum, the positions they seemed to espouse, the diversity of views expressed. Who was always talking and what were they saying? Whose voice was not heard? And what were the undertones in the editorials of the newspapers? In addition, this chapter tackles the question of how 'rational' the debate was and whether the papers represented a functioning public sphere and facilitated the critical discourse that is said to be at the heart of the democratic process. It also examines the issue of whether one public sphere is the most suitable in a society like Uganda that has diverse interest groups, some of them hostile to the other.

## **A DOMINATED PUBLIC SPHERE**

A look at the coverage of the referendum reveals that while both newspapers many times tried to show some degree of political independence from both the state and the opposition, it is evident that they were not always successful in doing so. Besides, not all sections of the population contributed to the debate. It was, besides the journalists, almost always politicians from the Movement and multiparty camps that voiced their opinions on the referendum. The few other voices were almost always those of academics and other members of the elite. In this regard, it can be realised that besides the elite, no other social class accessed and utilised the public sphere that was represented by *The New Vision* and *The Monitor*. Of the articles under review, up to 65% were written by newspaper journalists and over 30% were by, or interviews with, party officials, politicians and 'experts'. The two papers did not have a deliberate policy to empower the 'common person' to contribute to the debate. For example while *The New Vision* offered a permanent platform on Wednesdays for the Multiparty National Referendum Committee and the Movement National Referendum Committee to write, no such platform was offered to other citizens.

While those who wrote differed on the political system, their general interests could be said to be somehow similar, but different from those of other members of society – for instance low-income farmers and civil servants. Those who wrote – particularly the politicians - were apparently economically and socially advantaged, and were favoured by the dynamics of news manufacturing. Their main problem could be a difference in ideology and the fact that believers in one system, rather than themselves, were in power. The lower social classes, especially the workers and the peasants who form the majority of the Ugandan population, and who had a lot of genuine problems that leaders needed to help solve, did not have a say in

the public sphere presented by the papers. Thus, it can be said that their interests may not have been represented.<sup>148</sup> If their voices were represented then the editors of the newspapers did not find them strong enough to make commentaries/ features or page one stories. They were probably relegated to the letters' pages.<sup>149</sup>

An analysis of *The New Vision*'s coverage shows that the authors were by far in support of the Movement system of government, and they were mainly government or Movement Secretariat officials. But the newspaper's staff and regular contributors also wrote much, a great deal of it in favour of the referendum and the continuation of the Movement system. *The Monitor* had several articles from its own correspondents but offered ample space to both Movement supporters (including senior government officials) and multiparty supporters. What was blatantly common about the two newspapers' coverage was the categories of people who wrote predominantly.

The two newspapers did not find it prudent to pick the views of members of the civil society for question-and-answer interviews, but always went for the big 'newsmakers' like the DP leader and the National Political Commissar of the Movement. Only one time during the month of June did *The Monitor* present the 'voice of the people'. This was on the eve of the referendum.<sup>150</sup> But even then just a dozen people were interviewed, some of whom were in support of the Movement, others multipartyism and yet others were indifferent saying the

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<sup>148</sup> It must be noted, though, that while some sections of society were not actively involved in the public debate, their interests were taken care of at the polls in as far as they were free to cast to cast their ballots in favour of the system they preferred.

<sup>149</sup> An examination of Letters to the Editor indicates that indeed many letters from Ugandans in Uganda were published. But majority of them were from Kampala and nearby urban centres. And on some days letters from Ugandans in the Diaspora sent by email were half of those used on the letters' page, especially of *The Monitor*.

<sup>150</sup> "Ugandans speak out", *The Monitor*, June 28 2000, p.28.

country had bigger problems to think about. *The New Vision* only lamented the low level of understanding of the referendum exercise among voters; it did not initiate civic education programmes or encourage them to participate more in the debate and the entire exercise. Considering that hundreds of stories were run about the referendum all through the month of June, it is incredible that only once did *The Monitor* find it prudent to get the ‘voice of the people’. *The New Vision* simply did not find it worth the effort to interview ordinary Ugandans yet the big players in the DP, UPC and NRM, the political scientists and ‘analysts’, the constitutional experts and law lecturers at university were almost on a daily basis being quoted in the newspapers.

Luigi M (1989) notes that the notion of pluralism rests on the belief that there is need to respect and equally protect all points of view, no matter how much we may disagree with them. He adds:

Editors and reporters [should] take a great deal more care in seeking and representing a plurality of citizens' experiences and points of view, and in providing a much broader forum - facilitating access to the media not only for experts, mainstream politicians, and professional journalists, but also for occasional proponents of positions that emerge through popular grassroots discussions of the issues. I am proposing that citizens be empowered to act not only as receivers of mass media messages, but also as senders.

In the coverage of the referendum, the Ugandan media clearly failed to honour the principle of pluralism as envisaged by Luigi, and indeed as indicated by the public sphere paradigm. On issues like the possibility of a halt to the referendum, the press could have interviewed – randomly – common Ugandans off the streets or their farms to find out what they wanted. That way their representation in the public sphere would have been enhanced. The media needed to have deliberately encouraged and enabled the broadest possible spectrum of

Ugandans to participate in debate on equal terms. While the interpretations of the qualified sources did provide a deeper insight into what the situation was, it would have been more helpful to feel the mood of the ‘average person’ for whom the politicians always claimed they were fighting the referendum *war*.

This then suggests that the papers did not present a working public sphere and that access to the media was not equally open to all. There were those who had ample access and those who had little or none. Here we need to revisit, briefly, the sociological theory of news production. It says, inter alia, that news workers depend heavily on the bureaucratic definition of the phenomena they report; that the media often rely on experts, politicians and other ‘qualified’ sources or ‘knowers’ for quotations and interpretations of issues. In this way, the theory holds, the media become the secondary rather than the primary definers of issues with the ‘knowers’ being the primary definers. This is a scenario that represents the media as a corrupted public sphere<sup>151</sup>, and it is a scenario that was witnessed in Uganda during the run up to the referendum. Many times the politicians and other ‘knowers’ wrote their own opinions. Many other times they were interviewed in question-and-answer format; further, in news stories they were quoted at length on one issue or another. It can also be realised that the features and commentaries which journalists produced in their papers were often reactions to utterances or writings by the ‘knowers’. In this way it could be seen that the ‘knowers’ always set out what the issue at stake was, and the parameters for debate. What the media did – in many instances - was to try and analyse or give another view of the ‘issue at stake’ as delineated by the primary definers.

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<sup>151</sup> The term ‘corrupted public sphere’ refers to a public sphere where there is tutelage, where debate is not accessible to all. It is a public sphere that is not working properly.

There doesn't seem to have been a deliberate move to lock some people out of the public sphere represented by *The New Vision* and *The Monitor*. But because of the nature of these publications, and the environment in which they operated, it became hard for some people to access the public sphere and contribute to the debate. For one, these papers were published in the English language, which many Ugandans do not understand, as it is a foreign language and the literacy rate of the country is just 65 percent. In addition the papers sold for Ushs700, which was a lot of money considering that over 35 percent of Ugandans lived on a daily income of less than Ushs1500.<sup>152</sup> The newspapers had a poor distribution network, circulating only in the major towns, and selling a combined daily total of about 63,000 copies in a country of 22 million people.<sup>153</sup>

The newspapers also suffered logistical problems – partly arising from their low advertising and circulation levels – so would mostly likely feel the pinch of sending staff upcountry to solicit the views of the people there.<sup>154</sup> Moreover, most of the readers were concentrated in the capital and a few urban centres, so it would probably not make much economic sense for the newspapers to invest in a poor and semi-illiterate audience which would probably not pay financial rewards to the newspapers. This is probably why, for the whole month of June, virtually all the opinions that were run came from the capital Kampala - the smallest of the

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<sup>152</sup> The exchange rate of the US dollar to the Uganda Shilling in June 2000 was \$1: Ush1530. The World Bank and the Ministry of Finance say in the country's *Poverty Alleviation Strategy*, that over 35 percent of Ugandans live on less than one dollar a day.

<sup>153</sup> *New Vision* was selling 38,000 copies daily, *Monitor* 25,000.

<sup>154</sup> "Newspapers feel the pinch", *The EastAfrican*, 1999, p.5. David Ouma Balikowa, News Editor of *The Monitor*, told *The EastAfrican* that due to competition in the market and the low circulation figures, his paper had cut down significantly on its budget for upcountry assignments for reporters.

country's 56 districts – and overseas. Stories only came through from upcountry when the bigwigs from Kampala travelled there in search of votes.

Likewise, it would probably be easier for an opinion sent to the editorials in clear English and well typed, may be via email, to be used in these papers than one which is hand-written and in vernacular. The deadline pressures, tight staffing levels in newsrooms, and the need to beat the competition in hitting the news-stands, meant that often the material that was easier to use found its way into the newspapers. That material, given Uganda's structural nature, would most likely be material originating from the elite in urban centres and abroad. Almost always, *The Monitor* and *The New Vision* had the same cover stories, mainly from courts, or the campaign rallies. This meant that sales very much depended on which of them would get to the streets first. But there is also an underlying implication here: in their news coverage, the two newspapers seemed to have similar news values attached to referendum stories. That is why on many instances they gave similar coverage to news events.

It is for this reason that even Ugandans in Europe, Asia and America - students and workers – were better represented in *The Monitor* and *The New Vision* public spheres than the average Ugandans within the country. They participated to the debate mainly via the Internet – another elitist medium in developing countries – and their well-written pieces sent in neat English via email made it possible for their opinions to get highlighted. For instance, one of *The Monitor*'s regular columnists, Muniini Mulera, was based in Canada. He was a strong advocate of the referendum, saying it gave Ugandans a golden opportunity to pass judgement

on the Movement.<sup>155</sup> In a separate article he argued that over 1100 referendums had been held worldwide since the French revolution, most of them to settle sovereignty and constitutional issues. The columnist said there was “no safer depository of the ultimate power of society but the people themselves”.<sup>156</sup>

### **THE PROBLEM WITH TUTELAGE**

According to the public sphere paradigm there should be no tutelage, that is, there should not be ability to deprive the public of the opportunity to say something and disagree (Habermas 1989; Bright et al 1999). It means no dominant or powerful sections of society should dominate the debate and influence issues on the public agenda - those to be brought in the public discourse and those not to be. The lack of tutelage denotes a situation where there are no dominant voices, where all have equal and easy access to the public spheres and express their views without being unduly influenced or coerced by others. From the above analysis of the coverage of the Ugandan referendum it is clear that there were problems of tutelage. This may not have been a conscious undertaking on the part of the newspapers - or even the ‘knowers’ who may not have a direct control over the working of the public sphere presented by the media. But the social and structural environment in which newspapers operated made it inevitable for tutelage to occur.

Tutelage presents a big problem for the public sphere (Thorntorn 1997; Elliot 1982; Garnham 1986; Bright et al 1999; Fraser 1996:). First of all, and this has implications for other issues as well, is that those who have access and who steer and direct the debate will be able to present as the pressing issue of the day, something that may be irrelevant to the other interest groups that

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<sup>155</sup> “Banyoro can boycott if Ogwal votes for the Movement”, *The Monitor* June 26 2000, p.10.

<sup>156</sup> “Place of referenda in the world today”, *New Vision*, June 28 2000, P.27.

are not having their voices heard. In Uganda the elite and politicians from the mainstream, therefore became the primary definers and set the parameters for discussing what the important issues of the day were.

In the articles written by the Movement side, the argument was constant: We need a referendum because the constitution provides for it and because it gives the people the opportunity to decide what they want. In addition, the Movement supporters praised the Movement as the best system for Uganda because it had brought unity, peace and development. In so doing, the Movementists established as the issue for discussion the constitutionality of the referendum, its suitability, and whether the Movement or parties was the best political system for Uganda. It followed, then, that the partyists only reacted to the Movement line, arguing against the constitutionality of the referendum, its desirability and why parties were the best option for Uganda. Now in this scenario it was hard to bring out other alternatives. As the constitution provides, Ugandans could choose from “other democratic and representative systems” but almost zero attention was given by the media to this.<sup>157</sup> In addition, there were other suggested middle-of-the-road positions that could possibly have been made so both multi-partyists and Movement supporters come out as winners. One of them, fronted by a small group of moderate multipartyists, was that the country continues under the Movement for five years from 2000, then after that it automatically reverts to multipartyism. But because debate had been already set in particular parameters, it was not possible to get such views adequately heard. The referendum law required 1000 signatures from voters supporting a system to appeal to the Minister for Justice and Constitutional Affairs to have it included in the referendum. None of the systems mooted made the requirements.

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<sup>157</sup> Article 69 (2c) provides that besides the Movement and multipartyism, Ugandans could adopt any other “democratic and representative political system”.

In looking at the issue of tutelage, it is helpful to examine how ‘problems’ in society are defined and how the so-called public consensus is built. Mendelsohn (1996: 240) argues that politicians seek to take advantage of the public opinion, and indeed regularly try to manipulate the media’s interpretation of public opinion. In the Ugandan case they sought to set the agenda and build public consensus on behalf of the rest of society. This is evident when one examines the three things that are involved in public opinion formation and engineering of consent: ‘naming’ the problem, giving it ‘public status’ by assigning responsibility to someone to do something about it; and legitimating a particular way of ‘viewing’ the problem (Gertrude and Claude). On the outlook, in naming the problem journalists may seem in control because they select which group’s voices will be heard and reconstruct the interpretations of the situation through sequencing and arranging. But then when we recall the concept of primary and secondary definers we realise that actually it is often the ‘knowers’ rather than the journalists who will provide the interpretations for society. In the Ugandans case we realise that while in many of their articles journalists sought and included views and interpretations of politicians, constitutional experts and lawyers, these ‘knowers’ themselves wrote several articles. Thus, there was a high level of tutelage in the public sphere offered by *The Monitor* and *The New Vision*, which distorted its working and undermined the newspapers’ contribution to the development of a common good and the building of democracy.

## **BUSINESS AND OWNERSHIP INFLUENCES**

French thinker Albert Camus remarked in 1944 that, "the press is free when it does not depend on either the power of government or the power of money". Karl Marx had earlier postulated that "the first freedom of the press consists in its not being a trade" (Marx K and Engels F 1965). This suggests that the ability of the media to play a meaningful role in building democracy and in providing a true public sphere lies in its ability to be free of capitalist interests. In the Ugandan press, there were both business and ownership interests that could have helped shape – negatively- the way the newspapers covered the referendum. *The New Vision* is a government-owned newspaper that state officials would not expect to be too critical of government positions, and not too lenient to the opposition. Indeed there have been several instances in which government officials have of late taken action against *The New Vision* journalists deemed to be too critical of the government.

Shortly after the referendum and in the run-up to the presidential elections, the Information Minister suspended four columns said to be critical of government. Among those was 'Old Man Around Town', whose author had written of the referendum: "Opinion leaders are opposed to the referendum. Cabinet, I am told, is divided on the issue; and that open dissidence is checked by the fear of annoying Caesar, a disease which afflicts the Movement caucus already rendered a cabal against non-conformity."<sup>158</sup> The paper's Political Editor, who wrote an article saying the president had run out of ideas, was demoted to Parliament Editor; while shortly after the March 2001 presidential elections the paper's Corporation Secretary – whose weekly column had been scrapped earlier – was sacked from the newspaper for allegedly supporting Museveni's opponent, Col. Kizza Besigye. In such circumstances it

would be hard for *The New Vision* to provide a working public sphere equally accessible to people of all views. Indeed during the referendum, *The New Vision* often carried reports refuting or countering articles published by *The Monitor* which government officials thought did not suit their interests.<sup>159</sup>

There was also the issue of 'giving the people what they want'. The editor of *The New Vision*, William Pike, says people only want a limited public debate and so the media, especially the private media, give them what they want. "They want to be entertained. Their lives are too harsh. People want to be entertained not boring political debate" (Mwesige 1998: 35). Reacting to accusations of biased reporting, *The Monitor* Editor-in-Chief Wafula Oguttu said his paper's editorial coverage was market-driven and had no political inclination. He said, "For us we only cover a good story, a story that is saleable."<sup>160</sup>

Given the above scenario, it would be hard for the papers to stay objective.<sup>161</sup> The demands of the market, and of ownership interests, were apparently too strong to allow for the press to provide a true public sphere. Indeed there have been criticisms that both *The New Vision* and *The Monitor* "provided the public with a one-sided picture of the campaign, a reflection of the campaign the Movement is conducting all over the country and the absence of the multiparty side on the ground" (Bratton and Lambert 2001:433). Along with other media, the two

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<sup>158</sup> "What if the Movement lost?" *New Vision*, June 4 2000, p.28.

<sup>159</sup> Cases in point included when *The Monitor* reported that there were money fights in the Movement camp and that Nkangi had told cabinet the referendum was in trouble and a new law had to be passed to save it. In both instances the government paper presented the "correct" version of events as seen by government officials. In many cases the articles stating the "correct" position were written by government officials.

<sup>160</sup> "Referendum: Uganda press accused of bias", *The EastAfrican*, June 19-25 2000, p.9.

<sup>161</sup> Objectivity refers to impartiality in coverage of issues. According to the socialist theory of the media, once the media are under the control of private individuals/ organisations intent on making profits, they cease being a

newspapers were accused by election monitors of abdicating their duty of objectively informing and educating the public about the referendum and its implications.<sup>162</sup> Bratton and Lambert (2001: 433) also accused Ugandan newspapers of not adequately highlighting the pertinent issues that affected the referendum results. Partly as a result of this, they said, voters were not well informed about the referendum, “with many thinking that it was an election that could remove the Movement from office”. *The New Vision* itself wrote six days to voting day that voters were quite ignorant about the referendum and thought they would be voting for president on June 29.<sup>163</sup> The research by Bratton and Lambert showed that whereas 57 percent of the respondents thought that the media were balanced in their coverage of the campaign, 43 percent found them biased. And where media bias was perceived, it was more often seen to be more biased in favour of the government side (77 percent) than towards the opposition (23 percent).

What this brings out is that the media failed in its duty to access all people to the public sphere and to facilitate rational, frank and critical debate on an issue of key importance to the entire public. It shows just a few sections of the population had ample access; it shows the media was not fair to all. It bears out concerns by some researchers (Elliot, 1982; Garnham, 1986) about decline of a public sphere of democratic debate and its replacement by politics where there are large-scale, commercialised mass media.

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sphere for discussion of issues of general concern and become a vehicle for promotion of the interests of the rich and the powerful.

<sup>162</sup> In a report issued in mid June 2000, The Referendum 2000 Monitoring Cluster – a grouping of NGOs monitoring the referendum – said media were biased in their reporting. The report said *The Monitor* gave the Movement 37 percent coverage as compared to 5 percent for the multi-party side and 14 percent to the side boycotting the referendum. *New Vision* gave the Movement 34 percent coverage, 7 percent to the boycotting side and 10 percent to the multipartyists in the referendum.

Garnham's (1986) criticism that the rise of direct control by private and state interests of the flow of public information was 'killing' the public sphere was evident in the Ugandan context. Garnham argued that the rise of the capitalist economy with the resultant monopoly capitalism contributed to an uneven distribution of wealth and rising entry costs to the public sphere. The fact that the national politicians, the university lecturers, constitutional experts and other elite greatly dominated the pages of *The New Vision* and *The Monitor* meant the public sphere they represented was flawed. The media, Garnham posited, were then controlling the flow of information not in the interest of rational discourse, but of manipulation for selfish interests. In *The Monitor* case, as the editor confessed, it was "to sell"; in *The New Vision*'s case, it was to give the people what they wanted (by way of what kinds of stories they wanted to read) but apparently while at the same time promoting the interests of the government.

### **RATIONALITY OF DEBATE**

Habermas (1989) describes 'rational critical debate' as the public use of reason and non-facile criticism among private individuals who are engaged in free discussion on any matter of community interest. For purposes of this research it can be said to refer to sober, unchecked debate from all competing sides – or all sides with a stake in the issue at hand. It also refers to the use of reason and sober language in the course of the debate.

Bright et al (1989) have postulated that the modern era of mass communication is too often merely a form of tutelage, in which rational-critical debate is reduced to the consumption of unstudied, non-reflexive opinion; and that when the public lacks autonomy in formulating and expressing opinions, the resultant coerced or influenced ideas are "non-public opinion".

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<sup>163</sup> "Referendum civic education receives lukewarm response", *The New Vision*, June 23 2000, p.23.

A look at the debates in the media shows that most of the time the discussants presented the same arguments through and through: whether the referendum was desirable, whether parties or the Movement was the best system for Uganda. It was always about parties being divisive along sectarian lines, having old-fashioned leaders and a history of conflict. Or the Movement's successes in uniting Ugandans, returning peace to much of the country and turning around the economy. For the multipartyists, it was always that the right to associate was sacrosanct, that parties offered voters more choices in policies and leaders; that the Movement was not all-inclusive, was corrupt and had failed to return peace to some parts of the country.

The debate was also emotional at times, with some writers using abusive language against the system they opposed, or those who supported it, which can in no way be classified as rational-critical debate. Both *The New Vision* and *The Monitor* carried stories that were critical of the Movement, partyists and even the Electoral Commission. Following the passing of the second bill on the referendum, both newspapers were very critical of the conduct of the Parliament, the Speaker of Parliament and the Minister for Justice and Constitutional Affairs. *The Monitor* criticised the Movement for “dragging” Ugandans along the referendum, adding that issues of human rights like the right to associate should never be decided on majority vote”.<sup>164</sup>

But that is not to say there was no rational and critical debate at all. *The New Vision* criticised the president when he claimed the DP petition was misguided. It said at issue was not the supremacy of the constitution but whether the referendum law was passed by parliament in

appropriate circumstances.<sup>165</sup> It referred to the bill as unconstitutional and blamed the Justice Minister for acting in “bad faith” and going against his conscience just to please the Movement. The newspaper provided space to multiparty supporters to air their views<sup>166</sup>, and even the newspaper staff wrote articles that were critical of the Movement. In one case they referred to MPs as being “overzealous” and “shameless” in their resolve to pass the second referendum law; said Museveni was “bulldozing” MPs and quoted multipartyist MPs at length in their opposition to the manner in which the bill was passed.<sup>167</sup> *The New Vision* also opposed the “intolerance” displayed by the Movement MPs, accused them of having showed no ethic in politics and becoming a rubber stamp of the executive. This implies that *The New Vision*’s public sphere was not locked to multipartyists and that the newspaper was not always blindly espousing the interests of its owners – Government.

Uganda is an emerging democracy as the country went through several decades of tyrannical and military rule. In addition, every leader who took over power undid the semblance of governance systems and institutions that had been put in place by his predecessor. The country was therefore still heavily reliant on individuals rather than institutions. In debating the political systems and their suitability, much of the debate centred on the individual players who had been very active in the two systems; much of the time it actually did not centre on the merits and demerits of the two systems. Thus, where President Museveni as an individual was seen to be a better and more sober leader than say Obote who ruled under multipartyism, in some cases debate was parochial

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<sup>164</sup> “Referendum: Movement has learnt nothing”, *The Monitor*, June 10 2000, p.10.

<sup>165</sup> “Referendum on test”, *New Vision*, June 18 2000, p.18.

<sup>166</sup> Through the month of June, *New Vision* provided equal space every Wednesday to the two sides to the referendum to send their articles for publication. The articles always carried pictures of some of the main players in the two camps, as well as the symbols they were using for the referendum. The Movement symbol was the bus to symbolise that it was for everyone, while the multiparty symbol was a dove for peace.

<sup>167</sup> “MPs okay referendum”, *The New Vision*, June 8 2000, p.3.

and concluded that the Movement was a better system, as embodied by Museveni. In similar vein Museveni's opponents accused him of acting like Obote by encouraging members of the opposition to defect and rewarding them<sup>168</sup>; and by engineering the speedy passing of the Referendum (Political Systems) Act 2000. *The Monitor* referred to Movement MPs and government officials as "chaps" and suggested they were being illogical to insist on the referendum. There were also derogatory references to "Museveni and his band" as well as to "Museveni's poodles".

*The Monitor*, referring to a meeting between Museveni and Movementist MPs earlier on the day the second bill was passed, said the president was in "intimidating mood" and had "lambasted" his supporters for being absent from the session that passed the first referendum law. Throughout the debate in parliament, *The Monitor* said, opposition members were "lamenting", "complaining" or "submitting". There were lengthy, eloquent verbatim quotations from the opposition MPs. On the other hand, Movement MPs were collectively said to have been "coached", some of them "rampaging". This is an indication that the paper was being critical of the Movement and instead presenting the case of the multipartyist MPs explaining why it was improper to pass the second referendum law.

But while being critical, *The Monitor* was not always rational. Referring to MPs and other government officials as dishonourable and "not worth a breath" was perhaps not a very rational thing to do. The same goes for reference to the referendum as "nefarious" and the second referendum law as "obscene". Calling the MPs rubber stamps and Museveni's "poodles" was equally uncalled for as were remarks such as "The MP of 'Member of Parliament' has

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<sup>168</sup> "Is June 29 Noah's Ark?" *The Monitor*, June 16 2000, p.6.

degenerated into ‘master of pander’ and this is not simply because MPs are illiterate dimwits with their eyes on the money; it is all about greed for power”. In another case where *The Monitor* was not rational, it called the Justice and Constitutional Affairs “whiskered” and charged that he claimed to be a ‘born-again’ Christian but was acting dishonestly.

However, *The Monitor* did not have a monopoly over irrational language and argument. Even in *The New Vision* this was manifested, though in the main the target was those opposed to the Movement and the holding of the referendum. They were said to be getting more “ridiculous”, while their argument was said to be hackneyed.<sup>169</sup> There were also references to “spurious” articles in the constitution; while the side campaigning for multipartyism in the referendum was said to be a “shadow committee”. And besides using such language, some writers did not have anything critical to say but merely repeated what others had been saying before, namely singing the merits of this or the other system, and invoking constitutional provisions to justify a certain position.

However, while there was a degree of irrationality, there was as well was a lot of rational-critical debate. Many of the articles tackled merits and demerits of the contending political system, and of holding a referendum. Many authors wrote rejoinders to other writers’ works and explored a number of issues surrounding the referendum and arrangements for it. It can be said therefore that while in some instances a degree of irrationality was exhibited, which undermined the purity of the public sphere as would have been envisaged by Habermas, a lot of critical and rational debate indeed took place. Perhaps the deep divisions among the contending sides and the

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<sup>169</sup> “Bizarre twist in referendum politics”, *The New Vision*, June 11 2000, p.6.

immense emotions the two sides seemed to have over the issue at hand could explain the irrationality of debate.

### **THE CASE FOR MULTIPLE PUBLICS**

The above critical analysis shows that some sections of society did not have accessibility to the public sphere. Their views were not heard and they therefore did not take part in the public discourse which would have helped much in shaping the future of democracy in Uganda. This brings us therefore to the issue of multiple public spheres, with each social class and interest group having its own public sphere. These various spheres would then help to expound the interests and positions of the various players; and it would be easy for much of the country to know what people want. That would be a better road to democracy, for true democracy is not really the rule of the majority but also respects the interests of the minority, however small it may be (Butler and Ranney 1994; Mak'Ochieng 1996; Heartlands 1994). As Bright et al (1999) have argued:

Multiple publics facilitate the access of all groups to discourse and improve the quality of debate by ensuring that certain arguments are not silenced by a supposedly “universal” mainstream. In so doing, multiple publics enable the rational-critical interchange that is the hallmark of democracy.

In the Ugandan case, one would envisage a public sphere for the farmers, for women, for Muslims, for the youth, for the disabled, for the ruralfolk, and many more. In their small public spheres, they would be able to voice their opinions on the oppressing issues of the day. In the case of the referendum they could probably have come up with a third or even fourth ‘representative and democratic system of government’ among the alternatives to choose from. As it were, their voices were not heard: those who had access to the public sphere were the

partyists and Movementists and those were the only systems that were voted on. These interest groups could, at another level, have been able to say what their pressing needs were. Probably the referendum was tenth on their agenda, after issues like low agricultural prices, high tuition fees and repressive local government officials.

Government would then have been in better position to take care of their concerns – which is what should happen in a true democracy. Habermas's conception of the public sphere assumes that there is one arena that works for all and it is desirable to all. It also says there should be one undifferentiated public for whom a common good is possible. But in a society like Uganda it is clear that different people have different priorities and it is not easy to have one common position that is good for all. The interests and priorities of peasants, politicians and workers are clearly at a variance. Even among politicians there are definitely different interests and reaching a common good for both multipartyists and Movements would be quite hard, if possible at all.

Herbst S (1994) was right when she pointed out that multiple public spheres instead of a large all-consuming one are central to the realisation of Habermas's dual criterion of accessible publics characterised by rational-critical discourse. She rightly argued that [marginalised] groups, which may be unable to break into mainstream political dialogue because of their demographic characteristics or ideas could challenge the mainstream by creating alternative public spheres which can sometimes influence mainstream conception of issues. Berger (1999) has indeed written that while 'public sphere' is sometimes taken in a singular case,

“Habermas himself in later writings theorised class, gender, social and cultural interest groups which could develop different own public spheres”.

All said, a single public sphere cannot allow the realisation of universal accessibility and rational-critical debate especially in multicultural communities or those characterised by social, political, religious or ethnic inequality. In Uganda therefore, where various inequalities and divisions existed at the time the referendum was held, a single public sphere would be flawed and would not help build democracy. Indeed, it was totally unattainable.

### **ANALYSIS OF THE PAPERS’ EDITORIALS**

The editorials being the official voice of the newspapers warrant a specific analysis as the story they tell is significantly different from that of other sections of the newspaper (Mencher 1983). This is basically because the paper’s senior staff write them to present the views of the publication. *The New Vision* discouraged the boycott and even tried to entice multipartyists to take part in the referendum by saying they had a good chance of winning the plebiscite.<sup>170</sup> It reasoned that the issue was not winning but allowing the people to choose the system they wanted. This support for the referendum was consistent with the view of the government and the Movement. When the DP petition threatened the referendum, *The New Vision* urged the Constitutional Court to expeditiously dispose of the case in order to avert a “constitutional crisis”. The implication here was that it was right and desirable to hold the referendum, and *The New Vision* was doing its expected duty as an organ of the state to ensure that it took place.<sup>171</sup>

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<sup>170</sup> “Parties can win referendum”, *The New Vision*, June 11 2000, p.10.

<sup>171</sup> “Avert constitutional crisis”, *The New Vision*, June 2 2000, p.10.

While the above stance clearly indicates that *The New Vision* supported the referendum, there were provisions in the electoral law that required the paper to be neutral and to give equal space to all sides in the contest. Besides journalistic ethics required the paper to be fair to all. It is primarily due to these two reasons that *The New Vision* editorials always attempted to be fair even to the multipartyists and to a certain degree critical even of the president. The paper pointed out in one of its editorials that the president favoured straight talking and constructive criticism.<sup>172</sup>

*The Monitor*, on the other hand, never carried any editorials that supported the Movement. Most of the time it took a middle-of-the-road position, not coming out to clearly support any of the contending sides. While it praised Museveni for acting logically by not punishing Makerere University students who booed him during a rally at the university, it questioned the excesses of his security men who were harassing those who expressed opposition to the president.<sup>173</sup>

Commenting on why there was grave hostility towards the Movement at the university, the paper, in its characteristic criticism of government, said: “The government’s arrogance and continued repression of non-Movement views, and the difficulty of young graduates without political and tribal connections to big government [officials] find in getting jobs has contributed to this.” Seeming to take on the role of the voice of the opposition, *The Monitor* always tried to put checks on government officials who were considered unfair to Museveni.

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<sup>172</sup> “Say what you think”, *The New Vision*, June 27 2000, p.8.

It asked President Museveni to stop creating new districts, saying that was the role of Parliament and suggesting the new districts were bribes to earn the Movement votes.<sup>174</sup>

*The Monitor* also attacked government's "double standards" saying there was a selective application of the law, order and justice with an act committed by multipartyists labelled criminal while that of a Movement supporter was normal.<sup>175</sup> *The Monitor* challenged the Electoral Commission to get voter numbers right "for once" so as to minimise the possibility of rigging and labelled as "controversial" the circumstances under which the referendum of 1999 was passed.<sup>176</sup>

*The Monitor* also urged that while the referendum could take place before the Constitutional Court disposed of DP's petition, counting of ballots needed to be delayed until the case had been decided. It suggested that the ballots be kept with religious leaders and other institutions until the court had decided on the case.<sup>177</sup> This contrasted sharply with *The New Vision* stand, which was that the Constitutional Court expeditiously hears the case and the referendum goes ahead. *The Monitor* was playing the role of voice of the people, or more appropriately voice of the opposition by advocating the interests of the petitioners. *The New Vision* pushed for the government by urging that the referendum should just go ahead.

*The New Vision* supported the government view that the country was "not ripe for parties" and heaped praises on the NRM's achievements. It said Uganda could only adopt full-bloodied

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<sup>173</sup> "When Museveni visited MUK", *The Monitor*, June 27 2000, p.8.

<sup>174</sup> "Politics of new districts needs to be checked", *The Monitor*, June 5 2000, p.8.

<sup>175</sup> "Be fair to all", *The Monitor* June 8 2000, p.8.

<sup>176</sup> "Serve 'em right", *The Monitor*, June 4 2000, p.6.

political parties “once society was mature enough to choose on the basis of policy and not sectarian or ethnic sentiments”.<sup>178</sup> While noting that the country would one day return to multipartyism and the question was when, *The New Vision* argued that there were still fears that parties could take the country “to the anarchy of the past”. On voting day it told its readers: “You must go out and vote”. It attempted to strike some semblance of fairness, but after declaring that the country was not yet ripe for parties, *The New Vision* noted that there was a younger generation of Ugandans that had grown up without being “polluted” by sectarian politics. *The Monitor*, on the other hand, did not use such strong and committal language. It did not even say decisively whether or not it supported the referendum. It said: “It’s not for us or even wise – to question the merits of holding a referendum at this point”, while commenting on the ruling of the Supreme Court on the DP petition. It criticised the conduct of government officials, including the Minister for Justice and Constitutional Affairs, who had “rushed” the bill through parliament in the determination to have it enacted “at all cost”.

*The Monitor* instead called for “the higher senses of all sides to prevail”.<sup>179</sup> It urged that there should be no intimidation: “No one should be forced to vote, and no one should be intimidated away from polling booths,” it said. *The Monitor* said though the exercise was seemingly fraudulent, there was at least one benefit for the country: the country would be seen to respect what was enshrined in its constitution.

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<sup>177</sup> “Hold referendum if need be, then count the ballots after Semo case”, *The Monitor*, June 28 2000, p.8.

<sup>178</sup> “Get out and vote”, *The New Vision*, June 29 2000, p.8.

<sup>179</sup> “Referendum: careful at the last bend”, *The Monitor*, June 24 2000, p.8.

It is apparent then that the public sphere offered by *The Monitor* had more diverse views and that the paper was more independent from government and other politicians as far as the positions it espoused was concerned. *The New Vision* tended to toe the government line though at the same time occasionally throwing in a good word for the partyists. But while it may not have been very independent in its editorials, *The New Vision* was nonetheless sometimes critical of government.

### **THE REFERENDUM VERSUS OTHER ISSUES IN THE NEWS**

In the first week of June, Ugandan and Rwandese troops fought in Congo, killing over 700 people. All through June almost all of the first two pages of both *The New Vision* and *The Monitor* were taken up by news on Congo. Even on the day voting for the referendum took place, the lead in *The New Vision* was on the Congo crisis. The newspaper had three articles on the front page, one on the referendum and two on the Congo fighting. This was because there was immense interest in the issue both within the country and outside. Uganda's involvement in the Congo was controversial. The president did not get the consent of parliament before deploying the soldiers though the constitution demanded that he should.<sup>180</sup>

Moreover, the argument that the country's forces had gone to wipe out camps of Ugandan rebels based there lost credibility when the Ugandan troops started fighting on the side of Congolese rebels opposed to President Laurent Kabila (RIP). The troops went as far as 2000kms inside Congo.<sup>181</sup> The Ugandan and Rwandan forces had gone to Congo as allies in

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<sup>180</sup> Article 210 (d) of the national constitution states that parliament shall regulate the deployment of troops outside Uganda. Article 124 says the president needs approval by two thirds of parliament to declare a state of war between Uganda and another country.

<sup>181</sup> "Quit Congo, MPs advise", *The New Vision*, June 14 2000, p.1.

1997, helping Laurent Kabila to topple veteran dictator Mobutu Sese Seko, but then turned their guns against each other three times between 1999 and June 2000. With many Ugandans, including MPs, severely opposed to Uganda's Congo adventure, the issue fascinated many Ugandans and heavily dominated the front pages and commentaries in both *The New Vision* and *The Monitor*. Several Ugandans were killed in Congo, particularly in the so-called Kisangani III battle of May-June 2000 and Ugandans were apparently more touched by the happenings in the neighbouring country than by the referendum whose outcome many people thought was known before the voting.

But there was also immense voter apathy, a lack of interest in the referendum that could have forced the newspapers to give limited coverage to the referendum. *The Monitor* said the Movement was likely to win because there had been insufficient voter education and that most people thought that just like in 1996, President Museveni was standing for re-election as president.<sup>182</sup> *The New Vision* reported that the public had “stubbornly” shied away from civic educators, and five days to the poll, most voters were ignorant about the symbols to be used on the ballot papers, and why they were voting. Now since the two newspapers were out to make a sale, they would not give too much coverage to the referendum at the expense of more ‘newsworthy’ and saleable stories like the war in Congo.

## CONCLUSION

In a country of 22 million and where newspapers circulate just 73,000 copies a day<sup>183</sup>, it would probably be expecting much if we wanted these newspapers to represent a perfectly

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<sup>182</sup> “Do you like Museveni? Vote for parties”, *The Monitor*, June 4 2000, p.6.

<sup>183</sup> This figure includes sales of other titles besides *The Monitor* and *The New Vision*.

working public sphere. Besides there are logistical and structural problems that make access even harder: it requires intellect and money to get access (to write and mail an article to the editor, or to take it physically). It would indeed require one to know what is going on in the public sphere in order to participate. This means one must access – buy or borrow – newspapers in our case to know what the topic of discussion is, and then submit their own opinion. In Uganda the distribution system is so bad that some areas just 80kms from the capital Kampala do not receive newspapers.

Besides, English the official language and the language in which both *The New Vision* and *The Monitor* are published, is understood by only a fraction of the population, given the country's literacy rate of just 65 percent. So these newspapers can only provide a public sphere for the literate who are only a fraction of the Uganda population. As the research established, it was the qualified sources, the 'knowers' - mainstream politicians, judges, constitutional experts, university lecturers, lawyers and other members of the elite classes - that set the parameters for debate and dominated it.

The journalists too, wrote much, but it was almost always in reaction to what the primary definers (the knowers) had postulated. There was minimal writing from the perspective of the average Ugandan, just like there was little writing about the views of the common man. The newspapers, whose audience – understandably - is made up primarily of the elite, did not reach out appropriately to other sections of the population, hence these sections had negligible representation in the public sphere offered by *The New Vision* and *The Monitor*. In this case we can say these newspapers could not provide a true public sphere. The demands of the

market and ownership interests in the case of *The New Vision* forced the newspapers to have a public sphere that was easier to access by the rich and powerful, the politicians and the elite, than by the less educated and less advantaged citizens.

But even for the educated, the papers did not present a truly working public sphere. This is because there were big problems of tutelage with some players dominating debate and seeking to suppress or control those with divergent views. In addition, not all those that are literate took part in the debate – which looked more like a preserve of politicians and lawyers - and the discourse was not rational, sober and critical enough as envisaged in Habermas's conception of the public sphere. *The Monitor* in many cases took an insolent tone, calling politicians all sorts of uncharitable names. In sum, given the various social, religious, political, ethnic and other interest groups in Uganda it becomes critical then to have multiple public spheres as it is clear that one public sphere is neither desirable nor possible. With the many spheres it could be easier for members of each of these groups to articulate their interests, which would then provide a better way of telling the opinion of the citizenry. *The New Vision* and *The Monitor* were not capable of fulfilling this function.

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