

Dear Members of the Ugandan North American Association,

As the UNAA Board of Trustees (UNAABOT), it is our duty to inform you that the current impasse within the UNAA Executive and UNAA Council is threatening to destroy forever over two decades of work that brought Ugandans in the Diaspora and at home together in unity, friendship and goodwill. Moreover, these issues have the potential to disrupt the planning and staging of the next UNAA convention in San Diego in August 2014.

Within the Executive Committee, there are concerted efforts to usurp, undermine and ultimately sideline the elected treasurer from fulfilling his constitutionally mandated fiscal responsibilities to you, the members of UNAA. Meanwhile, competing factions within the elected UNAA Council, with one side supported by the President of the Association, are deeply distrustful of the other which renders any decision almost impossible.

As we see it, the root of the current problem is the inclusion of an unelected member of UNAA on the UNAA Council. We maintain that the issue of the non-candidacy of Rahim Kabagambe first arose after the last elections in Dallas, but well before the next elections scheduled for September 2015.

The issue, in simple language, was correctly referred to UNAABOT for arbitration. As mandated by the Constitution, UNAABOT properly constituted itself, reviewed the petition regarding the non-candidacy of Mr. Rahim Kabagambe, as well as all the relevant information sent by the Electoral Commission. After carefully deliberating, and in a 6-1 vote, the UNAABOT pronounced that Mr. Kabagambe had not qualified to be a candidate and, therefore, was not elected.

The members of UNAABOT who supported the decision were Mr. James Serumaga (Boston, MA), Mr. Alexander Zabasajja (Lawrenceville, NJ), Dr. Opiyo Oloya (Toronto, ON), Dr. Muniini K. Mulera (Toronto, ON), Ms. Rosette Serwanga (Boston, MA), and Dr. Sarah Matovu (Macon, GA). Mr. Moses Wilson (Los Angeles, CA) voted against the decision.

In a separate review, the UNAA Electoral Commission confirmed the findings of the UNAABOT. Mr. Kabagambe cannot, therefore, sit on the UNAA Council. Furthermore, all business decisions made with Mr. Kabagambe on the UNAA Council, including the election of the Council leadership, are null and void.

In publicly rejecting the correct conclusion reached by UNAABOT and confirmed by the UNAAEC, Mr. Kwesiga acted outside his mandate as the elected president of the Association. In the email dated September 24, 2013, he initiated a campaign to destroy the reputation and integrity of the members of UNAABOT, and consequently UNAABOT itself as an independent constitutional organ of UNAA. In it, the President wrote, "always remain conscious to the fact that you are unelected officials whose role in this matter is to interpret the UNAA Constitution as it is and

not as you think it should be.” This was an attack on Article 5 of the UNAA Constitution under which UNAABOT was properly constituted to function as the final arbiter on disputes and issues arising within UNAA.

As a follow up, on Monday, November 18, 2013, in a teleconference attended by the UNAA President, UNAABOT members voted 5-2 in support of a motion asking the UNAA President to take a number of actions to resolve the issues. UNAABOT members supporting the motion were Mr. James Serumaga (Boston, MA), Mr. Alexander Zabasajja (Lawrenceville, NJ), Dr. Opiyo Oloya (Toronto, ON), Dr. Muniini K. Mulera (Toronto, ON) and Dr. Sarah Matovu (Macon, GA). Ms. Rosette Serwanga (Boston, MA) and Mr. Moses Wilson (Los Angeles, CA) opposed the motion.

The motion asked that:

- The President reaffirm his commitment to respect and uphold the UNAA Constitution.
- The President rescind his email of September 24, 2013 in which he questioned, derided and gravely tainted the constitutionally mandated role of the UNAABOT, by contemptuously ignoring its findings regarding the nullification of the candidacy of Mr. Rahim Kabagambe.
- The President advise Mr. Rahim Kabagambe to abide by the decision of the EC and the UNAA BOT that he was not duly elected and, therefore, to remove himself from the UNAA Council.
- The President Support the UNAA Council, a body in which he is an ex-officio member, so that the 15 elected Council members can organize their leadership.
- When the Council is properly constituted, that the President follows the Constitutional provisions for submitting names of nominees for Directors and seek their confirmation by a Council meeting with the required quorum. Until then, unconfirmed nominees must not perform duties of the Association.
- The President support the Treasurer of UNAA who is the elected officer of the Association, with clearly laid out financial duties and responsibilities.
- The President was to report his plans, decisions and actions to the UNAABOT and abide by the directives of the UNAABOT as required by the Constitution on Monday, November 25, 2013, at 9:00 p.m.

In his response to the UNAABOT in the email dated Monday, November 25, 2013, and a second email to the general membership on the same day, the UNAA President sounded conciliatory while maintaining the status quo. The emails sought to apologize for the “tone of the letter I wrote to UNAA Membership on September 24, 2013”. The issue, however, was never about stroking the egos of individual UNAABOT members. Rather, it was about the deliberate attack on the constitutional

mandate of the various UNAA organs including the Electoral Commission, UNAA Council and UNAABOT.

To further disorganize and undermine the UNAABOT, and by extension the UNAA Council and the Electoral Commission, Mr. Kwesiga accused UNAABOT of bias in its decision on the Kabagambe issue. According to him, “UNAABOT after what transpired at the UNAA AGM in Dallas ceased being seen by a majority of UNAA members as a neutral party”. This view was reinforced in the November 25, 2013 letter to general membership in which Mr. Kwesiga wrote, “regarding a dispute on the interpretation of the UNAA Constitution would be completely disrobed of any fairness if a party to the dispute is also the arbiter.”

It is unfortunate that the President chose to read the events in Dallas as a referendum on the role of the UNAABOT. The question facing delegates in Dallas was never about the impartiality or credibility of the UNAABOT. When delegates voted against proposals put forward by UNAABOT, they were not at the same time rejecting the body itself. The false conclusion that Dallas was a referendum on UNAABOT has led to the current misreading that the UNAABOT was biased in concluding that Mr. Kabagambe was not elected.

To reiterate, UNAABOT became involved in the Rahim Kabagambe issue when members of UNAA Council concerned about election irregularities petitioned the body to look into the issue. Except as an independent arbiter, at no point was UNAABOT a party to the dispute.

Furthermore, this flawed premise was employed by the President in his communication to the members on November 25, 2013, in which he proposed external arbitration as the way forward. Although he sounded upbeat about that route as “an opportunity to amicably and decisively reconcile our positions”, UNAABOT soundly rejects the proposal for three very simple reasons.

First, both the UNAABOT and the Electoral Commission have already pronounced themselves on the issues surrounding the non-candidacy of Mr. Rahim Kabagambe. A single member of UNAABOT objected to the conclusion reached on the issue.

Secondly, such an unprecedented recourse to the courts could never be amicable or decisive. Instead, even if the organization was flush with cash, which it is not, what the President is proposing will dangerously push UNAA to its demise through expensive and endless court challenges and counter suits. Of all the methods for resolving the current standoff, this is one that UNAABOT opposes, and will never recommend to UNAA members as the responsible way forward.

Although elected by the popular vote, we believe that neither the President nor the elected UNAA Council have the mandate to drag UNAA to court without the expressed opinion and consent of the general membership upon the recommendation of UNAABOT. As their names will be on the books to pay court costs and legal fees, members must address directly such undertakings with serious

financial implications for the Association.

Thirdly, to avoid any ambiguity, the Constitution empowers UNAABOT to arbitrate on issues such as the current ones that impede the smooth functioning of the various organs in fulfilling their duties to UNAA members.

What we are seeing is the beginning of the break-up of UNAA after more than two decades of uniting Ugandans from diverse backgrounds. In our deeply considered view, the way forward is very clear. To avert a reckless, irresponsible and unacceptable gamble with the future of UNAA generally, and with members' funds specifically, the President must accept the ruling of UNAABOT on the Rahim Kabagambe question. Mr. Kabagambe retains at all times the right to pursue the matter in a legal forum against UNAA.

The President also needs to reach out to disaffected members of the UNAA Council, and respect the work of the Treasurer. Furthermore, it is imperative that all UNAA business is conducted transparently and in accordance with the Constitution and the governing state laws of the State of Massachusetts. To date, especially with regard to finances, a number of business transactions have been carried out without the knowledge and directive of the duly elected Treasurer. These are serious security breaches to the finances of the organization. They must stop forthwith.

Finally, mandated by the Constitution and our deep desire to see that UNAA continues to thrive and grow, we see the resolution of the issues as arising from a single action—the respect for the UNAA Constitution. We are committed to working with Mr. Kwesiga as the elected President of UNAA entrusted with the task of leading the Association while respecting the Constitution, the various organs created by that same Constitution, and the vision of UNAA members.

However, even as we reach out to the President, as UNAABOT we will not associate ourselves with decisions of the Executive that are carried out outside the Constitution. Indeed, we will do everything within our mandate to ensure the survival of UNAA and its vision of uniting people in service to its members.

Yours sincerely,

Dr. Muniini K. Mulera

Chairman, UNAA Board of Trustees

**Addendum:** This letter was approved by a vote of 5 to 2 at the UNAABOT meeting

held on Wednesday, December 11, 2013. UNAABOT members who supported the motion were Mr. James Serumaga (Boston, MA), Mr. Alexander Zabasajja (Lawrenceville, NJ), Dr. Opiyo Oloya (Toronto, ON), Dr. Muniini K. Mulera (Toronto, ON) and Dr. Sarah Matovu (Macon, GA).

Members who opposed the motion were Ms. Rosette Serwanga (Boston, MA) and Mr. Moses Wilson (Los Angeles, CA).