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The Politics and Dynamics of Exclusion/Inclusion in the Proposed Scientific Elections in Uganda: Some Critical Reflections on the Discourse of Human Rights and Democracy in the Covid-19 Era.

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ABSTRACT

The emergence of the COVID-19 pandemic necessitated unprecedented shifts in global governance, leading the Ugandan government to propose "scientific elections"—a hybrid electoral model prioritizing digital campaigning and restricted physical gatherings. This article critically examines the politics and dynamics of exclusion and inclusion inherent in this proposal. By interrogating the intersection of public health imperatives and political maneuvering, the study explores how the transition to a "scientific" format risked disenfranchising vulnerable populations with limited digital literacy or access to technology.

Drawing on a critical reflection of human rights and democratic discourse, the analysis argues that while the measures were framed as essential for the "right to health," they simultaneously undermined the fundamental principles of "free and fair" elections by narrowing the space for political participation and assembly. The findings suggest that the scientific election framework functioned as a double-edged sword: acting as a safety measure against the pandemic while potentially serving as a tool for political incumbency and the systemic exclusion of opposition voices. Ultimately, the article calls for a nuanced understanding of democratic resilience, emphasizing that the protection of health should not necessitate the erosion of the constitutional right to inclusive political engagement.

Keywords: Scientific Elections, COVID-19 Pandemic, Political Exclusion, Human Rights, Democratic Participation.

Introduction

In his presidential address to the nation on matters regarding Corona virus and lockdown relaxation dated June, 22nd 2020, H.E. Yoweri Kaguta Museveni drew my attention to the nexus between human rights and democracy of rights as he argued for the need to preserve the health of the citizens' vis-a-vis their constitutional and democratic right to elect leaders of their choice as guaranteed under the Constitution. The president provoked my thought into what he described as:

With the politics, the independent Electoral Commission, in consultation with the scientists, apparently looked at three options, as far as the General and Local Government Election that are due for the early next year, are concerned. The three questions to be answered were: 1) If there is no vaccine or clear treatment for this virus by the time of the election, can Conventional Elections of mass rallies, processions, etc., be held? 2) Can and should the election be postponed? 3) Is there a hi-breed that can be constitutionally used to hold the elections on time, but safely? They opted for number three because the danger is in the holding of public gatherings. If you eliminate those and messages of the contestants are passed on through the radios, TVs, socio-media, etc. The gathering of elections themselves, can be safely managed with hand-washing, social-distancing. This would remove the uncertainty that would be created by the postponement of the elections but also ensure that elections are held safely”¹

The paper is an attempt to provide a critique to the liberal discourse of rights in the proposed scientific elections whose ambitions are marred with markers of universalism, uniformity and homogeneity. Specially, the paper dreams the case of the proposed digitalization of Uganda's 2021 general elections by reflecting on the proposed “scientific”² elections processes in Uganda amidst coronavirus (Covid-19) a declared pandemic, and drawing on the *Right of Politi* I am left to wonder how the material question of sexuality, gender, tribes (ethnicities), and class can equally participate in the elections processes. Election preparations in Uganda are under way, as the “Independent” Electoral Commission has issued a road map. Uganda is not alone, countries like Malawi successfully held elections amidst the pandemic. Others like The opposition groups note that the Malawi polls are not an isolated case and that other countries have organised elections amidst the pandemic – e.g. South Korea, Mali, Burundi and others like Ghana, United States and Tanzania are slated to hold their polls later this year.

Elections constitute an important element in liberal democracy. They are a viable means of ensuring the orderly processes of leadership succession and change and an instrument of political authority and

¹ Address by H.E Yoweri Kaguta Museveni, President of the Republic of Uganda, to the Nation. (Updates on Matters regarding corona virus (Covid-19) and the lockdown relaxation. 22nd June, 2020. Nakasero), 29.

² The expression was familiarized by the country's president, General Yoweri Museveni at the start of the nationwide Covid-19 lockdown in which he prescribed new ways in which the population would conduct their daily life in order to curb the spread of the novel Corona virus.

legislation. Despite their ceremonial occurrence every after five years in Uganda, the process is predominantly marred with irregularities that raises questions on the possibility of inclusion or exclusion in the election processes. Both the structure and process of election. However, both the structure and process of elections, the former being the organizational infra- structure, for managing elections and the latter, the precepts and procedures of elections, remain largely perverted, especially in the Covid-19 era. Imposition of OTT, Press censorship, social media restriction, police brutality and unlawful arrests of aspirants, public order and management bill execution, characterize the proposed “scientific” elections. Elections structure and processes in their current form in Uganda appear to be a fading shadow of democracy, endangering the fragile democratic project itself.

Human Rights—Democracy Nexus: A contextual Inquiry

Discussions regarding the role of human rights as inherently complementary to promoting liberal democracy are often met with contestation. This is especially so noting the ideological underpinnings concerning civil, political, economic, social and cultural rights, and which of these are central to the promotion of liberal democracy, including who ought to benefit therefrom. Tony Evans has argued that “the human rights idea is essentially individually oriented” over communal rights.³ In this respect, the emphasis is placed on the state to refrain from engaging in acts that limit individual freedoms or that limit the participation of members of society in an open free-market economy. However, critics of this individualized approach argue that although rights are essential in democracy, they are not merely tools for individuals to protect their interests against the state. Instead the advancement of human rights, and particularly the equal recognition and respect by the state for civil, political, economic, social and cultural rights, can promote a more holistic idea of democracy that protects the interests of all people in society.⁴

The universality of human rights in democracy Vis-a’-Vis its application as culturally relative, has too generated much debate. Often cultural relativism is used as a justification to violate the basic human rights of marginalized groups in many societies, and particularly in relation to women, gender, age, class, religion, sexuality or non-conforming persons. Applications of a Universalist approach to human rights have also resulted in essentialist conceptions of what constitutes the ‘universal principles’ based on Western liberal norms.⁵ Dhawan emphasized that, the very essence of human rights is the history of the Enlightenment which was characterized by ‘universal ambitions’ of Human Rights—principles inherent to all human beings and that these ‘universal principles are neither contingent nor negotiable. If cultural relativism is a tool for marginalization of certain categories of people, globalization has exacerbated the

³ Tony Evans (ed). *Human Rights Fifty Years On: A Reappraisal*. (Manchester: Manchester University Press, 1998), 214.

⁴ Milja Kurki. *Human Rights and Democracy Promotion: reflections on the contestation in, and the political-economic dynamics of, rights promotion*. (Third World Quarterly, 32 (9), 1573-1587).

⁵ Dhawan Nitkita, 22.

contradictions associated with the relationship between liberal democracy and its promise to advance human rights for all. On the one hand, globalization has assisted in developing an interconnectedness in the world that extends beyond state borders and promoting more social and political interactions, economic flows and cultural exchanges. Moreover, the developments in technology have encouraged the formation of new transnational relationships that challenge the territorial limits of democracy, extending the global free market in goods, services and finance.⁶ At the same time, however, globalization has also seen the rise of the economic power of transnational corporations to influence national decision-making processes, which raises concern regarding the autonomy and limited power of the liberal democratic state to act in the interests of the broader common good. The need to sustain the conditions to grow the global liberal economy further leads a country to often implement constraints imposed by international financial institutions, which may impede the state's ability to effectively advance human rights.⁷ Thus, while the human rights framework is predominantly state-centric, the human rights challenges it seeks to address are not exclusively national.

Despite the above arguments, Welch takes as a given normative superiority of human rights corpus over other moral and right claims and other traditions that stand outside that corpus. He draws a rigid and sharp contrast between the human rights regime on the one hand and “traditional” and “non-Western” norms and practices on the other. From this basic premise, he treats as an irritation any suggestions that have the potential to detract from the “universality” of human rights - hence, the cursory and superficial look that he gives the controversy. His celebration of universality and dismissal of countervailing arguments are unremitting:

The “international bill of rights” had its origins in the West, but it is not an unmitigated imposition of alien values on other societies. The Universal Declaration of Human Rights is now far more global in its reach and recognition.... The once-flourishing academic enterprise of ferreting out human rights protection in “traditional” African cultures and of arguing there was no need for even the modest claims of the African Charter on Human and Peoples’ Rights has shriveled, though not disappeared. I regard the muting of debate over the source and content of rights as a significant advance. In a sense, the relative silence over domestic sovereignty and cultural relativism is eloquent testimony to the spread of universal human rights ideals.⁸

Welch's view, which seems to treat with suspicion any non-Western critique of human rights, particularly as to its content, cultural relevance, and ranking of rights, is dominant among Western scholars. Contrary

⁶ Tony Evans. “If democracy, then human rights?” (Third World Quarterly, 22 (4), 2001, 623-642).

⁷ Ibid.

⁸ Claude Welch. *Protecting Human Rights in Africa: Strategies and Roles of Non-Governmental Organizations* (1995), 289

to this view, some leading western advocates of human rights have conceded that the West “imposed” its own philosophy of human rights on the rest of the world. Langlois has argued that human rights have developed from western culture and thus are inappropriate in application to other cultures.⁹ It has also been argued that only western philosophy places such importance on the individual claims based on universal human rights are therefore at risk of being a “weapon of cultural hegemony”.¹⁰

However, Hopgood has argued that the international regime of materialistic conviction of human rights is crumbling on account of its “systematic ineffectiveness” and “lack of democratic accountability”.¹¹ If anything, human rights does more harm than good, as it provides an “ideological alibi to a global system whose governance structures sustain persistent unfairness and blatant injustice”.¹² Hopgood’s proposed remedy is an unfastening of the human rights straitjacket and a return to bottom-up subaltern politics. Similarly, Moyn questions the neutrality of human rights, and he depicts human rights as a victim of its own success. As advocates moved beyond a narrow set of rights and issues within a specific context, they were “forced to confront the need for political agenda and programmatic vision” but lacked the political and bureaucratic tools for such proposals.¹³ More sharply, argues that, “human rights have become prisoners of the contemporary age of inequality,” rising with but not challenging neoliberal globalization.¹⁴ If neoliberal interpretations of rights [in their civil and political] have forged a dense, epitomizing power and self-interest of rights without responsibilities,¹⁵ Posner argues that, “human rights law has failed to accomplish its objective”.¹⁶ There is little evidence that human rights treaties, on the whole, have improved the wellbeing of people, or even resulted in respect for the rights in those treaties.”¹⁷

How then should we understand Right in Democracies? Does the existence of law imply a democracy? Whose interests does a democracy represent? Despite the fact that democracy is held with high standards as a system for representation of “public interest and public good,” Rancière has argued that, democracy is a system of unstable compromise: it is “the monopolizing of the empire of *la chose publique* by a solid alliance of State oligarchy and economic oligarchy”.¹⁸ Similarly, “while rights may operate as an

⁹ Anthony. J Langlois. Normative and Theoretical Foundations of Human Rights. In: M. Goodhart, ed. (2009). Human Rights: Politics and Practise. (Oxford: Oxford University Press, 2009).

¹⁰ Darren O’Byrne. Human Rights: An Introduction (Harlow: Pearson Education, 2003), 42.

¹¹ Stephen Hopgood. *The Endtimes of Human Rights*. (Ithaca, NY: Cornell Uni. Press, 2014), 1.

¹² Hopgood, 2014, 2.

¹³ Samuel Moyn. *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap, 2010), 213.

¹⁴ Samuel Moyn. *Not Enough: Human Rights in an Unequal World* (Cambridge, MA: Harvard Univ. Press, 2018), 6.

¹⁵ Tony Evans. *The Politics of Human Rights: A Global Perspective*. (London: Pluto Press, 2005).

¹⁶ Eric Posner. *The Twilight of Human Rights Law*. (Oxford, UK: Oxford University Press, 2014), 7.

¹⁷ Ibid.

¹⁸ Jacques Rancière. *Hatred of Democracy*, 73.

indisputable force of emancipation at one moment in history, they may become at another time....a means of obstructing or co-opting more radical political demands, or simply the most hollow of empty promises”.¹⁹ To Rancière, we shouldn’t be deceived by the romantic promises of democracy, because oligarchies appear like democracies; they are dressed in admirable clothes of free elections, respect of individual liberties, freedom of press and speech, and right of association. In (true) *democracies*, “the rights of man and of the citizen are the rights of those who make them a reality”²⁰. He therefore argues that, it is not in democracies that we live, but in states of oligarchic law—where the power of the oligarchy is limited by a dual recognition of popular sovereignty and individual liberties. Rancière is interested in providing a different way to think about or through democracy by exposing the hatred while proposing something different. According to him, democracy “is the action that constantly wrestles the monopoly of public life from oligarchic government and the omnipotence over our lives from the power of wealth”²¹. This definition implies a rupturing process against natural and social hegemonies in ‘democracies’. Democracy, Rancière concludes need not ‘provoke fear, and so hatred, among those who are used to exercising the magisterium of thought,’ but rather “among those who know how to share with anybody and everybody the equal power of intelligence, it can conversely inspire courage, and hence joy”²². Implying that there exists no external anchor point for radical democracy; if its’ is possible, its conditions of possibility lie exactly within those very intervals of inequalities. In a way, Rancière invites the reader to see democracy as processes of contestation that exposes the oppressive nature of acclaimed democracies while giving us a ground to challenge the discourse of rights in democracies.

So, how does exclusion in rights discourse in democracies manifest? Costas Douzinas in *Human Rights and Empire* is puzzled by who the real beneficiaries of rights acclaimed in the modern societies are. He argues that, “the privileged subject of rights of man has been a white, well-off, heterosexual male, who condenses in his person the abstract dignity of humanity and the real prerogatives of belonging to the community of the powerful”.²³ It is the powerful; those with political and economic muscles, and that rights are racialized, classed and gendered. Human discourse has created two distinct categories of people: “those in the pole of the ruled” and those “part of *universal humanity*”. While the latter are privileged because they are consider to be full humans, the former have consistently been subjugated through ‘domination’ and ‘oppression’²⁴. They have not only been denied access to basic civil and

¹⁹ Wendy Brown. *States of Injury on Rights and Losses*, 98.

²⁰ Rancière, 74.

²¹ *Ibid.*, 69

²² *Ibid.*, 97

²³ Douzinas, Costas. *Human Rights and Empire: The Political Philosophy of Cosmopolitanism*, Abingdon, Oxford, and New York: Routledge-Cavendish, 2007, 96

²⁴ Douzinas, *Human Rights and Empire*, 2007, 96

political liberties, but access to resources necessary for exercising these rights on the basis of their sexuality, gender, class, race, religion and ideology. Should the interventions in the economy attempt to redistribute minimal resources in favour of the poor, then the rich's freedom violated.²⁵ Moreover, modernity privileges a particular political association which takes over power in a sovereign state that assumes the role of legislation and adjudication such that those in those privileged political circles enjoy universal rights than those outside their political circles. So, the acquisition of power by a particular political party pits the rest of the people, as their fate and citizenship is to be determined by those holding power.

In *States of Injury on Rights and Losses*, Wendy Brown is 'interested in reflecting upon the place of rights in the politics of politicised identities—rights of *inclusion* as well as rights of difference currently sought for people of colour, homosexuals, and women'. Unlike the Marxists who support the granting of abstract rights to individuals, and some feminists and critical race thinkers who advocate for granting of 'rights' and 'equality' to the oppressed categories of peoples, Brown argues that, "while rights may operate as an indisputable force of emancipation at one moment in history, they may become at another time....a means of obstructing or co-opting more radical political demands, or simply the most hollow of empty promises"²⁶. Brown contends that attempts to write women's experiences into law are problematic because it is impossible to make generalizations that apply to all women across the lines of culture, race and class—inserting into the *Universalist* discourse of the law. For the fact that law is a *Universalist* discourse, legal rights "necessarily operate in and an ahistorical, acultural, acontentual idiom"²⁷. In a way, Brown suggests that it does not make sense to attempt to inscribe specific identities into these abstract concepts.

If Brown argues us to think of rights as diverse, uncertain, relational and varying across time, cultures, gender, ethnicity, sexuality, class etc.²⁸ According to Brown, rights are political, contextual and historical. To claim rights implies usurping others' rights because "rights don't only serve as boundaries but also access, not just markers of power but masking lack of power, rights as organization of social space, and as defence against incursion; rights as articulation, and as mystification; rights as a mark of one's humanity, and as a reduction of one's humanity" etc.²⁹. Citing Marx, she argues that rights in a liberal capitalism are discursive power that privatize and depoliticize, mystifies and reifies social power including property, wealth, race, sexuality gender etc. making them natural possessions of individuals from social and

²⁵ Douzinas, 2007, 97

²⁶ Brown, 98

²⁷ *Ibid.*, 97

²⁸ Brown, 97.

²⁹ *Ibid.*, 97

political arenas.³⁰ This is evident in contemporary period. Douzinas argues that Rights and exclusion are historical and privileged subject of rights is a white man, well-off, heterosexual male “who condenses in his person the abstract dignity of humanity”.³¹ Civil rights are not for categories considered less human like women, certain ethnic and political groups, and others. These categories are presented as less/uneducated, uncivilized and non-deserving of privileges of full humans.³²

For Rancière, we should understand democracy as “the public activity that counteracts the tendency of every State to monopolize and depoliticize the public sphere”.³³ Under a democracy, government authority rests on two strands of legitimacy i.e. Virtue of popular vote and the ability to choose the best solution for societal problems informed by the objective expert knowledge³⁴. “In other words, democracy is the power of those who command a lot of power of wealth but not rule for the people and in the name of the people.³⁵ The action that constantly wrests the monopoly of public life from oligarchic governments, and the omnipotence over lives from the power of wealth” (96). He argues that democracy will never always be provocative of hatred and hatred will always be there despite being disguised. The government of all and by any [of anybody by everybody] most likely breeds hatred (94). Contrary to common understanding, democracy in Rancérian sense is that certain political arrangements are more democratic than others are not the equality it brings among people but the room it allows for contestation by those outside government, marginalized and subordinated (74). This points to the health of democracy rather than democracy itself.

What is evident from the above is the fact that human rights are historical. The moment you talk of human rights and democracy you are entering a room of enlightenment.³⁶ Enlightenment imposed universal principles from which the West makes sense of the non-west. Moreover, human rights are political; they are endorsed from a variety of different ethical and moral perspectives that arise from the specificity in the circumstances by which they originate. human rights are context specific.

A critical reflection on “Scientific” Elections, Human Rights and Democracy.

As the world continues to adjust and adapt to the upheaval and uncertainty caused by the global pandemic of COVID-19--with the common mantra of adhering to the new normal of social and physical distancing--the Uganda state and citizens are questioning what would become of 2021 general elections. In a Press Statement, Don Wanyama has argued that “the most logical thing to do is to hold an election even in these

³⁰ Ibid, 123

³¹ Douzinas, 76.

³² Ibid, 97.

³³ Rancière, 71

³⁴ Rancière, 78

³⁵ Rancière, 96

³⁶ Lyn Ossome. Class Lecture, May 2020.

circumstances, manage the key dynamics such that risk exposure/transmission of COVID-19 is greatly minimized and yet still ensure the results of the election reflect the peoples' will".³⁷ The presidential nation address, and State house press Statement prompted the Electoral Commission (EC) to issue a "revised" roadmap for the 2021 general elections which declares that all electoral processes such as nomination of candidates, campaigns and political rallies and polling would be "scientific". While the EC approach corresponds with government health and safety measures, "scientific" elections have lurches the country into intense debate, and has raised enormous human rights concerns: who are the 'true' audience of the scientific elections? Who's included and/or excluded in these processes? What justifies the inclusion and/or exclusion of political categories? Is there a defined category that ought to be excluded in the election process? Will this election represent the 'true' interests of Ugandan citizens? Is scientific election a substitute for universal, free and fair elections?

The Uganda Electoral Commission Chairman, Byabakama, argues that the Electoral commission is bound by Article 61 (2) of Uganda's constitution which tasks it to organize elections within 120 days before the expiry of the term of president, parliament or local government.³⁸ This claim is countered by Ogoola [Former Principal judge and Chairman of The Elders Forum] who argues that the Uganda constitution did not envisage a scientific election and therefore calls for a national dialogue to discuss the constitution in relation to the upcoming general elections. Ogoola argues that, rather than scientific elections that are ungrounded, elections imagined under the constitution are based on values of equality and fairness; free engagement with mass rallies involving candidates and voters.³⁹ The critique by Ogoola is one that offers the very starting point to not only scientific elections proposed by the electoral commission but also broadly to the limits of liberal democracy and rights. If the EC claims to be democratic and tends to observe human rights, why not be inclusive in deciding whether scientific elections can be the best option for the people by considering the views of the population across gender, geograph, class and other spaces? The dilemma is, should rights be embodied in exclusively legalistic formulae? Or should rights in unanticipated times evolve informally in dialogue among citizens and governments? Much as elections are a constitutional right as argued by Byabakama, "scientific" elections are unconstitutional because they were not envisaged in the constitution. The decision to digitize without necessarily consulting with other

³⁷ Don Wanyama. *Why "scientific" elections are possible*. (The New Vision, 10th July, 2020). Available [Online] <https://www.newvision.co.ug/news/1522384/scientific-elections> Accessed September, 19th 2020.

³⁸ Justice Byabakama Mugenyi Simon. *Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections*. (The Electoral Commission, Uganda, June, 22nd 2020). Available [Online] <http://ec.org.ug/resumption-electoral-activities-under-revised-roadmap-20202021-general-elections>. Accessed September, 13th 2020.

³⁹ Justice James Ogoola. *Speaking during a stakeholders meeting organized by Electoral Commission* (At Pretoria Hotel, Kampala 2020). In Johan Kirabo. *Justice Ogoola: Scientific elections undermine the spirit of the constitution*. Available [Online] <https://nilepost.co.ug/2020/07/17/justice-ogoola-scientific-elections-undermine-the-spirit-of-the-constitution/> Accessed, September, 13th 2020.

stakeholders is a debated concern for many citizens. The EC did not only undermine the citizen's rights, but excluded them from exercising their constitutional rights, the rights to information and participation in political affairs of their country. James Madison has argued that, "a popular government, without information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both".⁴⁰ According to this view, a right to information and participation is a precondition for the exercise of procedural political rights, such as the freedom of expression. If a section of people announce the already predetermined roadmap, and information has already decided within their powers, should we still speak of a democracy and so rights?

Reinforcing its mandate, the EC guidelines state that, "mass rallies will not be allowed but campaigns will be conducted mainly through the media".⁴¹ This means that, regardless of any preventive measures implemented, citizens cannot assemble in one place as they have considered the need to preserve the health of the citizens' vis-a-vis their constitutional and democratic right to elect leaders of their choice as guaranteed under the Constitution. Elections and political campaigns will be organized exclusively by the media under the guidance of the Ministry of Health. A "3AQ" approach will help us delve into this dilemma, that is availability, affordability, accessibility and quality of the technology/media/internet to be used during these elections and campaign period. To begin with the question of affordability, the media is an expensive platform for a common person to run political rallies and UWONET cites that on average Radio Stations in Kampala charge UGX 4.5M for an hour during evening prime time, and UGX 6M for the same slot. In the rural areas radio stations charge between 700,000/ to 2M on radio stations. It is expected that these prices might shoot higher due to increased demand during the campaign period. One is left to wonder about the number of Ugandans especially in the rural setting who can afford a radio or TV to be able to participate in the elections.

The fact that the election campaigns will be conducted primarily via media inevitably raised the questions of equal access to media platforms by all political candidates. Article 67 of the Constitution of the Republic of Uganda, 1995 as amended provides that no candidate in an election should be denied reasonable access, and use of State-owned communication media; and that all presidential candidates should be given equal time and space on State-owned media to present their programs to the people. We are however gravely concerned that this constitutional right remains a myth for most political aspirants in the opposition, more so, for female candidates. Observations from past elections have revealed that state-

⁴⁰ Guillard Hund (ed.) 1862-1924. The writings of James Madison: comprising his public papers and his private correspondence, including numerous letters and documents now for the first time printed (New York: GP. Putnam's Sons; New York: 1900-1910).

⁴¹ Justice Byabakama Mugenyi Simon. *Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections* (The Electoral Commission, Uganda, June, 22nd 2020) Available [online] <https://www.ec.or.ug/news/resumption-electoral-activities-under-revised-roadmap-20202021-general-elections> Accessed 13th September, 2020.

owned broadcasters, such as UgandaA Broadcasting Corporation (UBC) “failed to comply with legal obligations to treat each presidential and parliamentary candidate equally”. Police and security personally have been particularly entrenched in patterns of threats, harassment and violence of the opposition aspirants, those critical of government programs as I will illustrate ahead. If men are...what will be the fate of women? Notably, the continued under representation of female voices in media political discourse as is evidenced by the prevalence of ‘manels’ in both traditional and social media raises concern on the likelihood that women will have a level play ground in the event of digital elections. Uganda fo the most part is still a patriarchal society where men reign sovereign. In most homes, when a man is home, women cannot have any control over radio or TV, the likelihood that women will listen in and watch campaigns on media is just like men is unlikely. This means that women will be indirectly excluded from the process of electoral democracy as liberal states wish to call it. UWONET, pointing at recent data, are arguing that a sizable portion of the population do not have access to media platforms where the campaigns are planned to be held. They are also pointing at the inadequacies in smart phone ownership, let alone internet access to get on social media. The most important aspect of the UWONET critique is one the possibility of excluding women

As women of Uganda, we are mindful of these intersecting inequalities in access to the different media platforms, and thus contend that an election which will be conducted without first addressing the issues (we have explicated) will inevitably disfranchise women, youth and rural populations from participating in the forthcoming elections”.⁴²

UN has similarly argued that:

Politics has traditionally been a male domain that many women have found unwelcoming or even hostile. Societies in which traditional or patriarchal values remain strong may frown on women entering politics. In addition to dealing with unfavourable cultural predilections, women are often more likely than men to face practical barriers to entering politics, including a paucity of financial resources, lower levels of education, less access to information, greater family responsibilities, and a deprivation of rights that has left them with fewer opportunities to acquire political experience. With the exception of the close relatives of male politicians, women generally lack the political networks necessary for electoral success.⁴³

⁴² Uganda Women’s Network. *Virtual Electioneering Will Deter Equal Political Participation of Women And Youth In The 2020/2021 General Elections*. (Uganda Women’s Network, Press Statement, June 23rd 2020). Available [Online] <https://www.uwonet.or.ug/virtual-electioneering-will-deter-equal-political-participation-of-women-and-youth-in-the-2020-2021-general-elections/> Accessed, September, 18th 2020.

⁴³ Women and Elections. Guide to promoting the participation of women in elections. (The United Nations, 2005), 34.

Participation in the electoral process involves much more than just voting. Political participation derives from the freedom to speak out, assemble and associate; the ability to take part in the conduct of public affairs; and the opportunity to register a candidate, to campaign, to be elected and to hold office at all levels of government. Under international standards, men and women have the equal right to participate fully in aspects of the political process. In practice, however, it is often harder for women to exercise this right. In the wake of Covid-19, and the forthcoming scientific elections, women participation in politics might become limited due to lack of resources, confinement in the domestic sphere and lack of information.

Availability is determined by how political aspirants and voters can easily find a radio station or TV station to hold a political rally. Much as there are about “300 licensed radio stations and 30 TV stations serving an estimated population of 39 million”⁴⁴ people in Uganda, some of the districts in Karamoja do not have a single radio station. They include Amudat, Nabilatuk, Kaabong, Karenga and Napak⁴⁵. Similarly not all places have many government owned media. In some districts, you can find one government radio station with no TV station i.e. Karamoja has one government radio station with no TV station. In districts like Budaka and Kibuku, there is not even a single government owned media house. But these are places with many political aspirants. The lack of radio stations coupled with weak radio signals, uneven distribution of radio sets, and unpopularity to other social media platforms is a concern to the rights of these voters during the scientific elections. Is media platforms not available in certain districts, and how can the rural people reach their voters? Ebele has argued that some districts without radio stations like Amudat listen to radio stations in Kenya⁴⁶. So should the contestants in that district cross to Kenya in order to hold political rallies for Ugandan voters?

But, who has access to the media? Whose right, whose power? Despite the Electoral Commissions’ sanctioning of scientific campaigns on the media; TVs, Radios, etc. a section of political aspirants are excluded from enjoying these rights as others have a right to. Even where there are a few media houses owned by the state, it’s very unlikely that all aspirants will have ample time to talk to the electorates. Even if they could, the possibility of the incumbent government allowing opposition leaders to use such platforms is unlikely. Whereas in August 8th 2020, Robert Ssentamu Kyagulanyi [Also known as Bobi Wine, a presidential aspirant, 2020) was blocked from appearing on BCU 100.6 FM in Mbale, Anita

⁴⁴ Uganda – Media Landscape Report. (BBC, Media Action, February 2019). Available [Online] https://www.communityengagementhub.org/wp-content/uploads/sites/2/2019/09/Uganda-Media-Landscape-report_BBC-Media-Action_February-2019.pdf Accessed, September 20th 2020.

⁴⁵ Stanley Ebele. Elders Reject Virtual Campaigns, Seek Special Plan for Karamoja. (Uganda Radio Network, 3rd July, 2020). Available [Online]

⁴⁶ Stanley Ebele. Elders Reject Virtual Campaigns, Seek Special Plan for Karamoja. (Uganda Radio Network, 3rd July, 2020). Available [Online] <https://ugandaradionetwork.net/story/elders-reject-virtual-campaigns-seek-special-plan-for-karamoja> Accessed, September, 20th 2020.

Evelyn (The Minister of Finance for Investment and Privatization) was allowed to hold a campaign procession in Kobobo.⁴⁷ In July, 2020 Nobert Mao [a presidential aspirant for Democratic Party] was blocked from accessing Victoria Link Radio and his political Talk Show was denied. What is evident from the above is the fact that the state is targeting to exclude the opposition from reaching out to their voters. While the NRM candidates are allowed to conduct talk shows, including physical rallies, the opposition candidates are denied. Denial of access to media, is denial of the political rights of these candidates. It has been argued that many TVs and radio stations in the country are owned either by NRM Cabinet ministers, Members of Parliament or NRM sympathizers.⁴⁸ If this is true, should we expect subscribers to the party in power to allow the opposition members access this platforms? How willing would the NRM owner of a radio station who happens to be an MP, allow to grant airtime on this radio station to his rival for the same parliamentary seat? What about the endless police brutality and blocking of most to the opposition in the attempt to access TVs and radio stations? Should we still speak of free and fair elections where a segment of aspirants are excluded from the only available platforms to articulate their manifesto and reach out to the voters? The very essence of restricting campaigns to the media would favor candidates and groups with money, those who are able to afford airtime, find sympathy from the police and are not rivals to the media owners in that particular location. Ranciére argues that democracy will always be provocative of hatred and hatred will always be there despite being disguised. The government of all and by any-- [of anyone by everyone--most of the time tends to likely breed hatred⁴⁹. Contrary to common understanding, democracy in Rancérian sense is that certain political arrangements are more democratic than others not because of the equality it brings among people but the room it allows for contestation by those outside government, marginalized and subordinated⁵⁰. This points to the health of democracy rather than democracy itself. For the case of Uganda's politics, criticising bad leadership is a crime and so they don't want democracy checked by those dissatisfied with the scientific election thus putting emphasis on democracy through ensuring that people vote but not how healthy the exercise is going to be.

Other than TVs and Radios, social media is one of the key tools for mobilizing citizens for political rallies. Globally, social media is one of the most powerful and fastest platforms for receiving and sending information, including businesses. Particularly in Uganda, social media plays a critical part as the country envisages to hold scientific elections. Currently, social media is the quicker and safer avenue for

⁴⁷ URN. *9 arrested as police blocks Bobi Wine from BCU FM*. (The Observer, August, 9th, 2020). Available [Online] <https://observer.ug/news/headlines/66036-9-arrested-as-police-blocks-bobi-wine-from-bcu-fm>. Accessed, September, 11th 2020.

⁴⁸ Samuel Kasirye. "*Scientific*" Elections in Uganda. *The country is bracing for new elections in 2012, but dangers loom on the horizon* (Rosa Luxemburg Foundation, August, 11th 2020). Available [Online] <https://www.rosalux.de/en/news/id/42784/scientific-elections-in-uganda> Accessed August, 31st 2020.

⁴⁹ Ranciére, 94.

⁵⁰ *Ibid.*, 74

whatsApping, facebooking, twitting of information by the ministry of Health on Covid-19 status updates, as well as running public health and safety campaigns and other government programmes and announcements like the scientific elections proposals.. Despite its credible function, the effectiveness of social media to reach a wider audience in Uganda has likely been undermined by the social media tax. The social media tax—OTT (Over-the-Top) was introduced by the ministry of finance in July, 2018 to tax telecom subscribers to pay a daily subscription (200 Uganda Shillings) in order to access social media platforms like whatsApp, Facebook, Twitter, Instagram, etc. Regardless of its critics, the government has upheld the social media tax, thereby excluding segments of the population from easily accessing information and resources via the taxable platforms. While the government argued that tax would enable growth of the country's GDP, it further reinforced that "Social media use is definitely a luxury item. Using the internet to access social media for chatting, recreation, malice, subversion, inciting murder, is definitely a luxury".⁵¹ So, if social media is a luxury, then should we consider scientific election too as a luxury as it involves use of social media platforms? The imposition of taxes on social media, Eron Kiiza has argued is an attempt to muzzle freedom of expression and speech. He argues that, "there is no legal prohibition of rumor-mongering if it does not constitute defamation. There is no national or international law that prohibits rumor-mongering".⁵² If social media is taxed, how will the majority of the voters struggling and recovering from the impact of Covid-19 lockdown meaningfully participate in politics of their country? Can lack of meaningful participation in politics lead to information and knowledge? This seems an oversight by the state which will hamper full and fruitful citizen participation in elections and voting by way of exercising their rights [liberal rights as envisioned by the state].

Recently, after failing to realize the anticipated incomes from taxing social media--"but also due to fear of critical bloggers and content creators on the internet by the state"--the government proposed an internet tax on all bloggers and content creators through compulsory registration. Instead of taxing users for accessing social media, the government is interested in taxing internet data directly.⁵³ Both social media tax and Internet tax raises questions on accessibility, affordability and reliability. To access social media, one not only requires a smartphone, but internet data and payment of OTT tax. One has to have the economic muscle to pay for the information you are about to receive or to send on a constant basis, lest left behind news. From the look of these analysis, social media tax and internet tax aim to reinforce

⁵¹ "Museveni slaps taxes on social media users - Daily Monitor." Available [Online]

<https://www.monitor.co.ug/News/National/Museveni-taxes-social-media-users-TwitterSkype/688334-4366608-oilivjz/index.html>. Accessed 4 Feb. 2020.

⁵² Juliet Nanfuka. 2018. *Uganda's Social Media Tax Threatens Internet Access, Affordability*. Available [Online] <http://cipesa.org/2018/04/ugandas-social-media-tax-threatens-internet-access-affordability/>. Accessed, September 16th, 2020.

⁵³ Anthony Masake. *Uganda Moves to Double Down on Repressive Social Media Tax*. (Africa Blogging, February, 2020). Available [Online] <https://www.africablogging.org/uganda-moves-to-double-down-on-repressive-social-media-tax/> Accessed, September 17th 2020.

inequalities that are gendered, classed, and heteronormative amongst and between citizens. These taxes are likely to deepen digital inequality between the rich and the poor, men and women.⁵⁴ How many Ugandans from rural areas can reliably and consistently access the internet? How many Ugandans either from the rural or urban areas can buy data bundles amidst the increased costs of living because of COVID-19 pandemic? What are the digital literacy levels for Ugandans to engage online in a safe, secure and open manner? Another angle of critique has focused on privacy and safety. Lawrence Muyomba has argued that the decision on scientific election and campaigns is the decision to expose citizen personal data. The scientific elections “goes beyond electing their leaders but risking their personal data and privacy rights because digitized campaigns expose the voters to data capitalism, disinformation and political advertising combined with key structural dysfunctions/realities”⁵⁵. This threatens people from using social media as a tool for meaningful participation in the electoral exercise and critiquing the weaknesses in the system given that their data is under surveillance

Can the opposition win an election through these scientific elections with such attempts to censor the media? Differently, Lorde would ask, “can the master’s tool dismantle the master’s house”? Lorde is concerned with feminist academia that had combined around a false consensus that left out the voices of those whose difference was essential to the project of overturning patriarchy. In other words, she is saying that we cannot overcome our oppression using the logic that justifies our oppression. Lorde asked, “What does it mean when the tools of a racist patriarchy are used to examine the fruits of that same patriarchy?” And she responded, “It means that only the most-narrow perimeters of change are possible and allowable.” Lords’ claim is an invitation to stand up, to break the false consensus that limits our options and to act boldly. She argues that, “survival is not an academic skill. It is learning how to take our differences and make them strengths. For the master’s tools will never dismantle the master’s house”. It is better to speak up and express your feelings than remaining silent because silence will not protect you.

In all the critiques that have been cited in both conventional [print and broadcast] and social media, blog posts, web articles and journal articles, majority are focused on single categories or a few categories to explain inclusion and exclusion. If some focused on class [poor-rich divide]. Others focused on gender [men-women] and others on geography [rural-urban]. However, to enrich the critique of scientific election and so human rights and democracy, this paper reads all these categories intersectionally, to show

⁵⁴ Alliance for Affordable Internet. “*Who Wins? Who Loses? Understanding women’s experiences of social media taxation in East and Southern Africa*”. (Alliance for Affordable Internet, 2019). Available [Online] <https://a4ai.org/research/who-wins-who-loses-understanding-womens-experiences-of-social-media-taxation-in-east-and-southern-africa/> Accessed, September, 15th 2020.

⁵⁵ Lawrence Muyomba. Available [Online] <https://www.unwantedwitness.org/covid-19-elections-digital-political-campaigns-exclude-handicapped-electrates-in-uganda/> Accessed September, 20th 2020.

how scientific elections will work to exclude sections of community especially those that are defined by multiple markers of difference say class, gender, geography, ethnicity etc. What does scientific elections mean for say a woman in a rural setting who is poor and from the most neglected parts of the country? This attempt is well articulated in the next section.

Gender, Class, and Ethnicity: Intersectionality as human rights?

Despite human rights promises and democratic assurances, it is evident in Uganda today that certain categories of citizens are faced with some forms of exclusionary rhetoric. More than ever before, the forthcoming scientific elections in Uganda presents us with more questions than answers: what is the place of “scientific elections” in already *gendered*, *classed* and *tribalized* “democracies?” Do human rights in the context of Uganda’s forthcoming *scientific elections* empower excluded or marginalized categories of citizens? Or do they basically reinforce relations of power between those who are constituted as dispensers of human rights, and those who are implied as recipients? if they do empower, doesn't this tend to create new marginalizations and new excluded groups? The most fundamental principle of any elections is that they must mirror the free expression of the will of the people. To achieve this, elections must be free from corruption, discrimination, and violence; they must be equitable and inclusive for all citizens regardless of race, class, gender, sexuality, ethnic or religious affiliation but [i argue] putting into considerations that these differences exist and need to be addressed. In light of the unfolding events as seen from the previous section, scientific elections seem to undermine the principles of inclusivity, fairness and equity. It appears like scientific elections risk reinforcing and reproducing the already gendered, classed and tribalized inequalities. Uganda Women’s Network (UWONET) has argued that, “*digitalizing* elections might combine with pre-existing inequalities to unduly disenfranchise women from participating in elections, both as voters and candidates”.⁵⁶ If rights “operate as an indisputable force of emancipation at one moment in history, they may become at another time...a means of obstructing or co-opting more radical political demands, or simply the most hollow of empty promises”⁵⁷

Thought within the liberal discourse of human rights, scientific elections are an attempt to homogenize the category “voters” and/or “citizens” by ignoring the key markers of difference through which they identify and experience the political space. Scientific election assumes a liberal discourse of rights that envisages *universalism* by fronting universal claims that are neither “contingent nor negotiable” without

⁵⁶ Uganda Women’s Network. *Virtual Electioneering Will Deter Equal Political Participation of Women And Youth In The 2020/2021 General Elections*. (Uganda Women’s Network, Press Statement, June 23rd 2020). Available [Online] <https://www.uwonet.or.ug/virtual-electioneering-will-deter-equal-political-participation-of-women-and-youth-in-the-2020-2021-general-elections/> Accessed, September, 18th 2020.

⁵⁷ Wendy Brown, 98.

regard to race, gender, class, ethnicity or religion.⁵⁸ These universal claims tend to erase differences by subjecting all people all time to the liberal discourse of rights and assuming that people are identified as just voters but not subject voters. Yuval-Davis and Floya argue that race, racism [and for Uganda's case tribe/tribalism], exclusion and political, economic and social process cannot be thought of just as relations between race and class⁵⁹. These interact with many others i.e. race, gender, tribe, class etc. to subjectivate and exclude certain sections of the community in processes like elections. Such tend to make claims to rights and democracy political and historical. This serves to discredit the idea of universality. To this end, Peterson and Parisi question the contemporary concept of “the universal human,” and argue that it obscures the gender discrepancies and silences about women.⁶⁰ The authors contend that such conceptions are androcentric and work to promote male reason, agency, and independence. Therefore, men are the universalized human category and women the other sub-category⁶¹. This universal categorization doesn't only exclude women but also *their bodies and experiences*. To this end, women and their lives are neither recognized nor protected by the human rights instruments. Even when they do, they are considered as if they are nothing else but women. The articulation above show that we cannot critique exclusion based on single markers of difference for they interact to marginalise, exclude and subjective. The government acknowledges a few of these but doesn't look at then intersectionally to appreciate the gravity of their impact. Wanyama acknowledges the inequalities by arguing that, “a candidate with more resources and perhaps better organization would attract a larger crowd in case rallies and processions were allowed, those with better resources and resonating messages will naturally get more airtime in the media”.⁶² If Wanyama acknowledges that elections favor those endowed with resources, does it mean that scientific elections are a deliberate attempt to exclude those with limited or no resources? It is possible to argue that scientific elections are fastened on a liberal discourse of rights as Ranciere states that, “democracy is in the power of those who command a lot of power of wealth but not rule for the people and in the name of the people”.⁶³ This is because the processes of scientific elections will disadvantage the poor as they do not have the economic muscle to favorably compete with those endowed with resources and wealth. This is justifiable by the high costs of accessing TVs and Radio stations, high cost of internet data, coupled with taxes, and electricity. Unlike those with resources, the

⁵⁸ Nikita Dhawan. *Decolonizing Enlightenment: Transnational Justice, Human Rights and Democracy in a Postcolonial World*. (Columbia University Press, 2014), 24.

⁵⁹ Yuval-Davis Nira, and Anthias Floya. *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle*. (London: Routledge, 1992).

⁶⁰ Peterson and Parisi, 133.

⁶¹ Peterson and Parisi, 133

⁶² Don Wanyama. Why “scientific” elections are possible. (The New Vision, 10th July, 2020). Available [Online] <https://www.newvision.co.ug/news/1522384/scientific-elections> Accessed September, 19th 2020.

⁶³ Rancière, 96.

poor who can't afford these political campaign material will stand on the verandas of democracy and will have no option but to be excluded.

The liberal discourse of rights assumes that both men and women have equal rights to participate fully in aspects of the political processes. In practice, however, it is often harder for women to exercise this right. In the wake of Covid-19, and the forthcoming scientific elections, women participation in politics might become limited due to lack of resources, confinement in the domestic sphere and lack of information. In the wake of Covid-19, and the forthcoming scientific elections, women participation in politics might become limited due to lack of resources, confinement in the domestic sphere and lack of information. Class inequality is accepted as fully legitimate in a system that relies on these bases for capital accumulation. Acker states, "class-based inequalities in monetary reward and in control over resources, power, and authority, and the actions and routine practices that continually recreate them, are accepted as natural and necessary for the ongoing functioning of the socioeconomic system."⁶⁴ In instances where race doesn't work to exclude, gender comes in. Douzinas states that rights and exclusion are historical and the privileged subject of rights becomes the white man, rich and heterosexual.⁶⁵ In cases where there is no white man, black male become privileged and enjoy the benefits of being a man. In the issue at hand, the male takes much privilege when it comes to owning the gadgets needed for elections, but also finances. The amendment I think is defined in a way that under privileges and disadvantages women. Another important question raised here on how universal human rights claims exclude based on class, if there is no rich white man then a black rich man takes up.

All these claims are focusing on single marker of difference; either gender or class or age without reading them intersectionally. Just like I argued earlier, scientific elections is an attempt to universalize and homogenise the category voter by looking at them not as intersectional, but as distinct categories. Nikita Dhawan and Cacho have theorised such scenarios of universalism and uniformity by chatting a critique that it may end up perpetuating exclusion and subjectivation.⁶⁶

For instance when analyzing how scientific elections can affect women or the poor or easterns or rural dweller etc, by reinforce pre-existing inequalities, critics have tended to ignore the fact that, people can either be rural or urban, poor or rich, Karimojong or Munyankole, jobless or employed, and one person can identify with all or most of these. For example, a woman in the rural setting (lacking electricity), having no paying job (to be able to buy data, OTT, TVs or radio airtime), and is a mugwere will be more

⁶⁴ Joan Acker. *Class Questions, Feminist Answers*. (New York: Rowman & Littlefield, 2006), 52.

⁶⁵ Costas Douzinas. *Human Rights and Empire*

⁶⁶ Nikita Dhawan. *Decolonizing Enlightenment: Transnational Justice, Human Rights and Democracy in a Postcolonial World*. (Columbia University Press, 2014), 24; Lisa, M Cacho. 2012.

disadvantaged to participate in the scientific elections as compared to the opposite. The Electoral Commission is not considering the various key markers of difference that reinforce to define voters' identities and experiences. Voter homogenization can lead to exclusion and marginalization as their views, opinions and status will not be represented. I therefore argue that voters cannot be the same; they are gendered, classed. It is by appreciating these differences that rights can be appreciated, and therefore realized.

Conclusion

The paper has offered a critique. Other than promoting human rights and democracy, they promote inequalities, subjugation. It further argues that this process is not new, it is historical, political, but also contextual. Liberal democracies and human rights discourses making Universalist and homogenizing claims that end up propagating exclusion and marginalisation can be located within the history of colonialism and enlightenment. Reading scientific elections within the politics of human rights and democracy, the paper shows that Ugandans may end up facing more exclusions especially those defined by multiple identities. This is because democratization requires “the authentic political inclusion of different groups and categories, for which formal political equality can hide continued exclusion and oppression”.⁶⁷ Democratisation may remain incomplete when sub-groups of people are politically excluded. The same challenge has faced postcolonial africa for the postcolonial african state failed to democratise and reform the state.⁶⁸ in order to understand how voters may be excluded from the electoral process and so to show the limits of rights and democracy, the paper deployed intersectionality as an approach to understand how voters are not defined as a single category but by multiple categories that determine their fate.

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⁶⁷ Dryzek, J. S. (1996) *Political inclusion and the dynamics of democratization*. (The American Political Science Review, 1996, 90(3),) pp. 475–487, 475.

⁶⁸ Mamdani, 1996 [2017], Citizen and Subject

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