

UNIVERSITY OF CAPE TOWN

Department of Religious Studies



COVERSHEET

(Postgrad)

Religion and Politics: The Legal Regulation of Religious Organisations in Uganda — 2016 - Present

COURSE CODE: **REL5003W**

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Religion and Politics: The Legal Regulation of Religious Organisations in Uganda —

2016 - Present

Abstract

With increased visibility and social activism of religious actors and organisations in many post-colonial African states, the legal governance of religious organisations has come into tension with citizenship rights and freedoms. This is the case in Uganda in recent years, where the state government at the federal level has proposed the National Religion and Faith Organizations (RFO) Policy. This policy was first proposed in 2016 and the policy document was revised in 2019. It purports to maintain the authority of the State over religious organisations while ensuring to observe the constitutionally guaranteed freedoms pertaining to religious beliefs, associations, practices, and belongings. This research aimed to understand the literature around the relationship between religion and politics in Uganda, between 1986 and present as well as the reactions for and against the RFO policy. Using data generated through telephone interviews, government documents, public forums, social media posts and comments, newspaper articles, periodicals, and news network interviews, from 2016 till the present, this study argued for a more nuanced and in-depth understanding of the complex and complicated process of the public governance of religious organisations in post-colonial African states such as Uganda. The reactions and arguments for and against the RFO policy indicate the need for the regulation of religious organisations in Uganda is based on socio-political dynamics and pressures which shape the way religious and political leaders and organizations interact in the society, how policies are implemented and the overall direction of the society concerning national development.

Chapter One

Introduction and Methodology

Background and Context

In contemporary Africa, religious freedom is observed by the legal and nonlegal approaches that governments have used and continue to use to control the activities of religious groups. However, interpretations of the limitations that can be legally placed on religious organisations by governments are overly broad. Therefore, the scope under which state intervention on religious freedom is understood requires a comprehensive analysis of its interpretation in African polities.

Using Uganda as a reference, there is a complicated but beneficial relationship between religion and politics that significantly developed through the colonial era (1894 - 1962). Attempts have been made to understand this historical relationship to make sense of the impact religion has had on the implementation of policies within contemporary Uganda, especially between 1986 and present¹.

There has been an increasing presence and growing influence of religion in politics in Uganda over the past two decades. In 2016, in the wake of a proliferation of new churches and organizations, especially Born-Again Churches (BACs), and new threats to the state posed by religious revivalism by extremist groups from mainstream Christian and Islamic sects. The Government of Uganda proposed a “Religious and Faith Organizations Policy” (RFO Policy) which seeks to maintain the authority of the State over the citizens while regulating religious organisations according to the freedom of worship principle.

Several reactions and arguments to the proposed regulation of religious organisations by some political and religious leaders have been identified in the debate around the RFO Policy. This

¹ “Given the recent end of the bush war (1981-1986) and general state of collapse, the policy focus during the initial years of the Museveni (1986-present) regime was on re-establishing order and security, state-building and economic stabilisation. These were prerequisites of exercising effective government authority (and retaining power) as well as of the success of any developmental interventions”. See: Eduard Grebe and John, B Mubiru, (2014: 7). Essentially, policy development with the basis of social order, security, and social stabilization has been at the forefront of the current Ugandan government. 1986-present represents the contemporary era in which social policy reforms have been influenced directly and indirectly by faith based organisations has been prominent. Notably, the last decade has seen the increasing involvement of faith based organisations contributing to the political discourse on social policy reform in Uganda.

research sought to understand the role religious leaders and organizations contribute to the legal regulation of religious organisations in Uganda, with particular attention to new religious movements and churches from the Born-Again Church (BAC) sector. It identified what the reactions and arguments for or against the proposed RFO Policy by some political and religious leaders and organisations can tell about the relationship between religion and politics in contemporary Uganda, especially between 1986 and the present.

The first chapter begins with a brief introduction, chapter outline and explanation of the rationale behind the research into the legal regulation of religious organisations in Uganda. It outlines the research questions, aims, methodology and research design implemented to understand what the relationship between religion and politics looks like in contemporary Uganda..

Chapter two is a review of the literature on the regulation of religious organisations in post-colonial African states. It covers how religion, religious organisations, and institutional religious freedom (IRF) have been defined and measured. The definitions provided the foundation to explore what the reasons and motives behind regulations of religious organisations were in a post-colonial context. The influence of the colonial British administration on the constitutional provision of the freedom of conscience and religion was recognized, with the attempts to recognize and protect religious rights acknowledged as difficult to balance with fundamental individual freedoms. Uganda is a secular, but multi-religious state. Socio-political dynamics are shown to play a significant role in the way in which both the freedom of religion and regulation of religious organisations are observed in African states like Uganda. State-religion and intra-religious competitive perspectives significantly contributed to the motivations and reasons behind the regulation of religious organisations. Monroe Price's (1994) Market-for-Loyalty theory was used as a theoretical framework. This theory observes the supply and demand for power through allegiance (loyalty) by large scale competitors in society. With the increasing presence and growing influence of religion in politics in Uganda, some political and religious leaders and organisations have argued in support or against the regulation of religious organisations. It is important to explore what these responses to the proposed management of religious affairs in post-colonial Uganda through the regulation of religious organisations tell us about the relationship between religion and politics, especially between 1986 and the present.

The third chapter covers the arguments for or in support of the proposed regulation of religious organisations. It focuses on identifying the key political and religious leaders from varying faiths and political backgrounds who argue for the implementation of the RFO Policy. The key

arguments made by these actors are identified and explored to find out the key reasons behind the RFO Policy, and what some religious leaders and organizations, with particular attention to new religious movements (Pentecostal/BACs) have been claimed to contribute towards the regulation of religious organisations in the country. Some significant reasons identified in the 2019 draft copy of the RFO Policy include but are not limited to: 1) the moral decay among RFO leaders and faithful's; 2) a lack of a specific regulatory framework for RFOs; 3) a lack of accountability standards/systems in RFO operations; 4) a lack of formal training for many leaders/preachers; and 5) a negative foreign influence among RFOs (*National Religious and Faith Organizations [amended] Policy, Uganda, 2019*). Other specific arguments identified – but related – include: 6) some religious organizations and churches are non-compliant with the regulatory provisions required by the government for valid operation; 7) registration should mainly extend to non-traditional religious organizations and churches due to unclear operations; 8) the need to strengthen the partnership between the Government and the RFOs to harmonize national development plans and general service delivery; and 9) the need to promote unity in diversity among RFOs.

Chapter four goes on to explore the counterarguments regarding the regulation of religious organisations in Uganda. It identifies religious and political actors who reject or with contestations towards the RFO Policy in the discourse. The relevant arguments identified but not limited to this research include: 1) regulating religious organisations would violate the constitutional and fundamental right to religious freedom; 2) the proposed RFO Policy is a strategic decision by the Government to gain control over all the RFOs and muzzle critical voices in the country; 3) the regulation of religious organisations is a way to target and regulate the growing evangelical movement, like the born-again faith movement; 4) training of preachers is doctrine based, thus it is difficult to streamline certain structural provisions around formal training; 5) regulation risks the resurgence of oppression and suppression of religious minorities; 6) unclear boundaries and biases are possible if the church is regulated under the government/ a political leader; 7) certain arguments in support of the regulation of religious organisations do not stop at RFOs, therefore, why has the Government not extended their investigations into other civil society organizations and the government itself; 8) there is no guarantee RFOs, especially religious minorities like BACs will maintain independence, authority and the ability to speak without fear of being de-registered; 9) strengthening of the relationship between the Government and the RFOs and the promotion of unity in diversity among RFOs is difficult due to inter-

religious and intra-religious differences; and 10) there are already laws which account for the extremities and violations the proposed Policy is attempting to regulate.

Lastly, chapter five summarises the debate around the proposed regulation of religious organisations in Uganda. Using Monroe Price's Market-for-Loyalty theory, this section explains how the reactions and arguments for or against the RFO Policy observe the supply and demand for power through allegiance (loyalty) by the Government of Uganda and the RFOs as large-scale competitors in the society. From this, a conclusion about what the relationship between religion and politics in contemporary Uganda, especially between 1986 and the present is realized.

Research Question and Aims:

The main research question is:

What does the regulation of religious activities (2016/2019 Religion and Faith Organizations Policy) reveal about the relationship between religion and politics in contemporary Uganda (1986-present)?

Sub-questions:

- What has caused the government of Uganda to propose to regulate the religious organisations during the period under consideration [2016 – Present]?
- What are the reactions and arguments for and against the proposed Religion and Faith Organizations Policy by political and religious leaders?
- What do the reactions and arguments for or against the proposed Religion and Faith Organizations Policy suggest about the relationship between religion and politics in contemporary Uganda?

The research aims to understand the literature around the relationship between religion and politics in Uganda, especially between 1986 and the present. This will provide increased social and economic visibility of religious leaders and organizations who create tension in the public sphere in Uganda. The study will focus on how the actions of religious leaders and institutions in Uganda have contributed to the need for the legal regulation of religious organisations.

There is limited research in the literature on the topic of the regulation of religious organisations in Uganda. Previous studies have been conducted by individuals like Alexander Isiko (2019) on the fears and dilemmas of born-again churches to the state regulation of religion in Uganda, i.e., the proposed RFO Policy. Isiko's research focuses more on the reasons for the differing attitudes

to the proposed policy, especially the institutional and public behaviour of Ugandan born-again churches (BACs) for and against the proposed policy. These include the Born-Again Faith (BAF) umbrella organisation in support of the regulation and the National Fellowship of Born-Again Pentecostal Churches (NFBPC) against or with contentions towards the RFO Policy. While Charles Fombad's (2013) research on the complex relations between regulatory control, tension and accommodation of the state, religion, and law in Cameroon is similar to my research because it looks at how the state attempts to recognize and protect religion and religious diversity while working closely with diverse religious organizations to promote political, economic, and social development. My research is different from Fombad's study in that it looks at the states attempt to regulate religious organisations which does include religious diversity through regulation, but it does not look at the explicit recognition and protection of religion. Especially while working closely with the government as well, not just the diverse religious organizations to promote political, economic, and social development in line with their national development plans. Additionally, another area missing that my research will explore is what the attempt by the state regarding religion (religious organisations) can tell us about the relationship between religion and politics, especially in a contemporary context. By looking at the reactions and arguments for or against the RFO Policy, I can also research and study how and why some religious leaders and organizations are claimed to contribute to the proposed regulation of religious activities in contemporary Uganda, especially between 1986 and the present.

Methodology

My research falls under qualitative case-study research because it focuses on the reactions and arguments to the Ugandan, National Religion and Faith Organizations Policy. It is a single case study approach with embedded units that provide the platform to explore the RFO Policy². The advantage of a single case-study is the ability to gain a holistic understanding of the proposed RFO Policy, and involves collection of different types of data (detailed below) (Heale and Twycross 2017: 7). In this research both generalisability and naturalistic generalisability were considered and the latter presented more observation for comparisons with other African

² The case is aimed to facilitate the understanding of the relationship between religion and politics in contemporary Uganda. It further provided the scope within which the case could be explored in the literature and in the field, thus increasing the feasibility to complete the research in a suitable time frame. An important distinction is that the use of this research instrument is based on a choice of what is to be studied by incorporating a number of method/s opposed to its use as a method in and of itself (Baxter and Jack 2008; Starman 2013). The reactions and arguments by religious and political leaders to the proposed RFO Policy is the subject(case) of the study.

countries tackling the same phenomena, i.e., regulation of religious organisations³. The theoretical framework within which this subject will be explored and analysed is covered below.

To identify the reactions and arguments for or against the proposed RFO Policy and within the wider debate on the regulation of religious organisations, I conducted 45–60-minute qualitative interviews with five religious’ leaders of varying backgrounds: 3 Pentecostal/Born-Again leaders; and 2 Roman Catholic leaders. I initially aimed to interview the key religious and political actors identified in the 2019 draft of the RFO Policy, however due to certain limitations explained below, my final participants were only five. Additionally, while Uganda as a multireligious society has many religious traditions such as Muslims, adherents of endogenous religious traditions and Christians, this study focuses primarily on Christian responses to the policy. It would have been very insightful to compare Christian views with those of other faith traditions. However, accessing Islamic clerics’ views and those of traditional priests and sacred experts has been exceedingly challenging. Therefore, the research was limited to the primary focus of observing responses from Christian leaders.

Using structured and open-ended questions I gathered key information from the participants regarding their arguments in support of or against the regulation of religious organisations in Uganda. Additionally, I collected reactions and arguments by other political and religious leaders in the discourse through online government documents, forums, social media posts and comments, newspaper articles, periodicals, interviews, and conversations from 2016 when the RFO Policy was announced till the present. To understand and analyse the debates around the RFO policy, this study used Critical Discourse Analysis (CDA) and Thematic Analysis (TA). In this way, key themes (reactions and arguments) in the discourse and interviews were identified and compared to the relevant literature on the regulation of religious organisations.

Research Design

I initially intended to conduct in-person semi-structured interviews in Kampala, Uganda. However, due to time constraints and financial difficulties I conducted my interviews online from Limuru, Kenya, using a Ugandan mobile number opposed to a South African mobile number. The type of mobile number used made a significant difference in the responses and/or interest I

³ To limit researcher bias, exploration of alternative explanations regarding the regulation of religious organisations was considered in the literature. Additionally, the generalisability is limited, however, Rolf Johansson maintains, most times ‘the case might be given and studied with an intrinsic interest [...] the researcher has no interest in generalising his or her findings, focusing on understanding the case rather; with generalisability done commonly by audiences through naturalistic generalization.’ See: Rolf Johansson, (2007: 51).

was able to receive from the interviewees. I conducted semi-structured interviews via WhatsApp and Zoom. The interviews consist of 4 parts: Preamble; Professional and Religious background; Proposed Regulation of Religious organisations – RFO; and the Relationship between religion and politics. Due to financial constraints of data for some of the participants, four of the five participant interviews were audio calls only. Each interview lasted between 45-60 minutes with the exception of one participant whose interview extended to 90 minutes due to continuous network issues. All interviews were recorded. I selected my participants through purposive sampling, as well as reaching out to individuals in my own personal circle in Uganda to get me in touch with the relevant participants I was looking for. After each interview I transcribed the data and identified key arguments (themes) for or against the RFO Policy by the participants. After identifying the themes, I conducted a Critical Discourse Analysis (CDA).

The research proposed to use Norman Fairclough's three-dimensional approach to CDA because it provided an analytical framework to understand how language is used as a social practice, creating opinions, characterizing attitudes, and creating social relationships and practices between religion and politics in the Ugandan society (Fairclough 2013: 178). Using the transcribed interviews and the 2019 draft of the RFO Policy the researcher critically analysed the texts to highlight the central attitudes, sense of community (inclusive or exclusive wording), and interpretations by the government of Uganda, political and religious leaders within the debate towards the regulation of religious organisations. Next the texts were analysed at word level. Considering language as a bearer of change, analysing responses to the policy and in the interviews enlightened the researcher's understanding of how the language used within the debate contributed to one's view of the subject, i.e., religion and faith organizations (RFOs). From this, the researcher was able to deduce what social relationships and practices were brought about by the proposed regulation of religious organisations like the relationship between religion and politics in contemporary Uganda, especially between 1986 and the present.

A criticism of this analytical method is that CDA works differently from culture to culture, this including social sectors in this case. Therefore, when analysing the discourse around the RFO Policy, the researcher considered the different cultures between religious and political actors when using language to bear change (Ali 2018; Luo 2019). The researcher trusts that Fairclough's approach to CDA was valuable because 1) taking a case study methodology, the researcher was able to take a single unit to study (RFO Policy) intensely over a period of time, generating enough information in the time available to draw correct inferences to the central

question, and 2) the researcher was able to figure out what the sender (the government of Uganda) wanted to convey to the recipient(s) (RFOs), and what behaviour they want from them; this allowing for the deduction of the central question in this proposed research.

Sample:

My participants were five senior Christian religious leaders residing in Kampala, Uganda. I limited my participants to keep my research as concise as possible. I accepted participants from any religious background who knew about the proposed RFO Policy due to the nature of my interview questions. It also avoided opening the discussion to any topics that would digress the discussion about the relationship between religion and politics regarding the proposed regulation of religious organisations too far. I decided to only use religious leaders and not political leaders as well because the follow through from initial contact with my intended purposive sample was unsuccessful and time constraints needed to be considered. Interviewing participants only in Kampala, Uganda was beneficial to the type of study I was conducting, however the limited number of participants interviewed may limit the generalizability of my research. Additionally, it would have forced me to expand my research in areas and regions to cover the different dynamics across the country to understand the relationship between religion and politics in contemporary Uganda. To keep the study concise, I limited my participants to Kampala, Uganda, and those who could have a 45-60-minute-long interview online over the phone and/or computer. It took four-weeks to conduct all five interviews.

Sample selection:

Initially I gathered my participants – 5 Political leaders and 5 Christian leaders -- using a purposive sampling technique. I was able to reach the offices of 2 Political leaders and 4 Christian leaders. However, the follow-through was unsuccessful with little to no responses from these individuals despite several efforts to reach out again. I decided to widen the sample criteria to include Christian (Pentecostal/Born Again) church members still obtained through a purposive sampling technique. I was able to reach 5 individuals from various Pentecostal churches in Kampala Uganda. Only 2 individuals returned consent forms and attempted to make the interview date and times provided by themselves. After attempts to reschedule, one participant dropped out of the study and the other stopped responding. Interviewing Ugandan political leaders and Christian leaders from varying denominations and institutions – Roman Catholic, Anglican (Protestant), and other Christian religious groups/networks and umbrella groups -- who are associated with the proposed implementation of the RFO Policy would have been ideal.

However, getting a chance to sit and talk with them in-person or have a discussion online has not been successful. Demographics of the sample were categorized by the religious and political positions the participant held. Religious inclusion criteria included Ugandan Christian leaders who represented a Pentecostal organization and/or church; and/or a Ugandan network and/or umbrella group. Exclusion criteria included any participant who was not well informed of the role, values, and attitudes of the RFO/Pentecostal/Umbrella group and/or network they represented. Political inclusion criteria included a Coordinator of Government who governed government policies in Uganda; and an Overseer of operations of RFOs in Uganda. Political exclusion criteria include a participant who was not open to disclose information around government policies and the institution they represent. General exclusion criteria included participants who did not know about the proposed RFO Policy, were not open to criticism of their opinions, arguments, and reactions in the research; and those who did not give consent to be involved in the research.

Due to limited-to-no responses from any of the initial ten sample, I widened my purposive sample to include any religious leader from any faith background who knew about the proposed RFO Policy. Factors that may have contributed to a lack of a response may have been the high profile of some of the participants which made it hard to reach them and some religious leaders were hard to get in touch with directly as well. I sought out mostly Pentecostal/Born-again church and/or organization leaders because I noticed the discourse was filled with majority discussion on the reactions and arguments by Pentecostal/BAC leaders, some in support of the policy but most against the policy. Therefore, I sought to have an up-to-date interview with any senior Pentecostal/Born-Again leader to learn about any recent/current arguments for or against the policy in the debate. However, my sample was open to any religious leader. To complete the dissertation on time, I had decided to fly to Kampala, Uganda in late August 2023. I reached out to individuals in my personal circles via WhatsApp to connect me to the relevant persons. However, due to financial constraints I conducted the interviews online in Limuru, Kenya where I live. I interviewed 3 Pentecostal leaders, 1 in opposition to the policy and 2 in support of the policy. And 2 Catholic leaders in support of the policy. One Pentecostal leader chose to remain anonymous. I obtained five-and-a-half hours of interview material.

Data Generation

Data generation consisted of obtaining the draft copy of the RFO policy from the Interreligious Council of Uganda in November 2022. For the interviews, I used a mix between a structured and

semi-structured interview style to allow my participants to expand on their answers where necessary and move on to further questions if I felt some questions had already been covered by the participant. The interviews began with the preamble which consisted of greetings and logistics like sound and ethics such as verbal consent to participate in the research and permission to record the interview. I also informed the participants they did not have to answer any question they did not feel comfortable answering and could opt out of the interview at any moment if they saw fit. This was followed by the introduction which covered the profession and religious background of the participant. Next, the section of questions that focused on their knowledge about the proposed Religion and Faith Organizations (RFO) Policy. This covered questions such as: “Are there any similar/alternative perspectives from religious organizations/leaders that you know regarding the RFO Policy?” which helped me learn about any discussions they recently had around the policy, and any reactions and arguments that may or may not differ to their own perspectives about the policy. Lastly, a discussion on the relationship between religion and politics in contemporary Uganda. For example: “What do you think about the relationship between religious and faith-based organisations and the government of Uganda?” which aimed to provide an individual opinion about this relationship, considering their personal religious backgrounds. These backgrounds helped me expand my question to include questions on Pentecostal and/or Catholic perspectives of the relationship between RFOs and the government. This did not mean I could make a generalized conclusion about the perspectives they shared, rather they helped paint an image of where the background/context with which some of the arguments explained in the interviews came from. To end the interviews, I thanked each participant for taking time to talk with me, and I reminded them that the recording will be shared with my research supervisor for academic purposes only. Additionally, if I needed any clarification of any of their points, I asked if I could contact them at a later date for a comment.

The advantages of my interview style were the ability to use the questions to help guide the participant through the discussion, but the semi-structured approach helped give the participant freedom to expand on any point based on the follow-up questions I had for clarification. The disadvantage of this approach was not being able to interview the participants face-to-face because being in the environment may have enabled me to immerse myself in the discussion further. Additionally, the network was not always stable, therefore, this disrupted the flow of the interview. I struggled with obtaining the consent forms online with most participants signing and sending a picture of the form opposed to a digital copy. I opted to remain flexible to the

possibility of some participants not answering all questions, regardless of the choice to remain anonymous or not.

Aside from the interview, I used Google, Google Scholar, and the University of Cape Town Library to search for various peer reviewed articles and journals, books, research papers, social media posts, petitions, and government statements on the topic. I also used YouTube to find interviews and press conferences by religious and political leaders on the discussion of the proposed regulation of religious organisations in Uganda. I focused on the period between 2016 and the present because this time frame is when the draft copy of the RFO Policy was written and when the discussion around the proposed regulation of religious activities began. However, from a historical perspective, my scope covered the period between 1986 and the present because this is the time frame in which the RFO Policy was proposed under the current government led by President Yoweri Museveni.

Research instruments:

To gather participants, I used the 2019 draft of the National Religion and Faith Policy (RFO). It identifies several Ugandan political and religious leaders who would ideally implement the proposed policy if passed. Relevant to my research they include:

1. Political leaders
 - Coordinator of Government of Uganda policies,
 - Overseer of operations of RFOs in Uganda.
2. Christian Religious leaders
 - Pentecostal church and institution leaders,
 - Interreligious institutions and/or leaders,
 - RFO Networks and Umbrella groups.

To contact the wider sample, I used Google to search for Pentecostal churches in Kampala Uganda. I made use of social media platforms as well such as WhatsApp, Facebook, and E-mail. E-mail and WhatsApp were the primary form of communication to set up interview dates.

To conduct my interviews, I used a second phone to call the participants via WhatsApp and I used my personal phone to record the interview session, with my laptop recorder as a backup. I took notes in a notebook to refer to post-interview to note down any other key word markers and time stamps that would help me later when I was analysing the transcriptions.

Ethical Approval:

To obtain ethical approval/clearance, I submitted my proposal, ethics clearance form, cover letter, participant information sheet, consent form, faculty proposal approval form, and interview questions to the Religious Studies department ethics convenor. Once checked, the documents were forwarded to the Post-Graduate Administrator to be approved, then forwarded to the University of Cape Town Humanities faculty.

My application included a confidentiality clause highlighting my participants will provide consent to be identified or kept anonymous. Additionally, any participants may withdraw from the study at any point they would like. I also mentioned that the only other person who will have access to the raw data will be my supervisor. Since participating in this research may expose participants to social harm because of the exposure to criticism of their opinions for or against the proposed policy and the wider discussion of Uganda religion and politics; anonymity is provided if they change their mind after completing the study. The potential of physical and/or psychological harm or distress for my participants was low and considered a risk to them if they consented to participate in the study.

Chapter Two

Literature Review and Theoretical Framework

Introduction

This section engaged with literature surrounding the regulation of religious organizations in post-colonial African states. The aim was to examine what the possible motivations behind the regulation or restriction of religious organisations by a state are, how common it is in relation to religious tolerance and/or discrimination, and the potential consequences of these attempts to regulate religious organisations. It began by defining the terms, religion, religious organisations, and institutional religious freedom (IRF). IRF was defined to understand what the religious freedoms enjoyed by religious organisations look like in society. This helped make sense of what the possible reasons behind the regulation of religious organisations may suggest about the relationship between religion and politics in post-colonial African states, using Uganda as a reference. As one of the major ethnic groups in Uganda, and its role in the development of the country, the Buganda state was referenced to expound on the areas of religious social life in Uganda in the colonial (1894-1962) period to help contextualize the regulation of religious organisations in Uganda. Following, the post-independent period from 1986 till present was explored to situate religion and politics as institutions in the country, and how the proposed regulation of religious organisations – The National Religion and Faith Organisations Policy (RFO Policy) – is aiming to be implemented. Literature will draw on research from: Alexander Isiko’s “State regulation of Religion in Uganda: Fears and dilemmas of born-again churches”; Charles Fombad’s “State, religion, and law in Cameroon: regulatory control, tension, and accommodation”; and Barr (et. al) “The Governance of Non-Governmental Organizations in Uganda”; to make a few.

Defining the terms: Religion, Religious organisations, Freedom of Religion, and Institutional Religious Freedom (IRF)

Religion

‘Religion’ as a concept has not been and is not an easy word to define. Hans Schilderman (2014: 179-80) maintained, a humanities approach to the definition of religion can be characterized into three dimensions from which the concept of religion can be discussed. 1) Any conceptualisation of religious beliefs, and practices is tributary to the inherited forms of meaning, which represent the obvious cultural assumptions without which any interpretation would be futile; 2) the

humanities study of religion is subjected to the power formations, in which religion has its ‘habitat’, and that implicitly or explicitly filter or enforce certain interpretations as more valid, authentic or reliable as compared to others; and 3) the study of religion is bound to deal with issues of truth, fairness, taste, and other standards of practical reason, without which any aim of interpretation would lack motive or aim⁴ (Schilderman 2014: 179-80). Considering the first two dimensions, under the sociology of religion, several philosophers like Max Weber, Emile Durkheim and Karl Marx among others provided many scholars of religion a framework to begin to discuss the concept of religion by defining what religion is. However, an exploration into their perspectives of the definition of religion would be lengthy, therefore, using scholars and researchers who have reflected on these philosophers’ conceptions of religion, several definitions of religion were considered here.

In Sarah Hoyt’s (1912: 128) journal article on *The Etymology of Religion*, ‘religious’ is said to mean “originally *observant, conscientious, strict*” as in, the observance of the rules of one’s religion, without neglect. ‘Religion’ is “akin to *diligence* and opposed to *negligence*.” Influential African theologian E. Bolaji Idowu (1973) explained the concept of religion in more detail and the characteristic of observance was similarly maintained. Idowu (1973: 32) noted religion as a concept is based upon an “observed, observable fact of a particular sphere of human activity” and can be defined as,

“Religion’ from the Latin *religio* is a European word. It has come to embrace a reference to the transcendental Reality of faith, the inner reality of faith, and the rituals and ceremonies with Deity. It carries the unmistakable reference to faith and the ‘way of worship’ which may aptly be described as ‘divine service’ (Idowu 1973: 32).

Religion was also described as a system of beliefs, symbols and practices that people used to concern themselves about the nature and workings of the supernatural (Finke 2013: 2) or for finding answers to life’s questions that go beyond the human capacity by seeking to live in a relationship with the ultimate power(s) who ground reality and is present to them in the real circumstances of their lives (Shah 2021: 3). Timothy Shah (2021: 3) explained, the characteristics

⁴ Hans Schilderman clarifies, “obviously this third dependency remains a controversial issue in the study of religion, as it runs risks of re-introducing the ideological claims of the studied religion or requires integration of a philosophical competence in religious studies that attunes only with great difficulty to the empirical grass-roots expertise of anthropological research traditions”. See: Hans Schilderman, (2014: 180).

of religious practice typically include “worship, related rituals, a community, and a moral code grounded in the sacred realm”.

It is important to note how religion is defined may be based on its functional aspects or its beliefs and practices, or both. Roger Finke (2013) limited the definition of religion to its beliefs and practices that were based on supernatural assumptions opposed to the functions it provides for individuals or the wider society. Finke (2013: 2) maintained, this confined definition of religion helped “differentiate religion from secular ideologies, science and other forms of culture” that would provide the “same functions of belonging and belief that religion performs”. Therefore, how religion is understood in post-colonial African states would help make sense of how IRF has been contextualized considering religion as it was and is understood by early Western philosophers, sociologists and secularisation theorists is not an inherent concept of the continent.

In Uganda, religion is understood as

‘The belief in the existence of a God or gods and activities that relate to the worship of them. Religion deals with spiritual and moral aspects of a human being. It emphasises the universal values of human society. Faith is a strong belief in the doctrines of religion based on spiritual convictions rather than proof’ (*National Religion and Faith Organizations Policy [Draft]*, 2019 as amended: 26).

The Uganda Bureau of Statistics (UBOS) defined the term ‘religion’ as “a system of thought, feeling, and action that is shared by a group of individuals” (*National Population and Housing Census*, 2014: 19). However, this definition was broad as it can extend to include any social groups – such as football fans of a particular football club – that could be defined in this way as well. This kind of definition may implicate how the manifestations of religion/religious practice have been realized and understood in the Ugandan society. Also, according to American professor Katherine Marshall (2013: 4) the term ‘faith’⁵ and how it may sometimes be used in a similar way to religion brings more complexity to the use of broad definitions of religion, much like that by the UBOS. In Marshall’s (2013: 4) book on *Global Institutions of Religion: Ancient movers, modern shakers*, faith was explained for some religious people – Buddhists for example

⁵ Faith conveys, “different traditions that view themselves as religious in nature. It may also suggest a broader set of specific beliefs or convictions that go beyond the implied hierarchy and formality that the term religion conveys for some listeners. However, faith also suggests a broader concept of belief in something transcendent” See: Katherine Marshall,(2013: 4).

– as a term they do not recognize in the common sense of the word. So, before exploring the regulation of religious organisations, a more comprehensive understanding of how religious groups/institutions had been identified and defined in post-colonial African states was useful here.

Religious and Faith Institutions/Organizations

Under the proposed RFO Policy, religious/faith institutions (RFI) were described as, “a community of religious and faith organizations together with clear manifestations of similar doctrinal beliefs, value systems, and practices which govern the behaviour of its members. These include among other structures, procedures, and frameworks of accountability, self-regulation, and dispute resolutions” (*National Religious and Faith Organisations Policy* [Draft], 2019 as amended: 26). Similarly, Roger Finke (2013: 2) defined religious groups as “collectives that promote religious beliefs, symbols, and practices.” Yet, despite these definitions emphasizing the community and collective characteristic of RFIs and religious groups. Many collectives and communities that can promote or manifest such religious characteristics together or independently, can do so without being inherently religious.

Timothy Shah (2021) elucidated, an institution can simultaneously be religious and something else in its constitutive purpose, e.g., a humanitarian agency. Shah (2021: 4) described a religious institution as an “organization or corporation that is established at least in part to advance, reflect, realize, or defend ‘religion’ or a ‘religious’ purpose”; in the way religion is defined above. This definition helped clarify what makes a religious institution religious or associated with religion in its purpose of establishment. While also showing religious organisations could have more than just a religious purpose, there was room for other social beliefs, systems, and practices to be promoted such as human rights for example.

In Uganda, this extension was observed under the definition of a religious/faith organisation (RFO), i.e., an umbrella organization. It was described as, “an association of institutions who work together formally to coordinate activities or pool resources. In business, political, or other environments, one group, the umbrella organizations provide resources and often an identity to the small organizations. Sometimes in this kind of arrangement, the umbrella organization is to some degree responsible for the groups under its care” (*National Religious and Faith Organisations Policy* [Draft], 2019 as amended: 27). An RFO was encompassed under the term ‘association of institutions’ and yet how religion or religious functions of the organisations are characterised were not alluded to. This kind of definition could lead to possible confusion as to

where the exercise of their religious functions and/or practice as RFOs and as institutions that lend to religious value systems and practices extended and were limited to in the society. Nevertheless, the definition provided a necessary expansion on how religious organisations were not limited to their religious constituents and responsibilities in the society.

Apart from the spiritual teachings RFOs provide in the Ugandan society, they also play a vital role in the provision of social services. The areas in which RFOs provide support include education (12,700 academic establishments); healthcare (about 600 health facilities); the media (about 80 media houses); livelihood enhancement programs; promoting social justice; and democracy on top of the promotion of spiritual, moral, and ethical values in the society, from long before Uganda was even a state. RFOs were described as deeply rooted in the fabric of the social service provision in the country and, they have continued to provide these imperative social services to the Ugandan society. They also contributed support for peace keeping efforts and programs (*National Religious and Faith Organizations Policy* [Draft], 2019 as amended: 5).

The clarification of what makes an RFO religious by definition was found under the characterisation of a ‘faith-organisation’ (FO). Referring to ‘a religious grouping in which persons with a common religious belief, faith, mission, or spiritual values worship God together. An RFO may include: a religious congregation (church, mosque, synagogue, or temple) (*National Religious and Faith Organisations Policy* [Draft], 2019 as amended: 26). However, in some contexts, the assumption that believers -- another term used to refer to religious persons/individuals -- are organized into formal communities (a church or congregation) is not the case for some traditions (Marshall 2013: 4). In post-colonial Uganda, all religious affiliations whose percentage of the total population was less than 0.1% were categorized under ‘Others’. Within this category, some non-organized religions in Uganda included the Hindu and Buddhist communities (*National Population and Housing Census*, 2014: 19). Not all types of Buddhism fall within this category, and there were no clear distinctions of the types of Buddhism practiced in the country. This again may implicate the ways in which the manifestation of the right to religious freedom enjoyed by religious institutions have been exercised. From this some questions that came to mind in the literature were how regulations of all religious organisations were as proposed in the RFO Policy in Uganda accounting for these kinds of discrepancies. What were the possible motivations behind the need to regulate all religious organizations in Uganda, to be identified below. Additionally, what were the possible consequences of attempts to regulate all religious organisations while attempting to recognize fundamental rights of religious freedom.

The use of the term (s) RFI or RFO in Uganda may be referring to a community of religious and faith organisations or an association of institutions who worship a God or gods together and/or have similar doctrinal beliefs, value systems, and practices that govern the behaviour of its members.

Freedom of Religion and Institutional Religious Freedom (IRF)

Freedom of religion or belief is a fully protected human right through international law, that every individual is legally entitled to. The Universal Declaration of Human Rights (UHDR)⁶ Article 18 maintains, “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (United Nations, 1948: 5). The right to freedom of religion or belief from a global perspective encompasses ‘essential components of freedom of choice, free communication, and free practice’ (International Development Law Organization 2016: 11-13). The manifestation of this fundamental right is said to be enjoyed by individuals, and not by ‘religions’ or ‘beliefs’ (International Development Law Organisation 2016: 12). In light of the objective of the study, a distinction needed to be made between freedom of religion as enjoyed by individuals and religious freedoms enjoyed by religious institutions. A definition of institutional religious freedom (IRF), although a western concept, was the most valuable basis to draw from to understand how religious organisations may exercise the right to religious freedom in a society. Drawing back to the African context by understanding the constitutionalising of religious freedom under the era of the democratic revival in the 1990s (Fombad 2020: 157) to show how individuals and by extension institutions were to exercise religious freedoms (Fox and Finke 2021), to be explained below.

Timothy Shah’s (2021) study on what the liberty of religious organisations really is and why it is an essential service to the common good included a comprehensive description of what IRF could be defined as.

“The presumptive right of a religious institution to be free from coercive interference on the part of individuals, social groups, governments, or of any human power in three main areas or

⁶ See: United Nations. 1948. *Universal Declaration of Human Rights*, 5. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

dimensions, 1) self-definition – substantive dimension; 2) self-governance – vertical dimension; 3) self-directed outward expression and action – horizontal dimension” (Shah 2021: 5).

Where a substantive dimension referred to the central context of a religious community’s religious life, like how the community’s beliefs and doctrines were defined, and what their worship and ritual content and organization looked like. The vertical dimension referred to a community’s leadership structure, hierarchy, lines of authority, the training and appointment of ministries and leaders, the conferral of membership, and the discipline of members. Lastly, the horizontal dimension included how a community is able to engage with the wider society in systematic ways, like the creation of specialized institutions and organized manifestation and transmission of its religious message and teachings. However, this last dimension was limited in two ways, 1) their engagement should not have authorized violence, and 2) should not have infringed on the fundamental rights of others (Shah 2021: 6-11).

This study, although from the background of an American political scientist, it provided a solid foundation to begin to understand what religious freedom regarding religious institutions looked like from different angles in society.

Jonathan Fox and Roger Finke (2021: 5-6) suggested, measurement of IRF could be based on firstly, restrictions directly placed on religious institutions or clergy; second, restrictions on institutions associated with religious institutions – with strong connections like religious education institutions, religious political parties and trade unions, but not necessarily churches, mosques, synagogues, or temples; third, restrictions placed on religious activities that are by their nature communal and happen under the umbrella of religious institutions, and fourth, restrictions placed on political speech and activities by clergy or religious institutions. Clergy were included in the criteria because they are fundamental to the operation of religious institutions by representing them as religious institutions. Therefore, clergy may be considered an element of a religious institution in and of themselves (Fox and Finke 2021: 5).

Religion in Uganda is currently governed under the Constitution which originally came into effect in 1995 and was amended in 2005⁷.

The following articles of the Ugandan constitution related to religious freedom:

⁷ *Constitution (Amendment) Act, 2005* [Uganda], 26 September 2005, available at: https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf/ / <https://www.refworld.org/docid/4c59a4532.html> [accessed 13 January 2021].

- (1) XVIII (iii): religious bodies shall be free to found and operate educational institutions if they comply with the general educational policy of the country and maintain national standards (pg. 23).
- (2) Article 29 1(c) provides for the freedom to practice any religion and to manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the constitution. The government maintains this is not an absolute right and emphasizes that it should be exercised in a manner consistent with all the provisions therein (pg. 42).

Expectedly, in practice, freedom of religion or belief may clash with other freedoms – opinion, gender equality, expression to name a few. Therefore, the International Development Law Organisation (2016: 7) maintained, aligning policies related to the fundamental right of freedom of religion or belief with international human rights standards is typically not easy. There are struggles between rights, religious traditions and maintaining national security.

The following constitutional articles referred to the disestablishment of religion in Uganda:

- (1) Article 7: Uganda shall not adopt a State religion (pg. 29).
This signifying Uganda is a secular, but multi-religious state.
- (2) Article 21 (2) prohibits religious discrimination⁸ (pg. 35).
- (3) Lastly, Article 71(b) prohibits creation of political parties based on religion (pg. 58) (*The Constitution of the Republic of Uganda, 2005 as amended: 23, 29, 35, 42, 58*).

Uganda has ratified the following regional and international instruments where the recognition and protection of religious rights are observed: African Charter on Human and People’s Rights; International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights (UDHR)⁹.

In addition, religious organisations are required to either register under the Trustees Incorporation Act (TIA) with the Ministry of Lands, Housing and Urban Development (MLHUD), under the Companies Act with the Uganda Registration Services Bureau (URSB), or under the Non-

⁸ Article 21(3) clarifies “discrimination” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

⁹ African Charter on Human and Peoples’ Rights - (African Union 1981) ([https://au.int/sites/default/files/treaties/36390-treaty-0011 - african charter on human and peoples rights e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)) ; ICCPR - (United Nations (General Assembly) 1966) (<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>) ; and UDHR – (United Nations 1948) (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>)

Governmental Organizations Act 2016 with the NGO Bureau (*National Religion and Faith Organizations Policy* [Draft] 2019 as amended: 12). However, section 2.2. of the 2016 NGO Policy provided: “Faith-Based Organizations (FBOs) which until now have been obliged to register as NGOs, shall not fall under the ambit of NGO Policy. However, where an FBO is engaged in NGO – type activities as defined herein, the FBO shall be required to comply with the provisions governing the activities of NGOs in Uganda. Until Government takes measures to provide an appropriate separate framework for promoting coordination of the spiritual activities of Faith Based Organizations in the country, the existing arrangements shall obtain” (*National Non-Governmental Organizations Policy*, 2016: 11).

Below I explain the influences of the constitutionalising of religious rights in post-colonial African states, the motivations behind the possible need to regulate religious organisations, and how the potential impact of these religious rights recognized by African state constitutions and ratified international instruments at national level depend on their effective domestication.

Regulating religious organisations in post-colonial African states

A large majority of Ugandans are Christians, with 39% Roman Catholic, 32% Anglican, 11% Pentecostal Christian. Following, 14% are Muslim, and other religious groups including those with no religious affiliation constitute 5%. Agnostics and atheists combined are 0.2% of the population (*National Population and Housing Census*, 2014: 19).

The constitutionalising of religious rights in post-colonial African states was traced to the colonial period where there were varying ways the different colonial powers present in the continent manipulated the status of religious groups to serve their interests and reflected their religious inclinations (Fombad 2020: 159). For example, in colonial Uganda, from 1894 to 1962 when the country gained independence, as a protectorate of the British Empire, in the Buganda Kingdom¹⁰. Alexander Isiko (2019: 102) explained, the British colonial government used indirect rule as an administrative form of government to implement their British political agenda. They relied on the local chiefs and kings to enforce any religious regulations; however, the chiefs were custodians of the traditional religions of their societies; so, any provisions in relation to the traditional religious beliefs had to be considered carefully (Isiko 2019: 102). The way the

¹⁰“Generally, *Baganda* (singular *Muganda*) are the people, *Buganda* the kingdom or nation, *Luganda* the language spoken, and *Kiganda* the adjective describing the things done by or belonging to the Baganda. In some instances, different authors have used either *Ganda* or *Baganda* to refer to the people of Buganda. Either is acceptable” See: Xavier Mulambuzi, Masters diss., (1997: 2). See: <http://hdl.handle.net/10413/5948> Accessed: 10 November 2022. See : <https://www.buganda.or.ug> ; and See: S. J. K. Baker, (1956: 171-79).

government related to those in religious authority determined how the operation of their control, regulation, and implementation of their provisions were enacted successfully.

In post-colonial Africa, almost all of the countries new and revised constitutions contain a bill of rights. This came from the democratic revival of the 1990s, leading to freedom of religion becoming a prominent feature in one way or another (Fombad 2020: 157; Hackett 2011: 858). The scope of secularism adopted in anglophone Africa focused on protecting religious freedom under a bill of rights in their early constitutions, but none of them contained any provision of the principle of the separation of church and states (Fombad 2020: 159). This was because the British conceptualisation of secularisation, which Charles Fombad (2020: 159) believed was reflected in post-independent African constitutions, held a vague answer to the question of separation of religion and politics seeing as the principle was not part of the British tradition¹¹. In post-independent Uganda, 1962 till present, as identified above, the country has been a secular but multi-religious state. Religion-politics relations have been limited by the provisions of religious disestablishment, but religious organisations support the government in service delivery aside from their promotion of spiritual and moral values in the society.

However, evidence of the increasing presence and growing influence of religion in politics has been the most prevalent discourse in the literature on religion and politics in contemporary Uganda. This is because, the discourse has recently been consumed by the just (March 2023) enacted 2009/2014 Anti-Homosexuality Bill (AHB) and the increased involvement of religious leaders in the political debates of the 2016/2021 parliamentary and presidential electoral campaigns. Many authors and scholars focus on the intersection between and around the political and religious stakeholders within these debates from national (election dynamics and AHB) and transnational (AHB) perspectives (Tamale 2007; Nyanzi 2013; Alava and Ssentongo 2018; Kaoma 2016; Ssentongo 2022; Fichtmuller 2022). They give valuable insight into the religious and political landscape of Africa (Uganda), further enlightening scholars to the various narratives provoked, maintained, and discarded by religious and political actors on matters of sexual conduct and political campaigns. Of importance is how religious leaders and organizations have visibly become important stakeholders in political debates in Uganda, contributing and influencing policy-making processes through mobilization.

¹¹ The Church of England has for a long time been recognized as the state or established church, despite it being largely at a symbolic rather than practical level. See: Charles Fombad, (2020: 159).

In 2016, the Ugandan Ministry of Ethics and Integrity proposed the National Religion and Faith Organisations (RFO) Policy which aims to 1) promote a culture of accountability amongst different RFO players, 2) Provide for a framework of Registration of all RFOs in Uganda, 3) Provide for legal, policy, and procedural changes that will allow RFOs to effectively contribute to national and district development in a harmonized manner, and 4) Promote Unity and Diversity among RFOs in Uganda (*National Religious and Faith Organisations Policy* [Draft], 2019 as amended: vii). Several impulses were identified behind the need to regulate RFOs in Uganda. The moral decay among RFO leaders and faithful's, a lack of a specific regulatory framework for RFOs, a lack of accountability standards/systems in RFO operations, a lack of formal training for leaders/preachers, and the negative foreign influence among RFOs (*National Religious and Faith Organisations Policy* [Draft], 2019 as amended: 12). Jonathan Fox (2015: 4) noted, the possible identification of a government's policy towards religion does not necessarily provide knowledge of the complex motivations behind its development. Below are several possible reasons – not limited to this research – that a state may have considered to regulate the diverse religious organisations in its nation, including the majority religion (s) and the possible consequences. The literature drew on research from: Rosalind Hackett's "Prophets, 'False Prophets,' and the African State: Emergent Issues of Religious Freedom and Conflict"; Haim Malka's "Faith in Balance: Regulating Religious Affairs in Africa"; Jonathan Fox and Roger Finke "Ensuring Individual Rights through Institutional Freedoms: The Role of Religious Institutions in Securing Religious Rights"; Jonathan Fox "The Secular-Religious Competition Perspective", and Roger Finke's "Origins and Consequences of Religious Restrictions: A Global Overview".

Motivations and Consequences of state regulation of religious organisations

Firstly, formal religious organisations, religious movements and the teachings of a religious group could be viewed as constituting a threat or competition to political authority (Hackett 2001; Finke 2013). Rosalind Hackett (2001: 192) found that sometimes governments would ban new religious movements (NRMs) if their missions were deemed to be opposed to national goals. Or registration/deregistration was used to exert control and manipulate public opinions about non-mainstream movements – closely tied to control of land allocation; the creation of bureaucratic obstacles for their legal recognition were also used in some cases; and controlling the freedom of association of unpopular or targeted religious groups (Hackett 2001: 194). Similarly, Roger Finke (2013: 4) noted religious restrictions increased if the state viewed religions as offering ideological or political alternatives to the public. In post-colonial Africa, states began to recognize the political successes of religiously inspired opposition groups (Malka 2019: 3). These successes

forced some regimes to approach religious affairs in new ways. Haim Malka (2019: 1) argued interventions and management of religious affairs by African states were fundamentally aimed at either increasing state powers and/or trying to limit political opposition (s), opposed to the promotion of specific religious dogma, or set of beliefs. Interventions and management of religious organisations through regulation were based on a political need to safeguard the national goals, and limit ideological and political alternatives which may or may not have threatened the political authority or were attempting to challenge the ruling authorities through competition. Jonathan Fox (2015: 2) maintained, in secular-religious competitive perspectives, inter-religious competition, the competition between secular institutions, and the complex relationship between supporting and restricting religion in a society needed to be considered. Looking at these findings, the perceived threat and/or competition of religious organisations, and their teachings – whether ideologically or politically alternative – illustrated a heightened competition between religious organisations and the state within the secular camp.

A separate but related motivation behind religious regulations was that some states had concerns about religion in the public arena (Fox and Finke 2021: 13). Abigail Barr, Marcel Fafchamps and Trudy Owens provided a relevant survey on the governance of NGOs in Uganda. In the years after independence, when the government collapsed, the NGO sector began in the 1970s and 80s, filling up the vacuum that the government had left. Initial movement was first initiated by faith-based organizations from typically large established churches, then subsequently reinforced by international NGOs, then bilateral donors (Barr et al. 2005: 661). The NGO sector has had an increased involvement in the development processes of the country. The increased involvement in development processes is said to be due to a perceived failure by the government development assistance to generate growth or reach the poor (Barr et al. 2005: 675). The study considers how religious activism – especially among evangelical churches and Muslim communities – may have contributed to the recent rise in the NGO sector in Uganda. Policymakers are said to have mixed feelings about NGOs today, because despite recognizing the relevant role the sector plays in Uganda’s society, they also have an increased suspicion about some NGOs not genuinely having the public interest at heart (Barr et al. 2005: 661). Jonathan Fox and Roger Finke (2021: 13-14) found that restrictions on 1) the observance of religious practices of the majority religion in public, 2) organized religious activities outside of recognized religious facilities, 3) religious public gatherings, even if not religious in nature and/or under other auspices, and 4) access to

places of worship in countries globally, to name a few, increased from 1990 to 2014¹². All religious institutions were considered easier targets to locate and regulate compared to individual beliefs and behaviours for states or societal efforts to control religion due to their public presence (Fox and Finke 2021: 4). The public presence of new religious movements, or non-mainstream movements posed the most significant clash between states and religious organisations in post-colonial African states (Hackett 2001: 191). The increased restrictions on such non-mainstream movements were beneficial for political authorities attempts at managing religious affairs. Other methods of restriction included, registration/deregistration inconsistencies, closely connected to land allocation – a powerful tool governments used to exert control and manipulate public opinions of non-mainstream movements; creating bureaucratic obstacles for the legal recognition of non-mainstream movements; and controlling their freedom of association, especially of unpopular and targeted religious groups (Hackett 2001: 194). Evidently, the increased restrictions on the public presence of religious organisations were either formal or informal attempts at managing religious affairs and controlling the competition in the secular camp of state societies. Taking the dimensions of IRF into account, the self-directed (horizontal) outward expression and actions of religious organisations that authorized violence or infringed on the fundamental rights of others may have raised concerns for some states.

Another reason states regulated religious organisations was to combat groups that used violence as they could be viewed as security risks posing a danger to public welfare (Finke 2013; Malka 2019; Fox and Finke 2021). Roger Finke (2013: 4) and Jonathan Fox and Roger Finke (2021: 3, 11-12) found that religious organisations were proven to be effective at 1) securing commitments from members of the public that went beyond nationality or loyalty to the state, 2) mobilizing groups for action, which was claimed by some states, the general public, and the media as the use of ‘brain washing’ or ‘mind control’ to secure loyalty of members, and 3) when religion was perceived as serving long-standing ethnic and national struggles between groups they may have been seen as a risk. Management of religious organisations was considered especially if the visibility, leadership, and voice of clergy were seen as a significant concern due to their ability to

¹² These are the statistics on the restrictions:

- 1) Restricted observance of the religious practices of the majority religion in public increase from 8.2% to 12.6%.
- 2) Restriction of organized religious activities outside of recognized religious facilities increase from 9.3% to 16.4%.
- 3) Restriction of religious public gathering, even if not religious in nature and/or under other auspices increased from 4.4% to 6.0%.
- 4) Restricted access to places of worship increased from 6.6% to 10.4%.

See: Jonathan Fox and Roger Finke (2021: 1-13).

mobilize support for certain religious and/or non-religious social beliefs, value systems, and practices in the society (Fox and Finke 2021: 15). Literature on the regulation of religion in Africa highlighted an acknowledgement by African governments to the mobilization efforts of religious groups and organizations through continued social support, activist, extremist, and fundamentalist manifestations of constitutionally observed religious freedom (Niringiye 1997; Sherkat 2015; Alava and Ssentongo 2016; Pew Research Centre 2019; Isiko 2019; Pew Research Centre 2020; Eze 2020; Fichtmuller 2022). Social mobilization referred to ‘principles that can be used to influence a large number of individuals to participate in certain activities’ (Rogers, Goldstein, and Fox 2018: 357). While political mobilization referred to ‘the processes of preparation and organisation of people for political participation such as voting, lobbying, convincing others to vote, to name a few’ (Eze 2020: 3). Religious influences of political mobilization relate to religious leaders, religious ideas, and belief systems having the ability to determine political choices of people such as registering for elections (as a candidate or electorate), participating in elections, supporting political campaigns, and accepting political positions (Eze 2020: 6). For example, in Cameroon, the government made efforts to maintain firm control over religious organizations, especially extremists and fundamentalist groups, by requiring them to only operate after they were registered. However, too many informal or even formal denominations – Christian and Muslim – operate without registration and therefore beyond the government’s regulatory control (Fombad 2013: 19). Other countries like Kenya, Ethiopia, and Zambia provide examples where religion has had a strong social and political force in their country. According to Darren Sherkat (2015: 4), disestablishment of religion is not only for the benefit of the public in secular states, but it allows religion to be free from problems associated with politics and economics. Additionally, more diverse expressions of religions have the opportunity to mobilize in the society since the dominant religious institutions would lose their power to repress religious alternatives as the playing field has been levelled (Sherkat 2015: 4). The perceived or actual actions of religious organisations that prompted the need for increased religious restrictions showed a competitive atmosphere within the secular camp of a society between religious organisations and the state and between religious groups over the commitment and loyalty of members of the public.

The need to control the competitive atmosphere between religious organisations and within the secular camp in a society is another reason a state regulated religious organisations (Hackett 2001; Finke 2013; Malka 2019; Fox and Finke 2021). Rosalind Hackett (2001: 188) elucidated, pluralisation of religious options in post-colonial African states altered the systems of religious

coexistence, creating conducive atmospheres for religious tension and conflict. As noted by Jonathan Fox (2015: 2), the competition within the religious camp also needed to be accounted for to understand religion-state competition perspectives. Despite all religious organisations being targeted by state or societal efforts to control religion(s) based on their public presence. Issues of religious discriminations became apart when looking at the motivations of religious regulation towards the dominant religions and religious groups, minority, or non-mainstream religious movements/organisations, and/or all religious organisations.

Jonathan Fox and Roger Finke (2021) found, the prevalence of discriminations against religious minority institutions regarding religious freedoms increased from 1990 to 2014. For example to name a few, restrictions on the building, leasing, or maintaining of places of worship increased from 41.5% in countries globally in 1990, to 51.9% by 2014; an increase in registration requirements and restrictions increased from 39.9% in countries globally in 1990, to 44.8% in 2014; arrests, detentions, and harassment of religious minorities centred on clergy typically and had increased significantly in countries globally from 21.3% in 1990 to 34.4% by 2014 (Fox and Finke 2021: 6-7). Such regulations in states were observed when secular, cultural, social, and religious groups were mobilized against religious minorities (Finke 2013: 6). Access to land, registrations requirements, i.e., elements of self-definition (substantive) of their core ministry functions, and the preservation of their self-governance (vertical) like their community's leadership structure, and lines of authority were some ways states used management of religious affairs through regulation of religious organisations. Roger Finke (2013: 3) found, some states formed alliances with the dominant religion or groups of religions to enhance 1) their political support and effective control of the dominant religion(s), 2) increase their political and ideological compliance, and 3) to regulate those religious groups more heavily that they do not agree with (Finke 2013: 3). This implicated the identity politics with which dominant religious organisations used to preserve their positions within the public arena. Particularly, their legitimacy as religious actors who play an important role in public debates. Too much management and regulation of religious organisations risked the undermining of the credibility of religious actors if they were viewed as messengers of unjust state regimes (Malka 2019: 4). For example, reasons for restrictions on religious organisations, including the majority religion (s) were also possibly used as a cover to persecute minority religious populations to maintain their position in the state as second-class citizens or to sideline them as legitimate political opposition. This opening new possibilities of identity politics. Charles Fombad (2013: 19) maintained, until legitimate political reforms which showed open, transparent, inclusive, and accountable

democratic governments with capacities to handle a country's difficulties like those highlighted above, including corruption and service delivery, any attempts of control, cooperation, and accommodation may only then be considered. Essentially, any attempts to regulate, recognize or protect religious freedom, be it at an institutional level or an individual level requires several government political reforms.

Theoretical Framework: Market for Loyalty

Monroe Price's Market for Loyalty theory observes the supply and demand of power through allegiance (loyalty) by large scale competitors in society. Price (1994: 667) maintains, managing of this market creates myths, ideas and narratives employed by the dominant group or coalition to maintain power. Thus, control over the participation in this market for many countries has been a condition of political stability. The *supply* side of the market consists of social structures like states, government, interest groups, businesses etc. Those whose myths, dreams, and history can be transformed into power and wealth (Price 1994: 669). *Buyers* include citizens, subjects, nationals, and consumers. These individuals pay through one set of identities or another that together are called loyalty or citizenship, and are usually expressed through compliance with tax obligations, obedience to laws, readiness to fight in the armed services, continued residence within a country, and with their own sense of identity (Price 1994: 669). In Uganda, both RFOs and the Ugandan Government are large scale competitors in the society, competing for the allegiance (loyalty) of the citizens. Therefore, managing the Ugandan loyalty market may create myths, ideas, and narratives employed by either RFOs or the Government to maintain power.

Monroe Price (1994: 674) maintains, attitudes towards consumers (buyers) in the market for loyalty differ among promoters of contrasting national identities. This suggests the attitudes RFOs, and the Government have towards Ugandan citizens are different in the Ugandan market for loyalty. Additionally, the position of the government (seller) in the market for loyalty goes beyond its role as regulator and enforcer for a cartel of identity producers in a society. Rather, in its own right, government is frequently a participant/producer and seller in the market for loyalty (Price 1994: 677). It counts on certain results for its existence based on the important relationship between the state as regulator and the state as generator of regulations. Price (1994: 677) notes, to perform its functions in regulating and participating, government either 1) subsidizes messages it deems important, 2) censor's messages it deems antagonistic, or 3) becomes a vocal contributor in the market. However, the main question has been whether government becomes a monopoly supplier of national identity. In this context, the Ugandan government may have performed its

functions of regulation and participation in the market by censoring activities it deemed antagonistic by RFOs through the RFO Policy and by becoming a vocal contributor in the market, i.e., participating in the social-political discourse around the activities of RFOs.

In the market for loyalty, using legislation, the controlling group or groups in the market enforce and reinforce identities useful to them as it allocates market shares intended to create cartels of allegiance where possible (Price 1994: 670). The force of the law and collusion are used together or separately at times by competitors to limit the supply (of power) and establish barriers to entry in the market. These efforts subtly or actively reinforce 1) a vision of cohesion; and 2) existing cultural divisions in society (Price 1994: 672). On the other hand, law has been used to also protect domestic producers (suppliers) of national identities from international competition. Thus, arguably, the Government of Uganda is using the RFO Policy to enforce and reinforce religious identities useful to them by allocating market shares by regulation of religious activities that may create cartels of allegiance (loyalty) and thus power where possible in the society.

However, as non-state actors, RFOs are consumers of the identities the government sells in the Ugandan market for loyalty such as citizenship. Other relevant identities include, the establishment of churches, recognition as faiths, and legitimization. Payment by RFOs for these identities may look like compliance with tax obligations, obedience to the proposed regulations stipulated by the controlling group or groups identified in the Policy (Offices of the government of Uganda who would implement the RFO Policy), continued residence within the country and/or their sense of identity. Therefore, the reactions and arguments to the effort to regulate the activities of Ugandan RFOs by the Government may subtly or actively reinforce a vision of cohesion between religion and politics in the country or reinforce any cultural divisions in the society between religion and politics. Thus, this market for loyalty theory may help explain what the reactions and arguments to the regulation of religious activities by religious leaders and organizations can tell us about what the relationship between religion and politics looks like in contemporary Uganda (1986-present).

Conclusion

Identifying what the right to religious freedom as enjoyed by religious institutions may be defined as, helped create an understanding of what institutional religious freedom looked like and how it could be measured in a society. A definition of IRF illustrated there are self-definitive (substantive), self-governmental (vertical), and self-directed outward (horizontal) ways of the institutional exercise of religious freedoms. The literature on the regulation of religious

organisations highlighted the constitutionalising of religious rights in post-colonial African states traces back to the foreign political influences of the continent's colonial past. Post-independent Anglophone constitutions were explained to lack a firm distinction of the separate of church and state. In post-independence Uganda, the revised constitution identified both religious freedoms and the provisions that referred to the disestablishment of religion in the state. The country is a secular but multi-religious state.

Having identified the possible reasons and motivations for the regulation of religious organisations. There was a significant need for states to safeguard the public arena from the perceived or actual risks some religious organisations were deemed to pose on the political authority of the state and the citizens. New possibilities of identity politics were brought forward as the perceived threats and/or competition religious organisations posed towards state authority highlighted issues of inter-religious and religion-state dynamics. Consequences of a lack of state interventions or management in religious affairs risked some religious organisations filling the vacuum in the public arena, causing heightened pluralisation of religious options. This created conducive atmospheres for a rise in religious tension and conflict as the stake of religious co-existence were altered. Excessive or too much management of religious organisations risked the legitimacy of the state and dominant religious organisations in the society.

This research identified the reactions and/or arguments for or against the proposed 2016 Religion and Faith Organizations Policy which seeks to regulate religious and faith-based organizations in Uganda. These responses were then used as a means to an end to understand what the relationship between religion and politics looks like in the country. Further, how the proposed regulation affected the underlying connections to which Ugandan political and religious leaders and organisations lent themselves for the survival, evangelical exercise, personal interest, guidance, and/or manipulation of their religious freedom in the public arena. This research argued, regulation of religious organisations in Uganda -- whether as a personal, institutional, or socially mutual benefit -- affected the relationship between religion and politics in Uganda.

Chapter Three

Arguments for the Regulation of Religious and Faith Organisations Policy

Introduction

This chapter identifies and discusses the reactions and arguments *for* or in support of the proposed Religion and Faith Organizations (RFO) Policy by Ugandan political and religious leaders of varying faiths, denominations, and religious affiliations. The chapter aimed to understand what these responses tell us about the relationship between religion and politics in contemporary Uganda, especially between 1986 and the present. These responses may indicate the understanding of the religious sector regarding state regulation of religious organisations and their relationship to law. The responses were explored in four main categories identified in the 2019 draft copy of the RFO Policy: 1) transparency and accountability in the operations of RFOs; 2) registration of all RFOs in Uganda; 3) strengthening the partnership between the Government and the RFOs; and 4) promoting unity in diversity of RFOs. Each issue identified in the proposed RFO Policy above was critically discussed, observing the supply and demand of power by RFOs and the Ugandan government, competing for the allegiance (loyalty) of the citizens over the regulation of religious organisations in the Ugandan society. The third and fourth issues were explored under one heading.

They have been ‘enjoying’ the funds: Transparency and Accountability in Operations

The proposed RFO Policy by the current Government of Uganda – National Resistance Movement (NRM) – identified manipulation and exploitation of citizens is reportedly rampant in Uganda (*National Religious and Faith Organisations Policy* [Draft], 2019 as amended: 13). Reverend Canon Erisa Grace Ssentongo¹³, of the Church of Uganda (COU), Anglican Communion, highlighted some religious leaders do this at the expense of others, “some begin a business at the expense of their congregants, and there is no accountability. Some religious leaders raise funds, they go and build their houses, some raise funds to go and –. So, these are some of the issue[s] which I don’t want to pin a church, but that is a generic observation and that is personal [opinion]” (Erisa Grace Ssentongo, personal telephone interview, 2023 September 20). Similarly, current Minister of State for the Department of Ethics and Integrity (DEI), Rose Lilly Akello (2022-present), addressed northern Uganda Anglican Bishops at the Diocese of West

¹³ Written and verbal consent were provided to use their name.

Lango in 2022 indicating numerous untrained preachers and self-styled ‘prophets’ have been at the centre of extorting their followers to enrich themselves (previously echoed by the Reverend Father Simon Lokodo in 2019, Minister of state for DEI 2006-2022). Subsequently highlighting “a person can just wake up today and open a church without values, we need the Theological education for the pastors, the priest, and the reverend not just to open a church because you want to do a business” Rose Akello added (Otim 2022). This position highlighted the DEI found the need for religious leaders to show they have the capability to address a huge number of the public in a manner that is legally and conscientiously upright.

The solution proposed for these religious activities is the enforcement of transparency and financial accountability in RFO operations because the religious field is too messy due to many local pastors copying, imitating, and following what they have seen on social media, like from South Africa for example. Pastor Martin Seempa¹⁴, of Makerere Community Church, a Born-Again Church (BAC) commented,

“I noticed a pattern of extreme fraudulent, abusive clergy and it started in South Africa. I noticed a pattern of fraudulent pastors who feed their members grass, you know, fraudulent staff beating them, stepping on them. I noticed that beginning to emerge about three years ago I think, and in the intellectual world, I saw it as a set up for what is coming now. I personally saw that” (Martin Seempa, personal computer interview, 2023 September 7).

Martin Seempa’s reflection suggested a causal relationship between unethical religious activities and the cause of government policies that regulate religious organisations like the proposed RFO Policy in Uganda. These activities some pastors are alleged to imitate or are inspired by, are not good for local congregations because it is an abuse, or exploitation, or manipulation of Ugandan citizens. Ugandan examples of these patterns include the March 2000 Kanungu massacre of the Movement for the Restoration of the Ten Commandments of God (MRTC), and the February 2017 Holy Rice Saga where ‘holy rice’ was introduced to the Synagogue of Nations Church of Uganda for the price of about 53,000 Uganda shillings a kilogram (261 ZAR; 14 USD) (Taremwa 2017; Najib 2017; *National Religious and Faith Organizations Policy [Draft]* 2019). This socio-religious argument implicates a network society like the religious economy, where what happens in a faraway place like South Africa is easily accessible to people in faraway place like Uganda.

¹⁴ Written and verbal consent were provided to use their name.

Following a consultative meeting with religious representatives in 2016, the position sustained by Canon Aaron Mwesigye, Head of Religious Affairs under the DEI on pastors caught on the wrong side of the law was, “if these activities done in the name of religion go unnoticed, uncontrolled, and unregulated, they may create trouble in the country” (NTV Uganda 2017a: 01.24-01.42). In support of the proposed Policy, Reverend Canon Vincent Ogwang, Dean of Saint Peters’ Cathedral Church in Diocese of West Lango believed the implementation of the new policy would allow the restoration of sanity without limiting the freedom of worship among religious and faith-based organizations. Vincent Ogwang further indicated his support for the “demarcations on how the church should be conducted and who should lead the church because despite having a calling to ministry, training is also very necessary for their operations” (Otim 2022).

In the market for loyalty this socio-religious argument against exploitation or manipulation of Ugandan citizens illustrates the government performing its statutory functions of provisioning security and order for all its citizens. The RFO Policy is a way for the government to censor these religious activities it deems antagonistic in the society through the provision of transparency and accountability standards/systems in RFO operations. The censoring of certain religious activities has been extended to the non-compliance of requirements needed for valid operation, including registration found in some RFO operations.

“Nobody will deny or refuse to be registered”: the legal status of RFOs.

In the reactions and arguments around the proposed regulation of religious organisations in Uganda, the discourse showed registration was a prevalent topic. In a 2019 press statement on the status of the RFO Policy, Simon Lokodo (DEI Minister: 2006-2022) maintained the state has no mechanism of vetting, monitoring, and identifying the unethical faith practitioners and religious practices. Further, that the amended National NGO Policy 2016 which separates RFOs from under the NGO Bureau thus obligates and commands the Government to develop this separate policy to promote effective coordination of spiritual activities (Ministry of Ethics and Integrity [Press Statement], 2019). The existing registration arrangements for RFOs fall under diverse agencies and legislation such as: some RFOs register with the Trustees Incorporations Act (TIA) with the Ministry of Lands, Housing and Urban Development (MLHUD); others under the Companies Act with the Ugandan Registration Services Bureau (USRB); and others under the Non-Governmental Organizations (NGO) Act 2016 with the NGO Bureau (*National Religion and Faith Organizations Policy* [Draft] 2019; Otim 2022).

The government (DEI) is asserting its power in the market for loyalty as regulator and enforcer of a cartel of identity producers like RFOs in the Ugandan society, within its sphere of jurisdiction. This is a political and legal argument to monitor, identify, and vet RFOs, and another political argument here is to enable the state to promote an effective coordination of religious and spiritual activities in the country. Aaron Mwesigye (DEI: Head of Religious Affairs) elucidated in a comment following discussion with religious leaders about the proposed policy, “this department [Religious Affairs under DEI] is new. It came into force [in] July last year [2015], and one of its mandates is actually to collect data so that you put in place a register for religion and faith-based organizations in the country” (NTV Uganda 2017a: 03.11-03.30).

The stance on registered RFOs by the Government of Uganda was clearly illustrated by the Validation Exercise carried out between late 2018- 2019. The exercise aimed at eradicating the society of inactive organisations, unauthorized organisations, and those with unclear operations accused by the government of mismanaging funds (Semakula 2019). Numerous churches and NGOs, including religious NGOs were ordered to close by the government after failing to participate in the Validation Exercise. The Internal Affairs Minister (Obiga Kania) stated that of the 14,027 NGOs registered, only 2,119 were validated and issued permits to operate, and only 27% of the organisations had valid permits before the new validation (Semakula 2019). Later in 2021, Uganda’s National Bureau for NGOs (which supervises religious and humanitarian organisations) said in a statement that they discovered that 54 organisations were non-compliant with the 2016 NGO Act. Specifically, 23 NGOs were operating with expired permits, 15 others failed to file returns and audited books of accounts, and the Bureau accused another 16 organisations of operating without a registration permit (Semakula 2021; Ministry of Internal Affairs [Press Statement], 2021). Essentially, the attempt to highlight and censor organisations the government deemed antagonistic due to their non-compliance to the regulatory laws for organisations in the market.

Following discussions with members of parliament about the initially proposed policy in 2016, The Most Right Reverend Amos Magezi, provincial Secretary of the Church of Uganda (COU) stated regarding registration of all RFOs, “people need to know who belong to them and who do not belong to them. Therefore, by registering faith-based organizations, we will get to know how many faith-based organizations are out there and what they [are] doing, so that the government can plan well” (NTV Uganda 2017a: 02.24-02.43). Pentecostal Pastor Xavier Mugisha¹⁵, a leader

¹⁵ Written and verbal consent were provided to use their name.

at True Revival Centre noted "some churches are registered under the pastors' family, such as being registered under the pastors name themselves, their wives, or their children. This takes away the not-for-profit element of the church and makes it an interested church, an indirectly profitable organization" (Xavier Mugisha, personal telephone interview, 2023 September 13).

However, a different but related argument by Reverend Canon John Awodi¹⁶, Kampala Diocesan Secretary of the Anglican Church of Uganda (COU) concerned the need for historically mainstream religious groups and organisations (Roman Catholics, Anglican/Protestants, and Muslims) having to re-register. John Awodi was of the opinion that if mainstream faith organisations have been registered under the Trustees Incorporation Act (TIA), "in the discussions around the state's need to update its directory on RFOs, traditional churches should not be forced to re-register because these churches are well-established in the society" (John Awodi, personal telephone interview, 2023 September 19). The Catholic, Anglican, and some Muslim groups are identified as well-established bodies with their structures and operations. On the other hand, the operations of mushrooming non-traditional RFOs are said to be difficult to understand, especially how their structures run. John Awodi thought, if non-traditional churches are to be registered this would be a positive move for the operations of their organizations. Likewise, this socio-religious argument would enable the state to promote the harmonized management of religious and spiritual activities in the country.

In the market for loyalty, this argument may emphasize cartels of identity – traditional and non-traditional churches – in the society possibly reinforcing subtly or actively a vision of cohesion or existing cultural divisions between the churches and faiths regarding structural and operation differences. Therefore, the religious argument for the registration of RFOs, irrespective of traditional or non-traditional operations, would enable the government to plan well how to engage with this group of social actors in specific activities. One such activity the government is looking to engage with RFOs on is social development.

Collaboration and Unity: strengthening the partnership between the Government and RFOs and promoting unity in diversity.

The role of RFOs has been identified as inseparable from the role of Government in the Ugandan society and thus Government should promote and partner with RFOs for the implementation of social and development programs, plus their continued general service delivery (*National*

¹⁶ Written and verbal consent were provided to use their name.

Religious and Faith Organisations Policy [Draft], 2019 as amended: 13). Emphasis was placed on how a strong, well-structured, and effective partnership would improve service delivery. In 2016 Aaron Mwesigye (DEI: Head of Religious Affairs) stated regarding the proposed RFO Policy,

“Faith based organizations have been promoting better services to the people in Uganda alone. Government has also been providing better services to the people. We thought it wise that when Government collaborates with the religious organisations of faith-based organizations, we can actually do much than what we are doing now” (NTV Uganda 2017a: 0.54-01.16).

Furthermore, Hajj Ramathan Mugalu, Secretary General of the Uganda Muslim Supreme Council (UMSC) said,

“We think it is going to be a good policy, because it is fostering partnership with Government, with the private sector this time as faith-based organisations in terms of education, and health institutions, and coordination of activities within the faith-based organisations for the benefit of the community” (NTV Uganda 2017b: 01.21-01.48).

Similarly, Xavier Mugisha (True Revival Centre) was of the opinion that every church must work with government. Pastor Mugisha believed the people the RFO leaders are “leading should not be viewed as the leaders’ children, rather, the physical church must be regulated by government while the spiritual church which is invisible to man cannot be registered by government but is registered from heaven” (Xavier Mugisha, personal telephone interview, 2023 September 13).

This socio-religious argument harmonizes with government’s national development plan. The 2020 Third National Development Plan (NDPIII) which covers Uganda’s development vision for the 2020-2025 period aims to increase household income and improve quality of life of Ugandans through sustainable industrialization for inclusive growth, employment, and sustainable wealth creation. President Yoweri Museveni urges all Ugandans to help implement the socioeconomic transformation aspiration in the plan because it is a concerted and collective effort is needed; with particular help from the civil society organizations, including Faith-Based Organizations (*Third National Development Plan, 2020/21-2024/25: foreword xviii*). Therefore, this argument presupposed that the religious sector has resources necessary for socioeconomic development of Uganda.

Under the NDPIII Mindset Programme the government views the role of RFOs as leverageable in re-orienting the mindsets of Ugandans to instigate development. The programme aims to improve spirituality, empower families, communities, and citizens to embrace national values and actively participate in sustainable development (*Third National Development Plan, 2020/21-2024/25: chap18*). They will promote this development-oriented mind-set through education curricula the government will review to increase students' consciousness on national values, ideology, and national defence.

This would place majority and minority religious and faith-based groups and organizations essentially on the same level as they relate to service delivery in the country. Jonathan Fox (2015: 2) maintained, in competition perspectives, it is also important to consider the competition within the religious camp. In the arguments for the partnership between government and RFOs on issues of service delivery and national development, some religious groups and organisations were often divided into competing denominations. Even within a single denomination there were diverse views on both how religion should be interpreted, practiced, the extent and nature of that religions proper influence on politics, and now regulation of the religious organisations (Fox 2015: 2). Some minority religious leaders stated, while in support of the regulation of religious groups, they are unsure about how funding and instructions would be handled as they are crucial in all the other activities they carry out, whether it be building of hospitals, banks, schools, it all falls under funding and instructions. In this way, given the diversity of religions in the country, healthy and harmonious co-existence of RFOs as promoted by the proposed RFO Policy was said to be essential to effectively implement this development plan. In addition, an avenue for the different religions to independently exercise their faith, while remaining in harmony with the others (*National Religious and Faith Organisations Policy [Draft], 2019 as amended: 13*). Erisa Grace Ssentongo (COU, Anglican communion) maintained,

“The government and policy must really work together to create harmonious deliberate interpretation, harmonious accountability, harmonious responsibility, so that if there are some issues that need to be clarified outside which were not there. Then in this current draft policy these are normalized, put up in a policy, and then an institutional framework for allowing churches working closely and in harmony, transparently with government to harness good governance, to harness good relationship, and also stay out some of the issues that are not

clear” (Erisa Grace Ssentongo, personal telephone interview, 2023 September 20).

Essentially, the NRM Government’s argument to foster a partnership with RFOs and the promotion of unity in diversity of RFOs through legislation depends on their approach to its implementation. In the Ugandan market for loyalty, these efforts may subtly or actively reinforce a vision of cohesion of socio-political stability between RFOs and the Government in the society or reinforce existing cultural division between the various religious groups and organisations and the Government. The latter may steer their intended partnership away from a collaboration on social development, rather reinforcing subtly or actively any existing cultural divisions between religion and politics in the Ugandan society.

However, religious leaders in support of the partnership of RFOs and the Government over service delivery and national development programs may recognize, besides being competitors in the Ugandan market for loyalty, RFOs as consumers of the identities the NRM government is selling, i.e., partnership in service delivery in health, education etc. and the independent exercise of their faith while remaining in healthy and harmonious co-existence with the different religions, may need payment through compliance in order to continue to operate in the country. This compliance may include their sense of identity, this being the dedication to service delivery and the way they exercise their faith, i.e., operating with valid permits, registering with the relevant institutions and agencies, and filing return and audited books of accounts.

Conclusion

The role of government as a regulator and enforcer for national identities like RFOs in the society may use legislation such as the proposed RFO Policy as social practice to communicate to all RFOs the relationship the Government would like RFOs to have with the society and the Government themselves. The NRM government is attempting to censor the activities it deems antagonistic in the Ugandan society like the moral decay among RFO leaders and faithful’s and a lack of accountability standards/systems in RFO operations showing exploitation and manipulation of Ugandan citizens becoming prevalent. Additionally, a lack of formal training in some RFO leaders/preachers and a negative foreign influence seen among RFOs who imitate religious activities they see and perform at the expense of their congregations for spiritual, financial, and personal gain. The government is trying to subsidize religious activities that reflect transparency and accountability, registration of all RFOs, a strengthened partnership between the Government and RFOs, and promoting unity in the diverse RFOs. Some RFO leaders as

competitors alongside the Government in the Ugandan market for loyalty recognize the power the government has even while supporting the proposed regulation of religious organisations. There was recognition of inter-denominational differences in how religious organisations should be regulated, and further intra-denominational differences further affecting a united argument towards the compliance of the proposed regulations considering their position as consumers of the identities the government regulates and enforces in the Ugandan society.

To expound further, in line with the market for loyalty framework, these arguments highlighted, within large scale competitors like RFOs, there are intra-institutional observations of the supply and demand of power through loyalty in the Ugandan society as well. A distinction is made between mainstream/majority religions and minority/non-traditional religions regarding structural and operational differences. However, managing the market would create myths, ideas, and narratives employed by the dominant group or coalition to maintain power (Price 1994: 667). Theoretically suggesting, using the RFO Policy, the controlling/dominant group (s) in the market may enforce and reinforce identities – such as structural and operational RFO operations – useful to them. However, this may create cartels of identity in the society, such as what is and is not considered appropriate structural and operational choices in RFO operations. This possibly reinforcing subtly or actively – depending on the successful domestication of the proposed Policy -- a vision of operational cohesion in RFOs or on the other hand, existing cultural divisions between the churches and faiths regarding structural and operation differences may be amplified. The religious argument for the registration of RFOs, irrespective of traditional or non-traditional operations, would enable the government to plan well how to engage with this group of social actors in specific activities. The government performs its statutory role in this way to monitor and provision security, law, and order for all its citizens. Yet, Jonathan Fox (2015: 4) maintained, while it is possible to identify a government's policy towards religion, it is often difficult to fully know the complex motivations behind the policy. This is evident in the reactions and arguments *against* or with contentions towards the proposed regulation of religious organisations in Uganda explored in the following chapter.

Chapter Four

Arguments against the Religion and Faith Organisations Policy

Introduction

This chapter identified the reactions and arguments *against* or in contestation of the proposed Religion and Faith Organization (RFO) policy by Ugandan political and religious leaders. These reactions were explored in three sections and under three major sub-themes: 1) regulating religious freedom; 2) promoting organizational structure; and 3) partnership, diversity, and unity. Each sub-theme identified key religious and political actors who argued against the regulation of religious organisations in Uganda, focusing on what these arguments may suggest about relationship between religion and politics looks like in Uganda, especially between 1986 and the present.

Regulating Religious Freedom: “This is a violation of our right to freedom of worship”

The Ugandan constitution¹⁷ recognizes the fundamental right to freedom of religion under Article 29 (1)(c) and a selection of other international and regional human rights instruments¹⁸ the state is a signatory and willing participant of. For example, Article 18 of the Universal Declaration of Human Rights (UDHR)¹⁹ maintains the right to freedom of religion and its manifestation through teaching, practice, worship, and observance. However, according to Charles Fombad (2020: 157) how these provisions are effectively realized in a state depend partly on the extent to which the limitations and restrictions are placed on the exercise of these rights, and their mode of implementation. Therefore, the exercise of religious rights in Uganda may be attempting to be effectively realized partly by the limitations and restrictions proposed and to be implemented

¹⁷ Clause (1)(c) states that “every person shall have the right to freedom to practise any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with this Constitution”.

¹⁸ Uganda has ratified the following regional and international instruments where the recognition and protection of religious rights are observed: African Charter on Human and People’s Rights ([https://au.int/sites/default/files/treaties/36390-treaty-0011 - african charter on human and peoples rights e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)) ; International Covenant on Civil and Political Rights (ICCPR) (<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>) ; and Universal Declaration of Human Rights (UDHR) (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>).

¹⁹ Article 18: “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” See: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

through the RFO Policy. In spite of this, some religious leaders have argued the regulation of religious organizations would violate their right to freedom of religion.

Through their umbrella organization, the 22,000 member – over 30,000 in 2023²⁰ -- National Fellowship for Born-Again Churches (NFBPC) of Uganda pastors hit back, arguing, implementation of the proposed policy would violate the right to freedom of worship (Epajjar 2019). Pentecostal²¹ Pastor Michael Kyazze of Omega Healing Centre (NFBPC member) accused the State of attempting to regulate the freedom of worship in Uganda through the proposed RFO Policy (*Monitor* 2019). This allegation was previously echoed in 2017 by Pastor Joseph Kabuleta – former sports journalist and 2021 presidential candidate – with the Watchman Ministries, a Pentecostal fellowship in Kampala, Uganda (Lumu 2017).

This religious argument maintained, because Uganda is a secular state²², regulation of religion under the Government should not be possible. As reminded by Charles Fombad (2020: 157) as with many other fundamental human rights, these rights –relating to freedom of religion – are not absolute. In Uganda, the freedom and manifestation of religious rights must be in a manner consistent with the Ugandan Constitution. The exploitation and manipulation of church members by some religious leaders, noise pollution, and the necessity of the government/state to monitor Uganda’s religious civil society organizations were key reasons behind the proposed regulation of RFOs by some religious and political leaders in support of the Policy.

Refuting the governments arguments in proposing the RFO policy, Joseph Kabuleta in a 2020 interview with NTV Uganda maintained,

“Well, this proposed policy, law, whatever it is, is unconstitutional and it goes against the grain of us being a secular State and of us having freedom of worship and of association. Because now if such a thing is passed, then the government has the power to monitor, to register, deregister, to vet anything that is being preached on any platform, be it Christian, Muslim, or whatever other platform. They have the power; they have the legal framework to do it. So, but then, if the person has the power to vet, to monitor, to register, that also means to deregister, then you can actually have your license removed for saying

²⁰ NFBPC website: <https://nfbpc.org/>

²¹ “In Uganda, the terms ‘born again’ and ‘Pentecostal’ are used synonymously to refer to those Christians who emphasise the experience of ‘rebirth’ in their spiritual life, having previously been members of others mainstream churches or religions”, See: Alexander Isiko, (2019: 101).

²² Article 7 of the Constitution provides that Uganda shall not adopt a State religion.

something that goes against the grain of what government is propagating”

(NTV Uganda 2019: 01.13-02.04).

Similarly, Professor Simeon Kayiwa, founder of Namirembe Ministries in Mengo, Kampala, and a resounding name in the Pentecostal movement noted that the preamble of the constitution says the freedoms that Ugandans have are not given by the government, they are given by God (Next Media Uganda 2020: 00.29-00.40). The preamble of the Constitution of the Republic of Uganda states (in summary) “a commitment of the people of Uganda to building a better future by establishing a socio-economic and political order through a popular and durable national Constitution based on the principles of freedom, for God and my country” (*The Constitution of the Republic of Uganda, 2005 as amended*: 18).

While Pentecostal Pastor Simon Ssenyonga of Zoe Ministries – largest fellowship group in Kampala – considered the proposed policy “demonic, satanic and an attempt by the politicians, especially the president [Yoweri Museveni] to muzzle the freedom of the church and a choreographed ploy to bring some religious leaders to tow ‘the correct line” (*Monitor* 2019). Simon Ssenyonga called upon the government [National Resistance Movement] and the general public to dismiss this policy with contempt (Matovu 2019). He argued the policy is an attempt by the regime to curtail the freedom of expression – including religious expression – through licensing media, film, and NGO sectors of the country. “Government seeks to cherry-pick and as long as you are saying palatable things, you are in their good books, and you will remain registered. It’s a carrot and stick,” Simon Ssenyonga said (*Monitor* 2019). Essentially maintaining that the policy is more motivated by politics than a desire to regulate faith organizations.

The Ugandan government, as part of its’ statutory function to provide security, law and order to the citizens argued for the implementation of transparency, financial accountability, and the need to update the states directory of RFOs (registration). The counter argument for the protection of freedom of religious expression maintained, the RFO Policy is a violation of the state’s commitments to fundamental religious freedoms, as it risks the autonomy and liberty to exercise the freedoms RFOs have been enjoying and questioned whether the proposed regulation is a strategic decision by the Government to curtail the freedom of expression through licensing of civil society organizations like RFOs and others. In the market for loyalty, this religious argument would suggest the force of the law may be used to limit the supply of power religious and faith-based organizations have in the country by establishing barriers of entry in the market

through the regulation of freedom of (religious) expression. Some religious actors believed these limitations may not be targeted at all religious groups in the country, but rather, together with the law, collusion is being used to strategically target minority religious organizations/groups like the evangelical movement and/or the born-again churches to limit their entry in the market.

Promoting Organizational Structure, Licensing, and Formal Training in RFOs

Some Pentecostal leaders claimed the underlying reason behind the Policy is a way to regulate the growing evangelical²³ church movement in Uganda. There was a recognized issue of a lack of formal training in some religious leaders, the need to keep and maintain a register of all RFOs in the country, and the monitoring of compliance by all registered RFOs with the conditions of their certificate of registration/incorporation and the Constitution (*National Religious and Faith Organizations Policy* [Draft], 2019 as amended: 12, 14). However, some Born-Again Church (BAC) pastors argued the Ethics Ministry is targeting the born-again faith movement, especially over the issue of licensing (registration) and formal training.

Arguing against formal training, Pentecostal Pastor Amos Mugabi²⁴ noted, “people in government don’t understand the word of God,” emphasizing, “we have great men in the Bible including Jesus Christ who preached the gospel, but they didn’t have a bachelor’s degree in theology. It’s time we all follow the Bible” (*Ugandan Pastor Fears...2019*). Michael Kyazze (Omega Healing Centre) emphasized; the creed of a faith-based organization is what determined training in sects. “We believe that the calling [to ministry] comes first and then the training later; St Peter, St Paul were trained on the job” he said (*Monitor* 2019). While Simon Peter Kinobe, President of Uganda Law Society asked, “since ministry is a calling, how do you put a minimum academic qualification to my being a pastor, how do you do that”? (Next Media Uganda 2020: 01.51-02.04)

This religious argument assumed the structural differences BACs (minority religions) exercise compared to the mainstream religious groups — Roman Catholic Church, Anglican Church of Uganda, and Islam — are being used against them in a discriminatory manner to enforce an

²³ In Uganda, part of the Anglican Church of Uganda (COU) belongs to the evangelical spectrum. The East African Revival took firm root in the Anglican church as what in Uganda is known as the *Balokole* (born-again) movement”, see: Kathrina Hofer. 2003.

²⁴ The Pentecostal church Pastor Amos Mugabi is associated with is not indicated. Extensive research was done to try and locate their ministry.

operational framework recognized by the law, inevitably leaving BACs vulnerable to being muzzled by the government.

Noting the history of church-state relations in Uganda, Martin Seempa (Makerere Community Church Kampala) while in support of the regulation of RFOs maintained there are historical privileges for the big players, the mainstream religious groups, with the born-again church facing persecution and oppression by the state and religious majorities. From this, Martin Seempa explained, “And so, if you put the religious majorities to be in bed with the state to have authority over religious minorities, that can just be a recipe for oppression, for suppression, and for closing down,” (Martin Seempa, personal computer interview, 2023 September 7). Furthermore, when dealing with theoretical issues it is difficult to exercise regulation when one is ignorant theoretically. Seempa used the example of current President Paul Kagame of Rwanda (2000-present) who recently closed down over six thousand churches claiming the pastors did not have theological training. He took note that when you put the church and even theological issues under the authority of a political leader, that political leader may not know where the boundaries are. Further explaining,

“You cannot control what people believe in. If people choose to worship in something that you find offensive, let the people be. But if you want to contradict or teach their theology differently, engage them and teach them and discuss with them. But President Kagame, his modus operandi was that he said I’m going to send buses. I’m going to put you on buses, and I’m going to lock you up until you change your theological thought. That scares me. That scares me-” (Martin Seempa, personal computer interview, 2023 September 7).

Acknowledging this dynamic is not written in the proposed RFO law, Seempa emphasized rather, he had seen what can happen when you put the church under the authority of a politician.

“Now, this law that is being made is targeting the minority. They want to somehow put a different expectation for the minorities and I’m going to refuse that because that is, that is against the spirit of equal opportunity. You cannot expect that the Born-Agains will have to do more and be regulated when you’re not regulating the Muslims? We are already self-regulating. We have our umbrella organizations. And

yeah, so I do not think that its right to make regulation that targets a specific minority. And it's and yet, not put some expectations for the majority," (Martin Seempa, personal computer interview, 2023 September 7).

To be clear, the RFO policy does not create exemptions or distinctions between majority and minority religious organisations. Martin Seempa's views are his perspectives and interpretations of the possible consequences of the policy. Further, while the Pentecostal and Born-Again churches and ministries have umbrella organisations to which they belong, these organisations lack enforcement and implementation capacity to self-regulate. Contrary to Seempa's point of view, collective religious organisations function differently from self-regulation. There is no precedence of self-regulation to support Seempa's strongly held opinion.

In an NTV interview with journalist Frank Walusimbi, Michael Kyazze (Omega Healing Centre) stated that unlike their – Martin Seempa was also in attendance – colleagues who are against regulation, they welcome the policy though not in its current format.

“By threatening to pass the policy in its current form, government is only seeking to have born-again churches kneel for it. This often happens whenever elections are around the corner. It has happened since 2004 but this time we are not ready to succumb to such threats. If they claim their main motive of regulating Pentecostal churches is because they are exploiting the masses, is it only happening in churches? Don't we have it in government or elsewhere? But how many times has government come out to regulate them?” Michael Kyazze stated.

This is another argument against the RFO Policy, as the government is questioned about not just the regulation of religious organisations but where does regulation start and/or end in the society. Essentially, if RFOs are to be regulated, Michael Kyazze was of the opinion that the government too should look into other civil society organizations and the government itself.

Uganda has a history of church-state relations intertwined in the electoral campaigns leading up to independence in 1962. Kathrina Hofer elucidated, President Museveni initially distanced himself from all religious groups, however he has come to choose evangelical churches as venues to address the nation on religious holidays. Further, evangelicals and born-again churches support the president in an attempt to secure support from the evangelical leadership as he has emphasized his born-again status on occasion (Hofer 2003: 393). A study found such

unequivocal support was linked to survival in uncertain political environments (Isiko 2019: 105). Further, despite the seeming relationship observed between the National Resistance Movement (NRM) government and the born-again churches, having recognized status has not been addressed and intra-denominational arguments around the proposed Policy to reflect their wishes and faiths was inevitable.

For example, a leader in a born-again church²⁵ believed,

“Because Pentecostal/BACs have had a rivalry history with mainstream churches (Roman Catholics, Anglican/Protestants, and Muslims), they are the ones pushing for the proposed policy – which targets minority churches --, again like it was in 1988. They have resurfaced in another way, in form of a policy”. The church leader maintained the proposed RFO Policy is unnecessary, however they are not opposed to government policies. Rather, they were of the opinion that the government can overwatch the activities of Pentecostals but their churches should have liberty and autonomy to do their activities (Personal telephone interview, 2013 September 6). Charles Fombad (2020: 162) explained how the observance of religious rights in the context of secular states may seem balanced and neutral at face value but actually does not seem this way to a minority. It is this implicit imbalance that Fombad maintained is the challenge for governments as they try to ensure strict secular interests, yet their application of these interests usually end up offending the constitutional requirements of government neutrality if they burden the free exercise of religion.

If the RFO Policy is passed, all RFO operations will have to be re-structured and/or develop a recognized institutional hierarchy and administrative structure for the effective monitoring and assessment of the impact of RFOs on development in Uganda. In the market for loyalty, this religious argument suggested the power the government may hold over RFOs in Uganda if the Policy is passed may be assumed to be used to enforce and reinforce identities useful to them by allocating market shares intended to create cartels of allegiance where possible. These identities include the manner in which they would be operating their churches and organizations, such as the teaching exercised by persons who have a theological qualification and through the national development programmes (explored below). As consumers in the market for loyalty, some Ugandan religious leaders appear to have recognized that compliance to the proposed regulations

²⁵ Unattributed interview. Participant confidentiality maintained.

would mean paying with their sense of identity for continued residence and operation of their establishments. This does not sit right with them. Additionally, in the market for loyalty, the competition goes beyond the two large scale competitors (RFOs and the Government) but also extends to the competition for loyalty (power) observed at an inter-religious level in the Ugandan religious economy. Several religious and political leaders have gone on to emphasize and argue how the promotion of unity and diversity among RFOs and partnership with the government is therefore difficult.

Merging leads to the death of one: Partnership, Diversity and Unity

The provision to strengthen the partnership between the Ugandan Government and the RFOs for the implementation of social and development programs and the (continued) general service delivery in the country was not met well and caused much debate in the discourse around the proposed regulation of religious organizations. Some political and religious leaders rejected the idea of a collaboration of this kind between the two social sectors. While others maintained various adjustments would need to be made to even consider such a provision under the proposed RFO Policy.

State-church relations in Uganda have a complex history, with Joseph Kabuleta (Watchman Ministries) describing the two as strange bedfellows. Kabuleta maintained, the idea of merging religion and politics would lead to the death of one of them and rather the country should consider the better model is in America where Benjamin Franklin argued for the separation of church and State, and therefore, the State cannot sanction any religion as there is a clear separation. Kabuleta thought this is the model the country should be following (*Monitor* 2019).

Uganda as a democracy is characterized by its neutralist model of secularity which requires the State and government to treat all religions equally (Fox 2015; Fombad 2020). Charles Fombad (2020: 159) maintained, countries in anglophone Africa like Uganda reflected the British conceptualization of secularism in their post-independence constitution. This conceptualization was much vaguer on the question of separating religion and politics since this principle was not part of the British tradition. In practice, many anglophone African constitutions did not attempt to create any separation between the state and religion (Fombad 2020: 159). Therefore, Kabuleta's position about the relation between religion and politics is significant. Although not a blanket argument to make any concrete conclusions at this point, it may help to make sense of what the

proposed regulation and management of religious organizations i.e., partnership between the government and RFOs here, suggests about the relationship between religion and politics in contemporary Uganda.

Building on the religious argument that Pentecostal and Born-Again church groups are being targeted by some political and religious actors, for the sake of our discussion, I will encompass this contention to include all religious groups to make the following theoretical argument. In the Ugandan market for loyalty, if the proposed RFO Policy is being used by the government in the way some Pentecostal and Born-Again church leaders have argued that it is targeting religious groups. Then Joseph Kabuleta's 2019 argument may support the theory that the use of the RFO Policy by majority groups in the market for loyalty, regardless of the provision of partnership (merging), may attempt to reinforce a vision of cohesion in the society between the government and RFOs. However, this partnership may also actively or subtly reinforce existing cultural divisions between religious organizations and politics. These cultural divisions may go further and lead to the death of one of them in the long-term. In this context, the death of the religious sector is implied by Kabuleta.

This theoretical argument was supported by Simon Ssenyonga's (Zoe Ministries) concerns about clause 8.2²⁶ of the proposed policy, the institutional and coordination arrangements for the implementation of the policy which would create a RFO committee at district level. In a petition²⁷ to the Ugandan Government and Ugandan parliament started by The Watchman Ministries in 2019, (petition writers – Simon Ssenyonga and Joseph Kabuleta), Ssenyonga argued the proposed district committee was composed of political appointees which raises concerns as they may not be acquainted with spiritual

²⁶ Clause 8.2 (c): There shall be an independent Board appointed by the Minister responsible for Ethics and Integrity. The Board shall exercise the mandate for registration, regulation, monitoring and overseeing the activities of RFOs. The Board will facilitate coordination, effective and efficient relations among stakeholders. The status and institutional capacity of the RFO Board shall be strengthened appropriately to enable it carry out its functions both at national and district level. Save for the government representatives, the board will be appointed from members nominated by registered RFOs, Networks and Umbrellas. The RFO Board structure shall be reflected at the district level. The structures created shall perform in accordance with guidelines issued by the national RFO Board to enable these authorities carry out their mandated functions with respect to RFOs effectively and in a harmonized manner. See: Page 16 *Religion and Faith Organizations (Amendment) Policy, 2019, September 2019, available at: [The National Religious and Faith Organizations \(RFOs\) Policy, 2019](#)*

²⁷ This petition currently stands at 2,874 signatures of a goal of 5000. The initial goal stood at 4000 signatures. See: The Watchman Ministries. "Petition Against the Oppressive Religious Faith Based Organizations Policy Bill in Uganda." Petition, Kampala, Uganda, 2019. <https://www.change.org/p/ugandan-government-petition-against-the-oppressive-religious-faith-based-organizations-policy-bill-in-uganda>

matters and therefore ill-equipped to monitor the RFOs (The Watchman Ministries [Petition], 2019). This set up would create a risky political influence that could lead to violations around fair hearings because the adjudicators would not be necessarily independent. For Simon Ssenyonga, if we look at the issue of reinforcing cultural differences, he believed because the policy does not create an appeal mechanism for any RFOs that have contestations about committee decisions. Leaving these uncertainties to institutional bodies (RFO Board) that have decisive powers over the functions and operations of the RFOs, this would leave them – religious minorities and religious groups with contestations – at a disadvantage (The Watchman Ministries [Petition], 2019). Therefore, Ssenyonga argued, if the policy leaves the committee structure as it is, the likelihood of the state influencing the nature of the doctrine that RFOs ought to preach on their platforms may be seen overtime, because the RFOs would be categorized as partners with the government to propagate its agenda in regard to education, health care, community development, and other social services (The Watchman Ministries [Petition], 2019). Inevitably, assuming RFOs would be compromised and biased as there is a viable way for their religious activities to be overstepped and controlled by the state.

However, clause 8.2 of the proposed policy indicates, “In constituting the Board, effective, fair and equitable consideration of all RFO’s diverse needs, shall be seriously considered so as to ensure smooth relations between the Board and its various stakeholders” (*National Religious and Faith Organizations Policy* [Draft], 2019 as amended: 18). This does not necessarily strengthen nor consider the possibility of Simon Ssenyonga’s argument, only the position at which the Policy covers the awareness of a need for fair and effective consideration of diverse needs among RFOs. Nevertheless, the issue of a lack of independent adjudicators in the RFO Board presented the contestations around the promotion of unity in diversity of RFOs despite the proposed Policy suggesting an “avenue where different religions can independently exercise their faith but remain in harmony with the others” (*National Religious and Faith Organizations Policy* [Draft], 2019 as amended: 13). Joseph Kabuleta explained,

“The reality is the RFBOs are many and viewpoints as diverse as their faith which in itself is not disharmony but different in beliefs and therefore, faith, Ugandans take pride in their values of co-existence, unity in diversity and

tolerance which has ensured the peaceful prevalence of the diverse faiths in this country” (Lumu 2017).

Critically, this showed awareness of the multireligious nature and inter-religious differences prevalent in the Ugandan society, but this did not imply there needed to be a significant promotion of unity as the value of co-existence was said to be inherent in the citizens according to Kabuleta. Yet, Charles Fombad (2020: 164) explained, clauses of non-discrimination and equality in many African constitutions in the period after independence find this protection of religious rights was necessary not only to establish that the right need not be infringed, but also for recognition of the delicate, often tense relationships between the continent’s two major religions, i.e., Christianity and Islam. Thus, Honorable Jennifer Nantume (National Resistance Movement – NRM, Buvuma Islands County) maintained, individual conviction underlines the issue of worship and can only be a constitutional matter if it does not infringe on other people’s rights. She was of the opinion that because the country has a diverse culture and a strong base of traditional beliefs that vary, it would be difficult to regulate because of the unique beliefs of the various groups (*Parliament of the Republic of Uganda, News: 2019*). This supports Joseph Kabuleta’s explanation about the reality of how RFOs operate in Uganda. These sentiments against the regulation of religious organizations, were supported by Betty Bamukwasa, Rukungiri Woman MP, and William Nzoghu, representing Busongora North. In turn, many religious and political leaders found themselves echoing each other against passing the proposed law, stating there are laws and regulations that are well equipped to oversee the pressures the government finds around RFO organizations.

Michael Kyazze (Omega Healing Centre) and Simon Ssenyonga (Zoe Ministries) highlighted the laws which already take care of the extremities and violations those in support of the RFO Policy are suggesting about some of the religious activities of RFOs are found under the 1950 The Penal Code Act (Cap 120) (amended 2007). Michael Kyazze argued, “in every society, there are people who are evil. That is the work of intelligence and policy. They are endowed with laws and they are given tools and they trained to sniff out any criminals. So I don’t think that warrants a religious policy” (*Monitor 2019*). Concluding his personal statement in the 2019 petition to the Uganda government and parliament, Simon Ssenyonga recommended the Ethics ministry should

run a sensitization policy on the existing penal laws that efficiently deal with the highlighted issues in the proposed RFO Policy and Bill to address them to avoid duplication of laws (The Watchman Ministries [Petition], 2019). Lyandro Komakech, Gulu Municipality MP contended to the same sentiment about the implementation of laws that already exist instead of the government implementing a new separate law to cover violations and extremities observed in society.

A study found there are usually no frameworks even for checking against the enactment of laws that violate the secular nature of the state or arbitrarily limit the enjoyment of religious freedom (Fombad 2020: 166). Therefore, in a report to the Ugandan government, the International Commission of Jurists (ICJ) recommended repealing the country's 'blasphemy' laws, this would bring Uganda's laws and policy in line with its international legal obligations (International Commission of Jurists 2022: 2). Particularly a move to repeal and amend the Witchcraft Act of 1957, which intends to be provisioned under the RFO Policy as well. Making these changes would help the country refrain from implementing policies the ICJ says unjustifiably discriminate against persons practicing traditional religion or beliefs. Due to time limitations, this area of concern regarding the religious freedom of traditional religion and beliefs in Uganda will not be expounded on. It is to be encompassed under the argument on minority religions being targeted according to some religious leaders in the debate around the regulation of religious organizations in Uganda.

“How in which way are we going to maintain independence, authority, and the ability to speak without having to fear that they will close down our churches? A lot of this may not be seen now. But you have to think subsequently. If your ability to operate as a church exists on the goodwill of the state, the state committee. We have had experiences where the state has been abusive, where the state can blackmail,” said Martin Seempa (Makerere Community Church). Further emphasizing, “So that is my great concern, is the ability to maintain the independence and the freedom of the church. I’ve not seen [that] within the document. That [which] is scary” (Martin Seempa, personal computer interview, 2023 September 13).

This issue of existing laws, the need to run a sensitization policy, and the fear of losing one's current independence, authority, and ability to speak openly extended to include some religious leaders and legal writers having concerns about the ambiguity of some of the words used in the

proposed Policy to explain the provisions. Joseph Kabuleta (Watchman Ministries) believed the use of the word “regulation” was scary, but not scary in anything else, rather when it came to faith because faith is a very personal thing between somebody and their God (Uganda Broadcasting Cooperation Television Uganda – Livestream 2018: 03.11-03.35). While Bryant Kairugaba (2019: *The Observer*) a Ugandan lawyer explained in an article on the faith-based organization policy being against the constitution, that there is a very thin line between regulation and control because both concepts include constraint and prevalently due to this ambiguity, the lines are blurred. This issue already previously identified by Martin Seempa concerning the promotion of operations and structural provisions in all RFOs in the country (see section on “Promoting Organizational Structure, Licensing, and Formal Training in RFOs” above). Additionally, Xavier Mugisha (True Revival Centre), while in support of the proposed RFO Policy, he believed the spiritual church cannot be registered by government but registered from heaven (see Chapter 3: “Collaboration and Unity) (Xavier Mugisha, personal telephone interview, 2023 September 13).

In the market for loyalty, a difficulty of partnership, diversity and unity may be rooted in the idea that the proposed RFO Policy would be used by the government and majority religious groups in the market to enforce and reinforce partnership and unity to allocate market shares intended to create cartels of allegiance where possible. This may be evident due to the RFO Policy being in line with the 2020 Third National Development Plan that seeks to implement socio-economic transformation in the country in which RFOs are called by the president to contribute to implementing in their capacity (*National Development Plan [NDPIII], Uganda, 2020/21-2024/25: foreword xviii*). Depending on the perspective of the religious leader, these efforts may subtly reinforce any existing cultural divisions between the government and some religious groups and/or any divisions between the religious groups themselves. The arguments behind the promotion of partnership, diversity, and unity highlighted that there may be cultural differences further purported if the government does not delicately handle the regulation of religious organisations in the country.

Conclusion

In the reactions and arguments against the proposed RFO Policy there was a clear running issue that Pentecostal churches feel the policy is targeting their faith from an operational standpoint. This religious argument was based on a historical rivalry between the religious groups within the country, with minority religious

organizations/groups having faced oppression and suppression through both legal and religious exclusion in the social marketplace. Some religious leaders and faithful's argued, regulation of religious organisations in Uganda lends the state to violations of its constitutional and international human rights commitments to religious freedom; is an attempt to place the church under the authority of the government; is a way to control religious minorities in various structural, and operational ways; a strategic move by government to propagate their agenda through the licensing, vetting, and management of religious organizations; and is a way to muzzle critical voices in the public. Thus, this created an issue regarding how the government intends to promote partnership, unity and diversity among RFOs and themselves to realize their statutory duties and account for the extremities and violations found within the religious sector (religious extremism, financial accountability, exploitation and manipulation of citizens).

Theoretically, of concern to some minority religious leaders is the force of the law and collusion possibly being used together or separately at times to successfully proceed with the implementation of the RFO Policy. This is because their competitors – the government and mainstream/majority religious organizations – would pose the risk of using the RFO Policy to limit the supply of power accessible to certain (minority) religious organizations, by establishing barriers to entry in the market, i.e., compliance with operational and structural standards/benchmarks.

Chapter Five

Summary and Conclusion

Summary

In contemporary Uganda, religion is governed under the 1995 Constitution (amended 2005) and other international human rights instruments²⁸ the state is a signatory and willing participant of. There are two specific articles²⁹ in the constitution under which the freedom of religious exercise and belief is articulated and provisioned: Clause XVIII (iii); and Article 29 1(c). Just like many other fundamental human rights, these rights are not absolute. The exercise of religious freedom should be manifest in a manner consistent with the Constitution. Three articles³⁰ refer to the disestablishment of religion: Article 7; Article 21(2); and Article 71(b). Religion and faith-based organizations (RFOs) support the government with the provision of social services like education, healthcare, the media, livelihood enhancement programs, promoting social justice, democracy, and peacekeeping efforts on top of the promotion of spiritual, moral, and ethical values in the society.

In the past two decades, however, there has been an increasing presence and growing influence of religion in politics. This is especially so around the electioneering seasons, where there is an increase in religious and faith-based Non-Governmental Organizations (NGOs) social presence, the debate around the criminalization of same-sex relationships, conflict resolution, promotion of public morality around political and economic instability, and peacekeeping efforts. Intentions behind these efforts have been recently questioned by some political and religious leaders. Additionally, there are new threats to the state posed by religious revivalism by extremist groups from the mainstream Christian and Islamic sects (Fombad 2020: 168).

In 2016 the Ministry of Ethics and Integrity proposed the regulation of religious organisations in Uganda. The 2019 draft of the proposed Policy identified five reasons for this provision

²⁸ African Charter on Human and People's Rights; International Covenant on Civil and Political Rights (ICCPR); and the Universal Declaration of Human Rights (UDHR).

²⁹ Clause **XVIII (iii)**: religious bodies shall be free to found and operate educational institutions if they comply with the general educational policy of the country and maintain national standards; **Article 29 1(c)** provides for the freedom to practice any religion and to manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the constitution. The government maintains this is not an absolute right and emphasizes that it should be exercised in a manner consistent with all the provisions therein.

³⁰ **Article 7**: Uganda shall not adopt a State religion; **Article 21 (2)** prohibits religious discrimination; and **Article 71(b)** prohibits creation of political parties based on religion.

including: 1) the moral decay among RFO leaders and faithful's; 2) a lack of a specific regulatory framework for RFOs; 3) a lack of accountability standards/systems in RFO operations; 4) a lack of formal training for leaders/preachers; and 5) a negative foreign influence among RFOs (*National Religious and Faith Organizations Policy* [Draft], 2019 as amended: 12).

A review of the literature found several motivations behind the regulation of religious organisations in post-colonial African states, including how common they were and the possible consequences. A key reason identified was that religious organisations could be viewed as constituting a threat or competition to political authority. Restrictions increased especially if the state viewed religions as offering ideological or political alternatives to the public. The need to safeguard national interest was a significant factor in this decision. Another separate but related reason identified that some states had concerns about religion in the public arena. The public presence of new religious movements, or non-mainstream movements were identified as having the most significant clash with states in post-colonial African nations. However, in general, the public presence of all religious organisations was said to make them an easy target to locate and regulate compared to individual beliefs and behaviours. Both formal and informal approaches to the management of religious affairs were observed across the continent. A third reason identified was that states regulated religious organisations to combat groups who especially used violence, as they could be a security risk to public welfare. The ability that religious organisations have to mobilize groups within societies was proven to be effective as their capacity to secure commitments from members of the of the public can go beyond nationality or loyalty to the state. The visibility of the leadership and voice of clergy was a prominent factor in the increased management of religious organisations regarding mobilized support of members of the public. Competition perspectives of loyalty in the public arena were closely identified as another reason behind the regulation and management of religious organisations. Some states were said to have felt the need to control the competitive atmosphere in the state between religious organisations and within the secular camp in the society. Within this reason, discourse around the prevalence of discrimination(s) against religious minority groups were brought forward. The topic of the regulation or management of religious organisations and the reasons and motivations behind state action in this regard opened up new possibilities for identity politics between dominant religious groups, the state, and religious minorities.

Research into the reactions and arguments *for* the proposed RFO Policy in Uganda identified several key reasons and concerns by political and religious leaders and organisations in support

of the regulation of religious organisations. Political and religious leaders noted numerous self-styled ‘prophets’ and untrained preachers have been extorting their followers to enrich themselves. These leaders included Reverend Father Simon Lokodo (Minister of State for the Directorate of Ethics and Integrity (DEI) (2006-2022); Canon Aaron Mwesigye (Head of Religious Affairs under the DEI); Rose Lilly Akello (current Minister of State for the DEI (2022-present); and Reverend Canon Erisa Grace Ssentongo (Church of Uganda, Anglican Communion). These political and religious leaders highlighted issues of a lack of formal training for leaders/preachers and a lack of accountability standards/systems in RFO operations. Northern Ugandan Anglican Bishops at the Diocese of West Lango like Reverend Canon Vincent Ogwang (Dean of Saint Peter’s Cathedral Church) and Retired Reverend Professor Alfred Olwa (Bishop of Lango Diocese) agreed that having a regulatory policy would be useful in the society, and this provision is long overdue.

A different but related issue was the negative foreign influence among RFOs. Martin Seempa (Makerere Community Church) observed some fraudulent religious methods of expression seen on social media from South Africa imitated and/or inspired by some Ugandan religious leaders.

The need for the government to update its directory on faith-based organizations was identified as one of the key reasons for the proposed RFO Policy as there is a lack of a specific regulatory framework for RFOs. The existing registration arrangements for all RFOs fall under diverse agencies and legislation like the Trustees Incorporations Act (TIA), Companies Act and the 2016 Non-Governmental Organizations Act (NGO). Some studies and reports found some religious and faith-based organisations were operating with expired permits, were failing to file returns and audited books of accounts and operating without registration permits. Some religious and political leaders argued in support of the government streamlining the registration process of all RFOs to increase government efficiency in the management of civil society organizations. This socio-political argument acknowledged the preservation of self-regulation under the registered umbrella and networks to which the religion and faith organizations would register themselves. However, the discourse elucidated some mainstream religious leaders have concerns over the need for traditional churches to re-register.

The need to strengthen the partnership between the Government and the RFOs to harmonize the government’s national development plan and service delivery in the society was another key reason behind the RFO Policy. A study found that the RFO Policy is said to be in line with the 2020 Third National Development Plan (NDPIII). Under the Mindset Programme, the

government views the role of RFOs as useful towards re-orienting the mindsets of Ugandans to development through improving spirituality, empowering families, communities, and citizens to embrace national values and active participation in sustainable development. Some religious leaders argued that religious organizations should collaborate with the government to do much more than they are currently providing Ugandan citizens separately. Strengthening the partnership between the public and private sectors of the economy to spearhead national development effectively. Additionally, some of these leaders agreed to support the strengthening of the partnership between the Government and the RFOs to aid with national development programmes.

Lastly, another closely related reason was the need to promote unity in the diversity of RFOs. The 2019 draft of the RFO Policy at present considers it essential to create an avenue for the different religions to independently exercise their faith, while in harmony with others.

On the other hand, the discourse identified several reactions and arguments by religious and political leaders *against* or with contentions regarding the proposed RFO policy. Various studies identified that some religious leaders and organisations viewed the implementation of the proposed policy may risk violating their religious freedom since the state is secular as per Article 7 of the Constitution. Therefore, regulation of religion under the government should not be possible. These leaders included mainly pastors from the National Fellowship for Born-Again Churches (NFBPC). This religious argument was of the opinion that the policy is unconstitutional and risks the government having power over the church to vet, monitor, register and de-register churches which these pastors do not agree with.

Some religious leaders had concerns that the proposed policy was a strategic decision by the Government and other politically powerful allies (both political and religious) to gain control over all religions in the country and to muzzle critical voices. Some of these leaders maintained that regulation of religious organisations would be a way to curtail not just religious worship but freedom of expression through licensing media, film, and NGO sectors of the country by the government.

The proposed regulation of religious organisations was also perceived by some Pentecostal (born-again) religious leaders as a way to target and regulate the growing born-again faith movement, especially over the issues of licensing (registration) and formal training. Some religious leaders believed majority religious groups were not being asked to comply to these proposed provisions

in the same capacity as religious minorities. This religious argument emphasized inter-religious differences regarding operational and structural variances in RFOs.

Closely related to this concern, the proposed provision to strengthen the partnership between the government and the RFOs, and the promotion of diversity and unity of RFOs was viewed as challenging if these discrepancies are not addressed or acknowledged. The country's historically complex church-state relations were used as reasoning behind this concern; with fears of the long-term survival of the two sectors questioned if they were to merge. According to this argument, prejudices and biases need to be accounted for not just between the state and religious organisations when looking at religion-state relationships between dominant and minority religions, but also, between religious groups. Trying to limit religious discrimination(s) was the reasoning behind this argument, and the risk of the legitimacy of religious groups being put into question in the society. Especially since RFOs would be categorized as partners with the government to propagate their agenda in regard to service delivery and development. Core concerns centred around how the policy would therefore allow the churches (mainly minority religious groups) to maintain independence, authority, and the ability to speak without the fear of their churches being closed down.

Some maintained that the reality is RFOs in Uganda are many and their viewpoints are as diverse as their faith, making regulation challenging because of their unique beliefs. Therefore, disharmony is not the issue to be provisioned, rather the promotion of the value of co-existence, diversity, and tolerance.

Lastly, several leaders emphasized there are already laws which account for the extremities and violations the proposed Policy is attempting to regulate. For example, some leaders maintained these laws can be found under the 1950 Penal Code Act (Cap 120) (amended 2007). Rejection of the proposed RFO Policy would avoid the duplication of laws in the opinion of leaders within this argument.

Conclusion

Using the market for loyalty theory, looking at the arguments for or against the proposed regulation of religious organizations in Uganda, this dissertation recognizes the supply and demand for power through competition for the allegiance (loyalty) of the citizens between RFOs and the Ugandan government. The government has found the need to censor religious organizations/activities it deems antagonistic in society in order to monitor and ensure security,

law and order for all its citizens as part of its statutory function (Price 1994: 677). This research identified both political and religious leaders in support of the regulation of religious organizations due to the instances of fraudulent, exploitative, and manipulative activities by some RFO leaders and faithful's in the society. In response, the government functions to subsidize religious activities it deems important.

However, the government is also a vocal contributor in the market for loyalty when competing for the allegiance (loyalty) of the citizens. Some religious and political leaders had some arguments and contestations about the proposed RFO Policy. In the Ugandan market for loyalty, it is evident that some religious leaders are of the opinion that the RFO Policy is being used by government and/or majority religious groups in support of the policy to enforce and reinforce the subsidized identities (religious organizations or activities) useful to them as they would allocate market shares intended to create cartels of allegiance where possible. These arguments raised issues of uncertainty around their (religious minorities) religious freedom, independence to exercise their religious freedom; authority in the society in their capacity as RFOs, inter-religious and denominational discrepancies; and the ability to speak without having to fear their churches will be closed down. Therefore, in the market for loyalty, some religious leaders against the RFO Policy believe the force of the law and collusion are being used together by the government and mainstream religious groups or leaders in support of the policy to limit the supply of power RFOs have in the society and/or religious minorities especially by establishing barriers of entry in the market.

RFOs leaders for and against the proposed Policy recognize, as consumers of the identities the government sells in the Ugandan market for loyalty such as the establishment of churches, recognition as a faith, legitimization, registration, and licensing; payment would be compliance to the proposed regulations and their sense of identity to maintain continued operation within the country. Monroe Price (1994: 672) maintains these efforts subtly or actively reinforce either a vision of cohesion in society or the existing cultural division in society.

This dissertation made the distinction that the relationship between religion and politics in contemporary Uganda, regarding regulation of religious organizations is complex. Religion is a difficult variable to regulate, especially by law because it is volatile and heavily draws on people's emotions. African post-colonial states were previously religious states, where a king or a chief that had a ritual function exercised political power, organizational power, extracted taxes, and demanded obedience to name a few hierarchical roles. Then when the colonial paradigm

brought about the idea of secularization and secularism, the constitutions that came out of the years of independence (1960s) and the democratic revival of the 1990s did not sit well with the cultural sensibilities of the people, relative to religion. Despite the protection and recognition of religious rights embedded in majority of the constitutions in Africa, religion is still found in all aspects of social life in post-colonial African states. It is too complex to regulate because any attempts to alter the social relation between religion and politics would complicate the stakes of co-existence that have already been established thus far. That is why there are many interpretations of the RFO Policy. Even though Uganda claims to be a secular multi-religious society – which is true – it is still fundamentally a religious state. Having a constitution that recognizes the disestablishment of a state religion does not necessarily mean the society is secular in practice. Secularism is a matter of thinking, of behavior, and an attitude towards the world regarding how a state is organized. African states' attitudes towards the world are inherently religious.

Secondly, it was identified that President Museveni socially frequents evangelical/born-again churches when making any national or domestic announcements in the country. That is his primary constituency, he identifies as an evangelical/born-again. Yet, it was notable in the participant interviews with evangelical/born-again pastors, they were of the perception that the government was targeting their organizations through the RFO Policy. They felt there was an ambivalence, an ambiguity, in Museveni's religious posture towards them as a faith group. In the society, some evangelical/born-again leaders were seen to be politically driven, while some felt politics should remain to politicians. The latter sentiment extended to include certain religious affairs should remain a concern of religious organizations and institutions. That is the disposition present in contemporary Uganda. What it illustrates is that African states do not have a functional paradigm of governing religion. In Uganda different religious organizations register with different government agencies. There is no clear order and attempts to address this have proven to be a difficult task because African states do not have an overarching framework to govern religious organizations.

Lastly, constitutions of African states were established from the top-down, not a bottom-up approach. They were not primarily generated by Africans themselves in the sense that various concepts, laws, and provisions were taken from various backgrounds – British in the case of Uganda. If they were generated locally, they would better understand how to govern religious organizations in the countries in a way that reflects the cultural sensibilities of the people. Such as

towards religion in this case. There is no overarching framework to which African states can refer to make this possible in an efficient way. There should be a need to have an overarching framework that will embrace all forms of religious organizations and traditions. That does not currently exist in Uganda. Implementing a specific comprehensive regulatory framework for all religious organisations will enable the state to harmonize management, make adequate provision for the society, and monitor the activities of civil society organizations as part of its statutory function of monitoring, vetting, and provisioning security, law, and order for all its citizens in an efficient manner.

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Appendix

Religious and Faith Organisations Policy [2019 Draft]

DRAFT 2019



REPUBLIC OF UGANDA

THE NATIONAL RELIGIOUS & FAITH ORGANISATIONS (RFOs) POLICY, 2019

**Directorate for Ethics and Integrity,
Office of the President
P. O. Box 7142,
Kampala**

DRAFT

2019

LIST OF ACRONYMS AND ABBREVIATIONS

ADF	Allied Democratic Forces
BAC	Born Again Churches
CMS	Church Missionary Society
COU	Church of Uganda
CSOs	Civil Society Organisations
DEI	Directorate for Ethics and Integrity
DLGs	District Local Governments
FBO	Faith Based Organisation
FIA	Financial Intelligence Authority
HSM	Holy Spirit Movement
ICCPR	International Covenant on Civil and Political Rights
ICT	Information Communication Technology
IRCU	Inter-Religious Council of Uganda
LRA	Lord's Resistance Army
MDAs	Ministries, Departments and Agencies
MLHUD	Ministry of Lands, Housing and Urban Development
NDP	National Development Plan
NEMA	National Environment Authority
NGOs	Non-Government Organisations
OPM	Office of the Prime Minister
RFBI	Religious and Faith Based Institutions

RFBO	Religious and Faith Based Organisations
SDA	Seventh Day Adventists
UBOS	Uganda Bureau of Statistics
UDHR	Universal Declaration of Human Rights
URSB	Uganda Registration Services Bureau

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FOREWORD

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EXECUTIVE SUMMARY

The people of the Republic of Uganda have over the years enjoyed their right to practice a religion of choice, freedom of conscience, expression, movement assembly and association. This is provided for in the Constitution of the Republic of Uganda 1995, Article 29 (1) (c). However, in the same Constitution it is emphasized that this right should be exercised in a manner consistent with all the provisions therein.

Gradually, a number of shortcomings have been realized in exercising the above Constitutional right. These come in two-fold i.e. the manipulation of the flock through un-ethical behavior of the RFO leaders coupled with the lack of a clear policy framework for registration, regulation, and coordination between the Government and RFOs. Further still, there has been a need for a comprehensive and clear framework on how Government can engage and promote RFOs for national development.

This necessitated the development of a Policy framework to promote the coordination of RFO activities through a framework for legal and procedural changes, accountability, registration.

Against that background, the Directorate for Ethics and Integrity (DEI) in the Office of the President (OP), embarked on the development of a national Policy for Religious and Faith Organizations (RFO).

Related Policy, Legal and Institutional Framework of RFOs in Uganda

This policy is hinged on the following policy and legal framework.

- a) The Vision 2040
- b) The NDP II
- c) The Constitution of the Republic of Uganda(1995)
- d) The NGO Policy, 2010
- e) The Companies Act, 2012
- f) The Trustees Incorporation Act, CAP 165
- g) The Non-Governmental Organizations Act, 2016

The International Legal Framework which this Policy is cognizant of include: the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) Article 18.

This policy is informed by other laws that are applicable in the work, coordination and regulation of RFOs and they include the Anti-Money Laundering Act, the Anti-Corruption Act, the Marriage Act, the Public Order Management Act, as well as all other relevant sectoral policies. Whereas these laws are many, they do not focus on the unique and important religious sector. There is a dire need to formulate sector specific policy and laws to harness the contributions, coordinate and regulate the diverse stakeholders

The Current Institutional Framework for RFOs

RFOs are currently handled by the following institutions:

- a) The Uganda Regulation Services Bureau (URSB)
- b) The NGO Bureau
- c) The Ministry of Lands, Housing and Urban Development (MLHUD)
- d) The Financial Intelligence Authority (FIA)
- e) District Local governments (DLGs)
- f) The Courts of judicature
- g) The Uganda Police Force.
- h) The Directorate of Ethics and Integrity (DEI)

Key Policy Issues

While there is existence of related Policy, Legal and Institutional Framework for the RFOs in Uganda, there still exists a huge gap in addressing specific issues. The RFO Policy therefore seeks to address issues that are not catered for in the current/related Policy and institutional Framework.

These include:

- a) Transparency and Accountability in the operations of RFOs
- b) Registration of all RFOs in Uganda
- c) Strengthening the partnership between the Government and the RFOs
- d) Promoting unity in diversity of RFOs

The guiding principles

- i) **Non Discrimination** as provided for in the Constitution of the Republic of Uganda 1995 Article 29 (1) (c).
- ii) **A sector wide approach** to include stakeholders such as MDAs, Local Governments, CSOs, and the RFOs to ensure that this Policy promotes the harmonious relationship between the people and the RFOs. iii) **Self-Regulation** by all RFOs to avoid falling victim to abusing the prevailing laws.
- iv) **Accountability:** Where every RFO leader should be accountable to God and the people he/she serves in terms of moral standards, integrity, spiritual activities etc.

The Goal of this Policy is to ensure Accountable RFOs and set out a framework that enhances their capacities for effectiveness in service delivery.

Policy objectives

The key objectives of this Policy are to:

- I. Promote a culture of accountability amongst different RFO players Uganda.
- II. Provide for a framework of Registration of all RFOs in Uganda

- III. Provide for legal, policy and procedural changes that will allow RFOs to effectively contribute to national and district development in a harmonized manner;
- IV. Promote Unity and Diversity among RFBs in Uganda

Policy Outcomes

The expected outcomes of the RFO Policy are:

- I. Enhanced integrity, accountability, and transparency amongst RFOs and the community
- II. A Framework to facilitate the registration and quality assurance of all RFOs in place;
- III. Improved coordination of the respective contributions of the Government and RFOs;
- IV. Availability of a strong and efficient mechanism for effective monitoring and assessing of the impact of the RFOs to development;
- V. Strengthened partnership and cordial relationship between the Government and the RFOs
- VI. Harmonious co-existence of different religions and faiths.

Institutional and Coordination Arrangements for the Implementation of the RFO Policy

The key considerations that have shaped the determination of the institutional framework for implementation of the RFO Policy include: The need to strengthen an internally-driven culture of responsible and accountable conduct by the RFOs; to strengthen mechanisms through which RFOs contribute to Uganda's development and to strengthen the mechanisms through which RFOs can partner with Ministries, Departments and Agencies of Government.

Proposed Institutional Arrangements:

Office of the Prime Minister (OPM) in line with its Constitutional mandate under Article 108(A) is the overall coordinator of implementation of all Government Policies across Ministries, Departments and other public institutions and will work closely with the Lead Ministry responsible for monitoring and overseeing the RFO.

The Office of the President/ Directorate of Ethics and Integrity shall be the Lead Agency for monitoring and overseeing the operations of RFBs in Uganda. DEI will host the RFO Board and shall be represented on the Board.

The Religious and Faith Organizations Board (The RFO Board) shall be an independent Board appointed by the Minister responsible for Ethics and Integrity. The Board shall exercise the mandate for registration, regulation, monitoring and overseeing the activities of RFOs. The RFO Board structure shall further be reflected at the district level. The structures created shall perform in accordance with guidelines issued by the national RFO Board to enable these authorities carry out their mandated functions with respect to RFOs effectively and in a harmonized manner.

RFO Networks, Umbrellas and Independents: Registered RFO umbrella organizations /networks will play a key role in the successful implementation of the RFO Policy through; providing leadership to their respective memberships in operationalization of self-regulatory mechanisms; popularizing the RFO Policy amongst member organizations and promoting compliance therewith; collaborating with the Lead Ministry, the RFO Board and other actors in identifying and addressing emerging policy, regulatory and other pertinent issues; with a view to enhancing the contribution of the RFOs to development; coordinating the participation of their members in government policy processes of interest to them and documenting their experiences so as to assess RFO contributions to development.

Media: The media is expected to play a vital role in the successful implementation of this Policy through disseminating and popularizing the Policy amongst stakeholders and contributing to policy debate, review and improvements of RFOs development in the country.

Academic and Research Institutions will support the implementation of the Policy through: Operational research on RFO policy management and development impact, participation in the implementation and evaluation of programs related to the RFO; participating in policy debates intended to improve the policy environment for RFOs as well as continuous strategic planning and assessment

District Committees: At the district level the RFO Board shall be represented by the District RFO Committee (DRFO) which will be composed of three political leaders and four technical officers. The Committee shall have powers to co-opt technical officers to deal with specific issues.

The RFO Board shall provide guidelines to the District RFO Committee to enable them facilitate the RFO Board in carrying out the functions appropriately.

Self-Regulation: Government recognizes the existing efforts by some RFOs to form and operate in networks, platforms and umbrellas. This has enhanced coordination, development and self-regulation. The government shall promote the adherence by RFOs to generally accepted ethical standards and operational norms.

The overall aim in this respect is to ensure the promotion of high and generally acceptable ethical standards and operational norms that, inter alia, protect the interests of all stakeholders, especially the communities served by RFOs. The Policy aspires that all RFOs in the country recognize the value of institutionalizing ethical, transparent and responsible behaviour.

The Management of Communication and Information:

In the implementation of the Policy, it will be crucial for all partners and stakeholders to promote active communication and information sharing throughout the process. All stakeholders will seek to improve systematic information flow through the development and implementation of an appropriate Information, Education and Communication (IEC) strategy.

The Communication Strategy will pay attention to the sensitivities and complexity of faith and religion. It will also ensure adequate communication of the policy including the laws and regulations, the strategies, the programmes and activities. The DEI shall take a lead in the development and implementation of the Communication Strategy.

Financing the Policy: To successfully implement the policy, Ministries, Departments and Agencies and Local Governments will be required to plan and budget for the interventions under the policy within their Medium Term Expenditure Framework (MTEF) and ceilings as appropriated.

The Religious and Faith-Based Organizations and their umbrellas or networks will design relevant plans of action for intervention within their areas of mandate and focus. These will be integrated in the government plans and budgets by the RFO Board and DEI

DEI will coordinate stakeholders to ensure that resources are available, to ensure maximum results and progress towards the achievement of the policy goals and will take lead in the planning and budgeting for the RFO interventions.

Monitoring and Evaluation: The monitoring and evaluation framework will assess progress on the extent and quality/efficiency and effectiveness of implementation of the RFO Policy. This will also ensure that the policy is integrated into the institutional programmes, processes, systems and activities of all the implementing agencies.

The Policy Development Process

This Policy has been formulated through a multi-stakeholder and medium approach. An intensive consultation exercise involving a series of consultative meetings and workshops were carried out to gather views and proposals from stakeholders on the proposed Policy framework.

Approximately 25 consultative meetings/engagements have been held with religious leaders and representatives of the public from various backgrounds at national and regional levels as well as specific meetings with other target groups including the Born Again Faith, the Christian Lawyers' Fraternity and the Uganda Episcopal Conference, the Uganda Muslim Supreme Council (UMSC), the House of Bishops as well as institutions responsible for registration services in Uganda. This was blended with media programs, particularly radio talk shows in various parts of the country.

An informative/baseline study was conducted to generate more empirical, evidence-based informative views, perceptions, insights and contributions of various stakeholders to inform and enrich the Policy. It intended to facilitate a more concrete understanding of the underlying reasons, opinions, and motivations of various stakeholders for the National RFOs Policy.

These processes showed the urgent need for this policy.

1.0 INTRODUCTION

Article 29 of the Ugandan Constitution provides for the protection of freedom of conscience, expression, movement, religion, assembly and association. Clause (1)(c) states that every person shall have the right to- freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with this Constitution. Article 7 of the Constitution provides that Uganda shall not adopt a State religion.

Religions in Uganda have hitherto registered with the Ministry of Lands, Housing and Urban Development (MLHUD), the Uganda Registration Services Bureau (URSB), the Non-Government Organizations (NGO) Bureau. However, Section 2.2 of the NGO policy 2010 provides that;

“Faith-Based Organizations (FBOs) which until now have been obliged to register as NGOs, shall not fall under the ambit of NGO Policy. However, where an FBO is engaged in NGO – type activities as defined herein, the FBO shall be required to comply with the provisions governing the activities of NGOs in Uganda. Until Government takes measures to provide an appropriate separate framework for promoting coordination of the spiritual activities of Faith Based Organizations in the country, the existing arrangements shall obtain”.

Therefore, there is currently lack of a clear policy framework for registration, regulation, and coordination between the Government and RFOs. There has been a need for a comprehensive and clear framework on how Government can engage and promote RFOs for national development.

In order to promote coordination and collaboration with the Government, this policy framework has been formulated to foster registration, collaboration, coordination and accountability.

It is recognized that RFOs play vital roles in Uganda in terms of promotion of Spiritual and moral values in society. They have also been pivotal in education, health care, community development, and other social services.

Government is cognizant of the fact that matters of religion, faith and spirituality are part of peoples’ identity. Religion and faith invoke high emotions, impressions and perceptions. This Policy is envisaged to augment collaboration between RFOs and Government, promote their participation in enhancing social service delivery, as well as ensuring RFOs’ transparency and accountability. The policy will facilitate RFOs to play a role in the fight against corruption and moral decadence. The overriding aim is to facilitate the operations and coordination of RFOs in Uganda.

2.0 BACKGROUND

2.1 The Historical context of RFOs:

The historical and contemporary position, contribution and influence of religion and faith organizations/ institutions can never be over emphasized. Religion and faith have diversely shaped the political, social, economic and value systems in Uganda. The far-reaching positive role of diverse religious and faith organizations in impacting society's behavioral norms, livelihood welfare and general development is widely documented. On the other hand, there is extensive documentation on how some religious beliefs and practices have been retrogressive and dangerous to society. Religious and Faith Organizations have played, and continue to play, a very important role in the national history, politics and life of both pre-colonial and postindependent Uganda.

The Muslim Arab traders from the East African Coast were the first to visit the Courts of the Kabaka of Buganda in 1844. Thirty (30) years later in 1877, at the invitation of Kabaka Mutesa I, the Church Missionary Society (CMS) Anglican Protestant Missionaries from England arrived. They were followed two years later in 1879 by the Roman Catholic Missionaries from France. These religions introduced new ways of worship, modern education, health services and other diverse developmental programs. From the 1880s, religion and politics became inextricably linked throughout Uganda's colonial history up to Independence in 1962. This continued to shape the political trajectory even after independence.

From 1880s through the 1890s, intense religious and political rivalry developed in the Kingdom of Buganda among and between the three nonAfrican religionists. This culminated into deep **State vs. Religion** conflicts thus leading to Kabaka Mwanga's ordering the martyrdom of Bishop Hannington (Anglican) in 1885 and Uganda Martyrs (Anglican and Catholic and Muslim) in 1886. The conflict between religion and politics in the Buganda Kingdom later spread throughout the Uganda Colonial State (Protectorate).

Before independence there were mainly foreign (commonly referred to as traditional churches/ faiths) which included; the Roman Catholic Church, the Church of Uganda, Rwanda, Burundi and Boga Zaire (the Native Anglican Church), Islam, the Greek Orthodox Church, and the Seven Day Adventists (SDA). All these registered under the Trustees Incorporation Act

in the Ministry of Lands. The focus was to govern and protect their land. Their spiritual mandate was not registered or regulated by any Government entity. However, they had clear and well established structures under one management, and were bound by set rules and regulations.

After the Christian Revival Movement of the 1940s, new churches/ faiths known as Born Again Churches (BAC) emerged. These experienced rapid growths after independence. The conflicts between Religions and the state continued especially when religious leaders stood against bad governance. There were internal contradictions between the different religious sects as well. This prompted the Government of Uganda under President Idi Amin to ban the operations of certain religions. These were thus forced to operate under ground. The

Government established a fully-fledged Ministry for Religious Affairs to coordinate and monitor the operations of all religious institutions.

From 1980, Uganda started to enjoy the freedom of worship and religions that were banned began to freely operate. Under article 29 of the 1995 Constitution, the freedom of worship was restored. This has provided freedom for every person to practice and profess any religion of their choice, and to manifest that practice. However, the enabling policy and legal frame work has never been enacted.

2.2 Religions/ Faiths in Uganda

The findings of the 2014 Census indicate that Catholics are the largest religious denomination constituting close to 40 percent of the population followed by Anglicans with 32 percent and Moslems with about 14 percent. Together these denominations account for more than 80 percent of the total population as shown in table 4.1.

Percentage Distribution of the Population by Religion, 2002 – 2014

No.	Religious Group	2002	2014
1	Catholics	41.6	39.3
2	Anglicans	36.7	32.0
3	Moslems	12.4	13.7
4	Pentecostal/Born Again/Evangelical	4.7	11.1
5	Seventh-Day Adventist	1.5	1.7
6	Eastern Orthodox	0.1	
	Traditional	1.0	0.1
7	Baptist ³¹	-	0.3
	Orthodox	0.1	0.1
	Others ³²	1.9	1.4
8	Non Religion	0.9	0.2
	Total	100	100

Source: National census report, 2014

³¹ Note during the 2002 census Baptists were not enumerated as a separate religious group.

³² All religious affiliations whose percentage to the total population is less than 0.1 were categorized under 'Others' and they include the Salvation Army, Baha'i, Jehovah's Witness, Presbyterian, Hindus, Mammon, Jews and Buddhists.

2.3 Contribution of RFOs to Development

Apart from spiritual teachings, RFOs play a vital role in provision of social services like education, health care, livelihood enhancement programs, promoting social justice and democracy in addition to promotion of Spiritual, moral and ethical values in society.

This prominent role predates Uganda as a state. RFOs are deep rooted in the fabric of social services provision. Today, many RFOs continue to provide these imperative social services to the Ugandan society.

Some of the documented contributions by RBOs to development

Type of contribution nationally	Estimated number of initiatives/projects
Health services,	About 600 Health Facilities including Hospitals, Medical Bureaus, Mobile Clinics and Health Centers
Education,	12,700 Academic establishments including Universities, PostSecondary Vocational Schools, Secondary and Primary Schools.
Media	About 80 media houses including Radio and TV Stations.

Religious and Faith Organizations (RFOs), have made tremendous support to society in peace building, conflict resolution and socioeconomic programs.

2.4 Other Impacts of Religion society:

Uganda has enjoyed religious stability and diversity for the last 40 years. Notwithstanding the stability, there have been elements of religious extremism inspired by both domestic and foreign influences. For example, the Allied Democratic Force (ADF), formed by mainly disgruntled elements of the Tabliq sect joined forces with actors from Uganda's deposed political regimes to form the Allied Democratic Force (ADF), a terrorist group that has been described by the United Nations as seeking to impose Sharia law across Uganda. From 1998 to 2000, the ADF waged a series of attacks on Ugandan targets, including one in 1998 on Kichwamba technical college where 80 students were burned alive. An offensive by the Ugandan People's Defence Forces (UPDF) quelled the uprising and pushed ADF remnants into eastern DRC, although the Ugandan government has attributed the killing of

12 Muslim clerics since 2012 to the ADF³³ and recent attacks on border towns caused 60,000 Congolese to flee into Uganda.³⁴

On the other hand, the Al-Shabaab, a religious fundamentalist group has been operational in Uganda. They conducted suicide bombings against crowds watching the 2010 World Cup finals that killed 74 people³⁵ in the capital city of Kampala. The group has claimed responsibility for a number of other attacks and murders in the region.

Another sore in Uganda's religious history is the Kanungu massacre where Mr. Joseph Kibwetere, one of the leaders of the Movement for the Restoration of the Ten Commandments of God, a group that splintered from the Roman Catholic Church in Uganda and his conspirators, burnt hundreds of innocent faithful who had gathered in a church for worship. All these were killed in the name of religion.

A self-appointed priestess called Alice Lakwena established the Holy Spirit Movement (HSM), a resistance group that claimed to be inspired by the Holy Spirit. She preached that the HSM would overthrow the Government if they followed her messages from God. However, the movement was defeated and Lakwena fled into exile in Kenya.

Joseph Kony, a former altar boy in the Roman Catholic Church formed a movement similar to his cousin Alice Lakwena which grew through a metamorphosis of names until he adopted the Lord's Resistance Army (LRA). Kony insisted that he received messages from God and he proclaimed that the LRA was fighting in the name of God to overthrow the Government of Uganda so as to establish a new government with the Ten Commandments as its constitution. The LRA became infamous for its reliance on child soldiers and abducting more than 30,000 boys and girls. Children were put on the frontlines of combat and were even forced to kill, mutilate and rape family members, school mates, neighbours and teachers. This went on for many years until the LRA was largely expelled from Uganda by the end of 2006 and fled to the neighbouring country of the Democratic Republic of Congo.

In addition to the above social impacts, there has also been reported exploitation and manipulation of the faithful many reporting loss of colossal monies to their leaders in various religious organizations. All these have taken advantage of the scattered and unclear regulatory framework for RFOs in Uganda.

³³ "Uganda Charges 18 for Murder of Muslim Clerics," *Daily Mail*, 30 January 2015, <http://www.dailymail.co.uk/wires/afp/article2932918/Uganda-charges-18-murder-Muslim-clerics.html>.

³⁴ "Rebels Drive More Than 60,000 From Congo to Uganda," Associated Press, 14 July 2013, http://www.nytimes.com/2013/07/15/world/africa/rebels-drive-more-than-60000-from-congo-to-uganda.html?_r=0.

³⁵ Xan Rice, "Uganda Bomb Blasts Kill at Least 74," *Guardian*, 12 July 2010, <http://www.theguardian.com/world/2010/jul/12/uganda-kampalabombs-explosions-attacks>.

2.5 Scope of the RFOs Policy

This Policy applies to all religious and faith organizations in the country whose practices are consistent with the Constitution of the Republic of Uganda as provided in Article 29 (1) (c).

3.0 The Policy, Legal and Institutional Framework of RFOs in Uganda

The Government of Uganda is committed to establishing a policy and legal framework that provides for a conducive and accountable environment for the operations of the RFOs in the country.

3.1 Vision 2040 and NDP II

Under Vision 2040, Ugandans aspire to have unity in diversity and equal opportunities irrespective of gender, tribe, ethnicity or religion. In addition, Uganda is envisioned as a highly moral and ethical society whose citizens is strong in religious and spiritual values, and instilled with the highest of ethical standards. Ugandans should profess their customs, cultures and religious beliefs and yet, feeling that they belong to one Nation. The above is emphasized in NDPII where unity in diversity and equal opportunities irrespective of gender, tribe, ethnicity or religion is provided for. The plan intends to facilitate religious institutions to optimally utilize their land.

3.2 Constitution of the Republic of Uganda: Article 29 (1) (b)

provides that;

“Every person shall have the right to freedom of thought, conscience and belief which shall include academic freedom in institutions of learning.”

Article 29 (1) (C) provides:

“Every person shall have the right to freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the Constitution.”

Article 43 (1) provides for the general limitation on fundamental and other human rights and freedoms. It states:

“In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest”.

3.3 The NGO Policy, 2010

Section 2.2 of the National NGO Policy, 2010, provides inter alia;

“Faith-Based Organizations (FBOs) which until now have been obliged to register as NGOs, shall not fall under the ambit of NGO Policy. However, where an FBO is engaged in NGO – type activities as defined herein, the FBO shall be required to comply with the provisions governing the activities of NGOs in Uganda. **Until Government takes measures to provide an appropriate separate framework for promoting coordination of the**

spiritual activities of Faith Based Organizations in the country, the existing arrangements shall obtain”

The Policy has therefore divested the NGO Bureau of the mandate to register RFOs hence this new policy framework.

3.4 The Companies Act, 2012:

Section 4, provides for the mode of forming and incorporating a company. It states that any one or more persons may for a lawful purpose, form a company, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, and form an incorporated company, with or without limited liability.

Section 4(2) provides that-

“...a company having the liability of its members limited by the memorandum to the amount that the members undertake in the memorandum to contribute to the assets of the company if it is being wound up, in this Act referred to as “a company limited by guarantee”.

Many RFOs have registered as companies limited by guarantee. Even those that are currently registering with the NGO Bureau are required to first incorporate as a company limited by guarantee.

3.5 The Trustees Incorporation Act, CAP 165: Section 1(1) Provides that;

“Trustees or a trustee may be appointed by anybody or association of persons established for any religious, educational, literary, scientific, social or charitable purpose, and such trustees or trustee may apply, in the manner hereafter mentioned, to the Minister for a certificate of registration of the trustees or trustee of such body or association of persons as a corporate body...”

Section 1(3) states that, The trustees or trustee shall thereupon become a body corporate by the name described in the certificate, and shall have perpetual succession and a common seal, and power to sue and be sued in the corporate name, and subject to the conditions and directions contained in the certificate to hold and acquire, and, by instruments under the common seal, to convey, assign and demise any land or any interest in land now or hereafter belonging to, or held for the benefit of, such body or association of persons, in such and the like manner, and subject to such restrictions and provisions, as such trustees or trustee might, without such incorporation, hold or acquire, convey or assign, or demise the same for the purposes of such body or association of persons.

Many RFOs especially the older ones are registered under this Act in the Ministry of Lands, Housing and Urban Development. It should be noted that this registration mainly focuses on the vesting of property other than the spiritual mandate for which these organizations are formed.

3.6 The Non-Governmental Organizations Act, 2016

Section 29 provide for registration of persons or group of persons incorporated as an organization to register with the NGO Bureau. Many RFOs registered as NGOs prior to the passing of the NGO Policy of 2010 and the Non-Governmental Organizations Act, 2016. The NGO Bureau is still registering RFOs under the transitional provisions of the NGO policy.

3.7 International Legal Framework:

I. Universal Declaration of Human Rights (UDHR)

Article 18 provides that everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his/her religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his/her religion or belief in teaching, practice, worship and observance.

II. The International Covenant on Civil and Political Rights (ICCPR) Article 18

provides that everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice

3.8 Other Relevant laws:

There are other laws that are applicable in the work, coordination and regulation of RFOs. These include: Anti money laundering Act, the Anticorruption act, the Marriage Act, the Public Order Management Act, as well as all other relevant sectoral policies. Whereas these laws are many, they do not focus on the unique and important religious sector. There is a dire need to formulate sector specific policy and laws to harness the contributions, coordinate and regulate the diverse stakeholders

3.9 The Current Institutional Framework for RFOs

There are many institutions which handle matters related to RFOs. However, these are scattered and are not coordinated under any single framework. Many are focused on establishment of RFOs perse. There is need to urgently streamline the diverse organizations as they implement their varied mandates relating to RFOs. The current institutions include:

- a) The Uganda Regulation Services Bureau (URSB)
- b) The NGO Bureau
- c) The Ministry of Lands, Housing and Urban Development (MLHUD)
- d) The Financial Intelligence Authority (FIA)
- e) District Local governments (DLGs)
- f) The Courts of judicature
- g) The Uganda Police Force.

h) The Directorate of Ethics and Integrity (DEI)

4.0 Problem Statement

Article 29(1)(c) of the Constitution gives Ugandans the freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the Constitution. However, Government did not put in place an enabling regulatory framework on how the freedom of worship should be exercised. As a result, members of the public are facing a lot of challenges from some Religious and Faith Organisations (RFOs), including manipulation, exploitation of followers, loss of property, loss of lives, promotion of witchcraft, disunity among the faithfuls, increased rate of domestic violence, family breakdowns, instability in society, promotion of immorality, noise pollution among others. Furthermore, there is no mandatory centralized framework for the registration and monitoring of RFOs. The existing arrangements for RFO registration fall under diverse and uncoordinated agencies and legislation. While some RFOs register under the Trustees Incorporation Act with the Ministry of Lands, Housing and Urban Development; others register under the Companies Act with the Uganda Registration Services Bureau; yet others register under the Non-Governmental Organizations Act 2016 with the NGO Bureau. Others do not register at all, but simply set up a place of worship and begin ministering to congregations. There is no record of the number of RFOs that exist in Uganda and what their spiritual mandate is. As a result, the State has no mechanism of identifying, vetting and monitoring the unethical faith practitioners in order to protect Ugandans from the harmful effects of unethical religious practices.

The main causes of the problem are:

- i) Moral decay among RFO leaders and faithfuls. ii) Lack of specific regulatory framework for RFOs.
- iii) Lack of accountability standards/ systems in RFO operations. iv) Lack of formal training for leaders/ preachers. v) Negative foreign influence among RFOs.

5.0 Rationale for the Policy

As noted above, Section 2.2 of the National NGO Policy, 2010, provides inter alia;

“Faith-Based Organizations (FBOs) which until now have been obliged to register as NGOs, shall not fall under the ambit of NGO Policy. However, where an FBO is engaged in NGO – type activities as defined herein, the FBO shall be required to comply with the provisions governing the activities of NGOs in Uganda. Until Government takes measures to provide an appropriate separate framework for promoting coordination of the spiritual activities of Faith Based Organizations in the country, the existing arrangements shall obtain”.

This Policy will provide a framework for legal and procedural changes, accountability, registration and harmony in diversity among RFOs. Government is therefore fulfilling its obligation to develop a policy to promote coordination of RFO activities.

6.0 Policy issues for consideration:

This policy focuses on the following four key issues:

a) Transparency and Accountability in the operations of RFOs

The manipulation and exploitation of citizens which is reportedly rampant can only be curbed if there is a clear policy framework for transparency and accountability. This should include in built self-regulatory mechanisms recognized under this policy.

b) Registration of all RFOs in Uganda

Given the diversity of the registration status of RFOs, it is imperative to streamline the registration process of all RFOs. But the Policy will take cognizance of the existing registration status and provide for a smooth transitional framework without prejudice to set standards. Government shall immediately develop a new institutional framework for registration of all RFOs. This will lay the foundation for a regulatory framework for the RFOs

c) Strengthening the partnership between the Government and the RFOs

RFOs' role in society cannot be divorced from the role of Government. Therefore Government should promote and partner with RFOs in the implementation of social and development programs as well as general service delivery. RFOs are already distinguished in the fields of education, health, agriculture, tourism, conflict resolution and promotion of ethical values in society. A strong, well-structured and effective partnership will improve service delivery.

d) Promoting unity in diversity of RFOs

Uganda does not have a state religion. Given the diversity of religions in the country, healthy and harmonious co-existence of RFOs is paramount. This policy therefore provides an avenue where different religions can independently exercise their faith but remain in harmony with the others.

The above issues are not catered for in the current policy framework of RFOs. This calls for a separate comprehensive framework to cater for RFOs.

7.0 THE POLICY FRAMEWORK

a) Guiding Principles

The successful implementation of the RFO Policy is hinged on the following guiding principles:

- v) **Non Discrimination:** As provided for in the Constitution of the Republic of Uganda 1995, "Every person shall have the right to freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the Constitution."

- vi) **A sector wide approach:** All stakeholders including MDAs, Local Governments, CSOs, and the RFOs should play their role in ensuring that this Policy promotes the harmonious relationship between the people and the RFOs. vii) **Self-Regulation:** All RFOs should strive to follow the principle of self-regulation to avoid falling victim to abusing the prevailing laws.
- viii) **Accountability:** Every RFO leader should be exemplary and accountable to God as well as the people he/she serves in terms of moral standards, integrity, spiritual activities etc. The execution of his/her mission entails the flourishing of the spiritual goods of freedom, peace, justice etc.

b) Policy Goal

The Goal of this Policy is to ensure Accountable RFOs and set out a framework that enhances RFOs capacities for effectiveness service delivery.

c) Policy objectives

I. Promote a culture of accountability amongst different RFO players Uganda.

This policy establishes a framework that will ensure transparency and accountability among RFOs. It is intended to curb the rampant manipulation and exploitation of unsuspecting citizens among some RFOs. The Policy recognizes the importance of self-regulation. RFOs of similar or related doctrines are therefore encouraged to register under their different umbrellas or networks so that there is increased self-censorship and regulation.

II. Provide for a framework of Registration of all RFOs in Uganda

Given the diversity of the registration status of RFOs, this Policy intends to streamline the registration process of all RFOs. But the Policy will take cognizance of the existing registration status and provide for a smooth transitional framework without prejudice to set standards. Government shall immediately develop a new institutional framework for registration of all RFOs. This will lay the foundation for a regulatory framework for the RFOs

III. Provide for legal, policy and procedural changes that will allow RFOs to effectively contribute to national and district development in a harmonized manner;

Government will review all the policy, legal and institutional framework governing RFOs with a view to streamlining and harmonizing their coordination and regulation. RFOs' role in society cannot be divorced from the role of Government. This will minimize overlaps, duplication and contradiction in mandates over RFOs. In addition, Government shall promote and partner with RFOs in the implementation of socio-economic development programs as well as general service delivery. RFOs are already distinguished in the fields of education, health, agriculture, tourism, conflict resolution and promotion of ethical values

in society. This Policy will provide for a strong, well-structured and effective partnership between RFOs and Government in order to improve service delivery

IV. Promote Unity and Diversity among RFBs in Uganda

The Constitution of Uganda guarantees the freedom of worship and provides that Uganda shall not have a state religion. This has led to a diversity of religions. There is therefore need to ensure harmony in this religious diversity. The policy provides for a framework how the different religions can harmoniously co-exist without prejudice to their individual doctrines.

d) Policy Outcomes

The expected outcomes of this Policy are:

- VII.** Enhanced integrity, accountability and transparency amongst RFOs vis avis the community.
- VIII.** A Framework to facilitate the registration and quality assurance of all RFOs in place;
- IX.** Improved coordination of the between Government and RFOs;
- X.** Availability of a strong and efficient mechanism for effective monitoring and assessing of the impact of the RFOs to development;
- XI.** Strengthened partnership and cordial relationship between the Government and the RFOs
- XII.** Harmonious co-existence of different religions and faiths.

8.0 INSTITUTIONAL AND COORDINATION ARRANGEMENTS FOR THE IMPLEMENTATION OF THE RFO POLICY

8.1 Institutional Arrangements

The key considerations that have shaped the determination of the institutional framework for implementation of the RFO Policy include:

- I.** The need to strengthen an internally-driven culture of responsible and accountable conduct by the RFOs
- II.** The need to strengthen mechanisms through which RFOs contribute to Uganda's development
- III.** The need to strengthen the mechanisms through which RFOs can partner with Ministries, Departments and Agencies of Government

8.2 INSTITUTIONAL COORDINATION FRAMEWORK AND

MECHANISMS a) Office of the Prime Minister

The Office of the Prime Minister (OPM) in line with its Constitutional mandate under Article 108(A) is the overall coordinator of implementation of all Government Policies across Ministries, Departments and other public institutions and will work closely with the Lead Ministry responsible for monitoring and overseeing the RFOs.

b) The Office of the President/ Directorate of Ethics and Integrity

The office of the President through the Directorate of Ethics and Integrity shall be the Lead Agency for coordination, monitoring and overseeing the operations of RFOs in Uganda. DEI will host the RFO Board DEI will support the RFO Board. DEI shall establish and build the institutional capacity required to carry out its mandated functions; and ensure effective supervision of the RFO Board.

c) The Religious and Faith Organizations Board (The RFO Board)

There shall be an independent Board appointed by the Minister responsible for Ethics and Integrity. The Board shall exercise the mandate for registration, regulation, monitoring and overseeing the activities of RFOs. The Board will facilitate coordination, effective and efficient relations among stakeholders. The status and institutional capacity of the RFO Board shall be strengthened appropriately to enable it carry out its functions both at national and district level.

Save for the government representatives, the board will be appointed from members nominated by registered RFOs, Networks and Umbrellas. It will consist of:

- a) The chair person
- b) The Vice Chairperson
- c) Three members
- d) Two government representatives
- e) Board secretary.

In constituting the Board, effective, fair and equitable consideration of all RFOs' diverse needs, shall be seriously considered so as to ensure smooth relations between the Board and its various stakeholders.

The RFO Board structure shall be reflected at the district level. The structures created shall perform in accordance with guidelines issued by the national RFO Board to enable these authorities carry out their mandated functions with respect to RFOs effectively and in a harmonized manner.

The Board shall;

- I. Keep and maintain a Register of all registered RFOs;
- II. Consider new applications for registration by Board including RFO umbrellas/networks;

- III. Monitor compliance by all registered RFOs with the terms and conditions of their certificate of registration/incorporation, and their Constitution;
- IV. In liaison with designated officers in line ministries and Local Government Authorities, monitor relations with RFOs to ensure compliance with set guidelines;
- V. Coordinate Government engagement with other RFO sector stakeholders including umbrella organizations to promote responsible and accountable conduct amongst RFO actors in the country;
- VI. Coordinate Government engagement with other stakeholders to establish a reliable database and information system on the RFOs in Uganda;
- VII. Advise the Minister on the general policy relating to the operations of RFOs.

d) RFO Networks, Umbrellas

The policy recognizes registered umbrella and networks. However, an RFO may still register independent of any Umbrella. The role and responsibilities of registered RFO umbrella organization/networks in the successful implementation of the RFO Policy include the following;

- I. Providing leadership to their respective memberships in operationalization of self-regulatory mechanisms designed to institutionalize professionalism, ethics, integrity, transparency and accountability among the RFOs in the country;
- II. Popularizing the RFO Policy amongst member organizations and promoting compliance therewith;
- III. Collaboration with the Lead Ministry, the RFO Board and other actors in identifying and addressing emerging policy, regulatory and other pertinent issues with a view to enhancing the contribution of the RFOs to development;
- IV. Coordinating the participation of their members in government policy processes of interest to them and documenting their experiences so as to assess RFO contributions to development. **e) Media**

The media is expected to play a vital role in the successful implementation of this Policy through carrying out the following:

- I. Disseminating and popularizing the Policy amongst stakeholders;
- II. Contributing to policy debate, review and improvements of RFOs development in the country.

f) Academic and Research Institutions

Academic institutions can contribute to successful implementation of the Policy through:

- I. Operational research on RFO policy management and development impact, and widely disseminating the findings thereof;
- II. Participation in the implementation and evaluation of programs related to the RFO;
- III. Participation in policy debates intended to improve the policy environment for RFOs.
- IV. Continuous strategic planning and assessment of the policy implementation.

g) District Committees

At the district level the RFO Board shall be represented by the District RFO Committee (DRFO) which will be constituted as per the criteria of the RFO board. It will be composed of:

- I. The Chairperson
- II. The vice chairperson
- III. Three members
- IV. Two government representatives V. A secretary

The Committee shall have powers to co-opt technical officers to deal with specific issues. The RFO Board shall provide guidelines to the District RFO Committee to enable them facilitate the RFO Board in carrying out the functions appropriately. The specific roles and responsibilities of the District RFO Committee will be spelt out in the guidelines but will include inter alia.

- I. Registration of District based RFOs;
- II. Recommending RFOs to the RFO Board;
- III. Reporting on performance of RFOs
- IV. Monitoring and provide information on the activities of the RFOs in the District;
- V. Strengthening partnerships between RFOs and Government VI. Provide ethics oversight VII. Dispute resolution

9.0 SELF-REGULATION

Government recognizes the existing efforts by some RFOs to form and operate in networks, platforms and umbrellas. This has enhanced coordination, development and self-regulation. The government shall promote the adherence by RFOs to generally accepted ethical standards and operational norms.

Government, through the RFO Board, shall specifically

- I. Approve and encourage self-regulatory mechanisms
- II. Ensure that such mechanism(s) are registered by the RFO Board

The overall aim in this respect is to ensure the promotion of high and generally acceptable ethical standards and operational norms that, inter alia, protect the interests of all stakeholders, especially the communities served by RFOs. The Policy aspires that all RFOs in the country recognize the value of institutionalizing ethical, transparent and responsible behaviour.

10.0 THE COMMUNICATION STRATEGY

In the implementation of the Policy, it will be crucial for all partners and stakeholders to promote active communication among the implementers of programmes and to the public

All stakeholders will seek to improve systematic information flow through:

- a) Development and implementation of an appropriate Information, Education and Communication (IEC) strategy;
- b) Development of innovative ways of facilitating communication with, as well as education and sensitization of the RFBO leaders and the public. Such ways will seek to leverage the opportunities presented by ICT and other technological innovations to enable the public to access information through the current telecommunication and internet coverage; optimize possibilities of the country-wide coverage;
Ensure dissemination of simplified versions of information and legislations on RFOs, and as much as possible, translate them into languages better understandable by the users.
- c) Obtaining feedback, reports and recommendation from various stakeholders on the RFO reform efforts.

The Communication Strategy will pay attention to the sensitivities and complexity of faith and religion.

The communication strategy will also ensure adequate communication of the policy including the laws and regulations, the strategies, the programmes and activities. DEI shall take a lead in the development and implementation of the Communication Strategy.

11.0 FINANCING THE POLICY

Planning and budgeting for the RFO interventions will be undertaken by the DEI. However, to successfully implement the policy, Ministries, Departments and Agencies and Local Governments will also be required to plan and budget for the interventions under the policy within their Medium Term Expenditure Framework (MTEF) and ceilings as appropriated.

The Religious and Faith-Based Organisations and their umbrellas or networks will design relevant plans of action for intervention within their areas of mandate and focus. These will be integrated in the government plans and budgets by the RFO Board and DEI

DEI will coordinate stakeholders to ensure that resources are available, to ensure maximum results and progress towards the achievement of the policy goals.

12.0 MONITORING AND EVALUATION

12.1 The monitoring and evaluation framework will assess progress on the extent and quality/efficiency and effectiveness of implementation of the RFBO Policy. This will also ensure that the policy is integrated into the institutional programmes, processes, systems and activities of all the implementing agencies. M&E is key to monitoring, measuring and assessing the efficacy of the programmes, strategies and outcomes for the implementation of the policy, and inform any possible reviews, improvements or changes in strategy and approach.

12.2 Monitoring and Evaluation Mechanisms

The DEI will make mutual consultations to ensure that consensus is reached on the methods of monitoring and evaluation and on the benchmarks and indicators to be used. The M&E framework and processes shall be open and participatory so that the M&E process is fully supported by all stakeholders.

Leadership, coordination, management and involvement of both internal and external stakeholders are key for the successful implementation of the M&E system for the policy.

It is essential that all member institutions become aware of and respond to this Policy and take respective responsibility for its implementation. To be effective, a high degree of coordination is required to ensure that tasks are undertaken across all MDAs and non-state actors in a complimentary way and that progress is adequately monitored, evaluated and reported.

12.3 The M&E System for the Policy

DEI and the RFO Board M&E system will be developed to guide periodic M&E, and thus provide details of the plans, involvement, roles and responsibilities, data source, information management and reporting for M&E implementation.

12.4 M&E Roles, Responsibilities and Reporting

At the commencement of this Policy, the DEI will map out the institutional roles and responsibilities for M&E. As well, the information needs and standards, availability and adequacy of information required. The frequency, flow and format for reporting plus feedback to realign, will be clarified. The DEI will coordinate the development of a detailed

M&E system for implementation of this policy, capturing and guiding the respective institutional and sectoral roles and commitments for M&E. Integrated stakeholder M&E mechanisms to track institutional performance progress and inform national progress will be developed and implemented.

The DEI will prepare, produce and share periodic assessment reports against the agreed indicators and targets for both outcome and output level of each strategic objective. This will be in addition to the production, on an annual basis, of a report on the reforms of RFOs and the general achievements under the policy.

At the RFO level, different umbrellas, platforms and networks will conduct regular monitoring, evaluation and reporting of their activities and undertake annual assessments which will feed into the national RFO report to be prepared by the Board.

At the district level, mechanisms will be established to monitoring the performance of the RFOs and the policy responses, at their level and the results shall feed into the national report.

An independent assessment of public perception and performance of Government in in implementation of the policy will also be undertaken by the Board.

12.5 Key Data Sources

Existing data sources including institutional reports, administrative data, national and international reports shall be utilized to enhance the M&E functions under this policy.

In addition, effort shall be made to establish and operationalize research, data and information generation initiatives to ensure a locally available and credible depository of knowledge and information on RFBOs.

Annex Implementation Matrix

[omitted]

GLOSSARY

Belief: an acceptance that something exists or is true, especially one without proof. It also means trust, faith, or confidence in (someone or something)

Faith: This may mean a strong belief in the doctrines of a religion, based on spiritual conviction rather than proof. It may also mean complete trust or confidence in someone or something.

For purposes of this policy, a Faith- Organization (FO) refers to a religious grouping in which persons with a common religious belief, faiths, mission or spiritual values worship God together. An RFO may include: a religious congregation (church, mosque, synagogue, or temple).

Independent: An independent is an individual or organization not affiliated with any group or network but may support policies in place.

Institution: a significant practice, relationship, or organization in a society or culture the institution of marriage also: something or someone firmly associated with a place or thing she has become an institution in the theater.

Network: In the context of this Policy, Network refers to a group of legally independent organizations or subsidiary units that use various methods of coordinating and controlling their interaction in order to appear like a larger entity.

Religion: In Uganda Religion is understood as the belief in the existence of a God or gods and activities that are connected with the worship of them. Religion deals with spiritual and moral aspects of a human being. It emphasises the universal values of human society. Faith is a strong belief in the doctrines of religion based on spiritual convictions rather than proof. According to UBOS, Religion is defined as a system of thought, feeling, and action that is shared by a group of individuals.

Religious / Faith Institutions (RFI)

Religious and Faith Institutions (RFI) refers to a community of religious and faith organizations organised together with clear manifestations of similar doctrinal beliefs, value systems and practices which govern the behaviour of its members. These include among others structures, procedures, and frameworks of accountability, self-regulation and dispute resolutions.

Religious/Faith Organisations (RFO)

Umbrella Organization: An umbrella organization is an association of institutions, who work together formally to coordinate activities or pool resources. In business, political, or other environments, one group, the umbrella organization, provides resources and often an identity to the smaller organizations. Sometimes in this kind of arrangement, the umbrella organization is to some degree responsible for the groups under its care. C

Research Instrument: Interview Guide

This is a general summary of the key questions we will cover in the interview. Do note that I may ask you to elaborate/explain/ or repeat some of your responses so I may fully understand your perspective on the matter.

I will begin the interview with a general welcome, briefly learn your personal details (e.g. name, position, occupation, religious affiliations) and cover some formalities.

Next, we will cover the proposed National Religion and Faith-Based Organizations (RFO) Policy and the various debates around it.

Lastly, we will discuss the relationship between religion and politics in contemporary Uganda.

Following the interview, you may be asked for a brief follow-up statement about a certain matter you presented just to gain clarity and confirmation your response.

You are under no obligation to take part in this project. You have the right to withdraw from this project at any stage, even during the interview. You may choose to retract your personal details (e.g. age, name, occupation, position) following the interview, even if you previously consented so, on paper and verbally.

Thank you for your assistance.

Interview Questions:

1. Do you know of the proposed Religion and Faith Organizations Policy (RFO)?
2. What led you to read or hear about the RFO policy?
3. What do you think about the proposition to regulate religious activities of religious and faith-based churches under the RFO Policy?
4. Are there any similar/alternative perspectives from religious organizations/leaders that you know regarding the proposed RFO Policy?
5. What do you think about their perspectives?
6. How do you think the proposed RFO Policy will affect your religious organization/church?

My research focuses on the discourse around religious organizations relative to the proposed RFO Policy:

7. How would you summarize the social and religious behaviour of [religious affiliation] in Uganda, from 1990 till present?
8. Are there any significant changes in the social and religious behaviour of [religious affiliation] from 1990 till present?

9. How would you describe the relationship between [religious affiliation] and other Christian denominations in Uganda?
10. How would describe the relationship between the various [minority]Pentecostal/Born-Again organizations and churches?
11. What do you think about the relationship between religious and faith-based churches and the government of Uganda?
12. Do you think the activities of religious and faith-based organizations need to be regulated by the state?