

The practice of taking an oath dates back in centuries to ancient kingdoms and monarchies where subjects publicly pledged loyalty to kings and rulers.

BY SYLVIA KATUSHABE

Yesterday marked the beginning of the swearing-in process for the newly elected members of the 12th Parliament. This event will unfold over the next three days, wrapping up on May 15.

This requirement is enshrined in Article 81(4) of the 1995 Constitution of Uganda which states that every person elected to Parliament "shall take and subscribe the Oath of Allegiance and the Oath of Member of Parliament specified in the Fourth Schedule" before sitting or voting in the House.

However, the oath taking practice extends far beyond parliament, as several public officials including the president, vice president, ministers, and judges are required to take oath before assuming office. Even witnesses in court swear by holding a religious book to tell the truth while giving testimony before court.

Background

The practice dates back in centuries to ancient kingdoms and monarchies where subjects publicly pledged loyalty to kings and rulers.

During the colonial era, Uganda adopted the British parliamentary tradition where public officials swore allegiance to the British Crown.

After independence in 1962, allegiance shifted from the British Monarchy to Uganda. The practice was entrenched in the 1995 constitution, as a requirement for leaders to pledge loyalty to the constitution and the state.

While taking an oath, one has to hold a holy religious book; a bible for Christians or a Quran for the Muslims.

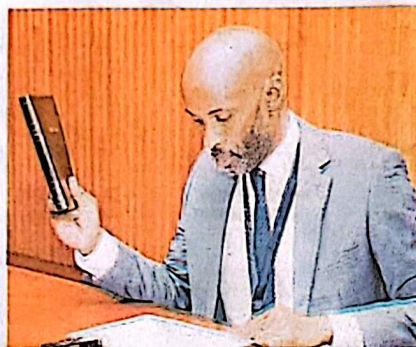
However, the Constitution also provides for a "solemn affirmation" for those who may not wish to swear using a religious holy book and words. A solemn affirmation carries the same legal effect as an oath.

While taking the oath of allegiance, MPs, swear to be faithful and bear true

The history of allegiance oaths and affirmations



MPs of the 12th Parliament celebrate with Anita Among after she had sworn in. PHOTOS/PARLIAMENT X HANDLE



Kabula County MP, Enos Asiimwe, the first MP to swear in.

allegiance to the Republic of Uganda, preserve, protect and defend the Constitution.

Power and legitimacy

Political historian and former senior lecturer at Makerere University Mr Mwambutsya Ndebesa explains that an oath is a historical ritual of power and legitimacy.

"They are rituals which reinforce power. You are supposed to uphold that oath and in case you deviate from it, you must be sanctioned. In this case, it is also claimed that you would be punished by God. That's why they use the Quran or the Bible," Mr Ndebesa said.

According to him, every institution of authority, political, cultural or religious uses rituals to affirm legitimacy and command public acceptance that they are willing to perform their duties.

Mr Ndebesa emphasises that traditionally, taking an oath is associated with divine accountability, where a person calls upon God as witness to their promise.

"It's just a mere ritual to authenticate power. As to whether they will follow and live up to what they have sworn in is a different matter," he said.

"Despite the symbolism and legal obligation attached to the oath, Mr Ndebesa

Dez Oswald Byuma (right), Mawogola South Constituency MP celebrates with family and friends after taking his oath yesterday. PHOTO/LBRAHIM KAVUMA



sa questioned whether political leaders consistently honor or live by what they swore.

"I don't think they live to their oath, because the sooner they finish doing that, they end up violating the same norms and rules they have set themselves to do. You find them passing legislation that contradict the constitution," he stated.

He added, "Power is associated with hypocrisy."

Understanding responsibility

Ms Sarah Bireete, the executive director for Center for Constitutional Governance explained that the oath is constitutional but what makes it irrelevant is the failure of the people to un-

derstand it.

She explained that some leaders recite the oath without fully comprehending the words and responsibilities attached to it.

"The oath that MPs make is a part of the constitution, which makes it irrelevant when people do not understand it. We need to start a process where people are educated about their obligations before they take oath," Ms Bireete said.

Mr Ken Lukyamuzi, the former MP for Rubaga North, also noted that taking an oath is a significant practice that indicates that the person has committed to perform their obligations.

However, he agreed with Ms Bireete that many people take it for formality without bothering to understand whether they will be able to fulfill and live by what they swore.

"It is a formality which many people do not bother to check whether they will fulfill it. The MPs are expected to live by the oath they swore but very few of them live by it."

Many times, people make a diversion from what they are supposed to do," Mr Lukyamuzi said.

Ms Bireete noted that there is no way someone living by what they swore would breach the constitution or be corrupt noting that this alone shows that they don't understand the oath they make.

"Many MPs enter parliament without adequate understanding of their constitutional obligation and people's representatives. Parliament should have a programme, after elections, between February and May, before MPs-elect take oath, to teach them about the constitution and the relevance of the oath," she said.

Mr Jack Sabiiti, former Constitutional Assembly representative emphasised the significance of taking an oath as one commits to serve.

"Service is not an easy matter. You must swear-in to do what is expected of you, serving the people you are going to represent and the country. In some cases, we find that someone gets a job and they mess up. Therefore, it is necessary that a member of parliament takes an oath to adhere to the laws of the country and serve everybody equally," Mr Sabiiti said.

He explains that the oath of allegiance forces leaders to respect the laws, avoid actions that may destabilise the country and faithfully serve people who voted for you.

Mr Dan Wandera Ogalo, a governance expert and former member of the Constituent Assembly described the oath as a binding social contract between the leaders and citizens.

"By taking an oath, you bind yourself to carry out what is expected of you as an MP. It's like making a contract with Ugandans about what you are going to do and being bound by it," Mr Ogalo said.

CORRECTION

We erroneously included a photo of the late Kalangala Woman MP among contenders for the vacant post in a story titled "14 eye Kalangala Woman MP seat," which was published in our Monday, May 11 edition. We regret the error.

Monitor Publications endeavours to get everything it publishes correct. When mistakes are made, we want to know, and a correction will be published as soon as possible. Please notify us of any needed correction at corrections@ug.nationmedia.com or by writing to the Editor, Plot 29-36, 8th Street Industrial Area, Namuwongo, P.O. Box 12141, Kampala-Uganda, or by calling the News Editor at 0312301100. Thank you.