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Full Length Research Paper

Performance management and health service delivery in the local governments of Uganda

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Today, many African countries are faced with enormous challenges of health service delivery; one of the arguments advanced for the persistent health service delivery malaise is the inadequate management of the health sector human resource. It should therefore be noted that performance management in the health sector has been paid lukewarm attention by both health resource managers. Performance management has increasingly become a prominent public sector reform in most of the developing countries given the fact that the people resource is a proactive resource in most of the organizations. The paper used a case study as a methodology. The major findings were that performance management can be improved by the use of performance contracts and the revitalisation of the rewards and sanctions framework to staff in the health facilities. The paper unravels the influence of performance management to health service provision in Uganda.

Key words: Performance management, health service provision.

INTRODUCTION

Health Service Provision is globally a function of the state given its contribution to human livelihood. Many countries globally have attempted to provide intervention in health service delivery through a number of reforms such as privatisation, decentralisation and performance management initiatives (Lutwama et al., 2013).

Performance Management is a pivotal unit of human capital management that facilitates the effective and efficient utilisation of an organisation's valued resources. Performance Management is an on-going process that endeavours to solicit, classify and upgrade the performance of people or groups of persons through alignment and re-alignment of the work processes of employees to match with the set out organization strategic goals. Performance Management has been attributed to possessing three cardinal typologies, which include strategic, administrative and enhancement. Strategy in this sense attempts to provide the nexus between the individual employee's output and the organisation's set strategic goals. The administrative phenomenon utilises the information asymmetry, available to make valuable decisions on the performance of individual workers such as pay decisions, leave decisions and working environment ergonomics. The enhancement typology, on the other hand invests the performance management function to study the employee to establish his/her strength and weaknesses and recommend possible employee development strategies for an

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organization.

Tobias and Peter (2009) argues that performance management thrives on three fundamental stages, namely; performance planning, performance monitoring and performance evaluation. Performance planning is the most critical stage because if things go wrong at planning then the two stages cannot function effectively. It is expected that at the beginning of each planning period, each employee together with his/her appraiser agree on the performance plan. The second stage is performance monitoring. Under performance monitoring, the employee is expected to keep tracking the plan together with her/his supervisor weekly, monthly and quarterly on the progress of work. The last stage is performance evaluation, where both the appraiser and appraisee meet to evaluate the performance of the employee by determining the specific scores for the performance of the employee in a specific period of time (Tobias and Peter, 2009).

Smith (2002) argues that for performance management to be effective, six (06) important principles must be observed as follows: transparency, consistence, proactiveness, responsibility, balanced, and proportionateness. Under transparency, there is need to establish clear parameters to be used during the process of performance management, there is need to match the set out objectives and the overall goal of the organization that is consistence. Proactiveness requires organizations to track performance challenges in time and be able to mitigate the challenges as they appear. Under responsibility, it is imperative to set objectives which must be met to the expectation of the citizens who are the consumers of the health services. A good performance management system should be balanced in order to ensure aspects of quality, safety and coherency are observed.

Finally, there is the principle of proportionateness. This calls for consideration of local needs and requirements, performance measurement should be based on what a particular community needs and how their community needs can be addressed in terms of health care provision.

Performance management in the health sector

In an attempt to define performance management, the words will be defined separately.

What is performance?

Performance can be defined as the process of planning the value creation and taking action to control value creation, however, in terms of health care, performance should focus on health care, financial strength, health care operations and health care people development and finally health care patient satisfaction (Tobias and Peter, 2009).

What is management?

Management is the act of conducting, supervising, planning, controlling, organizing and budgeting for an organization with a view of achieving the organization's desired goals?

What is performance management?

Performance management is a notion borrowed from the management literature that has only recently been adopted in the health service delivery field. It is a strategic and integrated approach to delivering sustained success to organizations by improving the performance of the people who work in them and by developing the capacities of individuals and their teams to ascertain their immense contribution (Armstrong and Baron, 1998).

Overall objective of the paper

The objective of the paper is to interrogate how performance management can improve health service delivery in the Ugandan District Local Governments.

Research questions

The paper is guided by the following research questions:

(1) Can staff performance contracting improve health service delivery in Ugandan Local Governments?
(2) Can enforcement of the rewards and sanctions framework transform health service delivery in Uganda?
(3) What are the critical challenges facing performance management in the health service delivery in Uganda?

Despite the fact that Uganda has adopted a number of performance management reform initiatives in the health service delivery facilities in the last decade such as result oriented management (ROM) framework, rewards and sanctions framework, digital check in and check out system, performance contracts for all heads of units/divisions, integrated personnel and payroll system (IPPS), and balanced score card framework, little or no significant output has been registered (Transformation Paper: MoPS Uganda, 2011). This paper therefore unravels the strategies that can be utilised to improve performance management in the health delivery facilities.

Theoretical review

A number of theories have been advanced to explain performance management and health service delivery. This paper is premised on the Principal-Agency theory as reviewed in the following.

Principal-Agency theory

The Principal-Agency theory presupposes that the owners of the business are the principal. The managers, who do the day-to-day management of the business or company, are the agents. In the public service, the citizens are the principal and the government is the agent. The rationale is that the principal leaves the agent to take charge of the business (service provision) on its behalf because most times the agent has more information and skills about the management of the business (Lane, 2000).

There is a clear relationship between the principal and the agent. The principal serves the interests of the agent. The principal is expected to put up mechanisms to monitor, supervise and control the actions and inactions of the agent. It is argued that over time the cost of supervision and monitoring the performance of the agent can be high and difficult to achieve and hence the agent is left to work independently.

It should be noted that the Principal-Agency theory attempts to explain the notion of public sector reforms (PSRs) which were designed with the intention of transforming public sector management through various approaches such as performance management, decongestion, and contracting-out. In addition, the Principal-Agency theory explains the variation in the behaviour or decisions when demonstrated by group members. Specifically, it explains their differences in behaviour or decisions by noting that the two parties often have different goals and, independent of their respective goals, may have different attitudes towards risk.

LITERATURE REVIEW

Key sub-themes under performance management and health service delivery will be discussed in following.

In terms of definition, performance management is both a strategic and integrated approach to delivering sustained success to organizations by improving people performance who work in them and by developing the capabilities of individual contributors and teams. Performance management is strategic in the sense that it is concerned with a business broader issues to enable it to function effectively in its environment and the general direction it intends to go to achieve long-term goals.

Simply put, performance management is viewed as the way work is organized to achieve the best possible outcomes. From this simple viewpoint, it is not a system or technique but the totality of everyday activities of managers. In this sense, performance management approach to creating a shared vision of the purpose and aims of the organization helping each individual employee understand and recognize their part in contributing to them, and in so doing, manage and enhance performance of both individuals and the organization.

To carry out performance management in the public sector, the commonest approach to use is the staff appraisal tool. However, in practice the focus has more often been geared away from performance towards behavioural issues. For many years, traditional approach to staff appraisals relied heavily on the interaction between a supervisor and the person appraised and the outcomes of appraisal interviews were considered confidential, even the appraisee did not know the outcome of the appraisal. Although personal interaction is highly desirable in any performance management system, it does not per se facilitate the necessary integration and matching between individual and service or organizational objectives. In the 1980s and 1990s, many organizations still attempted to improve performance and service quality by ensuring staff compliance to objectives set at the top that are cascaded down various organizational layers (Boland and Fowler, 2000). In the past, the rationale for appraisal was that the "manager knows best" and that quality and performance management should be left to the mangers because they were largely managerial responsibilities. Today, few performance-oriented and quality-oriented organizations operate in this manner (Ibid).

As a public sector reform, performance management has a bearing on the delivery of health services. It should be emphasized that performance management strategy is neither about establishing a top-down appraisal system neither is it a method of generating information for pay or management decisions. It is a strategic process because it is forward-looking and developmental. It is a framework where managers can support their members rather than dictating to them. The impact of performance management will only be much more significant if it is regarded as transformational rather than as an appraisal process.

Accountable public institution is one of the other key sub-themes on performance management under a decentralized health service. Norman in Olum (2004) postulates that "the rationale for measuring performance is varied and includes the principle of accountable public institutions to ensure that money has been spent as agreed and in accordance with procedures and efficient use of resources". That, to operationalize accountability, there is a need to establish how money was spent, comparing costs to ensure efficiency, relating effectiveness to intended objectives and outputs, and provision of equitable services.

The other sub-theme on performance management is with regard to the measurement of people responsiveness to change. Olum (2004) asserts that power of performance management is expressed in the slogan which states that "what is measured gets done". This slogan is significant because measuring makes employees' responsiveness regarding changing their

values in their organization accountable to the public about their service expectations.

In fact, in performance management, measurement is an important concept simply because it is the basis upon which feedback is provided and generated. In addition, measurement identifies where things are going well to provide the foundation for building further success as well as indicating potential problem areas for corrective action to be taken. In general, measurement provides the basis for answering two fundamental questions. "Is what is being done worth doing? and has it been done well, or if not well, why?" (Ibid).

High employee performance is another sub-theme related to performance management. Performance is about behaviour and should be distinguished from other outcomes because they can be controlled by systemic variables outside the control of the performer. Here, the implication is that performance measurement can only focus on an individual's or group's eventual output, if and only if, systemic factors can be controlled. This is why the overall precise impact of high performance management on employees remains enigmatic. They argue further that the research undertaken ultimately pulls upon a diverse set of organizations in a myriad of settings within the high performance management may be more or less compatible.

The other sub-theme on performance management is close relationship between management and staff and the action on appraisal results by managers. In other words, performance management requires close proximity between management and staff as well as the managers' ability to act on the appraisals' results. Unfortunately, local decision-making powers is often absent from health system (World Health Organization, 2001). Thus, decentralized health service is an essential prerequisite for performance management as is the need to avoid unnecessary bureaucracy when dealing with the results of performance appraisal.

In most developing countries, performance management systems suffer from numerous limitations, namely, information flaws, poor record keeping, lack of up-dated work schedules, overly formalistic communication systems, and limited or no feedback mechanisms. On the other hand, performance management systems are likely to contribute to improved system designs that focus on identifying aspects relating to performance in order to effectively address them (Martínez, 2001). Research studies across developing countries for health delivery reveal that most health units do not offer career advancement opportunities for their staff. However, when health workers are promoted they eventually get motivated and become enthusiastic about their work performance and appraisal system. As part of the feedback on performance appraisal, most health workers in Uganda indicated that they were trained in order to enhance their work-related performance. In addition, they observed that training needs assessment (TNA) had been conducted through the performance appraisal system and some health workers agreed that they were part of this process. Training and development opportunities are normally identified by supervisors with the help of performance appraisal feedback. At times, however, the funding of these activities is quite difficult due to the inadequate budgets most of the health units suffer from (Armstrong and Baron, 1998).

Performance management is a key function of a vibrant system, it should be professionally displayed with key principles guided by objectivity, professionalism, consultation, openness, and result orientation. Some studies (World Bank, 1999) have alluded to the fact that the use of performance contracts has greatly improved workers' performance in the health sector, since most of them are expected to agree on targets and the renewal of their contracts would largely depend on the achievements of the targets set. Incidentally, the use of performance contracts has not achieved its intended objectives given the fact that there is high labour turnover among the health workers.

METHODOLOGY

The study used a case study design because it provided greater insights and understanding of the dynamics of a specific research situation which is prompted by the researcher and his or her research problem. A case study design is advantageous because it allows the researcher to see beneath the responses of the respondent specifically the case study design provided an opportunity for intensive and extensive analysis of specific characteristics such as behaviour, opinion, beliefs and knowledge of respondents in relation to performance management and how it influences health service delivery.

The implication here is that when you use the case study design, the researcher is able to realise in depth personal and detailed information from the investigation. The study used a mixed methods approach which is commonly known as triangulation. This method was very appropriate to the study since it helped to utilise the most appropriate methodology at specific points in the research undertaking hence making it effective during data collection and data analysis. The study largely used the qualitative methodology, however, quantitative methodology was minimally used to compliment the qualitative approaches. The quantitative approaches were utilised especially in the analysis of performance management reforms in the health sector during the verbatim recordings of the responses.

The sample selection at the District Local Government was non-random using purposive sampling from the heads of units and senior staff at health centre III. The key informants were purposively selected because they are knowledgeable and experts in their fields of specialisation.

Five (05) officers were purposively selected from each sub county to participate in the study. Ten (10) sub-counties were used in the study. The following officers were purposively selected, Local Council three III, Chairpersons, Clinical Officer In-Charge Health Centre III, Nurse In-Charge, Sub-county Chief, and the Sub-county Heath Assistant.

FINDINGS

The paper discusses the research questions following analysis of primary data subsequently.

Table 1. Whether there is a functional performance management system in the health sector facilities (n=50).

Response	Frequency	Percentage
Yes	40	80
No	08	16
Not sure	02	04
Total	50	100

Source: Author's Primary Data.

Table 2. The link between performance management in the health care facilities and sanctions and rewards framework.

Response	Frequency	Percentage
Not linked	03	06
Linked	07	14
Weakly linked	40	80
Total	50	100

Source: Author's Primary Data.

Table 1 shows that the majority (80%) of the respondents are aware that there is a functional performance management system in the health service facilities in Uganda. It is clear that health workers at all levels are involved in the performance appraisal process. All government institutions are involved in the process of performance appraisal right from the lowest to the higher officer in the health facilities. It is also clear that no health worker can be confirmed in his or her appointment unless he or she has up-to date performance appraisal forms for at least two sets, that is, a minimum of six months with assessment of three (3) months each. One Key Informant (KI) observed that: Performance appraisal in the healthcare facilities goes on like in any other public service institution using the same calendar that follows a normal financial year for staff who are confirmed in their appointments. For those on probation, they are supposed to be appraised after three months so that by the time they have completed six months they have two sets of appraisals done on a three monthly basis. The appraisal has four important stages: (a) performance planning which is carried out in one of the last month of the preceding financial year in preparation for the following financial year; (b) secondly, there is performance monitoring. This is the continuous assessment of the employee to ascertain whether he or she is on course. (c) Then, there is the performance assessment. This is done periodically but finalized at the end of the financial year; it must be completed by the second week of July each year. (d) Lastly, there is the performance improvement plan. This comes after the appraisal process has been completed and the health workers agree on areas that need intervention either through training or any other form of capacity enhancement.

Table 2 shows that the majority (80%) of the respondents agree that performance management is weakly linked to the rewards and sanctions framework. For performance management to have a direct linkage with the rewards and sanctions framework there is need to systematically utilize the reports of the appraisal process in a more elaborate manner by summarizing the key issues and then identifying action points. Some of the recommendations could be to intervene through short-term or long-term training, a mentoring session or an attachment. The other recommendations could be rewards for good performance in form of a certificate, a handshake, the 13th cheque, a holiday for a staff and family or sanctions could be a warning, reprimand or dismissal from the public service, demotion, and reduction in salary, or appearing before a Rewards and Sanctions Committee to explain one's defence if any.

Table 3 illustrates the respondents' opinion on whether the use of performance contracts is necessary for accounting officers in healthcare institutions. The majority (70%) of the respondents agree with the view that accounting officers in healthcare facilities should use performance contracts. Performance contracting is a management tool where performance targets are set at the beginning of the assessment year and the assessment is done at the end of the assessment period (Financial Year). The performance is monitored throughout the year specifically during quarters 1, 2, 3, and 4. At the end of the financial year, there is a detailed assessment of the officer in line with the performance targets that were set out at the beginning of the financial year.

Table 3. The necessity for accounting officers and health care facilities to use performance contracts (n=50).

Response	Frequency	Percentage
Yes	35	70
No	15	30
Total	50	100

Source: Author's Primary Data.

Table 4. Benefits of using performance contracts in a healthcare facility (n=50).

Response	Frequency	Percentage
Improves performance	15	30
Determines employee contracts	03	06
Puts employees on their toes to deliver	25	50
Leads to client satisfaction	07	14
Total	50	100

Source: Author's Primary Data.

The respondents observed that Accounting Officers/ Hospital Directors for Regional Referral Hospitals (RRHs) and Medical Superintendents for general hospitals should be put on performance contracts so that they are monitored continuously, quarter by quarter, based on the performance targets they will set in the first quarter. By implication their terms of appointment may also need to change so that they are appointed on contract terms. In the event that they do not perform to the expectation of the appointing authority then, their contracts would not be renewed. The essence here is that performance will greatly determine the renewal of appointment of the accounting officers.

The policy shift to performance contracting is still a big challenge not until all parties are brought on board or enough training is undertaken for all staff. Supervision by appraisers remains a critical challenge, even at the ministry level, a minister has no capacity to supervise and meaningfully appraise the permanent secretary. Even the current arrangement where the head of the public service supervises the permanent secretary, it is still complicated because these two officers are far apart from each other. Besides, the head of public service is too busy to supervise around thirty one (31) permanent secretaries. Yet there are several benefits that can accrue from the utilization of performance contracts (Table 4).

Table 4 shows that responses from the 50 key informants (KIs) who were interviewed on the benefits of using performance contracts for staff of the healthcare facilities. The majority (50%) of the respondents observed that performance contracts (PC) would lead to employees being put on their toes to deliver. The performance contract or performance agreement tool aims at ensuring that what is planned at target setting is actually delivered.

Supervisors or appraisers ensure that smart target setting is carried out at the beginning of the planning period, and when these targets are agreed on, the appraisers continuously monitor the appraises throughout the year, that is, quarters I, II, III and IV.

Performance contracts put the employee on his or her toes to deliver in a timely manner. The performance contracting or agreement emphasizes output and timely results. The respondents were of the view that when the tool is administered to staff because it emphasizes results, there are a number of benefits that accrue from this, such as timely delivery of results or outputs, timely feedback, timely responses, and timely monitoring and evaluation (M&E). Improvement in staff performance (30%) is obviously one of the benefits of performance contracting when health workers agree on their targets and the assessment period, then, staff performance will obviously improve and when staff performance improves productivity will be high, and attendance to duty (that is, doctor-patient attendance) will also be high, the delivery of medicine will also heighten and the level of hygiene in the health facilities will improve. All these compounded together will lead to limited mortality rates in the healthcare facility. With improved staff performance, respondents argued that this will lead to client satisfaction (14%) and patient recovery levels as a result of hard work and commitment to patients by the health workers.

Much as performance management can lead to client satisfaction, its implementation faces several challenges as shown in Table 5.

Results from Table 5 clearly indicate that most respondents observe that the absence of performance monitoring (50%) is one of the biggest challenges facing performance management in the health sector. The

Table 5. Challenges facing performance management in health care facilities.

Response	Frequency	Percentage
Failure to utilize performance reports	07	14
Inability to use the appraisal tool by some appraisers	10	20
Absence of performance monitoring	25	50
Late performance planning	08	16
Total	50	100

Source: Author's Primary Data.

Table 6. Ways how to improve the use of modern performance management initiatives (n=50).

Response	Frequency	Percentage
Introduction of performance contracts to health workers	25	50
Utilize performance reports	07	14
Revitalize the rewards and sanctions framework	15	30
Continuous Professional Development (CPD) for all staff	03	06
Total	50	100

Source: Author's Primary Data.

process of performance management begins with the process of planning where targets are identified and set, and it is those targets that are constructed in a performance plan clearly spelling out the key performance outputs, performance indicators and performance targets. Once this has been done then the plan is used to continuously monitor how the targets are being achieved throughout the assessment period. Unfortunately, most employers and employees do not do performance monitoring; they wait until it is time to assess performance at the end of the assessment period or financial year. This is therefore a big challenge because one cannot wait to assess an employee after one year when he or she has been performing the tasks that he or she set out to achieve at the beginning of the assessment period (July of each year).

There is also a need to use modern performance management initiatives to improve on performance planning (Table 6).

In Table 6, the interview results indicated that the introduction of performance contracts to all health workers (50%) is the most appropriate mechanism for improving performance management initiatives in the healthcare units. A performance contract is an agreement between the individual employee and the Government of Uganda promising to deliver quantifiable targets within one financial year. Performance contracting improves the culture of work within the healthcare facilities. It envisages that every health worker at any service point will sign an agreement with government clearly stating that at the end of a particular financial year, one should be able to accomplish certain targets.

DISCUSSION

Several issues were considered pertinent to this study. Performance contracting is one of them. Performance contracting is a clear assessment tool which every employee can sign with his or her superior on behalf of government at the end of every financial year. The employee is evaluated against the targets he or she has made vis-à-vis the agreed goals by making this assessment at the end of the assessment period to see the outputs that were set at the beginning of the financial year. Overall, the assessment tool brings out high levels of accountability among the health workers. This result is supported by Perry and Toonen (1996) who state that: Performance management is expected to increase accountability because clear and explicit managerial targets, combined with managerial autonomy and incentives to perform, make it easier to establish the basis for managerial accountability and to achieve the outputs at planning.

The respondents observed that there is no doubt that performance contracting is an appropriate performance management tool which has to be rolled out to all officials in the public service.

The other mechanism of improving performance management is revitalizing the rewards and sanctions framework. This tool was introduced in the public service about four years ago. The respondents ranked it at 30%. This framework is an accountability tool which was introduced in the public service around 2012, its aim was to enforce performance in the public service which uses a variety of methods such as attendance biometric data

capture system, use of cameras, and manual attendance registers. The framework has two distinct pillars. The first pillar emphasizes the reward side of an employee which the accounting officer at every government facility should plan for the various reward items. Characteristically, they do not need to be very expensive, an employee may be recognized before a staff meeting for excellent performance, may get an offer of a holiday abroad with a family, may receive certificates of merit, or end of year parties for staff may be organised. The second pillar deals with the sanctions side. This pillar demonstrates a clear approach on the sanctioning of staff. This should be in tandem with the existing regulations such as the Public Service Standing Orders, the Public Service Act, and the Public Service Commission Regulations. Sanctioning is obviously the negative feedback to the employee for failure to do his or her part of the bargain. However, it should be done professionally so that staff does not lose morale and self-esteem.

The other mechanism the respondents identified is the "utilization of performance reports" (14%). Many performance reports are never attended to, let alone being prepared. It is proper to produce reports for all performance related activities. Whenever these exercises are conducted reports should be discussed at senior management level so that officers can pick them up for immediate action. Otherwise, when reports are never presented to senior management, they are not enforceable. Furthermore, the respondents observed that a report gives either positive or negative feedback, no matter the nature of the reports, they must be given out otherwise it will not make sense to carry out performance evaluations when they are never released. It is pertinent to engage in meaningful feedback to the two parties, appraiser and appraise. It is advisable to be involved in performance measurement which encourages proactive engagement rather than combative engagement. This view is supported by Rock et al. (2014) when they note that: typical feedback is not motivating, rewarding or pleasant; employees often perceive feedback and ratings as negative. This usually degenerates into a fight or defensive response hence limiting the perspectives and possibilities for learning with intensions of improved performance.

Hence, it is proper to bring out reports that are objective whether or not they give negative or positive feedback. Any feedback should be able to elicit response that addresses the given problems and in time.

The last mechanism according to the respondents (6%) is CPD. Far from following the normal class engagement, the CPD is a continuing process which involves informal approaches of a health worker to maintain and improve standards of medical performance through skills, attitudes, and knowledge development. One key informant (KI) who spoke on CPD said: CPD is an important mechanism that we can use to improve performance management in the healthcare facility. It is an approach which is self-driven; you do not need to wait for directions

but you can know through interactions, experience and sharing with colleagues.

The respondents further argued that CPD is a learning approach where the Ministry of Public Service releases a policy framework on how to carry on with it for individual employees, departments or institutions. The respondents stated that CPD is a framework that may require documentary processes when starting to engage with it. Also, it emphasizes self-direction, self-motivation and it is not driven by supervisors or heads of department. It also focuses on attaining skills. Finally, CPD demands that the learning process should include both formal and informal interactions. One KI observed as follows: CPD is very relevant intervention in the performance management debate that can raise or improve the standards of employees especially health workers in the following ways: (i) promotion of individual professional development, (ii) guiding towards achieving goals, objectives and outputs, (iii) focusing on individual employees on their career planning and progression, (v) promoting demonstrated individual employee professional standards and competences.

Henceforth, CPD is a key pillar in performance management given the arguments raised by the respondents. These arguments resonate with views expressed by Feldacker et al. (2017) who noted that: CPD is often closely associated in the literature with appraisal and revalidation and was also linked to performance management not only was CPD described as inspirational, it was also to be considered as being owned by the individual and not run by any agency. CPD is also depicted as keeping up-to-date with knowledge, skills and attitude clinically, managerially and professionally.

In a nutshell, CPD is a critical element that moves performance management as a paradigm to another level in the delivery of healthcare service to the population.

In summary, the responses of the KIs interviews reveal that the mechanisms that should be put in place to improve the use of modern performance management initiatives are introduction of performance contracts to all staff, revitalization of the rewards and sanctions framework, utilization of performance reports, and CPD for all staff.

On another note, it should be realized that although PSRs have attempted to improve the delivery of health services in Uganda, a number of challenges need to be addressed. One key issue that emerges from the findings is that of health workers retention. Much as trained health workers are attracted by many health units, they work for a short time and look out for better paid opportunities. It is important that the remuneration of health workers, through the development of a Performance Based Pay Model, should be enhanced to match the conditions of living within the country. The introduction of a Performance Based Pay Model will encourage health workers to work hard and most importantly, cause them to be retained. The strategy aims at pay for hard work,

resilience, and commitment from the workers. This model can be utilized to increase productivity, staff motivation and retention, thus improving on client satisfaction in most of the units.

When employees know that their input will be rewarded with what is worth taking home, there is a tendency for them to put in extra effort so that their productivity increases and, hence, the organization benefits from this extra effort which justifies the need for performance based pay. Health workers' performance can be assessed in terms of duty attendance, patient/client care, overtime incidents, patients' follow-ups, and drug administration. Performance based pay can improve health service delivery as long as it is well-monitored and followed-up closely. The care given to a customer and the possibility of extending his or her work to accomplish the day's work contributes to a worker's performance. Performance can easily be appraised with a clear tool that covers a wide range of aspects such as duty attendance, time management, compliance with the organization's rules and procedures, individual innovation, and competence of the officer or worker.

CONCLUSION AND POLICY IMPLICATIONS

The paper concludes that modern performance management initiatives in the healthcare delivery system can be supported to perform better using the following strategies or mechanisms; introduction of performance contracts to public officers (50%), utilization of performance reports (14%), revitalization of the rewards and sanctions framework (30%), and CPD (6%).

Performance contracting has been introduced in some parts of Africa. Uganda is still in its initial stages of implementing this policy. Performance contracting emphasizes bench making the use of private sector approaches to improve public service delivery (Balogun, 2003). Performance contracting is supposed to engage a public officer to make a commitment at the beginning of a particular financial year and be evaluated at its end. Ideally, performance contracting should move together with performance employee contracting where there are contractual targets agreed between the government and the individual public servant. In the event that the public servant does not perform or deliver the agreed target then he or she will be automatically denied the contract during the renewal of the next contract.

Performance contracting in Uganda is only being applied to accounting officers, directors and heads of departments. It should be noted that the performance contracting being implemented in Uganda emphasizes performance commitment/agreement between the government and the individual employee, implying that if an employee performs well he or she is rewarded and if he or she does not perform well he or she is sanctioned.

The second strategy which the study identified is the utilization of performance reports. Many activities take place and good reports are generated and yet they are never utilized. The respondents argued that if service delivery in the health sector is to improve, there is need for feedback in form of utilization of the reports that are generated from field inspection, performance appraisal, benchmarking, and M&E reports. Therefore, performance related reports are important in the day-to-day management of employee performance. It is only when there is documented evidence that one can accordingly make an informed decision on an officer's performance. For instance, when performance reports indicate that an officer needs mentoring to perform certain tasks, then until such mentoring takes place the officer's performance will not improve. At the same time, respondents observed that in order to increase compliance to performance reports during appraisal exercise, evaluation indicators should be allocated to every appraiser on the utilization and follow-up on performance reports.

The study also concludes that the revitalization of the rewards and sanctions framework is one of the strategies or mechanisms that can improve or support performance management initiatives in the healthcare facilities. The rewards and sanctions framework was introduced in the Uganda's Public Service for the purpose of improving performance for effective and efficient public service delivery. Rewarding is meant for better performers and sanctions is meant for non-performers who need to be guided, mentored, supervised and reprimanded to ensure that they change their bad ways to improve their performance.

The study further observes that in the past, institutions focused on sanctioning non-performers without focusing on rewarding best performers. This did not encourage performers to work harder or keep up their standard of performance. The respondents observed that performance rewards do not need to be too costly; it is small things that count greatly such as an air ticket for a holiday, a certificate, public handshake, and official notification on the notice-boards for best workers of the year. These are strategies that do not necessarily require huge funding to implement. The respondents observed that for purpose of performance management initiatives, it would matter a lot if the rewards and sanctions framework was revitalized. To them, this would greatly improve the performance initiatives in the health sector where the numbers of patients is too high thus requiring huge human resources.

The study concludes that there is need to introduce CPD as a strategy to enhance performance management initiatives. CPD presupposes a systematic approach beginning from self-individual assessment. This is where an individual employee undertakes to examine his strengths, weaknesses, opportunities and threats (SWOT), analysis of himself or herself to establish the performance needs that he or she must have to deliver on his or her role. After establishing his or her

performance needs, the officer plans how to mitigate the performance needs as the second step. Then he or she decides on the approach or plan of activities which he or she may observe. CPD is not an orderly classroom learning approach; it is experiential learning, environmental acclimatization, benchmarking and copying approaches to learning. During the planning and implementation of activities, employees choose from the aforementioned range of activities to mitigate the challenges, and, finally the employee will go through an evaluation to establish whether there is any impact on his or her performance arising out of the initiatives undertaken earlier.

CPD was identified as one of the key strategies that can support the performance management initiatives for staff in the healthcare facilities. Health workers need on a continuous basis to develop their capacities through benchmarking, twinning, attachment, understudying and mentoring. This is one of the ways in which health workers can cope with the performance needs of their jobs in order to satisfy their clientele (that is, the patients).

Conclusively, the study argues that four important strategies must be adopted in order to support the utilization of modern performance management initiatives in order to improve healthcare delivery in Uganda, namely, (i) introduction of performance contracts for all health workers, (ii) utilization of periodic performance reports, (iii) revitalization of the rewards and sanctions framework, and (iv) CPD, introduction of performance related pay and devolution of monitoring and evaluation of health workers performance.

RECOMMENDATIONS

In view of the foregoing, the paper proposes the following policy recommendations:

(1) Before local authorities can be given discretionary powers to budget, financial allocations from the central government should be sufficient to meet their budget proposals. Decentralized health facilities need adequate budget provisions to handle their basic constraints such as low pay, poor housing, career progression opportunities through training or capacity building;
(2) Capacity building is a clear retention strategy. However, it must systematically be undertaken through the development of training budgets, carrying out training needs analysis (TNA) for all staff, and coming up with training programs and actual training interventions;
(3) Some deliberate effort should be designed to attract and retain the available health staff by providing good accommodation, lunch, transport, school fees, and health insurance schemes. If all these are put in place, the following challenges would be addressed: labour turnover, low staff morale, refusal to go to hard-to-stay or reach areas and poor attendance to duty.

(4) The bottom-line is that as privatization is introduced in the health sector it should be moderated by government by setting standards, policies, and guidelines. If this is not done, then it leaves the ordinary Ugandans to be exploited by the private providers whose main interest is to make profits and not to provide a service to the population. Therefore, government must regulate privatization from its onset.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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Full Length Research Paper

The rationale behind the Penan Kubaan Ethnic Group's refusal to seek wage employment in the mainstream economy of Malaysia

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Penan ethnic group in Sarawak, Malaysia are assumed to be lagging in development flows since Brooks' administration. The Kubaan Penan ethnic group resides in the remote area of the forest and their daily activities are planting vegetable and hunting for food. Many of them refuse to go out to improve their quality of life financially. It is in contradiction to the Malaysian nature which works 15 hours extra than workers in Hong Kong, Australia and Singapore in a week. Study uses semi-structured interview and questionnaire were implemented. The findings show that the ability to master the Malay language is the major reason why the Kubaan Penan ethnic group refuses to go out from their village to find job. Various parties have to participate in order to equip Kubaan Penan ethnic group with the national language of Malaysia to increase their self-confidence and enable them to enter the labour market.

Key words: Penan, labour market, remote area.

INTRODUCTION

Kubaan is located under Baram District Office administration at Baram District, North of Sarawak Malaysia in Borneo Island. There are four Penan villages in Kubaan named Kampung Pak Tik A, Kampung Pak Tik B, Long Lobang and Long Medamut. Penan ethnic group in Kubaan live in the forest which is a journey of two days walking in the jungle by using the ordinary speed from Bario to Kampung Pak Tik B. Bario is a small town which can be assessed by land vehicle to other area. There are seven houses in Kampung Pak Tik B, two of which were vacant as the owners of the house have migrated to another place. Economic activities are not so obvious and

the villagers engage in daily activities like picking vegetable and cooking for their lunch and dinner.

Previously, Penans ethnic groups are largely known as nomadic people. In 1970, there were 13,000 nomadic Penans ethnic groups living in the forest especially in the northern part of Sarawak. They move from one place to another to find food. In the early 1990s, only an estimated 350 Penan ethnic practised nomadic lifestyle. In twenty years' time, couple of thousand Penans ethnic groups has transformed their lifestyle from nomadic to being settled or semi-settled in up-river villages. The Penans' activities are farming rice, banana and tapioca as well as

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hunting-gatherer for food (Jeffrey, 2015).

Problem statement

The villagers tend to stay at home rather than going out to look for cash. They appear different compared to other town areas with people who are struggling to survive. Workers in Malaysia are working 15 hours extra than workers in Hong Kong, Australia and Singapore in a week looking for cash (Astro, 2018). This study aims to find out the reason why Penan ethnic group in Kubaan do not fancy going for work looking for cash, in contradiction to Malaysian labor in general. In this context, according to Dewan Bahasa dan Pustaka Malaysia (2019) work means acting as employee, employer or an entrepreneur.

Objective

The objective of this research is to find out the reason on the refusal of Penan ethnic group in Kubaan to enter labour market.

LITERATURE REVIEW

The Penan ethnic group in Sarawak consists of two main groups: The Eastern Penan and the Western Penan. In the Eastern Penan, the Penan ethnic group population in Baram Forest is less than 10 people per square kilometer (Sercombe, 2010). According to James (1994), Penan ethnic group was claimed as low hierarchy ethnics in human civilization, eat without cooking, lives in tree and were being hunted by another tribe by James Brook in Brooks administration.

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Previously, as nomadic people, Penan ethnic group builds basic structures that resemble a makeshift hut which is used from a few weeks or some months until their food supply around the area runs dry especially the wild sago palm which is their staple diet (Journey Malaysia, N.D).

Economics activities among the ethnic group in the same villages are merely none. Once a week or once in a fortnight, they go for hunting in the forest in groups, only for food in the forest such as, big snakes, wild pigs, monitor lizards, monkeys and mousedeer. The hunting tools are blowpipes, equipped with poisoned darts and spears. Some of them use firearms to hunt but it is not popular since the loud sound scares other animals in the jungle. The products of hunting activities are divided equally among them. According to this ethnic group, the hunting activity is essential and is done only for the purpose of obtaining food (Fact and details, n.d).

Malaysian government is trying very hard to improve the Penans ethnic group in term of their economic ability. The Penans' refusal of settling down in a specific area becomes a huge constrain. The nomadic lifestyle practiced by the ethnic group causes the Malaysian government to face difficulties in delivering assistance to them. Support and aids such as foods, medication and education are difficult to deliver (Bernama, 2009).

Malaysian government has been contributing financially to build houses for Penan ethnic group. These include the Long Urun long house and Long Tegulang long house in Belaga District. In this area, Malaysian government has built wooden long house using painted sawed plank along with electricity and fresh water supply. Roofing are made with corrugated steel sheet. Proper road has been provided from the existing main road to this long house. Online news reported that Malaysian government has spent around RM2 million to provide long houses and generator for electricity power supply for the Penans in Belulok Chen, District of Mulu Sarawak (BorneoPost, 2016). Nowadays, Penan lifestyle has changed. Most of them are staying permanently in the village, in contrast to their previous nomadic lifestyle (Malaysiakini, 2010).

At the same time, some even built their own house. For instant, the Penan ethnic group in Long Leng of Baram District built their long house without any subsidiary from the Malaysian government. Long Leng long house was built by using modern concept with concrete as the structure. Long Leng long house has been occupied with electricity supply, telephone line and fresh water supply (Utusan Borneo Online, 2016). Besides, Malaysia government has introduced adult classes to Penan ethnic group for free. In addition, the adult students are given lost income allowance, food allowance, dress allowance, books and learning tools, health allowance and visiting package allowance (Ministry of Education, n.d). The class aims to teach the adult students on basic reading and writing skills and at the same time to reduce illiteracy among the Penan ethnic group.

Finding by Jobstreet.com (2018) concluded that 58% of Malaysian workers feel happy in their workplace. These are due to comfortable workplace as well as great reputation among colleagues and employers.

It can be concluded that the Malaysian government has tried various ways to help the Penan ethnic group in improving their standard of living. Unfortunately, the Penan ethnic group in the research area is not willing to go out of their village to find jobs which has been done by majority of the Malaysians.

Table 1. Respondent's feedback

	Rank 1	Rank 2	Rank 3	Rank 4	Rank 5
Respondent A	1	4	3	2	6
Respondent B	6	2	4	7	1
Respondent C	2	4	6	7	3
Respondent D	1	2	5	4	7
Respondent E	3	2	6	5	1

METHODOLOGY

This study was conducted at Kampung Pak Tik B, Kubaan, in Bario District, Sarawak, Malaysia. Malaysia is located at the South-East of Asia with the population of 27 million people. To get to Kampung Pak Tik from Kuala Lumpur which is the capital of Malaysia, researcher took a flight to Miri town. From Miri town researcher took another flight called twin otter containing 16 seater to small town called Bario. From Barrio, researcher takes a walk in the canopy rainforest guided by one of Penan people for two days to reach this village. Data was collected through interview and the use of questionnaire. The entire five heads of the family at Kampung Pak Tik B were chosen as the sample. Semi-structured interview was conducted to achieve the study objectives. Two session of interviewed was done. In the first session, samples are required to come out with the need if he/she has huge number of cash in hand. In this session, samples were asked to list down three things on cash that he/she is going to spend. Sample is also required to state how he/she will get money to fulfill his/her needs. In the second session, the samples were given a set of questionnaires and asked to rank the factor that causes his/her refusal of going out from the jungle to get a better life, economically and socially. Other information consists of the age of respondent, the number of family member, educational background, the ability to speak/write in Malay language and the frequency of his/her journey to the nearest town.

The interview was done in Malay language as the national language of Malaysia. Unfortunately, some of them were not able to speak in Malay fluently. To overcome this situation, the head of villagers became a translator. The interview was done in three sessions. The first session aims to identify the sample's need and that of his/her family. The second involves the factors that influence the respondents' refusal to go out from their existing location to get a better life and obtain their needs. In this session, seven factors were obtained from the discussion. Thirdly, the respondents were requested to rank the factors from major to minor, regarding the influence on their refusal of migrating to another place and achieve his/her ambition. Here, samples were interviewed one by one accompanied by the head of the villager. The data collection sessions took two hours to complete. The data were analyzed by calculating the higher ranks to the lower ranks. The first rank was multiplied by 5, the second was by 4, third was by 3, fourth was by 2, and the last was multiplied by 1 for every respondent. The accumulated score by each factor was sorted with the higher ranking showing the main factor of the Penans ethnic group' refusal to go out from the existing kampung to achieve their ambition.

FINDINGS

Based on the findings from the first session, it can be concluded that the Penans ethnic group in Kampung Pak Tik B wanted a comfortable life. They desired the following:

1. House complete with all the facilities and electrical equipment,
2. Vehicle,
3. Vacation.

The answer on how to get cash is as follows:

1. Get job in town (six samples)
2. Sell as many hunting animal as he/she can (one sample)

In the second session, respondents gave their reasons for the refusal to go out and achieve their ambition. These include:

1. I want to stay in my village
Saya mahu tinggal di kampung saya
2. I am unable to speak/write in the Malay language fluently
Saya tidak boleh berbahasa Melayu dengan lancar
3. I feel uncomfortable to live in urban environment
Saya merasa tidak selesa tinggal di persekitaran bandar
4. Jobs offers do not suit me
Kerja yang ditawarkan tidak sesuai dengan saya
5. I don't want to be an employee
Saya tidak mahu menjadi pekerja kepada orang lain
6. The income is not enough to survive in urban area.
Pendapatan tidak mencukupi untuk kelangsungan hidup di bandar
7. I face difficulty to find food in urban area.
Saya menghadapi kesukaran untuk mendapatkan makanan di bandar.

The third session's results, which include ranking of the factors that influence the Penan ethnic group in Kampung Pak Tik refusal to go out from their existing village and obtain their needs, are shown in Table 1.

Data analysis

The data analyses are given in Table 2.

DISCUSSION

The Penan ethnic group in Kampung Pak Tik uses the

Table 2. Data analysis

	Rank1	Rank2	Rank3	Rank4	Rank5	Total	Ranking
Reason 1	2×5=10				2×1=2	12	3/4
Reason 2	1×5=5	3×4=12		1×2=2		19	1
Reason 3	1×5=5		1×3=3		1×1=1	9	5
Reason 4		2×4=8	1×3=3	1×2=2		13	2
Reason 5			1×3=3	1×2=2		5	6/7
Reason 6	1×5=5		2×3=6		1×1=1	12	3/4
Reason 7				2×2=4	1×1=1	5	6/7

Penan language in their daily communication. Based on the researcher's observation, most of them cannot speak Malay language fluently. During the data collection, the head of villagers assisted as a translator for the researcher. One of the factors which cause their inability to speak or write in Malay fluently is the low educational level of the respondents (the highest among the respondents is the Standard 6 primary school).

The second reason is the samples' presumption that he/she is not suitable to live in the urban area. Traditionally, Penan ethnic group in the research area live deep in the jungle where they are as free as possible from noise pollution due to traffic. Furthermore, the village life is very different from that of urban areas which is full of vehicles, with some premises gated, guarded and prohibited from strangers. It is due to the contradiction of his/her nature life and urban life.

The third factor is the Penans' strong desire to stay in the village. Meanwhile, the fourth reason is that the sample respondents presume that the income at urban area will not be enough for their daily needs. The score for the third and fourth reason is the same, indicating that the two factors are related to one another. The sample remained in the existing kampong due to the presumed inability of income in urban area to fulfil his/her daily needs. According to the sample, it makes sense to stay in the village as one may not need to pay the house rental, electricity and water bill. Furthermore, ample food such as vegetable and fish can be freely found in the surrounding area.

Fifth, the job in urban area is not suitable for him/her. This response is in relation to the sample's educational background. The sixth reason is that he/she is not willing to work for other people; but is accustomed to working for him/herself daily. Lastly, it is very hard to find food in urban area unlike in the village where they can easily find food for free.

Conclusion

To boost their ability to speak the Malay language, the government needs to take into their consideration regarding the confidence level in using the Malay language among the Penan ethnic group. The Penans' Relocation and Affairs division, under the State Planning Unit, Sarawak has to come up with a solution to overcome the challenges in speaking and writing among the Penan ethnic group. Penan ethnic group presume that they are unable to stay and work in urban area due to economic factors. In order to help the Penan ethnic group in Kubaan to increase their quality of life economically and socially, something must be done by the government and non-governmental organisations, such as giving skills and business capital to these ethnics group for example raising fish for commercial, plantation in agriculture field.

Effort from a few private sectors such as Sarawak Energy, who organised an adult class called Kelas Dewasa Penan (KEDAP) to enhance the reading ability among the Penans ethnic group in 2014, did not totally reach its objectives. Continuous commitment must be made to increase the Penans ethnic group ability to speak, read and write.

The ability in communication by using Malay language is a must for each and every Malaysian citizen due to Malay language is a national language. Failure to do so results in failure of Malaysian government's effort in uniting the citizen in language aspect.

Concerted efforts must be made by all parties to increase the quality of the Penans ethnic's life socially and economically. Hopefully, this will make the Penans ethnic group lead a better life, especially in the economic, social and cultural aspects, thus enhancing their contribution to the wellbeing of the nation.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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State regulation of religion in Uganda: Fears and dilemmas of born-again churches

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Since 2016 when the government of Uganda announced its intention to enact a policy about regulating religions and faith-based organizations, there have been contrasting responses from those this policy intends to regulate. The mainstream religious groups especially; the Moslem community, Anglican Church of Uganda, the Seventh-Day Adventist Church, Roman Catholic Church, Greek Orthodox church and generally all those that subscribe to the Inter-Religious Council of Uganda have welcomed the State's proposal. On the other hand, the proposal has met both stiff and liberal minded resistance from both the born-again churches and relatively newly founded religious faiths and groups. This is partly so due to the historical relationship between the State and Religious institutions which has been characterized by uncertainty at one time, and flowering at another. The contemptuous attitude of the born-again church towards the State's proposed religious and faith based organisations policy (RFBOs) calls for renewed interest in analysing church-state relations in Uganda. Using the institutional approach, this paper analyses the historical relationship that has subsisted between the state and religious institutions in Uganda, over the years, showing how this influences reaction of religious institutions to a State's attempt to provide a regulatory framework over them.

Key words: Born again, registration, regulation, religious policy, faith based organisations.

INTRODUCTION

The relationship between the state and religious institutions has over the years been that of unpredictability. The state wishes to have its power felt over its citizens by having a regulatory system that monitors their activities. On the other hand, religions and religious institutions wish to enjoy absolute right to freedom of worship by rejecting state control. The claim is that any state control through regulation hinders their freedom of worship and choice inherently given by God and guaranteed by International Human Rights regimes (Kyazze, 2017). However, Parsitau (2017), argues that religious clergy, including rogue ones have exploited

prevailing legal and policy framework to avoid being held accountable for even issues that surround management of religious institutions. It is however, the responsibility of a state to fill up such policy and legal vacuum, whenever discovered. Regulation of religions and religious institutions manifest in states' enactment of laws and policies for guiding and monitoring of these entities. Religious regulation has always been a contested arena, pitying the state against religions. This uneasy relationship between the state and religious institutions vary between states and over time. With the proliferation of religions in Uganda, especially, born again churches,

the state has raised a need to have a specific and separate policy framework for religions and faith based organisations (RFBOs). However, there has emerged two born-again churches' blocks, opposed to each other with regard to the new policy. One group led by Dr Joseph Serwadda of the Victory Church-Ndeeba, under the Born-Again faith (BAF) and another group under the auspices of the National Fellowship of Born Again and Pentecostal churches (NFBPC), led by Pastor Joshua Lwere. This division is defined by one's stand towards the policy. Pastors belonging to BAF not only support but have also vigorously been promoting the idea of a regulatory framework over the born-again churches. Contrariwise NFBPC are against state regulation. This has arisen over a long-standing disagreement among born again church pastors belonging to either rival groups over the vision and leadership of the born-again church in the country. Because of these differences, a meaningful engagement with the state on the other hand has been elusive. In the wake of conflict among born again churches over the proposed policy, the article attempts to provide a historical context of state regulation of religion in Uganda, analysing whether or not state regulation of religions is a new phenomenon, that should be a surprise to religious entrepreneurs and consumers in the country. The article also analyses the points of contention between the different religious groups with regard to the proposed policy. Above all, the article analyses the skepticism with which born-again churches have resented the policy, characterising it a scheme intended to stifle the growth of the born-again church. To systematically address the above issues, the article is presented in sections. The first section deals with the methodological approach of institutional theory, which has been used as the basis of analysis of religious organisations. The second section presents the phenomenon of 'born again' church in Uganda's context. This is followed by a historical analysis of state regulation of religions and faiths in Uganda, indicating the challenge of resistance to regulation but also employment of state legislation as a tool to suffocate religious entities. Whereas the article is specific on Uganda, comparison of state regulation in other African countries is made over the years. Finally, the article analyses the salient issues in the proposed policy, along with the contentious issues in it that make born gain churches to discuss it contemptuously.

METHODOLOGY

This study is embedded in religion-state studies. In this approach, the relationship of religions and religious institutions on one hand and the state on the other hand is explored, leading to understanding of the interplay of religion and politics at the institutional level. The best way to study church-state interactions are when both the church and government are analysed as separate institutions, but whose activities affect each other (Odiemo, 2016, p. 29). This approach translates into what is called institutional analysis. Institutional analysis is concerned with the organisational expression of religion. Institutional analysis helps in

establishing the challenge of religion-state relationship (Niringiye, 2016, p. 4). Lammers et al. (2014, p. 195) argue for the church and state as the dominant institutions with an enduring social phenomenon, necessitating a self-reproducing social order. Institutional theory is perhaps the dominant approach to understanding organisations (Greenwood et al., 2008, p. 2; Tracey et al., 2014). This theory prescribes that organisations are influenced by their institutional context, that is, by widespread social understandings that define what it means to be rational. The institutional context means the rules, norms and ideologies of the wider society (Greenwood et al., 2008, p. 3). In this case, religions and religious institutions are concerned because laws and policies made by the state may affect their religious freedoms and activities. At the same time, religious ideologies, beliefs and doctrines either imposed or taught and expected of religious adherents largely impact on the attitudes of the citizens towards the government. This makes governments to have interest in the management of such religious ideologies and activities to have the citizens governable. Organisations like religions and faith-based organisations become isomorphic with their institutional context (in this case, laws and policies made by governments) in order to secure societal approval (legitimacy) which provides survival benefits (Greenwood et al., 2008, p. 6). The long-standing agitation by born again churches in Uganda to secure legal recognition as 'faiths' and not non-governmental organisations (NGOs) is in effect an attempt to secure perpetual existence as it is with the traditional religions. It therefore becomes important and necessary for religious and faith-based organisations to interest themselves in such laws and policies made by the state lest bad laws and policies may be passed that make it difficult for them to operate.

Institutional theory is concerned with a wide range of phenomena; including investigation of specific policies of both government and organisations (Tolbert and Zucker, 1996, p. 169). Institutional theory therefore seeks to explain the elaboration of rules and requirements to which organisations must conform if they are to receive support and legitimacy. The contestations over the proposed religious and faith-based organisations (RFBOs) policy by the born-again churches in Uganda, is an attempt to ensure that they operate in a favourable institutional context. In their attempt to seek for state recognition, McGinnis (2011, p. 5) has analysed how religious organizations face challenges of collective action and as a consequence they experience a similarly mixed record of positive and negative results. Attempts by born again churches in Uganda, to collectively seek for state recognition is testimony of the challenges highlighted above. But at the same time, the apparent disagreements among born again churches over the proposed policy explains the difficulties available in a situation when born-again Christians need a collective voice. McGinnis, therefore, proposes a critical analysis of religion's implications for public policy. This becomes a basis upon which policymakers act to shape the choices made by religious entrepreneurs. This is the essence of religion policy: the use of policy instruments or tools to encourage religious leaders or followers to engage in activities that contribute to the goals of the relevant policymakers, either directly or indirectly. In order to attain grasp of the issues under contention about the policy, the author of this study held interviews with the key players in the development of the policy. These included state officials from the Directorate of Ethics and Integrity (DEI), with the mandate to oversee religious institutions in the country. The Religious and Faith based organisations (RFBOs) policy has also been drafted by this directorate. The author also interviewed born again church leaders in favour and against the proposed policy. These belong to the Born-again faith (BAF), and the National fellowship of born again and Pentecostal churches (NFBPC) respectively. Key personalities from the traditional religions belonging to the inter-religious council of Uganda were also interviewed. Moreover, the study also relied on newspaper reports about this policy because vigorous debate about the proposed policy has been dominant in the newspapers

with several articles published in local newspapers. The author's interest was to establish the reasons for the divergent attitudes towards the proposed policy. Consequently, the discussions presented in this paper draws from an empirical analysis of Ugandan born-again churches that play particular attention on their institutional and public behavior.

THE BORN-AGAIN CHURCH (BAC) IN UGANDA

The concept of 'born-again' is commonly used in Uganda. In other countries the terms 'evangelical' and 'pentecostal' are used. 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 other mainstream churches or religions. Born again Christians usually have a story to tell about an unfulfilling life they had in the mainstream churches or religions before they converted to the new churches-called the born-again churches. Whereas there exist numerous Pentecostal churches in Uganda, the author uses the term 'Born Again churches' to refer to those Pentecostal churches that have been established beginning in the 1980s to the present. These are built around cult like pastors, usually with their married partners as the bearers of the church. The organisation structure of these churches is embedded in the founder, who is the senior pastor. A selected group of other church leaders will depend on the whims of the senior pastor and for which objectives he wants fulfilled. Such leaders however, hold no much power and authority to take decisions, however minor they may be. Therefore, just like in other parts of Sub-Saharan Africa, born again churches are private properties co-owned by spouses, making them personal property (Parsitau, 2017, p. 244). This usually breeds conflicts of ownership between followers and relatives of the church owners upon the demise of the church founders. The proposed demand in the policy to register these churches will turn them into community churches, with their properties and resources simply held in trusteeship.

Born again churches in Uganda's context are to be distinguished from other Pentecostal churches established earlier than 1980, and those that had taken root in Uganda's religious field. These include, Deliverance church, Makerere Full gospel church, Baptist church, Salvation Army, Redeemed church, Assemblies of God, and Elim church. Different from the more established Pentecostal churches before 1980, contemporary born-again churches lack hierarchical and administrative structures (Bremner, 2013, p. 13; Downie, 2015, p. 54). The major difference between earlier Pentecostal churches and those emerging during the 1980s to present is that the former adopted some level of 'formalities' typical in the Anglican and Roman Catholic churches; which were to be reformed. For example, they have functional 'councils of elders' that manage the

churches rather than individual pastors. This category of Pentecostal churches has a liberal minded attitude towards the proposed religious and faith-based organisations' policy. It is not surprising that contemporary born again churches in question have voiced strong objection to the proposed policy because it would compel them to have streamlined structural organisations, differently from their philosophy of church organisation.

Born Again churches have strong emphasis on speaking in tongues, experience of the Holy Spirit, performance of miracles and divine inspired socio-economic deliverance. On the other hand, the classical Pentecostal churches like those mentioned previously, are more ascetic and less charismatic in their worship; with less excitement and little regard to the prosperity gospel, which encourages accumulation of material wealth (Bremner, 2013, pp. 12-13). Essentially, the title 'charismatic' is used in reference to born again churches, to distinguish them from the churches of established Pentecostal denominations like the Assemblies of God (Gifford, 1994, p. 241). Contemporary born again churches promote a prosperity gospel, with emphasis on 'sowing a seed' into the church if one is to experience socio-economic transformation (Bompani, 2018, p. 304). The 'sowing of seed' syndrome has turned pastors of these churches into wealthy and financial moguls, at the expense of their congregations. Therefore, such pastors would be the last group to accommodate a policy that seeks to take away their individual power and authority over church finances, to be vested in committees, with modern accounting systems, tenable to financial audits. The sermons are full of hope for the believers and less condemnation of their personal transgressions. Born Again churches in Uganda, share one more common factor, that all misfortunes, societal and personal failures in all areas of life are a result of witchcraft and demons, which require to be exorcised, to restore harmony. To them, cancer as well as poverty need to be dealt with through exorcism of the demons that cause them. This is what Bompani (2018) describes as 'spiritual warfare'.

Born Again Christians are locally called *Balokole*. This is a general term applied to all categories of Pentecostal-charismatic Christians in Uganda. The various Pentecostal umbrella groups like BAF and NFBPC interchangeably use the terms 'born again' and *Balokole* (Valois, 2014, p. 65). However, in the strictest sense, the term *Balokole* refers to Christian communities that emerged out of the East African Revival Movement of the 1930s, and these continue to align themselves to the Anglican Church of Uganda. The *Balokole* of the East African Revival Movement, distance themselves from the connotation of Pentecostal (Bompani, 2018, p. 304). But because Pentecostal Christians have dominated public religious space while the original *Balokole* have subtle activities, as they continue to align and operate under the structures and institutions of Anglican Church of Uganda, the terminology is now more popularly associated with

Pentecostal Christians than the Church of Uganda revivalists. In current, everyday usage, for the original *Balokole*, to be identified as such, have to labour explain their identity as the '*Balokole* of Church of Uganda' or more specifically identify themselves as '*Bazukufu'*. The term *Bazukufu* refers to the remnants of the *Balokole* from the East African Revival Movement. They continue to worship in the Anglican church of Uganda, and they are very committed to all activities of this church, but also meet privately at a place called Kawempe, north of Kampala city.

Born Again Christians in Uganda rarely use the term 'Pentecostal', in preference to 'born again' or '*Balokole'*. They claim that 'Pentecostalism' portray the 'religiosity', common in traditional churches. Pastors and Christians belonging to these churches hold a feeling that being tagged 'Pentecostal' portray a semblance of the 'life and traditions' of the mainstream churches of Anglican church and Roman catholic church, which they seek to reform.

HISTORICAL BACKGROUND TO REGULATING RELIGIONS AND FAITHS IN UGANDA

Uganda is a pluralistic religious country, and this is inbuilt in the 1995 constitution (Knighton, 2015, p. 426). Before Islam and Christianity were introduced in Buganda in 1844 and 1877, respectively, there was belief in a multiplicity of gods, with a supreme god called *Lubaale*. Traditional religious beliefs controlled the socio-cultural, economic and political life of the people. Religious beliefs determined and controlled politics. Traditional religious leaders like diviners and priests were such a powerful force to reckon with, that kings had to ensure that they were in good terms with them, lest they lose their political offices. Diviners were the kingmakers and without their authority, elected or appointed kings would not assume office. Consecration to the political throne was the reserve of the diviners and priests. Rules in form of norms and cultural values emerged from traditional religious beliefs, which controlled society and politics. Traditional religious practices and symbols were part of well-established states like the Buganda kingdom. The king had no powers to dictate in what forms should the people express their religiosity to the gods, neither could they determine to the diviners or priests the amount of sacrifices that were acceptable from the people. The political leaders of the kingdom occupied a relatively high hierarchy in the religious setting of society. The Kings and their subordinates accepted the voices of the gods without disputation (Niringiye, 2016). This was the norm even among stateless societies of old Africa, where village chiefs or councils of elders were responsible for the routine administration of government. Real public authority actually lay with ritual experts who mediated between the visible and invisible worlds (Ellis and Haar, 1998, p. 188; Isiko, 2019, pp.83-84).

Therefore, State interference in religious expression was unheard of. There was no uneasiness between the political institutions with African religions. Islam being the first foreign religion to be introduced in Buganda, it enjoyed a harmonious relationship with the Buganda kingdom until the 1870s when Muslims questioned the leadership of King Mutesa 1. The king thereafter imposed restrictions on Islam including execution of some Muslim converts (Twaddle, 1972, p. 59). State control and regulation over traditional religious beliefs and practices in Buganda began with the British colonial period. In 1912, the colonial government passed a witchcraft ordinance, which was revised in 1957 as the witchcraft law (Isiko, 2018, p. 148). This law was an attack on the basic beliefs and practices of the traditional religions of Ugandan societies. The Colonial government's rationale was to outlaw witchcraft, but the details of the law indicated a total ban of people's traditional religious beliefs. Legislation against traditional religious beliefs by the British was instigated by the Christian missionaries, who could not stand competition with religious beliefs they called satanic. Colonial policy to legislate against societies' traditional religions classifying them as mere witchcraft was intended to 'vulgarize' people's religious beliefs as the 'other', in the presence of Christianity-the colonial religion. However, the failure to enforce the witchcraft laws in Uganda at the time points to the irrationality with which the legislation was introduced. The dilemma was that since the British government used indirect form of government in Uganda, they had to rely on local chiefs and kings to enforce this regulation. Yet these local leaders were the chief custodians of the traditional religions of their societies (Pels, 1998, p. 200; Isiko, 2018, p. 149). However, the intention of colonial state regulation on formal religious issues, was intended to check on religious development (Fox and Tabory, 2008, p. 246).

To underscore the importance of state regulation of religions, there is need to look at perspectives brought forward by Carter (1993) and McGinnis (2011). These two authors agree that religions are in effect independent centers of power, with bona fide claims on the allegiance of their members, claims that exist alongside, are not identical to, and will sometimes trump the claims to obedience that the state makes. A religion speaks to its members in a voice different from that of the state, and when the voice moves the faithful to action, a religion may act as a counterweight to the authority of the state. A religion, in this picture, is not simply a means for understanding one's self, or even of contemplating the nature of the universe, or existence, or of anything else. A religion is, at its heart, a way of denying the authority of the rest of the world. The struggle for citizens' allegiance between the state and religious organisations has been well articulated by Nsereko (1986):

The state no longer enjoys monopoly of citizens'

allegiance; it shares citizens' allegiance with organized religion or the church. The state, at times, resents this fact, particularly when it views the church as being inspired or led by foreign influences and as hostile to its ideology or socio politico-economic order. The state may also resent the fact that once implanted, religious beliefs are hard to uproot (p. 269).

Governments' fear is that such foreign influenced and organised religions can lead to religious activism, violence and militancy, bringing about religious anarchy in the country. The above statements further attest to the strong social and political force that religion holds in Kenya, as it demonstrated utmost ability and capacity to mobilise the citizens during the 2010 constitutional review process. This was so because of the support that came from the United States evangelicals towards the Kenyan Pentecostal churches towards opposition of the new constitution (Parsitau, 2017, p. 253). The Ethiopian government is another example that came up with laws to tame evangelicals and Muslims influenced by foreign entities, for fear of religious extremism (Abbink, 2014a, p. 350). Further, Sperber and Hern (2018, p. 831), in their analysis of the born-again churches' involvement in the political participation in Zambia, reveal the relevance of the born-again Christians in influencing political change wherever they are. They are thought to hold religious views that have a strong bearing on the society's political direction, including influencing policy preferences. In Uganda, born again pastors hold great sway over their congregations, occasionally determining to their followers, who they should vote or not for political offices (Downie, 2015, 54). Organised religion can take on a political role, as it has capacity to rally believers around itself and voice legitimate demands to the state. It can become the fulcrum around which community power can be built to threaten the authority of the state. With specific reference to several African countries, Christianity has become a public and political voice, for the voiceless citizens, influencing their demands towards governments (Bompani, 2018, p. 304). And in Uganda, religious leaders have had greater leverage than other groups in voicing criticism against those in power (Downie, 2015, p. 49). This demonstrates how organised religion can transform itself in a competing force, necessitating governments to come up with regulations to constrain it (Barro and McCleary, 2005, p. 1344). This indicates how religion shapes itself into a competitor to state actors by becoming an alternative to politics (Abbink, 2014a, p. 357). Therefore, the ideology that state regulation of religions and faith-based institutions is one way of taming the unlimited locus that religions have on the people holds for the now popular policies about FBOs across the world. Religion through doctrines, beliefs and practices has the capacity to control its followers into blind acceptance. When this happens, the state then loses its absolute ability to have everyone under its authority. The

state then resorts to legislate religions so as to bring them under its absolute control and authority. Waller (2003, p. 244) and Isiko (2018, p. 150) have argued that the British colonials' legislation, which indeed vulgarized African traditional religions as witchcraft was premised on the fact that African traditional religions were a powerful force and controlled by native customary hands like the Kings and Diviners, who were feared to utilize their influence over the natives through religion to challenge colonial rule. Therefore, state legislation serves to remind and signal to such powerful non-state actors like religions and faith-based organizations of the repressive nature of the state should they attempt to challenge its authority.

Colonial state control of Islam and Christianity was not any different. The colonial government kept a close eye on the activities of these foreign religions. Special interest is taken in Christianity as a case study. Colonial government interaction with the church in the 1890s reveals that state regulation of religions in Uganda is not a new phenomenon (Hansen, 1986, p. 57; Hackett, 2011, p. 863). Although the Christian missions had arrived in Uganda much earlier than the British colonialists, and were well established, this did not deter the colonial state from having controls over the church. By 1894, the Christian church had to seek permission from the state to begin work in any new area. The church was under full state superintendence (Hansen, 1986, p. 58). The colonial state came up with policies that regulated church's acquisition and utilization of land (Hansen, 1986, p. 60). The state regulated taxes that were paid to the church in form of land rent. It has all the years been the state's attempt to protect her citizens from exploitation by religious institutions and the church in particular. For example, by 1917 the government refused to grant the church sovereignty over the land with tenants as this would bring alienation of the tenants in future. The intention of the colonial state to regulate church ownership of land was to curtail it from transforming itself into an economic force in society, which would rival the authority of the state. Fast forward, the current State proposal to coerce FBOs to declare their sources of wealth and demand for accountability and transparency, in one way portrays the fears of government of the churches' increasing financial capacity through donations and followers' contributions which might undermine authority of the state as the big brother. The intention of the state has been at all times to ensure that all institutions within its jurisdiction do not solicit or engage in activities that might undermine its power over them.

The born-again churches' demand for recognition as a faith in the current political dispensation is different from what happened in the colonial period. Although the Church was fighting for independence from the colonial state, there is a difference from the contemporary Evangelical search for legal and public recognition in the present case. The colonial church was legitimate and recognized by the state but wished to be free from

colonial political domination. The church unsuccessfully demanded to be an equal legitimate actor with the colonial state, spelling out which rights and privileges the church had to enjoy within the state (Hansen, 1986, p. 64). It is a contradiction that whereas in 1925 the church was challenging the state to grant it independence through an ordinance; defining its powers over its own members and its relations with the government; the church today is challenging the state to grant it basic freedoms of worship. The born-again churches today are neither legally recognized as churches nor does the state has control over them, in their right as spiritual entities but NGOs and private limited companies (Hansen, 1986, p. 66; Kyazze, 2017; Kabuleta, 2017; Kirunda, 2017). The colonial church was therefore not only recognized but also regulated by the state.

In the early 1950s and 60s, registration was not a condition precedent for the operation of religious and faith-based organizations in Uganda. The primary focus at the time centered upon the level of organization of such religious groups. State recognition was accorded to what are referred to as the traditional religions. These included the Roman Catholic Church, the Anglican church (Church of Uganda), the Greek Orthodox Church, the Seventh Day Adventists (SDA) and Islam. These religions were characterized by clear and well-established hierarchical structures with a central management and branches bound by a set of rules and regulations. In the 1960s through early 1970s, new religious organizations known as Born-again Churches (BAC) consisting of among others Pentecostals and Evangelicals witnessed increasing growth in terms of numbers and societal influence. These developments influenced state's attitude towards RFBOs (Wamimbi, 2010, p. 2). This could be the basis upon which the proposed policy acknowledges the multiplicity of RFBOs and the attendant disharmony that exists amongst them. It has been articulated by Fox and Tabory (2008, p. 246) that in such circumstances of religious pluralism and disharmony, state regulation is used as an indirect check to such religious competition.

LEGISLATING RELIGIONS UNDER PRESIDENT IDI AMIN ERA

In 1971, Uganda witnessed the takeover of Idi Amin as President in a military coup against Milton Obote. In 1973 and 1977 Amin outlawed all churches except the Anglican Church of Uganda, the Catholic Church, and the Orthodox Church (Knighton, 2015, p. 429). The SDA church and all Pentecostal churches were banned by presidential decree (Ward, 1991; Bompani, 2016). Some of the Pentecostal churches that were outlawed included Salvation army, Wandegeya; the Uganda Baptist Mission, Jinja; The Uganda Gospel Mission, Makerere; Deliverance church; The Uganda Association of

Evangelicals; The Redeemed Church of Christ; The Full Gospel Church of Kenya which operated in Kampala at that time, among others. Pentecostal churches were in limbo until the overthrow of the Amin government in 1979. There were no protests against the presidential decree, especially from the affected churches, with the exception of pleas against the decree coming from both the Anglican and Roman Catholic Church (Pirouet, 1980, p. 24). Barbara Bompani argues that President Amin's action was influenced by the fear that he held against churches as centers of opposition to his rule (2016, p. 3). Indeed, religions are described as the best instrument through which mobilisation of people can be made under the guise of its spiritual and divine authority. States have to devise mechanisms of how such mobilisation instruments can be controlled because if left unattended to, they can bring about dire consequences for public order, making society ungovernable (Abbink, 2014b, p. 92). Born again churches were put in limbo, without disputation because they were a minority without a political voice. They did not have any influence in the politics at the time. Therefore, the suspicion held by today's religious institutions towards state regulation over them is justified because over the years, such regulation has intended to fulfill purposes of the politicians rather than making them better entities. Whereas born-again churches experienced revival after Amin, they did not gain visibility and state recognition until the National Resistance Movement (NRM) and President Museveni came to power in 1986.

NATIONAL RESISTANCE MOVEMENT AND THE RESURGENCE OF BORN-AGAIN FAITH

At the onset of the NRM government in 1986, President Yoweri Museveni practiced religious neutrality but at the same time condemning those who held religious segregative ideologies as parochial. The President's attitude led to notable changes in Uganda's religious field. Dismantling of multiparty politics weakened the old church-affiliated parties, while increased religious freedom led to a proliferation of Pentecostal-charismatic churches (Alava and Ssentongo, 2016, p. 681). Scholars like Bompani (2016) and Gifford (1998) have portrayed the rise of the born-again churches in Uganda as synonymous with the rise and consolidation of the Museveni regime. Some of the born-again churches were indigenous while others have American influences (Ward, 1991). For the latter, you may be convinced that through them there is a re-evangelization of Uganda by Americans.

The secularity of the 1995 constitution and the absence of a particular religious commitment by Museveni have been factors in the proliferation of new churches including cultic groups (Knighton, 2015, p. 426). The president's wife, Janet Museveni has personal friendship with some

of the big names in the Pentecostal circles and seems to have been the link of the born-again churches' love with the president and his NRM government. She is credited for cultivating the country's growing neo-Pentecostalist constituency (Ward, 1991). The country has therefore, witnessed the upsurge of new churches along with charitable faith-based organisations. Both local and foreign faith-based NGOs are littered all over the country. These have taken advantage of the financial support for NGOs from both the US government and Uganda, in the areas of HIV/Aids prevention (Hofer, 2003, p. 394). Museveni seems to be happy and comfortable with the born-again churches, as they have helped the state to police the minds of Ugandans. Indeed, Alava and Ssentongo (2016) acknowledge that the religious and political landscape has become largely pentecostalised, as born-again pastors have helped the government to keep citizens away from being critical of the Museveni government. This attitude of the born-again Christian pastors has been evident in other countries like Brazil, Liberia, and Zambia where they have turned themselves into political clientele of the reigning governments (Bremner, 2013, p. 196; Sperber and Hern, 2018).

Born-again churches had kept a low profile in Ugandan politics (Bompani, 2016, p. 3). These, however, have become very prominent in the recent past, especially from 2006 when Uganda had the first multiparty general elections in 26 years. They have become a big force in influencing the outcome of presidential elections in the country. They have kept a political leaning towards President Museveni and the NRM political party. The president himself has found born-again church leaders and their churches as suitable avenues to communicate to the nation on religious holidays (Hofer, 2003, p. 393). Born-again pastors with large followings have caught the attention of the president and also attracted state funding and presidential visits (Alava and Ssentongo, 2016, p. 681).

Sperber and Hern (2018) have elaborated on the outright support given to the politicians of the day by the born-again pastors. Their argument is that born-again pastors along with their followers do not subscribe to the liberal political ideology which distinguishes the 'personal' from the 'political'. Their unequivocal support for the regime of the day is part of their survival strategy in an uncertain political environment. This has sometimes become a source of contention among born-again church pastors as they struggle to win presidential favours. To Downie (2015, p. 57), religious groups trade their cooperation with the state for access, influence, as well as material resources. They trade their support for privileges and business. In this regard, some pastors have prophesied about Museveni as being 'God sent', while others have on the eve of every presidential election prophesied his

victory (Nakagwa, 2006; Kirunda, 2018; Ruteikara, 2006). The pastors have admonished their followers to vote the candidate that restored the born-again faith in the country. The born-again vocal support for President Museveni is premised on the belief that the president can advance their religious faith in the prevailing political space by espousing transformative religious changes (Sperber and Hern, 2018, p. 835). However, Kofi Quashigah argues against this kind of close relationship between governments of the day and religious organisations as this might set the stage for the abuse of rights of sections of citizens including those who belong to specific religions. Religions therefore, are urged not to allow to be used for political gain and neither should they seek to usurp political power to advance their goals (Quashigah, 2014, p. 78). It could be for these very reasons that the government of Uganda, now finds it convenient to enact a policy that will curtail religious freedoms of those they have been hobnobbing.

The born-again church leaders' support to government when enacting the anti-homosexuality act and anti-pornography act in 2014, is testimony to the political influence that the born-again churches have had in the country (Bompani, 2016, p. 1). Parsitau (2017) has documented the growing political influence of born-again pastors in other African countries, to the extent of having much power to influence public debates and driving policy. And because in less democratic and authoritarian regimes, presidents matter more than the state's political structures and institutions, aligning themselves to the regimes of the day would come with presidential veto benefits to born again pastors who are supportive of the regime (Bremner, 2013). When religious people ride on the political authority inherent in the state there arise challenges of excessiveness, making it difficult for any of them check the other. The examples of church's participation in the Rwanda genocide and the overt influence of religion on the civil war in Sudan, attests to these. In these circumstances religious institutions may legitimise oppressive actions of the state (Quashigah, 2014, p. 90). Yet, the numerical significance of the born-again Christians in Uganda cannot be ignored in influencing political decisions. The 2014 census report recorded Pentecostals as being 3.7 million adherents, representing 11.1% of Uganda's total population (Uganda Bureau of Statistics, 2016). However, with all their numerical strength and the political romance between the NRM government and the born-again churches, there had not been a deliberate move to have the new Christian churches enjoy the status accorded to the traditional religious faiths in the country. Yet still with such political and public participation influence in the country, the born-again Christians are bound to fight to have a policy which reflect their wishes and promote their faith. Therefore, any proposals that are deemed to infringe on their religious expression are to be resisted with all their might.

STRUGGLE FOR LEGAL STATUS AND RECOGNITION

Here, the author does two key things: Analyzing the efforts the Born-again Churches (BACs) have expended to have them obtain state recognition, and discussing the reasons for their failure to achieve this. The efforts are characterised by; forming umbrella organisations and lobbying through the President, His Excellency Yoweri Kaguta Museveni. The challenges comprise; disunity and power struggles among pastors, stringent registration requirements, and political patronage among others.

Through the 1990 NGO statute, the NRM government made it obligatory that all Born-again Churches (BACs) be registered as NGOs thus metamorphosing from being companies limited by guarantee as stipulated in the 1961 Companies Act. It is from the demanding requirements of this process that impelled BACs to seek state recognition as a 'faith'. For example, certificates of registration were only issued yearly, and the registration renewal was in first three, and then five years respectively. Uncertainty about renewal acceptance was also a deterrent to BACs who wish to express their views on contentious political issues (Tiwana, 2008; Knighton, 2015, p. 427). Attitudinal challenges, too, were common. For instance, BACs' registration as NGOs placed them under the Ministry of Internal Affairs (MoIA), a ministry handling security and criminal matters. This would imply that BACs (spiritual/religious institutions) are linked to criminality. Bureaucracy was also rife. For a church to be fully registered and operational, it had to secure clearance from Local Council administrators and at least three government ministries depending on their stated intended activity (Barr et al., 2003, p. 13).

By the 2006 election campaigns, BACs through Dr. Joseph Serwadda seized the opportunity to lobby the President for their recognition as a 'Faith' and a permanent stop of annual registrations. In return, the president and his government would amass votes from them. Having agreed to their demands, the President instructed MoIA to establish a framework that would make BACs recognised as a 'faith'. According to Downie (2015, p. 49), the President consented to the BACs demands realizing their growing influence in the country. In the hope of getting this promise realised, the efforts of the three umbrella organisations are crucial to mention: National Fellowship of Born-again and Pentecostal Churches (NFBPC) under Ap. Alex Mitala's chairmanship by then, Born-again Faith Federation (BAFFE) and Born-again Faith (BAF) under Dr. Serwadda's superintendence. Such organisations according to Sperber and Hern (2018, p. 835) have successfully influenced governance in other African countries. The aforestated organisation encountered various challenges. NFBPC was accused of two things; equating BACs 'faith' to a religion and its leaders' wanting to further their personal interests of making a personal 'religious empire' through their sole control over all other pastors. Thus, divisions amongst

NFBPC pastors were inevitable. Boasting over large numbers, close affiliations with the State House plus 'political money' channeled through election campaigns were among the causes of these divisions among BACs leaders is evidence, that whereas they counter-argue the proposed RFBO policy, they too have always been utilizing the same mechanism in running their churches. Having allowed their congregants to become political tools for amassing votes for the incumbent government, it thus becomes expedient for BACs to accept the policy so as to institutionalize state hegemony over them in favour of the prevailing political ideologies (Nsereko, 1986, p. 280). Some born again pastors express the fear of being brought together for selfish interests of politicians. For example, in an interview with Pastor Michael Kyazze, he said:

Being organised, we become vulnerable to the state, and this has been happening during every presidential election, when we are mobilized as born-again pastors and taken to Rwakitura, President Museveni's country home, and we are given five hundred thousand Uganda shillings each. We are told to mobilise believers in our churches to vote for the president (Kyazze, M, Personal interview, Omega Healing Church, Namasuba, February 13, 2019).

Therefore, some members of NFBPC, contested the intentions of NFBPC leaders that aimed at making BACs hunting grounds for votes. They feared increasing state hegemony over BACs through NFBPC leadership. NFBPC members thought that their leaders, including Dr Joseph Serwadda, were exploiting them as a viable political constituency to win favours from the president. In 2009, Dr. Serwadda got BAFFE registered and gazetted, having experienced troubles with NFBPC. Amidst oppositions and infighting, BAFFE intensified the 'gospel' of unity across the country. It also lobbied government to let the BACs have their own "self-regulation" without the former's interference. Due to mistrust and non-commitment by members of BAFFE, the organisation evolved into Born Again Faith (BAF), equivocally dropping the idea of a "federation". Just like NFBPC, BAFFE faced similar challenges of disunity and mistrust in their leadership. Hofer (2003, p. 376) observes that the splitting and rejoining in loose associations of BACs is typical of Pentecostal and evangelical churches. Registered and gazetted, BAF became a harbinger for joining the Inter-Religious Council of Uganda (IRCU) in the future. Through the IRCU, born again churches became more visible in participating in political dispensation, socio-economic transformation through the fight against HIV/Aids. They were recognised as they became bona fide partners with government in the socio-economic transformation of Ugandans. Through IRCU and the fight against HIV/Aids, BAC became recognised and instutionalised in the public and political realms

(Bompani, 2018, p.308). Through the IRCU, government has opportunity to relate with several religious denominations, with a semblance of a monopoly of organised religion. Certainly, it would be convenient for government to work with an organized entity rather than individual pastors and their churches. Some authors have argued that governments promote religious unity in diversity (as with the IRCU) because they want to use such organised religion as a cooperative force for controlling the masses (Barro and McCleary, 2005, p.1344).

In summary, the struggle for legal status and recognition of the BACs has been by unceasing efforts among the church pastors. This has been affected by 'palace politics' in which individual pastors struggle to secure a personal relationship with State House. The President has also played a key role in this struggle. He has praised all 'enemy pastors' and castigated none. Visiting pastor Robert Kayanja's Lubaga Miracle Centre, largely seen as legitimate, as well as pastor Samuel Kakande's Synagogue Church of all Nations, which has been described as a cult by NFBPC (Ochwo, 2017), shows the President's impartiality. This has helped the president to promote his divide and rule principle among born again pastors, to protect his popularity among all (Abbink, 2014b, p. 93). Divisions among born again churches have been exploited to the advantage of government (Downie, 2015, p. 56).

REGULATING BORN AGAIN CHURCHES IN OTHER COUNTRIES

Here, the author surveys and analyses the legal status of born-again churches in other countries, especially in Sub-Saharan Africa. This is intended to provide a comparative analysis with Uganda, which has expressed its intentions to provide a policy over the religious industry in the country. This analysis is premised on the opinion that born-again churches have the same kind of operational characteristics and have taken root in sub-Saharan Africa. The argument here is that if Uganda has established born again churches to be a challenge upon which a regulation is the only option, then this should be witnessed in several other sub-Saharan countries, with a similar challenge. The findings here will help in establishing whether the direction taken by Uganda to regulate born again churches is out of the norm or in conformity with other states, whereupon a regulatory system becomes legitimate.

The situation in Kenya is not any different from what is happening in Uganda. Just like Uganda, churches in Kenya were being registered as charities under the 'Societies' Act', and this was pretty easy for anyone to register an institution and make it a church (Odiemo, 2016, pp. 6-7; Parsitau, 2017, p. 253). Due to widespread public outrage against the numerous scandals by rogue pastors, the Kenyan state made a proposal to review the registration of churches, putting in place a special unit to manage religious institutions in their right as spiritual entities, different from charities. Under the framework code-named the 'Religious Societies Compliance Rules', the special unit was expected to bring sanity, transparency and accountability to the religious industry and also reign on rogue clergy (Parsitau, 2017, p. 253). In Cameroon, whereas the right to religious freedom is embedded in the constitution, the same constitution provides for the enactment by the state of laws that should determine the circumstances for the lawful establishment of religious organisations. The 1990 Law of Association regulates the activities of religious organisations, and they undergo mandatory registration to be allowed to operate (Fombad, 2013, p. 13).

For Ghana, by 1989, it had a law called the 'Registration of Religious Bodies' number 221 which required all religious bodies to register. A regulatory body was created, known as the Religious Affairs Committee. It was a mechanism of controlling the activities of Christian sects that were multiplying very rapidly. The law also empowered the Provisional National Defence Council (PNDC) to ban any church "whose activities it deemed incompatible with normal Ghanaian life." It was argued that the law was not aimed at regulating religious freedom, per se, but addressed the "threat" of religious movements to national culture (Shipley, 2009, p. 528). Contrary to Uganda's situation, whereas the mainstream churches in Ghana contested the registration of churches, charismatic churches took it as an opportunity to secure legal status and recognition from government. The legislation failed to work until the 1992 Constitution entered into force, guaranteeing the "freedom to practise any religion and to manifest such practice" and rendering the law unconstitutional (Hackett, 2011, p. 862; Quashigah, 2010, p. 332). Just like the Ugandan scenario, churches in Ghana are simply required to register with the Ministry of Justice, as Non-Governmental Organisations (Quashigah, 2010, p. 335). However, since 2014, umbrella organisations of Pentecostal churches in Ghana called on the state to enact a law that would check on activities of independent pastors and churches. They acknowledged that the religious industry was rife with charlatans, exploiting gullible Christians (Awal, 2019; Myjoyonline.com, 2014). Currently, there is a proposal before the Parliament of Ghana to enact a law regulating churches.

Whereas the Constitution of the Republic of South Africa provides for religious freedom, there is currently a proposal by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) to amend the constitution to provide for regulation and control of religious bodies. The desire to regulate religious bodies is based on the 'commercialisation' of religion and increasing malevolent practices of pastors and ministers

of God's word (Henrico, 2019, pp. 2-11). In 2018, Rwanda was in media spotlight for closing several churches under a new legislation that aimed to regulate religious freedom (Xinhua, 2018). The law requires all pastors to have degrees in theology. The law also aimed to tighten rules on registration and the functions of churches thus reducing the numerous fraud cases against religious leaders who take advantage of their impoverished followers (Kiunguyu, 2018).

From the experiences of several countries cited above, the impression envisioned by born again churches of limitless expression of religion does not suffice, not only in Uganda but the world over. There are circumstances when governments may legitimately limit religious freedoms and expression. Hackett (2011, p. 854) has articulated the circumstances under which states may impose such limitations under international law, including protection of public safety, order, health or morals, or the fundamental rights and freedoms of others; and finally, the limitations must be necessary in a democratic society. Hackett also warns religious organisations against putting much trust in constitutional regimes as these provide cold comfort to religious groups disapproved of by the political authorities. Frequent constitutional amendments along with the limitations to religious freedoms in the constitutions, down play the confidence that religious groups espouse in them. Attempts to enforce state regulation of religion in the countries surveyed are premised on the religious commercialisation and attendant competition that has rocked the religious industry. There is therefore need to regulate the supposedly religious industry. The regulation of trades, professions and certain occupations is necessary in any democratic society. The state has to ensure that there is adherence to basic standards of service delivery and professionalism, upholding the prescribed code of conduct (Henrico, 2019, p. 15).

THE CONCEPTION OF THE RELIGIOUS AND FAITH BASED ORGANIZATIONS POLICY

The idea to have a RFBOs policy was conceived by the government's Ministry of Ethics and Integrity on two grounds. First, the agitation by the born-again Christians themselves to be recognized as a 'faith' by the state. Secondly, were the subsequent amendments of the NGO policy in 2010 which divorced RFBOs from the armpit of the NGOs framework. It is significant to note that the intention for religious regulation in Kenya was different from that of Uganda. For Kenya, the intention was to tame the influence of the born-again church, which was described as 'rogue' (Parsitau, 2017, p. 241). In state governance, this meant that the state had to come up with a framework spelling out the nature of relationship that it would have with the RFBOs. In the author's view this was government's attempt to actualize the promise it

had made to let the born-again churches away from NGO framework and therefore be recognized as spiritually edifying entities. If RFBOs were being divorced from the NGO framework, then it meant that it needed a better arrangement under which its relationship with religious bodies would be managed. This is clearly stated in the National NGO policy as follows:

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 (Republic of Uganda, 2010, p. 11).

It therefore, meant that, born again churches were separated from the arrangement which managed NGOs. Secondly, by enacting the NGO policy, the state took a decision to separate activities of NGOs from the spiritual activities of RFBOs. Thirdly, the churches ought to have been aware that by this policy shift, the state in the near future would come up with a separate framework to regulate them away from the NGOs. The questions are; would it be possible for born-again churches to continue operating as NGOs when the state had stopped them to do so? Secondly, why would born-again churches that had for the last couple of years complained of being treated as second-class citizens resent government's efforts to actualize their requests? Alternatively, why would born-again churches prefer to be classified as NGOs contrary to their complaints over the years? Why wouldn't the born-again churches embrace this as an opportunity to be at the same dining table with the mainstream religions? It is ironical that born-again churches are now arguing that whereas the previous arrangement was questionable and agitated for change, the proposed policy on RFBOs affects their freedom of worship and expression enshrined in the constitution (NFBPC Taskforce, 2019). However, whereas there are constitutional guarantees, there is need to observe the non-absoluteness of church autonomy under any country's constitution. For example, constitutional guarantee to freedom of religion does not include church ministers' immunity from prosecution when they commit crimes (Odiemo, 2017, p. 25).

RATIONALE OF THE RFBOS POLICY

Now that the born-again churches were no longer controlled by the NGO board, government took a decision to transfer their activities to the Ministry of Ethics and Integrity, with a directorate of religious affairs. This has

been the institution charged with the responsibility of designing the RFBOs policy. The ministry engaged a consultant to do baseline survey and engage the various stakeholders in preparation for the policy. The Government recognized the centrality of RFBOs in the development of the country in the areas of education, healthcare, community development and other social services. However, the government was uncomfortable about the different arrangements under which RFBOs operated, including being registered as NGOs under the NGO Act; companies limited by guarantee under the Companies Act; and others under the Trustees Incorporation Act. Moreover, majority of these new churches had registered under the NGO Act yet the 2010 NGO policy made it impossible to do so. The challenges of according churches a status of 'non-governmental organisations' have been debated over the years. But most fundamental is that this arrangement opens the door to sometimes irresistible potential for abuse with a small probability of external interference (Robbins, 1985, p. 247). The NGO policy proposed a separate framework to cater for RFBOs (Byakagaba, 2018). Therefore, the policy was premised on the fact that there is no law harmonizing the activities of RFBOs. There is also lack of coordination and monitoring of RFBOs. The policy would enable constituting and operationalising an RFBOs framework which would facilitate the registration of all RFBOs in the country. The policy would clarify the roles and functions of RFBOs vis-à-vis the state; as well bring about the needed unity which was rare among the RFBOs. It is, however, important to note that the intention of the policy was to legislate the conduct of RFBOs and not on matters of faith, doctrine and theology. Authors like Odiemo (2016) have argued that government regulation over religion is warranted because, churches are now engaged in activities beyond preaching, and above all, churches are not above laws and constitutions of the land. But she warns that such regulation should never interfere with doctrines of the church.

CONTENTIOUS ISSUES ABOUT THE POLICY

The author asserts clearly (here) that the debate is about the draft policy and not the policy itself. The process which began around 2016, five years after the NGO policy had declared the faith-based organizations legally redundant, has raised a lot of disagreements. The first being lack of consultation of the stakeholders concerned. Several born again churches claim that they were not consulted. More so, the drivers of the proposal were a Roman Catholic Priest and an Anglican priest, whose churches are instutionalised and structured. Born again pastors have been suspicious of the likely prejudices that the two priests carried into the proposed policy. Yet consultations would promote acceptability and legitimacy of not only the process but the policy too. One pastor

interviewed said thus:

We were not consulted on a policy which is supposed to affect us. How can we believe that these people have good intentions for us? (Mukasa, P, Personal interview, March 10, 2019, Kampala).

In another interview with Pastor Richard Ganya of Namasuba Altar, he admitted that as a pastor, he only knew of the proposed policy through newspapers. Odiemo (2016) has argued that having religious organisations be part of religious policy formulation, through open consultations with them would provide an opportunity for them to propose standards which they agree to be bound by. She further argues that state regulation would work much better if stakeholders are involved in its formulation. It would further promote commitment and compliance to the policy made. For the case of Ghana, where the same scenario is prevailing, the Ghana Pentecostal and Charismatic Council suggested the theological society to lead the process to come up with proposals on regulating activities of pastors and churches, for Parliament's consideration. The council argues that this is what will make the regulations hold the required authority to ensure compliance (Awal, 2019). Government attempts to impose regulations over religious organisations in South Africa were criticised for not involving religious bodies themselves, that were to be affected by the regulations. Religious bodies in South Africa argued against imposing any form of regulation on religious freedom, without their involvement. They lobbied to be availed an opportunity to participate in the process, where they can adopt a code of ethics, agreeable to all of them and for which themselves would fight to enforce and uphold (Henrico, 2019, p. 11).

The second contention regards to the disagreements between the umbrella organisations of born-again churches. The disagreements between NFBPC and BAF provide a peculiar phenomenon in church-state studies. Ordinarily, the expectation would be the different umbrella organisations to unite against government over what born again Christians have termed a bad policy. On the contrary, members of NFBPC are particularly angered by the romanticism with which another born again church faction, called BAF and its leadership under Dr. Joseph Serwadda glorified government's proposals to have RFBOs regulated. The longtime accusation against Dr Joseph Serwadda and his BAF to conspire with government to 'sell off' the 'born-again faith' to the 'traditional religions' was now a reality. The idea is that the traditional religions have an institutionalised hierarchical structure, which the policy seemed to propose. Apparently, the difference in opinion between the religious organisations relates to the level of structural organisation of the churches belonging to either umbrella organisations. BAF churches seem to have already appreciated and embraced an organizational structure,

contrary to the philosophy of the small and individual churches that look at the pastor as sole church manager (Odiemo, 2016, p. 23). On the other hand, institutionalising churches through state regulation would deprive these smaller and individual churches the opportunity to operate unhindered, without the requisite standards as they actually are (Hackett, 2011, p. 861). State regulation would bring them under firmer law, which they may not be in position to meet.

The third contention relates to the unequivocal attitude of IRCU members towards the proposed policy. Apparently, IRCU members already have what was being proposed in the policy. For example, the Roman Catholic Church, Anglican Church of Uganda, Seventh-Day Adventists Church (SDA) and Uganda Muslim Supreme Council (UMSC) own theological training institutes, and they require their clerics to obtain such theological qualifications. Mainstream religious groups have committees which ensure transparency and accountability. Some have functional and modern financial accounting systems. Main stream religious groups have had clear and well-established structures under one management with branches that are bound by set rules and regulations (Byakagaba, 2018). These seem to be missing and difficult to attain in several born-again churches. This is perhaps what made Born-again churches to believe that much as the policy seemed to cover all RFBOs, it was simply veiled to curtail their activities. Other issues of contention include the following among others: The requirement to have all religious clerics obtain formal theological training and obtain a certificate from a recognized institution; enforcement of transparency and financial accountability in RFBOs; and the rigorous 'registration'. A detailed explanation of these challenges is provided in the following sections.

THEOLOGICAL TRAINING FOR ALL CLERICS

The policy proposal demands religious clerics from across the religious divide to obtain some bit of formal training, to be well equipped for ministry work. The flexibility in the proposal is that it would be up to the specific religious organization to ensure that all its clerics acquire formal training. Also, those faith-based institutions would have the liberty to train their clerics at recognized institutions. This would call for investment by RFBOs that do not have theological schools. The SDA church welcomed the proposal arguing that divine calling demands one to be taught how to serve as God's minister. Contemporary challenges of ministry work demand a literate cleric, who ministers to majority of literate people (Mubiru, 2019; Orwenyo, 2014, p. 46). Orwenyo (2014, p. 24) argued for churches to have personnel of high intellectual and professional caliber, with the inevitable implication of a non-stipendiary ministry. Orwenyo further stated that current pastoral

work is not just evangelism, but entails critical thinking on issues of inter-religious dialogue, African religion and culture, social concern as well as counselling services. Interview with one pastor in favour of theological training commented thus:

Almost all born again pastors claim to offer counselling services to their flock. And such counselling sessions have become popular, believers wishing to lighten their burdens laden with socio and economic concerns. They visit us in all categories; some are young and others old. Women are the biggest group seeking counselling from us the pastors. But this is a profession for which one claiming to be a counsellor must be trained to get at least some basic skills on how to handle peoples' problems. But I also know some pastors who have on their own opted to take courses in professional counselling (Tumwine, C, Personal interview, March 20, 2019, Kampala).

The concern raised by the pastor above indicates to the reality that ministry work is no longer just preaching the word. It is now laden with several other activities which require a pastor to be well versed with socio-economic, marital, educational and political challenges faced by the believers. For example, counselling is becoming a well-protected profession, with ethical codes of conduct expected of those who practice it. For pastors to give professional and useful counselling, they need to be educated in counselling principles which are central in the curriculum of many theological colleges. In the United States, already, Pastors who practice religio-therapy were accused of practicing without certification and were recorded to be inflicting harm on clients because of their lack or inadequate professional knowledge (Robbins, 1985, p. 241).

The proposal for theological training was premised on the fact that some clerics out of insufficient knowledge were dissuading their followers away from government programmes. For example, some preached against immunization, Universal Primary Education, national identity card registration, and taking of anti-retroviral therapy for HIV/Aids patients. Theological training would be a tool to help such clerics to interpret God's message without contradiction. However, some other interviewed born again pastors resented this requirement, saying:

Pastoral work is by calling not training. Jesus did not attend any school neither did he have any academic qualifications but he was an excellent teacher of the word. Another is the Apostle Peter, he never went to school, he was just a fisherman but called to ministry by Jesus. The work we do is spiritual. What I say is the word of God. God keeps talking to us and that is what we tell our believers (Kisseka, J, Personal interview, February 3, 2019, Kampala).

Views expressed by the above pastor indicate how formal theological training continues to be a challenge to born-again churches. It also demonstrates the narrow perspective that some pastors have on ministry work, restricting it to evangelism and spiritual leadership (Orwenyo, 2014, p. 13). Some Pentecostal Christians view theological education as unspiritual (White, 2015, p. 7). Further argument is that whereas motivation for ministry is having a call to do God's work, theological education provides a chance and a conducive environment to grow spiritually (Orwenyo, 2014, p. 36). Whereas some born again church pastors in Uganda are resisting theological training, research undertaken by Orwenyo (2014) indicate that pastors in Kenya who had undertaken theological education argued that it had positively changed their thinking and behaviour. The Kenyan pastors argued that it is important for pastors to view themselves as professionals in their own right. Theological education makes the pastors critical in their approach and changes their attitudes towards dealing with diverse issues that are brought to their attention. In their view, theological education makes pastors more liberal and tolerant, less prone to hardline stances on matters that are not essential to faith and salvation. Theological education builds up the spirituality of pastors and grounds them in the truth. Pastors benefitted through intellectual and spiritual formation, and were equipped to share the gospel confidently. Through theological education, pastors learn social skills and management skills that are essential for leadership in various settings (Orwenyo, 2014, p. 67). Elsewhere in Ghana, the Pentecostal church has embraced theological training for the pastors, and the benefits are enormous.

Majority of the born-again pastors in Uganda have learnt the 'trade' by observation of what the senior pastors do. Many of them have been tutored by the senior pastors, who received little or no education at all and have mastered the art of reading and interpretation of the bible (White, 2015, p. 7). Demanding them to produce formal theological qualifications would be driving them away from the vocation. Some have studied other academic disciplines other than theology, and requiring them to go back to school at a time of consolidation of their ministries would undermine their efforts to push their ministries to greater heights. Yet others are school drop outs, making a living from pastoring. Re-integration in an academic system which one may have abandoned twenty or more years would be challenging. But having such a category of clergy, unregulated, would be the greatest threat to pentecostalism in Africa (Parsitau, 2017, p. 256). However, the significance of theological training as part of preparation for ministry work has been discussed by several authors over the years. For example, Orwenyo (2014) argues that ministers should be educated and examined before entering their work. Better ministerial work demands both study in school with personal spiritual growth. Pastors aspiring for ministerial

work need to undertake close study of both the sciences and the Bible, since Jesus studied the entire environment around him, enabling him to gather the spiritual teaching from the surroundings of His daily life. He argues that ministers who are intellectual giants achieve much more than those who are not (pp. 20-21).

Additionally, theological training is usually done at higher institutions of learning in the country which demand basic qualifications of Primary Leaving Examinations certificate (PLE), Uganda Certificate of Education (UCE) and sometimes Advanced Certificate of Education (UACE). For pastors who may have dropped out of school or never had an opportunity to attend basic education at all, they would find it difficult to meet the basic requirements for entry in theological schools. Moreover, the language of instruction at institutions of higher learning in Uganda is English which would be a hindrance for several of pastors, who can only preach and express themselves in their mother languages. Requirements from the education ministry to establish a theological training institution may be way high the reach of emerging churches in the country. Even when the religious denominations are allowed to establish theological training schools of their own, these have to meet the requirements set by the body responsible for higher education. These are the real fears of born-again church pastors. The challenge, though, is that their arguments against being re-schooled casts doubt on their attitudes towards a civilized society where education and knowledge acquisition are key elements of societal transformation. A more serious challenge though has been raised by the Watchman Ministries where demands for an established curriculum regulated by a central body might run the risk of indoctrination of religion by the state, which offends the right to freedom of religion guaranteed by the Constitution and international human rights instruments to which Uganda is a signatory (Watchman ministries, 2018).

Beside these challenges, a well-trained pastor needs to be aware of the institutional framework in which he/she operates. Knowledge of the religious and theological environment in which one operates enhances one's spirituality (White, 2015, p. 7). In Jewish religion, from which Christianity springs, it was mandatory for the young to be taken to the temple and synagogue to listen to the word. Much as St. Paul had a physical encounter with the Lord, his educational background sets him apart from the rest of the Apostles such as Peter. St. Paul contributed almost three quarters of the New Testament. He had received his education from Gamaliel, one of the notable philosophers of the time. This requirement does not restrain born-again Christians in general but those who pastor them. Pastoring to a congregation is not just the sermons that are delivered. It also involves exercise of management and counselling skills, financial accountability and people-related skills that can be acquired through education. These skills, if gained, make

one a better spiritual leader. Arguments by the World Council of Churches, in support of theological education, are enshrined in the very basis of the church's existence. Theological education strengthens the mission of the church on earth through training and equipping church leaders with knowledge to teach God's word with faithfulness, relevance and clarity; as well as ability to communicate God's word in every cultural context (White, 2015, p. 7).

Transparency and Financial Accountability in RFBOs

In the baseline report by Directorate of Ethics and Integrity (DEI) Consultant, it was observed that there was reported lack of transparency and accountability in some RFBOs. This had left many citizens exploited and manipulated by some religious clerics. Stories of exploitation of believers by some unscrupulous clerics in the country are common in national media (Mukombozi, 2018; Kiva, 2019). In 2009, Pastor Michael Kyazze, the Head of Discipline in the National Fellowship of Born-Again and Pentecostal Churches of Uganda (NFBPC) had intimated about this same kind of indiscipline among clerics in the city (The Observer, 2009). However, in an interview, he opposed government's intention to regulate born again churches, claiming that born-again churches umbrella organisations like NFBPC have the capacity to self-regulate members. He noted thus:

When I was the head of discipline in NFBPC I used to discipline errant pastors here. Christians always brought their complaints against pastors fleecing them of money, like Pastor Kiwedde. I would put them to task to refund believers' money, and they would do so. So, there is no need for government to put in place a law or committee to monitor us because we can do it ourselves and weed out wrong elements (Kyazze, M, Personal interview March 7, 2019, Omega Healing Church-Namasuba).

Pastor Michael Kyazze's assertions point to two fundamental issues. First is the existence of rogue pastors in churches, and these need to be tamed to keep the sanity of the Christian faith. Second is the dire need for a mechanism to deal with such pastors who manipulate Christians for their personal financial gains. The point of contention then is, who and how should this be done, government or churches themselves? The challenge with self-regulation under umbrella bodies is that they are varied, numerous and in most cases competing with each other for supremacy in the country. This is the case between NFBPC and BAF. It then becomes difficult to apply same standards for churches belonging to different umbrella organisations. More so, membership is not compulsory hence not all churches subscribe to these bodies. Some opt to regulate themselves as individual churches. Hence, the doctrines

and regulatory mechanisms by these umbrella bodies only apply to their members. The varied doctrines and teachings held by the different churches prove self-regulating not tenable (Odiemo, 2016, p. 9). Other scholars have argued that since churches are involved in collection of money from followers; there is obvious competition amongst themselves for this product. Competition between and among entities for certain goods, in this case, followers of churches, demands that government should regulate such competition (Odiemo, 2016, p. 35).

Churches are slowly being turned into commercial entities and are making headlines for all the wrong reasons due to lack of transparency and accountability by some religious leaders. The funds collected from members of congregation or received in form of donations go unaccounted for as these members rarely question how the funds are utilized. This leads to misappropriation of funds which results in wrangles within the Church. Some religious leaders are seen to lead such lavish lifestyles while their congregants struggle to make ends meet. Scholars in church-state relations are bogged with the question as to whether the right to religious freedom allow this blatant abuse of church autonomy by some religious leaders (Odiemo, 2016, pp. 3–4). This is the basis upon which Thomas Robbins has argued for the prerogative duty of government to defend religious freedoms, as long as churches engage in legitimate activities, but when the activities are negative, governments should have an absolute mandate to intervene in the area of religious organizations (1985, p. 238). RFBOs are corporate bodies whose membership ought to be protected against exploitation by individuals. RFBOs collect money in various forms including tithe, offertories, voluntary contributions and donations from both local and international donors. They also have several properties in their possession especially land because evangelical pastors are so much preoccupied with amassing of wealth than tending to the afflicted. In order to protect the public, the state must promote rationalisation, by instituting regulations that demand and enhance organizational structure of churches, to promote the survival of churches and the benefactors by firming institutionalization (Robbins, 1985, p. 247). The situation seems to be infecting much of Africa. In Kenya, for example, Parsitau (2017, p. 254) writes: Pentecostalism has become a thriving business and the shortest route to wealth and influence on a continent teaming with population, unemployment, poverty and disease, conflict, environmental degradation. Local pastors employ all sorts of tricks and techniques to exhort money from gullible folks. They use this money to build magnificent churches, buy luxurious cars, houses and aircrafts and live openly opulent lives, while their church members languish in poverty, misery and squalor. In most cases, pastors tell the faithful to give money to God, so that God will bless them in return. They dupe people by telling

them that divine favours come to those who pay their tithes and offerings regularly. Often, they use biblical injunctions such as "givers never lack" to squeeze money out of people.

It should be noted that some FBO's showed resistance to registration under the 2006 NGO Registration amendment Act with the contention that as a faith, the financial disclosure requirement and the lengthy registration procedure hampered their constitutional right to freedom of worship. However, the rationale behind the registration requirement was based on Government responsibility to protect its populace against manipulation, money laundering, human trafficking and the possible financing of terrorism by some unscrupulous organizations (Wamimbi, 2010, p. 4). The nature of religious corporations is peculiar with directors not responsible to stockholders neither to their religious followers (Robbins, 1985, p. 247). This policy proposal just like the NGO registration arrangement would then protect Christians from money makers who work under the disguise of serving God (Mubiru, 2019). The challenge has been that churches and church land are owned by individual pastors, registered in their names. A church in this case ought to be owned by the believers and not the founder. Bank accounts of church finances are singularly managed by the pastor(s). No effort is made to provide accountability of church collections and donations to the congregations. These churches are therefore personal outfits, not belonging to any community (Matovu, 2019).

Biblical scriptures are used to manipulate believers and stifle financial accountability. For example, Malachi 3:10, it is written: Bring the full tithe into the storehouse, so that there may be food in my house, and thus put me to the test, says the Lord of hosts; see if I will not open the windows of heaven for you and pour down for you an overflowing blessing.

Another scripture is found in 2 Corinthians 9:6–8, for it is written; the point is this: the one who sows sparingly will also reap sparingly, and the one who sows bountifully will also reap bountifully. Each of you must give as you have made up your mind, not reluctantly or under compulsion, for God loves a cheerful giver. And God is able to provide you with every blessing in abundance, so that by always having enough of everything, you may share abundantly in every good work.

Attempts by some church members to ask for accountability is interpreted as lack of faith in God's stewards. Again, biblical verses are used to suit their demands. For example, Romans 13:1-2 writes:

Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. Therefore, whoever resists authority resists what God has appointed, and those who resist will incur judgement.

Such manipulation is summed up with Psalms 105:15 and 1 Chronicles 16:22, which is written:

'Do not touch my anointed ones……………..'

Three issues arise out of the above quotations. The first being the manipulative techniques used by fraudulent pastors to siphon financial resources of the believers, through intimidation and promising rewards. Believers are assured that the more they pay to the church the more financial and spiritual benefits await them from God. Secondly, is the question of accountability. According to Matovu (2019), this is the very basis of analysing the question of church ownership. He argues that the owner of the ministry is the owner of the collections made in that church. Whereas other companies are overseen by the law, churches don't want to account to anyone. And this comes with intimidation from church pastors over the flock, not to fall into sin by questioning the pastor's authority, given to him only by the almighty (Parsitau, 2017, p. 257). The policy would require RFBOs to declare their sources of income; both locally and internationally raised (Kitubi, 2018). All these would ensure that RFBOs are accountable to the communities they serve. The policy is to ensure that all activities of RFBOs especially social services are monitored and regulated for the common good of society (Byakagaba, 2018). Arguments in favour of government's enforcement of accountability and transparency upon churches and their leaders are based on the fact that governments are established to serve the needs of the governed and promote public good. As such, governments must ensure the protection of the population's fundamental rights and freedoms. This aspect of regulation is in the public interests in order to prevent exploitation of unsuspecting members of the public. Religious leaders should ensure that there is transparency and accountability in the manner the Church is run. Transparency and accountability are key features of good governance (Odiemo, 2016, p. 5).

Pastors raised a number of objections including that there were existing laws and requirements under them with enough internal structures that cater for transparency and accountability. They cited the constitutions of their various NGOs at registration, memoranda and articles of association and the filing of returns which include audited reports, minutes and work plans (NFBPC Taskforce, 2019). Depending on the nature and type of registration of a church, there is indeed some measure of accountability expected of it to whichever body it had registered with. The question though is, do the prevailing accountability mechanisms address the concerns of the state vis-a-viz protection of its citizens? Churches registered as NGOs provide accountability to the NGO board but not to Christian members of their churches. Other churches registered as companies limited by guarantee, are required to make returns to the registrar of companies and also pay the necessary taxes. The believers have no mandate whatsoever, to demand and question bank accounts of their pastor registered as a private limited company yet they are used as the nursery beds to fatten those

accounts. One pastor argued that they have internal structures. He said thus:

At my church, I as a pastor I am not involved in church collections. I have a group of elders in charge of finances and development of the church. I can however advise them on how best church money can be used. And some people think we the pastors live on those church collections, but I don't think it can fund my expenses. Some of us have other businesses we do (Batambuzze, P, Personal interview, February 26, 2019, Kampala).

The pastor's views above relate to the claims of internal structures of churches. However, such existing internal structures are usually weak and are used to try portraying a semblance of a structure that hardly serves the interests of the believers but the pastor. Such structures are either under the superintendence of the pastor or are only known to a small group of people close to the pastors. For example, it has not always been the bother of common Christians to establish whether their church is registered or not. They have no knowledge about the status of its registration, neither are they provided with memoranda and articles of association. These continue to be personal to holder with the pastor. The nature of perceived financial accountability in born again churches are real and cause necessity for intervention. This is because relatively new institutionalized religious movements are particularly prone to financial irregularities because their charismatic mode of leadership inhibits the emergence of built-in mechanisms for assuring financial accountability (Robbins, 1985, p. 247). The policy would then demystify the tightly guarded internal structures that are thought about only when demanded by the registering and monitoring bodies. The born-again pastors have also argued that enforcement of accountability and transparency does not require a separate law because this is done through natural and behavioral laws of the land. The challenge here is that it is the flouting of such natural and behavioral laws by born-again pastors that has led to untold stories of exploitation of the flock. But this raises another question of honesty of those opposed to the proposal. For example, why would they want to remain under a policy framework which seems defective in bringing them to accountability? The real fear lies in the likely public scrutiny of church funds versus the real sources of wealth of pastors that have been a taboo to be questioned. The born-again pastors are likely to suffer loss of absolute control over church funds, as the policy suggests such funds to be managed in trustee of the church. It would no longer be possible for born-again pastors to misuse church resources, as government will demand for not only source declaration but also reveal the way it was spent. The traditional religious faiths could not complain about this requirement because they are recognized under the trustee's incorporation act and have well established systems through which their members

are appraised on the finances. Their systems do not allow the pastors/priests or sheikhs to collect and keep the money but through well-established committees selected from among believers.

REGISTRATION OF RFBOS

The policy proposal demands all existing RFBOs to undergo fresh registration, under a body that will be defined in the policy. RFBOs that carry on the spiritual activities will no longer register as companies and NGOs. Mainstream religious organisations like the Anglican Church of Uganda, Roman Catholic Church, Seventh Day Adventist Church, Orthodox and Uganda Muslim supreme council will also be required to register afresh with the state. I have already stated that prior to the 2010 NGO policy guidelines, RFBOs were required to register either as companies limited by guarantee, NGOs or under the trustee's incorporation Act for the mainstream religions. However, the non-ceasing shifts in registration of new churches casts doubt on the intentions of the state towards born-again churches. One other pastor interviewed said:

Before every presidential election the issue of registration of churches come up. May be government's intention is to scare us into submission to mobilise votes for them, so that they can secure us of our religious liberty to worship as born-again Christians (Wandera, S, Personal interview, February 13, 2019, Kampala).

Views expressed by the above pastor indicate that demand for fresh registration of churches, under stringent conditions is an attempt to force born again churches to kneel before the state for leniency, in which case they will be liable to manipulation by the state. Even though the state fails to implement the proposed policy, it can be used to scare born again pastors, who hold influence over numerous followers into submission to the state. The proposed policy framework would provide an elaborate procedure for anybody who wants to start a church (Kitubi, 2018). Certainly, born again churches are increasingly becoming the primary identity of Ugandans and Africans in general (Abbink, 2014b, p. 92). It would therefore be in the interests of any government to take stock of such a growing religion so that it can have a better way people belonging to it can be governed. There are however, fears of 'hard to meet' conditions that may drive some pastors out of the vocation. This thinking has been built on born-again pastors' perceptions rather than reality. Some of the conditions include having at least an acre of land upon which the church could be established, a church building with approved architectural designs and having an occupation permit from the relevant body. Majority of the born-again churches today are started from makeshift environments, and can barely afford to

construct permanent church buildings, with the required standards in the cities. Most of the born-again churches begin as 'altars' (locally called '*ekyoto*') and fellowships in one of the member's houses. Yet others operate from rented premises. Permanent church buildings are afforded by those churches with a large flock of believers, capable of raising much tithes, offertories and donations from which such church buildings can be erected. The usually semi-permanent church buildings constructed by several born-again pastors have no approved architectural plans; that would make it difficult to meet registration requirements.

Several of these churches are found in the urban areas, where cost of the land is well beyond the reach of an emerging ordinary pastor. The requirement for each church to provide proof of possession of at least one acre of land would amount to disenfranchisement to open up new churches. Even most of those that already exist would not meet this requirement. The sizes of the plots of land on which church buildings stand are usually too small to fulfill requirements that will enable them convince authorities to give then occupation permits. This is the very reason why pastors are in protest of the proposals not because they think that their rights to freedom of worship and expression will be curtailed but because they will be denied the leverage to have churches in lucrative but state forbidden places. More so, the likelihood to scrutinize the moral standing of those to register and pastor churches, make some 'pastors' uncomfortable as to whether government will not use such subjective parameters to deny them registration. Pastors who are involved in dubious activities under the guise of the church would not wish to be brought under a framework which specifically monitors their activities as pastors but not Chief Executive officers of NGOs or private limited companies.

CONCLUSION

The ever-growing religious industry poses a great threat to state authority. With the kind of power and influence that RFBOs hold in Uganda, the state may feel threatened and come up with a repressive policy that may endanger the right to religious belief and expression. However, disunity among born-again Christians in the face of this policy increases state's hegemony over the church since it has no capacity to resist state interference due to internal division. Rather than disregarding the entire process and such policy initiatives, it is high time the RFBOs engaged in constructive engagements with the state to produce a framework which will promote religious freedom and expression. There is need to reflect on the past and determine whether or not it has been plausibly correct and edifying to the Christian church to be registered as NGOs, and private limited companies. This is an opportunity for RFBOs in Uganda to move to

the dining table and determine for themselves the amount of cake they need to have in this country. This is the first time in the history of this country that RFBOs are being consulted on how they wish to operate and engage with government. In the 1970's, by a mere decree, only four religions were left standing by President Idi Amin; Pentecostal churches were victims without disputation. In 1990, the government of the day, without consulting born-again churches, by legislation, transferred their allegiance from the Ministry of Justice and Constitutional Affairs to Ministry of Internal Affairs. The church of God was equated to any organization doing voluntary work. A proposal to regulate RFBOs is an opportunity to redeem the social and spiritual image of RFBOs in a society that categorizes RFBOs and their leaders as predatory to the innocent followers.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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Full Length Research Paper

Foster care ontologies: A qualitative study in Zimbabwe

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Both the African Charter on the Rights and Welfare and the United Nations Convention on the Rights of the Child place premium on having children grow up in families. Foster care is one of the opportunities that can be used to ensure that children grow up in families on the African continent and Zimbabwe in particular. There are however some minefields which have to be explored carefully. The paper dedicates some attention to inhibitive cultural dimensions that have to be tackled delicately in promoting foster care. The paper also debunks the thinking that foster care is a destination in itself by showing the lived realities of children in foster homes. This has been done by exploring ontologies of foster care in the context of Zimbabwe. General typologies of foster parents are given showing the nexus between quality of life for children and the types of foster parents. A qualitative research design was employed, where the data were collected through exploratory tools namely focus group discussions, key informant interviews and in-depth interviews.

Key words: Quality of life, child right, foster care, children, foster parents, child protection.

INTRODUCTION

The preambles of both the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) place premium on having children grow up in families. The African Children's Charter, in particular, notes that 'the child occupies a unique and privileged position in the African society and that for the full and harmonious development of his personality, t*he child should grow up in a family environment in an atmosphere of happiness, love and understanding*… [Emphasis added].[1] This paper is premised on this aspiration. Foster care is one of the

instruments that can be used to ensure that children grow up in family environments. There is an expectation that the family environments that children find themselves in have atmospheres of happiness, love and understanding. Both the UNCRC and the ACRWC as the normative frameworks on children's rights posit that the protection of children is to be covered by the *'parens patriae'* authority of the state.

At national level, Section 19 of the Zimbabwean Constitution is dedicated to national objectives that are specific to children. The national objectives are supposed

to guide the State and all institutions and agencies of government at every level in formulating and implementing laws and policy decisions that will lead to the establishment, enhancement and promotion of a sustainable, just, free and democratic society in which people enjoy prosperous, happy and fulfilling lives.[2]

In consonance with the preambles of the UNCRC and the ACRWC, the Zimbabwe Constitution places premium for children to grow up in a family environment. Chapter 2(19) of the constitution posits that:

The State must adopt reasonable policies and measures, within the limits of the resources available to it, to ensure that children:

(i). *Enjoy family or parental care, or appropriate care when removed from the family environment;*
(ii). Have shelter and basic nutrition, health care and social services;
(iii). Are protected from maltreatment, neglect or any form of abuse; and
(iv). Have access to appropriate education and training [emphasis added].[3]

Foster care presents an opportunity for the fulfilment of the objectives as set out in 19 (2a) of the national constitution. As such foster care is being promoted in Zimbabwe as a tool to achieve the goal of having all children growing in family environment.

Beyond encapsulating the issue of children growing up in a family environment in the national constitution, Zimbabwe has established a child protection architecture which includes foster care. The National Orphan Care Policy (1999) recognises the family, extended family and community as the ideal place for a child to develop. The National Orphan Care Policy identifies a six tier system for child protection starting at family level as the first safety net.[4] The next best placement for the child where the family, extended family and the community have failed is within the foster care system. In a foster care setting, it is expected that children are protected and have access to all the rights such as the right to be loved and cared for, the right to shelter, food, medical care, identity and education. On the hierarchy of the child care systems in the country, foster care is considered as the fourth tier of protection. Scholars such as Grant and Yeatman (2012); Sherr et al. (2017) posit that foster care, if efficiently administered, can be the next level of care should the family fail to provide for the children. The legislative framework on child protection in the country is capped by a wholesale Children's Act Chapter 5:06. The Act provides specific definitions and processes which gives the magistrates courts the power to place children under foster care through issuance of a court order that is renewed after every 3 years.

METHODOLOGY

This qualitative study employed the emic approach which allowed for views of a person who is familiar with a system or culture under study, and who has the know-how of functioning within it to speak to their reality (Berry, 1989). The approach emphasizes on self-determination and self-reflection (Ibid). Consequently, the study placed premium on the voices of the children in foster care, foster parents and probation officers. Data collection was done in twenty one districts of the country. In each of the ten provinces of the country, two districts were purposively sampled to ensure that both urban and rural districts are covered. The thinking was to have a basis for comparison on rural to urban nuances around foster care. In the twenty one districts that were selected, five primary stakeholders are targeted to foster care. The first target group was the children in foster care. The study initially targeted to have 100 children in ten focus group discussions. This meant that there would have been one FGD per province. The 9-14 and 15-18 years of age categories were the target for the focus groups.

The research was not able to conduct group discussion in Matebeleland North. The reason why there was no focus group discussion in Matebeleland North is that there were no children who were above the age of nine, which the research had set as the minimum threshold. It is worth noting that most foster parents in the research preferred children below the age of three years. In line with research ethics of not exposing the participants to any physical, social, emotional and spiritual harm or potential harm of any nature, the study ensured that none of the respondents were exposed to any harm by not asking private and sensitive questions. During FGDs with children, the research exercised caution in asking questions since some of the children did not know that they were under foster care. Further, FGD times were set in cognisance of the school times of the children so that they would not miss school. It was only in one district that the FGD happened mid-morning with some children missing school around that time. The practice was corrected with the respective probation officer for future programs. Consent was sought from the children's guardians. Forty in-depth interviews were also conducted with foster parents from the ten provinces of the country, meaning that four foster parents were reached in each of the ten provinces. Prior to interviewing any of the respondents, the research team was oriented to seek informed consent. The respondents were presented with the option to choose whether they wanted to participate or not at any point in the study. In each of the districts visited, key informant interviews were conducted with the probation officers. The reason for targeting probation officers was that they oversee the process of placing children in foster care as well as carrying out regular supervision to households where children are in foster care.

The context of foster care in Zimbabwe

The research discovered that there limited uptake of foster care in the country. As at December 2018, there were 4306 children spread across ninety six residential care institutions (Department of Social Welfare, 2018).[5] Meanwhile, as at 2018, there were 532 children under foster care. This means that there are some 3774 children who can potentially be in foster care but are not absorbed into families because there are simply no families who have undergone the screening process to absorb these children. The research therefore sought to explore the reasons why foster care uptake was low *viz a viz* the need.

Province	Number of children in foster care
Harare	220
Masvingo	41
Midlands	22
Mashonaland West	44
Mashonaland East	14
Mashonaland Central	46
Bulawayo	40
Manicaland	37
Matebeleland North	9
Matebeleland South	21

Source: Department of Social Welfare (2018).

Statutory process of registering foster parents

According to the Children's Act, foster care has been defined as situations where children are placed by a competent authority, through a court order, for the purpose of alternative care with registered foster family other than the children's own family that has been selected, qualified, approved and supervised for providing such care.[6] For one to be considered to be a foster parent, the individual or potential family has to go through screening by the Department of Social Welfare. The rigorous screening process for one to be considered a foster parent has been given as reason for low numbers of foster parents. One foster parent noted that:

…the process to be considered a foster parent was hectic. I had to make several trips to the Department of Social Welfare several times. I had to use my resources to get a police report and medical report, the things which the Department needs to register me as a foster parent [In-depth Interview, 18/01/2018, Female, Foster Parent, Harare District]

To corroborate the foregoing, one probation officer noted that he had several potential foster parents who had not seen through the screening process. He was however quick to note that the rigorous screening process was necessary since the family, when approved as foster parents, would be a strategic resource to the Department of Social Welfare. This is because approved families become also places of safety where the DSW can place children in dire need.

To demonstrate the greater need for foster care, in all instances where there were registered foster parents, there were no instances of registered foster parents who did not have children. This means that the country has more children in need of such care but are not receiving it. This unavailability of potential foster parents makes the children stuck either in places of safety, residential child care facilities or various contexts of vulnerabilities. The research observed that the majority of the foster parents who have children are people who just walked into the DSW wanting to foster children. As has been noted earlier, these numbers of foster parents are disproportionate to the demand for foster care (Riley, 2012; Cantwell et al., 2012; Cooper, 2012).[7]

The concept of *mutorwa*

Ciganda et al. (2010) argue that Zimbabwe has many families that have absorptive capacity of taking care of vulnerable children. The research observed that there is a disproportionate distribution of foster parents between the urban and the rural. The general trend which can be observed from Table 1 is that predominantly rural provinces have less numbers of children under foster care compared to the urban provinces. The table also shows a conspicuously huge number of fostered children in Harare province.

Part of the explanation why Harare has more children in foster care is that most of the urbanites who foster children are not bound by the traditional beliefs which are inhibitive to the concept of foster care. Also in rural areas, kinship care is the main mechanism of taking care of the vulnerable members of society. Kinship care is embedded in the anthropocentric concept of Ubuntu. As Mbiti (1969) noted, the concept is premised on the belief that "I am because we are". As such, the communities get knit together and come up with mechanisms to take care of each other. The spirit of communitarianism can be considered to be strong in rural settings. In its idealistic sense, it ensures that all the vulnerable members of a society are taken care of and any nakedness is covered by the community.

Whilst the concept of communitarianism brings with it such cohesion and solidarity amongst the people living in the rural areas, it brings with it as well some exclusionary

tendencies. Due to the clear relationships that get established within communities on the basis of inter marriages and totems for example, when a stranger comes into the same community, they become conspicuous. In the Shona culture, there is a concept of *mutorwa*. A *mutorwa* is someone who is not related to you in any way be it through marriage or through totems. Whilst in the romanticisation of the Shona culture, it is easily argued that strangers are welcome. There are parameters within which one can interface with a *mutorwa.* One probation officer confirmed the existence of this phenomenon by noting that in the Shona culture, there is a proverb *chawawana idya nehama, mutorwa ane hanganwa* [when you find food, eat with your relatives, strangers are forgetful]. The meaning of this proverb in essence is that one has to take care of their own.

In the context of foster care therefore, families that are strongly embedded in their cultures and traditions find it difficult to take a *mutorwa* child into their homes as long as there are cousins and nephews still needing to be taken care of. It would be an issue of disapprobation for a family to take in a *mutorwa* child whilst there are relatives in need of care. This explains why in the rural settings, there is predominantly kinship care. It is only when families move to towns or to areas where they are not strongly linked with their clans that they can consider foster care and adoption. And when they do it, the research observed that it is kept as a sacred secret for life. The foregoing explains why it is easy for white foster parents to get a black child but there has not been an incident of black foster parents who either requested or fostered a white child. One probation officer observed that:

In my many years of working in the area of foster care, I have not found black foster parents wanting a white child for fostering. It is however acceptable for white foster parents to want black children. For black foster parents, the idea is to conceal the issue because if the relatives get to know that you went to foster a child of another race, clan or ethnic background, it may not be taken well. The relatives will ask whether you have finished taking care of the available relatives to go for a mutorwa… [Key Informant Interview, 22/01/18, Probation Officer]

Totemism

A totem is an animal, plant, or natural object (or representation of an object) that serves as the emblem of a clan or family among a tribal or traditional people. A totem represents a mystical or ritual bond of unity within the group. Totems are key symbols of religion and social cohesion; they are also important tools for cultural and educational transmission. Totems were often the basis for laws and regulations (Grundy, 1999).[8] There are

connections of totems mainly through marriage. In the context of foster care, families who believe in this aspect find it difficult to foster or adopt a child who would have been abandoned with their totem not known. The challenge with this dynamic is that should the fostered child be involved in bad behaviour, it can be attributed to the ancestors of the clan where the child comes from which may be calling him or her to come back home, hence the bad behaviour**.** In such instances, for foster parents who believe in the doctrine of ancestors, they would feel that they do not have authority to disciple the child. One foster parent confirmed this assertion by noting that:

When a child you are keeping starts behaving badly, refusing to be sent, being lazy and being stubborn, it may be difficult to correct this child's behaving because maybe the ancestors of the child could be forcing him to behave like that so that he can go back to his roots. As someone I am not related to in any way, I may need to seriously think how to deal with it before the child does a lot of damage to drive the point home… [In-depth Interview, 25/02/2018, Female, Foster Parent, Gutu District]

Avenging spirits/*Ngozi*

There has been a plethora of literature that has been produced by several scholars on the traditional belief systems of the people of Zimbabwe (Taringa, 2006; Mawere, 2010; Perera, 2001; Mawere and Kadenge, 2010; Mutekwa, 2010; Maxwell, 1998; Maxwell, 1995; Bucher, 1980; Engelke, 2004).[9] One fundamental aspect of the Zimbabwe traditional religion generally is this obstinate belief in the symbiotic connection between the dead and the living, the natural world and the invisible.

The research observed that linked to the concept of *mutorwa* is the aspect of *ngozi. Ngozi* is when a *mutorwa* dies under the custody of a particular family. The spirit of that individual will come to wreak havoc in the lives of the decedents of the person who would have caused the death of this *mutorwa* person. The spirit of the deceased can cause misfortunes of all kinds in the family including bareness, death and all sorts of calamities. One probation officer confirmed the foregoing when he noted that:

One of the reasons why people do not want to foster children is this belief in ngozi. There is a fear that if by any chance this child dies in my hands or a mistake happens causing this child to die, it will haunt my clan terribly. There are stories where the spirit of the deceased comes back to demand recourse. This belief is upheld by those who are still rooted in their traditional culture… [Key Informant Interview, 22/01/18, Probation Officer].

In view of the foregoing, the research observed that would-be foster parents would rather not have a *mutorwa* child amongst them since something may happen which may cause the death of the fostered child. Usually appeasing a *ngozi* requires another human being as well and substantial fortune such as cattle to be given to the family of the deceased. Families that are grounded in their cultural beliefs therefore do not want to take chances hence they will not foster or adopt children are in need of care.

Syncretism

One of the reasons which the research noted as a discouraging factor to consideration of foster by would-be foster parents is heavily linked to the belief of *ngozi*. The traditional beliefs are heavily embedded into the value systems of the people to the extent that for those who then choose to become Christian or follow another religion, they take their beliefs with them. In a way, they indigenise' Christianity for it to incorporate their traditional beliefs and way of life (Grundy, 1999).[10] This is called syncretism. One scholar aptly put it by saying:

*There is increasing evidence that, even among African Christians of long standing, there continues to be a lively awareness of the presence and power of the ancestors, (even if the specific rituals are no longer performed in their entirety, that much illness and misfortune is still explained in terms of witch beliefs and that in certain communities the last hundred years has seen the increasing spread of new cults centring on possession by alien spirits (*Pauw, 1963)*.*[11]

Manona (1981: 36) agrees with the foregoing assertion when he makes a general observation that Africans have never actually disassociated themselves from their ancestors. One reason for this conflation of beliefs has been that Christianity has had much to say about the individual, and about society at large, but little specific teaching about one's duty towards one's wider kin, a lacuna filled by continuing ancestor beliefs (Hammond-Tooke, 1986).[12] It therefore means that even for the families that are in religions such as Christianity still believe in such things as *ngozi* and totems. Such beliefs deter families to consider fostering children and adopting.

QUALITY OF LIFE FOR CHILDREN IN FOSTER CARE

The above section discussed some of the deterring reasons for limited uptake of foster care in Zimbabwe. In spite of all the reasons given above, there are still some families which decide to foster children. This section details debunks the notion which many researches on foster care have implicitly noted, that foster care is the

destination for child protection. The section enunciates some realities within foster homes. The research used the quality of life conceptual framework to explore the kind of life which the children live under foster care. The World Health Organisation defines quality of life as:

…an individual's perception of their position in life in the context of the culture and value systems in which they live and in relation to their goals, expectations, standards and concerns. It is a broad ranging concept affected in a complex way by the person's physical health, psychological state, personal beliefs, social relationships and their relationship to salient features of their environment.[13]

As can be deciphered from the definition, quality of life is a subjective interpretation of an individual hence the research placed premium on the views of the children and foster parents which were collected through focus group discussions and in-depth interviews respectively. Subjective interpretation of quality of life corroborates Campbell (1972) assertion that quality of life must be in the eye of the beholder. Milbrath (1978) also concurred with this notion by positing that '… I have come to the conclusion that the only defensible definition of quality of life is a general feeling of happiness', which is subjective to the person.

The research observed that the quality of life which fostered children experience in a home is a function of the kind of foster parents. These foster parents are not a monolithic group. The ACRWC appreciated this fact when it noted that:

'parents or other persons responsible for the child shall have the primary responsibility of the upbringing and development of the child and shall have the duty … to secure, within their abilities and financial capacities, conditions of living necessary to the child's development…' African Charter on the Rights and Welfare of the Child (1999).[14]

The ACRWC seemed to appreciate that 'abilities and financial capacities' of parents and other responsible persons would not be the same. The bottom line however is that child development has to be guaranteed. In consonance to the ACRWC, the research observed that broadly, there are three 'abilities and financial capacities' typologies of foster parents in the country namely chronic poor foster parents, transient poor foster parents and well off foster parents.

Foster parents' typology 1: Chronic poor

The concept of chronic poor foster parents is derived from the general definition of chronic poverty as has been posited by several scholars.[15] The definition of chronic poverty used by this research was given by Hulme and

Table 2. Foster parent case study.

An elderly lady decided to foster a boy in the spirit of taking care of children. She offered to take care of the boy despite her poor background. Her rationale was that she had weaned off her own children and needed someone to stay with whom she would provide for since her children were working in other cities and towns.
For sustenance, the lady relies on farming proceeds and remittances from her children to take care of the basic needs for the fostered child. For school fees, she depends on support from the DSW, though the support does not cover all the essentials for school. She uses the child to seek for assistance from neighbours.
The fostered child together with two other grand children spend a lot of time after school on the farm. This affected the fostered child's education such that he did not pass his O' Level exams in 2017. This has affected the boy and his relations with the foster parent are strained. The boy wants to rewrite his O levels but does not have finances to do that so he is stuck at this home, doing farming a lot more since he has more time on his hands.

Shepherd (2003) who noted that chronic poverty is an experience of deprivation that lasts for a long period of time.[16] Borrowing from Barrientos et al. (2005), the other dimension of this type of poverty is that households in this bracket have per capita income or consumption levels that are persistently below the poverty line during a long period of time.[17] The research showed that there were foster parents who generally fitted the aforementioned definitions. The foster parents in this category resembled a speculative characteristic in that some of the reasons for choosing to foster children were a perceived opportunity to benefit from government support that comes with fostering. This observation came mainly from probation officers who had made this deduction on the basis of their interaction with the foster parents. The research had an opportunity to interview some of the foster parents that are in this category.

Foster parents in this category took the opportunity to complain about how they are not receiving any support to take care of the children. They underscored the need for the foster fees to be disbursed, even though they also were quick to say that the foster fees were insufficient to cover the basic needs of the households. One foster parent noted:

…When government gives us children, they need to be a responsible father to these children. I have not been receiving foster fees since 2013. How does the government think that I will take care of the children? I don't have a job and am old now. We used to come here at the Department of Social Welfare and would be given blankets, food for the children, clothes and seed for farming. Now, there is no support we get except for the 50 kg maize under drought relief… [In-depth Interview, 18/01/2018, Female, Foster Parent, Masvingo District].

In view of the foregoing citation, fostered children living in such a household would be deprived of basics since the foster parent will not be able to provide. The sentiments of the foster parent also exhibit a lot of reliance on the government with a seeming sense of entitlement premised on the fact that the foster parent is housing a 'government child'. One would wonder why the foster parent chose to be one at their own volition if it is such a burden. It would appear that the foster parent did not count the cost of fostering, hence the assertion that such a foster parent was speculative in making the decision to be a foster parent. One officer pointed out that at least 60% of prospective foster parents that she had trained were anticipating getting direct material benefits through fostering a child.

The research observed that all foster parents in this category are all not formally employed. They either are vendors or undertake menial jobs for livelihood. Some of the foster parents in this classification once requested letters from the probation officers to use on begging for assistance from well-wishers. This request was turned down for ethical reasons. The average age of these foster parents is 55 years. Some of these foster parents having been taking children from the Department of Social Welfare since the 80s when the government used to have means of taking care of children in foster care (Table 2). During a focus group discussion, one child under this typology of foster care retorted:

Life is hard. I wish the government would support us with food, stationery at school. Sometimes I go to school hungry and without a complete school uniform. After school I would have to go and sell vegetables so that we can at least find some money… [Focus Group Discussion, 18/01/18, Child Respondent, Masvingo District]

Foster parents' typology 2: Transient poor

Transient poverty is associated with a fluctuation of income around the poverty line.[18] Foster parents in this classification can be defined as precarious non poor. It means that they are able to meet their basic needs as long as the exogenous factors are amicable. They are easily affected by any changes in variables such as inflation rates, macroeconomic policies as well as natural happenings like *inter alia* droughts and flooding. Such families live in a precarious state. All the foster parents in this category had either formal employment or running

Table 3. Well off foster parent case study.

This couple decided to foster two children, a boy and a girl, in the spirit of providing someone with a chance after being abandoned. The couple already has four biological children. The husband has a Phd in electrical engineering working in a power utility company. Being a senior executive in the company, the husband has a facility at work that takes care of the school fees needs of his biological children. The fostered two children are not on this program because of different surnames. The couple decided however to take care of the educational needs of these two children. They go to a private school in their town together with the other children in this family. For health, the family is on company medical aid and have a family doctor.
The family resides on a 10 hectare plot where they built a house which allows each child to have their own room. The house has wifi therefore there is continuous presence of internet connectivity. The household also has a full bouquet digital satellite television.
The family encountered a challenge the previous holiday season. As part of the foster father's work benefits, he can take his family outside the country for holiday. The family could not go since the fostered children did not have passports. The children currently use the short birth certificates which make it difficult when travelling abroad.

their own small enterprise. The research observed that children fostered by households in this category had what they needed when the small businesses were doing well. In times when the macro economic conditions were not favourable, the family would take a direct hit. Children under this typology of foster parents go to school with the rest but may not have all the supplies that they need. There is a lot of improvising to make ends meet. The research observed that this group of foster parents do not necessarily begrudge the government when the foster fees are not paid. They also do not have an ardent pursuit of the government officials to ask for any form of assistance to take care of the children. They certainly will not ask a letter from the probation officer to beg for assistance. One child living in this kind of family noted that:

I honestly do not have anything to complain about. I see that my parents are really trying to provide for us. Sometimes we get what we ask for but sometimes we do not. Like everyone else at school, we sometimes get sent home for not paying school fees. The teachers understand our kind of life… [Focus Group Discussion, 25/02/18, Child Respondent, Kadoma District]

Foster parents' typology 3: Well off

The second category is one where the foster parents are well off and have means to take care of the fostered child. These more often are well educated usually with formal or predictable income from business or acquired skills. This category of foster parents would not want any support from the government in taking care of the fostered children. The major support they need from the government is facilitation with getting birth certificates as well as expediting adoption papers. In Hwange and Bulawayo, the foster parents wrote letters to the DSW indicating that they did not need any foster fees or even school fees support.
    The children in this kind of family are provided with the general basics that they need to realise their full potential.

Since foster parents in this category are well off, they natural assume an elevated role in contexts such as churches, schools and so forth. That profile also benefits the fostered child as they ride on the identity of the foster parents. This observation is in consonance with assertion by Bhatta et al. (2006) who argued that an individuals' level of human capital itself is influenced by their family's income and assets. As such, household wealth is a potential determinant of human capital at the individual level.[19] Human capital is an important ingredient for the success of any person. Children in well off families have a lot of it through their parents. On the contrary, poor households have a significant negative impact on an individual's ability to accumulate human capital. It means that in those households, children will not have a lot of networks necessary for their development (Table 3).

ADMINISTRATION OF DISCIPLINE IN FOSTER HOMES

The concept of in *loco parentis* means "in place of a parent" (Harrison, 1996).[20] Foster parents therefore get children in respect for this principle. They however expressed concerns with the parameters of the application of the principle of *in loco parentis* as it relates disciplinary authority. Foster parents expressed disdain on the fact that the Department of Social Welfare would give them children with strict instructions that the children should not have corporal punishment administered on them (Table 4). The African Charter on the Rights and Welfare of the Child provides that:

Parents or other persons responsible for the child shall have the primary responsibility of the upbringing and development of the child and shall have the duty…to ensure that domestic discipline is administered with humanity and in a manner consistent with the inherent dignity of the child.[21]

This provision seems to imply that foster parents have a key role to play in administering 'domestic discipline'.

Table 4. Consolidation of foster parents' typologies.

Foster parents typologies	Reason for foster care	Support needed from the government	Educational levels	Employment status	Generalised Quality of life for the Children
Chronic poor and speculative foster parents	-possible benefits that can be obtained from the government and well wishers -purported love for children	-foster fees -scholastic needs such as stationery, uniforms, payment of fees, -food -assistance with utility bills	-more often without any tertiary qualification	-formally unemployed -conducting activities such as vending, cross border trading	**Health-** When the children get sick, they are taken to public hospitals with an Assisted Medical Treatment Order (AMTO). There were however complaints that the AMTO does not cover for medicines that may be needed by the children **Education-** the children go to public schools and they rely on either Basic Education Assistance Module (BEAM) or school fees payment by the government. There were complaints that the support provided is not holistic to include such items as stationery and other needs that the children may have. For school uniforms, the Department provides through Enbee. **Environmental-** children raised concerns that they would appreciate support from the government for bills payment because most households in this category struggled with paying utility bills especially electricity. The children also suggested buying of beds and food supplies. The basic living standards for children in this category are deplorable in the category **Emotional-** Most of the children knew that they were in foster care. This was primarily because the foster parent uses them to mobilise resources from the community around them. **Social-** the children did not exhibit a lot of confidence though some of them were articulate in outlining the issues they needed fixed. **Spiritual-** all the parents indicated that they go with the children to the church chosen by the foster parent.
Transient poor but foster parents	-love for children	-foster fees -scholastic needs such as stationery, uniforms, payment of fees, -food -assistance with utility bills	-tertiary qualifications	- these are sometimes employed in public service or elsewhere but at the lower echelons hence making little money to be able to take care of the needs of the fostered children.	-Overall, the foster parents in this category endeavour to provide for the children using all the means that they have. In some instances they fail to meet all the needs of the child. Such households are in transient poverty therefore the state of affairs in the household vacillates depending on agricultural productivity of that year, or good economic policy and so forth. The quality of life for children in this category is not the same but ranges on the border line between having what is necessary to have quality of life and in some instances not having at all. **Health-** the households relies on the government to provide access to quality health care for the fostered child. This household therefore needs AMTOs when a child gets sick hence issues around the lack of comprehensive cover of AMTO in taking care of the health needs of the child is something that foster parents in this category raised. **Education-** the children's tuition fees are paid by the government. The foster parents however are able to provide the other scholastic needs of children such as stationery and civic day payments. **Environmental-** the environment for households in this category presents challenges for the child to flourish. In the era of privatised public goods like electricity and water, the foster parents sometimes do not have money to pay utility bills and to have running water. **Emotional-** though the household may not be able to meet all the needs of the fostered child, the latter however grows in a loving family that can help the child to reach their full potential in spite of the antagonistic circumstances. Children in such homes are able to have solidarity with their parents and lower their expectations on what they can get from the foster parents. **Social-** the child in this category are able to integrate into the society as they face similar challenges that the other households around them face. Usually foster parents in this category stay in high density areas if it is an urban setting. **Spiritual-** just like any other category of this typology, there seem to have been a unanimity that foster parents provide guidance to the fostered children on religious matters. This is primarily because of the age of the fostered children which is averagely 3 years.

Table 4. Contd.

Well off foster parents	-the desire to give other children a chance in life -barrenness	-assistance with getting long birth certificates and passports for the children -expediting the process of adoption	-mostly tertiary qualifications, including PhDs	- mostly formally employed -in a rural setting, well-resourced with land, cattle and necessary equipment for successful agriculture	Children fostered in such families are given remarkable opportunities to flourish and realise their full potential without many impediments. Children in this kind of family, foster parents do not generally have closer monitoring by the parents since the parents will be preoccupied with their business or career endeavours. This arrangement leaves the children without parental supervision for the greater part. **Health-** such families procure private medical facilities therefore they would not need the AMTOs. It is well within their means to take care of the health needs of the fostered child. **Education-** the families do not need support from the government through BEAM or other facilities. They are able to take the fostered child to well resources schools, including private schools in some instances. The family is also able to provide most scholastic needs of the child. **Environmental-** the child is given an environment which has most requisites for a healthy childhood. **Emotional-** There is a dynamic of irregular and inconsistent availability of the foster parents to provide parental and emotional care to the child. This is because such households are characterised by several career and societal obligations which make them not be available all the time. Social- A foster child coming from such a family does not struggle to integrate into the society as they ride on their parents" social capital. Spiritual-All households interviewed go to a Christian church despite the plethora of variations. The choice of the church is done by the foster parents in the spirit of family and doctrinal cohesion.

Some of the foster parents felt that the DSW disenfranchised them by not allowing them to beat the children whom they were fostering. One parent noted that:

The Department gives us these children and tells us that under no circumstances should we beat them. If we do not beat them, they will become unbridled. They need to be shown the way. Even the training we were given by Child Protection Society, they said that we cannot beat the children. Exactly how do I become the parent if I cannot beat the child when they do something wrong for the umpteenth time without listening to verbal rebuke? [In depth Interview, 8/01/18, Female Foster Parent, Harare District].

In building up this argument on some foster parents' disapproval of the government directive for not beating children, another foster parent noted that:

When a child continues to do bad behaviour, we have been told that we should bring him/her to the probation officer. What does that say about me as a parent? The child won't respect me knowing that I will not punish them…? [In depth Interview, 22/01/18, Female Foster Parent, Masvingo District].

As can be deciphered from the citations above, the foster parents seem to be in disapprobation with the policy that the government came up with for not disciplining by beating any fostered child. There were sentiments that the policy was derived from westerns ideologies. One parent lamented that:

How come we just took the policies that came from overseas to make them our own? Why did we not see how the issue of banning the beating of children can be replaced before we talked about abolishing it? Who also did they consult? If

you say we should not beat the children, then give us the options that are viable so that we will not be stranded…? [In depth Interview, 15/01/18, Female Foster Parent, Makonde District].

The above quotation of a foster parent challenges the policy of prohibition of corporal punishment as a policy that was not done with wider consultations. The research observed that the main tool for disciplining children which some of the foster parents knew was beating. Removing beating from the equation therefore made the parents not to have options. It must be noted however that in the traditional cultures of Zimbabwe, beating of children was not the first option available to the parents. During an in-depth interview with a foster parent from Gutu District, the latter gave the research team a catalogue of Shona proverbs which indicated that beating was not the only avenue for disciplining children. Table 5 is an outline of some of the

Table 5. Shona proverbs on disciplining of children.

Shona Proverb	Translation	Interpretation
Potsi haarwirwi	The first time is not worth fighting over	Beating someone for first offence or bad behaviour is not right. Action would need to be taken if there is repetition.
Yafamba kamwe hayiteyirwi musungo	You will not put a snare for an animal that would have tracked once on an area.	A single transgression should not be taken seriously.
Mhembwe rudzi inozvara mwana ane ruzhumwi	A duiker is one of a species, if it bears a child, he will have a tuft on his head.	The behaviour of children reflects the parents. This means instead of disciplining the child, the parents need to introspect if they are setting the right examples.
Mwana asingachemi anofira mumbereko	A child who does not cry dies in the cradle	A child should voice out his or her complaints and concerns
Chirere mangwana chigozokurerawo	Care for it and it will care for you tomorrow.	The motivation of nurturing of adults to children is to have responsible children who will take care of their communities and elders.
Kurayira kunoda pwere. Mukuru ndimambo	Discipline requires a child. An adult is a chief.	Give advice to children so that they grow up knowing the right way. When one is an adult, it will be too late as they may not heed the advice.
Kuziva mbuya huudzwa	To know one's grandmother means being told who they are.	Children should be taught even the seemingly obvious things. How can they know unless they are told?
Chenga ose manhanga hapana risina mhodzi.	Take care of all pumpkins since there is none without seeds	Take care and nurture both boys and girls, they all have something to offer.
Rambakuudzwa akazoonekwa nembonje pahuma	Headstrong was found with a head wound.	The one who refused to be advised will get permanent scars which could have been avoided.
Regai dzive shiri, mazai haana muto.	Let them be birds, eggs do not have soup	Let the children grow and realise their full potential. Child marriage does not produce fruit.
Kuudza mwana hupedzisira.	When you tell a child, do it like it's the last time	Take time to explain instructions to children as there may not be another opportunity to do so
Gudo guru peta muswe kuti vaduku vakutye	A big baboon should fold its tail for the small ones to fear it	The adults need to lead by example if they are to get respect from the young people around them

Source: Compiled by the author from in depth interviews with foster parents (2018).

Shona[22] proverbs that guided how the parents dealt with their children in issues of discipline.

Proverbs embody a people's culture, values and worldviews. The aforementioned proverbs of the Shona people demonstrate that premium was put on telling or advising the children, not necessarily administration of corporal punishment. Administration of corporal punishment was not the first option available to parents as can be envisaged from the proverbs above. As such, when foster parents feel disenfranchised to administer discipline on the children they are fostering, it is partly a lack of understanding of the requisite ethos that were used historically in raising children. The lack of this indigenous knowledge system in some foster parents on raising of children was laid bare by some of the responses of the children during the focus group discussions. The children noted that whilst the government had made beating of the children unacceptable, the foster parents then resorted to other means which equally violated the right of the fostered children. In a focus group discussion in Kadoma, one child's narration epitomised the general sentiment of the children by saying:

I would rather be beaten, then you know that the matter is resolved. If you refuse to be beaten, the foster parent will threaten to take you back to the Department. I don't want to go back where I came from. I would rather they beat me and I know that I have somewhere to stay. What's the point of refusing to be beaten then you are homeless again…? [Focus Group Discussion, 11/01/18, Child Respondent, Kadoma District]

This sentiment was expressed a lot by the children. They had a concern that they felt like they were treated differently since they could not be beaten. Such treatment made them to feel as though they did not belong. The children did not want to be treated in any special way

Table 6. Children's perspectives to physical punishment.

Offences that qualified to be beaten for	Offences that do not warrant one to be beaten
When I stole all the relish of the family and ate by myself	When I break a glass or plate by mistake
When I forgot to feed the chickens after being reminded several times	When I did not do well at school
When I picked up a cigarette and smoked it	When the teacher beat me because my books were not covered and yet I did not have the money to buy book covers
When I pulled down the television and it smashed to the ground	When I overslept because I was tired
When I forgot to inform the parents that my school uniform needed to go for dry cleaning until the day before schools opened	When I lost money for bread after being sent to the shops
	When my books at school got stolen from my drawer

Source: Compiled by author from focus group discussions with children in foster care.
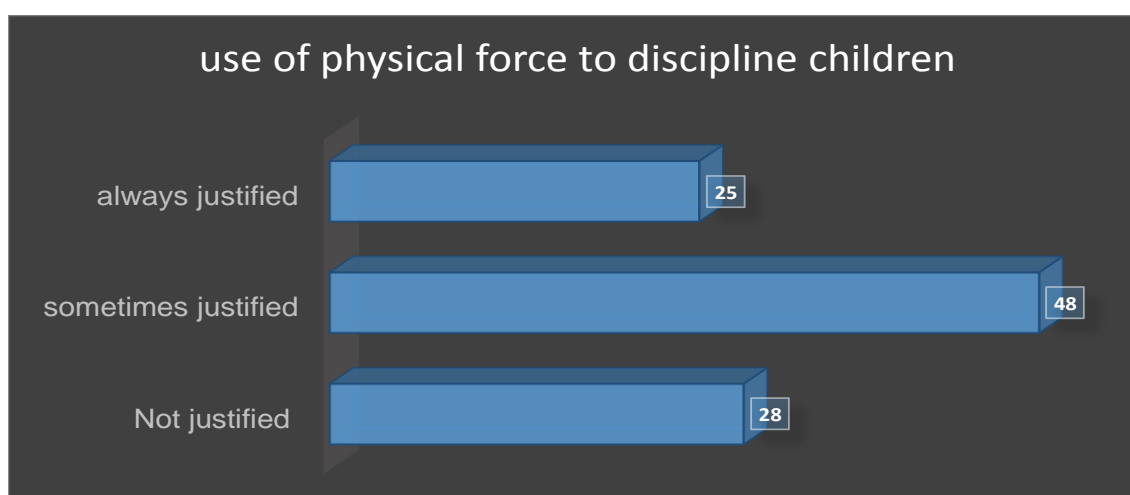

Figure 1. Public Sentiments in Zimbabwe on the use of physical force to discipline children.
Source: Adapted from the Afrobarometer Dispatch No. 156, 12 July 2017.

because they had been placed there by the government, they wanted to be treated like any child would be treated. This dynamic delicately poises the carefulness of the foster parents in that the fostered children had come through a court order and were subject to periodic supervision from a probation officer. Whilst the monitoring by the Department of Social Welfare can be said to be needful, it however made the foster children to be somewhat 'different' from the other children who may be in the household.

Physical abuse versus disciplining

In some of the focus group discussions, children distinguished between physical abuse and being disciplined. One child noted that:

When a parent takes shamhu[23] to beat you after you do something wrong, that is not abuse. When they take a cooking stick or another big instrument to beat you that is physical abuse [Focus Group Discussion, 18/01/18, Child Respondent, Masvingo District]

The sentiments of the child presuppose that there is administration of discipline which is understandable to the child depending on the crime committed. There is however some administration of discipline that becomes abuse. The research interrogated this aspect by asking the children to outline some of the crimes which they thought were justified to be beaten and those which did not justify. Table 6 outlines the children's responses.

Another aspect that the children raised on discipline was that if they were beaten after getting an explanation of why they were beaten and also given the opportunity to respond, they appreciated it rather than be beaten in the spasm of the parent's emotions. The views of the children as cited above corroborate what the 2017 Afrobarometer found out when they conducted a survey earlier in 2017. The survey found that 28% of Zimbabweans believe the use of physical force to discipline children is never justified; 48% believe it is sometimes justified, and 25% believe it is always justified as illustrated in Figure 1 (Ndoma, 2017).[24]

The figure shows that the majority of the respondents

agreed with the sentiments of the children in focus group discussions conducted by this study in that physical force should not be used at all times. The foster parents who felt disenfranchised of the *in loco parentis* for not being allowed to beat the fostered children fell into the 'always justified' category of the cited research.

Conclusion

As momentum is growing in making foster care be a viable child protection tool in the country, there is need to interrogate some of the factors that are limiting its uptake. This paper has shown that there are several embedded cultural and traditional beliefs that would need to be confronted through foster care promotional initiatives.

The research also showed that foster care provides children with an opportunity to grow up in a normal family whose characteristics are heterogeneous hence needing to be differentiated. Overall, the quality of life for children in foster care is varied. Some of the children get into families that set them a platform to flourish whilst others get into families which themselves have limited opportunities. This is reality of human existence since all the families cannot have similar opportunities for their children. Again, the aspiration is for children to grow up in a family environment which fosters child development. The screening process in Zimbabwe does not favour only the rich. The research has shown that families that are poor have been given children to foster. There may be a risk of discriminating against poor families who may want to foster children. With higher demand and limited supply for foster care, when a family goes through the entire screening process, it is a huge opportunity for a child who may spend their entire childhood in a residential child care institution. If the process were to set high wealth threshold for approving the kind of families that can foster children, it would be flawed to assume that well to do families better protect children. The paper has shown that there are different child protection issues in all the three typologies of foster families. The paper has given caution that placing a child in foster care is by no means the end in itself as there are various vicissitudes and nuances within these families which need closer attention to ensure better quality of life for children.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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END NOTES

[1] African Charter on the Rights and Welfare of the Child (ACRWC), Preamble

[2] Zimbabwe Constitution, Section 81 (1)

[3] Zimbabwe Constitution, Section 19 (2)

[4] The six safety nets for child protection start with the nuclear family, followed by extended family, then community care, foster care, adoption and institutional care as the last resort.

[5] Unpublished Department of Social Welfare 2018 Annual Report.

[6] Children's Act, 5:06

[7] A recent unpublished research titled '*National Foster Care Baseline Report*' by the Department of Social Services showed that there are 532 children under foster care as at 2018 compared to a population of 13 million people as per the 2012 national census.

[8] Grundy M (1999), Syncretic Religion in Zimbabwe: the Evidence of Sculpture, Brown University;

[9] See Maxwell D (1995). Witches, prophets and avenging spirits: The second Christian movement in North-East Zimbabwe. *Journal of Religion in Africa/Religion en Afrique*, *25*, 309., Bucher H (1980). *Spirits and power: an analysis of Shona cosmology*. Oxford University Press., Maxwell D (1998). 'Delivered from the spirit of poverty?': Pentecostalism, prosperity and modernity in Zimbabwe. *Journal of religion in Africa*, *28*(Fasc. 3), 350-373., Perera S (2001). Spirit possessions and avenging ghosts. *Remaking a world: Violence, social suffering and recovery*, 157-200., Taringa N (2006). How environmental is African traditional religion? *Exchange*, *35*(2), 191-214., Mawere M and Kadenge M (2010). Zvierwa as African IKS: epistemological and ethical implications of selected Shona taboos. *Indilinga African Journal of Indigenous Knowledge Systems*, *9*(1):29-44., Mutekwa A (2010). The avenging spirit: Mapping an ambivalent spirituality in Zimbabwean literature in English. *African Studies*, *69*(1), 161-176., Mawere M (2010). Indigenous Knowledge Systems' (IKSs) potential for establishing a moral, virtuous society: Lessons from selected IKSs in Zimbabwe and Mozambique. *Journal of Sustainable Development in Africa*, *12*(7), 209-221., Engelke M (2004). Discontinuity and the Discourse of Conversion. *Journal of Religion in Africa*, *34*(1), 82-109.

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[13] http://www.who.int/healthinfo/survey/whoqol-qualityoflife/en/ (Accessed 29 January 2018)

[14] African Charter on the Rights and Welfare of the Child, Article 20 (b)

[15] See Devereux S (2002). Can social safety nets reduce chronic poverty? *Development Policy Review*, *20*(5), 657-675., Kothari U (2002). *Migration and chronic poverty* (Vol. 16). Manchester: Institute for Development Policy and Management: Chronic Poverty Research Centre., Aliber M (2003). Chronic poverty in South Africa: Incidence, causes and policies. *World development*, *31*(3), 473-490., Hulme D and Shepherd A (2003). Conceptualizing chronic poverty. World development, 31(3):403-423., Bird K, Hulme D, Shepherd A, and Moore K (2002). Chronic poverty and remote rural areas. *Chronic Poverty Research Centre Working Paper*, (13).

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[21] ACRWC, Article 20 (c)

[22] According to the constitution of Zimbabwe, the country has the following officially recognized languages: Chewa, Chibarwe, English, Kalanga, Koisan, Nambya, Ndau, Ndebele, Shangani, Shona, sign language, Sotho, Tonga, Tswana, Venda and Xhosa. The research however identified only Shona proverbs. As such, this is one of the limitations of the study. By no means is Zimbabwe culturally and linguistically homogeneous to have Shona proverbs represent all. Suffice to note though that Shona is the widely spoken language in the country.

[23] *Shamhu* implies a small thin branch of a tree. It is usually used to swipe the legs without causing any injuries on the child. When the *shamhu* is thin, it causes a twinging pain that however does not damage the skin.

[24] Ndoma S (2017) Contrary to court ruling, Zimbabweans endorse parental right to physically discipline children: Afrobarometer Dispatch No. 156, 12 July 2017 accessed at http://www.endcorporalpunishment.org/assets/pdfs/states-reports/Zimbabwe.pdf (Accessed, 7/02/18)

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