



THE REPUBLIC OF UGANDA

PROCEEDINGS
OF
THE CONSTITUENT ASSEMBLY

OFFICIAL REPORT

CONTENTS

MONDAY, 11TH JULY 1994

MOTION:-

General Debate on the Draft Constitution of the Republic of Uganda [Pg 710]

Monday, 11th July, 1994

The Assembly met at 9.00 a.m in the International Conference centre, Kampala,

P R A Y E R S

(The Chairman, Hon. James Wapakhabulo, in the Chair)

The Assembly was called to order

MOTION

THAT THIS ASSEMBLY DISCUSSES THE GENERAL PRINCIPLES OF THE DRAFT CONSTITUTION OF THE REPUBLIC OF UGANDA.

(Debate continued)

MR. NYAI DICK (Ayivu County): I bring you greetings from the people of Ayivu County.

In a certain capacity I have been a liberator and I was mature enough by the time Uganda got her Independence. In 1979, when I came back from Tanzania, after the broadcast on Radio Tanzania we went for Press Conference at Uganda Television. One great Ugandan journalist asked me: 'Dick Nyai, you come from Arua. Why did you broadcast against Amin?' That question, to me, was very informative because I came from Arua and Amin came from Arua, therefore, we should have a similarity of opinion and I should have supported Idi Amin. I am telling this story because all of us in Uganda like to act the Ostrich and bury our heads in the sand. We forget that we are part and parcel either by Commission or Mission to the suffering of this Nation. We pass judgement on others while not judging ourselves. Not until we accept that we are part and parcel of this Exercise in this country, shall we move forward.

Secondly, let me disabuse my Colleagues, the hon. Delegates here. There is a syndrome in Uganda which goes like this: '*When I am power, it is alright. Other people who are looking for political power are opportunists.*' I want to submit that the whole exercise of political organisations and political movements or otherwise is to attain state power so as to guide the future of the country. But this is not done ubiquitously. It also allows people who are holding

that power to enjoy the perquisites whether it is the Pajero or others. This is very nice and I believe all Ugandans want to share that. It is, therefore, wrong to say that anybody who wants to attain political power is an opportunist, because we all are. For instance, the other day, I was greatly amazed by the eloquent support my hon. Friend Sam Kutesa gave to the Movement. I knew hon. Sam Kutesa when he was a young man and had stood in Nyabushozi. After that he came and tried his chances against Hon. Bidandi Ssali in Nakawa and he got a slightly red nose. Then this time round, he went and hustled around for another Constituency in Mawogola. He is trying for political power. Then he turns round and tells this august Assembly that he does not trust those people who are trying for political power 'the high priests'. Now who should not be trusted, Hon. Sam or all of us? The truth of the matter is that the power of cobalt is very powerful - but that is another matter.

Now, let me open my remarks by paying tribute to all the powers that be to all Ugandans assisted by friendly country to enable us to sit here today. Mr. Chairman, fellow hon. Delegates, we are privileged to make history if we so wish. The historical fact is our people of Uganda have been induced and persuaded to think that a new Constitution will be a panacea for all our ills. Indeed, it so stated in the preamble the Draft: '*recalling our history which has been characterised by political and constitutional instability*'. In other words, if our Constitution was stable, then all our woes would fly out through the window and would live happily thereafter.

Let me beg your indulgence and that of the hon. Delegates to disabuse our fellow Ugandans about their efficaciousness of a good Constitution in treating and curing all our ills. It is true that a good, just, fair and commonly accepted constitution is a plus for the good governance of our people. My proposition is that for justice to pervade our society and land there should, first and foremost, be an attitudinal change in the minds and attitudes of our people. I am not a professional historian. But I was old enough at the time to appreciate and understand the activities that led to our attainment of independence.

When the former Members of the 7th King's African rifles came back and ignited the fuse for Independence, many political parties joined in the fight. At that time

there was even great hope and desire for the three East African States to attain Independence simultaneously and thus, form a Federation of East Africa. I am sure hon. Apolo Nsibambi will assist me in explaining why the concept of the country of East Africa came to nought. The same forces in Buganda which resisted an East African Federation also set out to fight against Independence unless certain conditionalities they insisted on were fulfilled. The Colonial Power, Great Britain, convinced itself that Uganda could not become viably independent without Buganda. The truth of the matter at the time was that the foreign exchange earnings of the country mainly depended on coffee from Buganda.

The late Benedicto Kiwanuka refused or neglected to accommodate the wishes of the Kabaka. The people of Uganda wanted Independence NOW and it was on this basis that the UPC went into dialogue with Kabaka's Government and eventually struck an alliance. It is instructive to note that even when the Chief Minister, Benedicto Kiwanuka, and his delegation walked out of the Lancaster House Conference, the British Government Delegation continued to negotiate with the leader of UPC which was the leader of opposition and the Kabaka Yekka delegation. If the thirst for Independence and the necessary accommodation that had to be made are termed opportunism, then Mr. Chairman, I plead guilty as a supporter for the drive and fight for our independence. I trust and hope that no hon. Delegates here will construe this statement as an apologist position.

We attained our Independence in 1962 and up to now we are still agonizing. What went wrong? Mr. Chairman allow me to propose that the root-cause of our problems is the personalisation of offices and the total disregard for and marginalisation of systems. The Army top brass became subordinate and subservient to the political leaders and, therefore, came to believe that if particular politicians or their godfathers lost power, then the officers will face a bleak and uncertain future.

It is on the basis of the above analysis that the people of Ayivu say and insist that we draw up a constitution which will guarantee that the Uganda Armed Forces never again will it become the personal property of a few politicians. (*Applause*). The people of Ayivu are crying for a purely National Army which will not fight the political wars of their patrons.

The second root cause of our problem is the belief that Kampala and its environs constitute the whole of Uganda. Our Government has continued to play in the sand in Kampala and completely marginalised the rural areas such as Arua, Moyo, Rukungiri, Pallisa, Moroto, Kitgum, Kotido, Kibale, Kiboga, Hoima, to mention but a few. I am quite sure hon. Brig. Matayo Kyaligonza will be very happy about this. While the Kampala roads which are economically viable are repaired all year around, roads to Arua and other areas that produce tobacco, simsim, groundnuts, cotton and so on lie uncared for. Maybe it is because this type of produce are of no economic value!

Just like our roads are neglected, so are our people in the crucial areas of power supply. I say crucial because as our hon. Members all know, without power there can be no development. It pains the members of Ayivu Constituency and, indeed, the whole of Arua, Moyo and Nebbi districts. The Kenyans, Tanzanians enjoy power from the national power generation at Jinja while we, bonafide citizens of this country, do without reliable source of power. I think that is a shame. All we are told is that our areas are not economically viable.

Closely related to the foregoing is the marginalisation of our people in Key positions both in Government and Parastatal Organisations. While some people openly talk of *Twarire*, our people watch in agony and desperation. For this reason the people of Ayivu have requested me through you to ask the hon. Delegates to start thinking seriously about the separation of power and empowering a Parliamentary appointment committee with the distribution of senior positions such as Ministers, Permanent Secretaries, Managing Directors and their Management Members sitting on various Boards as Directors, to ensure parity in our nation.

The third root cause of problems is the suspicion and at times outright hostility with which those in power and authority regard the civilian population. The perennial suspicion is that the people do not know what is good for them. Those in power arrogate to themselves a monopoly of intelligence, raise themselves up on pedestals and pass judgement on the long suffering people of Uganda. This suspicion and arrogance leads all Governments - past and present - to try and perpetuate themselves in power at all costs. The worst manifestation of this arrogance are statements such as: 'We in the NRM...' meaning basically that we know better and the rest of you

should shut up. Secondly, it makes some of us employ the adage: 'Do as I say, but not as I do'. This means in practice that with impunity and bare faced effrontery we talk glibly about transparency, accountability, and the hatred of sectarianism, while we employ our relatives and kith and kin and indulge in galivanting corruption.

The people of Ayivu are very unhappy with statements which tend to condone corruption in the belief that the country will evolve a new middle class which is necessary, it is said, for development. The people of Ayivu say that let this hon. House make sure that the new Constitution does not give room for Government to absolve and condone thieves. *(Applause)*

Therefore, the people of Ayivu asked me to finally request this august Assembly to ensure that the new Constitution which will be enacted and promulgated must do away with double standards. The people say that although human deception is not easy to fathom but in making a Constitution which is good for this country we should have tried to live a godly life. When Ayivu said: 'NRM came to power by force of Arms, why are they now writing a Constitution?' I told them: "No, let us forget the past, let us know God works in mysterious ways. You can use a thief to catch a thief. So, let us make this Constitution even if this administration came to power by force of arms".

I would like to say that serendipity, that ability to do right by accident - should not be entrenched in our Constitution. I say this because in the corridors I have been hearing some delegates of certain articles in the Draft Constitution: '*Do not worry because President Museveni is pro-people and he will never misuse his power. In fact you can see that the President is a clean person. It is those who are around him that are not so good.*' There are two wrongs here. In this line of thinking - first leave the historical accident of Yoweri Museveni being pro-people and clean - it does not mean, therefore, that whoever becomes President will also be good and clean. The Ayivu have a saying that if you deal with black cooking pots, then the soot will also rub off on you. It is therefore, critical to this nation, and this is the unwavering hope of the people of Ayivu that the hon. Delegates build a strong structure providing for a lasting system which can deliver services with fairness and justice to all the people of Uganda. Their plea is that we should not personalise offices. A strong secure structure system which is just and

fair will guarantee the future for Ugandans, including those generations yet to be born. How can this august House achieve this goal and honestly deliver it to the people of Uganda? In our subsequent discussion I will amplify the ways the people of Ayivu hope that this exercise will not merely be a statistical exercise of the majority imposing their wishes, even if some of those wishes are inequitable, on the rest of Ugandans.

The caution by the people of Ayivu is that the statistics can be used to justify injustice. Whereas Justice Benjamin Odoki and his Constitutional Commission team did a commendable job in listing views from the people of Uganda, however, from the summary of sources it is obvious that their cars drove more often to Mbarara, Kabale and Bushenyi than drove to Arua and Kitgum. We can check those figures. You have the Papers. If you sample 1,000 people in Mbarara...*(interruption)*

MRS. MIRIAMATEMBE: Point of Information, Mr. Chairman.

MR. NYAI: I am not accepting any information from hon. Miria because she was a Member of that team. Mr. Chairman, I am saying this that if you sample 1,000 people in Mbarara and sample 100 people in Rhino Camp, it is obvious that...*(interruption)*

MRS. MIRIAMATEMBE: Point of order, Mr. Chairman. Is the hon. Member in order to mislead this House by saying that vehicles of the Constitutional Commission were mainly going to the West and therefore, collecting only views from the West when, in fact, the Commission was divided in six groups - three per team and every team had its area of operation. I personally was handling Kumi, Soroti, Lira, Kitgum and I made sure I went there all the time with my team. Is he in order to mislead this House by giving that misleading information.

THE CHAIRMAN: We cannot allow you on the Floor before the Chair rules that you were on the point of order. But I thought the hon. Member was saying he had some statistics. Maybe he can provide us with some.

MR. NYAI: Thank you for your good guidance, Mr. Chairman. Just before we broke off for recess from the first meeting we were given tons of literature. If the hon. Delegate cares to look there is the

addendum which is a statistical analysis of the sources of the Constitutional Commission. I am not talking out of air. If you interview 1,000 people in Mbarara, and interview 100 in Rhino Camp, it is obvious that the result will come up lopsided.

The people of Ayivu have asked me to try and persuade the hon. Delegates to accept into the Constitution only that which is logically justifiable - that which is just and good for hon. Brig. Matayo Kyaligonza will certainly be just and good for hon. Dick Nyai. We should, therefore, desist and, indeed, resist the temptation that since we have the numbers then we can do anything we want. There can be no winner in the Constitution making exercise because the Constitution must of necessity, as far as is humanly possible, be accepted by all. Our guiding principle should, therefore, be that of thinking rationally and consistently at all times.

In this light we should at this point forget about immediate gain of entrenching ourselves and confusing transient issues with Constitutional issues. The issue of system of Governance has nothing to do with the movement. The Movement will not last for ever. The Constitution is the supreme law. So, let us put in systems rather than the immediate advantage provisions.

At a later stage I will articulate the thinking of the people of Ayivu on the individual articles in the Draft Constitution. Suffice for me to say that the people of Ayivu believe in a unitary Republic of Uganda. It is most instructive, that during the Odoki Commission findings there was no submission which wished Uganda not to continue as a single State. This is a significant expression of a nascent nationalism which we often do not give vigorous expression to.

The people of Ayivu are particularly unhappy with the lack of Government support for development in their area, and hope that the new Constitution will provide remedies which will enable them to eventually try to live like other civilised and already advantaged Ugandans. The rationale for devolution, if at all it exists, has escaped us in Ayivu. To say that districts particularly disadvantaged districts like Arua, should look after themselves without any enabling Funds is condemning them to perpetual backwardness. The problem of devolution is that we lose out on the benefits of economies of scale. I hope that devolution or decentralisation is not for the benefit or purpose of distribution of blame. If it is to be decided that

individual districts look after themselves so as to give power back to the people, then let the people control, exploit and market their natural resources. Let Arua benefit from the tobacco, cotton, simsim, maize, etc. At the moment our people are being exploited. During last tobacco season our farmers were paid about 5 billion shillings by BAT (Uganda) Limited. The same Company paid the Uganda Government over 25 billion shillings as taxes. If we in Arua were to get even half of that money, we would not be beggars asking for support like orphans. At the moment the district budget is hardly more than 1 billion shillings.

Finally, along this line I would pray that the national resources - the oil - which is available in Pawor generally is exploited for the benefit of our people of West Nile. And I am very sure hon. Onegi Obel will benefit would benefit ultimately.

The people of Ayivu are determined that the Constitution we are discussing and which we shall enact and eventually promulgate must jealously guard the human rights of the people. It is, they believe that the rights of individual are not negotiable.

DR. JACOB ANIKU: Point of Information, Mr. Chairman. Pawor is in Madi-Okollo County not in Jonam county. And I would like to give in the information that the oil deposits that are suspected are at Rhino Camp about 15 miles from our place. Thank you very much.

MR. NYAI: Thank you very much hon. Aniku. I know that it is the incline which slopes and although I am not geologist I am quite sure that the oil is available all over there.

I said the rights of individuals are not negotiable. The hope is that the Constitution shall restrict and, indeed, deter Governments from interfering with people's religious beliefs and practices, as well as, with their right and freedom of political association. The right of political association should not be equated with performance of previous political parties. It is an individuals right which you cannot wish away and I believe we will here promulgate a Constitution which provides for regular and free elections of the people of Uganda. I am saying this because if the NRM wants to retain the powers it acquired by the gun and now legitimise it then let it compete for this power in the open market alongside other parties. It is absolutely dishonest to say, NRM

is for all - every Ugandan over 18 years, as by the Statute, and in the same breath say: 'we of the NRM...' This statement means that the others are not of the NRM. After all, the NRM is so popular that I do not see why it fears competing with the powers of other parties. Because it so easily win!

The people of Ayivu are grateful to the NRM/NRA for their contribution towards the current peace. It shows their evolution from peace breakers and causers of upheavals to peace keepers.

We in Ayivu believe that peace is a total team effort of all Ugandans. It is therefore, unfortunate for some people to argue that: 'since we brought you peace why do you complain because we are ruling'. Honestly, if the Resistance war was to liberate the people then allow the revolution to run its course. Do not act like somebody who finds children who are hungry, and ask them: "Are you hungry?" They say: "yes". So, there is food here wash your hands. When they sit down, you say, now the rule here is get *Ugali* or *Matooke* and put it in my mouth and yours. If the Resistance war was to liberate the people, then allow the revolution to run its course and empower the people to freely and regularly and elect their Governments. Once NRM/A can do this then it will earn the perpetual gratitude of the people of Uganda from generation to generation world without end. I thank you, Mr. Chairman.

MR. WAMBEDE SETH MASSA (Bungokho North County): Mr. Chairman, the obvious normally becomes a norm and should you differ from the norm, then you are regarded as a defiant person. In respect I would want to add to the voices of those who have already congratulated you for that office. Equally, I would do so to the hon. Members here. To some extent I would feel cheated if I did not register my sincere and special thanks and congratulations to those who have shot up into the political arena for their first time. I would say, you keep the banner high!

While other countries are famous for their landscape, good leadership and government, culture and alike, Uganda is famous for the civil wars - for the last three decades that has left her leaping towards the end of the 20th century. This is a phenomena not only embarrassing to Africa, but the whole world. I find nothing strange in the 1962 or 1967 Constitution that we cannot develop upon. I should say, these constitutions found fertile soils but largely in a very, very hostile climate where the leaders who took over

from the colonialists provided this hostile climate. This is a fact that we should accept. We should not hide ourselves from the turmoil that we went through. We should accept and acknowledge our or our brother's ills that were made. The Leaders who took over from the Colonialists provided a hostile climate by using the questions of ethnicity and religion to create suspicion and consequently a detest and mistrust of each other. I beg and appeal to this august House never to open such a Pandora's box. We should guard against it.

For any constitution to be respected and upheld, it must be widely understood by the people it is intended for. Therefore, the notion of constitutionalism must be internalised and institutionalised, to use Prof. Nsibambi's words. We must adhere to this. The Constitution must be made easier and where necessary form the syllabus in all the schools and the political or politicisation seminars in the country-side must be upheld. Without teaching the people what their rights are and understanding what ills have been created by X and Y, we shall again swim into the quagmire we have gone through. Like His Excellency said, "*backward people will propel backward people to leadership*". We should endeavour to teach our people what is right and what is wrong for them. The Constitution should not be so rigid. I have heard some Members suggesting strict separation of power; the Constitution that should not be amended anyhow; etc. But in the view of my people and in my view I would feel the Constitution should be flexible enough to accommodate the growing political, economical and social factors that may be not foreseen, during our constitutional making. This does not mean that its principles should be altered anyhow. It should be supported at least by three quarters of the legislature.

When we read through Chapter 3 on national objectives, they sound nothing other than ideals. Ideals which are in a way a policy matter; and a policy matter is destined for either failure or success. Now, imagine yourself or ourselves, where one of these objectives encouraging compulsory education and given the fact that rural peasants are poor; where if one falls sick and only resorts to the herbs or God's judgement. I do not know how he is going to effect this education being compulsory. So, I and the people of Bungokho would feel those objectives which are merely idealistic should not be in the Constitution. Otherwise those are problems. In any case this can be catered for under the fundamental human rights.

Forms of Government: Unitary versus Federalism. Those who champion for unitary, they see advantages there, and those who advocate for federalism are right in their own way. But for us or the people of Bungokho to choose one they had this simple comment to make on Federalism. They find out that Federalism tends to produce weak Government by its nature of delegation rather than representation. The brokers of Federalism point at countries like USA and Britain, where the system has worked well. But, equally, I would point out the same countries notably USA where Federalism failed towards the end 1800. It failed because the leaders did not seek to appeal to all levels of voters. They simply allowed the interest to become too narrow serving the interests of the urban merchants while rejecting the rural support. Hence was the raise of the Javerson Republicans to do away with Federalism.

I may not elaborate much but the same could be said for the Buganda Monarch which did not only serve the interest of the landed gentry but ignored the rural peasants. So the people of Bungokho strongly advocate for the unitary and a sovereign republic. They however say, those cherishing their monarch for the sake of keeping identity and tradition in so far as the advantages seen are free to have them in purely cultural cages and completely sealed off of political interference and completely indemnified against the Government Treasuries. In other words, the Government or the Central Government should not have anything to do with their cultural Kings at any single minute.

The National Council of State. To many people or the people of Bungokho for that matter this is an Institution uncalled for. Except in seeing it as a burglar-proofing for the President to assume dictatorship to a decree unknown before, its composition does not require much explanation for one to rub it off. They instead suggested that a strong and independent judicial organ be put into place to assume the role meant for the national Council of State. The people of Bungokho North strongly recommend a strong and independent judiciary insulated from any fears and favours. People are totally opposed to the President appointing the Chief Justice, the Attorney General and the DPP. This should not be seen to serve political interests other than for the civil offices. Above all it is provided for in the Draft Constitution that at the event of impeaching the President - the Chief Justice would form a tribunal with others of his choice to consider

such a case. This is a sheer imagination of one biting the hand that feeds him. Therefore, they say the Chief Justice, Attorney General and IGG should not be political appointees.

The second reason advanced for strict independence of the Judiciary is for the case of our Magistrate. Everybody will believe and agree with me that these handle the bulk of our country's cases and they seem to dance to the whims of the appointed Judges and Attorney Generals. We have had cases of where magistrates have resigned just to save their faces or to save their records. They have been accused of insubordination and alike, simply because the Judges or the Attorney Generals would want these magistrates to serve to their interests. Above all, it is provided for in the Draft Constitution that the very appointed Chief Justice would chair a committee or a board to consider the promotions of the magistrates. One can, therefore, wonder how these magistrates will not serve to the interest of their appointed bosses. It is against this that the people of Bungokho strongly call for a strict and independent judiciary.

About the Legislature and the Executive. Many Delegates or hon. Members have said we require strict separation of power where nobody or no organ enters into the other. To us this would look extremely difficult and dangerous if we strictly adhered to it. In any case, no where in history has this been found to function. They therefore, suggest and recommend the parliamentary form of Government where the Ministers may be picked from the Legislature. In which case the Executive shall be responsible to Parliament. This may also minimise the situation of stalemate in Government. Also where and when the Legislature loses confidence in the Cabinet - the latter may resign. So, it is the Legislature which has the mandatory.

The ascendance to offices. We suggest that the Legislature and Presidency must be through a universal adult suffrage of one man one vote at clearly prescribed periods and fixed dates. This is self-explanatory and we have observed and noted any where on the African Continent that leaders have said they are going to elect but without giving dates. It has been found and noted that leaders usually keep the date for elections, a top secret to the rest and only and only known to the Executive. It has been used as a weapon of surprise attack and then eventually they snatch and go away with the power. So, they suggest that this date should be clearly indicated.

Parliament must not have any powers of extending the period and should this be necessary it must not exceed four months. We are saying this because as Binaisa one time said: "power is sweat", people would tend to remain in office. Therefore, this must not be done whatsoever. And for those, the usually opportunistic habit of parliamentary Members crossing from one Party to the other must not only be condemned but must be treated as treason. A Member wishing to do so must refer to his electorate.

It is very sad Mr. Chairman, if you made a research especially among the people of Busoga. They recall this with bitterness. Where people stood strongly for DP. When they come here, they cross that their life was at stake. At Stake - why not resign and then you save your face or resign and save your life? Leave others who can stand for their cause. If there is one who can stand for his cause and say, whether death or whatever, he should be applauded other than you crossing for only your own opportunistic gains. So, that must be totally condemned.

Special representation: It is to a greater extend uncalled for and at best be limited. We are saying so because politics is sometimes seen as the manipulation of numbers to show democracy by the majority. I do not need to labour much here. If you had a question or a Motion putting it to the 'ayes' or 'nos' you will just simply say, the 'ayes' or the 'nos' have it, simply because you have gone with the majority. Therefore, the people of Bungokho see this special representation as something other than the buffer for votes for the Presidents. So, this should not be allowed at best be limited. So, why not two or three or five appointees by the President. And on the question of proportional representation, why have ten say for the Army? - What is the population of our Army. Why have ten if you have a population of ten thousand? So, we could may be limit this also to say five.

Multi-Party versus the Movement. The other time I was passing in the corridors when someone said: 'even this man from Mbale is supporting the Movement!' What is wrong with the Movement. What is wrong with it? If you are saying people of Mbale are supporting the Movement we do not see any reason why we should not support it. If you are crying of the many vehicles driving to the West, how many drove to the North? And how shall the people of Mbale cry? They have never had this! It is a question of the principle of accepting what has gone wrong and should be put right in society.

The people of Mbale, let no one deceive you or let no one deceive this whole House, are sympathizers of the Parties and they are equally lovers of the Movement. In politics, like in football, you are only as good as your last game. For the past decades the game has not gone well for the political parties. They all turned into the State Parties of small professional politicians whose primary interests were to secure positions and privileges for themselves at the expense of the people. They have tended to gather support not only on the basis of principled discussions of issues and policies, but through an opportunistic manner of using issues like a religion and ethnicity. Elections and campaigns are not a time for them to educate and unite people along national lines. Their support base is not a membership that can hold the leadership accountable but more of a band wagon of followers that have little control or influence over the leadership. These State Parties have developed into oligarchies in which control is not democratic but is held by the few. In short, there is little that is democratic about the internal life of these State Parties. It is, therefore, against this background that people opt for a five years rule under a Movement type of Government during which the Parties redress their ills. We however, need to add that...*(interruption)*

MR. KITARIKO: Point of Information, Mr. Chairman. I would like to plead to Members in this august Assembly to be informed. If you are accusing us of not having elected our representatives or Executives for the last nine years, it is because we were not allowed by Government to do so. If they allow us tomorrow I will elect my Executive. So, please be informed.

MR. WAMBEDE MASSA: Thank you hon. Kitariko, but this is a well known factor where Parties have divided the people. So, the question is, what are the Parties that we want? I would say that political freedom of association need not be pushed and hung on the walls. What is most important is the Constitution that can give us a legal frame work with a definition of rights that will allow a diversity of organisations, political and non-political. So, Members who are advocates of that, please, let us wait for this Constitution which could give us, maybe, the guidelines to that effect. Referendum, many are opposed to it...*(interruption)*

MR. MULONGO SIMON: I wanted to give some information to the Speaker holding the Floor that the political parties failed to hold audiences of the

delegates Conferences from 1962 to 1971. All that time they did not bother that is from 1980 to 1985. They are just choosing this time to nurse the excuses that they should have done so. Thank you.

MR. WAMBEDE MASSA: Thank you very much, hon. Simon Mulongo.

MR. RINGWEGI: Point of Information, Mr. Chairman. I thank the hon. Speaker on the Floor. It is not proper or fair for hon. Members here to try and deliberately misinform some of us who are in this House. It is not true for hon. Mulongo to say that from 1971 up to the present day, political parties have never had their Delegates' Conferences. I would like to inform him that the Uganda People's Congress has held so many Delegates' Conferences. The fact that leadership has not changed does not mean and should not be a license for anybody to say that the Party followers have no faith and confidence in their leadership. It is just like saying, that today you have a family meeting and decide to change either the mother or the father. That is not fair.

MR. WAMBEDE MASSA: Mr. Chairman, you can judge for yourself. They consider Parties as personal property where it can even be equated to a family. *(Applause)*

MR. WANENDEYA: Point of Information, Mr. Chairman. Thank you. What hon. Mulongo was saying is not quite true in connection with people of Mbale. In fact it is Multi-Parties who campaigned for hon. Mulongo to go through. So, what he is saying here, is a personal matter and he has never consulted the people of Mbale and it is... *(interruption)*

MR. CHAIRMAN: Hon. Wanendeya, please, that is not point of information you are beginning to argue. Hon. Wambede, please, go ahead. I think let me interject at that point.

MR. CHANGOMACHYO: Point of Information, Mr. Chairman. I would like to tell you that I was a Member of UPC. I was the leader of UPC Ugandan Branch, and I came back in 1964. I have never heard of any UPC Delegates Meeting being held since my coming back. The only meeting which I knew of was held when I was away, I think was the Gulu Conference held in 1964.

MR. MULENGA: Mr. Chairman, hon. Ringwegi did open up by saying that it is important when we

give information we try and be accurate. Hon. Mulongo made a very sweeping statement that in the 1960s in the 1980s political parties did not hold Delegates Conferences. That is absolutely false or inaccurate. I am surprised that hon. Chango Macho has supported that stand and even stated that when he returned from the U.K. Studies, he never witnessed a Delegates Conference of UPC. I am not a Member of UPC but I am aware that when I was living in Mbale I went to a Meeting at which Mr. Chango Macho was *(Applause)*. That was in 1968. I want also to state that there have been many Delegates Conferences, definitely, of the Democratic Party and in the 1980s, I attended two, at one of them I was elected Vice Chairman.

MR. WAMBEDE : Thank you, Mr. Chairman. The question is what was the result of these Conferences. Were they democratic in any way. Who did they open the gates for?

Mbale people are Multi-Party supporters, it is true, but they are equally Movement people. Some of us clearly pointed to them that we belong to the Movement, but it does not bar me from carrying your interests. So, they elected well knowing what people they were electing. The most important thing is what goods are you delivering.

Term of office... *(interruption)*.

MR. SAKWA: Thank you, Mr. Chairman. Much as we heard about the failure to hold Delegates Conferences and, therefore, change leadership, I would like clarification from the Speaker as to when the NRM held the Conference to change Leaders since it came to power.

MR. WAMBEDE: Mr. Chairman, the clarification is we have to put one thing right before we move to the next step. Now this is the Constitution, you must be very thankful to the NRM which is trying to pave way for the elections or change of leadership that we are after. Thank you, Mr. Chairman.

LT. COL. KIIZA-BESIGYE: Point of order, Mr. Chairman. I am rather confused about these points. I raised this before but I never got sufficient clarification. This is a point of clarification. Our rules provide that there will be two points on which a Member speaking can be interrupted. The first one being a point of order and the second one being a point to elucidate on anything. The only one in

which, according to the rules, a Member is obliged to give way is on point of order which presupposes that on all other points, a Member would have a choice to be interrupted. I tend to see points of clarification now, because Members fear that a point of information may not be allowed. So, they hide behind points of clarification to cause interruption to Members who are speaking. I wonder whether, in accordance with those rules, he is in order.

THE CHAIRMAN: Well, we want to have our debate with full information. Elucidation or clarification is necessary but, of course, I would like to caution Members that they should not hide behind elucidation to interrupt. We are going to be more strict.

MR. ONEGI OBEL: Point of clarification, Mr. Chairman. I would like to ask the speaker on the Floor to clarify what appears to me to be quite a sweeping statement. All this period, I have been a civil servant and therefore, could not have participated in delegations or parties or whatever. But to say that since 1964, or since 1971, these parties have not held their annual delegations or elections seem to be really sweeping. Can we forget that from 1971 to 1979, no party could have held meetings and even from 1986. Have the parties been allowed? The point is that when you are talking about these things, we should be careful about the years we were not allowed.

THE CHAIRMAN: Well, I think hon, Mulenga did clarify that point.

MR. BEN WACHA: Point of clarification, Mr. Chairman. I am seeking clarification from my neighbour. He says that the process which we are in is a method of democratising NRM. I am seeking clarification Sir, as to where specifically in the draft constitution are we supposed to formulate a constitution for NRM.

MR. WAMBEDE: We are not formulating a constitution for NRM but for Uganda at large. So there, he got me wrong.

We welcome decentralisation in totality, and in principle but the people need to be given real power. They should be given administrative powers and even legislative powers. They should have powers to tax on local services and an arrangement for sharing the taxes. These are invisible. They are not simply neglected, they are not seen. So, if we gave

them the powers on taxation and legislature, I think they will form a force to reckon with and, therefore, their rights. Then they need to have democracy where they should be allowed to elect their own local leaders who the central government or the centre should not interfere with. There has been numerous clashes between Presidential appointees, the DAs - now which have devolved to central government representatives - and the elected RC 5. This is sufficient reason to inscribe constitutional autonomy as a basis of right of the peasants community. My people suggest that the district executive secretaries could act as the technical person and then RC 5s could be political heads of the districts.

The office of the IGG has been welcome with all enthusiasm but their worry is, the office of the IGG has remained a loud sounding nothing. Imagine the cases that one investigates and never delivers the goods or the results. They say that the IGG should be given powers to prosecute the criminals. Then for accountability and for everyone to be well informed, the IGG should do its work publicly with full Press coverage. When people talk of closing the Press outside certain matters, I just ask myself to who these people are accountable. The Press should not be interfered with for they do a service at no cost.

On land. If there is anything on economic catalogue that carries a non-*quid pro quo*, land must be missing on such a catalogue. Many people have talked about it but I am only adding my voice to show how land is important. An old man asked me: "Son, what is this land we are hearing about?" They had been misinformed that the government is going to take away our land. I told him land is a factor of production. I scored 90 per cent on economic front but then I failed with 10 per cent in the eyes of an ordinary man. He said land is simply money. If the government or anybody wants to interfere with land, let them start by distributing the monies that have been accumulated into the banks and then they can come on to our land. You can see how sensitive it is. So, the people of Bungokho support the customary freehold system and the 1975 land Decree be abolished. They say that if the tracts of land that are idle, the government can tax those ones who own it other than disrupting them.

The army should be national and recruited on regional basis. The constitution should prohibit any President from keeping an army without the Act of Parliament. We were here and we saw that special force was conflicting with the police, conflicting with the army

and striking terror amongst the innocent civilians. Along with it, we should demystify the gun. The terror and fear that is often struck by the gun wielding people has led people to postpone the functioning of their imaginations. If we had military training for every able-bodied Ugandan, such ability to suspend functioning of imaginations would be no more. So we strongly ask for training of every able-bodied Ugandan.

We agree for non-adoption of any state religion it must be completely barred from meddling into politics. Religion has served as an alternative to political extremism. It has even been found out that the highly religious are likely to be among the most politically intolerant. Let me give an example of this. We are saying parties and parties and parties but excuse me, if this may be attacking him - an hon. Member can give a testimony of what NAAM was. What did NAAM stand for? It stood for the interest of only the Moslems. Now, is that a national party and is that religion? It is religion but interfering and so dividing the people. So religion must not at any one time enter to meddle into the politics.

MR. ADOKO NEKYON: Point of information, Mr. Chairman. I want to inform the hon. Member who has been holding the Floor for more than 30 minutes that: one, NAAM was National Association for the Advancement of Moslems. Therefore it was a social organisation to promote the interests of moslems. Now members of NAAM are citizens of Uganda and have a right to belong to political parties and to participate in their own rights irrespective of whether NAAM was there or not. Therefore, YMCA, YWCA or any religious organisation in this country has got a right to work for their own development and development of politics.

Secondly, I want to inform the hon. Member that if he is elected to come to an Assembly like this, he must make a speech based on facts which are thoroughly researched. He and somebody here have been saying that UPC has not had any conference since 1964 ...

THE CHAIRMAN: No, you are going beyond the point he had said. Anyway you go ahead.

MR. ADOKO NEKYON: Dr. Obote was shot at the conference of UPC at Lugogo in 1969 and even a drunkard would have heard that news. In 1970 we had another conference of UPC in Mbale and I went to the house of Chango Machyo. I found he was dead

asleep but later on I realised that there was a big pot at the entrance of the...

THE CHAIRMAN: Hon. Nekyon, I think you are going beyond... *(Laughter)* I am not going to allow any further debate on this one.

MR. CHANGO MACHYO: Point of order, Mr. Chairman. Is it in order for hon. Members to hide behind orders or information to attack the personalities of other people? Nekyon has never been to my house.

THE CHAIRMAN: I do not think that was an attack on you. It was either a fact or not a fact. So we just leave it at that.

MR. WAMBEDE: Thank you Mr. Chairman. Let me wind up. Whatever the case may be, we know beyond doubt NAAM was a political party. We should accept that.

I have been listening to what hon. Members have contributed, what they have counteracted, others with hatred, others with mistrust but that should not be the question right now. The question should be, who are we responsible to? Let us accept our past ills, then correct them. Those who sent us here are looking upon us. The Press has already judged us as people agitating for titles and maybe benefits but that should be brushed aside. The most important thing is, hon. Members, that we must be ashamed to die until we have won some victory for humanity by producing a well deserved constitution. Thank you Mr. Chairman and hon. Delegates.

MR. OGWEL LOOTE SAMMY (Moroto Municipality): I represent Moroto Municipality. Moroto Municipality is at the foot of Moroto Mountain and it is surrounded by the Matheniko county. So its lifestyle is influenced by the people of Matheniko county. On the other side of the mountain, it is bordered by Kenya. Moroto Municipality is the regional headquarters of the former North Eastern region of Karamoja.

On behalf of the people of Moroto Municipality, I would like to congratulate you for being elected to chair this great House in the history of Uganda. I do not forget the hon. Delegates. It was not easy during the elections which I hope were democratic as many Ugandans wished to have come to this august House. The people of Moroto Municipality would like to thank you Mr. Chairman for winning the petition

and would like to congratulate and thank you for that. *(applause)*. That is a position of high integrity in our society.

The citizens of the electoral area of Moroto Municipality told me to make this statement to this august House. The people of Uganda handed to over to you the key to the vehicle registration number UDC 284 on the 18th of May, 1994 by one of the sons of this country and the vehicle's sitting capacity is 17 million passengers. It is now up to you, Mr. Chairman and hon. Delegates, to know how and where to drive that vehicle. Either you lead us to the land of Canaan (Uganda) which is a land of peace, political stability, freedom, economic growth and development, social justice, unity in diversity, and respect for fundamental human rights. Or a land which is a dry, wild desert without clean water, shelter, food, clothing or plants to have a rest but land with no hope. Should it overturn or have an accident due to careless or reckless driving; the august House is responsible or accountable for the lives of 17 million people.

The people of Karamoja and Moroto Municipality say that Uganda is a small, growing, independent country on the African continent which for many years has had civil strife and not realising the meaning and the values of our independence. The leadership of this country since independence has tended to lead the people of Uganda into the world of political instability and social injustice and these upheavals brought about economic mismanagement. The leadership of this country has always funded fighting, destroying both the property, wealth and the lives of the people of Uganda just because of differences in political ideologies. It has been political ideologies which have been waging war to the people of Uganda. Two; greed for power. If my political ideology is not practised in Uganda or if the leader is not from my area or tribe, other ideals are not going in the right direction. So Uganda is not going to the right destiny and things have been mismanaged and the leadership of this country has not accepted any change in philosophy or principle of political ideologies.

If a great change has to come in this constitution-making process which has the presentation from the entire votes of the people of Uganda and also peace and unity in diversity, stability and security for all have to prevail in our country. We should, therefore, respect the legitimacy of minor communities, for

they matter. The spirit of tolerance must be emanate amongst us, the delegates. Let us mourn and forget all the upheavals and atrocities caused in the past and now. That is: the 1966 crisis, Luwero triangle, the northern Uganda atrocities, the Karimojong warriors' destruction of the lives and property of the neighbouring districts, the destruction by the people militia and UNLA of all the trading centres in Moroto and Kotido Districts. These memories cannot help us to serve or to arrive to our objectives in the constitution-making process. What is important now is how should Uganda never again experience such evils in this country. Each of these problems or this crisis had a cause to arise. Somebody must have done something such that a case arises up and the people of Uganda become the grass when the two elephants fight. Forgive and reconcile now hon, Delegates. I would like to illustrate this by the demonstration of the NRM government of assimilation. They have assimilated our brothers and sisters who have been fighting and some of the surrendering soldiers have been put in their army. I think that is the spirit we should encourage - forgiving and taking them to participate in the nation-building.

Therefore, this constitution should address, above all, the political and socioeconomic philosophy which directly or indirectly determines the social injustice in our society. Let this august House articulate a durable and sustainable constitution for generations to come in Uganda - not for us now because we are a going lot.

Land is a natural asset and an investment for every citizen of Uganda. Therefore, the people of Moroto Municipality still have the stand that the land should be the property of the people. So it should be always on freehold with customary tenure in the rural areas and leasehold in the urban areas. It must be affordable for every citizen who wants to invest for the purpose of development. Land offices should be put in every town of this country for easy access. Also the people of this area would like land formerly put under game reserves but fertile should be released to the people for use in order to build up the national investment and capacity building.

The people of Moroto do agree that women are co-partners in development of our being and nation-building. They are the country's basic producers, they play the major role in upbringing of young ones and yet they are discriminated and exploited in the field of professionalism and also competence in

holding administrative jobs. Even their fellow women exploit them. So women rights to own property and to inherit property should be addressed by this constitution. Women should have equal job opportunities. This constitution should deliberately spell out the policy to be established in the Public Service and Teaching Service. Women should be given a certain percentage in administration and decision-making of this country. They suggest that 40 per cent of women representation in any national decision-making of all sectors of this management.

I would like to take this opportunity to challenge our women. I would like to turn a challenge over women to take up the responsibility when they are nominated or elected, sometimes, through RCs, they always give excuses that they are too busy. So please ladies, I would like to challenge you that take the responsibility when it is given to you and face the challenge. Sometimes they complain of being oppressed by their fellow women, mostly the elite. So I would like the elite ladies and hon. Delegates to give the diversity in the representation so that those in the rural areas are also be respected.

The youth is the backbone and spring of our nation building. They should be given 20 per cent of decision making in the process of all matters in our country.

The people of Uganda know who is a citizen and who is not a citizen of this country right from the origin. Anybody intending to register as a citizen of Uganda should do so according to the international law of human rights and freedom. The people of Karamoja in Moroto Municipality, in particular, would like this constitution to address the issue of respect of citizens of Uganda in all corridors. Sometimes, you find that somebody with a white skin is more respected than a Ugandan. Although we respect them, I think Ugandans have been handled as if they are not human beings. First of all, if you want to forge the spirit of nationalism, we must respect one another so that we know that we are Ugandans and be proud of being Ugandans. The citizens of Uganda must have identity cards and must have passports. Dual citizenship should be removed. For example, in the next Municipality, we have Kenyans called Karapokot. These are the people who stand on two feet - the other one on the other side and another one on this side and most of them have had our tax payers paying for their education right up to the university and now are Ministers, Members of Parliament and

they are holding big posts because of the Ugandan tax payers money. So we would like such dual citizenship to be eradicated in this constitution.

Defence and national security. The Karimojong in Moroto Municipality say our country should have a sizeable, well trained, maintained and equipped army in military skills to cope up with the present scientific advancement in military power to defend our territorial integrity and all citizens of Uganda without discrimination should be recruited.

MR. KIYONGA FRANCIS: Point of information. I would like to inform the speaker holding the Floor that those Pokot who crossed to Kenya went out of insecurity existing in that district. So they fled and it was not out of their own choice. Thank you.

MR. OGWEL LOOTE: I would like to inform him that if he realises the schools in that county... *(Interruption)*.

MR. NABURRI LORIKA: Point of information, Mr. Chairman. I would like to inform the hon. Member holding the Floor that it is not just the Pokot who go out to look for jobs in the neighbouring districts or countries like Kenya, but there are many other Ugandans who have traversed and gone to look for greener pastures in Europe and in Southern Africa. So the issue of Ugandans going out to look for jobs is not a new phenomenon. Thank you very much.

MR. OGWEL LOOTE: Mr. Chairman, I would like to inform them that actually according to the percentage, everyone, as soon as he finishes, he goes. So that is not a matter of argument.

This army should be neutral and also it should be non-political because sometimes we train the army and they try to cling to a political ideology: a particular party or a particular government. According to our experience, we should have equal distribution to all areas of Uganda so that these promotions are balanced to avoid this business of mutiny and coups. Like in 1985 when there was a mutiny because a certain chief of staff was supposed to be promoted and the others said no. Such kind of thing can be avoided in the army. So, pre colonial and post-independent problems faced Karamoja and her neighbours who have the origin on the border which is supposed to be protected by the national army. From Kenya, Karamoja has suffered from the

Turkana and Pokot raising a lot of problems in the Municipality by cattle rustling. This external aggression or rustlers have in the past raided cows and killed the citizens of Uganda due to lack of protection from any government that has been there. The Karimojong have hence threatened security of the people of Moroto Municipality, yet, the national army of that time had never protected them. It is for this reason that the Karimojong at their helplessness developed their own technology by making local home guns between 1972 and 1979 to protect themselves. In 1979, during the liberation war ousting Amin, they looted Moroto barracks to enable them to defend themselves from this aggression of the Turkana from Kenya and the Topoza of Sudan. So it is only the present leadership which understands the origin of the Karimojong and the acquisition of guns without saying that this acquisition of guns is a kind of culture. It is not. So, it is this government that understands the problem than the previous regimes which have always left the region with arms and made the system even spread to the neighbouring districts leaving our brothers and sisters of Lango, Acholi and all those districts to suffer because of this lack of protection. If this thing was not there, this concern would not have escalated to the neighbouring districts - thus there was no protection from either side and so they suffer a lot.

The people of Moroto Municipality would like to denounce this act of criminality *-(Interruption)-* I have had three, let me let me develop my point.

The people of Moroto Municipality would like to appreciate the effort of NRM Government. It deserves credit because it has addressed this issue very squarely - that is establishing the pacification committee which is now addressing the Karamoja problems and her neighbours'. It has also appointed the personal assistant to address the issue more closely so that the people of Uganda in that area will be attended to. And also supporting the business community of Moroto Municipality, the District Resistance Councils, the DPC, the NGOs of Moroto Municipality for joining them in the initiative they have established so that they can enjoy peace.

On the National Council of State. The people of Moroto do support the concept as it was their suggestion although it has been revealed differently by the Odoki Commission. We need to have an Upper House and Lower House as it was suggested.

I remember in that meeting, they suggested the Upper House and the Lower House. This can act as a check and balance on the powers of the President by screening all appointments as has been put in the constitution. So it indicates dictatorship and the people of Moroto Municipality say that the way it has been put indicates that power being built around an individual is very dangerous in a Ugandan, tribalistic society. It also becomes a one man's show. Otherwise their original idea is to provide a chamber of elders who are nationalistic to advise the President and government and they recommended the speaker of the National Assembly to be its Chairman.

The executive powers: the people of Moroto Municipality indeed support the article 6 clause 1 in the draft constitution that we should go for Presidential elections. The president has to hold office for only two terms of five years each. I think this has been somehow in the system of 'Ugandan politics' and he must hand over office immediately after the elections. However, they feel that there are a lot of executive powers - it is one man's show as he is also appointing all the instruments of government from grass roots to the top. These powers should be reduced. This gives him chance to build up a personal system of power which is difficult to break as it has been the case in this country. He must not appoint all the commissioners, the commander of the army and all this. He actually will turn up to become a dictator if he is given all these powers. And, of course, he should have a minimum of a first degree and he should be 40 years and above. He also must be a true citizen of Uganda.

The people support the idea of recall of the MPs if they fail to articulate for the development of their people. MPs must have a minimum education of 'A' Level so that they are aware of the economic and social aspects of our country.

On political system. The people of Moroto after having experience problems during the past ideologies of politics, they see a lot of differences. However, they have drawn up a political balance sheet and according to their political balance sheet they have registered a bit of deficit in the multi-party system of politics. While the balance sheet of the Movement has recorded a reasonable surplus on peace, unity, democracy, stability and security. So they asked me to tell this august House that the Movement should have the next five years to consolidate the peace in diversity and unity throughout this country. They

are also saying that the engine and chassis of the Movement is fine but the body needs to be refined.

National objectives. Our society, in principle, strives for ideal political, economic and social rights of every human being. Absolute right cannot be reached. However, the people of Moroto Municipality still insist that rights of an individual to own property, right of association and freedom should be respected. Privacy to their lives must be respected. This is the kind of inspection. One time, I was travelling from a neighbouring country. At their borders, they respected and honoured me and they checked my brief case but when I came to our area, my brief case was subjected to inspection and yet there was nothing. I told them that, 'I am a Ugandan, why are you treating me a fellow Ugandan like this?' So our privacy must be respected by this constitution.

Detention without trial must be seriously addressed by this constitution. Murder cases must still be punished by hanging because one has killed. Some hon. Delegates have said that they should be given life imprisonment. The murdered person has left orphans and widows and now you want the killer to stay while the people of the deceased are missing the parental care of a father. The murderer should also be killed. Life imprisonment will encourage crime in our society. So this should be put there.

Orphans, the disabled, widows and the aged. Our constitution should address and provide a viable forum to cater for these people.

Cultural concepts and freedom of association in terms of culture. The people of Moroto do endorse the restoration of monarchs for the areas of Uganda which badly need them on condition that sovereignty, unity of the people of Uganda is not interfered with in any way. In short, the people of Moroto gave a go-ahead with this kind of restoration but insist that Uganda should remain a Republic and they are republicans.

The people of Moroto say that English should be the official language and Swahili should be developed into a national language in the later age.

Public Service. The people I represent, the majority of them, are civil servants. The institutions of Public Service and Teaching Service which are instruments of government to forge growth and development which have been in society in terms of government

Policy and implementation should be seriously addressed by this constitution. The teachers conditions of service and professional skills need to be mobilised yet they are not really catered for in terms of pension, in terms of wages, in terms of retention by the government. The politicians have a huge weight on them. They just kick them over any time they like and yet these are professionals who need to be protected.

This constitution should protect the civil servants. The people of Moroto Municipality recommend and also support the free and compulsory basic education for every citizen of Uganda of a school-going age. But it must be free in totality. PTA charges should not be there. The people of Moroto Municipality are against the borrowed policy of cost sharing. We Ugandans seem to be rushing so much in some of these issues and yet our country is flooded by poverty in the rural areas. How can you expect a child of a poor man to go to university and pay that heavy bill? And yet those articulating these policies have already enjoyed the taxes of the people of Uganda. So the people of Moroto do not support cost sharing.

Development. The people of Moroto Municipality would like equitable distribution of both human and natural resources to all areas of Uganda. For example, Karamoja which has been marginalised for many years and has been left lagging behind and there are other areas. I recently went with my Colleague to Kasando south and they say they are the second Karamoja. So such areas should be addressed and should be provided with the national cake. Sometimes, when they are appointing Ministers, P/S etc, you realise that they are concentrating in certain areas. I think this issue will be addressed.

Finally, the Ugandan philosopher recently said this, "Uganda is a patient who is neither dying nor recovering but needs heavy surgery". If this is so, these 284 surgeons have to carry out the thorough surgery and may the almighty God guide us to carry out this successful surgery operation in the making of our constitution. For God and my country.

MR. OBUA OTOA (Erute County, North): I am James Obua Otoa. Those who want to give me my full title always call me ambassador. I am from Erute County North. Erute County North is in the former Lango District and it does not border with any foreign country.

I was unanimously elected to this historic Assembly on January 18th this year. I waited for the rest of my Colleagues since then. I am very happy to report, Sir, that my unopposed election came out of a spirit of compromise, mutual understanding and accommodation. A spirit which I regret to say was conspicuously lacking in quite a number of other constituencies around the country. We are aware of the heat that every election generates and the CA campaign was no exception. But when it comes to a stage where actual death is occasioned, then I think we all agree, that the situation has gone beyond acceptable limits.

While the spirit of lively competition is in itself healthy and must be encouraged, when carried to excesses, it can be very dangerous and therefore, undesirable in certain circumstances. It is my hope and that of my people that our deliberations in this august House will be characterised by a spirit of tolerance, of give and take - a spirit which will ensure mature and responsible debate rather than the exchange of strident, finger-pointing, self-righteous rhetoric. We have recorded at least one such exchange and rhetoric already which is as unfortunate as it is undignified and cannot serve the purpose which brought us here. I hope we shall see more of the positive rather than the negative spirit. Even if we have to criticise one another, let us do so fairly. I am encouraged in this hope by the manner in which we elected Members of the business committee. I am sure that we all experienced that good feeling which comes from cooperation rather than confrontation.

My people sent me here to talk with my fellow Delegates and through them, to my fellow Ugandans, so that:

- i) democratic governance is fully restored in Uganda. They are tired of being ruled by the gun.
- ii) their rights and freedoms are guaranteed and protected under the new constitution without any unnecessary restriction.
- iii) genuine peace and security prevail throughout the country and not just in some parts.
- iv) the resources of this nation both human and material are exploited, developed and utilised so as to ensure prosperity and happiness for us all.
- v) power which is rightly theirs as stated in article 1 of the Odoki draft is exercised with their consent and controlled so that they are never again oppressed by anyone or any group of persons under whatever pretext.

Those are the broad objectives of my mission and I believe they do not differ materially from those of my fellow Delegates here assembled.

The people of Erute county north are fully conscious of the fact that we are engaged in the process of making a new constitution, the basic law, for Uganda as a whole and not for any section of it or with the interest of any particular group of people in mind, whatever they call themselves. We are not making a constitution for a constituency, a district, a region, a tribe, a party, a religion, etcetera but for the totality of Uganda and all its people. The people of Erute county north have therefore sent me here to talk for them and for Uganda as a whole fully realising that their interests can best be served only if the interests of a united, strong, peaceful prosperous Uganda are simultaneously served. They do not want me to see the trees and miss the forest.

In this connection, I must mention that I have listened very patiently and very attentively to the contributions of my Colleagues who have spoken before me, wherein they put forward the demands of their constituents for consideration and inclusion in the new constitution. Those demands are, by and large, no different from the ones of the people of Erute north. They are therefore, quite in order.

There are, however, a number of vital areas which the people of my constituency want us to talk about very seriously and find common ground. These areas will become evident as I progress with my statement. Essentially, a constitution has to do with three or four major elements:

- i) power;
- ii) freedoms;
- iii) rights; and
- iv) obligations and duties.

Webster's Third New International Dictionary defines a constitution in the following terms: "the mode in which a state or society is organised especially the manner in which sovereign power is distributed". A more elaborate definition of 'constitution' in the same dictionary states: "the system or body of fundamental rules and principles of a nation, state or body politic that determines the powers and duties of the government and guarantees certain rights to the people."

It is evident from these definitions that power, its use and rights of the people are at the root of constitutional

governance. That is the business which has brought us here: to talk about and *decide on* power; how it shall be acquired and exercised; and by whom and for what purpose. We are here to talk about the rights of the individual and of people in society; to recognise our duties and obligations to ourselves and to society in which we live; to find ways and means of securing lasting peace in our society after so many *decades* of turmoil and unrest; to try and chart out a new course which will lead us to prosperity, so that we may never again look back in anger and remorse. In short, we are here as a nation 'to put our act together' and move forward with the rest of the world into the 21st century and beyond.

We are gathered here, in the words of the Chief Justice, "for the sole purpose of determining the manner in which we Ugandans shall govern ourselves". This is the first time that representatives of the people of Uganda, elected in the manner in which the great majority of us have been elected, have gathered together for the purpose stated therein. But, one may observe, that we have been governing ourselves since independence in 1962. True, we have been governed, some would even say misgoverned, since 1962 under several constitutions. The question arises, why then do we need a brand new constitution?

The Ugandan experience of the past 30 odd years has been the subject of wide and varied interpretations and evaluations depending on who is doing the interpreting and the evaluation. Unfortunately, such interpretations and evaluations have very often not been objective. Instead they have been made with particular objectives in mind and to serve certain limited ends. This is especially so since the current constitution - making process began with the appointment of the Odoki Commission, a good five and a half years ago.

Some people have thought and said that all our troubles, trials and tribulations, the unwarranted and unnecessary deaths and destruction have come to pass because of the short comings of the previous constitutions. And yet, there are among us here, even in this Assembly, those who would very happily revert to the 1962 constitution. There is an even greater number of people who see nothing radically wrong or irredeemably bad about the 1967 constitution. Very many people in this country blame dictator Idi Amin for most of our ills: political, social, economic and otherwise. It is quite possible

that condemnation of Amin is one thing where the greatest number of Ugandans have been able to find common ground. This is probably because Amin brutalised just about every section of the Ugandan society and we have all agreed to condemn him.

Since 1986, it has become fashionable in certain well defined quarters to heap all the blame for our problems of the past on past regimes and particularly on political parties and their leaders. The vicious, relentless, and orchestrated assault on political parties, on real or imagined opponents (who in bush mentality must be treated as enemies), the predilection to paint them all in the most grotesque and fearsome colours, all seem calculated to serve one purpose: to present the government of the day as being "whiter than white", 'purer than purity itself', 'the salvation of this nation from brimstone, hell-fire and internal damnation'".

It is not an exaggeration to equate such propaganda against past regimes and leaders and, particularly, political parties to the Nazi's witch-hunting propaganda against the Jews and anyone who opposed Nazism in Hitler's Germany. (*Applause*). We are all painfully aware of where and what that propaganda led to: World War II, concentration camps, and gas chambers where six million Jews perished. I want to say to this august House and to the entire people of this country without in any way condoning or trying to cover up past errors, - after all, we have to learn from our past mistakes - that, that propaganda is very dangerous if carried to excess. It hinders progress and tends to cover up current mistakes. It is a sure way to, and a recipe for self-righteous dictatorship. Such propaganda are well-known, well-tested tool - the most deadly tool of historical megalomaniacs, fascists and petty dictators. We must be aware of it! (*Applause*).

Let us take a closer look at this phenomenon as it manifests itself in Uganda today. First, the barrage of constant attacks on past regimes and leaders, which has been a daily menu for the minds of Ugandans since 1986 - eight years of sustained and constant psychological bombardment! The setting up of the Human Rights Commission to inquire into, dig out and expose the great misdeeds of past regimes and leaders, only up to January 1986. That was the beginning of this kind of propaganda. Fairly enough, the Human Rights Commission has done a bit of work. One would have expected them to just go about their business while government tackled the

business of governing. They are still there and as a matter of fact, I note with gratification, that even the draft before us includes a provision for a permanent Human Rights Commission. That is welcome. Now, this propaganda has achieved one purpose. It has made the current regime appear more acceptable than the previous ones, despite their own 'numerous skeletons in the cupboard'. That was the main purpose of setting up the Human Rights Commission.

Meanwhile, not a day passes without some reference to the evils of past regimes and leaders: to the evils and the bankruptcy of political parties. On the other hand, the virtues of the Government of the day, the NRM, are sung daily on radio, TV, the Press, at government rallies etc. The catch word "The peace having been restored..." No, there is a better word - "ushered". Peace having been ushered (*Applause*) in by the NRM. Never mind that the restoration or ushering was done by the gun: "the end justifies the means!". We all must be, forever, thankful to the gallant sons who took to the bush!

The psychological impact of this sustained barrage and propaganda is bound to tell on the average person who then resigns and ceases to think and reflect on the content of propaganda. Instead one is inclined to accept and go along, rather than question it. That is the beginning of indoctrination. And once it succeeds, the field is left open for the one whose purpose is served by that propaganda.

Take further the case against political parties, in particular. It is alleged that they are the root cause of our problems - they are divisive; their leaders are bankrupt and corrupt at the same time - they must be put in cold storage, if we are going to achieve peace, stability and development. But how different is NRM from other parties? I say other parties, quite deliberately because I am convinced that NRM is just another political party (*Applause*). It has its origins in UPM - a political party. There is a saying that, if you plant cassava do not expect potatoes. The NRM - instead of UPM does not make it any different from other political parties. It has:

- i) a president;
- ii) a vice president;
- iii) a general secretary in the person of NRM Political Commissar which is a rather quaint nomenclature for this day and age!
- iv) a secretariat which incidentally is funded from public coffers.
- v) a political manifesto the same as Ten Point

Programme; in short, it has all the attributes of a political party. The proponents of the "Movement" say that, the difference between the Movement and parties is that the movement accommodates all shades of political opinion: therefore, it is broad based and caters for all. This is a myth! A myth which even the Odoki Commission appear to have fallen for. The reality is that the Movement people have their own ideology, their own adherents and followers and those people who have tendencies of jumping on the band wagons - members of a new party called AGIP - Any Group In Power.

Quite different from other parties, broad baseness is simply a convenience and in sound. It is a device to swallow up other 'swallowable entities'. Members will recall the President's thesis about this 'swallowability'. That is what broad baseness is all about. And that is what the Movement people would like to see happen to other political parties. This way of broad 'baseness' strengthens the movement and weakens, and eventually swallows any other entity that joins it.

In any case the original need for broad baseness comes from the fact that the Movement had no popular base in this country as evidenced by the near complete defeat of its predecessor and mother party the UPM at the 1980 polls. Incidentally, one wonders what would have happened if Yoweri Museveni had, and not Sam Kutesa, won the Nyabushozi seat in 1980 - would there still have been a bush war? But I digress. When the NRA captured State Power in 1986, its political wing the NRM - a political party had to form a government, and it needed a broad enough base on which to start because its own base was very narrow, indeed. Consisting as it did almost entirely of the rebel army, and some few political activists who supported them during the bush war. Hence the need for broad baseness which is now being bandied about as the best future, to distinguish the NRM from other parties. In fact, the idea of 'swallowability' is now the purpose of the movement, so that, the political field is left to them alone. Consider! If the movement had a broad base - Would it need DP? Would it need CP? Would it need the National Liberation Party? Would it need UPC at all? I doubt it. The consequence of 'swallowability' is going to lead us into a monolithic situation, a one party system, dictatorship which is very terrible for the future of this country (*Applause*).

I have made these remarks so that the debate here is

not clouded by a certain line of thinking: that the Movement is not a party. It is a party. Let us start from there. And if it is a party, let it give itself the freedom that it should give to all other parties also. Then let us go to the polls, if it wins, which apparently they won during the last CA elections - *(Interruption)* - Let us go to the next general elections. I might yet come back unopposed, you never know. But let us go to the next general elections after this constitution on a multiparty basis. *(Applause)* Come back and sit together, and see which way we go from there. That is the only thing that is going to make us realise that we are serious about restoring democracy in this country.

I have a lot of other contributions to make from my constituency, but I think there is an opportunity for all of us to make those detailed contributions at the consideration stage. And so, I thank you all fellow delegates for listening to me. I thank you, Mr. Chairman, and I look forward to cooperating with you throughout the stages of the deliberations of this Assembly. Thank you very much.

THE CHAIRMAN: Thank you hon. Obua Otoa for your contribution. Yes, it is true that during consideration stage Members will be given a chance to comment on various aspects if they so wish.

MR. SSENDAULA (Bukoto South): Bukoto South is one constituency South of Masaka Municipality, encompassing the trading centres of Kinoni and Kiwangala. It borders on one side with Rakai.

I would like to register the appreciation of the people in the back rows here, that we have finally joined the rest now that we have microphone facilities. Thank you, very much for your prompt action. Those who have spoken before me have congratulated you on your having been elected to the Chair, and I join them. And I join also the rest, to congratulate fellow delegates who are in this august House, for having managed to get here, in whatever way - whether elected, nominated or otherwise. Those who have spoken before me have taken time to define a constitution and I do not think it will be fair, in my 30 minutes, to labour on that.

A constitution alone cannot provide all that we need in this country. A constitution may be so nice, but when it comes to implementation, things may turn out to be different. So, our problem, our task is

greater than merely passing the constitution. Our political history has also been narrated and it is good that we all understand and learn from that history. History is so vital a sphere of life. However, I feel it is not fair to continue rubbing in all that has happened in this country over the so many years - we are over 30 years since we got independence - and I can only say, I have seen some peace for only few years. I can claim to have been fairly mature, although I did not vote in 1962, but from the very day we got independence we had commotion and we did not really get the peace. So, it is important that, as we sit in this august House, we develop a new spirit - the spirit to forgive one another. We must reconcile. In one way or another, each one of us has wronged the other; and I wish that we extend a hand of peace to each other. We should develop a spirit of forgiveness, because unknowingly, things have happened the way they have. This is clear that in 1966, it was Buganda; in 1979 it was the North West or the North, that is Lango - Acholi; and then came the latter stages, another group also had its own turn, and problems have been rotating in that order. So, it is just not fair that as we are seated here we do not deliberate seriously to finally promulgate a constitution. We must have permanent peace where people are not waiting to revenge on one another. Because that fear is there. There are others who feel that, if this constitution is passed then the possibility of my group gaining state power are bright, and then we will move to revenge on so and so. Then there will be no progress in this country, at all. So, those of us who are here, we should behave differently, and as leaders motivating and attending to the masses and their needs - so we need to reconcile amongst ourselves. If we do not do that, we who are here, then there is no way that we can think of the masses, who decided and thought that we are the right people to come and debate on their behalf, to solve this problem. So, it is a big challenge for all of us who are in this august House, to see that we tolerate each other and finally reach a consensus on what is good for this country.

I would request that we become sincere - totally sincere. It would not be fair for an hon. Member to say, 'I support the return of traditional rulers', when in turn he is expecting those who want traditional rulers to support another issue of his interest which those people would not have, otherwise, supported. So, it is fair that you come out clearly in your true colours. If you do not want the return of traditional rulers, say it plainly. But do not use it as a catch on

me as a representative from Buganda so that you excite me, and say "I have supported the traditional rulers, therefore, when I bring a subject say for example the return of multiparty, you must support me". That is not fair. And we are not going to achieve anything at the end of the day.

This was clearly demonstrated in the 1962 constitution. Those who went to Lancaster house, did disturb this nation. But what can we do? I said, we must reconcile. So, we should forgive them. Because many of them knew that some of the contents in 1962 constitution could not easily be implemented, but they still went ahead and accepted it. And in Buganda, here, if you can permit me to use the Luganda phrase used: 'Ebyaffe tubifunye', there was excitement over that. We have got our things, people went excited and wild, yet at the end of the day, in the stage of implementation, most of these things could not be peacefully implemented. A case in point is the lost counties. There was to be a referendum and that referendum needed the head of state of the day to sign when the referendum was to be done. And they knew, very well, that the *Kabaka* of Buganda would finally be the president and he would be the owner of the counties, and they would not sign. But still they came out and said 'look, we support the idea and we shall handle everything when we get home. Others were having a plan, that we shall have people going to those areas, when the referendum comes, then we shall be many and we shall win the referendum. Now, when it did not come, the whole situation turned sour. So, I would not wish to see that we get taken for a ride. We are all mature and very responsible people, please, let us

-(Interruption)- Thank you very much, Mr. Chairman.

The people of Bukoto, that is the county as I represent in the National Resistance Council, had the opportunity of submitting their views to the Odoki Commission.

MRS. MATEMBE: Point of information, Mr. Chairman. I have been listening to the hon. Member talking about the delegates that went to make the 1962 constitution and the words, "that we shall forgive them". The information I wanted to give is that, at that time, in those circumstances, given the situation, the delegates who went there were not moved by bad feeling or anything. But at that time, that is what they could genuinely come out with. Therefore, I am giving this information because we

are here at this particular time making this constitution, and all of us have good intentions. But you never know, in how many years to come what our children or our grand children will say. Therefore, surely, having read the history of this Uganda and the constitution making at that time, those people were governed by good intention at that particular time. Therefore, they did what they could at that time. Thank you.

MR. SSENDAULA: Thank you very much for the information, and that is your opinion. My opinion differs so much. Because they had all the opportunity, they would understand the implications very clearly, they were mature responsible Ugandans. But I think we should forgive one another. Let us give ourselves a new start. I do not want to go back to that. We know a lot of it, and it is not fair to take up all our time on that issue. But it is important as a reminder, that what we are doing will be questioned by our children and our grand children, so we should be sure that what we do should stand test of time.

The people of Bukoto who I represent in the NRC had the opportunity in giving their views to the Odoki Commission, and their views were fairly accommodated in the draft. I must say each time we went around during the candidates meeting they were appreciative of the effort taken but they had some few points where they put a question mark. Others said, we put in this, it is not there; we put in that, it is not - they were not very many but they are very important. Because finally, as a delegate representing Bukoto South, with the portion of the big Bukoto, I have to put this had this which they feel is not properly - fully accommodated. The full restoration in Buganda of the *Kabakaship* and the *Kingship* in other areas. They feel, this point was somewhat marginalised in a way and yet, the elders are very important mobilisers of our society. They are important that they are our focal point for the majority of us. In Buganda when we talk about clans, we are finally talking about the *Kabaka* as the climax. So, they felt, instead of it appearing under miscellaneous or these other areas, a full chapter should have been created in a draft constitution to talk about the elderly rulers. That was their view. I told them that when I go, I will put this across and see if it is helping others. Each time delegates are submitting I think it will be fair if some consideration can be given to that. That is a humble request from the people of Bukoto South.

They were also saying that they felt something like federal start up. Now this one, became a bit complicated. They want federal status and they feel this is the only way we can all effectively progress and they even provided a proposal for the frame work of the schedule. Now, over this matter, I have been going over it and listening to other people, I feel there can be an approach to accommodate this, fellow delegates. We feel now that there is a decentralised arrangement for districts, that districts which have similar or share common grounds on certain issues should be permitted within this constitution. This would, at least, have a regional council which puts them together and attends to those activities which bring them together, and that is the situation of the people of Bukoto South. Then the restoration... *(Interruption)*

A HON DELEGATE: Point of clarification, Mr. Chairman. I seek clarification from hon. Ssendaula when he says that districts which have common aspirations and would like to get together to form a regional entity against administration, whatever he calls it, should be allowed by the constitution to do so. The clarification I am seeking is how would he propose that such districts express their willingness to come together. Will it be through a referendum in such districts; we want the manner of those districts coming together to be proposed.

MR. SSENDAULA: Thank you very much for helping me to clarify on this. The districts which share say, same culture, like districts in Buganda, if they are willing as districts pass a resolution accepting to get together for the purpose of promoting culture, if it is there. And then, as I said if they form a regional council which we can call Lukiiko, this can sit in Bulange in Mengo - that one you know, would be a choice. The venue can be a choice. But some can go to, let us say Busoga, where they have JIK. This brings them together... *(Interruption)*

MRS. SSEKITOLEKO: Point of order, Mr. Chairman. Is it in order for a CA representing a portion of Bukoto to speak on behalf of the people of Busoga?

THE CHAIRMAN: I do not think he was speaking on behalf of Busoga, he was illustrating his point.

MR. SSENDAULA: Thank you so much. Well, as I said we should reconcile; we should be accommodative. I am only giving examples of my

points of view on how the situation can be handled. I am saying that JIK can get together where they have some commonalities. That is what I said, and I will move. Then another issue... *(Interruption)*

A HON. DELEGATE: Point of clarification, Mr. Chairman. I am seeking clarification from hon. Ssendaula. I have heard a word like JIK and I do not understand it.

MR. SSENDAULA: Excuse me, let us save time. It is Jinja, Iganga, Kamuli - very simple and straight.

The other thing, which they thought should be considered is the restoration of the traditional names. They feel the name Buganda, Busoga or Ankole cannot really be too heavy to be accommodated. So that we have districts which fall within those boundaries which form Buganda, it will be and we have on the Ugandan Map the name Buganda; and we have Busoga; we have Bugisu; we have Ankole... *(Interruption)*

THE CHAIRMAN: Hon. Ssendaula, I see another hand over there.

MR. SSENDAULA: I welcome everything. I said I welcome everything.

MR. NASASIRA: Point of clarification, Mr. Chairman. I seek clarification from hon. Ssendaula in respect of his district forming bigger units and having what we call the *Lukiiko* in whatever places or areas be it either Bulange or some where else. Does that still leave the district councils at their district headquarters? Or if the district are combining, will they have one district council in one unity?

MR. SSENDAULA: My view is that there is no need for abolishing the district. The districts should remain, because there are other grounds which they need not share with others. But they have things which they share like culture. This is the area which I have stated.

MR. TIBAMANYA: Point of clarification, Mr. Chairman. The hon. Member holding the Floor has had misgivings about the 1962 constitution. Yet in submission, he is using the exact words, of 1962. Can he clarify?

MR. SSENDAULA: I am afraid. I think that information is not very close to exactly what I am

talking about. There was much of insincerity of what was being handed over in 1962. That is why I am saying, and I addressed myself very clear at the beginning. Give me what you feel is due to me and you feel is worthy to give me. I do not want to get anything on the basis that I should scratch your back and you scratch mine. No! Whereas in 1962, the feeling is very clear, that there were hidden agenda in whatever was given in that constitution. Here, I have said, we are having a new chance to give this country a start. Let us handle the issues proposed, if you find they are okay, you take them. If they are not, we have not come here or I have not come here with a rigid decision - that if you do not give me this, I am not accepting the other.

Mr. Chairman, I have accepted a number of points of information, and I am seeing that the majority of my Colleagues -(*Interruption*)- I am not taking any more information. Thank you very much. I have changed my mind, and any wise man changes.

Chapter 1 dealing with the constitution itself. The concern of the people I represent is that, the constitution as a very important instrument should be translated in all languages of Uganda, when we finally promulgate it. Secondly, it should be taught in all schools and should be an examinable subject.

Now, when it comes to overthrowing a constitution, the people of the area I represent say, in addition to what we stated in Clause 3, they suggest civil disobedience. They feel that when some mad person overthrows the constitution, the people of Uganda should refuse to pay taxes; should refuse to go to offices; and things of that nature. As a sign of telling of their disgust that they do not want any change on their constitution unless it is done rightly. What has been happening here every time a government has been overthrown - we only just listen to the radio and other people wait for their names whether they are included in the new cabinet and nothing else. They do not - nobody comes out with: Look, we agreed on these terms, and how we should be governed - why should there be a change when we have not endorsed that change?

The Chapter related to national objectives should go in the manifestos of political parties when they return at all.

When they come to citizenship, they say all Ugandans should be registered first. If it was possible to

register people for these elections. Why should it not be possible to register Ugandans? We should have also the Ugandans issued with identity cards. The non Ugandans will be given alien's cards. This is practised in most countries in the neighbour hood here, and it will not be strange at all.

When it comes to chapter five, relating to fundamental human rights. The people I represent do not share the view as expressed in the draft of capital punishment. There is nothing that you are punishing because if someone is already killed, he is killed, finished. Now, you would imprison whoever has committed the offence, if he is found guilty, he will have life imprisonment instead of taking life. Because that is a punishment he or she feels it. Because he is confined to prison for life. If it is death, you know, within three minutes, someone is dead and finished. And the punishment is left to the relatives not with him, and yet it is not the relatives who would have committed that offence.

When it comes to clause 58 (3A) in the draft: "*Every person charged with the criminal offence shall be presumed innocent until proved guilty or until that person has proved guilty*". Now, this is very good in as far as all other crimes are concerned but as far as embezzlement of public funds is concerned, this is not proper. They are demanding that, anybody who embezzles public funds not to be permitted bail. Every time people are given bail after embezzling millions of shillings and they have money in their pockets, they are able to buy their way. So, there is no way that you will ever convict anybody of that nature in our courts of law. So, the feeling is that, we should not allow bail to anybody who embezzles public funds.

A HON. DELEGATE: Point of order, Mr. Chairman. Is the hon. Gerald Ssendaula in order to confuse this House by equating the presumption of innocence with the granting of bail. Because this is actually talking about every person who is arrested, is presumed to be innocent until convicted. There is a difference between bail and presumption of innocence. Is he in order to say that?

THE CHAIRMAN: I think the hon. Member was intending to say that they should not be presumed innocent.

MR. SENDAULA: I think those are details for our lawyers. I am afraid, Mr. Chairman, we have been dragging on with this issue.

THE CHAIRMAN: Clarification.

MR. SSENDAULA: Clarification?

THE CHAIRMAN: Someone would like to be clarified.

MR. SSENDAULA: Clarification. I am afraid it is yet another lawyer. I am sorry. They will get their turn and explain this matter. What I am delivering is a message of people who voted for me. The people who are so concerned about embezzlement of the public funds - why do you want to close my mouth? Because you know you are twisting issues. Every day we are talking about... *(Interruption)*

We support clause 94 of the continuation of the movement system of government. Our points of view, are very different from those which I have so far heard from other people. In fact, our view is that the parties should be allowed time to re-organise themselves. Their leaders should provide democratisation of the political parties and provide leadership code within the party. Let us know exactly how they are getting their finances, etc., so that, later on, we can allow them to return and for that they request that there should be a political programme during the next five years of the Movement system of government. This should give what is going to be done in the first year, in the second year, and so on and so forth. And then finally, in the fourth and fifth year, these parties should be allowed to hold public rallies, talk to people and give the contents of their manifestos and so on and so forth.

On the executive, they say that the president should be elected and given a maximum of two terms of five years each. They request that the retired president should be accorded honour and respect, not necessarily providing them with houses, because I would except someone who has been a president to have his own house, but to accord them the respect they deserve as retired heads of state. We support the proposal of the ministers to be appointed from those people who are elected like any others that the President may choose or appoint. It is important that we review this point very seriously because the idea of saying the president should choose ministers from outside the House might be dangerous. Most of the people who will be left will either be civil servants who have no commitment to the people who have elected the government in power at that material time.

They support very strongly, the idea of permission to recall Members of Parliament. They feel at times that these people are given a busy service. A member of parliament can be elected and in most cases spends all his term in Kampala, build himself up in Kampala without going upcountry where he is elected. So, in order to curb this kind of activity, they support the idea of recalling of members.

They support the view that the members of parliament should have power to recommend to the president to remove from his cabinet a minister who in the view of the members of parliament has committed an offence. Instead of persistently retaining someone, when at the end of the day the members of parliament are not in favour of that.

The national council of state. This is good as proposed but the presentation is not fair - it is the duplication of the very people who are in parliament. You have accommodated the ministers and then the president is the chairman - I feel that is loading this national council of state. So, the view is that we should find a better foreman for presenting this very good idea which helps to coordinate the legislature, the executive and the people.

Finally, the Local Government set ups are issues to revisit. The proposal is that districts which have similar or common interests should be permitted to join, not necessarily to promote a political unity, but the activity which they share in common. I wish to appeal to you hon. Members to have open minds and to listen to one another and finally come up with a constitution which will stand for the time to come. Thank you very much.

THE CHAIRMAN: Thank you, hon. Ssendaula for your contribution to the debate. Before I give the Floor to the hon. Member, may be, I could remind the members about interruption. The rule is that there may be interruption of a person on the Floor on a point of order and when that happens, (that is rule 23) the delegate speaking shall remain silent and the delegate interrupting shall direct our attention to the point which he or she desires to bring to the notice and submit to the Chairman for decision. So, the Chairman has to decide and if you are on the Floor, you give clarification or information may refuse to give way. In other words, the member on the Floor on clarification or information may refuse to give way. Unless the Chairman is satisfied that the refusal to give way amounts to an abuse of this rule because the Chairman has got some powers. I think you bear this in mind as we continue with our contributions.

MR. KIYONGA (Upe County): Thank you, Mr. Chairman. Upe county on the South Borders Kapchorwa, the Republic of Kenya in the East and Moroto District in the North and West.

On behalf of the people of Upe County I would like to thank the NRM for having made it possible for all Ugandans to discuss and make their constitution. At the same time, they are wondering why some Ugandans are waging war against the same government which has given us this opportunity. They are, therefore, appealing to the Kony rebels through this assembly to stop that war if they need to be respected in the history of Uganda. *(Applause)*.

Citizenship. Many hon. Delegates have been against article 42 which proposes that "a child of not more than 7 years of age, found in Uganda shall be presumed to be a citizen of Uganda by birth". What is wrong if the government adopts and assists those unfortunate children who did not choose to be orphans; nor did they apply to be born by poor parents who deliberately decide to abandon them on the streets of Kampala, Jinja, Mbale and other towns in Uganda. This constitution should not deny government adopting such unfortunate kids. Under the same Article, there has been a common accusation where many Ugandans are being branded as Sudanese, Rwandese or Kenyans. In Karamoja, the people of Upe county are being called Kenyans as you have just heard from the hon. Delegate of Moroto Municipality. Because they happen to be of the same tribe of the Pokot in Kenya. You should have also noted such accusations during the fighting and cattle rustling between the Pokot and the Karimojong. The Karimojong in order to receive government favour could refer to the Pokot of Upe county as Kenyans in that conflict of cattle rustling. The colonial government, at the time of demarcating boundaries, divided the Pokot people to two countries. A majority of them became Kenyans while a few, who fell under Uganda, formed a county which colonialists named Upe. The name Upe is a forced Karimojong name which describes the pokot as wolves. That is wild dogs. They were also given another funny name called Suk. All these funny names are against their true identity as the Pokot people.

Article 10 states that all people are entitled to their cultural values and practices which do not disturb the unity and peace of the state. Under this article, the Pokot would like to appeal to the Baganda to be

contented with what the NRC restored to them last year that is cultural leadership but anything beyond cultural to a political Leader will bring controversy with other Ugandans including the Pokot people. Under the same article 10, I would like to discuss a practice in Karamoja which has turned to become a cultural practice. That is cattle rustling. *(Interruption)*

A HON. DELEGATE: Point of clarification, Mr. Chairman. You have heard it now and then hon. delegates complaining that delegates are discussing on other constituencies. I would feel that the hon. Delegate on the Floor should speak for the Upe county and leave what is for Buganda for Baganda.

MR. KIYONGA: I thought that is what I am doing.

THE CHAIRMAN: You move on, you are delivering the message of your people.

MR. KIYONGA: I would like to discuss of the practice in Karamoja which has been turned to become a cultural issue, that is cattle rustling. More, especially, between them and the Pokot. The region known as Karamoja is famous of cattle rustling. I am calling it a culture because many do not see it as an offence. It is an accepted way of their living. It is a practice done by the local majority, whether indirectly or directly. For example, old men participate in cattle rustling by fore telling fortune or disaster before a raid is launched and therefore, advice the young warriors accordingly by blessing and wishing them all the luck. Women participate by preparing very good packed meals for their husbands when going to rustle.

MR. LOROT: Point of order, Mr. Chairman. Is it in order for the hon. Delegate to mislead the House that cattle rustling is a culture. Is it in order for him to call it a culture?

THE CHAIRMAN: You have defeated the point of order by going into arguments. But it is in fact their culture.

MR. KIYONGA: I would like to inform this assembly that the Pokots have also got involved in this practice which they borrowed from the Karimojong. Cattle rustling among the Karimojong seems to be culture because it is seen in traditional dancing and the naming ceremonies. There are names usually given to those who have killed in a raid

or defending a fight, and these are names which end with letters 'OE' or 'LE' names like Ageengimoe, Ruatale etc. These names according to the Karimojong society are honoured names. They are as good as professional names like Doctor, Engineer, Brigadier, etc. *(Laughter)* The urge to be called by such big names, definitely, makes the young warriors go and kill so as to get these names. Karimojong leaders both in this assembly and outside who deny or who do not want to expose all these facts are only opportunist politicians who do not want to be voted out in any elections. I think some people fear to tell the truth because the majority who favour cattle rustling will go against them.

MR. LOROT: Point of order, Mr. Chairman. Is the hon. Member holding the Floor in order to impute that politicians from that part of Uganda have not denounced cattle rustling because they want to keep themselves in office (politics) when many times, politicians and these ones in the Constituent Assembly have condemned and abused cattle rustling. Is he in order?

THE CHAIRMAN: He is not in order. Members have denounced and they deny it. So you should withdraw that part of observation.

MR. KIYONGA: I withdraw, but I was saying...

THE CHAIRMAN: No, do not repeat it after withdrawal. Go on to your next point.

MR. F. KIYONGA: The people fear to tell the truth because those who are involved in cattle rustling are a majority of the population which I estimate to be three quarters of the local population. So, if some politicians have to remain in office they should not talk against the majority, I repeat against the majority.

THE CHAIRMAN: But I think you should not impute that to the Members of this House because they have clearly denied that they support cattle rustling.

MR. F. KIYONGA: It is because of this fear, dishonesty and lack of sincerity to the government that solutions to cattle rustling have never been identified for all these decades. *(Applause)* Because I believe some leaders give a wrong picture of reality or what is on the ground. These leaders end up confusing the government who in turn confuse and frustrate the efforts made by the few progressive Karimojong. Can some of us here then inform this

Assembly why cattle rustling has persisted all these decades if it is really true that the people of Karamoja condemn it. It is very unfortunate, that some Karimojong leaders talk today of cattle rustling in the same manner they talked some years back. I am saying all this because I would like this Assembly to understand why cattle rustling in Karamoja has persisted so as to get the right solutions to solve it.

Cattle rustling has been worsened by the gun which has also become a cultural weapon. The gun has been so much cherished in Karamoja that one who does not have it is not respected even village girls these days are not willing to marry men minus a gun. *(Laughter)* This practice of cattle rustling has inconvenienced the Pokot people so much that right now, as I am speaking, 15,000 of them are displaced and are taking refuge in the neighbouring country of Kenya and are still waiting to be brought back. Seven trading centres have been destroyed leaving Amudat as the only surviving trading centre in the whole of the county I represent. It is these attacks and destruction of trading centres that make the Pokot believe that those raids are no longer local but politically motivated - because they go to places where there are no cows nor goats but they go for lives.

The Pokot people of Upe county are appealing to this Assembly very, very sincerely to come up with a constitution which will outlaw the possession of firearms by the civilian population. *(Applause)* A Constitution which will ban cattle rustling. The guns in Karamoja have made many people lose: their lives; the right to own property; the right to life; freedom of movement; and other rights. Those guns in Karamoja have made the local population too stubborn to the extent of refusing to pay taxes. Mr. Chairman...

MRS. KULANY: Point of information, Mr. Chairman. In Kapchorwa District, we have a whole sub-county which has been depopulated because of rustling from Karamoja District. Thank you.

MR. F. KIYONGA: Mr. Chairman, if I am lying on the issue of taxes you can calculate the taxes that region was paying before 1979 when they began getting firearms and then compare with what they have been paying after 1979. So fellow hon. Delegates, more especially those from Karamoja, if we need to raise taxes and spearhead development in Karamoja, let us all agree that the gun be taken away. *(Applause)*.

MR. JOHN LOROT: Point of information, Mr. Chairman. I would like to inform the hon. Delegate holding the Floor that it is not that the Karimojong are refusing to pay taxes or have become stubborn to pay taxes because of the guns they are holding. What happened recently was that in 1986 when the NRM government came to power the Karimojong were exempted from paying taxes for two years. After that, when the local administration came in to say that the two years have expired and you are required to pay tax. The Karimojong said: "No, the President, himself, told us not to pay taxes". (*Laughter*). "It is only when the President comes to tell us to pay taxes that we shall resume paying taxes".

MR. F. KIYONGA: It is on that point of cattle rustling and the gun that the Pokot of Upe county instructed me to devour and disagree with anybody who will minimise the issue of the gun. Those hon. Delegates who refer to cattle rustling as a criminal act in Karamoja are only marginalising the degree of cattle rustling. They are not only marginalising its degree but they are actually hiding the root cause of cattle rustling.
On the issue of district boundaries...

MR. CHEBET MAIKUT: Point of information, Mr. Chairman. I would like to inform the hon. Member on the Floor that only a week ago, one soldier was killed in a sub-county in Ngenge in Kween county by the Karimojong raiders. As if that was not enough, the question of guns is a very serious issue because the Karimojong raiders have not all gone in for cattle but also they have also gone in for life of the security forces. In 1989, for example, 50 lives of the NRM soldiers were taken away in an area bordering Ngenge sub-county in Kapchorwa District. This was when the armed raiders killed almost two sections of platoons of the NRM men and I think the issue of guns is indeed a very serious one as raised by the hon. Member on the Floor. Thank you.

MISS ROSE LORIKA: Point of information, Mr. Chairman. The point the hon. Member on the Floor is raising is very important. It is true the Karimojong warriors do not view cattle rustling as a criminal offence and yet we the elite know it is a criminal offence. For them, because their culture does not condemn cattle rustling, it is something they view as a matter of prestige and when somebody dies in a cattle raid they consider him to be a hero. And then the hon. Member had also told you that it is now impossible for chiefs to collect taxes. Hon. Members,

these warriors are untouchable. It is difficult for sub-county chiefs and parish chiefs to go and collect taxes from people who are armed and yet the sub-county chiefs and parish chiefs may not be armed. So, since the Karimojong have taken the law into their own hands, these taxes will never be collected. We shall always end up collecting three million shillings from the trading centres but not from the warriors. Thank you.

MR. F. KIYONGA: Thank you. On the issue of boundaries, the people of Upe county are very much aware that they cannot be given a district because of their population but half of them would like to be merged to Kapchorwa District. They are very, very desperate and disgusted with Moroto Administration, more especially, as the Karimojong continue to refer to them as natural enemies. I do not know what is really natural with that barbaric behaviour of cattle rustling. This situation has been magnified by the way some Karimojong government officers are behaving. They have transferred the local conflict between the Karimojong and the Pokot people to the government offices. Many of them are using government machinery to revenge and deal with Pokot people. For example, Press coverage, making government confidential reports and many other ways.

In Article 20, the Pokot people assert that the government of Uganda, colonial and post-colonial has never taken any necessary measures to provide an atmosphere that is conducive to the development of the people of that region. Much as the present government is blaming the Karimojong and the Pokot for lack of initiative in development and instead getting involved in cattle rustling, the government on the other hand has contributed to the present situation in Karamoja region. The Pokot are accusing the present government for deliberately delaying to address the issue of insecurity in Karamoja so as to continue, maybe, to have excuses of not sending investors to that region because it is insecure and hence have the opportunity to divert it to some place of preference. They believe that the government has the capacity to combat insecurity and lawlessness in Karamoja but why it has delayed for all the eight years of NRM leadership leaves a lot of questions unanswered, more especially, as they continue to sing the Ten-Point Programme.

Under the same article, Article 20, the government has refused to identify progressive leaders of

Karamoja and accept to follow their advice. Instead the government seems to be enjoying or taking advantage of the disunity between the progressive and regressive persons in Karamoja. The Pokot believe that if the government could invest in that region and they de-gazette all the fertile land, and introduce cash crops to the area, a new form of life would emerge and cattle rustling which has now turned to a new dimension of looting household property and ambushing of vehicles would come to an end.

As regards the political parties, the Pokot people doubt, very highly, whether all Ugandans are ready for a peaceful multi-party democracy. It is because of that doubt that they accept the proposal of five years extension of Movement. Under this article, they would like to pay tribute to the gallant sons of Uganda who fought that bush war. However, they are requesting this Assembly not to emphasise the issue of historical members during the next five years of the Movement. They would like to remind this Assembly that every Ugandan suffered whether in the bush or at home and many are still suffering and dying up to today, so they would not like to hear that historical members are being treated in a special way. During the five years of Movement, they would like the parties to get very organised for a mature and peaceful multi-party election. They would also like the old parties of UPC, DP and the like to be deleted (*Applause*) and new parties formed. The argument is that besides looking at those parties as foreign based and can still be liable to foreign manipulation, they also say those parties will continue to remind them of the past corruption and confusion they were involved in.

On the issue of the National Army, the Pokot people would like to have a very strong organised army. The present National Resistance Army was formed in the process of a popular uprising against dictatorship and the Pokot people believe that it is a people's army meant to defend the people and their property against not only external aggression but also internal terrorists, looters and grabbers. This belief has never been realised in Karamoja. The Pokot people regard the present forces of NRA, Police and Prisons as the most weakest forces Uganda has ever had as far as protecting Ugandans is concerned. They would like therefore, this Assembly to come up with a Constitution which will strengthen the army, to equip them with all the tools of defence including enough gunships and APCs, so that, if it means moving on action, they should do it without delay. Thank you.

THE CHAIRMAN: Thank you hon. Francis Kiyonga for your contribution to our debate.

DR. S. CHEBROT (Tingey County): Thank you Mr. Chairman. I welcome the secession of Upe county from Karamoja and I welcome them to Kapchorwa District. Tingey county is on the slopes of Mt. Elgon. It is one of the counties which has been winning in the world food day competitions which have been held in that part of the world. It is a county which is full of waterfalls and it is also one of the counties which become inaccessible during the rainy season.

Let me take the second opportunity to congratulate you for successfully winning the petition in Mbale Municipality. The victory which was snatched away from you has been restored by justice. Congratulations! I hope you will not abandon us as Chairman to take up a lower seat. I have listened to very interesting submissions made by hon. Delegates since the beginning of this session. Some have been very stimulating and some definitely very provoking. Each hon. Delegate has expressed the views of the people he or she represents. What is apparent is the desire, in all this presentation to promote peace and unity of the nation. Hon. Delegates, should therefore rise above the individual interests, above group interests or for that matter, regional interests so that we can make a constitution that will have public confidence. All tribes in Uganda should seek to live in harmony with all other groups. We have to foster the spirit of tolerance and good will between all the political and religious groups in Uganda so as to foster Uganda as a United country bound together by nationhood.

What has struck me is the calmness of the debate except of course when hon. Sam Kutesa was making reference to the bitter history of this nation. We have all lived in sorrow for the better part of our independence but Ugandans do not want to be reminded of the bitter past. The facts of our civil strife and bad governance are not far from us. They lie everywhere. Our cities are in ruins; our institutions of higher learning are in ruins; our hospitals; roads; every social sector name it did not escape the effects of the wars that we fought. In spite of our painful history, there has been no animosity during this debate. What I see is the capacity of the hon. Delegates to listen to each other. The resilience to accommodate divergent views is apparent. This is a new culture which must be encouraged and promoted.

There are many issues in the draft constitution which unite us. Let us concentrate on those aspects of the constitution that unite us; spend a little more time on the issues that appear on the surface to divide us. I am quite certain that with the capacity and resilience we have demonstrated, we shall come out with a constitution that will have public confidence; a constitution that will respect the interests of every Ugandan, minority or majority groups alike.

I want to pose a question. Why are Ugandans still resorting to AK 47 to solve political problems? Why do our leaders, eloquent as they may be, promote armed conflict? Is it not time for us to talk peace? Why are innocent lives still being lost in the neighbouring districts of Karamoja when the cream of Karimojong leaders are here? I pose these questions so that the Members can reflect on their history and take stock of the failures and successes of their leaders.

Let me say something about the recently concluded CA elections. But before I do so, permit me to express my sincere gratitude to those countries and international organisations for the financial and moral support they extended to the nation to carry out a successful CA election. In his interjections on Wednesday last week, hon. Nekyon said that some individuals in government tried to rig elections in Maruzi county implying therefore that the State was bent on rigging elections. I want to inform the House that I stood in Tingey county and what I saw there was malpractice by functionaries of government and in some cases interest groups who had their own intentions. In Kapchorwa, the returning officer who is a staunch UPC instructed some of his chiefs to de-campaign all those who supported the Movement politics, myself included. What is clear therefore is that the malpractice were not restricted to a group that was opposed to Movement politics.

The Statute gave too many powers to the returning officers which could have been misused. I do wish to repeat that the elections we had in March were free and fair from State interference and that the State was not at all involved as a policy to rig elections unlike in 1980. If the State wanted to rig elections, do you think that the hon. Lady from Lira Municipality would be sitting in this august House? I pose that question to hon. Members. An even clearer example is what happened in Mbale Municipality. The annulment of elections in Mbale Municipality is a clear testimony that those who supported the

movement politics could have suffered the brand of the malpractice. Let me now turn to some specific aspects of the draft constitution.

On decentralisation, the people of Kapchorwa wholly support decentralisation programme. This will mean getting people at the grassroots to participate and evaluate their problems and prescribe their own solution. This practice of strengthening democratic practice of local authorities and loosening the grip of central government is good. But I feel that the central government should be able to retain some powers so that it can intercede where a local authority is acting against the national interest.

The draft constitution is silent about the need for a national language. It is the wish of the people of Tingey that Swahili should be adopted as a national language because it is widely spoken in the region and East Africa as a whole.

I do submit that federalism, if allowed to take root as proposed by hon. Nsibambi and hon. Ssendaula it will only help to fragment further this nation. I know it is an attempt by a few who wish to create a rigid political entity in their own area where a fluid social interaction of various tribes should be permitted.

MR. SSENDAULA: Point of order, Mr. Chairman. Is the hon. Member holding the Floor in order to impute that the kind of federal that I proposed which in my view is entirely different from any other thing that has been proposed before in this House is going to cause any problem to this country when my idea is simply to solve problems of this country. Is he in order?

THE CHAIRMAN: I think the hon. Member did not quote Mr. Ssendaula correctly. I do not think his proposal is similar to that of Prof. Nsibambi. So I think you better re-phrase your statement and leave out hon. Ssendaula.

DR. CHEBROT: Mr. Chairman, I leave out hon. Ssendaula but stick on hon. Nsibambi. To try to create federalism along language groups or ethnic lines is to entrench further tribalism the mother of all African problems. People with a common language and shared cultural heritage definitely exist in Buganda but I am not aware of any other homogenous mono-tribal group which will accept federalism. Few elite Baganda have a common fear that their king will be taken away. We have given you the king

but the federal state, no. Federalism means building a nation on tribal pillars of varied configurations...
(Interruption)

MR. BWANIKA BBALE: Point of order, Mr. Chairman. Is it in order for the hon. Member holding the Floor to say that they have given us our *Kabaka* when *Kabaka* has been our traditional leader. It is our culture and nobody should think that he is giving it to us as a favour. Is it really in order for him to say that he is giving us *Kabaka*?

THE CHAIRMAN: No. I understood the hon. Member to be passing on a message from Tingey county. When he said 'they have' he was referring to the people of Tingey in relation to the recent amendment to the constitution. Please go ahead.

DR. CHEBROT: Thank you Mr. Chairman for that ruling. Federalism means building a nation on tribal pillars of varied configuration at the expense of democracy. Federalism means it will be built at the expense of condemning smaller tribes to nothing. It is an attempt to suppress smaller tribes on the basis of numerical numbers. I am quite sure and certain that the people of Kasese and Bundibugyo would not accept to be part of Toro state or union of any kind.

PROF. NSIBAMBI: Point of information, Mr. Chairman.

DR. CHEBROT: No thank you, Mr Chairman. Let me expand on my...

THE CHAIRMAN: I think it is only fair since you made reference to hon. Nsibambi. I think you should take his information.

DR. CHEBROT: Okay, Mr. Chairman.

PROF. NSIBAMBI: Thank you, Mr. Chairman. I simply wanted to inform the hon. Delegate that federalism is the highest form of decentralisation and therefore equating it with all the wrong statements as made is essentially a failure to grasp its essentials. Thank you.

DR. CHEBROT: Thank you very much. Those are the views of hon. Nsibambi which I disagree with. As I said, I am quite sure and certain that the people of Kasese and Bundibugyo would not accept to be part of Toro state or union of any kind. The proposal to have Karamoja as a federal state will condemn

that region to the annals of history. It will be a forgotten place. The people of Kapchorwa will not accept to have a federal state composed of Teso, Mbale, Tororo, etcetera. These proposed states are not viable in my view. We shall be starting an experiment which will not work. They recently introduced decentralisation which will address the problems of unequitable distribution of resources from the centre. I ask fellow Delegates to reject in totality this experiment of federalism because it only seeks to create more bureaucracies which will neither benefit the people nor the central government.

The defence of the constitution: this is perhaps the most crucial aspect which faced the Delegates in this House. All that they will do in the next four to seven months in this Assembly can be brought to a complete halt unless remedial steps are taken to mobilise the population to resist coups as evidenced by the following proclamation in 1971. I want the hon. Members to listen. This is a proclamation in 1971 by then President, Idi Amin, Legal Notice No. 1 of 1971. It reads: 'Whereas on the 25th day of January 1971, the Armed Forces of Uganda for reasons given in the statement by then to the nation on that day took over the powers of government of the Republic of Uganda and vested those powers in me Major General Idi Amin Dada, DSO. The proclamation further reads: 'Parliament is hereby dissolved and all the legislative powers referred to in the Constitution are hereby vested in me, Dr. Idi Amin Dada, DSO, conqueror of the British Empire.'

Mr. Chairman, Obote in 1966 had this to say: "Fellow citizens ...". Mr. Chairman, I do not want to repeat the exact words because they are revolting. He had abrogated the constitution.

THE CHAIRMAN: Hon. Member, you cannot quote in parts otherwise you might misinform the House.

DR. CHEBROT: Mr. Chairman, both these gentlemen had sworn to defend and protect the constitution. Obote had done so on the 9th of October 1962. Amin had done so on the 25th of January, 1971. The present draft constitution contains provisions which will seek to punish those who overthrow the constitution. But listen to what the former eminent Vice-President of Uganda had to say in defence. This is General Adrisi and I wish to quote. This is in *The New Vision* of July 28th, 1988 Volume 3 number 1-5. "Adrisi said, I was ignorant".

This was the headline and he said: *“Former Vice-President General Mustafa Adrisi yesterday told the Human Rights Commission that throughout his life, he had never known the existence of Uganda’s Constitution till recently when it was read for him in Arua. I knew nothing about the constitution and could not ask for it even at the time I was in power, he confessed. General Adrisi said these yesterday when he was testifying before the Commission sitting at Kampala International Conference Centre in Committee Room A which was packed to capacity. By 9.00 a.m. all the seats were occupied and other people either stood or sat on the carpet floor to await the General. He checked in at 10.00 a.m.”*

This is relevant to show hon. Delegates the leaders we have had in the past. One of the Commissioners reminded Adrisi that when he was being sworn in as Vice-President, the book he held that day was the constitution of Uganda - that he swore to defend the constitution of Uganda. I would continue trying to elaborate the kind of leaders that we have had. I am trying to demonstrate that General Adrisi feigned complete ignorance to the very document he had sworn to defend and protect. The question then is, should we entrust the constitution we are going to make to people who have violated it before? Should we? The Constitution that we are now going to debate and promulgate - should we entrust it to people who are have violated it before? That is the question I want hon. Members to ask. Is it wise to entrust our destiny to an institution which has demonstrated its incapacity to tolerance? Should we hand over our constitution to political institutions which have a history of gross human rights abuse?

MR. ERESU ELYANU JOHN: Point of clarification, Mr. Chairman. I would like the speaker holding the Floor to clarify me on the following points based on the questions he is just raising now. That is, one question he raised says that should we entrust our new constitution to those persons who have violated constitution of Uganda before? The clarification I want to get is, is he trying to suggest that we deny Ugandans the alienable rights of participation in the rule of this country just because we think since we have never tried them in court of law for violation of the constitution, from participating in the leadership of this country? I would like to be clarified, Mr. Chairman.

DR. CHEBROT: When making that statement I did not mean that every Ugandan violated the

constitution. People who have violated the constitution are visible. History has been written about them. They are there. If the hon. Delegates were listening, I did allude and I think they are only right to make guesses of what I mean.

THE CHAIRMAN: Yes, but I think you would be fair if you do not speak in parables.

DR. CHEBROT: Mr. Chairman, can I be clear now? The UPC party abrogated the 1962 constitution and I think it should be made very clear that they should not be handed over a constitution which we know they can easily abrogate. Thank you.

MR. AGGREY AWORI: Mr. Chairman, I am seeking your guidance because I do not know how to direct this particular inquiry. Is the hon. Delegate on the Floor in order to use emotive words to query the motives of the hon. Delegates here, their capacity, their legality, the history background to participate in constitution-making process? For instance, he says those people who have participated in the violation of the constitution should not be given another chance. I, for one, know that at one time people - are now very proud at this moment - they took up arms against the constitution. Mr. Chairman, this is a historical fact and we do not want to mix up facts. We do not want to use emotive language to justify whatever we have in mind. So, let us not misuse history because we can quote examples.

THE CHAIRMAN: Anyway I think the Member has heard. I think let him continue and finish.

MR. DICK NYAI: Point of order, Mr. Chairman. Is the hon. Member holding the Floor in order to say that the UPC Government abrogated the 1962 constitution and therefore should not be trusted. Yet when he was abducted from Kapeeka hospital, his abductors also came and abrogated and removed parts of the Constitution in January, 1986?

THE CHAIRMAN: That is not a point of order but just an argument.

MRS. MATEMBE: Point of order, Mr. Chairman. If I heard the hon. Member clearly...

THE CHAIRMAN: No, are you starting on a point of order?

MRS. MATEMBE: Yes, it is. Please, give me a

chance. It is a point of order. If I heard him clearly, he said, are we going to entrust our new constitution to the people who have abrogated it before? So I am saying, is he in order to say that people have abrogated a constitution which we have not yet made because we are here to make that constitution. It has not been violated at all. Is he in order?

THE CHAIRMAN: I think he was referring to some earlier constitutions.

MR. BEN WACHA: Point of order, Mr. Chairman. Is it in order for the hon. Member on the Floor to suggest that we are here in the process of making a constitution for some particular section of this country only?

THE CHAIRMAN: If that was the way it is understood, then he is not in order. But I do not think there is anything to withdraw other than to clarify what he means.

DR. CHEBROT: Mr. Chairman, I think the hon. Delegate has misunderstood what I said.

THE CHAIRMAN: Will you make him understand properly.

DR. CHEBROT: I was trying to demonstrate that UPC as a party should not at any one time claim to be democratic. I will illustrate. In 1966 in Kapchorwa we had only one Member of Parliament. He died in 1966 of natural causes. Under normal circumstances, we should have had a by-election to elect a new Member of Parliament but not until Obote was overthrown in 1971 did we ever have any Member of Parliament. We stayed for five good years in a democratic party. We never had a by-election to elect a new Member of Parliament. So they cannot claim to be democratic. It is not a democratic institution.

MR. WANENDEYA: Point of order, Mr. Chairman. When we came here, we all swore by the bible and Koran saying that we are religious people. Would it therefore be fair for the Delegate holding the Floor to tell us that we should neglect some people in this country if they confess by the bible or by the Koran. Would it be fair and can he clarify on that?

BRIG. J. MUHWEZI: Point of order, Mr. Chairman. Is it in order for some Members of this

Assembly to misunderstand the hon. Member holding the Floor when he says that in his opinion and the opinion of the people he represents, groups who have proved to be unreliable in protecting and defending the constitution should not be allowed to participate, i.e. UPC as a party? Is it in order for people to deny him his right to suggest that such parties should not be allowed to participate?

THE CHAIRMAN: I have not got the impression that people were refusing him the right to participate. The problem is that he was talking more in parables at one stage and therefore making it difficult for some people to understand him. So he is now making it much clearer and let him continue.

DR. CHEBROT: Thank you very much, Mr. Chairman, for that ruling. Let me come now to the question of Movement versus parties. In some instances this issue has been equated to Pajeros going to the west. Ten years ago it was black Mercedes Benzes going to the north. In the 1970s it was helicopters going to West Nile. Now the question I want to ask... (*Interruption*)

A HON. DELEGATE: Point of order, Mr. Chairman. Is it in order for the back-benchers to disturb other listeners?

THE CHAIRMAN: It is not in order to heckle. They are out of order and I think Members, you should be patient. I can see you are getting tired. I think you should be patient, we shall adjourn soon. Please go on.

DR. CHEBROT: I have got to say something about movement versus parties. There has been a lot of talk about Pajeros going to the West. Ten years ago, it was black Mercedes Benzes going to Gulu and Lira. In the 1970s, it was the helicopters going to West Nile. When shall we also get Pajeros going to the east? (*Laughter*). I will allow hon. Nekyon if he will not make inflammatory statements.

MR. ADOKO NEKYON: Point of information, Mr. Chairman. I would like to inform hon. Chebrot that all what the multi-parties are saying is what will bring the black Mercedes or Pajeros to the east. And that is, people should be able to associate freely as they wish and can elect the leadership of their choice at regular fair and free elections. And what they are saying, therefore, is Chebrot's freedom to form his own party tomorrow and rally the people (*Applause*)

and go to the elections with those groups he has formed and win elections so that the Pajeros can go to Kapchorwa -*(Laughter)*- instead of...

DR. CHEBROT: I thank hon. Nekyon for that statement. I wish to inform him that at least the people of Kapchorwa are a little bit happy because they can see a little bit of Land Cruisers around. Thank you very much.

MR. NASASIRA: Point of information, Mr. Chairman. I want to inform the hon. Member holding the Floor that I have on a number of occasions travelled in his own Pajero going to the east in Kapchorwa. So Pajeros have already reached the east.

DR. CHEBROT: Thank you, Mr. Chairman. The people of Tingey support the extension of the Movement politics for another five years following the promulgation of this constitution. On Thursday, Prof. Nsibambi again said that the people of the east and north want multi-parties immediately. This is not entirely true of the east as I understand it, maybe, the North but not the East. I think many Delegates from the East have spoken in favour of the movement politics except of course for hon. Wanendeya. If you take stock, Mr. Chairman... *(Interruption)*

THE CHAIRMAN: Hon. Chebrot, would you speak for yourself and not for other Members.

DR. CHEBROT: I withdraw.

THE CHAIRMAN: He has withdrawn the reference to hon. Wanendeya.

DR. CHEBROT: If you take stock, the whole of Busoga, Kapchorwa, a sizeable part of Mbale, Tororo, the whole of Karamoja support the extension of movement politics for five years. If anything is to go by what the Delegates have said, where did Prof. Nsibambi get the statistics... *(Interruption)*

MR. WANENDEYA: Point of order, Mr. Chairman. Is it in order for hon. Chebrot holding the Floor to think that the people in the East and in the North want multi-parties when we have statistics of those areas taken in order to ascertain the point he is trying to put forward? These are views being expressed and they can only be ratified by people in those areas having free elections to decide their own choice as to whether or not they want multi-parties.

Is it therefore in order for hon. Chebrot to impute otherwise? Thank you Mr. Chairman.

THE CHAIRMAN: No, that is an argument really rather than a point of order. I think let us confine ourselves to matters which are appropriate when we raise points of order rather than sneaking in arguments to counter arguments on the Floor.

DR. CHEBROT: Thank you very much for that judicious ruling. Let me turn briefly on the violation of human rights. At this stage, let me thank the hon. Delegate from Upe county for briefly touching on the question of cattle rustling. For the past 30 years, each of us has witnessed one form or other of human rights abuse. This has, in many instances, been State inspired or as a result of the laxity of the State organs adopting an I-don't-care attitude. The new constitution should therefore contain adequate provisions to protect the sanctity of human life. The Karimojong cattle rustlers have unleashed untold misery to the district neighbouring Karamoja ranging from raping women to raping men, murder, robbery of property and displacement of people. This carnage has created serious social economic problems of a very wide magnitude in the region. Despite all this carnage, the previous and the present governments have done very little to stop cattle rustling and its associated human rights abuse. Human Rights Groups in Kampala have made no attempt to highlight this issue to the rest of Ugandans and the international community. The Press is no exception either. Women groups in Kampala have not voiced concern about other women in those areas who are displaced and raped week after week by Karimojong cattle rustlers.

MR. APIAN: Point of order, Mr. Chairman. Is it in order for the hon. Delegate to impute that the Karimojong are homosexuals.

THE CHAIRMAN: I do not think he was talking about the Karimojong community. I think he was talking about cattle rustlers.

DR. CHEBROT: Mr. Chairman, to be very explicit and even to help the fellow Delegate better, I wish to quote a very vivid example. There was a gentleman in my own county where I come from who was actually raped by a Karimojong cattle rustler. This was so vivid that the man was raped in front of his wife and children. Soon after the Karimojong had raped him, the man committed suicide. It is as vivid

as that. If the hon. Member does not know, it happens. I wish to propose that hon. Delegates in this august House should provide provisions in the constitution which will curtail and outlaw cattle rustling. If, however, cattle rustling continues unabated, then the State should be responsible and the State should compensate those who have been rustled. They should compensate the loss of life without, of course, going to court - because the peasants cannot go to court. We should create a constitutional law which will permit communities which have been aggrieved by cattle rustlers to be compensated by the State without recourse going to the court.

MR. LOKERIS: Point of information. I would like to inform the speaker on the Floor that cattle rustling at present is not a welcome idea in Karamoja and if he can read his laws of 1970 Firearms Act which I think all Delegates here should try to read, it says that anybody who is found illegally holding a firearm must be taken to court or taken to law. So I do not see why we should make a lot of noise saying the Karimojong have failed when the law is there. So the most important thing is, where is the law enforcement sector to ensure that these things are removed.

THE CHAIRMAN: That is very useful information.

DR. CHEBROT: That is why we are asking the State to take responsibility over loss of lives of people.

On forms of government, I am speaking here as a Delegate, not as a Minister. The people of Tingey do support and uphold Uganda to remain a unitary Republic with decentralised powers to the districts. But because we have suffered so much in the past of under-development, we have had no roads, we have no power, the only hospital we have is in a very poor shape. We do propose that additional amendments that funds which are borrowed by central government from multi-national agencies should be sub-let to the districts so that local authorities can be able to do their own development at their own time.

The people of Tingey support the immediate issuance of national identity cards to Ugandans above the age of 18 years. Uganda being a land-locked country and a haven of peace, is now faced with a large influx of refugees from the region. The identity cards should only contain the serial number of an individual. Tribe or place of birth should not appear on the

identity cards. We do not want to promote more *interahamwe* in Uganda. Registration of births and deaths at every level should be encouraged as the birth certificate will be the only authentic document to prove the identity of Ugandans. When issuing identity cards at the age of 18, one should be able to produce his or her birth certificate. Similarly entrance to higher institutions of learning should be accompanied by a copy of the birth certificate. The people of Tingey do not support dual citizenship.

On the people's representation, the people of Tingey strongly recommend to the hon. Delegates that they should maintain the present county representation. Counties are distinct administrative units. They will be free from gerrymandering and it will protect the identity of the people. Counties are identified in the new Decentralisation Statute to be development units. They should not be seen to be dismembered.

Therefore, I submit that the a county be recognised and retained to be the smallest constituency irrespective of its population. Bigger counties, however, can be sub-divided along sub-counties to reflect the population in that area as the case is now.

On the Presidency, the people of Tingey support the election of the President by universal suffrage and not by Parliament. The President should hold office for only two terms each of five years. The people of Tingey endorse the proposal that the electoral commission should be an independent institution and should have a definite timetable for the election of the President and Members of Parliament. The people of Tingey further say that some ethnic groups have tended to dominate this office of the President for long by virtue of their numbers. There should be a provision in the constitution which will promote a capable leader of minority groups to take over leadership through democratic means. The people of Tingey support the appointment of Ministers from amongst the Members of Parliament. This is important because Ministers must be answerable to Parliament. The representatives of the people should be elected on a regular basis of five years but the election of MPs should be done after the election of the President.

Let me briefly say something to do with circumcision. Circumcision of boys is mainly confined in the Mbale and Kapchorwa region. While that of girls is specifically confined to Kapchorwa. Both these practices in my view are local issues which must be

addressed by the local leaders in those areas. I do of course support the proposition... (*Interruption*).

THE CHAIRMAN: There is information on the Floor.

DR. CHEBROT: Mr. Chairman, I do support the proposition by Hon. Kulany that all men should be circumcised. It is clean and reduces the incidence of cancer of the male and female. The people of Kapchorwa do not need to be condemned by this House about female circumcision. They need your support. The women groups in Uganda had instead abandoned their women groups in Kapchorwa instead of marshalling support for educational programmes in schools and colleges, they are busy condemning them instead of encouraging NGOs, human rights groups, to rescue young girls from being mutilated. We need your support we need your encouragement but not your condemnation.

Lastly, Mr. Chairman, I would like to propose a Third Schedule which should include all the names of the thirty-nine districts of Uganda with definite just boundaries to include Pokot county as part of Kapchorwa. Thank you very much, Mr. Chairman.

THE CHAIRMAN: Hon. Delegates, we have overshot our lunch hour but as you know, we started late. We shall still have one hour break for lunch and so I adjourn until 2.30 p.m.

(The Assembly adjourned at 1.20 p.m and resumed at 2.30p.m)

THE CHAIRMAN: Delegates, when we adjourned we had just listened to Hon. Stephen Chebrot of Tingey county. Now I give the Floor to Hon. Mushemeza Elijah of Sheema County South.

MR. MUSHEMEZA (Sheema county south): Thank you, Mr. Chairman. One important physical feature in Sheema county south are the Kitagata hot springs. So hon. Delegates you are all welcome to enjoy the warm waters of Kitagata hot springs. Sheema county south is rich in coffee and those of you who would like to invest in the coffee industry, you are warmly welcome.

I bring greetings to you from the people of Sheema county south constituency. I am happy to have this opportunity to debate the general principles of the draft constitution of the Republic of Uganda. On

behalf of the people of Sheema county south I would like to make a few observations to begin with.

First, I join hon. Robina Nabbafulu, Woman Delegate, Mbale for her remark that constitution makers should respect God as was acknowledged during the swearing in ceremony. Secondly, I believe that a new constitution should positively come to terms with Uganda's past and present and respond to its aspirations for the future.

Democracy and the viable political system. In the light of the second observation I shall begin the debate with the principle of democracy and the viable political system. In order to fully understand and participate meaningfully in the debate on the viable political system one needs to draw a framework within which to carry out the debate. In doing this we need to go back first, to the western understanding of democracy and second to the lived experience of a given people on democracy.

The western countries and their philosophers and ideologues equate democracy with multi-party system so that any system that does not allow people to chose from one or more political parties is undemocratic. It is believed that it is a fundamental right that people should be free to form and associate with political parties of their choice without restriction. On the other hand, Mr. Chairman, the Lived Experience Approach takes the view that the history of politics and practice teaches us that democracy cannot be measured in terms of the numbers of parties that operate in society. Thus neither the one party system nor the multi-party system or movement is a criterion of democracy. For the Lived Experience Approach which I subscribe to only one thing is important, namely, whether the political system function in the interest of the masses of the people or a handful of rulers who are holding the masses in subjugation and poverty. Therefore a political system which does not function in the interest of the people is inherently undemocratic. Accordingly, the essential question to pose is: whose interests are represented or protected by the political system? To put it briefly, the lived experience approach provides that democracy in any country is determined by whether or not the people wield and exert real influence on the direction of society and on the formulation and implementation of social policies. Thus the question of a viable political system in any one country cannot be raised in abstract, outside a concrete analysis of the specific realities and historical conditions of a given country.

Neither the multi-party nor the movement system can be constructed artificially outside the contexts of a given country. It is against this background, that the people of Sheema South recommend that the movement system, not necessarily NRM Government, has the most viable political system Uganda can have at this historical period.

What is the movement system all about? Is it not the same as the NRM Government? I am saying, No, although the two have historical relationships. So what is the movement? In my conceptualisation I see NRM as an interim government but we are looking for a political system that will stand a test of time. I am looking at the movement as a united front composing of different social forces. The forces could be organised, some could be in the process of organising themselves while others could be timid to organise themselves. These forces do not have to agree on everything except principles. Within the united front there is a progressive force whose mission is to transform the society for the common good. When the united front is institutionalised and is in operation the progressive force has a social responsibility to lead society. Some one may raise the point that there are movements over the world which have been led by reactionary forces? Yes, like the Nazis but their mission has never been to transform society for the common good but for the destruction of society. So I am saying in a case where the united front is led by a progressive force, its main mission is to transform society for the common good. However, for this progressive force to succeed it must work with a more broad based government that promotes national unity.

Hon. Delegates, for those of you who have been asking what the Movement is all about, the people of Sheema south are providing the conceptual model for your analysis. We, therefore, hope that this House will create or empower the first legislature (parliament) to create organs and define rules that will govern the operation of the movement as the most appropriate political system. Should this House decide to define how the movement can be more opened and democratized I shall avail myself as a resource person. Given that understanding the people of Sheema south believe that the movement system;

- i) will consolidate national unity and reconciliation.
- ii) is oriented towards consensus rather than confrontation as demonstrated in this august House.
- iii) promotes the principle of participatory democracy

as we all know through resistance councils and committees.

iv) with viable systems of checks and balances as we are going to do in the constitution the movement system has the potential to bring about equitable sharing of resources and equal development in all parts of the country.

v) allows the youth and the old to demonstrate their intellectual and political capabilities on the same platform.

On the other hand the people of Sheema south detest multi-party system because, they told me, from their experience it was characterized by murder, hatred and destruction of property. Mr. Chairman, I could go on and on.

I believe if you chose the movement system you will have made an important step at the right time and for the right thing. The people of Sheema South feel very strongly that they must always be consulted on this matter should the need arise. This is because to us in Sheema south we believe that once we get it wrong on a political formula, the rest of the principles will be difficult to uphold.

The form of government. A viable political system requires a viable form of government. Is it federalism or a decentralised unitary form of government? Mr. Chairman, I have had time to listen to the arguments advanced by some supporters of the federal form of government. I would like to comment on those arguments and present the case for the decentralised unitary form of government on behalf of the people of Sheema south. First, the federalists argue that federalism creates institutionalised centres of power which act as checks and balances against the development of totalitarian rule. On the contrary, in a situation like ours where we have a geopolitical state rather than a strong nation, federalism will promote irresponsibility. A national and federal state government may blame each other for failure to take decisive action when in fact each side seeks to avoid the problem for fear that any decision would produce dangerous enemies. Such conflicts arising from dual allegiance would not promote checks and balances. Similarly, federalism in Uganda would mean that emphasis would be more on one federal state as opposed to national interests. Secondly, federalists argue that federalism provides a secure institutional base for the plural societies of Uganda to coexist harmoniously in a stable Uganda. In fact, Uganda with diverse ethnic, religious, racial and

cultural groups, federalism will increase differentiation and promote feelings of superiority and inferiority. This is true because I have observed that the enthusiasm of federalism is regionally based. What appears to be popular in one region is not popular in another. This brings about the conflicts of interests regionally leading some to be indignant that those in favour have imposed their will on others. I believe federalism will promote inefficiency. The duplication of efforts and resulting wastage of money and human power, of having several governments to tackle an area like health, and education, adds vastly to the cost of the enterprise. Given that Uganda was carved out of many nationalities and tribes; the colonial policy of divide and rule having promoted parochialism tempting some ethnic groups to think of secession, the people of Sheema south suggest that our respective cultures be promoted under a decentralised unitary rather than a federal political framework. This will continue to integrate us, purge out all the prejudices and biases. Similarly, this would enable us to hopefully evolve a Ugandan culture. The people of Sheema south, therefore, recommend the principle of decentralization as presented in Chapter 13 of the draft constitution. Our present district Bushenyi will suffice as a unit of administration and we applaud the principle of democratically elected district leaders as reflected therein.

Human Rights. With a viable political system and a viable form of government the respect and protection of fundamental human rights become possible. The people of Sheema south support the recognition of rights of minorities. Minority, not in terms of physical numbers but in terms of their positions in society.

Looking at women, I would like to propose on behalf of the people of Sheema South that there is an inadequate conceptual framework for the understanding of issues surrounding the women's rights. We should shift from "women's question" to gender issues. What do I mean? This proposal is a change from a perception which views women as separate groups, different on the basis of their biological and consequent social functions as bearers of children and as social agents, to one which perceives women in sociopolitical and economic terms in relation to power at the levels of the state, that is public spheres as well as within the home and in male-female relations, that is the private sphere. In other words, the gender perspective enhances

empowerment of women. Empowerment here as a concept is used as a process aimed at consolidating, maintaining or changing the distribution of power in a particular cultural context. Emphasis is on the process of changing the distribution of power.

Fellow Delegates, we should recognise the dynamic and indispensable role which women play in the making of history and especially a new history which aspires to the building of truly democratic societies. The people of Sheema South would, therefore, like to have a constitution that entrenches the rights of marginalised, particularly women and the disabled. A constitution that addresses violence against women and young girls, rape and battering. A constitution that addresses violence against children's physical and sexual abuse. A constitution that addresses the democratic struggle and the politics of gender inequalities. The people of Sheema South also recommend the respect of rights of tribal minorities. Those ethnic groups whose names are not recorded in the Second Schedule of the draft constitution, according to the people of Sheema South, should be included in the constitution.

Traditional leaders. I would be a betrayer of my people if I do not express their views on the issue of culture and the institution of monarchy. Historically, the people of Sheema South are on record of consistently rejecting a culture that is sectarian and divisive. In 1950s the people of Sheema South joined a social movement known as *Kumanyana*. This is a Runyankole word meaning "to get to know each other". This social movement was primarily a step towards the breakdown of the colonial order and its ally, the institution of monarchy. "Kumanyana" protest was an attempt to redress the inequalities which were experienced in the Ankole society. The inequalities lay in the distribution of power, inaccessibility to the political centre for the allocation of benefits, in wealth and welfare and in dignity and social status. Therefore, protest was in principle concerned with redefining the political framework and changing the distribution of power with enlarging social and economic opportunities and with a search for and assertion of new dignity and social identity.

In 1971 the elders of Ankole, some from Sheema, the late C.B. Katiti was one of them, presented a memorandum on the restoration of kingdoms to Idi Amin and it read: "*The people in kingdom districts have in the past shown a tendency of divided loyalties between former rulers and the Central*

Government. For the military government to consolidate its position and to carry out its programme of re-organisation unimpeded, a situation which tends to create a divided loyalty among the people must be avoided at all costs” The quotation continues, “...Your Excellency, we say these things not with any malice, but we strongly feel that if we are to march forward to our stated goal of freedom and progress we must break with the past where this stands in our way and therefore our views must be accepted in this spirit”. Similarly, between 1988 and 1992 and during the candidates meetings, RC.1, RC.2, RC.3 of Sheema South overwhelmingly rejected the restoration of monarchy as expressed in their memoranda to the Constitutional Commission. They have not changed their stand. Their views also form part of the Commission’s summary which is on page 544, that “it is significant that all those who opposed the restoration of the monarchy did not see any role for it as a purely cultural institution”. However, the people of Sheema South would not mind people elsewhere who so wish to have their monarchy. What they want are safeguards incorporated in the Article 279 of the draft constitution. They particularly want a clear mechanism of establishing peoples wishes and aspirations before monarchism is assumed desirable in Sheema South. In fact they proposed a free and fair referendum. They further hope that the restoration of monarchy elsewhere will never psychologically or physically jeopardise the inalienable freedom to move, to settle and earn a living anywhere in Uganda as expressed in Article 10 sub section 8 of the draft constitution. The people of Sheema South hope that culture can be separated from political spheres, otherwise it may be tempting for a cultural leader to gravitate into politics as the two are hard to separate. Mr. Chairman, at the right time I shall propose concrete amendments to Article 279.

Land. I do believe that democracy is not only political but it is also economic. To the peasants it primarily lies in land. Thus the people of Sheema South support that citizens of Uganda occupying land should be guaranteed tenure preferably on a free hold basis. They propose that all owners of mailo land or free hold or their successors (we have a lot of mailo land in Sheema South) allocated by the colonial state as gifts for collaboration under 1900 Buganda Agreement, in 1900 Toro Agreement, in 1901 Ankole Agreement and the 1933 Bunyoro Agreement or otherwise granted should continue to own the said land only if the said land has been developed. They

further suggest that under-developed land should be reverted to the state and be allocated to customary tenants living on the land. They further propose that owners of mailo land or leaseholds as the result of purchases but who are not developing them should be compensated by the state so that those land are taken over by the state and be allocated to customary tenants living on the land or be utilised by the state.

Underlying the principle of those proposals is that the land should belong to those who need it and who can use it economically both for themselves and the nation. The people of Sheema South support the system of leasehold to continue in urban areas subject to development plans of a given urban area.

The Legislature. The people of Sheema South support the principle of checks and balances in a national constitution. They therefore support a strong parliament which can effectively check the executive while at the same time giving the executive and the judiciary the necessary support they require. In fact the people of Sheema South have reservations on the National Council of State which, in their view, is likely to water down the efficiency of Parliament. Instead they prefer to strengthen the legislature so that it can handle matters that apparently are making the draft constitution unnecessarily detailed and long.

The people of Sheema South were excited about Article 136 that the voters of any constituency are entitled to recall their representative from membership of parliament before the expiry of parliament. Again the people are in agreement with the observations of the Constitutional Commission Report on page 304 that the recall system does not only give practical effects to the principles of participatory democracy, representation and accountability but the threat of recall will have the practical effect of keeping Members “on their toes” thereby encouraging more effective performances. Of course, I encourage that we should have elections, we should not hide and keep here and extend ourselves.

National Language. The people of Sheema South noted the potential of Swahili as a language that can assist in creating the ethos of nationhood and unity. They think that Swahili can encourage regional cooperation and trade among the people of this country. However, they support observations of the Constitutional Commission Report on page 80 that the issue of National Language be cautiously handled

and that premature attempts to select a National Language could turn the issue into a major controversy. It is in the light of that assessment that the people of Sheema South support the recommendation that indigenous and other languages in Uganda should be promoted. In the course of time one or more of them will emerge as a National Language while English remains the official language.

Defence of the constitution. During the candidates' meetings the people of Sheema South expressed concern on preservation of the people's constitution. They, therefore, propose the following safeguards:

1. That the government that will be elected under the new constitution should take political education and civic education as a priority;
2. That all able bodied persons should be exposed to military science as a means to democratise the instruments of coercion and to prepare a reserve force to deal with any person or a group of persons that may attempt to abrogate or to overthrow the supreme law of the land by use of force.

In conclusion, the people of Sheema South believe that a good constitution should reflect the political, economic, social and historical circumstances of its society. This is how it can enhance the process of nation-building. In other words, the growth and survival of a nation as a state will depend on how citizens interpret their history, how they live their cultural values, how they regard representatives of the state organs, how they regard the mechanisms for transfer of power, how they perceive the institution that mediate between them short of physical force and how they gain access to scarce resources. Mr. Chairman, we in Sheema South stand to be counted at this historical period among those who support the process of nation building. I thank you all.

THE CHAIRMAN: I thank hon. Mushemeza Elijah for his contribution to the debate. I will give the Floor to Hon. Lukwago Gabriel of Kooki county.

MR. LUKWAGO (Kooki County): Thank you, Mr. Chairman. My name is Gabriel Lukwago representing the former kingdom of Kooki. Kooki borders with Bukanga, Nyabushozi, Kabula, Bukoto, Kyotera and Kakuuto. I am representing a good number of Bahima, Banyankole, Bakiga, Banyarwanda, Bakooki, Baziba and other nationalities.

I congratulate you and your Deputy for being elected democratically in your respective offices. I also congratulate fellow hon. Delegates in their success in the last CA elections.

Hon. Delegates, there is still a great need among ourselves, Members of this august Assembly, to get a culture of tolerance; to listen to one's view and not to have fixed minds on certain issues. We are delegates. What is said you might not like it, but that is what the people want to be presented to this Assembly. This tolerance will help us to get a better consensus and come out with a good and a better constitution this country has ever had, acceptable by all the people of Uganda. Thirty years from now we members of this august Assembly stand to be praised or to be blamed for what we have done in this Assembly. As to whether we decided correctly in making a good constitution or a bad one, the people of Uganda are eagerly waiting to see a better constitution which will give them peace; rights of individual; rule of law; and development accepted by all people present including our children and our grand children.

I would like to remind the hon. Delegates that the problems of Uganda started in 1965 when the then Prime Minister was alleged, with some of his Army Commanders, of stealing gold and ivory from Congo then, now Zaire. Some of his Ministers and some Members of Parliament lost confidence in him. When he realised that his position was already in trouble he acted immediately, detained his five Ministers suspended the constitution and declared himself an Executive President. Because Buganda's position was not known after the suspension of the constitution, and that suspension was not done in the interest of all Ugandans, Buganda Lukiiko could not accept that. Then the Lukijiko resisted such an act and decided to expel the Central Government from Buganda soil. What did the Omukama of Bunyoro do, what did the Omukama of Toro do and the *Omugabe* of Ankole in order to abolish their kingdoms? If it was not planned earlier on, were the people in those kingdoms consulted about that matter? The overthrow of the 1962 Constitution, many Ugandans thought that this would affect only the Baganda to lose their identity, reduce their pride, lose their development acquired and the education system, eliminate them from employment in all government institutions. It was again thought that it would create unity among Ugandans and certain ethnic groups lose identity. But to our dismay this was not achieved

instead it affected the entire country, retarded development which we had acquired. We saw bloodbath in our country, a country of God fearing people, people of the same language killing each other, looting people's property, terrorising the opponents by those in power, Ugandans seeking refuge in other countries. Abuse of individual's rights, detention without trial. Some times people were detained because people wanted money from them. Road blocks demanding *Chai* by force from travellers. A good number of people died in detention and their graves are never to be seen. Naguru, Nakasero, Makindye, Military Barracks, Nile Hotel, etc. became slaughter houses for the people of this country to mention but a few.

In Uganda here it is only in Buganda where people have lived with other tribes in harmony and this should be accepted by all of us. Therefore there is a great need... (*Interruption*).

THE CHAIRMAN: There are numerous points of information. I think this time you will have to accept from one Member, at least.

MR. LUKWAGO: I am not accepting the information, Mr. Chairman, I am very informed of what I am saying because I have never left this country since.

THE CHAIRMAN: No, I think members are reacting to your earlier statement that it is only Buganda where people have lived in harmony where that point of order arises there.

MR. CHEBET MAIKUT: Point of order, Mr. Chairman. Is the hon. Member holding the Floor in order to impute that all other nationalities in Uganda apart from those in Buganda do not accept people of other nationalities to live with them because as I speak now, in Kween county and Kapchorwa district for that matter, there are a number of Baganda living there comfortably. Some of them were circumcised the other year. (*Laughter*).

THE CHAIRMAN: Well, I do not think the Member holding the Floor intended to pass that message; it is possible that he has never left Buganda, it is possible that he has only lived in Buganda so that is the experience he has.

MR. LUKWAGO: Thank you very much Mr. Chairman. There is a great need to have strict

safeguards in this constitution to be put in place and not to leave any loopholes in it. We also disagree with some speakers who say that they should write a constitution in brief. This will create problems in future. It becomes difficult, when it comes to interpretation in constitutional courts, what is meant to be brief changes to be something else. I will give an example of the Bible and the Koran, so big with small words. People read it and understand it so well chapter by chapter without an interpreter. Therefore I request the Draft Committee to do the same.

In order to guarantee this constitution the following provisions should be spelt out and these are:

- 1) Separation of power is the only tool of ensuring protection and advancement of democracy in our country. It is the responsibility of this Assembly to define powers of each institution, their roles and relationship between various institutions. It should be properly define that the Executive, Parliament and the Judiciary are of equal status and therefore each must be given its due respect.
- 2) The role of the Executive in Parliament should be defined and Parliament must be supreme all the independent institutions because it represents the entire population of this country and have their mandate.
- 3) Our past history of parliamentary model of government should be improved upon. Once one appointed to the executive he should not be part of the legislature.
- 4) That the people of Uganda have an opportunity to chose freely from all contenders of power, those who would lead them at a specified period.
- 5) That the people of Uganda are free to participate fully in their own governance while at the same time their leaders are fully accountable to them.
- 6) That the people can terminate the mandate of their leaders if they cease to act in the public interest.
- 7) That whichever government in power at any given time must promote political, social and economic stability in the country for maximum development of all parts in the country.
- 8) That the guiding principle is to devolve functions and responsibility from centre to the local units and also to decentralise at all levels from highest to the lowest government units in the country.
- 9) That at all levels of leadership should have fixed terms of office for re-election.

Chapter 2, we do agree with the proposal that Uganda be divided into decentralized districts but the constitution can allow districts in the same region

with the same culture, same language and same activities to come together and freely form an elected council to plan development projects and programmes in their region. This could help them in acquiring developmental loans both local and foreign for the common good of their people as some districts are too small to do so. Developmental programmes and projects within those districts will be easy to manage. The present system where the Central Government plans for the entire country has failed totally. Either some projects are half way done and abandoned or not done at all and yet loans have to be paid and at times projects and programmes are taken to areas where they are not viable.

Chapter 3, National Objectives and directive principles of state policy. This Chapter should be removed from the constitution and, may be, married with the relative chapters.

Chapter 336, the Environment. I have fears that this article in its present form imposes on the state an obligation which even developed and rich countries cannot guarantee or fulfil and if it is to remain in its present form it should be transferred to Chapter 17.

Article 21, the role of the state in development. What was intended here was direct participation in project planning and implementation. This should clearly be spelt out:

(a) In planning and executing development projects and programmes in different parts of the country government officials shall consult with the people who are reasonably likely to be affected.

(b) Before the projects and programmes are implemented Parliament can make a law which can provide a mechanism to assure effective local participation in projects and programmes.

(c) The people of Kooki are wondering why they are not told when the government was going to borrow on their behalf and only get to its inability to provide services because of these debts. Therefore, they suggested that in future no government shall commit the country into financial obligations unless Parliament has fully approved such contents of know when the government try to explain its inability to provide services because of these debts. Therefore, they suggested that in future no government shall commit the country into financial obligations unless Parliament has fully approved such contents of that agreement. What endangers the situation is not much the policy perused but the feeling that without adequate consultation the government bows down to

whatever conditions imposed by lenders and donors. We also suggest that the type of economy which this country should follow must be constitutional so that if there is change in the government the type of economy agreed upon in the constitution can remain in force.

We suggest an Article in the new constitution of an Independent Uganda Planning Commission which will be charged with the responsibility of planning for the whole country in consultation with the districts likely to be affected and what loan they require.

Chapter 4, The issue of citizenship. Identity cards should be addressed immediately soon after this constitution is to put in force to reduce a number of immigrants calling themselves Ugandans.

Chapter 5, Fundamental Human Rights and Freedoms. We suggest an additional Article 53 (3) (c) to read as follows: "Unless the court believe that the person charged is a threat to the community he/she shall provisionally be released either on bail or on his own recognizance".

We also propose 53 (3) (d) if any person is detained for nothing in custody that individual should be compensated because this will reduce careless arrests without any case to answer.

The experience Abakooki have had in the past is manipulation by magistrates in our villages denying them bail on simple suits and if given they pay heavily pay for it and moreover...*(Interruption)*.

A HON. DELEGATE: Point of order, Mr. Chairman. Is it in order for the hon. Member holding the Floor to suggest that magistrates have their own right where bails are concerned if one is applying for it? It is very well known that if one is applying for bail the state must consider your reason for that application. Thank you.

THE CHAIRMAN: Is that what he said? Would you like to clarify yourself hon. Member? What did you actually mean.

MR. LUKWAGO: Mr. Chairman, what has happened in my county is where somebody is detained in prison and when he wants to get bail it becomes very expensive for him. If he had listened properly and if he had waited to let we analyze what I mean then he would have understood it but the bad thing is

he never accepted that. Let me analyze, then he will come to know what I really mean.

THE CHAIRMAN: Proceed please.

MR. LUKWAGO: The Abakooki have, in the past in our local community, been manipulated by magistrates in our villages denying them bail on simple civil suits and if granted they pay heavily for it and in most cases are not given receipts and are not refundable to the owner even if he or she wins the case. The people of Kooki requested me that this new constitution should guard freedom of individuals and the rule of law because many people in our community are not knowledgeable in our laws.

We suggest Articles 70 and 71, detention under emergency, must be removed from this constitution because this has been abused in the past by former governments. We also suggest that no individual should be arrested or detained before proper investigations are carried out with proof of the crime and once he is detained he should be produced in courts of law within twenty-four hours not seventy-two as suggested in the draft Constitution. This is too long a period before somebody is produced in court. A mechanism must be set in place to ensure this objective not to be abused as it abuses the right of an individual as a person, his or her family, relatives and friends.

Chapter Six, Electoral Commission (85.1). What we are suggesting might not sound well in the ears of some Delegates but we are writing a constitution that will stand a test of time. Therefore, we should avoid to annoy or oppress a group of people even if they are the minority in the community. Because of the smooth running of this Commission:

1. Any member appointed or elected to the Commission must withdraw from all political activities immediately when appointed;
2. That the President can be the appointing authority but Parliament must approve such appointment;
- 3.) That the Electoral Commission must be permanent and should always include all political groups and functions to avoid confusion and criticism;
- 4) That the Commission will be charged with the responsibility of civic education through local councils on all future elections as will be approved by future parliaments.
- 5) The Commission will always up-date the voters' register from time to time to reduce the amount of money which might be required to carry out fresh registration of voters.

6) Future dates of elections must be spelt out in this constitution to avoid leaders who refuse to get out of power when their term of office is over, and also to give the electoral commission ample time to arrange for those elections. For example, Presidential elections, Parliamentary elections, District councils, county councils, parish councils, and village councils.

7) All executives at all councils must be elected under universal adult suffrage to ensure that such people are accountable to the people they lead.

8) That a person can only be elected to Parliament for not more than two terms to reduce some people who have been opportunists here and there and even local councils should have the same because this one has been abused in the past and government positions became as if they were the only places where one can work.

Political system. Democracy is based on a well defined fundamental principles including freedom of press and expression. We should avoid writing in this constitution the type of politics of the day as we might not know the future politics which might be suitable to our future generation.

Article 94 is not necessary in our constitution. We should only give a guarantee that there will be an opportunity to change governments through regular and fair elections. This constitution must guarantee to the people of Uganda the following: The freedom of association; freedom of assembly; freedom of religion; rule of law guaranteed by an independent judiciary; and an independent Human Rights Commission, non-governmental organisation not funded by the government.

Article 97(10), we suggest that apart from government owned media, as there is a new trend of licensing private media in this country there should be a clause in their licenses allowing an air space for different political functions or groups also to express might allow, to avoid dominance of the government of the day to be the only ones allowed to such facilities.

Article 97 (14) "*subject to the provisions of this constitution, Parliament shall by law regulate the establishment and functions of political parties*". We object to this and the people of Kooki say that political parties should be required to have a constitutional code of conduct. This ought to show how parties will be run in this country to ensure that there are safeguards from abuse by future parliaments when the majority are of a certain party. This has

been witnessed in the past. The reasons are that in the past governments in power denied supporters of different political parties to address their views to the people they were representing.

- 1) It will regulate the behaviour of political party supporters against supporters of different political parties.
- 2) It will increase harmony among the people of different political groups.
- 3) That political education should be encouraged to allow all functions to address seminars when they are organised.

The people of Kooki want the extension of the movement system of governance for the next five years, but they would like to know the programme to be followed during those years. After that time it should be them to decide whether they go to parties or to remain in the movement system.

Chapter 7. The Executive.

- 1) The people of Kooki would like to have a President elected by all the people of Uganda who are registered with the Electoral Commission;
- 2) That there must be a formula where an elected President, in order to declare him a winner, he must have a certain number of districts or a certain percentage of registered voters to account him popular among the people of Uganda and not simply the majority votes.
- 3) That the President can only be re-elected two terms in office how good or beneficial he might be.
- 4) That Article 101(4) should be removed because our former Presidents committed a lot of crimes against the state and its citizens during their terms of office and they could not be taken to court. This will reduce the tension among the people of Uganda and especially the opponents of the future presidents.

The Cabinet: 1) That when the President appoints a Member of Parliament to a Ministerial position, this member should resign from Parliament. The reason they gave me is that some Ministers tend to think that they are Ministers serving their own constituencies instead of the whole country.

- 2) Parliament must approve those appointments so that these people are accountable to Parliament.
- 3) They object to Chapter 9, the National Council of State because of its composition, therefore it should be removed. What is intended will not be achieved within this Chapter.

Chapter 8, The Legislature. We are suggesting to remove Chapter 16, on the Leadership Code of conduct and bring it to Chapter 8 - Legislature, instead of having a separate Chapter because we need leaders of good conduct to represent the people of this country.

Article 131 (2) (b) Representation of interest groups should be changed from fifteen women to one woman each district. The criteria to chose the fifteen women was not mentioned. We should have equal opportunity of representation at all levels.

Article 131(2), we add (e) to read "*Two representatives to represent the disabled peoples one woman and one man*" because each one group has different problems which need to be addressed.

Article 131 (4) should be removed. Instead we suggest that all interested groups, women, youth, disabled, army, workers, etc should be democratically elected by the concerned groups so that they are accountable to such groups under universal adult suffrage through a secret ballot. The system of electoral college might be manipulated in future, we should avoid any abuse of any of the democratic principles in this constitution.

Chapter 10, the Judiciary. 1) The independence of the Judiciary is very crucial at all times but the draft has tended to provide an opportunity for dominance of the Judiciary by the executive and this has been so with regard to the appointments of judges. Whoever has the authority of appointment has the power over that office.

2) The appointment of the Chief Justice should be done in the same way as judges'. It should not be left to the President to determine who should be the Chief Justice. Such a high office should be open to public scrutiny and Parliament should take an active part in appointment and the Bar should be consulted in this matter.

3) The composition of the Judicial Service Commission should include Members from Parliament, the Chairperson of the Faculty of Law and representatives from Human Rights and Non-Governmental organisations.

4) The Judicial Budget should be determined by Parliament and must be assured from the Consolidated Fund. Because the defective judicial system has been conducive for manipulation and exploitation by those who are knowledgeable in its intricacies collaborating with those who have the

financial means thus negating its fundamental objective of promoting justice to the society.

5) An independent judicial system can, indeed, be guaranteed if the society is sensitized about the legal rights of its citizens. 6) It is only when the economic capacity of the majority of all the citizens of this country improves to afford the financial cost involved in the administration of justice, citizens will continue to suffer.

7) There is a great need to set up a state funded machinery to cater for the poor sector of the population. Then the independent judicial system will be beneficial to all the people of this country.

8) In order for the country to build a strong democratic tradition, independent institutions such as the courts, the police, the criminal investigation department and the army should be rehabilitated to work independently in public interest and be properly financed and motivated in their duties.

Chapter 13. The Local Government. The districts are regarded as geographical and political units for devolution of power and appears to be vertical distribution of power which stops at the districts yet there is a great need to go further below the districts up to the villages.

Chapter 18.74, page 494 of the Constitutional Commission Report, that recommendations (A) and (B) should be brought in the constitution because of future abuse of this policy where a certain government may refuse people's participation in their governance.

Article 18.76 on page 495 which reads "Any constitutional amendment by Parliament which affects the system and principles of decentralisation of local government should be ratified by at least two thirds of all the districts of Uganda."

Article 18.98 page 499 (a) and (b) also should be brought in this constitution.

Article 18.111 page 501, Article 18.115 page 502, Article 18.119 page 503, these are very good recommendations and should be included in this constitution.

In the interest of stability and economic development such policies must be democratically discussed at all levels affected. When we mean to reduce the central role of power from bureaucrats, an effort must be left to the districts so that they can acquire developmental loans both local and foreign for projects and programmes for their districts.

1) This will reduce the expenses normally incurred at the Ministerial headquarters in terms of expatriate's "fat and unthinkable" salaries, allowances, a good number of vehicles and other expenses.

2) The progress of these projects and programmes will be very easy to monitor because individual districts will be interested to see such developments in their districts and re-ensure that it utilises to the maximum all loans acquired.

3) As decentralised districts have started getting block grants from Consolidated Fund, the office of the Auditor General should be strengthened and decentralised at all districts so that there is an improvement on the side of accountability and transparency at all districts.

4) When the decentralised districts are mismanaged, it would create a very big gap between a well organised district and those which lack organisation. A constitutional system must be written so that such a trend does not occur.

Chapter 14. Defence and National Security. The draft constitution puts the security force much in the hands of the President. The Commander in Chief, responsible for appointment, recruitment, discipline, promotion, removal, retirement of the army, in regard the only institution that the President can consult at, the National Council of State, the Army Council, the Armed Forces Board in the case of the Army, the Police Council, the Police Service Board, all of which are full of Presidential appointees.

1) It is a real domineering role to see the institution like Parliament representing the entire population of the country is left with a marginal role at the level of enacting legislations only.

2) Parliament should take more active supervisory responsibility over the manner the Security Forces should be run.

3) An independent body whose composition and action should be approved by Parliament.

4) Recruitment in all security institutions should be based on the proportion of population in each district to avoid dominance of certain ethnic groups which has caused misery in the past.

The Inspectorate of Government. This should be removed and the Criminal Investigation Department strengthened. Referring to Article 259 Chapter 15 which should be a mere department, we see a danger in this Chapter. Article 264 giving the judicial powers given to the Inspector General of Government in this draft constitution are likely to create conflicts between his office and that of the Judiciary. He could

only be given powers to investigate and prosecute those accused of corruption and abuse of office in courts but not himself to judge.

Chapter 17, Land. The people of Kooki suggest that the 1975 Land Decree be abolished and Bibanja holders both on Government land and mailo land should be assisted to get land titles to ensure them proper legal ownership. Therefore they want a freehold land tenure. If Government wants land, there should be proper compensation to the owners of that land and it should be in agreement with the landlord.

Environment. As we speak now, Government has declared four of my sub counties out of eight to be forest reserves. Most of these people hold land titles on their land as per the Decree of 1975 and it might be very difficult for the Government to compensate them because bibanja holders are too many and these are people who migrated from Kabale, where there was no land, Bakiga, Banyankole, Banyarwanda and Bakooki and also Banabuddu. Many countries I have travelled to and many Governments are reclaiming land in order to settle their citizens but Uganda is doing the opposite. Examples can be cited to those people who were transferred from Kibaale in Kabarole to Kibaale District. This constitution must guarantee settlement of Ugandan people and not to toss them around.

THE CHAIRMAN: Hon. Member you should be winding up. We have run out of time.

MR. LUKWAGO: In winding up, Traditional leaders. We suggest that Article 279 on traditional leaders should have a separate Chapter and boundaries of all districts affected with kingdoms be mentioned in the constitution and the proper names of kings be specified in the draft constitution, *Kabaka, Omukama, Omugabe* etc. The institution of a traditional leader should exist where members of a region, ethnic group or a district concerned express the desire to have it provided they can maintain upkeep for the institution.

Reference to Article 19.121 (a) and (b), we should avoid the double standards in the law where it was not said that there will be a referendum for people who want traditional leaders. But if there are a few people who wish to have a traditional leader in their own right, let them have him.

Article 19.119 page 549.

- 1) The Army Council which sat in Gulu announced that the Government will return all cultural sites to their former owners but some have been refused so that is outside the law passed in Parliament.
- 2) Traditional leaders should not play any partisan politics in Uganda governance of both central and local governments.
- 3) The functions of traditional leaders should be restricted to purely cultural and developmental roles of people within their Kingdoms for their welfare.
- 4) Chapter 5, article 64 should be referred to under traditional leaders; functions of traditional leaders from above mentioned should have a separate schedule.

In conclusion, we should try as much to work as a team as expected out of us by fellow Ugandans, and the international community that has contributed towards the formulation of this Constitution. We can be divided on an issue, but let the Almighty God help us so that such a division does not create confusion but unity for a better future of our country. For God and my country.

THE CHAIRMAN: Thank you hon. Lukwago for your contribution to the debate this afternoon. I now give the Floor to hon. Lubulwa Migadde - Katikamu South.

MR. LUBULWA MIGADDE (Katikamu South): Thank you, Mr. Chairman. I represent the people of Katikamu South. Katikamu South is found in Luwero District and it covers sub counties of Nnyimbwa, Bombo Town Council, Katikamu and Makulubita. The major towns of that electoral include Bombo and Wobulenzi. It is again in Katikamu South electoral area that we find Bukalasa Agricultural College.

Mr. Chairman, your deputy and hon. delegates, allow me to congratulate you for having been successfully elected to those high offices of this august Assembly. Let me use this opportunity to congratulate all hon. delegates for their successful election and nomination to this important historical Assembly.

The people of Katikamu South have, through me expressed their gratitude and support to His Excellency, the President and the entire leadership of NRM administration for their tireless endeavour to end dictatorship in this country and to bring about the

rule of law, peace, democracy, unity and tangible development in some areas of this country.

I cannot avoid talking about history, although some people do not want to hear it. Luwero's experience since 1966: In 1966, Dr. Milton Obote, the then Prime Minister of Uganda made a military attack on the Lubiri in Mengo and drove Sir, Edward Mutesa II into exile. He abrogated the independence Constitution of 1962 and abolished the Kabaka's administration in Mengo. This marked the beginning of the problems in Buganda, in particular, and in Uganda in general.

How did the people of Luwero react to this situation? The people of Luwero District were very unhappy about Obote's decisions and actions. The people of Luwero put up a strong resistance against Obote's violation of the Constitution and unlawful attack on the Lubiri. They dug deep ditches and trenches in the middle of roads to block government/Army vehicles from moving through these roads. They also organised disguised beer parties for Obote's soldiers and they put strong poison in the beers. Many of the soldiers who drank the beers died. This was not because the people of Luwero were lunatic, they were expressing their discontent and disapproval of the steps and methods the government then had taken to resolve the conflict that existed between Mengo and the central government. This was the beginning of the sufferings, torture, detention...*(Interruption)*.

MR. MWESIGWARUKUTANA: Point of order. Mr. Chairman. Is it in order for the speaker holding the Floor to rejoice over criminal acts committed by his people?

THE CHAIRMAN: I did not see him rejoicing, I saw him sadly narrating the story.

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman. This was the beginning of...*(Interruption)*.

DR. ANIKU: Point of information, Mr. Chairman. I would like to inform the hon. speaker holding the Floor that during those disturbances, they did not limit the atrocities to the Army. A bus coming from Arua to Kampala was stopped and all the occupants were killed in Luwero District. Thank you very much.

MR. LUBULWA MIGADDE: Thank you for the information, but I do not know who killed the people who were travelling from Arua. This was the beginning of the sufferance, torture, detention, murder, fear

and suspicion of one another. The people of Luwero lived under stress and tension up to 1971 when Amin carried out a military coup and overthrew the Obote I administration.

During the UPC I. administration in an attempt to move this country to the left, the Common man's Charter was launched by Dr. Milton Obote. Many ordinary people expressed their discontent by calling the same document 'Common man shut up'. All this is to illustrate that the sovereignty of the people had been hijacked and the population was not happy. Mr. Chairman, and hon. Members it was again during the same period that one of Obote's ministers made a statement to the effect that the Baganda were soon destined to renounce and deny their rightful tribes. Many Baganda, soon after the statement, denied and denounced their tribes: many feared to put their rightful names in their applications for employment, many did not want to show identity cards with Kiganda names at check-points or during night patrols. Statements like: "a good Muganda is a dead one were uttered everywhere". These were deliberate efforts made to sow seeds of hatred throughout Uganda against Baganda. This also was to deliberately isolate Buganda from the rest of Uganda. It is unfortunate that these seeds germinated, and this is why even today any political proposal originating from Buganda, good as it may be, is always looked at with suspicion. Others think that such proposals are intended to give Buganda a special position in Buganda. But, should the Baganda go away unhappy this time they will be very much disappointed. Mr. Chairman...*(Interruption)*.

MR. OGWEL: Point of clarification, Mr. Chairman. I would like to seek a clarification from the hon. Member holding the Floor. When he talked about the Baganda, I do not whether he represents the Baganda or he represents the people of Luwero in his county. Is he is a representative of the Baganda or he represents the views of the people of Katikamu.

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman. I do not think really that one requires a clarification. Personally I am a Muganda; secondly, the majority of the people I represent are Baganda, even if they are in Katikamu South.

THE CHAIRMAN: No, what you do you continue with your speech, because the hon. Member who just spoke earlier on also was talking about Karamoja although he was representing Moroto County.

MR. WANENDEYA: Point of order, Mr. Chairman. Is it in order for the hon. Member to think that most Ugandans are not really on good talking terms. Mr. Chairman, I want the delegate holding the Floor to know that the people who misled the ordinary Ugandans throughout the country are we the leaders because we invited the leadership that was bad and we put it in place. Now, is it therefore, in order for him to think that most Ugandans are disunited, whereas it is we as leaders and we are now doing the same thing like the delegate on the Floor. Whereas, Mr. Chairman, wherever you go, as far as I am concerned, most Ugandans are very united, except we as leaders who mislead them. So, is it in order for him to go misleading the people until we get leadership corrected. So, is it in order, Mr. Chairman...*(Interruption)*.

THE CHAIRMAN: Hon. Wanendeya, you are going beyond... I do not think the point of order does arise here. You just made a contribution to counter argue. So, I do not have to rule. Please you proceed.

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman, for the support and protection.

In 1971 Idi Amin carried out a military coup, which toppled Obote I regime. Although the people of Katikamu and Buganda welcomed Idi Amin in 1971, later on in the decade the people hated his regime because of the torture, murder and economic squeeze which prevailed throughout the 1970s. The period was characterised by mysterious disappearance of people, degradation of the infrastructure and total degeneration and collapse of the economy. Hyper-inflation was the order of the day and speculative trade was the main engagement of the population as a source of income in this country.

The 1979 UNLF liberation war brought more misery than happiness, especially, to the people of Bombo. Many Nubians lost lives, homes were pulled down, properties were looted, many people were imprisoned without trial, and many went to exile in order to save their dear lives. Mr. Chairman, many Nubians of Bombo are very poor even today, because a number of them lost their money when their accounts were frozen. Up to now some of them have not been able to get this money.

During the 1981/86 NRM struggle for the establishment of a political fair play in this country,

it is again the people of Luwero District who got the biggest share of the atrocities committed by Obote II regime. Many people young and old, men and women were killed in big numbers. Wombs of pregnant women were cut open to look for Museveni in them; young girls were defiled women were raped, and at times, in front of their husbands and children; houses were set ablaze; permanent houses were de-roofed and iron sheets carried by Obote's soldiers; lorries and lorries were seen almost on a daily basis full of household items, cattle, chicken, iron sheets and so on, all looted from Luwero District. Hon. delegates, what comfort will one get from a looted sofa set? How good will one feel to be served by ones dear wife on a looted plate? Do cattle, chicken, goats, iron-sheets, sofa-sets and so on, know anything about political conflicts? Why is it that they are the first targets? Why should they be the first to go into exile? Why should they be given life imprisonment? Why should they serve death sentences in their refugee camp? Why should politicians point guns at innocent children, old women, civilian population? In any case why should the gun always be the only resort in solving political conflicts in Uganda?

At one time, life in Katikamu South came to a standstill. There were no people, no domestic animals, no crops, no roads, no schools, no health centres, generally there was no life to talk about. The people of Katikamu South today live in grass thatched houses and their children cannot go to school because the parents cannot afford school fees. Classes are organised under sheds of trees: school children sit down on the ground because many schools cannot afford decent school furniture. To summarise it all, the people of Katikamu South live in absolute poverty.

However, despite the situation I described earlier, the people of Katikamu South still have hope for a better life in future. They are ready and willing to negotiate and agree on a Constitution that will bring sanity in the politics of Uganda. My people are ready to reconcile, to work towards peaceful co-existence with other Ugandans to forge unity of purpose and to work towards achieving a better Uganda for us all and for our great grandchildren to come.

Sovereignty of the people: The people of Katikamu South have noted with concern that in Uganda's political history the people of Uganda have not been actively involved in the decision making in the affairs of their country. They have been marginalised in

matters that affect their destiny. The people of Uganda have for a long time been passive onlookers, at worst, they have been helpless victims of misuse, abuse, neglect and suppression. Therefore, the sovereignty of the people must form a strong foundation for the political, economic and social life of the country. For the people to exercise their sovereignty, they must acquire political and military training. They must be facilitated to strengthen their economic capacity so that they are not compromised because of poverty.

Article 41, the people of Katikamu South prefer Uganda to be called one sovereign state. This is so because the people of Katikamu South strongly believe in federalism and monarchism, and they want these systems reintroduced, and re-entrenched in the Constitution we are in the process to formulate.

Defence of the Constitution: The people of Katikamu South have suggested the following measures to defend the Constitution.

- 1) They say that Ugandans must be sensitised and educated to develop patriotism.
- 2) Ugandans must be taught to love their country; teaching of patriotism and love for the country should be part of the primary level education syllabus.
- 3) Constitutionalism must be part of the syllabus in schools and should also form a big part of civic and political education programmes.
- 4) *chakamchaka* courses should be continued and enriched.
- 5) Able-bodied Ugandans between the ages of 18 and 40 should receive compulsory military training for, at least, six months.
- 6) The people of Katikamu South endorse all other measures stipulated in the Draft Constitution for the defence of the new Constitution.

National objectives: The people of Katikamu South feel nothing wrong with the country having national objectives. National objectives will ensure continuity of national programmes for nation building and economic development by any government coming in succession. However, the chapter could be removed from the main body but should be retained as one of the schedules of the new Constitution.

Citizenship: The people of Katikamu South do recognise that tribes along the borders were shared between Uganda and countries bordering us. It is, therefore, wrong and unfair to deny our share of these tribes citizenship and continue to call them non-

citizens or aliens. The Rwandese, Samia, Alur, Madi, Acholi who fall in this category should not be branded aliens. A mechanism should be put in place to identify the refugees from these tribes and keep them in the refugee camps. The Rwandese and other ethnic groups which migrated into Uganda looking for employment and they have overstayed in Uganda and they want citizenship, should be allowed to apply and their application should be processed in the normal way. The people of Katikamu South oppose dual citizenship. We are still a backward country, therefore, we need committed citizens who will not jump from Uganda to another country simply because things are better there than here and vice versa. The Nubians of Bombo have also complained about being called Sudanese. It is grossly wrong to trace the origin of Nubians in Sudan. These people came to Uganda way back in 1830s and their origin is Turkey and Northern Egypt. They have stayed in Uganda even before some of the present Uganda came into existence. They are, however, happy for the inclusion of their ethnic group in the second schedule of the Draft Constitution.

The people of Katikamu South support article 42.1 of the Draft Constitution. These children are a product of many wars Uganda has had. To whom are we pushing the responsibility? Even if the children were dumped from our neighbouring countries, on a humanitarian ground we are duty bound to accept and care for these people or for these children. Unless our immigration authority is defective, the chances of a foreign country dumping her seven year old children are not there.

Our people are saying that no foreigners should be employed in Uganda without valid work permits. Work permits should be given out to foreigners in exceptional cases so that employment is reserved exclusively for Ugandan nationals.

Passports should be issued to Ugandans who need them and the process should be simple.

All Uganda nationals should be given identification cards and numbers as proposed by earlier speakers.

Fundamental Human Rights and Freedoms: The people of Katikamu South fully subscribe to the fundamental human rights as stipulated in the Draft Constitution.

Rights of women: The women of this country should be accorded full and equal dignity with men. Women should have the right to equal treatment with men and that right should include equal opportunities in political, economic and social activities. Women must have the right to affirmative action for the purposes of reducing or redressing the imbalance created by history, traditions and customs which are against the dignity, welfare and interests of women. Laws, culture and customs which defame women should be abolished. Women should have the right to inherit the wealth of their husbands in the event of death, in reasonable proportions with the children. Women should have an upper hand on the administration of their husband's estates. But at the same time, the husband should also have an upper hand and a proportional share in the wealth of his wife in the event of death of a wife. Women should recognise children of their husbands born outside normal marriages.

The people of Katikamu South support the establishment of an independent Human Rights Commission. Members of the commission should be appointed by Parliament on recommendation of the Judicial Service Commission.

Representation of the people. Right to vote: The people of Katikamu South believe that the duty to vote should be compulsory. Why should some Ugandans stand on the fence when very important national decisions are being taken through the ballot paper? Therefore, voting should be compulsory and not just an entitlement.

Electoral Commission: The creation of an independent Electoral Commission to regularly organise elections at various levels throughout the country is supported.

Movement versus Multiparty system: The People of Katikamu South detest multiparty politics today, not because all our traditional political parties have exhibited bad politics. The DPs have had a chance, but it was for a very short time. Therefore, it was not easy to judge them fairly. The CPs and UPM have never been tried before. Therefore, even these cannot be judged fairly. It is not fair to apportion a blanket blame to all our traditional political parties. It is only UPC that can be blamed for practising politics of hatred, politics of tribalism, politics of violence, politics of torture and murder, etc.

However, Ugandans still need time to be sensitised

on pluralism. Pluralism has in the past divided this country more than ever before. Multi party politics were started on divisive principles; they were started along tribal and religious lines. To illustrate this, UPC mainly favours Protestants and its top leadership must always come from the North. DP favours Catholics and its top leadership must always come from Buganda. CP, this is a disguised KY and its supporters must mainly be monarchists and Protestants. Mr. Chairman, you realise that at the moment Uganda lacks any political party with national values. There are no political parties that can accommodate all Ugandans irrespective of their tribes or religious affiliations... *(Interruption)*.

MR. OKENY: Point of information, Mr. Chairman. My information to the hon. delegate holding the Floor is about political parties where he said that it is UPC that *(Interjection)*- has been the culprit of all the political problems in the country, and DP has never been given the chance, and CP has not even had the chance, and UPM has never tested it, then he stops there. I think then he is short of the history of Uganda! What about the National Liberal Party? *(Laughter)*

THE CHAIRMAN: Is the hon. Member suggesting that it has tested power or what?

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman. I want to thank the hon. delegate for that information... *(Interruption)*.

MR. KITARIKO: Mr. Chairman, delegates in Constituent Assembly should be careful when they make statements, by saying that DP is for Catholics, Baganda will lead, UPC is for Protestants. That is not true... *(Interruption)*.

THE CHAIRMAN: Are you informing or you are making an argument?

MR. KITARIKO: I am trying to correct him... *(Interruption)*.

MR. APIAN: Point of order, Mr. Chairman. Is hon. Kitariko in order to issue a statement here that we should be very careful in this House. Is it in order, Mr. Chairman?

THE CHAIRMAN: No, he should withdraw that.

MR. KITARIKO: Mr. Chairman, careful not to tell lies.

THE CHAIRMAN: No, no, you withdraw that one and then clarify.

MR. ODOY: Point of order, Mr. Chairman. Is the hon. Member hon. Member holding the Floor in order to mislead this august House and, therefore, the whole nation to say that UPC is a tribal political party, when in fact, members of tribes from all over Uganda are members of the UPC and so is my understanding about the DP, that the DP is well represented in all parts of Uganda. Is the hon. Member in order to mislead the House? Thank you very much.

THE CHAIRMAN: I think you are just arguing. It is not a point of order; that is just an argument. I think hon. Kitariko was about to clarify something, having withdrawn the other remark.

MR. KITARIKO: Mr. Chairman, the fact is this that if DP started in Buganda with Baganda leaders, it does not mean that DP is just Catholic based. Like NRM started with Banyankole you cannot say that NRM is Banyankole based.

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman. You will realise that at the moment Uganda lacks... *(Interruption)*.

MR. BANTARIZA: Point of order, Mr. Chairman. I do not think hon. Kitariko has withdrawn the statement you had asked him to. Is he in order not to withdraw the statement?

THE CHAIRMAN: Hon. Kitariko did you or did you not withdraw your statement?

MR. KITARIKO: Mr. Chairman, I follow your orders and not Bantariza's.

THE CHAIRMAN: I did not hear you properly.

MR. KITARIKO: I thought, Mr. Chairman, you had already said I could continue to make a clarification. So, I think Bantariza is not in order to say I did not withdraw.

THE CHAIRMAN: No, what they are looking for, for our records is a categorical statement, whether you have withdrawn or not.

MR. KITARIKO: Mr. Chairman, I cannot withdraw my statement when people tell lies.

THE CHAIRMAN: No, no, that is not acceptable. I think hon. Kitariko you better withdraw because you cannot say you do not want to withdraw when you have been ruled out of order.

MR. KITARIKO: Mr. Chairman, what do I withdraw? What did I say?

THE CHAIRMAN: You said, without prefixing it with any other statement that Members must be very careful, and then you stopped there.

MR. KITARIKO: If that is what you want me to withdraw, I withdraw that. But I was going to finish before I was interrupted.

THE CHAIRMAN: Then having done that we stop there, and I give the Floor back to the Member who was talking.

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman. I was saying that at the moment Uganda lacks any political party with national values. There are no political parties that can accommodate all Ugandans... *(Interruption)*.

THE CHAIRMAN: Hon. Member you have another three minutes following the interruptions.

MR. LUBULWA MIGADDE: Therefore, the people of Katikamu South recommend the Movement type of government for the next five years. These people also have other reasons why they recommend the movement type of government for the next five years. The people of Katikamu South saw peace only during NRM administration which is a movement type of government. Participatory democracy has been introduced in this country by the NRM which is a movement government; development plans and programmes have been hatched by NRM which is a movement type of government. Roads and other infrastructures have been rehabilitated by the NRM which is a movement type of government. Long queues of essential commodities have disappeared during the movement type of government. Shops are now full of both essential and luxurious commodities at affordable prices because of correct policies by the movement type of government. Hyper-inflation, which I talked about earlier, is under constant control and the interest rates in the banking industry are

coming down. All these are achievements by the movement type of government. Our foreign exchange earnings rose to US dollar 600 million during the last financial year. Since time immemorial Uganda's foreign exchange earnings in absolute figures has never reached that level. This has been achieved during the movement type of government. Foreign currencies for those who want to trade, invest, travel abroad is accessible to all and without limitations in amount, this is also achieved by movement type of government. The people of Katikamu South are interested in a system of government that will tangibly deliver, but not to change governments for the sake of it... *(Interruption)*.

MR. WANENDEYA: Thank you, Mr. Chairman. In 1976 the price of coffee was 8 dollars per kilo, as a result Uganda exported more than 100,000 tones of coffee which meant a tone of coffee was 8,000 dollars. Uganda got more than 800,000,000 dollars and therefore, is it in order for the hon. Member on the Floor to make sweeping statements without knowing Uganda's foreign earnings? I say this because I was the Chief Accountant of Coffee Marketing Board and I know the figures.

THE CHAIRMAN: That was more of information, please proceed.

MR. LUBULWA MIGADDE: Thank you very much for that kind of information. If he was the Chief Accountant of Coffee Marketing Board at that time... *(Interruption)*.

MR. SAM KUTESA: Mr. Chairman, I am wondering whether it is in order for hon. Wanendeya to deceive this House that in 1976 he was Chief Accountant of Coffee Marketing Board, when he was languishing in exile in Nairobi with me.

THE CHAIRMAN: Again that is more of information... *(Interjections)* No, I am not allowing any more on this subject. I think let the hon. Member go ahead.

MR. LUBULWA MIGADDE: Thank you. The people of Katikamu South are interested in a system of government that will tangibly deliver but not to change governments for the sake of it. Therefore, let us give the Movement type of government five years. However, the five years should be used to reorganise parties, to educate the population about pluralism, to formulate a Code of Conduct for the parties and give

chance for the formation of new political parties. At the end of the fifth year the population will decide whether we are ready for multiparty or not.

Federalism: The people of Katikamu South prefer federalism to a unitary state, they want power to be decentralised from the centre to the regional local governments. In all the regional governments, there will be the lower level administrative structures for the districts as they exist today, county, sub county, parish and village. At all levels there shall exist councils of people's representatives directly and democratically elected by the people. The people of Katikamu South also wish to see a restoration of Buganda with its geographical boundaries reinstated as they existed before 1966 with exclusion of the counties of Buyaga and Bugangaizi. They also wish the reinstatement of the names of the Acholi, Lango, Ankole, Bunyoro, Busoga, Toro, West Nile, Buganda, etc., because such names give us ethnic identity and a sense of cultural belonging. The removal of these names has never created unity.

Traditional leaders: The people of Katikamu South have expressed their gratitude to the Army Council, NRM Government, the NRC whose combined efforts made it possible to amend the 1967 Constitution which paved the way for the restoration of monarchies in Uganda, for those who cherish these institutions. The people of Katikamu South want a Constitutional Kabaka of Buganda who will be a ceremonial head of Buganda. They want a Kabaka who will not participate in partisan politics and who will not involve himself in the administrative affairs of the local government of his area. The Kabaka we are looking for will mainly concentrate his activities in cultural and developmental programmes for his people. The maintenance of Kabaka of Buganda should be the responsibility of Buganda. Mr. Chairman... *(Interruption)*.

THE CHAIRMAN: Hon. Member, you should be winding up.

MR. LUBULWA MIGADDE: Thank you, Mr. Chairman. Because of time I will stop here, maybe we shall meet again during consideration stage. Thank you very much.

THE CHAIRMAN: Thank hon. Lubulwa for your contribution to the debate. I now give the Floor to hon. Betty Adima - Women, Arua.

MRS. ADIMA (Women Representative - Arua): Arua lies in the far North Western Uganda and it borders Sudan, Zaire, Gulu, Moyo and Nebbi. It has a population of about 700,000 and with about 51 per cent being women.

Mr. Chairman and fellow delegates, I would like to take this opportunity first of all to congratulate the Chairman and his Deputy upon their ascension to that Chair. It is a Chair of great responsibility and it is the sincere hope of the people of Arua that as drivers the Chairman and his Deputy will be able to drive this House to the right direction and lead to giving Uganda a good Constitution. Arua recognises the fact that we have a problem in this country, and it is only we Ugandans, together, who can solve it. Arua people, therefore, sent me here not only to listen or to present their views, but also to get other people's views; reason out together with others and come up with a Constitution that will be acceptable to all Ugandans - not only for this year, next year, but for many years to come. In this exercise, we need a lot of honesty, tolerance and accommodativeness. Because we are going to deal with many variable views.

A good Constitution according to my people must, of necessity, in general guarantee the following basics. It must guarantee peace, security and unity. Secondly, it must guarantee the sovereignty of the people. Then thirdly, it must guarantee a balanced and more equitable distribution of development. If these three are put in order, Arua people believe that Uganda, in spite of its variables, will be a better place for us all. Now, turning to the Constitution... *(Interruption)*.

A HON. DELEGATE: Point of order, Mr. Chairman. Is it in order for visitors who are probably the Chairman's visitors to come into this House when they are not decently dressed. They are at the back. They do not have ties and they are just sitting there. You should rule.

THE CHAIRMAN: No, those are visitors, they are not members.

MRS. ADIMA: Now, turning to the Draft... *(Interruption)*

THE CHAIRMAN: Please, go ahead. As I said those are visitors. Our rules of dress are specifically addressed to delegates.

MRS. ADIMA: My people are saying that the new Constitution must lead Uganda as one unitary, republican state, which at the same time must give room to all the inherent variables to have their interest in. They say that their experience in Arua, a district which has so many ethnic groups: The Lugbara, the Nubians, the Kakwa, the Madi, the Kebu, the Kuku, the Lendu and so on. Their experience in that district which has so many tribes makes them believe that unity can still be achieved in Uganda, because up there in Arua many tribes and many, many languages are able to live together well. So, these variables, if anything, Arua people think add beauty to this country. It cannot be anything else but it gives beauty to this country, and they therefore, recommend that Article 4, which calls for unitary republic, but with government power decentralised to the districts, should be adopted in our Constitution. They say in decentralisation, power, finance and services must be decentralised to the districts and then down below. Because it is in the districts and below the districts level that the people who really need the services are placed. And this in a way will be taking services nearer to the area where it is most needed.

I now come to the question of citizenship. Since national boundaries cut across many ethnic groups, the only way to keep those who are ours, I mean those who are Ugandans, is to issue national identity cards. And those who do not belong here, for example, the refugees, they should be able to stay carrying that identity. One day Arua believes that they will go away, and their belief is based on the fact that in 1956 Sudanese refugees entered this country in large numbers and they did not go back immediately. They retained their refugee status and it was not until 1972 that actually the Sudanese started officially getting back, when UN started repatriating them to Sudan, and that was after quite a long time.

The question of the national identity cards will also help to solve the position of refugees. No refugee, if he is well protected and identified, will want to lose his tribal identity or his national identity. So, if we identify the Ugandans properly and then leave the others without giving them our national citizenship, they will be able to continue staying here up to the time when they are ready to go back. That is what Arua is saying. The use of the national identity cards must be accompanied with special protection of the interests of citizens of this nation, and that protection will come about by way of the use of special work

permits which will bar the non-citizens from getting any job in this country unless there is no Ugandan who can do it. In this way, those who come here as refugees will, actually, be forced to stay in their refugee camps where UN will look after them and at the same time, they will then continue to have that feeling that they are only here temporarily and will go away.

One thing which I think is hurting many people in this county to day, according to the Arua people, is the fact that many refugees have got themselves so mixed up with us that sometimes they get better opportunities in terms of job distribution. So, once that one is put in place, I think the question of ill-feeling towards refugees will not be here...*(Interruption)*

A HON. DELEGATE: Point of information, Mr. Chairman. I remember some time during NEC meetings, we charged the Minister of Internal Affairs to look into the issue of getting national identity cards for Ugandans. I wonder whether these national identity cards have been got. Thank you.

THE CHAIRMAN: Well, we do not have a Minister of Internal Affairs here. We have only delegates.

MRS. ADIMA: They say this will be one way of protecting Uganda nationals. Our nationals should not be reduced to the level of aliens, but we should give the aliens only what is due to them. After all, most of us have lived in foreign land, and it was exactly the fact that we were being given what belonged to us as refugees in those countries which, actually, forced us to constantly think about home. And as soon as the opportunity was available we all came back home. So, if we make that restriction very clear, we will not encourage non-citizens to continue staying.

Turning to article 42, my people of Arua say this: Article 42 is out and should not be accommodated in our Constitution. That is the article which talks about the child of seven years being absorbed into the Ugandan citizenship - to become a Ugandan citizen. Their worry is based on the fact that today we have a lot of troubles on many national boundary areas. Well, they are talking of the Sudan border, Zaire border, the Rwanda border in the South, the Kenya border in the East, there seems to be a lot of trouble, and that trouble is causing people to flock into Uganda. Some children some times enter this country

when they do not know where their parents are, and if, in fact, children lose their way to the refugee camps or if they are not taken to the camps, they roam around. Why children should just be absorbed into - I mean to become Ugandans...*(Interruption)*

MR. KIRENGA: Point of clarification, Mr. Chairman. I am seeking clarification from the Member on the Floor as to what she should suggest to be done to such children if they are found in Uganda here.

MRS. ADIMA: Mr. Chairman, I wish the hon. delegate could exercise what we call patience, he would have received the answer to that question without having to bother asking and wasting my time.

We are saying that such children if found in our area, families should be able to absorb them; keep them and bring up those children until they are fully grown, but they should maintain an alien status. And when they are fully grown, such children can then eventually decide whether or not to take Ugandan citizenship, but they should not just be absorbed automatically on being found when they are small children... *(Interruption)*.

MR. KIRENGA: Point of clarification, Mr. Chairman. I am seeking clarification as to what should be the status of those children before they attain maturity to apply for citizenship.

MRS. ADIMA: Mr. Chairman, I said *(Interjection)*- Hon. delegates, better learn to listen please...*(Interruption)*

DR. NAKYANZI: Point of clarification, Mr. Chairman. The hon. delegate on the Floor has recommended that the whole of article 42 should be left out of the Constitution - What is her opinion concerning those adopted children being referred to in clause 2 of article 42, should they also be denied Ugandan citizenship? Thank you.

MR. NYAI: Point of procedure, Mr. Chairman. I would like to raise a point of procedure. Are we going to proceed by cross examining hon. delegates when they are making presentations from their Constituencies?

THE CHAIRMAN: No, there is no question of cross-examining, but if a point is not clear, I think it

is for the benefit of our debate that it is clarified by the speaker. I do not see anything wrong with that, provided of course, we do not misuse it. But I think in this case the delegate had said that a full article should be removed and it provides for a number of matters, apart from the question of status of those children prior to their being absorbed as citizens on getting the age of maturity. I think what they are trying to say is, are those children stateless until that happens? I think that is what hon. Kirenga wanted to hear from the hon. Member on the Floor.

MRS. ADIMA: Mr. Chairman, I said that those children should be treated as aliens, until they are fully grown and they take a decision, a mature decision where they want to belong. Because, Mr. Chairman, while they are growing some facts may come up.

THE CHAIRMAN: I think what the hon. Member is saying that if they are kept then maybe along the way other things may be discovered through some process.

MR. NEKYON: Point of information, Mr. Chairman. I would like to inform the hon. Member holding the Floor that this provision is irregular and brings a lot of misunderstanding. It says any child below seven years is found and who does not know his parent will be presumed to be a citizen. But with experience in Uganda I do not see how it can be possible that a child can grow through the age of 3,4,5, up to 7, without knowing where he comes from! Who has been feeding him, who has been clothing him? And then to make it more ridiculous, supposing a child is found at the age of eight, what will he be? He will not be a citizen because he is found at the age of eight or seven and half. So, this is the point which the lady is trying to raise very reasonably.

MRS. ADIMA: Why I brought up that argument is because of an experience some of us went through when we went to Zaire in 1980, there were some West Nile people who lost their children during the course of running into Zaire, and the children were never recovered until after three, four years. I brought that argument because of an experience some of us went through when we went to Zaire in 1980. In the same way, some people lost their children during the course of running into Zaire. And children whenever recovered, until after three four years. These children lived in Zairian villages, and

when some of us started moving away from the refugee camps, we came across some of these children and recognised them as children of so and so. I personally, lost my children for about 48 hours when I entered Zaire, and I do not imagine what would have been observed by somebody within the 48 hours.

My people say that peace and security are not only promoted by external factors but peace and security begin within the individual man when he/she knows that he is getting his rightful share of things. Today, national conflict is building over the question of the distribution of the National Cake. Arua people believe this cake can be shared through - as much as possible - a balanced and a more suitable distribution of development projects and appointments. And in this way, the distribution of the national cake which seems to be a new area for development of conflict, will actually be scraped off. And for that matter, Arua people recommend Article 23 and Article 10(1), very highly. They are saying that this constitution making process is actually an opportunity for us to see areas where trouble can easily arise, and make a correction.

Land is wealth, its value never ceases. It is the strength of honour, and source of security for the honour. Arua people recommend that such a valuable property should be distributed by a means which people understand well. For that matter its distribution and utilisation should be based at the District level. It should be customary Freehold land tenure. That continuation of customary freehold system would really do well in taking care, and looking after land, which is a very, very important thing to everybody. Even to buy land is a very, very useful thing, because it is here that the dead can be hidden away.

Because of intricacies in the land problems, Arua people feel that the services of the Uganda Land Commission must be decentralised, so that it is close to the land itself, rather than being very far. They recommend that instead of Land Committees at the District level we should have a District Land Board with Land Committees down at the county and sub county levels. We have a Land committee at the division level, another one at the county level, but at the district level, let it be a Land Board which has the full powers to process leasing of land to the owner. This situation will enable people to cope up with modernity which requires people to have titles to their land. Many people find it very difficult to

process this thing because running up to Kampala and so on, is not possible. So, if it is at the district level, one can walk, or ride bicycles. In this way individuals will be able to secure titles for their land.

While giving this recommendation, we are aware that traditions, will leave the woman in the cold. Our customs do not recognise the fact that a woman should also be given land, when it comes to land distribution. Land distribution follows the male line. So, Arua people are recommending that these customs and traditions which have normally not allowed women to own land should be discouraged because they are detrimental to the development of a woman. In the area of family or family resource allocation and even national resource allocation, Arua people are saying that, there have been practices which relegate the woman to a lower position, and these are thoroughly condemned.

Article 14, must be practised, and to strengthen Article 14 sub section 2. Arua people are saying that, there must be an establishment of special legal clinics at the district level. This will help strengthen the position of women. Many times, even where the law gives the woman strength, she cannot get what is hers because her access to the legal system and her ability to use it is actually interfered with. Why? Because you find most of the legal systems in the districts are mainly manned by men who do not care about women's rights. So, Arua people are recommending the setting up of special legal clinics which will handle issues of children and women in each district. And to strengthened women's position or status, Arua recommends that all special bodies or organisations which exist in this country should give a fixed percentage of their positions to women. This will help strengthen women's cause particularly, when it comes to a question of discussing a women issue in that particular organisation.

I have no objection with Chapter 6 on the representation. Except, we want to see a permanent and independent electoral commission established constitutionally. And this constitution should be able to tell at what interval general elections must be held. That will make the work of the commission easier. Arua people would wish to have Presidential election after every five years. The election for Members of Parliament should be done at slightly shorter intervals of may be three years. But presidential elections must be after every five years.

Arua endorses the right of recall in article 136, because they believe that where the Member of Parliament does not perform, he or she should be recalled. There is no need to keep such a person in Parliament when he absconds from his people and gets stuck somewhere in Kampala for months. In this way, in fact, Members of Parliament tend to create more problems because a member of parliament should act as a bridge, between government and his people to explain certain things.

The political system is another area where, in some parts of Arua, there was no unanimity of opinion or view. There were two schools of thought that came very clearly. The first school of thought was that, article 94 be thrown out, and that immediately after this constitution is made, the nation should go for a multi party general election in January 1995, this is one school of thought. The argument, that was forwarded by this school of thought was that, NRM and -UPM are actually one thing. Please allow me to give you what Arua thinks... (*interruption*)

THE CHAIRMAN: You are running out of time, so you better concentrate on your point.

MRS. ADIMA: They are not different; NRM and UPM are one thing. So if article 94 is carried, it means, UPM which is operating under the umbrella of NRM, is actually being allowed to rule. It is an unfair allowance, in as far as the interests of other parties are concerned. So, this argument was put in spite of the fact that, NRM in its broad baseness has absorbed other party members in it as well. For example, there are DPs in NRM, there are UPCs in NRM, there are independents in NRM. My neighbour, your not being there does not mean that you are the sole member of DP or UPC... (*Interruption*)

THE CHAIRMAN: Would you address your comments through the Chair please.

MRS. ADIMA: Mr. Chairman, I am being harassed on my right here.

THE CHAIRMAN: Would the Member for Gulu Municipality stop harassing the lady.

MRS. ADIMA: The second school of thought had it this way: that the movement system be extended for five more years because of the following reasons. Mr. Chairman, if it is information, I will not take it because I want to finish.

A HON. DELEGATE: Point of order, Mr. Chairman. Is it in order for the speaker holding the Floor to deceive this House that NRM is the same as UPM, whereas in NRM I see people who belong to DP and UPC; including the very chairman, the very president of DP; hon. Kawanga Ssemwogerere. Is it in order Mr. Chairman?

THE CHAIRMAN: You did not listen to her properly. She did not say that those were her views. She was reporting the position...

MRS. ADIMA: Mr. Chairman, I am giving the report from Arua. I reported one views which says: Okay, if you did not listen then too bad.

Then the second school of thought said that NRM should go for another five years. In other words, it endorses article 94, and the reasons given for endorsing article 94, were that, NRM's continuing with the administration of this country would help in harmonizing the people of Uganda. Since 1986, it seems to have done a lot of harmonizing work in this country, so they think it should carry on for the next five years to complete the process of harmonization of the people. They recommend NRM's success so far in its peace and harmonization process, since 1986. They said, NRM was able to do that through its policies of tolerance and accommodativeness. They say that, if NRM continues pursuing that policy, it will enable the population of Uganda to settle down and develop firm roots which will give principle and strength to meaningful political stand for the people. It is lack of principled roots that used to allow politicians change from one political party to another, when people under pressure by the ruling party.

The second reason was that, during the five years, that is - NRM should be given that five years; so that during these five years, NRM should be able to allow this country to follow a definite programme of enabling parties to start developing roots and organising themselves. So that, if the people of Uganda so wish, can also form new parties during this time. Arua people believe that, since party activities have not been operational, may be to some extent some parties have lost their roots, and it would be very unfair to usher them to the front line of participating in elections just like that.

THE CHAIRMAN: Hon. Member, you should be winding up.

MRS. ADIMA: Here, article 97, will be fully allowed to operate. And finally the third reason for the second school of thought was that, the Movement, should be restructured and it should open up its position for more interested persons to compete for.

In conclusion, these schools of thought eventually came to a point of reconciliation. And their reconciliation point is based on the question of peace. Whose viability they see under NRM rather than elsewhere. They said, NRM should provide the lead. That NRM should continue to rule this country for another five years, while at the same time, it should provide the lead in bringing together other interest groups, like the political parties. So that they can share power within these five years. This is because, it looks, like half of the problems we have is that, these parties feel left out.

Maybe, a new negotiation should start, so that the movement under a restructured system would also accommodate the ideas of the disgruntled, who feel left out. By the time we reach the year 2000, the ground should really be ready for general elections which will be carried out according to what the constitution will agree upon. But between now and 2000, the political parties should be given a proper breathing space for them to sort out their Houses. And that the leadership of the movement during that breathing stage should provide a timetable for the introduction of multiparty politics, if the constitution so recommends.

The idea of a referendum at the end of the five years need not arise or be there... (*Interruption*)

MR. ELYAU: Point of clarification, Mr. Chairman. I would like to be clarified on the following statements made by the speaker holding the Floor. She said, that the parties, I would imagine political parties need time to reorganise themselves in the five years that the NRM extension will take place. I would like to be clarified on this. How does she determine, that the parties are not organised as of now, to justify five years on the ground that parties need time to be reorganised?

MRS. ADIMA: The Arua people see no need for a referendum. Right now, as we write the constitution, we should be able to decide what should happen at the end of five years. Whatever the constitution will have decided, we just go for general elections according to it. Instead of organising a referendum at the end

of the five years. That this decision should be taken now, in the constitution making process.
I now want to turn to the question of... (*Interruption.*)

THE CHAIRMAN: You have run out of time, you should be summing up.

MRS. ADIMA: Mr. Chairman, can you give me a few minutes because...

THE CHAIRMAN: We have already given you quite a bit of time, I am giving you two minutes.

MRS. ADIMA: Mr. Chairman, I want to come to the position of the president, please. The president in the new constitution must be an elected person, and elected by a whole country but he should not be a partisan. He should not be elected on partisan line. And after this his Cabinet or his ministers can be picked from the others who are elected on partisan line, if we agree on partisan elections, but he, himself, the president must be above parties.

They suggest that as soon as the Member of Parliament is elected to become a minister, he should resign his position of representation from the constituency. That will help the minister to serve the country much better. Because if he is meant to be a minister at the same time a representative, he can be so divided that he may not perform well at both ends.

Lastly, I want to turn to the army. The army, Arua people are saying must take a national character by allowing representatives from various areas to be almost equitably represented. They say the army must be small enough to be looked after properly, so that they live in proper homes and so on.

Mr. Chairman, with that, I would like to thank my colleagues for listening to me. Thank you very much, Mr. Chairman.

MR. CHAIRMAN: Thank you, hon. Betty Adima for your contribution to the debate this afternoon. I would like to adjourn to tomorrow at 8.30 a.m. Please be on time, since tomorrow is a short day, so that we can do other things in the afternoon. We stand adjourned. Thank you.

(The Assembly rose at 5.30 p.m. and adjourned until Tuesday 12th July, 1994 at 8.30 a.m.)